

Decision Digest

Edition 103

Monthly summary of the decisions taken at meetings of the Council, Cabinet, Overview & Scrutiny and other Panels for the period 1st March to 24th March 2010.

DEVELOPMENT MANAGEMENT PROCESS WORKING GROUP

The Overview and Scrutiny Panel (Environmental Well-Being) has endorsed the final report of its Working Group which was established to investigate the process for the determination of planning applications and make recommendations where appropriate. The Panel acknowledged that Development Management is a contentious subject which, by its nature, can generate strong feelings and concerns which can influence the views of users of the service. Members were encouraged to note that the Working Group had found overall that the development management process worked well in Huntingdonshire, and the Planning Officers had been commended accordingly.

Having considered the report of the Working Group, the Panel resolved that their appreciation be expressed to the Members of the Working Group for the extensive nature of their review, and that subject to the deletion of recommendation (d) relating to a duty planning officer system and suitable amendments to the report to reflect this decision, the Working Group's report and recommendations be endorsed for

submission to the Cabinet and the Development Management Panel.

Subsequently, the Cabinet has considered the Panel's recommendations. In concurring with the Panel that the current process was working well, although some areas mostly relating to enforcement and public speaking at the Development Management Panel could be approved, the Cabinet –

- ◆ requested that the possibility of charging developers for pre-submission advice be investigated further;
- ◆ agreed to consult relevant consultees and neighbours again on amended plans, except for those of very minor significance;
- ◆ suggested that care should be exercised to consult with households that abut a development site, including the over-printing of envelopes with a suitable message to indicate that it is an important communication concerning a planning application;
- ◆ agreed that applicants be advised in the clearest terms at the outset of the process that they are unlikely to receive any further communication until all of the

consultees' views have been received, which could be towards the end of the 8 or 13 week determination period;

- ◆ suggested that members of town and parish councils be encouraged to undertake training on all aspects of the Development Management process;
- ◆ invited the Development Management Panel to give consideration to the possibility of a mechanism that allows external speakers to respond to what they perceive to be factually incorrect information so that the Panel can make well-informed decisions, as part of the next review at the public speaking procedure; and
- ◆ requested that the Council continues to reinforce the message wherever possible that development that takes place without permission is discouraged and adopts an appropriate and robust approach concerning the retention of the development where permission is subsequently refused.

PERFORMANCE MONITORING

The Overview and Scrutiny Panels have considered the performance of the authority against its priority objectives in the quarter to 31st December 2009.

The Environmental Well-Being Panel has questioned how the number of tonnes of CO² saved through the installation of energy efficiency measures and renewables

in domestic properties could be calculated.

The Panels' attentions have been drawn to the Council's position in relation to the Making Cambridgeshire Count initiative. The Social Well-Being Panel has endorsed the Corporate Plan Working Group's suggestion that the Cabinet should be recommended to investigate whether there were any opportunities for jointly employing expert staff in order to avoid the greater costs of using specialist consultants. Additionally, the Environmental Well-Being Panel has expressed a view that the Council should take a more active part in the programme and Members have requested that the Leader of the Council and the Director of Central Services be invited to the next meeting of the Panel to provide an update on the Council's involvement in Making Cambridgeshire Count.

LOCAL GOVERNMENT ACT 2000 - FORWARD PLAN

The Overview and Scrutiny Panel (Environmental Well-Being) has requested sight of "Street Naming and Numbering - Charging for some services" item prior to its consideration by the Cabinet.

OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) PROGRESS

Councillor Mrs M Banerjee was appointed as a substitute Member to the Joint Accountability Committee.

