

Minutes

Policy Development Scrutiny Committee



Date:	Wednesday, 10 September 2014
Venue:	United Reform Church, St Georges Road, St Annes
Committee members:	Chairman: Councillor Fabian Craig-Wilson Vice-Chairman: Councillor Len Davies Councillors Ben Aitken, Frank Andrews, Susan Ashton, Julie Brickles, David Chedd, Maxine Chew, David Donaldson, Charlie Duffy, Karen Henshaw JP, Angela Jacques, Elizabeth Oades, Richard Redcliffe, Elaine Silverwood, Vivienne M Willder
Other members:	Councillor Cheryl Little (Portfolio Holder for Social Wellbeing) Councillor Dr Fiddler (Portfolio Holder for Planning and Development) Councillor Karen Buckley (Portfolio Holder for Finance and Resources) Councillors Alan Clayton, Linda Nulty
Officers:	Allan Oldfield, Tracy Morrison, Paul O'Donoghue, Julie Glaister, Mark Sims, Lyndsey Lacey, Steve Smith, Bryan Ward, Lucy Wright
Other representatives:	Dr Chris Wilson, Vince Sandwell (BE Group)
Members of the public:	3 members of the public were in attendance

Public Platform

Mr Anthony Guest and Mr Fred Moor addressed the committee on the additional/urgent item (detailed at minute 4) relating to the call-in request on the Employment Land Evidence Base Update. The matters raised were addressed during the consideration of the item.

1. Declarations of interest

Members were reminded of their responsibilities for declaring of interests as required by the Council's Code of Conduct. There were no declarations of interest on this occasion.

2. Confirmation of minutes

RESOLVED: That subject to the following being inserted prior to the second paragraph (of page 4)of 4 June minutes, which begins "The Chairman invited Councillor Liz Oades to explain" the minutes of the Policy Development Scrutiny Committee meetings held on 4 and 18 June 2014, be approved as correct records.

“Prior to the debate, Councillor Fabian Craig-Wilson stated that a decision can only be called in if there has been something in the procedures used to make that decision that may have been flawed, and not just because Councillors did not like the decision.

Councillor Charlie Duffy requested that it be recorded in the minutes that the Constitution states that decisions can be called-in when the appropriate Scrutiny Committee, after due deliberation, consider that the Executive Decision is not in the interests of the borough and ought to be reconsidered, and this had been accepted by the committee at that time as the correct interpretation.”

3. Substitute members

The following substitutions were reported under Council procedure rule 23(c):

Councillor Julie Brickles for Councillor John Davies

Councillor Angela Jacques for Councillor Edward Nash

4. Call-in Request – Employment Land Evidence Base Update

The Chairman accepted that the above additional item should be considered by the committee as a matter of urgency. In doing so, the Chairman indicated that she would bring forward the item and deal with it first on the agenda.

The Committee was advised that the report was classed as urgent on the grounds that the call-in procedure within the council’s constitution requires that call-in requests be heard within a specific time frame.

It was reported that ten members (and two additional signatories) of the Council had invoked the recovery and call-in procedure to question a portfolio holder decision made on 27 August relating to the Employment Land Evidence Base Update. Members were invited to consider whether the decision made was not in the interests of the inhabitants of the borough and ought to be reconsidered.

A copy of the call-in request, the Individual Cabinet Member Decision and the report relating to the Cabinet Member Decision were circulated with the agenda.

The Chairman invited Councillor Elizabeth Oades to the table to explain why it was felt that the decision was not in the interests of the inhabitants of the borough and ought to be reconsidered.

Councillor Oades provided the committee with a comprehensive verbal report and reasoning for the call-in. The following five key areas were highlighted and elaborated on by Councillor Oades at the meeting as distinct and fundamental to the decision making.

