

WEST DORSET DISTRICT COUNCIL OVERVIEW AND SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 22 NOVEMBER 2016

Present: Cllrs D Turner (Chairman), J Dunseith (Vice-Chairman), T Bartlett, P Cooke, D Elliott, R Gould, T Harries, J Haynes, S Hosford, R Kayes, D Rickard, J Sewell and P Shorland

Apologies: Cllrs S Brown MBE, M Lawrence, M Rennie and M Roberts

Also present: Cllr A Alford, Cllr P Barrowcliff, Cllr N Bundy, Cllr I Gardner, Cllr M Penfold MBE, Cllr D Taylor, Cllr A Thacker and Cllr T Yarker

Officers present (for all or part of the meeting):

Trevor Hedger (Senior Economic Regeneration Officer), Stephen Hill (Strategic Director), Hilary Jordan (Head of Planning Community & Policy Development), Matt Ryan (Tourism & Events Manager), Julie Strange (Head of Financial Services), Nick Thornley (Head of Economy, Leisure & Tourism), Jason Vaughan (Strategic Director), Trevor Warrick (Spatial Policy and Implementation Manager) and Lindsey Watson (Senior Democratic Services Officer)

30. Code of Conduct

In respect of the report on the Dorchester Tourist Information Centre (TIC) and a representation received from the Dorchester Heritage Committee, Councillor Dunseith noted that she was a member of the Dorchester Heritage Committee.

Councillor Turner noted that he was a member of the scrutiny working group that had been involved in the scrutiny of the service review process for the Dorchester TIC. He would take part in discussion and voting on this item.

31. Minutes

The minutes of the meeting of the Overview and Scrutiny Committee held on 27 September 2016 were agreed and signed by the Chairman as a correct record.

32. Chairman's update

The Chairman noted that a very good scrutiny development session had been held. Although turnout of scrutiny members had been disappointing, it was intended to move forward with ideas and new documents for scrutiny processes that had been discussed and received support at the session.

33. Service Review Programme - West Dorset Tourist Information Centres - Dorchester

The committee received and considered the report of the scrutiny working group following the scrutiny exercise in relation to the Service Review of West Dorset tourist information centres (TICs) and with particular regard to the TIC in Dorchester. In addition, members considered the Business Case for the Dorchester TIC and the associated Equality Impact Assessment.

Members noted that a petition had been received and referred to the committee by Full Council in respect of the Tourist Information Centre at Antelope Walk, Dorchester and this was considered alongside the report of the scrutiny working group as part of the scrutiny of the service review process. As the principal petitioner, Councillor Bundy addressed the committee to express his support for the retention of the TIC service within the town. He noted his disappointment that the service had to move out of its current location in Antelope Walk but accepted that the move had to take place. In addition he raised points with regard to the need to monitor retail sales and the need to protect the valuable and knowledgeable staff working in the TIC. Related to this, he asked that Job Evaluation for these staff be delayed for at least two years. In response, the Chairman noted that the equality impact assessment addressed most of the staffing issues being raised.

The Chairman referred members to an email that had been sent to all members of the committee from Andy Canning as Chairman of the Dorchester Heritage Committee.

The committee considered the report of the scrutiny working group, the draft business case and draft equality impact assessment and during discussion the following points were made:

- The preferred option proposed in the draft business case which had been supported by the scrutiny working group was seen as providing a viable solution to securing the service in the town long term;
- A concern was raised with regard to negative comments that it was claimed had been made by a member of another council;
- In response to a question raised, it was noted that a review of the service operating within the library should be undertaken by the Overview and Scrutiny Committee after one year of operation;
- The committee agreed that reference should be made in the scrutiny working group report to the district council providing a capital contribution in the case that the tourist information centre moved out of the library into new premises in the future;
- Members noted that the move to the library could be achieved in the current financial year;
- The two petitions presented in connection with the service review had been taken into account by the scrutiny working group during their review of the service review process.

