

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Monday, 14 September 2020.

PRESENT

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

Mr. T. Barkley CC
Mr. P. Bedford CC
Mr. D. C. Bill MBE CC
Mr. G. A. Boulter CC
Dr. T. Eynon CC
Dr. R. K. A. Feltham CC

Mrs. H. J. Fryer CC
Mr. D. Harrison CC
Mrs. R. Page CC
Mr. A. E. Pearson CC
Mr. T. J. Richardson CC
Mr. M. B. Wyatt CC

In attendance

Mr N. J. Rushton CC
Mr B. L. Pain CC
Mr T. Pendleton CC

16. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

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

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

18. Urgent items

There were no urgent items for consideration.

19. Declarations of interest

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

All members of the Commission who were also members of a district or parish council declared a person interest in Item 8 on the agenda – Planning for the Future White Paper (minute 24 refers).

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

There were no declarations of the party whip.

21. Presentation of Petitions under Standing Order 35.

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

22. Medium Term Financial Strategy Update

The Commission considered a report of the Director of Corporate Resources which provided an update on the 2020/21 revenue budget and capital programme monitoring position and set out the proposed approach for updating the Medium Term Financial Strategy (MTFS) for 2021 to 2025. A copy of the report marked 'Agenda Item 7' is filed with these minutes.

The Chairman welcomed to the meeting Mr J. B. Rhodes CC, the Cabinet Lead Member for Finance and Resources.

In introducing the report, the Director of Corporate Resources used a power point presentation to highlight the key issues and a copy of that presentation is filed with these minutes. The Director emphasised the following key points:

- (i) The position now outlined showed an in-year overspend of £18million which was a reduction from the previous forecast. However, given the volatility of the situation it was difficult to forecast precisely the likely year end impact. If the overspend was maintained at this level the use of the General Fund could be avoided which would be a significant achievement;
- (ii) Whilst noting the impact of Covid 19 on the budget it was important not to lose sight of the other significant budget pressures facing the Council in particular around SEN and Children Social Care budgets. The Government had indicated it was reviewing SEN funding, but the outcome of that review was yet to be published and the indications were that this could be delayed until later in the year;
- (iii) The Government had not progressed their commitment to Fair Funding and implementation had been delayed until at least April 2022. In addition, given the recent decision by the Government to pause the need for payment of business rates there was some concern about the risk to authorities continuing to pursue business rate retention as a funding stream in the long term;
- (iv) The Comprehensive Spending Review would provide the earliest indication as to whether the Government would make additional resources available to local government. Given the significant pressures across all Government Departments the likelihood of additional resources was felt to be remote.

Regarding the Capital Programme the Director outlined the changes that had been made so that resources could be released to underwrite the overspend in the current year. This included removing the requirement for funding of the Lutterworth Development Spine Road. Members noted that the position on this would be monitored and looked at again if the Council were to be successful in obtaining other government funding for the scheme.

In response to questions the Director and Cabinet Lead Member advised:

- The reduction in funding of School Accommodation related to a reduction in forward funding of schemes and greater reliance on developers building directly. This was a review of funding approach for schemes several years in the future rather than a change to planned places;
- Further investigations were being undertaken in relation to Zouch bridge including going out to competitive tender with a view to reducing costs. Works on the bridge were not likely to start this year as previously planned;
- All Departments had been asked to look at how additional savings could be delivered to meet the financial gap in the MTFS. These discussions had just started, and it was noted that given the significant financial savings already delivered the task ahead would be challenging. The Director, however, pointed out that the experience gained from working with Newton Europe to develop a new Target Operating Model for Adult Social Care had shown that there were still areas of the Council which might benefit from a new approach and to that end Newton Europe had been asked to work with staff in Children Social Care on processes and demand management.

Members of the Commission noted the challenges facing the Council and commended the Director of Corporate Resources and other officers for their work and effort to ensure financial sustainability.

RESOLVED:

- (a) That the update on the 2020/21 revenue budget and capital programme monitoring position be noted;
- (b) That the proposed approach and timetable for developing and rolling forward the MTFS for 2021 to 2025 be noted.

23. Planning for the Future White Paper (August 2020)

The Commission considered a report of the Chief Executive concerning the Government consultation on the Planning for the Future White Paper and the proposed draft response that had been prepared by officers which would be considered by the Cabinet at its meeting on Friday, 18th September. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

The Commission welcomed to the meeting the Leader, Mr N. J. Rushton CC, Deputy Leader and Lead Member for Planning, Mr B. L. Pain CC, and the Lead Member for Highways and Transportation and Strategic Planning, Mr T. J. Pendleton CC.

