

OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the proceedings at a meeting of the Overview and Scrutiny Committee held in the District Council Chamber, South Lakeland House, Kendal, on Friday, 26 October 2018, at 10.30 a.m.

Present**Councillors**

Vicky Hughes (Chairman)
Doug Rathbone (Vice-Chairman)

Robin Ashcroft
Pat Bell

Anne Hall
Hazel Hodgson

Anne Hutton
Janette Jenkinson

Apologies for absence were received from Councillors Brian Cooper, Vivienne Rees and Mark Wilson.

Officers

Una Bell	Assistant Committee Services Officer
Inge Booth	Senior Committee Services Officer
Deborah Clarke	Principal Community Spaces Officer
John Davies	Performance and Risk Officer
Jemma Fells	Project Support Officer
Sean Hall	Principal Environmental Protection Officer
Lee Hurst	Chief Accountant
Fiona Inston	Public Protection Manager
James McEvoy	Partnerships and Community Project Officer
Shelagh McGregor	Assistant Director Resources (Section 151 Officer)
Simon McVey	Assistant Director Performance and Innovation
Fraser Robertson	Senior Communications Officer
Shaun Senior	Environmental Health Officer
Helen Smith	Financial Services Manager
Debbie Storr	Director of Policy and Resources (Monitoring Officer)
David Sykes	Director People and Places
Sion Thomas	Corporate Asset Manager

Also in attendance were Councillors Giles Archibald (Leader and Promoting South Lakeland Portfolio Holder), Andrew Jarvis (Finance Portfolio Holder), Dyan Jones (Environment Portfolio Holder) and Graham Vincent (Economy and Assets Portfolio Holder).

O&S/24 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 17 August 2018.

O&S/25 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that Councillors Janette Jenkinson declared an interest in Minute No. O&S/34 (Property and Land Management Strategy 2019-2023).

O&S/26 DECLARATION OF THE PARTY WHIP

RESOLVED – That it be noted that no declarations of the party whip were raised.

O&S/27 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the Agenda.

O&S/28 PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions have been received in respect of this meeting.

O&S/29 WORK PROGRAMME AND FORWARD PLAN

The Project Support Officer introduced a report including the Forward Plan published on 2 October 2018 and an up to date copy of the Overview and Scrutiny Committee's 2018/19 Work Programme, which included a number of amendments made since the last meeting. She drew attention to fact that, since updating the Programme, she had been advised that the Strategic Review of the Council's Health and Wellbeing Priority was likely to be pushed back due to the draft Council Plan now coming to the Committee's January meeting. The Economic Growth Strategy Review was also likely to be delayed due to the fact that there were ongoing discussions with partner authorities which would result in informing the review.

The Vice-Chairman referred to Minute O&S/15 of the Committee's meeting held on 17 August 2018 at which it was decided that a letter be written to Northern Rail highlighting Members' continuing concerns. A response had been received from the Interim Regional Director indicating that he would attend the Committee's January 2019 meeting. The Vice-Chairman underlined the issue of persistent train cancellations and short trains on the Lakes Line and suggested that Members consider and prepare pertinent questions.

In response to a query, the Senior Committee Services Officer indicated that officers were currently making arrangements for a briefing for all Members on the Cumbria County Council Rural Transport Policy, as requested at the last meeting of the Committee.

RESOLVED – That

- (1) the Forward Plan published on 2 October 2018 be received; and
- (2) the Overview and Scrutiny Committee's current work programme, including the amendments raised at the meeting and outlined above, be noted.

O&S/30 CORPORATE FINANCIAL MONITORING QUARTER 2

The Finance Portfolio Holder presented the second quarter financial monitoring report of 2018/19.

Although there was a current underspend of approximately £250,000, Appendix 1 set out the revenue variances to date which totalled a projected a year-end overspend of £251,000. The Portfolio Holder provided explanations for the key movements.

In addition, Members were advised that an additional £45,000 was now required to fund the costs of the ERDF Flood Alleviation Scheme application process; £25,000 to fund the Kendal Markets Review; and £12,000 to fund the project development phase of the Burton-in-Kendal Heritage Scheme. Therefore, approval was to be sought from Cabinet for an £82,000 transfer from the Cumbria NDR Pool Income Reserve.