CAR PARKING REVIEW UPDATE

Following publication of the Cabinet's decision on 11th February 2010 regarding the car parking review, the Overview and Scrutiny (Environmental Well-Being) Panel called-in the matter for further consideration. The Panel was concerned and disappointed that its previous recommendations had not been accepted by the Cabinet, and at the Panel's invitation, Councillors D B Dew and T D Sanderson as the Executive Councillor for Planning Strategy and Transport and Chairman of the Car Parking Working Party respectively attended the meeting when the call-in was discussed. The Panel raised a concern that the Cabinet's decision to provide 38 spaces offering two hours free parking in a demarcated area of the Riverside Car Park for leisure usage could result in the free spaces being dominated by shoppers, which would reduce the availability for those wanting to use the park for leisure and recreational purposes. Members noted that there is no way in which use of the proposed free spaces can be restricted to park users. Members have suggested that 38 spaces is insufficient for a free period for parking and that two hours is insufficient before charging begins, as this is not long enough for users of the park, nor those who wish to walk into the town. The Panel agreed that the decisions of the Cabinet on the Car Parking Review should be referred back to the Cabinet for further consideration. The Panel has suggested that the Cabinet re-consider allowing three hours free parking in the whole of the Riverside Car Park, which will

benefit those who wish to park their for a short period and assist those who want to use the park for leisure and recreational purposes. The Panel suggested that a charge be set in line with that proposed for the car park at Cambridge Street for those who parked longer than three hours.

In discussing the Panel's recommendations the Cabinet has debated a variety of issues relating to the enforcement of the Panel's proposal, the financial implications of extending the free area, environmental considerations and the impact on footfall levels in the town centre. In terms of income, Members considered the possibility of recouping any loss in income by introducing a higher charge for parking after 3 hours. On Balance, the Cabinet decided that the original decision (38 spaces free for 2 hours) was the best approach to providing some free parking for park users while achieving the aims of the car parking strategy.

The Cabinet was conscious of the fact that the proposals will be the subject of public consultation as part of the statutory order making process which would provide the public with an opportunity to express views on the proposal. With that in mind, the Cabinet has agreed that the Off-Street Parking Places Order 2010 be prepared and published for public consultation including the provision of 38 spaces offering 2 hours free parking in a demarcated area at the Riverside Car Park, St Neots.

REQUEST FOR A LOAN TO THE WILDLIFE TRUST FOR BEDFORDSHIRE, CAMBRIDGESHIRE, NORTHAMPTONSHIRE AND PETERBOROUGH

A loan of up to £1.2m to the Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough has been approved by the Cabinet. The loan will be subject to the Director of Commerce and Technology and the Head of Law, Property and Governance, in consultation with the relevant Executive Councillor, being satisfied with the terms, interest rate and security being offered. The loan will enable the Trust to acquire the leasehold of land considered to be key to progress the Great Fen Project.

In approving the loan, the Cabinet has been apprised with the views of the Overview and Scrutiny Panel (Economic Well-Being) on the matter. In that respect, the Cabinet concurred with the Panel that the agreement should comply strictly with the terms of the Council's Treasury Management Strategy and that flexible repayment arrangements should be explored rather than a cap on the maximum level of interest payable.

RURAL STRATEGY FOR CAMBRIDGESHIRE 2010-2015

The contents of the Rural Strategy for Cambridgeshire produced by Cambridgeshire ACRE on behalf of the Cambridgeshire Together Board has been considered by the Overview and Scrutiny Panel (Social Well-Being) and the Cabinet. The

Strategy identifies the challenges of living and working in a rural community and divides the priorities between 3 themes of living in the countryside, economic well-being and land & environment. Having considered a summary of officer responses for each of the proposed actions, the Cabinet concurred with the Overview and Scrutiny Panel (Social Well-Being) comments that the strategy: -

- ◆ lacked evidence of partnership working and that any work carried out under the strategy should be carefully co-ordinated;
- ◆ could potentially lead to a duplication of service provision;
- ◆ failed to consider the need for retirement homes in rural areas, to enable the elderly to remain close to their families and communities;
- ◆ referred to "widening transport options" which requires action on a national scale;
- ◆ failed to address the difficulties faced by residents living in rural areas who do not have their own transport and are reliant on other transport providers to attend health and other public service facilities.

