

# MINUTES

SCRUTINY COMMITTEE  
TUESDAY, 24 JANUARY 2012



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## COMMITTEE MEMBERS PRESENT

Councillor Paul Cosham  
Councillor David Higgs  
Councillor Reginald Howard (Chairman)  
Councillor Michael King  
Councillor David Nalson

Councillor Helen Powell  
Councillor Bob Sampson  
Councillor Mrs Judy Smith (Vice-Chairman)  
Councillor Adam Stokes  
Councillor Frank Turner

## OFFICERS

Head of Legal and Democratic Services (Lucy Youles)  
Planning Policy and Partnerships Service Manager (Karen Sinclair)  
Principal Democracy Officer (Jo Toomey)

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### 37. MEMBERSHIP

The Committee was notified that Councillor Higgs was substituting for Councillor Russell and Councillor Adam Stokes was substituting for Councillor Mrs Kaberry-Brown for this meeting only.

### 38. DECLARATIONS OF INTEREST

No declarations of interest were made.

### 39. ACTION NOTES FROM THE MEETING HELD ON 29 NOVEMBER 2011

The action notes from the meeting held on 29 November 2011 were noted subject to the following amendments:

- Page 4, minute no. 32 – that the fifth bullet point be amended from “The shared service did not make a profit” to “the shared service recorded cashable savings for each authority, rather than profit.”
- Page 5 – minute no. 32 – that the penultimate line be amended to read: “Procurement Lincolnshire provided other benefits that could not be identified through contract costs...”

#### 40. S.106 AGREEMENTS / COMMUNITY INFRASTRUCTURE LEVY

The Planning Policy and Partnerships Service Manager gave a presentation on Section 106 Agreements and Community Infrastructure Levy (CIL). She explained that S.106 Agreements were a legally binding agreement between the Council and any landowners with an interest in a site. There were three legal tests that needed satisfying before an Agreement was entered into.

The Committee was advised that S.106 Agreements were designed to mitigate the impact of development (both to infrastructure and amenity) in its immediate locality. Sometimes contributions could be sought for more strategic purposes. Ms Sinclair informed the Committee there were approximately 150 live S.106 Agreements and summarised the purposes for which contributions were requested.

Developments would need to reach specified trigger points before payments were due. The level of contributions received from developers since 2009 and their breakdown was provided; this included money paid by developers for affordable housing when a contribution was paid instead of the houses being built .

The Community Infrastructure Levy was a new mechanism for collecting developer contributions. It was not mandatory, however, significant changes were expected to S.106 Agreements meaning local authorities were likely to choose to introduce it. CIL could be spent over a wider area than S.106 monies. Consultation on two additional CIL elements (affordable housing and apportioning a percentage of the CIL to neighbourhoods for them to determine how it should be spent) closed in December 2011. No update had been received since the consultation deadline.

Authorities might choose to introduce CILs because of restrictions on pooling that were being applied to S.106 monies. It applied to all developments, not just residential, with the exception of buildings that people entered intermittently.

The levy was based on a charge per metre-squared of additional floor space over 100m<sup>2</sup>. This was normally paid in cash but could be paid through the transfer of land and buildings. Payment of CIL becomes due when a development commences, however the Council could agree to receive payment in instalments. CIL would cover revenue and capital costs for the infrastructure required to serve a new development. It could not be used to pay for remedial action combating pre-existing service deficiencies.

District councils would be required to produce a list of infrastructure projects it proposed should be funded by CIL and an annual report on CIL collection and spending. Calculating what the CIL rate would be needed basing on the cost of infrastructure development across the area and project viability. CILs could vary based on the type of the type of development and/or area. There was a

requirement that proposed rates were consulted on and independently examined before they were introduced.

Discussion ensued on CILs and S.106 Agreements. Councillors asked whether existing S.106 Agreements would be honoured after CILs were introduced; they would.