1. The option model chosen was flawed in that it released too much Greenfield land for employment purposes.
2. An understanding of how the consultants (BE Group) had undertaken the methodology and arrived at the conclusions to predict the need for additional employment land in the period to 2030. In particular why, (a) 6 of the 7 different models considered by the BE group were disregarded and (b) why the model based on the historic employment land take up was chosen and deemed appropriate as a basis for determining and arriving at a figure for future employment land needs.
3. Soundness and robustness of (a) the 16 page critique of Tony Guest (previously circulated) and (b) the rebuttal evidence given to the Local Plan Steering Group by officers of the Council.
4. Reliability and reputation of the work of BE Group.

5. That most of the employment sites brought forward in recent years have been situated in the North of the borough or close to the boundary with Blackpool and the M55 thus serving both Blackpool and Fylde's requirements for employment land.

The Chairman asked Councillor Trevor Fiddler (Portfolio Holder for Planning and Development), to respond. In doing so, he introduced the matter by making reference to the highly technical piece of evidence presented to members and the associated background to the Local Plan process for dealing with such matters. He then went on to refer to the recent consideration of the matter by the Local Plan Steering Group which he suggested was accepted by the majority of the Group and comment and address each of the points raised by Councillor Oades. In conclusion, he stated that in his opinion, the evidence presented by Mr Guest had no substance and that the work undertaken by the BE Group and the rebuttal evidence given by officers to the Local Plan Steering Group was deemed to be sound, robust, credible and valid. Councillor Fiddler cautioned any approach to delay progress with the Local Plan process unnecessarily.

Further to the above, the Chairman invited key witnesses Dr Chris Wilson and Vince Sandwell of the BE Group to the table to further address members on the key issues raised during the meeting. In doing so, Mr Sandwell sought to address the concerns raised about the credibility and reputation of the work undertaken by BE Group on the employment land evidence. He explained that the Group had previously undertaken at least 30 similar pieces of work with local authorities across the country which had been subject to scrutiny none of which had been challenged by the various Inspectors and/or been subject to adverse comments.

Various members of the committee sought further clarification on the key issues raised and these were addressed in turn, by the key members and representatives concerned.

At the juncture where there were no further questions for the Portfolio Holder, Councillor Fiddler left the room to allow the committee to discuss the information before them.

Members asked for a copy of the Brief given by the Council to the BE Group to be made available to members of the committee for perusal. An undertaking was given to do this.

Following an in-depth discussion and debate, the following motion was proposed by Councillor Duffy and seconded by Councillor Oades:

"To call-in the Individual Cabinet Member Decision on the Employment Land Study and ask the Portfolio Holder to reconsider the decision as it was considered that the decision taken was not in the interests of the inhabitants of the borough for the reasons outlined in 1 to 5 above.

The Chairman sought a recorded vote on the matter and following the requisite show of hands, the motion was put and subsequently LOST as detailed below:

Votes for the motion (7): Councillors Brickles, Chedd, Chew, Duffy, K Henshaw, Oades, Silverwood.

Votes against the motion (9): Councillors Aitken, Andrews, S Ashton, Craig-Wilson, L Davies, Donaldson, Jacques, Redcliffe, Willder

Abstentions (0)

Following the motion being defeated, the Chairman indicated that the call-in request would automatically fail and the Individual Cabinet Member Decision (dated 27 August 2014) would be therefore implemented.

Further to the above, a vote on an amended motion to defer the establishment of an Employment Land Task and Finish Group for consideration by the Local Plan Steering Group (proposed by Councillor Redcliffe and seconded by Councillor Aitken) was LOST on the Chairman's casting vote. The original motion (proposed by Councillor Oades and seconded by Councillor Charlie Duffy) to set up an Employment Land Task and Finish group was then put and this was also LOST.

5. General Fund Budget Monitoring Report 2014/15 – Position as at Quarter Ended 30 June 2014

Paul O'Donoghue (Chief Financial Officer) presented an update of the Council's General Fund Revenue Budget Monitoring as at 30th June 2014.

