

**EXECUTIVE OVERVIEW & SCRUTINY
COMMITTEE**

HELD: Thursday, 13 January 2022

Start: 7.00 pm

Finish: 9.07 pm

PRESENT:

Councillor: A Owens (Chairman)

Councillors:	C Coughlan	S Gregson
	T Devine	P O`Neill
	E Pope	I Rigby
	A Sutton	D Westley
	D Whittington	J Finch

In attendance: Councillor A Yates, Portfolio Holder for Resources and Transformation (Agenda Item 13)

Officers: Heidi McDougall, Corporate Director of Place and Community
Jacky Denning, Democratic Services Manager
Tom Dickinson, Principal Solicitor
Helen Hatch, Senior Planner and S106/CIL Officer
Derek Jackson, Interim Corporate Finance Manager (Deputy s151)
Julia Brown, Member Services Officer

63 **APOLOGIES**

There were no apologies for absence received.

64 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor N Furey and the appointment of Councillor J Finch for this meeting only, thereby giving effect to the wishes of the Political Groups.

65 **URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no urgent items of business.

66 **DECLARATIONS OF INTEREST**

Councillors Devine (Tenant of a Council flat/house) Coughlan and Gregson (Tenants of a Council garage) declared disclosable pecuniary interests in relation to item 14 'Draft Revenue & Capital Programme Budget' and item 15 Housing Account – Revenue and Capital Programme Budget' for the reasons indicated but were entitled to speak and vote by virtue of an exemption (nothing in these reports relates particularly to their respective interests arising from the tenancy or lease).

Councillors Gregson and Sutton declared non-pecuniary interests in relation to item 14 'Draft Revenue & Capital Programme Budget' and item 15 'Housing Account – Revenue and Capital Programme Budget' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it would affect the financial position of their relative and a

member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to the relevant tenancy or lease.

67 DECLARATIONS OF PARTY WHIP

There were no declarations of Party Whip.

68 MINUTES

RESOLVED: That the Minutes of the meeting held on 21 October 2021 be received as a correct record and signed by the Chairman.

69 PUBLIC SPEAKING

There were no items under this heading.

**70 MEMBER DEVELOPMENT COMMISSION - MINUTES OF THE MEETING HELD
ON 7 OCTOBER 2021**

RESOLVED: That the Minutes of the Member Development Commission held 7 October 2021 be noted.

71 RELEVANT MINUTES OF CABINET

Consideration was given to the Minutes of Cabinet held on 2 November 2021 as contained on pages 1303 to 1314 of the Book of Reports.

RESOLVED: That the Minutes of Cabinet held on 2 November 2021 be noted.

(Note: Councillor Devine arrived at the meeting during the consideration of this item)

72 CIL FUNDING PROGRAMME 2022/23

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 1315 to 1372 which reported on the consultation of the draft CIL Funding Programme for 2022/23, and to propose final recommendations for the CIL Funding Programme in 2022/23.

The Senior Planning & CIL / S106 Officer outlined the report and informed Members that following public consultation, approximately 60 comments had been received as detailed at Appendix A.

She informed that the recommendations for CIL funding in 22/23 remain as the proposals in the draft programme. In addition, whilst no schemes in Ormskirk had been originally shortlisted through the draft CIL Funding Programme, it has since come to the attention of officers that the Whittle Drive changing facilities project, approved previously (2018), needs to be reconsidered owing to earlier difficulties in

delivering the project and the resultant expiry of the awarded monies. As the scheme remains supported by Leisure and is now deliverable, the recommendation is to award £60,000 of NCIL alongside £100,000 of match funding.

Members were also recommended that the underspend (c.£6835) from the previously approved Burscough towpath improvement scheme should be transferred to the previously approved Parbold – Appley Bridge towpath scheme to increase the available funding for that project.

She informed Members, that to ensure the projects presented throughout this report can be delivered, it is recommended, at paragraph 3.6, that delegated authority is granted to the Director of Place and Community, in consultation with the Portfolio Holder for Planning, to approve any reasonable changes to the details of the Cabinet approved schemes within this report.

Comments and questions were raised in respect of:

- What is the percentage CIL given to Burscough Town Council – 25% as they have an adopted Neighbourhood Plan. (Usually 15%)
- Delegated Authority – Agree, but to be mindful of the budget – Should there be a limit / that officers bring any major changes back for approval
- Support for the Schemes

RESOLVED: That the Committee note the content and final recommendations of the CIL Funding Programme 2022/23 report and that the report be passed to Cabinet for their consideration.

