

SHOPSHIRE COUNCIL

PERFORMANCE MANAGEMENT SCRUTINY COMMITTEE

Minutes of the meeting held on 15 December 2020
2pm – 5.22 pm

Responsible Officer: Michelle Dulson/Amanda Holyoak
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Present

Councillor Claire Wild (Chair)
Councillors Joyce Barrow, Karen Calder, Roger Evans, Hannah Fraser, Alan Mosley, Cecilia Motley, Peggy Mullock and Dave Tremellen

106 Apologies for Absence and Substitutions

An apology was received from Councillor Leslie Winwood.

107 Disclosable Pecuniary Interests

None were declared.

108 Minutes of the meeting held on 16th September 2020

Consideration of the Minutes of the meeting held on 16 September 2020 was deferred to the next meeting of the Committee.

109 Public Question Time

There were no public questions.

110 Member Question Time

The Chair advised that six Member questions had been received. A copy of the report containing the detailed questions and their formal response were attached to the signed minutes.

- i) Received from Councillor David Vasmer in relation to planning enforcement. By way of a supplementary question Councillor Vasmer queried whether the number of officers that the Council had enforcing planning applications was sufficient given the number of cases that were currently being dealt with. In response, Ian Kilby, the Head of Planning Services explained that the Council had a policy in place setting out how the Council would investigate any such enforcement cases but he felt the important thing for Members to consider were the outcomes that were achieved and whether they were happy with the policy that was applied. He went on to remind Members that any such enforcement action and the serving of formal notices had to be legally robust and defensible through that process, also, planning enforcement could be very time consuming for all concerned as there was a lot of evidence that needed

- to be gathered in order to bring a matter to a satisfactory conclusion. Finally, the Head of Planning Services informed the meeting that it was not a criminal offence to undertake work without planning permission where it was required so there was always a judgment to be applied.
- ii) Received from Councillor Ruth Houghton and asked by Councillor Roger Evans in relation to the Improved Better Care Fund Rapid Task and Finish Group. No supplementary question was asked.
 - iii) Received from Councillor Roger Evans in relation to the Council's budget. Although not a supplementary question, Councillor Evans informed the meeting that he would follow this up elsewhere.
 - iv) Received from Councillor Roger Evans in relation to the position of the council at the end of quarter 2. By way of a supplementary question Councillor Evans confirmed that he had requested sight of this paper at the previous meeting. He referred to the Constitution which allowed for this Scrutiny Committee to request access to any completed papers and the fact that this Scrutiny Committee was denied access to this paper until it was published with the Cabinet Agenda was not agreeable nor in line with the Constitution. In response, Daniel Webb, the Overview and Scrutiny Officer explained that his role was to support this Committee and if any Councillor wishes to request papers from any other officers, they are more than free to do so, however it was not his job to acquire papers for them for their day to day business.
 - v) Received from Councillor Roger Evans in relation to the Financial Strategy and Innovation and Income Generation Task and Finish Group. Although no supplementary question, Councillor Evans felt that the response to this question emphasised the lack of resources that this Council gave to its Scrutiny Committees. The Chairman however felt that these comments were unfair given that so much Council resources had been devoted to the current Covid-19 Pandemic and although she accepted that perhaps the Committee should have been looking at the budget, when you actually weighed up the risks to residents and the Community, the risk was much higher than looking at the budget.
 - vi) Received from Councillor Roger Evans in relation to the Economic Recovery Task Group. By way of a supplementary question, Councillor Evans referred to the question that he had asked at the meeting of this Committee on 10 June 2020 on the recovery plan, when by way of a supplementary question he had asked why all opposition Councillors were being excluded from the two task groups which had been established when all other authorities were working cross party in response to the Covid-19 crisis. Following the Chairman's advice at that time he had raised this issue with the Leader of Council but he felt that access had been denied to this Task Group. Councillor Evans raised concerns that reports from this Task Group had been shared with people outside of the Council so he could not understand why it had not been shared with this Committee.

