

# Public Document Pack

## NOTICE OF MEETING

www.rbwm.gov.uk



# PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

will meet on

**WEDNESDAY, 7TH MARCH, 2018**

**At 6.00 pm**

in the

**COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD,**

TO: MEMBERS OF THE PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

COUNCILLORS RICHARD KELLAWAY (CHAIRMAN), MAUREEN HUNT (VICE-CHAIRMAN), MALCOLM BEER, GERRY CLARK, DR LILLY EVANS, LEO WALTERS AND JULIAN SHARPE

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BULLOCK, SAYONARA LUXTON, ADAM SMITH, LYNDY YONG, CLAIRE STRETTON, JOHN STORY AND EILEEN QUICK

Karen Shepherd - Democratic Services Manager - Issued: Tuesday, 27 February 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Nabihah Hassan-Farooq** 01628 796345

**Fire Alarm** - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

**Recording of Meetings** - In line with the council's commitment to transparency the meeting will be audio recorded, and filmed and broadcast through the online application Periscope. The footage can be found through the council's main Twitter feed @RBWM or via the Periscope website. The audio recording will also be made available on the RBWM website, after the meeting.

Filming, recording and photography of public Council meetings may be undertaken by any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

## **AGENDA**

### **PART I**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
1.	<b><u>APOLOGIES FOR ABSENCE</u></b>  To receive any apologies for absence.	-
2.	<b><u>DECLARATIONS OF INTEREST</u></b>  To receive any declarations of interest.	5 - 6
3.	<b><u>MINUTES OF MEETING HELD ON THE 1ST FEBRUARY 2018</u></b>  To agree the minutes of the meeting held on the 1 <sup>st</sup> February 2018.	7 - 10
4.	<b><u>TASK AND FINISH GROUP- PLANNING SERVICE</u></b>  To consider and approve the draft terms of reference for the Task and Finish Group.	11 - 16
5.	<b><u>DATES OF FUTURE MEETINGS</u></b>  18 <sup>th</sup> April 2018.	-



This page is intentionally left blank

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

This page is intentionally left blank

# Agenda Item 3

## PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

THURSDAY, 1 FEBRUARY 2018

**PRESENT:** Councillors Richard Kellaway (Chairman), Malcolm Beer, Gerry Clark, Dr Lilly Evans, Julian Sharpe and Leo Walters

**Officers:** Russell O'Keefe, Jenifer Jackson, Mark Lampard, Shilpa Manek & Nabihah Hassan-Farooq

### APOLOGIES FOR ABSENCE

No Apologies for absence were received.

### DECLARATIONS OF INTEREST

No declarations of interest were received.

### MINUTES

The minutes of the last meeting held on the 7<sup>th</sup> December 2017, were agreed to be a true and correct record.

**ACTION:** Russell O'Keefe & Jenifer Jackson to address any outstanding actions from the previous Planning and Housing Overview & Scrutiny Panel held on 7<sup>th</sup> December 2017.

### CIL AND CIL GOVERNANCE

Jenifer Jackson, Head of Planning gave a verbal report to the Panel, which updated Members upon the progress of the Community Infrastructure Levy (CIL) and Governance report scheduled for April's Cabinet meeting. Members were told that the report would outline the proposed CIL Governance arrangements in full and Cabinet Member approval of those recommendations would be sought.

In addition to the CIL & CIL Governance report, a Minerals and Waste Plan Report would also be included for Cabinet's consideration and both of these items had been scheduled and included within the Forward Work Plan for April. The Panel were updated with details of the recent completion of the Minerals & Waste Plan consultation and that a New Minerals and Waste Plan would follow in the summer months. New arrangements had been made to work in collaboration with Bracknell Forest Council, Wokingham Borough Council and Reading Borough Council to formulate the new Minerals and Waste Plan. An Issues and Options Consultation had been carried out last year and a draft plan consultation was due to take place later this year. The new plan would replace the existing replacement minerals plan for Berkshire.

**The verbal report was noted by the Panel.**

### PLANNING TASK AND FINISH GROUP

The Chair introduced the report item and explained that the desire to co-ordinate a Task and Finish group had been a co-production by the Lead Member of Planning and Head of Planning to review the Planning Service Function.

*(Councillor Dr Lilly Evans joined the meeting)*

The Panel were also informed that there had been a Constitution Sub-Committee who had been working to review changes within the Constitution. These changes were to include, peer group recommendations, changes with the proposed reduction of councillors over the next 18 months and to reflect the political composition.

