

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Challenge and Improvement Committee held in the Council Chamber at the Guildhall, Gainsborough on Tuesday 27 January 2015 commencing at 6.30 pm.

Present: Councillor Paul Howitt-Cowan (Chairman)
Councillor Nigel Bowler (Vice-Chairman)

Councillor Stuart Curtis
Councillor Chris Darcel
Councillor Angela Lawrence
Councillor Malcolm Leaning
Councillor Pat Mewis

In Attendance:

Ian Knowles	Director of Resources and Section 151 Officer
James O' Shaughnessy	Team Manager Business Improvement and Corporate Governance
Tracey Bircumshaw	Group Accountant
Andy Gray	Team Manager Housing and Communities
Katie Coughlan	Governance and Civic Officer

Apologies: Councillor Geoff Wiseman (Vice-Chairman)
Councillor Mick Tinker

Membership: There were no substitutes appointed for the meeting.

43 MINUTES

- (a) Meeting of the Challenge and Improvement Committee held on 2 December 2014

RESOLVED that the Minutes of the meeting of the Challenge and Improvement Committee held on 2 December 2014 be confirmed and signed as a correct record.

44 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest made.

45 MATTERS ARISING SCHEDULE (CAI.31 14/15)

The Committee gave consideration to the Matters Arising Schedule, setting out the current position of previously agreed actions, as at 19 January 2015.

In responding to Members' questions, Officers confirmed that the draft questions, to be posed to the Police and Crime Commissioner, had been amended in light of Members' comments. Members were also reminded that there would be an opportunity for supplementary questioning.

It was further confirmed that Mr Andy Gutherson, Lincolnshire County Council Highways, would now be in attendance at the Committee's meeting on 17 March 2015.

RESOLVED that the Matters Arising Schedule be received and noted.

46 PRE BUDGET SCRUTINY (CAI.32 14/15)

Consideration was given to a report which presented Members with an overview of the financial challenges faced; the progress towards mitigating them and the future approach with regard to setting a budget.

Arising from Members' questions Officers confirmed that a balanced budget would be presented to Council in March 2015, as there was a legal duty to do so.

Furthermore, Officers confirmed that the engagement results detailed in Section 4 of the report would be made available to those charged with determining how the budget should be spent, and would be included in the Medium Term Financial Plan (MTFP). In the main budgets would be aligned to deliver the Corporate Priorities.

A Member expressed concern that there was no reference as to how the pensions liability would be met. In responding, Officers re-iterated that the Committee's role was to scrutinise the process which had been undertaken. The Policy and Resources Committee would receive detailed information as to how the budget was made up

RESOLVED that the progress towards delivering a sustainable financial position be noted.

47 PLANNING ENFORCEMENT INFORMATION (CAI.33 14/15)

Members gave consideration to a report which had been prepared following a request from the November Challenge and Improvement Committee meeting in regards to an update on planning enforcement.

In presenting the report Officers outlined the enforcement priorities, as detailed in the Enforcement Policy, previously agreed by Members; a key consideration when determining what level of action / response should be taken; the service's current performance; the data protection position with regard to planning enforcement cases; and details of the Customer Charter, which set out service standards.

Officers indicated that in the future, those performance measures detailed in Section 5 of the report would include data relating to the number of open cases, as requested by Leaders Panel.

Lengthy debate ensued, with a Member again expressing concern that the report did not provide the detail required to give members assurance. It was questioned whether cases were being “effectively progressed and closed” as stated within the report, with it being alleged that historically cases were simply removed in order to keep the case load down. Members were still of the view that they should be permitted to review the information on a case by case basis, in closed session, if necessary.

In responding, whilst the current Officer complement could not account for how the service may have been managed historically, it did confirm that in no circumstances were cases being removed in order to keep the case load manageable. With regard to reviewing information on a case by case basis Officers re-iterated the information contained with Section 4 of the report, stressing that only when all 3 of the following criteria had been met could personal data be shared with elected members, these being: -

- The elected member represents the ward in which the individual lives, and;
- The elected member is acting on behalf of an individual – in the case of enforcement cases, this means that the elected member must be representing one of the parties involved in the investigation (whether that is the complainant or the individual being investigated) and can only be provided with personal data relating to the individual that they are representing; and
- The information is necessary to respond to the individual's complaint.