Concerns were raised about protocol in relation to Members questions as it was felt that some of the issues raised related to items appearing later on the Agenda and could have been discussed during the particular Agenda items.

111 Quarter 2 Finance Monitoring Report 2020/21

The Committee received the report of the Director of Finance, Governance and Assurance – copy attached to the signed Minutes – which set out the projected revenue expenditure for the whole of 2020/21 as at Quarter 2 (Q2), and for capital set out the expenditure up to the end of Q2. For capital, any budget increases and decreases and any re-profiling of budgets between 2020/21 and future years were also set out for decision making.

The Director of Finance, Governance and Assurance introduced and amplified his report. He reported that the final revenue overspend at the end of Quarter 1 had been £2m but had worsened by the end of Quarter 2 when it stood at £2.771m, the reason for this worsening overspend was set out in the report.

The Director of Finance, Governance and Assurance drew attention to the chart on page 4 which showed the variance from budget. The Quarter 1 outturn position was in the safe green zone however by the end of Quarter 2 the projected year end overspend was edging into the amber zone although it only needed an additional £1m to bring it back into the green 'balanced' zone. He then discussed the projected variations across service areas set out in table 1 at paragraph 4.3 and the reasons for these. He reported that action had been taken to try to reduce the overspend from Quarter 1 and that it had reduced by around £700,000 however an overspend against homelessness had pushed it back the other way so a worsening position was being seen of about £800,000.

Turning to page 5, the Director of Finance, Governance and Assurance drew attention to paragraphs 4.6 and 4.7 which set out, respectively, the areas of additional expenditure due to Covid-19, the areas of loss due to Covid-19 and the Covid-19 grants received. He went on to give an update on savings delivery which had been severely impacted by Covid-19 and the Capital Programme which had been delayed due to Covid-19.

In response to a query, the Director of Finance, Governance and Assurance drew attention to the chart on page 6 of the report which highlighted the amount of loss of income that had been incurred over the various service areas. The Director of Finance Governance and Assurance explained that although they could only claim back 75% of that income, there was also the Job Retention Scheme which allowed the Council to claim back other elements of costs, and finally, there was the un-ringfenced grant funding (of approximately £22-£23m). So, whilst there were some elements that were excluded from the sales, fees and charges grant these could be charged against the un-ringfenced grant and that would demonstrate that the loss of income was covered.

A query was raised in relation to Shire Services as it appeared that the Council did not claimed back the full loss of income. In response, the Director of Finance,

Governance and Assurance explained that there was a phasing to the way in which the money was spent, the way in which the grants appeared and the way in which the Council could claim for its loss. The sales, fees and charges grant did not appear until the Summer and the Council were not eligible to claim in the first instance as spend was being incurred. The Director of Finance, Governance and Assurance explained that in reality they may have charged against the un-ringfenced grant as that was all that was available, then when the Council became eligible for the furlough scheme that freed up the un-ringfenced grant which could then be used elsewhere.

In response to a further query, the Director of Finance, Governance and Assurance drew attention to some of the actions that had been taken by management in order to reduce the overspend and he reported that such management action would have led to a £700,000 reduction from Quarter 1 to Quarter 2 had it not been for the homelessness element.

In response to a comment around why furlough payments were not applied for straight away in relation to Shire Services, the Director of Children's Services, (substituting for the Chief Executive) clarified that initially the guidance from Government was that the furlough scheme was not available to the public sector. It then became available for externally funded services, as in the case of Shire Services, however as only one application per organisation could be made there was a slight delay whilst the information was being gathered to ensure that all relevant employees were included.

In response to concern that the £200,000 savings from converting to LED lighting was not going to be realised, the Director of Finance, Governance and Assurance explained that the scheme was progressing but had been delayed due to the necessary replacement of old lighting columns.