The Commission was advised that the Government had issued a separate consultation paper regarding proposals to improve the current planning system including the method for assessing local housing need which appeared to significantly increase housing numbers for the County. Members noted that this was a technical consultation affecting the current system and had not therefore been covered as part of the report now presented.

The Assistant Chief Executive confirmed that officers would, in line with usual practice, respond to this technical consultation and would raise robust concerns about the substantial increase in housing numbers proposed to be built in the County, as well as question the underlying evidence to support this. Members were invited to submit comments for consideration by officers for inclusion in the response but were asked to provide these by no later than Wednesday, 23rd September given the short timetable for submitting a response to government.

With regard to the Planning for the Future White Paper the Commission was advised that the aim of the changes proposed was to simplify the current planning process and increase the number of houses built. Members acknowledged the need for reform and noted the Government's view that the current system was overly complex and delayed development.

In response to a question regarding existing Local Plans, members were advised that those agreed more recently would be likely to remain in force for about two years before local councils were asked to renew these. Those with plans agreed some time ago are expected to be asked to prepare new plans in line with the timetable set out in the White Paper.

Members welcomed the general proposal for a quicker and clearer planning process as this would provide certainty for residents. However, in considering the draft response to the White Paper consultation, outlined in the Appendix to the report, Members raised a number of concerns and asked the Cabinet to have regard to the following points when considering its response:

- (i) There was a general lack of detail in some key areas of the White Paper which made it difficult to understand the true impact of some of the changes proposed. This affected the ability for local authorities to respond in full and it was suggested that this be highlighted as a general issue as part of the Council's response.
- (ii) The White Paper was overly focussed on the shortcomings of the current planning system but was silent on the failure of developers to always build on land when granted planning permission. To ensure housing was delivered in practice, this needed to be addressed under any new system as it was currently a matter outside the control of local planning authorities;
- (iii) The proposal that Local Plans would in future allocate land for 'Growth' and that applications to build on such land would then automatically be awarded outline planning permission was of particular concern as this would:
 - place significant pressure on the process of developing local plans and therefore require a greater degree of robustness in that process;
 - require developers to be clear and transparent on their development proposals early on to ensure there was sufficient clarity for impact assessments to be carried out and appropriate mitigations such as highway improvements identified. The White Paper was currently vague about what would be expected from developers during this part of the process which could negatively impact a Council's ability

to undertake its role as the Highway Authority. If the onus was not put on the developers to provide the information necessary at this earlier stage, the process would not be meaningful and add to uncertainty;

- risk members of the public feeling disenfranchised from the planning process. Members warned that experience showed that the public generally failed to engage in the local plan process which was seen as too generic and strategic. However, they became actively involved when specific applications were received and the impact of a proposal on their neighbourhood known in detail. The new approach would cut out the ability for the public to be involved in the process at that later stage;
- mean that evidence and supporting statements carried out during the local plan process become out of date by the time specific permissions were sought and which could detrimentally affect the Council as infrastructure provider and local residents.
- add expense to the local plan development process which was already expensive both in terms of time and money. This would particularly impact district councils.

In respect of the points raised in (ii) above, Members requested that the Director of Environment and Transport be asked to identify the implications of the Department having to engage early in the process and for these to be captured in the response more firmly.

- (iv) The opportunity for authorities to borrow against future receipts to support the delivery of infrastructure was welcomed, but greater understanding of how that system would work in practice was needed. It was unclear if proposals to introduce a national infrastructure levy would ensure that local councils received the right level of resources required for each development, and such funding would be vital if local councils were to be encouraged to borrow against this. Whilst the merits of a standardised and clear system were noted, there was concern that the new arrangements would not provide the flexibility currently offered through section 106 agreements. The Commission made comparisons with the current CIL system which it was felt disadvantaged the County Council when compared with section 106 agreements.
- (v) The focus on increasing the number of houses built would not necessarily address the current housing crisis and the White Paper did not pay sufficient regard to the issue of homelessness and affordable and social housing. Developers as private businesses would not by themselves focus on less profitable areas such as social housing. The response to question 24 (a) of the consultation needed to be firmer on this point.
- (vi) The White Paper needed to be more robust in ensuring any new planning system addressed the growing crisis of climate change and to ensure that new developments were environmentally sustainable. In addition, given the

move to greater homeworking all new developments should have superfast broadband. Failure to capture such issues would be a missed opportunity to drive future change in these areas.