Officers had a legal duty to protect the personal data of individuals concerned and it was of paramount importance that the Council acted in line with the Data Protection Act at all times, and to guarantee that where legal cases need to be developed, to pursue enforcement action through the courts, this process was not compromised in any way.

Discussion turned to the enforcement priorities, with Members seeking clarity on some of the classifications listed. On receiving explanation, some were of the view that some of those instances currently classified as “medium priority” should be classified “high priority”.

It was requested that Members at least be notified when a high priority case had been logged within their Ward. Members referred to instances at Parish Council meetings, where they had appeared to be lacking in knowledge and only made aware of issues within their Ward at these meetings, which was an embarrassing situation.

In responding, to the request for notification, Officers again re-iterated the data protection position that could not be compromised, and thus the request could not be honoured. With regard to the classifications and priority levels set within the Enforcement Policy, Members were advised that if they felt these were no longer appropriate then it was within their gift to recommend that the responsible Policy Committee, revisit the document.

Officers were confident that the team was currently resourced appropriately and service performance demonstrated this. However if priorities changed or there was a sudden influx of cases then this may need to be reviewed.

With regard to low and lowest priority cases, in responding to Members’ queries, Officers confirmed that these cases were still actively worked on and outlined how the team resources were aligned to accommodate these cases alongside the highest priority cases.

Members were still of the view that without case by case information, it was difficult to scrutinise the service and sought indication as to whether this information could be received in closed session. The Data Protection position was again re-iterated, and thus again the request could not be honoured for this reason. Reassurance was offered that this was not about trust in Members but about honouring legal advice which had been received.

The Director of Resources indicated that if Members were concerned that the process stipulated in the Enforcement Policy was not been adhered to, they could request that internal audit look at the service.

Furthermore the Progress and Delivery Working Group would be reconvening and the Committee could make suggestions as to different performance measure data that would provide the appropriate level of confidence in the Enforcement process.

In respect of the former suggestion regarding an Internal Audit into enforcement, Members sought indication from Officers as to whether they considered this appropriate. Whilst Officers were confident the service was being managed and performing well, if an audit would give members the reassurance and confidence they were seeking, and an audit would provide this, then it would be of value.

Members did not wish to incur unnecessary cost in this respect and officers advised that an Audit of all enforcement services was undertaken approximately four years ago and it would be appropriate for members to ask for this audit to be included in a future annual plan.

With regard to the latter proposal, in relation to new suggested performance measures, discussion ensued with members identifying the following: -

- A measure showing the types of cases received eg. Cases where no planning permission has ever been sought; cases where planning conditions set by Officers or Committee are not been adhered to, cases which relate to such things as hedges / fences / rats etc
- A measure showing a summary of the outcome / action taken against each type of case.

Officers advised the suggestions made were feasible. Following much discussion and based on the suggestions made throughout the course of the debate it was

RESOLVED that having reviewed the report:

- (a) the new suggested performance measures detailed above be forwarded to the Progress and Delivery Working Group for consideration; and
- (b) internal audit be requested to incorporate an audit of the enforcement services across the authority within their future internal audit plan.

48 FORWARD PLAN (CAI.27 14/15)

The Governance and Civic Officer presented a report setting out the items of business due to be considered through the committee system and asked Members to identify any reports that they wished to be brought before the Challenge and Improvement Committee for pre-scrutiny.

No reports were identified for pre-scrutiny.

RESOLVED that the Forward Plan be noted.

49 WORK PLAN (CAI.28 14/15)

The Work Plan for the business of the Challenge and Improvement Committee was discussed.

RESOLVED that the Work Plan be noted.

50 DIARY DATE REMINDER

Members were reminded of the forthcoming special meeting of the Committee, scheduled for 24 February 2015 at 6.30 pm, at which the Police and Crime Commissioner would be in attendance.

The meeting concluded at 7.50 pm

Chairman