Concern was expressed over the proposal to include affordable housing provision within the CIL. Councillors felt it was more appropriate that developers deliver affordable housing as part of integrated developments rather than making a financial contribution for the Council to commission a Registered Social Landlord. While there was no update from the national consultation, it was hoped that if affordable housing was incorporated into CILs, provision would remain within S.106 arrangements for the Council to argue for site specific mitigation and request that the developer include affordable housing within their development proposal.

11:19-11:35            *Meeting adjourned*

#### **41. PROCUREMENT REPORT UPDATE**

The Chairman reported that a working group would be convened to consider the draft report produced on behalf of the committee by Councillor King. Councillor King was thanked for the work he had done on the report.

#### **42. LOCALISM AND SCRUTINY**

The Principal Democracy gave a presentation summarising the impact of the government's localism agenda on scrutiny through three key pieces of legislation: the Localism Act, the Police Reform and Social Responsibility Act and the Health and Social Care Bill. Broad implications from the legislation were:

- Emphasising the importance of partnership working in the delivery of public services
- The way scrutiny deals with issues across a local area would need harmonising
- Scrutiny may carry out more joint work
- Scrutiny had a key role in allowing councils to drive local improvement

##### *Localism Act:*

Scrutiny provisions were expected to formally commence in April 2012. Key provisions included greater opportunities for scrutiny committees to scrutinise partners delivering projects on behalf of local authorities. This was further bolstered by the removal of the requirement for Councillor Calls for Action to address only "local government matters". Councils would have the opportunity to change their governance structures. Increasing powers and a stronger

regulatory role for tenant scrutiny could provide opportunities for local government scrutiny committee to integrate its work more with these panels. Local people would also be able to directly influence policy and the delivery of services through neighbourhood planning and the “community right to challenge”.

#### *Police Reform and Social Responsibility Act*

District councils would retain the statutory role to scrutinise community safety partnerships, however, this could be complicated because of the countywide commissioning role of the Police and Crime Commissioner. The Police and Crime Commissioner would be held to account by the Police and Crime Panel, which could draw on local community safety scrutiny investigations to inform its scrutiny of the Police and Crime Plan. The Home Office had yet to produce regulations regarding Police and Crime Panels.

#### *Health and Social Care Bill*

The Bill was expected to receive royal assent in 2012. Powers would rest with the county authority, rather than a joint overview and scrutiny committee. They would have the power to steer healthcare, social care and public health policy through health and wellbeing boards.

Committee members discussed opportunities for returning to the Committee system. The Head of Legal and Democratic Services advised Councillors that the Council had appointed the Leader for a period of 4 years from its previous annual general meeting. Guidance on making changes to government structures and reversing these resolutions was not available.

Councillors identified that legislation gave an opportunities for scrutiny to be more proactive in its work and suggested it could provide greater opportunities to complement the work of the Cabinet.

### **43. SOUTH ROAD, BOURNE**

#### **Exclusion of the Public**

**In accordance with Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting because of the likelihood, in view of the nature of the business to be transacted, that if members of the public were present, there would be a disclosure to them of exempt information as defined in paragraph 3 of schedule 12A of the Act (as amended).**

A Scrutiny Committee member asked a number of questions relating to the sale of land at South Road, Bourne. Following extensive discussions between Planning and LCC Highways, a non-key decision was made in October 2010, AFM170, to dispose of the land in accordance with s.123 of the local

government act 1972 to obtain the best price reasonably obtainable. Best price could only be achieved by selling on the open market unfettered.

**44. WORK PROGRAMME**

Several Committee members had visited the CCTV control before the meeting. They complimented the arrangements and the dedication of the staff. They also commented on the high quality images the cameras captured.

**45. REPRESENTATIVES ON OUTSIDE BODIES**

Councillor Mrs Smith updated the Committee that the Elsea Park Community Trust hoped the community centre would shortly be opened and in use.

**46. CLOSE OF MEETING**

The meeting was closed at 12:24pm.

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