Finally, a query was raised in relation to shopping centres and whether the costs would be paid back. In response, the Director of Finance, Governance and Assurance explained that the shopping centres were purchased on the basis of an economic regeneration programme which was expected to take several years to implement. He also reported a shift in relation to the spend and income profile of the centres, for example, the retail offer was being condensed into the Darwin Centre whilst some of the offer was being reimagined and progressed with no expectation of generating income returns. He went on to say that the purchase was a treasury decision and as such was paid for as an investment. It continued to make a return so there was no borrowing to repay.

The Chairman thanked the Director of Finance, Governance and Assurance for his report and wished him to convey the thanks of the Committees to all the other officers involved for their hard work which was very much appreciated. She requested that any further questions the Committee may have be emailed to the Director of Finance, Governance and Assurance who would respond to Members of the Committee outside of this meeting.

Councillor Roger Evans wished it to be noted that he was refused permission to ask any further questions and that he voted against the recommendations.

RESOLVED:

- A. To note that at the end of Quarter 2 (30 September 2020), the full year revenue forecast was a potential overspend of £2.771m;
- B. That the impact of this on the Council's General Fund balance be considered.
- C. That Shropshire Council acts as Accountable Body for the Pocket Parks programme.

112 Planning Enforcement

The Committee received the report of the Planning Service Manager – copy attached to the signed Minutes – which provided an overview of the work of the council's planning enforcement function. The Planning Service Manager explained that planning enforcement was the process of investigating breaches of planning control for certain elements of development however there was development that could take place that did not require planning permission or works that were not defined as development.

The Planning Service Manager explained that the process of planning enforcement was operated in accordance with the Council's Protocol whilst ensuring that it was delivered in an efficient way. He drew attention to the Government guidance which stated that the principles of enforcement should be applied with expediency and proportionality, so that although all cases were investigated it may not be expedient to pursue them all.

The Committee were informed that it was incumbent upon the applicant to ensure that they complied with the conditions of any planning permission and that the Council had not had the resources in recent years to routinely monitor compliance with every planning application that it determined. He went on to say that most planning enforcement enquires were notified by either a member of the community, a Councillor or a Parish Council and related to either a divergence from the approved scheme or non-compliance with conditions. All enquiries were captured via a single gateway using an online enforcement form and were investigated. The Planning Service Manager summarised some of the things that were investigated and the types of things that constituted a breach of planning control (set out at paragraph 5.2 of the report). He also explained how enforcement enquiries were dealt with.

The Planning Service Manager drew attention to the table at paragraph 5.9 which set out the number of cases received each year, the number of cases that had been closed and the number of cases where an enforcement notice had been issued. He reported that the number of cases received had increased by 25% since 2017/18 and he briefly discussed possible reasons for this increase including the economic pressures of the Covid-19 Pandemic.

In response to a query, the Planning Service Manager confirmed that members of the public could telephone the planning service to enquire whether planning permission would be required for a particular project. He went on to explain that the rules were continually changing especially throughout lockdown when they had been

asked as a local authority to be more flexible to allow the construction sector to continue, for example, and to allow requests to extend working hours to make construction covid safe and to keep the economy going.

A query was raised as to why, when Members were informed of enforcement notices via email, that they were marked 'confidential' and whether it was possible to put these enforcement notices online with live updates being provided. In response, the Planning Service Manager reported that enforcement investigations were confidential up until the point that a formal enforcement notice was issued in order to protect the Council's position. Once a formal enforcement notice had been issued, this would be displayed on the statutory register. In response to concerns that Parish Councils were informed of enforcement investigations, the Planning Service Manager explained that if the Parish Council had raised the enquiry it would be kept informed of progress at key stages of the process.

Concern was raised that although Councillors were notified through the planning portal when an enforcement notice had been issued, they were never informed of the outcome. The Planning Service Manager agreed to take this away and look into the matter and would respond to all Councillors.

