

POLICY OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 11th February 2013

Present: Councillor J Oakes (Chair)
Councillors Bleakley, Creaser, Hughes, Kenyon, Shipley
(substituting for Milling)

In Attendance: Stephen Stray, Planning Manager
Stephen Jackson, Head of Health, Housing and Regeneration
Cathy Lord, Housing Strategy and Partnership Manager
Danny Dobson, Enforcement Officer
Michael Forster, Property Services Manager
Emma Hussain, Principal Policy Officer
Councillor Lamb, Portfolio Holder for Operational Services and
Development Control
Councillor Marriott, Portfolio Holder for Finance and Resources
Councillor Robertson
Pat Couch, Scrutiny Support Officer

4 Members of the public

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Milling and Pilling and Keith Pilkington (Co-opted Member), Portfolio Holders Councillors Barnes, Jackson and Serridge

2. MINUTES OF THE LAST MEETING

Resolved:

That the Minutes of the last meeting held on 26th November 2012 be agreed as a correct record and signed by the Chair.

A Member of the public asked for a progress update on Haslingden Pool, which the Principal Policy Officer indicated that consultation did not end until 31st March and therefore there was no update until after that date.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

5. PUBLIC QUESTION TIME

The Chair agreed to deviate from the Procedure for Public Speaking and allow members of the public to ask questions as the reports were discussed.

6. CHAIR'S UPDATE

There was nothing to report.

7. ROSSENDALE TENANCY STRATEGY

The Head of Health, Housing and Regeneration presented the Rossendale Tenancy Strategy which had been produced following the Localism Act, that places a new duty on local authorities to produce a strategic tenancy strategy which all Registered Providers in the area must have regard to when formulating their own individual tenancy policies.

The purpose of the strategy was to produce social housing lettings for customers that meet local housing need and improve the functioning of the local housing market. They are to be developed in co-operation with local partners and reviewed every five years.

The Council's Strategy, which was an 'Advisory Document', was currently being consulted on with local Registered Providers, interested stakeholders, internal departments and Councillors.

This was still a working document but would be available for Cabinet in March and the Head of Health, Housing and Regeneration gave members the opportunity of commenting on the document over the next couple of weeks.

A number of questions were raised by Members and the public which the Head of Health, Housing and Regeneration responded.

RESOLVED:

That Policy Scrutiny members note the content of the proposed Strategy.

8. PLANNING ENFORCEMENT POLICY

The Planning Manager presented the Planning Enforcement Policy which provided guidance on the type and level of information required to assist members of the public when notifying the Council about potential breaches of planning control, and provides clarity on the procedures which would be followed.

The Policy had been subject to a 3 month public consultation (Sept-Dec 2012), during which time the policy was available on the Council's website and in local libraries for inspection. A total of 8 valid responses had been received, with a further two received out of time. Some of these responses had led to amendments to the policy wording to reflect current best practice.

A member of the public requested that decisions in relation to taking enforcement action should be by Members, not Officers. Discussion took place in which it was clarified that Councillors normally approve/amend policies prepared for their consideration by officers and then officers apply the approved policy. The approach reflects the input officers provide given their detailed knowledge in relation to

interpretation of the National Planning Policy Framework and case law.

Another member of the public raised issues of enforcement in relation to listed buildings.

A number of questions/comments were raised by Members as follows.

- The difficulties of the Council using its powers on a small number of listed buildings with absent owners due to the potential costs involved
- Buildings worthy of local listing
- The Council needing to take enforcement appropriately
- How the Policy will be implemented?
- That the approach taken on enforcement in respect of the town of St Anne's is worth a look at as it may provide additional ideas of working. The Planning Manager agreed to do so.

The Planning Manager responded to the questions and also invited the public to contact him separately from the meeting to raise any further issues or comment on the proposed policy.