Jenifer Jackson, Head of Planning also informed the Panel that over the last twelve months, significant work in relation to service improvements and performance with planning applications had been undertaken. It was also noted that there had been improvements, but that the anticipated Task and Finish Group would highlight further areas for improvement. The Lead Member of Planning had recommended as part of the Task and Finish group that there should be better engagement with stake holders and more widely, those involved with the service or consultation with the service (which could include, stakeholders, Parish Councils, Agents and Developers). Furthermore, improved reputation of the planning service outside of the organisation was also discussed. Panel Members discussed the current satisfaction of residents and constituents within their wards, and noted that satisfaction was varied throughout the Royal Borough of Windsor and Maidenhead.

Over the past 24 months, the Head of Planning and relevant officers had been working on ensuring the efficient and effective operation of the service with a focus on improvements in the speed of processing of planning applications. There had been some difficulties and challenges with this due to lack of resources, however it was noted that the situation had improved with a successful recruitment campaign and that currently there was a capital bid, which would positively help advance further work in operational improvements over the coming year. Russell O'Keefe, Executive Director outlined options and key considerations for Members in relation the Task & Finish group which were dependent on the outcomes sought. He summarised two options as follows:

1. Narrow focus:- That the Task and Finish group seeks to investigate amendments required to be made as part of the Constitution Review which would further improve delivery of the Planning Service. He noted that this could be resourced with ease.
2. Wider focus- That the Task and Finish group review and identify wider reaching further improvements to the Planning Service as a whole which would require larger resources and support and could not be met within the existing service budgets.

The Panel were also told that the Planning Service did not receive a high number of complaints, but that with any regulatory services, there would be a small amount of dissatisfaction which was to be expected.

The Panel raised the following points:

- What was the current level of satisfaction with the Planning Service from the general public and those involved with the service?
- That complaints relating to timescales of responses to applications should be addressed as part of the Task and Finish Group.
- That due consideration be to the individual needs of RBWM be taken into account, as RBWM differed with specific needs such as, green belt land which had been specifically protected as part of the Borough Local Plan.
- That the impact of a possible expansion of Heathrow and the impact upon planning measures and the Borough could affect the locality and whether this could be explored in the Task and Finish Group.
- Whether public speaking time (which had been a trial under previous Planning Management) could be reviewed as part of the Constitutional changes.
- That the Task and Finish group could have a focus on targeted changes and improvements which could be made to the Planning Service and identify where necessary work could be carried out.



- To look at regulatory functions and discretionary Council functions along with powers and constraints imposed by Government in both law and in speed of processing planning applications.
- Reviewing all relevant Code of Conducts and existing protocols and whether these could be collated into one document separate to the Constitution as part of the Constitutional changes.
- That the Task and Finish Group would require professional expertise for two stage task and finish group, which would look at both the constitutional changes and the wider Planning service.
- That there had been differing positive and negative responses and levels of complaints from councillors
- That clarity of planning processes (for all levels of involved persons, from councillors, stakeholders and members of the public) be a key consideration or a future piece of work which might take in the presumption in favour of development, which it was felt might not be understood.
- That training of members could be considered by the Task and Finish Group which might be extended to include Parish Councils.

**ACTION: That the Chair and the Head of Planning agree draft terms of reference to bring back to Panel Members at the next meeting.**

**ACTION: Draft Membership to be agreed at the next Planning & Housing Overview & Scrutiny Panel (to be arranged for March).**

**That the verbal report was noted by the Panel.**

### BUDGET 2018/19

Mark Lampard, Finance Partner outlined the presentation in relation to the Budget 2018/19 on behalf of Rob Stubbs, Deputy Director and Head of Finance.

The presentation outlined the following key points:

- RBWM has the lowest council tax outside of London, however Council Tax would be increased by 1.95% this year.
- The Adult Social Care precept of 3% had ended.
- Capital Investment Programme- included an increased planned spend in the regeneration of Maidenhead, Estate investment and maintenance, Braywick Leisure Centre, parking card machine equipment.
- Projected Borrowing forecast.
- Fees and charges had increased in line with the RPI increase.
- Benchmarking of neighbouring authorities had been undertaken and Local Parking Charges and Tariffs for RBWM would be increased. No changes to advantage card holders parking charges would be made. £1.5mil of increased income would generated as a result of the increased charges and tariffs.
- Negative RSG, a consultation is to be carried out with local authorities as to how to offset this in the future.
- CCTV upgrades, expansion and continued infrastructures assets.
- £350mil planned investment by 2025 in supporting the Borough Local Plan and the regeneration of Maidenhead.
- £2.6mil capital funding which was planned for approval in 18/19 had been delivered in 17/18 for Windsor. This had included improvements for Windsor which included street scene and security measures.