It was proposed by J Sewell seconded by J Haynes

Decision

- (a) That the committee note the petition regarding the Tourist Information Centre at Antelope Walk, Dorchester, referred from Full Council on 3 November 2016 and have considered it as part of the scrutiny of the service review process;
- (b) That the report of the scrutiny working group attached at appendix 1 of the report be agreed as the formal response of the Overview and Scrutiny Committee to the Dorchester Tourist Information Centre part of the West Dorset Tourist Information Centres Service Review, for inclusion within the report to the Executive Committee;
- (b) That the committee agree that the completed equality impact assessment for the Dorchester Tourist Information Centre part of the service review attached at appendix 3 of the report, ensures that equality issues have been fully considered and that any adverse impacts of the proposed changes on different groups have been considered and, where possible, mitigated.

To respond to the request from Full Council to consider a petition received in respect of the Tourist Information Centre at Antelope Walk, Dorchester.

To agree the formal response of the committee in respect of the scrutiny of the Dorchester Tourist Information Centre part of the West Dorset Tourist Information Centres Service Review process and viability of the options presented.

To provide the committee with the opportunity to consider the completed equality impact assessment for this part of the service review.

34. **West Dorset and Weymouth and Portland Local Plan Review: Consultation on issues and options**

Members received and considered a report of the Spatial Policy and Implementation Manager, which sought the views of the committee on the West Dorset and Weymouth and Portland Local Plan Review: Issues and Options document, prior to it being agreed for the purposes of public consultation by the Executive Committee and Council. Members considered the draft document attached at appendix 1 of the report.

In presenting the report, the Spatial Policy and Implementation Manager noted that members were being asked to agree the document in order that discussions could be started with the public. The Chairman noted that members were being asked to look at the format of the document, the mapping included and the questions being asked to ensure that the document was fit for purpose for consultation.

On a point of clarity, it was noted that the reference to additional new homes in paragraph 12 of the covering report should read '4,520'.

The Chairman took members through the key parts of the draft consultation document and comments were made as follows:

- Concerns were raised with regard to the methods used to establish figures for the objectively assessed need for housing in the current local plan and a number of the assumptions made by the consultants assessing the need. Reference was made to recent research undertaken that challenged these figures. Members questioned whether these figures should be used to inform the review and it was felt that this should be looked at in more detail. The Spatial Policy and Implementation Manager referred members to section 4 of the document which dealt with these issues and also reminded members of the concerns that had been raised by the Local Plan Inspector. He required further work to be undertaken by the council to provide an up to date assessment of need, which resulted in the figure of 775 dwellings per annum (dpa) being included in the current Local Plan. Initial feedback from the council's consultants was that the Local Plan proposals allowed head room for economic growth and therefore the figure of 775 dpa was a reasonable figure to move forward with in the review;
- A point was raised that there was a need for this number of new houses and that there was a need for affordable housing and provision for key workers;
- There would be two rounds of consultation before the review was submitted for examination and it was anticipated that the issue of housing numbers would receive lots of responses. In general members felt that the document should be put out to consultation with the figures currently included and then the council could see the responses received;
- A concern was raised with regard to the clarity of some of the maps contained within the document and a request was made that all of the maps should be on Ordnance Survey base maps;
- Members supported the proposed single vision being used to develop objectives and guide the strategy for development within the Local Plan area;
- As a general point, members noted that they were content with the question format within the document;
- Members considered a number of issues relating to section 15, Affordable Housing and particular reference was made to starter homes. It was noted that the definition of affordable housing would be changing shortly to include starter homes. The Corporate Manager, Planning (Community and Policy Development) stated that the council was currently awaiting clarification from Government but that there would be an element of prescription in terms of the percentage of starter homes required on housing sites. Since starter homes would fall within the revised definition of affordable housing, it was envisaged that they would be provided as part of the percentage figure sought for affordable housing in Policy HOUS1 of the Local Plan;