PRIVATE SECTOR HOUSING ENFORCEMENT: THE CRIMINAL LAW ACT 1977 AND THE PROTECTION FROM HARRASSMENT ACT 1997

The Overview and Scrutiny Panel (Social Well-Being) has endorsed recommendations for the Cabinet to

seek delegated authority to appoint Officers to enforce the provisions of the Criminal Law Act 1977 and the Protection from Harassment Act 1997 when dealing with allegations of harassment and illegal eviction in the private housing sector. 8 – 10 reports of such cases are reported each year but at present, the Council does not have the necessary powers to undertake investigations and prosecute offenders. The new powers will enable Officers to regain possession of a property on a tenant's behalf enabling them to reside there until the correct legal procedures for possession have been followed. The changes would not have any financial implications for the Council.

STUDY – PARKING AT HINCHINGBROOKE HOSPITAL

The final report of the Overview and Scrutiny Panel (Social Well-Being) study into car parking at Hinchingsbrooke Hospital has been received. A charge of £2 for the shortest period of stay of 2 hours, rising by £1 for every hour thereafter, has been agreed by the Hospital's Senior Executive Group. Disappointment was expressed that a decision was reached before the Panel's report was received. The Hospital's Business Facilities Manager will be invited to a future meeting to report on the Hospital's own review of its car parking arrangements.

CAMBRIDGESHIRE HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

An update on matters currently considered by the Cambridgeshire

Health and Adult Social Care Scrutiny Committee has been delivered to the Overview and Scrutiny Panel (Social Well-Being) Panel. Matters that were discussed included:-

- ◆ Overspend in Adult Support Services;
- ◆ County Council's 2010 Budget Plan;
- ◆ Overall financial position of NHS Cambridgeshire;
- ◆ Occupational Therapists waiting times;
- ◆ Pressures on Cambridgeshire's acute Hospital's as a result of the severe winter weather;
- ◆ Service quality and staffing at Hinchingsbrooke Hospital;
- ◆ Primary care out of hours services; and
- ◆ Issues surrounding mental health and the inequalities in service provision that existed within the District.

OVERVIEW AND SCRUTINY PANEL (SOCIAL WELL-BEING) – PROGRESS

The final report of the Play Facilities Working Group will be considered by the Cabinet at their meeting on 22nd April 2010.

An update from the Executive Councillor for Operational and Countryside Services has been sought on the progress with the previous recommendations on town centre cleaning on Sundays. Disappointment was expressed at the time it has taken to initiate consultation with the Town Councils.

Brief updates on the Panel's previous study into disability access, the recent meeting of Hinchingsbrooke Hospital's Stakeholder Panel, the process involved in determining requests to defer Section 106 Schemes and the Place Survey have also been received. With regard to the latter, the Chairman and Vice-Chairman undertook to raise the matter at the next meeting of the Corporate Plan Working Group.

HOUSING AND COUNCIL TAX BENEFIT FRAUD STRATEGY AND PROSECUTION POLICY

The Corporate Governance Panel has considered the outcome of a review of the existing Benefit Fraud Strategy and Prosecution Policy, which has revealed that no significant changes are required to be made.

ORGANISATIONAL ASSESSMENT 2008/09

A representative from the Audit Commission has presented the findings of the Council's Organisational Assessment for 2008/09 to the Corporate Governance Panel. It has been reported that overall, the District Council performs well, which indicates that the authority exceeds minimum requirements.

EXTERNAL AUDITOR'S REPORT: CERTIFICATION OF GRANTS CLAIMS 2008/09

The External Auditor's report on the certification of grants claims for 2008/09 has been presented to the Corporate Governance Panel. The

report concludes that there was no further action required to be undertaken by the Council.

NATIONAL FRAUD INITIATIVE

The Corporate Governance Panel has received background to the National Fraud Initiative and the work undertaken by the Council on the resulting, potentially fraudulent, matches provided by the Audit Commission. Members have noted the various sources of data required to be submitted to the Audit Commission, but has been encouraged to receive the results, which indicate that a low number of fraud cases and errors have been identified.

RISK REGISTER

The Corporate Governance Panel has noted changes made to the Risk Register between the period 1st September 2009 to 28th February 2010 inclusive. Significant changes have been made, which resulted in 44 new entries being made to the Register.

INTERNAL AUDIT SERVICE: INTERIM PROGRESS REPORT

The Corporate Governance Panel has noted progress by the Internal Audit Service against the Audit Plan for 2009/10 and the performance standards achieved.