**ACTION: Russell O'Keefe to provide information relating to the estimated total figure and projected growth accumulated from the New Homes Bonus.**

Russell O'Keefe updated the Panel with the current financial picture of the Place Directorate. At present, the Flexible Homelessness Support Grant was being used to offset the cost of statutory housing costs (which included temporary accommodation costs). Current spends for temporary accommodation for the year were approximately £1mil, current staffing costs were approximately £350,000. The Council's contribution was £750,000, and the current Government grant was £1mil and this was forecast to rise to £1.2mil next year. Work was in progress to introduce a range of housing options, including a rent deposit scheme, sourcing adequate and sustainable accommodation for those who were not owed a housing duty or those whose housing duty had been discharged. There had been some income savings from the Planning recruitment freeze and over the last two years there had been significant investment into the Planning Service.

The Panel raised the following points:

- Any assurances relating to the efficiency of parking machine equipment as there had been local issues in the past.
- Advantage Card benefits were not perceived as clear and that any future incentives should be clear and accessible.
- How were the costs of emergency housing being reduced?
- Clarification around the calculation surrounding the New Homes Bonus and any projected growth as a result of it.
- Was there an estimated growth percentage as a result of the New Homes Bonus and the costs of supported growth?
- Explanation of correction funds for business and council tax increases.

**RESOLVED UNANIMOUSLY:**      **That the Panel strongly recommended the report and its recommendations in its entirety to Cabinet.**

#### DATES OF FUTURE MEETINGS

Members noted the following future meeting date:

Wednesday 18<sup>th</sup> April 2018 to begin at 6.30pm.

The meeting, which began at 5.00 pm, finished at 6.11 pm

CHAIRMAN.....

DATE.....

Report Title:	<b>Task and Finish Group – Planning service</b>
Contains Confidential or Exempt Information?	NO
Member reporting:	Councillor Coppinger, Lead Member for Planning, Health and Sustainability
Meeting and Date:	Planning and Housing Overview and Scrutiny – 7 March 2018
Responsible Officer(s):	Russell O’Keefe, Executive Director & Jenifer Jackson, Head of Planning
Wards affected:	All

www.rbwm.gov.uk



## REPORT SUMMARY

- 1 The report sets out the scope of the proposed task and finish group discussed at the last meeting of the Overview and Scrutiny Panel and the outcomes for the Council. The Panel will need to agree the scope of the group and the membership before the first meeting of the group.
- 2 It is proposed that the first meeting of the Task and Finish Group follows the meeting of the Panel.

## 1 DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Planning and Housing Overview and Scrutiny notes the report and:

- i) Agrees the scope of the task and finish group for the planning service
- ii) Agrees the membership of the task and finish group
- iii) Agrees the frequency of meetings of the task and finish group

## 2 REASON(S) FOR RECOMMENDATION(S)

- 2.1 The planning service embarked on a process of improvement and transformation in November 2015. This has led to the service performing well and meeting key performance indicators. In 2018/19, as set out in the service plan for the Planning Service, the service is aiming to be an excellent service and the task and finish group is seen to contribute to this work. The group will also engage Members and other stakeholders in the work which will lead to a greater understanding of the role of the planning service.
- 2.2 The Chairman of the Panel proposed that the Task and Finish Group be set up and put forward at the last meeting a list of purposes. The Chairman has since met with the Executive Director, Place and the Head of Planning to discuss that draft and the attached scope has been produced for consideration.
- 2.3 It is proposed that the first meeting of the group follows the meeting of the Panel, providing that membership has been agreed and a majority of members are present. It is proposed that the first meeting would consider the 6 objectives set out in the scope attached, identify the action and who should be involved and the method of engagement and identify a timescale for the work.

### **3 KEY IMPLICATIONS**

- 3.1 Once the scope of the group, membership of the group and frequency of meetings has been agreed the Task and Finish Group will set out a work plan and schedule of meetings. The Task and Finish Group will then advise when any report with findings and recommendations will be brought back to Planning and Housing Overview and Scrutiny Panel.