Approval was also to be sought for the transfer of £20,000 from the General Reserve to the Community Grants budget heading further to a request at the July Council that a £20,000 Community Projects Fund be created. A £12,000 transfer from the Statutory Duties Reserve was to be requested to fund the costs associated with dealing with the planning appeal for the Kirkby Moor Wind Farm planning application.

Appendix 2 set out the position on the Capital Programme. Spend against the Programme to the end of Quarter 2 was £2.366m. A number of minor amendments were required which would bring the total of the Current Programme to £9.795m, details of which were provided and which would require Council approval.

Appendix 3 provided an update on Treasury Management for the quarter showing that all activity had been within the approved limits. Investments had performed better than the relevant benchmarks. No repayment of existing or new borrowing was anticipated up to the end of the financial year.

The Finance Portfolio Holder closed by saying that the Council was currently in a strong financial position and thanking the Finance Team for highlighting the relevant areas.

Discussion took place, during which the Director People and Places responded to a query on the drop in Development Control income. He explained that planning fees were set nationally and informed Members that there had been fewer applications for large developments within the area this year. Major applications attracted a larger fee and this had led to projections not being met. He informed Members, however, that pre-application fees could be set locally. There was currently a broad banding for the fee for pre-application within South Lakeland and this was being examined by officers with a view to changes being proposed. Attention was drawn by Members to the need for a more thorough pre-application process in order to ease the way for development following determination. The Director People and Places assured the Committee that there were now a number of experienced officers in place in the Development Management Team and that it was intended for work to be carried out to see how this could be achieved.

Reference was made to work recently carried out in partnership with Ulverston Town Council and the Environment Agency with regard to the re-surfacing of a car park in the town, parish money having been provided towards the work. Councillor Janette Jenkinson felt that this type of collaboration should be encouraged and enquired whether there were any other local councils working in partnership on such projects. The Finance Portfolio Holder indicated that he was keen to seek external funding wherever possible. The Economy and Assets Portfolio Holder explained that, prior to flooding issues, Buxton Place Car Park had been listed for work. The Council was resurfacing car parks and he was sure that Buxton Place would get priority next year. The Leader highlighted a number of areas where partnership working and joint funding across tiers had been successful, for example work at Millerground, Maudes Meadow and Nobles Rest, as well as signage in Kendal, Grange and Windermere. These were all good examples of localism and collaborative working. Councillor Jenkinson suggested that more information on this type of work might be included within future Portfolio Holder reports.

Details were sought with regard to the take up of small business rate relief and the Financial Services Manager explained that whilst a variance of £60,000 was indicated, this was a very small percentage of the £40m rates collectable for the year.

The Finance Portfolio responded to a query with regard to Treasury Management and investment activity. He explained that the Council followed a conservative policy when taking longer term investment decisions.

RESOLVED – That the contents of the report be noted.

O&S/31

COUNCIL PLAN PERFORMANCE MONITORING QUARTER 2 2018/19

The Leader and Promoting South Lakeland Portfolio Holder introduced the Council Plan Performance Monitoring report for Quarter 2 of 2018/19. The report highlighted areas of significantly good or poor performance relating to the measures of success set out in the current Council Plan. The report also included the latest Strategic Risk Register.

The Leader advised the Committee that all Members had a part to play in the development of plans. He referred to paragraph 3.5 and was pleased to report that an update to Quarter 2 monitoring showed that the figure for the development of affordable homes to rent was back on track at 421 since 1 April 2014. In addition, he was pleased to inform the Committee that the implementation of the Customer Connect Programme was on target. He congratulated those involved in the work on the refurbishment of playgrounds. Also to be congratulated were those officers and Members involved in the area of economic performance. In addition, the Leader commended the Council's unique offering of grants, as well as the collaborative work on health issues such as obesity and mental health.

The Leader, however, expressed some concerns. He referred to the Finance Portfolio's earlier report and the need to closely monitor the Council's finances. He stressed concerns in relation to poverty and in particular the additional hardship being caused by the roll out of Universal Credit. He referred to the recent Social Metrics Commission report on children in poverty and to the End Child Poverty website and to the fact that 15% of children in South Lakeland were considered to be in poverty. Kings Foodbank in Kendal was reporting record numbers of people coming through its doors. There were too many families on the housing waiting list. The Leader stressed the need for the Council to do what it could in this situation which was becoming a crisis. The Leader also drew attention to the issue of climate change, to the suffering which it had caused within the community and to the fact that the problem was likely to deteriorate.