73

PLANNING SERVICE REVIEW - UPDATE

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 1373 to 1386 of the Book of Reports, which outlined the proposed actions and updated Members on progress with implementing the recommendations of the Planning Services Review.

The Corporate Director of Place and Community outlined the report and explained that Red Quadrant had been involved in taking forward the Planning Service Review. The Working Group reviewed 81 approved recommendations which were grouped into 'themes'. These were organised into a Project Plan, covering 58 main actions and further sub-divided into 210 individual tasks.

She explained that the target dates require some flexibility in delivery, due to the constraints on resources currently being experienced. She informed that despite this, good progress has been made, with 31% of the actions in progress or completed. Some of these, included reviewing information currently on the Council website; developing a new appointment booking system for Members who wish to speak directly with Planning Officers; review of the Enforcement and Pre-App process; reviewing the Enforcement Charter, a final version of which will be brought to the appropriate Committee.

In discussion questions and comments were raised in respect of:

- Planning restructure - request to possibly have an input at Overview & Scrutiny Committee / Members have input through budget process / delay to the process could be damaging
- Loss of Senior Posts / will Members see breakdown of Senior post job description and remit
- Restructure is same capacity as previously with two additional posts within existing budget through delegated authority
- Booking system for Members – Members to agree a suitable date/time with Case Officer.
- It was noted that there are 58 main actions and not 56 as stated in paragraph 6.1 of the report

The Chairman and Members of the Committee expressed their thanks for the update and all that has been achieved.

RESOLVED:

- A. That the Committee considered and noted the report on the Planning Services Review and that the Report be forwarded to Cabinet for their consideration.
- B. That a progress update report be presented to Executive Overview and Scrutiny Committee in Autumn 2022.

74

**OVERVIEW & SCRUTINY FUNCTION REVIEW - MEMBER DEVELOPMENT
COMMISSION RECOMMENDATIONS**

Consideration was given to the report of the Corporate Director of Transformation and Resources as contained on pages 1387 to 1398 of the Book of Reports, which was to consider recommendations of the Member Development Commission, following a review of Scrutiny Arrangements of West Lancashire Borough Council, and to authorise next steps.

The report had previously been considered by Corporate & Environmental Overview & Scrutiny Committee held on 9 December 2021.

The Chairman gave an overview of the details contained within the report.

Comments and questions were raised in respect of the following:

- Structure of Task & Finish Groups - Membership/Chairing of Groups/ Terms of Reference / Reporting arrangement
- Resources allocated
- Welcome of Task and Finish Groups – Involvement at all levels

The Democratic Services Manager Informed Members that the report would be presented to Extraordinary Council on 27 January 2022 in order to give extra capacity to the February Council Agenda.

RESOLVED: That the recommendations arising from the Scrutiny Review undertaken by the Member Development Commission on behalf of the Council, previously adopted and implemented set out in paragraph 6 of the report, be noted, and the following recommendations of the Member Development Commission set out in paragraph 7.2 C be endorsed, as follows:

- "(i) That the Council continue with 2 scrutiny committees (Corporate & Environmental Overview & Scrutiny Committee and Executive Overview & Scrutiny Committee)
- (ii) That Corporate & Environmental Overview & Scrutiny Committee establish Task and finish Groups to undertake in depth scrutiny work rather than that work being undertaken by the main Committee.
- (iii) That a permanent role of Member Services Officer at Grade SO1 at 10 hours per week be created to facilitate this work.
- (iv) That the Members Update to remain in its current format."

75

DRAFT REVENUE & CAPITAL PROGRAMME BUDGET

Consideration was given to the report of the Head of Finance, Procurement and Financial Services as contained on pages 1415 to 1470 of the Book of Reports as set out at Appendix A of this report, the Medium -Term Financial Strategy (MTFS) for the 3 years ending 31st March 2025, together with the Revenue Budget for 2022/23 and the Capital Programme for the 3 years ending 31st March 2025.

The Interim Corporate Finance Manager provided an overview of the report referring to details set down within it.