PROPOSED CHANGES TO THE CONSTITUTION

The Corporate Governance Panel has endorsed proposed changes to the Code of Financial Management

and Code of Procurement to the Council.

PROGRESS REPORT ON ISSUES IDENTIFIED IN THE ANNUAL GOVERNANCE STATEMENT AND RISK ASSURANCE

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. An update was also received on risk assurance where it was reported that 96% of all assurances indicate that the controls are substantially or fully operational and that 86% of assurances have been updated over the previous 6 months.

APPOINTMENT OF CABINET MEMBERS

The Corporate Governance Panel have endorsed a proposal to the Council that interim arrangements for the Leader of the Council to determine the membership of the Cabinet to take effect from May 2010 should be approved. The arrangements would only be in place for one year, until the powers of the Local Government and Public Involvement in Health Act 2007 come into force in May 2011.

MEMBER DEVELOPMENT POLICY

The Corporate Governance Panel has reviewed and endorsed the content of a Member Development Policy.

ICT STUDY PROPOSAL

The Overview and Scrutiny Panel (Economic Well-Being) has received a presentation by Dr J Stanley, University of Cambridge, Dr G Briscoe, London School of Economics and J Josephra, Bind Technology on Sustainable Information Communications Technology (ICT) Provision.

The Panel's attention has been drawn to common causes of problems with the development of large scale ICT projects, including being locked into existing contracts and poor initial requirement specifications. Having considered a suggestion from Dr Stanley that an independent governance panel be established, Members agreed that given the current restraints being faced by the Council they could not justify the employment of consultants for this purpose.

LEISURE CENTRES' INCOME AND EXPENDITURE

The Overview and Scrutiny Panel (Economic Well-Being) has been apprised of the Leisure Centres' financial performance in 2009/10. It was reported that although income was lower than the target greater savings have resulted in an overall improvement in the net position. As a result of Cambridgeshire County Council introducing new school sport funding arrangements, income from school bookings was £80k lower than previous year. Officers are confident that this will not reoccur in 2010/11.

Members were advised that improvements at One Leisure Huntingdon has generated a 26% increase in income and a 13% rise

in admissions. With regard to the planned redevelopment of One Leisure St Neots, Members were informed that research by the in-house marketing team predicted that the new facilities will attract more customers and that the Council's investment will be recouped.

PROPOSED AMENDMENTS TO THE HUNTINGDONSHIRE DISTRICT COUNCIL BUDGET 2010 – 2011

In considering proposed amendments to the Budget 2010-2011 submitted by the Liberal Democrat Group to the full Council, the Overview and Scrutiny Panel (Economic Well-Being) has agreed to dedicate a special meeting with the view of investigating the proposals fully.

DEVELOPMENT APPLICATIONS

At its March meeting, the Development Management Panel approved three, refused two and withdrew one application for development.

SCHEME OF DELEGATION – DEVELOPMENT MANAGEMENT PANEL

With effect from 1st October 2009, the Planning Act 2008 introduced a mechanism for local planning authorities to make non-material amendments to an existing planning permission following an application by a person with an interest in the land. In practice, these amendments will constitute "very small changes" to the original application for which consultation

with parish councils and neighbours will not be necessary provided the local planning authority is satisfied that the amendment is non-material.

In these circumstances, the Development Management Panel has authorised the Head of Planning Services or in his absence, the Planning Service Manager (Development Management) to determine all applications for non-material amendments and further agreed that the Panel's scheme of delegation be adjusted accordingly with immediate effect.

DEVELOPMENT MANAGEMENT PROGRESS REPORT: 1ST OCTOBER - 31ST DECEMBER 2009

The Development Panel has undertaken its regular review of the activities of Development Management services over the period 1st October - 31st December 2009 in comparison with the preceding quarter and the corresponding period in 2008. Whilst noting that quarterly income from planning fees was less than anticipated, the Panel was informed that income levels compare favourably with those of neighbouring authorities and that it was expected that annual income will be close to that envisaged in the final budget.