In response to a query raised as to whether the Council planned to start building houses itself in the light of proposed changes in the restrictions on borrowing for house building purposes, the Leader advised that this was being looked at and that there was active dialogue between the Deputy Leader and Housing, People and Innovation Portfolio Holder and officers. He also drew attention to the £6m loan facility which had been made available by the Council in December 2017 to support proposals delivering new affordable housing.

The Leader responded to a question about what the Council was doing to alleviate the poverty issue. He drew attention to the Council's Council Tax Reduction Scheme, the Handy Person Scheme, the building of affordable housing, the LEAP Scheme and various grants offered by the Council. He highlighted that the Council, together with other organisations, had formed a Building Financial Resilience Taskforce to find ways to reduce financial hardship within South Lakeland. The Taskforce had put together a detailed matrix on areas of poverty and what was being done to address them and this would be provided to Members together with the minutes of the Overview and Scrutiny Committee meeting. The Leader undertook to make arrangements for a briefing session for all Members on the issue of Poverty.

Members discussed a number of the risks contained within the Strategic Risk Register at Appendix 1 to the report. With regard to Risk 15 (Customer Connect Programme), the Leader indicated that there was good quality project planning in place. Monthly Board meetings took place at which an Action Plan was considered in order to address any concerns. The Leader was confident that, although the risk was in the blue zone, the Programme was on target.

The Finance Portfolio Holder referred to Risk 6 (Medium Term Financial Planning – delivery of a balanced budget) which was also currently in the blue zone. He reported that the Government was considering major changes to the Business Rate Retention system from April 2020. The Government had consulted on changes to the current Local Government funding system which could result in the Council retaining an additional £600,000 of Business Rates for 2019/20. This would be confirmed on 6 December 2018 as part of the provisional Local Government Finance Settlement. The Council had submitted a bid to enter into a pilot pool with the rest of Cumbria to retain 75% business rates for next year. This would benefit the whole county by £5 to £6m, South Lakeland's share being £200,000. In the long term it was expected that the Council would retain less business rates. The Vice-Chairman stressed the importance of the Overview and Scrutiny Committee's continued monitoring of this key area.

RESOLVED – That the following be noted:-

- (1) the Summary of Performance, as detailed within the report; and
- (2) the detailed risks information contained within Appendix 1 to the report.

O&S/32 PORTFOLIO HOLDER REPORT - PROMOTING SOUTH LAKELAND

The Leader and Promoting South Lakeland Portfolio Holder presented his annual report on progress made and plans for the future within the portfolio area. He advised the Committee that he continued to represent the Council on many different bodies, and played an active role on the Cumbria Leaders' Board. He highlighted in particular the good, collaborative work taking place in Cumbria to house refugees, South Lakeland having offered its share. He also referred to the work of the Local Enterprise Partnership and the collaborative work with Barrow-in-Furness and Lancaster City Councils on economic development initiatives.

RESOLVED – That the report be noted.

O&S/33 PORTFOLIO HOLDER REPORT - ENVIRONMENT

The Environment Portfolio Holder presented her annual report on progress made and plans for the future within the portfolio area and highlighted a number of areas within her report.

Firstly, the Portfolio Holder referred to waste management and street scene and advised that research continued on ways and opportunities to engage with the public to increase the potential for recycling. She drew attention to the coffee cup initiative, which examined ways of how coffee cups could be recycled at large events. She referred to the three litter bins installed in Kendal for the segregated collection of plastic and cans but was disappointed to advise that this had not been so successful due to non-segregation of materials and contamination; this would continue to be monitored. She informed the Committee about the technology being trialled on 104 litter bins in the area, with electronic sensors installed on the bins to measure the fill levels and usage data.

The Portfolio Holder reported on work being carried out by the Green Team and on Climate Change roadshows which had been attended by herself and the Leader throughout the District. These had proved successful and suggestions raised had resulted in an Action Plan which would inform, influence and advise. The Plan would be circulated to Members of the Overview and Scrutiny Committee together with the minutes of the meeting. She stressed that the Council was committed to continue to work on the prevention of Climate Change.