Comments and questions were raised in respect of the following:

- Growth bids
- Cost pressures
- Anticipated favourable events
- Return from re-development of Skelmersdale Town Centre
- 2% pay award - estimate using Government forecast
- "Economic scaring" to Brexit (4% GDP) and Covid (2% GDP)
- Returns from TVD £250,000 from medium term forecast – the report does not state we are putting in £400,000 in share capital. TVD making a loss - would like to have seen a comment as a footnote in report (The Interim Corporate Finance Manager Informed Members that the classic measure is the yield - which shows a very good return for TVD and STC. He made an undertaking to consult with the Head of Finance, Procurement and Commercial Services in respect of details to be included for information and transparency in future reports)

- 'Holiday' on Reserves
- Sales, Fees and Charges policy - contradiction in respect of Planning Service Review report which states no intention to increase planning fees, perhaps reconsider, as this report suggests otherwise.

The Portfolio Holder for Resources and Transformation informed that a "great deal of effort had been put into the budget by Officers, including a 'deep dive' over the last ten years to look at assumptions as well as figures. He also explained that getting rid of the budget gap was due to SORP primarily. He also informed that we are awaiting the Government Fair Funding Review, and although we are in a much better position, we still have difficult times ahead".

RESOLVED: That the report be considered and noted and be presented to Cabinet on 25 January 2022 and Council on 23 February 2022 for their consideration.

(Note 1: The Chairman thanked Councillor Yates, Portfolio Holder for Resources and Transformation for his attendance)

(Note 2: Councillor Yates, Portfolio Holder for Resources and Transformation thanked the Chairman for the invite and left the meeting at the conclusion of this item)

76

HOUSING ACCOUNT - REVENUE AND CAPITAL PROGRAMME BUDGET SETTING

Consideration was given to the report of the Head of Finance, Procurement and Commercial Services, which was to enable the Council to set its Housing Revenue Account (HRA) budget and capital investment programme for the next financial year 2022/23.

The Interim Corporate Finance Manager provided an overview of the report referring to details set down within it.

Comments and questions were raised in respect of the following:

- Rental income level
- Void repairs and response Repairs - Wates business cases - significant concerns were expressed about the significant adverse financial variance and the lack of information that could be provided to Councillors. It was explained that there were sensitive legal matters under dispute and that the Group Leaders would be provided with further information on a confidential basis in the near future
- Concern of Programmed Work 'rolled-on' due to Covid – uncertainty of expenditure and how it will affect this

RESOLVED: That the budget position be noted and that the report be submitted to Cabinet 25 January 2022 for their consideration.

77 EXCLUSION OF PRESS AND PUBLIC

Discussion took place to ascertain if the following agenda item 16 – Land Disposal met the test of the public interest in maintaining the exemption under Section 100A(4) of the Local Government Act 1972, Schedule 12A of the Act.

A vote was moved and seconded, that the following item of business be held in part 1 open to the press and public. This vote was CARRIED.

RESOLVED: That the following item of business be held in Part 1 open to the press and public.

(Note: Councillor C Coughlin wished for it to be recorded that he participated in the following Agenda Item 16 – Land Disposal in Part 1 open to the press and public against his better judgement)

78 LAND DISPOSAL

Consideration was given to the report of the Head of Finance, Procurement and Commercial Services as contained on pages 1471 to 1476 of the Book of Reports, which was to consider the disposal of Council owned land to Tawd Valley Developments Limited.

The Interim Corporate Finance Manager was present to provide an overview of the report. He responded to comments and questions raised by Members.

In discussion the following comments and questions were raised:

- Discrepancy and concerns in respect of two separate differing independent valuations both dated 3 August 2021
- Building costs increased since August figure and should be updated
- Report is not independent and should not proceed on this basis
- What other efforts/methods have been made to market the land / what other options have been considered for the land
- Not valued site on plot value basis but of opinion higher value if sold on plot-by-plot basis.
- Legality of selling land through this process
- Garage tenants affected/ no consultation/ rental income of £3,485 per year

RESOLVED: That the content of the report be noted and that the following agreed comments of Executive Overview & Scrutiny Committee be submitted to the Cabinet meeting to be held on 25 January 2022 for their consideration.

1. That this Committee calls on Cabinet to defer a decision on this report pending clarification of the different valuations and recommends it be deferred and considered at the same time as the new Business Plan at Council in February 2022.
2. That if the above recommendation is accepted by Cabinet, that a fresh report be requested, and the relevant Officer attend the

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meeting to answer questions.

(Note: This item was held in Part 1 open to press and public)

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Chairman