RESOLVED:

1. That the Policy Scrutiny Committee recommends to Cabinet the approval of the Policy, with the following amendments agreed at the meeting.
 - That reference is given in Section 7 to the Council having Compulsory Purchase Powers too.
 - In Section 7, web links to further reading and guidance from English Heritage are included
2. That the Policy Scrutiny Committee recommend to Cabinet that all future minor amendments to the policy be delegated to the Director of Business, in consultation with the Portfolio Holder.

9. SEXUAL ENTERTAINMENT VENUE POLICY

The Enforcement Officer presented a new Policy for the control of sexual entertainment venues, which the Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009 on 13th September 2010. This would enable the Council to regulate sexual entertainment venues, as defined in the Act, on a broader basis and impose conditions that would not have been possible before under the constraints of the Licensing Act 2003. It would also give residents more opportunity to raise objections based on wider grounds than those of the Licensing Act.

The draft policy and conditions were published and circulated for consultation between 5 Nov - 14th Dec 2012, and no responses were received.

Some local authorities have pre-determined areas for lap dancing clubs to be established, but Rossendale had agreed to treat each application individually.

Any applications received by the Council would go before the Licensing Committee for approval.

RESOLVED:

1. That the Policy Scrutiny Committee recommend to Council the adoption of the policy for control of sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982.
2. That the Policy Scrutiny Committee recommend that Council approve the standard conditions application to licenses for Sexual Entertainment Venues.
3. That the Policy Scrutiny Committee recommend that all future amendments to the policy to be delegated to the Director of Business, in consultation with the Portfolio Holder.

10. PLANNING CHARGES POLICY

The Planning Manager presented the Planning Charges Policy for adoption. At present Rossendale provides at no charge an informal pre-application service which may involve a Development Team approach depending on the size/complexity of the application.

A number of local authorities in the North West had already introduced charging for pre-application discussions.

Planning Officers currently devote considerable time and effort to offering pre-application advice, seeing it as a key part of delivering a good planning service, even though it is not a statutory duty. Many requests for advice, however, are of speculative nature and do not lead to the submission of an application.

Charging for pre application advice allows the Council to recover at least some of the costs incurred through this service. It was also considered that, by charging for pre application discussions, it could lead to an improvement in the quality of submissions and less ill thought out proposals. Additionally, it would formalise the current "Development Team" approach which has the potential to lead to internal efficiencies benefitting service delivery as well as efficiencies for the developer.

The proposed fees would be as follows.

| | Minor | Major |
|---------------------------|--------------|--------------|
| Initial Meeting | £150 | £ 300 |
| Follow up meetings | £ 75 | £ 150 |

Minor development definition:

- Schemes of 1-9 dwellings
- Commercial development resulting in new floor space on sites smaller than 1ha or less than 1000sqm.
- Changes of use above 0.1 Ha

Major development definition:

- More than 10 dwellings
- Offices / Research / Business and light Industry >1000m2 or >1 ha
- Heavy industry / manufacturing / storage and warehousing >1000m2 or >1ha
- Retail distribution and servicing >1000m2 or >1ha

A question was asked as to whether the fees include VAT and if not then whether this should be added. There should also be reference to the fact that these fees do not include any planning application fees, if applicable.

A number of questions were raised, which the Planning Manager responded.

RESOLVED:

1. That the Policy Scrutiny Committee comments on the pre-application fee charging be included in the Policy before consideration by Cabinet in March 2013 as follows.
 - Clarification on whether the charges should include VAT or a flat fee
 - To ensure there is reference to the fact that planning application fees are additional to these pre-application charges, where applicable.
2. That the Policy Scrutiny Committee recommend to Cabinet that all future amendments to the pre-application policy be delegated to the Planning Manager, in consultation with the Portfolio Holder.