The Portfolio Holder expressed pride in the Council's commitment to enhancing its public realm and referred, in particular, to continuing work on tree planting, which had previously been raised by Kendal Town Council as a topic for the Overview and Scrutiny Committee to consider.

Discussion took place on the report during which the Environment Portfolio Holder undertook to talk to the Ward Member for Burneside after the meeting with regard to an issue relating to items being dropped by waste recycling operatives during the collection process. In response to a query raised as to how to engage the community with recycling and the need to educate the public, the Portfolio Holder explained that the Climate Change roadshows had drawn mainly those who were already passionate about the subject. She felt that it was important that the message was put across without disenfranchising the public and she referred to the fact that the Solicitor to the Council was currently seeking to arrange Nudge psychology training for all Members, which could be of assistance in this area. The Director People and Places responded to a question as to whether the Council was looking into tree planting on fell slopes as a way of reducing flood risk. He informed Members that, although not dealing with this directly, the Council was aware of partnership working on projects to work with landowners. Discussion returned to waste management and the Leader suggested that this could form an interesting review for the Overview and Scrutiny Committee moving forward and one which could make a significant contribution. The Environment Portfolio Holder advised that she was able to provide Members with data in relation to kerbside recycling in towns and rural areas and asked them to provide her details as to what specific information was required. It was suggested that parish councils might be provided with notes to include with their newsletters encouraging residents to recycle.

RESOLVED – That the report be noted.

O&S/34

ASSET MANAGEMENT STRATEGY 2018- 2023

Note – Councillor Janette Jenkinson declared a non-pecuniary interest in this item of business by virtue of the fact that she was a Director of Coronation Hall, which was one of the Council's assets. She remained in the meeting during the discussion and voting on the item.

The Economy and Assets Portfolio Holder introduced the report. The current corporate property strategy needed updating in line with the Council Plan and the overall Customer Connect Strategy. Lambert Smith Hampton, the Council's current property service provider, had completed the asset review of the Council's building and land estate in December 2017. The asset review was a summary of each asset setting out what options there might be for future change and recommending a mechanism whereby future plans and programmes of work/investment could be informed and viewed collectively across the portfolio and help identify and avoid conflicts between budget expenditure.

The new strategy would help guide the Council on a more holistic, inclusive approach to the management of its property and land estate following on from the asset review. The overall aim was to ensure that investment was prioritised in the right areas given the increasing financial pressure on local authorities and to ensure that the Council had a balanced estate having regard to its medium and long term commitments, to ensure that there was an appropriate governance structure in place to allow the estate to flex with ease and consistency and that decisions were balanced between the need for capital receipts, investment and revenue income generation.

It was being proposed that a Strategic Asset Management Plan (SAMP) board be set up which would be made up of a variety of officers across finance, procurement and assets alongside Members to give a corporate view on decisions to be taken.

Members gave detailed consideration to the draft Strategy which was attached at Appendix 1 to the report.

Discussion took place on the role of the Board and the relationship between the Council and Lambert Smith Hampton. Reference was made to planning training which had recently been provided in-house and the need to ensure that there was no additional expenditure incurred by Lambert Smith Hampton providing similar sessions. Members also queried how the income stream was to be developed.

The Corporate Asset Manager clarified that the Board would be made up of a number of officers from within the Finance, Assets and Procurement Groups, as well as the Communities and Leisure Manager and three Members of the Cabinet, being the Portfolio Holders for Economy and Assets, Finance and Housing, People and Innovation. In addition, the Director of Lambert Smith Hampton would sit on the Board as part of the core service provided by the Company. The Board would be responsible for, for example, the prioritisation of asset reviews and forward planning, commercial considerations, as well as a continuous review of assets and working with the public sector to see where efficiencies could be made. The Board would consult closely with Ward Members and town and parish councils as necessary. The Corporate Asset Manager also explained that the new Strategy, which addressed the findings of the Asset Review, together with the Council's Capital Strategy, would assist officers in balancing the estate between revenue income and capital expenditure and any decisions on repair, investment and sale.

RESOLVED – That the draft Property and Land Management Strategy 2018-2023, including the creation of a Strategic Asset management Plan Board, as detailed within the report, be endorsed for approval by Cabinet.

O&S/35 EQUALITY, DIVERSITY AND INCLUSION STRATEGY

The Leader and Promoting South Lakeland Portfolio Holder introduced the report, stressing the importance for all to be treated equally, with fairness and respect.