- (vii) Air Quality and the health impacts of emissions were a major concern and the White paper did not address this issue in any significant way.
- (viii) The use of the term 'beauty' would likely be contentious and lead to disagreement and appeals. The term was too vague and subjective and would not be helpful in ensuring clarity in the system. There needed to be greater focus on quality and sustainability.
- (ix) The current arrangement for dealing with appeals was often seen as being weighted in favour of developers and whilst it was acknowledged that accountability rested with the Secretary of State, some argued that the process diluted local democratic accountability. It was suggested that the current appeal process needed to be more reactive and timely, particularly when dealing with enforcement matters, and that these issues should be addressed centrally as part of the new proposals. It was highlighted that the zonal allocations in the Local Plan would likely reduce the number of appeals in any event.
- (x) Consideration should be given to requiring developers of commercial sites which generated increased HGV traffic on specific routes to make an appropriate contribution to mitigate future costs arising from the impact of such vehicles on the existing local road network.
- (xi) A member requested that reference to 'the golden triangle' as an example on page 22 of the draft response be removed.
- (xii) The White Paper should encourage developers to ensure that local companies and tradesmen are given priority much in the same way as local councils are asked to have regard to social value in contracts.
- (xiii) The removal of a duty to co-operate was disappointing and it was unclear how a zonal system could be introduced and operate effectively without this.

Members of the Cabinet present thanked the Commission for its comments on the White Paper and gave an assurance that these would be taken into consideration when discussing the response to the White Paper.

RESOLVED:

That the comments now made be submitted to the Cabinet for consideration.

24. Covid 19 Recovery Update - Chief Executive's Department

The Commission considered a report of the Chief Executive which provided an update on progress made within the Department in implementing its interim recovery plans following the outbreak of the Covid-19 pandemic, and to set out initial proposals for longer term recovery planning and strategic change in accordance with the Council's Recovery Strategy. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

The Director of Law and Governance in presenting the report expressed thanks to staff within the Department for their approach to the crisis and commended them for their flexibility and hard work to respond to new areas of work and ways of working and in ensuring that services continued to be delivered to a high standard throughout the period.

Arising from the discussion, the following points arose:

- (i) The Trading Standards Service continued to work closely with district council's regarding the local lock down and the enforcement of the new Coronavirus Regulations which empowered the County Council to take action against businesses where a threat to public health was identified.
- (ii) Some areas of trading standards enforcement work had ceased or reduced in output such as age restricted products enforcement and rogue trading investigations. It was intended that such services would be resumed to normal levels as soon as possible. However, many staff were still focused on enforcement work arising from the local lock down and Coronavirus Regulations which remained a priority. Members emphasised the need for the Trading Standards Service to be properly resourced to enable it to deliver on this new and substantial area of work.
- (iii) School appeals had been undertaken as normal, though by remote means. The number of appeals had not diminished during the pandemic and in total approximately 800 appeals had been dealt with so far. Members noted that those appeals received on time had been dealt with within the statutory timeframes. Some appeals were still ongoing and would likely continue into mid-October. Feedback received from parents had been largely positive.
- (iv) The Regulations regarding remote meetings had not changed and meetings would likely continue to be held in this way for the foreseeable future.

RESOLVED:

That the update now provided be noted.

25. Covid 19 Recovery Update - Corporate Resources Department

The Commission considered a report of the Director of Corporate Resources regarding progress made within the Department in implementing its interim recovery plans following the outbreak of the Covid-19 pandemic, and to set out initial proposals for longer term recovery planning and strategic change in accordance with the Council's Recovery Strategy. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Arising from discussion, the following points were noted:

- (i) The Council continued to advise staff to work from home where possible. Enabling staff to meet in person in a safe and socially distanced environment was being looked at. The Council's Workplace Strategy would be reviewed to consider longer term working options but for now the situation remained very fluid.

- (ii) Whilst up to 3,000 people would normally be able to attend at County Hall this was now limited to 550 following a full review of the site having been undertaken with Public Health and Health and Safety colleagues to ensure it was a Covid safe environment.
- (iii) Many events held at Beaumanor Hall had had to be cancelled. In particular, its largest traded offer of outdoor activities for children could not be resumed and so staff had been furloughed and the Hall remained closed.
- (iv) School meals were being provided as normal though take up had reduced which was a concern and would be monitored. Many staff had worked throughout the lock down period as schools remained open during that time. Those that had been furloughed had now been brought back to work.
- (v) A member expressed concern that in some schools children were not receiving a hot meal. It was noted that the Council's school meals service offered both hot and cold meals which were well balanced and highly rated (gold level accreditation). However, it was a matter for schools as to whether this offer was taken up. There was some concern that hot meals might not be being provided for practical reasons, as children in some schools were having to eat at their desk to ensure they remained in their Covid 'bubble'. The Chair of the Children and Family Services Overview and Scrutiny Committee confirmed this would be a matter that would be monitored by that Committee.

RESOLVED:

That the update now provided be noted.

26. Dates of future meetings

RESOLVED:

It was noted that the next meeting of the Commission would be held on 4th November 2020 at 10.30 am.

1 10.30am – 13.15 pm
14 14th September 2020

CHAIRMAN