**Table 2: Key implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
First meeting of the Task and Finish Group		7 March 2018			

### **4 FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 There are no financial implications arising from agreeing the scope of the group and membership. The recommendations of the Group will be reported to a future meeting of the Overview and Scrutiny Panel and may have financial implications, this would be considered at that point in time.

### **5 LEGAL IMPLICATIONS**

- 5.1 The Chair of the Panel is entitled to bring forward a matter for overview and scrutiny through a task and finish group as set out in the Council Constitution.

### **6 RISK MANAGEMENT**

- 6.1 Risks will depend on the scope of the work to be identified by the Panel for consideration by the Group. Once the project plan has been produced this will be subject to a risk assessment which will be produced and updated as the task and finish group proceeds through the project.

### **7 POTENTIAL IMPACTS**

- 7.1 None arising from this report.

### **8 CONSULTATION**

- 8.1 None: this is a matter for the consideration of this Panel.

### **9 APPENDICES**

- 9.1 Scoping document for the Task and Finish Group.

### **10 BACKGROUND DOCUMENTS**

- 10.1 None.

## 11 CONSULTATION (MANDATORY)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Commented &amp; returned</b>
Cllr Coppinger	Lead Member for Planning	27/2	
Alison Alexander	Managing Director	27/2	
Russell O'Keefe	Executive Director	27/2	
Andy Jeffs	Executive Director	27/2	
Rob Stubbs	Section 151 Officer	27/2	
Mary Kilner	Head of Law and Governance	27/2	

### REPORT HISTORY

<b>Decision type:</b> Non-key decision	<b>Urgency item?</b> No
Report Author: Jenifer Jackson, Head of Planning, 01628 796042	



## **Task and Finish Group Scoping document**

### **Planning and Housing Overview & Scrutiny Panel**

**March 2018**

#### **The process for establishing a task and finish group as follows:**

1. The relevant Overview & Scrutiny Panel identifies a potential topic or topics for the relevant Task and Finish group
2. The relevant Scrutiny Panel Chairman and Lead Officers to complete the scoping document.
3. The relevant Overview & Scrutiny Panel will review the scoping document
4. The relevant Overview & Scrutiny Panel agrees overall terms of Reference Task and Finish group

#### **Purpose of proposed Task and Finish group (topics and tasks):**

- a) To ensure that we have speedy and transparent planning process.
- b) To examine – at a high level - all the processes from pre-application to application, decision making, delegated authority and follow up\*.
- c) To review planning panels- frequency, number, call-ins, speakers, debate rules, sound systems and visual aids.\*
- d) To consider how to explain the processes to the public.
- e) To consider any mechanism required in case of complaints.
- f) To review the interface between strategic issues and the regulatory function.

\*- items that are also included within the Review of the Constitution

#### **Relevant background:**

- This Task and Finish group has been created to support the planning service through the next phase of transformation with the aim being to deliver an excellent service to residents and other stakeholders
- Relevant documents to be analysed include the Constitution, internal process notes and the application process from pre application to decision.
- The intention is to draw upon applicant experiences – large and small and to hear views of local parish and town councils.
- Learning will be gathered from other planning authorities.

#### **What questions are the Task and Finish group aiming to answer?**

- Are the current planning panel arrangement effective?
- What improvements might be necessary to the decision making process to meet the objective of an excellent service?
- What system is in place to update Ward Councillors on planning applications and enforcement issues in their area?
- How effective is the training given to Members?

### **Outcomes/ Benefits for RBWM**

- Greater understanding of the planning process for Members and other stakeholders, including parish and town councils
- Engagement in the planning system
- Effective decision making ensuring value for money in line with the Council Plan

#### **TASK & FINISH GROUP MEMBERSHIP**

- Task & Finish Group Core Membership recommended to comprise of 3-4 Members of the existing PHOSP ( 3 majority Members and 1 opposition)
- Co-opted Members: To be invited by the Task & Finish Group
- Responsible Officers; Russell O'Keefe, Jenifer Jackson

**Equalities Impact Assessment-** To be carried out once scope has been defined and if any recommended processes, policy changes or recommendations are made.

**Recording of meetings-** Action notes would be produced as opposed to minutes for each Task and Finish Group meeting.

### **Proposed Work Plan & Schedule of Meetings**

	Meeting Dates	Task	Who is to be invited & interviewed (if applicable)
1			
2			
3			
4			
5			
6			
7			

Proposed Date to Report to Panel and Cabinet / Council (if required)