- Issues in relation to self build were raised and the consultation document included questions in order to seek views on options;
- In respect of section 18 on protection of employment sites, members suggested that an additional question should be included at 18-ii on page 109 of the document to provide the public and parish and town councils with the opportunity to inform the council of any additional employment sites that should be protected by Local Plan Policy ECON2 as 'key employment sites';
- Under section 20, green infrastructure, there was a need to review the approach to the protection of green spaces across the whole Local Plan area;
- Reference was made to green corridors and a point was made that their primary function was to enhance biodiversity and wildlife habitats;
- Members considered section 21 (design) and the question was raised as to whether the public would accept lower standards of design if such new homes would help to meet housing needs. Members suggested that an additional question should be included in the document to seek views on the role of modular housing in meeting housing needs;
- In section 22 (coastal change) there was a need for additional clarification as to the meaning of a harbour area;
- In response to a question, it was noted that public exhibitions for the consultation would be held in all settlements where potential options for growth had been identified;
- A specific point was raised with regard to the 'W' rather than 'C' or 'CH' prefix letter used for potential options sites in Chickerell. This point was noted by officers;
- A point was raised that a particular town council may be in a situation when it was required to provide services for the increased population arising from housing growth in adjoining parishes;
- Reference was made to an available map which showed the location of suitable sites for wind farms;
- The Chairman made reference to the related sustainability appraisal which had been included in the background papers for the report and noted the classification table needed to run throughout the whole document in order to provide clarity to the reader.

It was proposed by P Shorland seconded by T Harries

Recommendation to Executive Committee

That the West Dorset, Weymouth and Portland Local Plan Review: Issues and Options document, set out at Appendix 1 of the report, be agreed for the purposes of public consultation, subject to the comments of the Overview and Scrutiny Committee as set out above.

To enable the West Dorset and Weymouth and Portland Local Plan Review: Issues and Options document to be approved for the purposes of public consultation, in order to make progress on the review of the Local Plan.

35. **Budget Report**

Members considered a report of the Strategic Director which provided the committee with the opportunity to comment on the process for the development of the Budget and 2017/18 proposals. Members noted the appendices attached to the report which included budget options that required member approval, those budget options that required management approval and those budget options already approved.

The Strategic Director noted that a member briefing on the Budget would be held on 15 December 2016 where further information would be available to members.

In respect of the budget options for member approval, a concern was expressed with regard to the charge being made to the Dorchester BID for levy collection. A comment was made that the charge could have been higher and that there was a difficult balance to achieve. These comments would be reported to the Executive Committee when they met to consider the Budget in December 2016.

36. **Scrutiny of Update to the Constitution - Code of Conduct for members and officers dealing with planning matters**

At Council on 3 November 2016, members had considered a number of changes to the Constitution, many of which would help to deliver a standardised position across all three partner councils. These changes were agreed by Council with the exception of an update to align the existing Code of Conduct for members and officers dealing with planning matters. At the meeting a number of concerns were raised with regard to this document and it was agreed that the draft document should be referred to the Overview and Scrutiny Committee for re-examination and to provide comments and make a recommendation to the Executive Committee.

Members considered the draft Code of Conduct for members and officers dealing with planning matters which was attached at Appendix 1 to the report. The Corporate Manager, Legal Services and Land Charges noted that the draft document had been subject to an extensive consultation process including planning committee chairs, relevant portfolio holders and group leaders.