In introducing the report, Mr O'Donoghue highlighted that report detailed the findings and issues emerging from budget monitoring carried out during the first quarter of 2014/15, and that instructions remained in place that officers should not commit to any unnecessary expenditure and should seek to maximise efficiencies.

A comprehensive list detailing the significant variances highlighted by the budget monitoring exercise was included as an appendix to the report. The Committee's attention was drawn to a number of key areas relating the first quarter and these included: employee costs; fleet costs; planning application fee income; planning appeal costs and council tax and housing benefits.

IT WAS AGREED to note the updated position.

(Councillor Brickles was not in attendance during the discussion and voting on this matter)

6. Homelessness Strategy Action Plan 2013-18 Update

Further to the request of the Policy Development Scrutiny Committee and Cabinet an update of the Homelessness Strategy Action Plan is presented to committee each September. Lucy Wright (Senior Housing Officer) was invited by the Chairman to present the report which included details of the pilot policy to discharge the homeless duty into the private rented sector.

In her report, Ms Wright made reference to the work undertaken by the Fylde Homelessness Forum which undertakes to implement strategy actions and monitor progress of the strategy action plan.

Attached as an appendix to the report was a review of the strategy action plan detailing good progress made in the delivery of the Plan. Two specific areas were highlighted as vulnerable which had significant relevance to the prevention of Homelessness in Fylde: (a) funding for the Face2Face YMCA Drop in Service and (b) funding for 'Rough Sleeping No second night out' Further details with regard to the funding/support issues were detailed in the report.

The Chairman requested that her thanks and appreciation be recorded for the hard work undertaken by officers' on this matter.

Following discussion the committee AGREED to recommend to Cabinet the following:

1. Noting the updated to the Action Plan as set out in Appendix 1 of the report.
2. The extension of the pilot policy to discharge the homeless duty into the private rented sector for a further 12 months.
3. To support the continuation of the Face2Face YMCA 'Drop in 'service as detailed in the report.
4. To acknowledge the importance of the no second night out service (particularly through the winter months) and support the use existing resources within the Homelessness budget to fund the service from October 2014 to March 2015.

(Councillor Brickles was not in attendance during the discussion and voting on this matter)

7. Anti-Social Behaviour, Crime and Policing Act 2014

Tracy Morrison (Director of Resources) and Bryan Ward (Community Safety Manager) jointly presented the report.

By way of introduction, Ms Morrison advised that Royal Assent for the Anti-Social Behaviour, Crime and Policing Act, 2014 was given in May, 2014 and that the act will be fully implemented on 20 October 2014. She explained that the legislation makes fundamental changes to a wide range of

areas of local authority and police activity including: antisocial behaviour powers; litter notices; DPPOs; dog control orders; licensed premises closures and dangerous dog powers.

This report specifically related to the anti-social behaviour provisions of the Act which provide more effective powers to tackle anti-social behaviour (ASB) and give victims and communities more power to define and respond to ASB.

A summary of the new powers together with details of the community trigger arrangements and responsible bodies for dealing with such matters was included in the report.

Following consideration of this matter the committee IT WAS AGREED to recommend the following to Cabinet:

1. To delegate power to take any action under the Anti-Social Behaviour, Crime and Policing Act 2014 to the Chief Executive and the Director of Resources following consultation (in either case) with the Portfolio Holder for Social Wellbeing.
2. To agree to the relevant bodies for Fylde adopting the draft threshold as the number of qualifying complaints for the purposes of their review procedures under section 104 of the act (the threshold for the community trigger) as detailed below:
3. The operation of the provisions of the Act in relation to ASB being monitored for a six month period and reported back to members.
4. To implement the actions outlined in paragraph 29 of the report and undertake the development of an Anti-Social Behaviour Policy, which follows the guidance provided by the Home Secretary, and is submitted to members for approval and publication.

(Councillor Brickles was not in attendance during the discussion and voting on this matter)

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