11. COMMUNITY RIGHT TO CHALLENGE POLICY

The Principal Policy Officer presented the Community Right to Challenge Policy, which is a draft for consultation by the committee. It was important that the Council has a policy and guidance to ensure a robust and clear local process was in place to deliver the provisions of this Right within the Government's Localism Act 2011. The Right to Challenge provides local groups the opportunity to express their interest in taking over local service where they think they could do it differently or better. Community and voluntary sector organisations and groups of council staff have the right to 'challenge' local authorities by putting forward an expression of interest in running local services.

The Community Right to Challenge applies to almost all of the Council's services, including those which are contracted out to other providers. A small number of services were excluded (until April 2014), these are mainly health and social care needs commissioned in conjunction with the NHS.

It was proposed that the Director of Business be the designated lead contact for the Community Right to Challenge process and for reviewing expressions of interest submitted. Any expressions of interest that were considered viable would then be subject to full review by Council, as a key decision.

The Principal Policy Officer informed Members that since publication of the report for Members, a number of changes had been made in relation to the following:

- a) Notification of any expressions of interest received under the Right to Challenge would be published on the Council's website which allows it to be an open and transparent process.
- b) Where the 'relevant body' was two or more employees of the Council, the requirement for declaration of those named employees has been removed from the expression of interest stage.

A number of questions were raised, which the Principal Policy Officer responded.

RESOLVED:

1. That the Policy Scrutiny Committee recommends to Cabinet the approval of the Community Right to Challenge Policy, with the amendments discussed at the meeting.
2. That the Policy Scrutiny Committee recommend that all future amendments to the policy to be delegated to the Director of Business in consultation with the Portfolio Holder.

12. COMMUNITY ASSET TRANSFER POLICY

The Property Services Manager presented the Community Asset Transfer Policy and Guidance.

Community Asset Transfer (CAT) was where the management and/or ownership of public assets (building or land) was transferred to a voluntary or community group. This could be through short/medium/long term lease or permanent transfer of ownership. The transfer was usually at 'less than its full market value'. It was reiterated that the option for lease would always be pursued in the first instance. Conditions of any transfer of assets to the community would require the asset to continue to be used for community benefit, which would be detailed and considered in full as part of the business case.

The main aims/objectives of the Community Asset Transfer Policy and Guidance were to provide clear information and guidance for staff, elected members and community organisation/groups of the Community Asset Transfer process.

Property Services would be the designated lead for this process. Rossendale Council owned assets which were identified as surplus or for possible asset transfer would be listed on the Council's website and applicants who meet the essential criteria can submit an expression of interest.

An Asset Review Panel would be established to assess any expressions of interest that were received from the community. The Panel would include the Director of Business, Head of Finance and Property Services in consultation with the relevant Ward Councillors and Cabinet members, as appropriate.

Successful expressions of interest would be subject to a full business plan application and review by Full Council for a final decision.

Whilst the policy includes a list of potential assets for possible community asset transfer, every case must be treated on its merits as individual sites/properties may have considerable development potential value.

A number of questions/comments were made about the policy as follows:

- Ask the Council not to dispose of any of its assets
- Is there a claw back of our assets?
- What protection does the Council retain over a particular building?

The Principal Policy Officer indicated that the preference would be for the Council to look at long term lease if a viable business plan came forward. Transfer of the freehold of an asset would only be considered if a sound need and viable case was established. The Council would retain control over the terms of the asset transfer to the community and may utilise contractual conditions as and where appropriate to safeguard community assets on a case by case basis. Each case would be considered by Council in public for approval.

The Principal Policy Officer informed Members that since publication of the report for Members, a number of changes had been made in relation to the following:

- a) Notification of any expressions of interest received under the Community Asset Transfer Policy will be published on the Council's website, which allows it to be an open and transparent process.
- b) Where a Council owned asset was not currently on the CAT consideration list and it was felt that should be considered for Community Asset Transfer, this could be proposed to the contacting the Property Services Team. This would ensure that all potential opportunities are considered.

The meeting commenced at 6.30pm and closed at 8.15pm

Signed..... (Chair)

Date.....