Members considered the contents of the draft code of conduct and during discussion the following points were raised:

- In line 2 of paragraph 2.2, reference should be to 'pre-application' and not 'pre-determination';
- In respect of the section of 'Lobbying', a number of members expressed concern that the document would place unnecessary restrictions on the freedom of members to attend meetings or presentations associated with developments. The view was expressed that members of the public would expect elected

councillors to attend these meetings in order to listen to the information and views being given and that they would be criticised for not attending;

- The Corporate Manager clarified that the provision in the code of conduct at paragraph 3.1 (c) related to members of the Planning Committee only. The code of conduct sought to protect members and the council from questions of bias and to reduce the likelihood of pre-determination;
- In respect of single member wards, the point was made that arrangements could be made for another member to attend a meeting or for the member to have a meeting with an officer;
- The key point was that members of the decision making body had access to the same information in order to take the decision on a planning application;
- Members felt that there needed to be clarity within the document between the parts that applied to members of the Planning Committee and which parts applied to all members;
- Points were made that members were there to represent the residents in their ward and that ward members needed the freedom to be able to attend relevant meetings or presentations;
- The Corporate Manager noted that the document encouraged members to consider their actions in respect of planning matters but was not prescriptive in what they could or could not do;
- If a member received a representation in connection with a development or planning application, this should be passed on to the relevant planning case officer;
- In response to a question raised, the Corporate Manager confirmed that references in paragraph 3.1 (c) and the paragraph immediately following related to both public and private meetings. The general point being made was that the safest approach for members was to decline an invitation. However the document recognised that there could be public consultations and this would be for members to decide whether they attended;
- A number of members made the point that the draft document should be split into two sections – one section setting out the code of conduct and one section to provide general and simplified guidance for members which would provide greater clarity for both members and the public;
- A request was made that reference to ‘constituents’ should be removed and replaced with ‘residents’ throughout the document;
- With regard to section 3.2 (Lobbying – by members), the view was expressed that it was important for members to be able to remain in a meeting of the Planning Committee in order to hear the outcome of the determination of the application and to assure themselves that correct procedures had been followed. Therefore it was felt that the section stating that members would be advised to withdraw following public or ward member speaking opportunities, should be deleted;

- The Corporate Manager noted that the wording of the document was deliberately not precise as it was intended to give guidance to members;
- The Leader of Council clarified that the wording at paragraph 3.1 (c) applied when a planning application had been submitted to the council but not yet determined. The point was made that many representations, meetings and presentations were held at the pre-application stage which would not be covered by the wording referred to above. It was suggested that the document could be reworded to make sure that it was clear that this was a set of rules that applied to members of the Planning Committee once an application had been submitted;
- With regard to paragraph 3.2 (e), members discussed whether reference should be made to 'planning merits' or 'planning issues'.

The Executive Committee would reconsider the draft code of conduct at the meeting in December 2016 and the comments of this committee would be presented for consideration.

Recommendation to Executive Committee

That the points raised by the Overview and Scrutiny Committee as detailed in the bullet points above, particularly the recommendation that the document is divided into two parts – one part to set out the code of conduct and one part to provide guidance to members - be reviewed by the Executive Committee when the draft Code of Conduct for members and officers dealing with planning matters is reconsidered.

To respond to the resolution of Full Council on 3 November 2016 for the Overview and Scrutiny Committee to undertake a review of the Code of Conduct for members and officers dealing with planning matters for recommendation to the Executive Committee.

37. Overview and Scrutiny Committee Work Plan

Overview and Scrutiny Committee work plan

Members received and considered the work plan for the committee and the Chairman ran through items coming up at future meetings.

Executive Committee Forward Plan and decisions

Members noted the items included on the Executive Committee Forward Plan and decision lists. In respect of the Executive Committee meeting on 1 November 2016 and the decision in respect 'Annual progress report for Dorchester Sports Centre', an update would be sought on the current situation and circulated to members by email. In addition, related to the decision on 'Property Asset Management Plan update report', members noted that a list of council assets had been circulated to all members.

38. Questions

There were no questions.

39. **Outside Bodies**

Reports from councillor representatives on the Dorset Health Scrutiny Committee and Dorset's Best Kept Village were circulated.

40. **Urgent items**

There were no urgent items.

Duration of meeting: 2.15 - 4.32 pm

Chairman

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