The Partnerships and Community Officer reported that the draft South Lakeland District Council Equalities, Diversity and Inclusion (EDI) Strategy 2019-22 attached as Appendix 1 to the report set out how the Council was meeting the requirements of the public sector equality duty under the Equality Act 2010. This included setting out specific equality objectives, as well as containing useful statistics about the Council's communities to illustrate the different needs of people in South Lakeland.

The draft EDI Strategy included definitions of the terms Equality, Diversity, and Inclusion. It was being recommended to adopt this updated terminology into the title of the new document, and for this document to supersede the current Equality Scheme 2016-19 which sat within the Council's Policy Framework.

It was also being proposed that the draft EDI Strategy would have its performance reviewed annually by the Overview and Scrutiny Committee. This would make it a dynamic document allowing responses to emerging needs, such as changing population or rates of digital inclusion.

Members gave consideration to the draft Strategy which was attached at Appendix 1 to the report. They acknowledged the need to embed equality and diversity, not only within the organisation but throughout the community, as well as the need to seek potential ways of passing on its message. They welcomed the new Strategy and in particular the opportunity for its annual review by the Overview and Scrutiny Committee.

The Partnerships and Community Officer would shortly be leaving his post at South Lakeland District Council and the Chairman thanked him for his work and wished him well for the future.

RESOLVED – That the draft South Lakeland District Council Equality, Diversity and Inclusion Strategy 2019-2022, be endorsed for recommendation to Council.

O&S/36

REVIEW OF THE LOCAL DELIVERY OF THE PROPERTY LEVEL FLOOD RESILIENCE GRANT SCHEME

The Public Protection Manager introduced the report, which informed Members that, in December 2015, the Prime Minister had announced the roll out of the flood resilience grant up to the value of £5,000 to all householders flooded by Storm Desmond. This had later been opened up to businesses. With limited guidance, clarity and any resources from central government, South Lakeland District Council had had to roll out a grant project, which had continued to evolve and had had the potential value of £12m.

Previous schemes had been administered by South Lakeland District Council, so there was expertise and knowledge lying with those officers who had formed the flood grant team.

The flood grant project had operated over two years, with 1,397 applications having been made, resulting in a total of £3.4m in flood resilience works having been carried out.

Members were being provided an opportunity to comment on the report which reflected on the flood grant project and provided recommendations to Central Government on any future roll outs.

In response to a query as to whether flood protection was to be built into planning requirements, the Director People and Places explained that new development management policies would address the need for resilience against flooding.

Members welcomed the report, acknowledged the lessons learnt and commended the work which had been carried out to date in relation to the flood resilience grant process.

RESOLVED – That the report be received and forwarded to Cabinet with a recommendation that it be circulated to key organisations to highlight the Council's learning from this process and to help influence future delivery of such grants.

O&S/37 SCRUTINY RECOMMENDATIONS PROGRESS REPORT

The Project Support Officer presented a report setting out the progress made by Cabinet and officers in implementing recommendations made by the Overview and Scrutiny Committee.

RESOLVED – That the progress made by Cabinet in implementing the adopted recommendations of the Overview and Scrutiny Committee be noted.

O&S/38 CUMBRIA HEALTH SCRUTINY COMMITTEE UPDATE

The Vice-Chairman referred to the written report that had been produced by the Council's representative to the Cumbria Health Scrutiny Committee, Councillor Vivienne Rees, and circulated at the start of the meeting. He informed the Committee of concerns which had been raised with him by both Councillor Rees and Councillor Wilson who sat on the Cumbria Health Scrutiny Committee as a County Councillor. They had suggested the potential for discussion on the lack of consultation with South Lakeland District Council on future plans and the organisational framework of the future healthcare systems, and wished the Committee to consider inviting Morecambe Bay NHS Foundation Trust's Head of Communications to a future meeting to provide the necessary information and rationalise the decisions in the changes to the Trust.

Members acknowledged the concerns and also referred to South Lakeland's geographical separation and rural nature and the potential for the service needs required by the area to be bypassed.

RESOLVED – That

- (1) the update be noted; and
- (2) the Head of Communications of Morecambe Bay NHS Foundation Trust be invited to attend the February 2019 meeting of the Committee, as outlined above.

The meeting ended at 12.20 p.m.