A further question was raised as to the cost of the temporary enforcement officer and whether it would be more cost-effective to recruit a permanent member of staff. In response, the Planning Service Manager reported that there was no vacancy in his budget for a permanent member of staff and that the Consultant was funded externally via grant assistance. His role was looking purely at enforcement activity in the green belt as part of a Government initiative.

Concern was raised as to whether planning officers felt that having to deal with enforcement put too much work pressure on them and detracted from their day jobs. In response, the Planning Service Manager felt that the Planning Officer who had dealt with the particular case would be best placed to deal with the initial investigation into a breach of planning control and best placed to rectify the breach, however, if it was more complicated they could call in one of two enforcement specialists employed by the Council to guide them through the more formal enforcement investigation process.

In response to a query about whether the planning portal could be utilised to update the progress of planning enforcement action. The Planning Services Manager agreed to take this issue away and look at what could be done in order to provide more informed interim updates for whoever was raising the enquiry.

In response to a query about enforcement action around noise disputes eg motocross events and the like, the Planning Services Manager explained the process in relation to use of land whereby it could be used for any purpose for 28 days in any year without the need for planning permission. He stated that it was very difficult to deal with in practice as there were ways of extending the effect without the need for planning permission as it was permitted development.

The Planning Service Manager addressed concerns that the Council were unwilling to enforce planning conditions but could not comment on the particular development

in question as it was an ongoing enforcement case. He agreed that cases where formal enforcement action had been taken could be better publicised.

The Planning Services Manager agreed it was in the interest of all to provide a level of communication that helped the local member understand where things were with a case subject to it not being compromised. He said he would take the issues raised to look at communication for members and how it could be improved.

The Portfolio holder referred to some previous informal work on the enforcement procedure which identified a training need for members. This would be run post election for all members. The discussion had been very useful in identifying issues around communications and use of technology. He thanked officers for working from home in difficult circumstances and keeping the planning function going, which other authorities had not been able to do in some cases.

The Committee agreed to thank officers for their efforts in working through the pandemic. They agreed that the Communities Overview Community look in future at issues emerging from the discussion at the meeting.

113 Transformation Programme

Andrew Boxall, Head of Technology gave a presentation providing an update on Transformation. The Digital Transformation programme had provided the tools to enable the Council to work in new ways very quickly at the onset of the pandemic. 2,600 staff had been enabled to work from home due to this ground work. He provided a number of examples of technology enabling change and significant time savings, a number of which had received national recognition as best practice.

He gave thanks and recognition to staff across the council who had been on a rapid pace change journey whilst supporting the council and their families through the pandemic. The Chair congratulated the Head of Technology for his team's excellent work done.

During discussion members requested that further attention be given to the Member's portal which currently did not provide a user friendly experience. He reassured members that officers were currently working on this with the highways team and it was a significant priority. The Committee thanked the Head of Technology for the update.

114 Quarter 2 Performance Report 2020/21

Steve Taylor, Performance intelligence Policy Officer Leader introduced the report which had been presented to Cabinet the previous day. He drew attention to highlights and challenges identified in the report. The Portfolio Holder thanked officers for their work and drew attention to the appointment to a new post – Head of Information and Insight. The ability to understand the implications of robust data was a significant priority for the Council, particularly in relation to performance.

..... Members asked questions about the number of carers, input of the new postholder into the Joint Strategic Needs Assessment, and data in relation to the number of affordable homes.

The Chair thanked the Portfolio Holder and officer for attending the meeting and answering questions.

115 Future Work Programme

The Overview and Scrutiny Officer outlined the proposals for changes to the January and March meetings and reported on suggestions he had received for change. Following discussions on digital transformation strategy, responsibilities of the Council in relation to dog ownership and timing of budget scrutiny, the Scrutiny Officer said he would update the programme. He agreed to bring proposals for terms of reference for a Budget and Financial Strategy Task and Finish Group to the next meeting.

Signed (Chairman)

Date: