Minutes of a meeting of the PERFORMANCE MONITORING PANEL held in Meeting Room 1, Council Offices, Priory Road, Spalding on Tuesday, 3 November 2009.

PRESENT

Councillors:

B Alcock – Chairman
D G Best – Vice Chairman
M Bamber
R J H Creese
D A Tennant
S M Booth
C J Lawton
D J Wilkinson
A Casson

Officers: The Corporate Director (Andrew Petcher), the Leisure Facilities Manager and the Community Services Manager.

Apologies for absence were received from Councillors F Biggadike, C J T H Brewis, R Clark, A Harrison and J Jones.

283. MINUTES

The minutes of the Performance Monitoring Panel meeting held on 16 September 2009 were signed by the Chairman as a correct record.

284. TRACKING OF RECOMMENDATIONS

Response of the Cabinet to the Final Report of the Asset Management Task Group

Consideration was given to a report outlining the response of the Cabinet to the recommendations of the Asset Management Task Group.

The Task Group’s work had comprised of a review of garages and public conveniences and due to the two subject areas, two separate final reports were produced. Councillor F Biggadike, the Chairman of the Task Group, had attended the meeting of the Cabinet on 15 September 2009 to present the final reports, which contained the recommendations of the Task Group as agreed by the Performance Monitoring Panel on 15 July 2009.

With regard to the review of garages, the Cabinet had decided that officers review the recommendations in order to compile an implementation plan, to be signed off by the Portfolio Holder for Healthy Communities, and that this be submitted to the Performance Monitoring and Policy Development Panels for consideration. With regard to the review of public conveniences, the Cabinet accepted all of the Task Group’s recommendations.

Members commented that initial reaction from the public in Sutton Bridge and Holbeach indicated that there was opposition to the recommendation of a community toilet scheme. However, the Director reiterated that this was currently a trial and that Sutton Bridge and Holbeach were being used as pilot areas for the scheme.

DECISION: That the responses of the Cabinet to the recommendations of the Panel be noted.
285. **FORWARD PLAN**

Consideration was given to the Forward Plan for the period November 2009 to April 2010.

Members queried the Ayscoughfee Hall Museum Management Proposals item, which was due to be considered by the Cabinet on 10 November 2009. The Director explained that this was a proposal by Lincolnshire County Council to take over the management of the Ayscoughfee Hall Museum as part of its museum service. The Head of Economic and Community Development was currently considering the implications of the proposal and would submit her findings in due course. Members questioned why this item had not appeared on the agenda for the forthcoming meeting of the Cabinet on 10 November 2009, despite this being the date for consideration indicated on the Forward Plan. The Corporate Director advised that the reason for this would be established and that members would be advised accordingly.

**DECISION:**

(a) That the Forward Plan for the period November 2009 to April 2010 be noted; and

(b) That the reason the management proposals for the Ayscoughfee Hall Museum were not being considered by Cabinet on 10 November 2009, despite this being the date for consideration indicated on the Forward Plan, be established, and that members be advised of the reasons accordingly.

286. **QUARTERLY GOVERNANCE AND PERFORMANCE MONITORING UPDATE ON ISSUES RAISED AT LAST MEETING**

At its meeting on 16 September 2009, the Performance Monitoring Panel had considered the quarterly Governance and Performance report for the period 1 April to 30 June 2009. A variety of issues had been discussed, and the Panel had requested further information on the following two topics:

- **Disabled Facilities Grant** – Under Priority 1, Affordable Homes, the financial risk/issue ‘Lack of funding for Disabled Facilities Grant’ had a status of red. The implications to this were that public funds had been totally paid/committed for this year and that disabled person were not receiving the adaptations they needed.

- **User numbers at the South Holland Centre and Castle Sports Complex** – Under Priority 4, Improving Health through Cultural and Sporting Opportunities, the National Indicator titles ‘Visitors to South Holland Centre’, ‘Visitors to Castle Sports Centre – Dry Side’ and ‘Visitors to Castle Sports Centre – Wet Site’ had all failed to hit their targets.

**Disabled Facilities Grant**

The Community Services Manager provided the Panel with a briefing note on Disabled Facilities Grants. Disabled Facilities Grants were allocated to disabled persons on the recommendation of an Occupational Therapist to fund adaptations in order to allow the person to remain in their home. The Grants were paid to private home owners from the General Fund and to tenants of Council owned properties from the Housing Revenue Account.
286. QUARTERLY GOVERNANCE AND PERFORMANCE MONITORING UPDATE ON ISSUES RAISED AT LAST MEETING (Continued)

Disabled Facilities Grant (Continued)

The money for Council house adaptations was increased in 2009/10 from £150,000 to £225,000 however, as there was already a long waiting list, most of this was expended on 1 April 2009. It was anticipated that if the budget was not increased considerably, that the Authority would be in the same position next year as this, with the budget being spent as soon as it became available. The budget for private Disabled Facilities Grants was provided by funds from Central Government and SHDC. The money from this budget had also been spent and there was now a waiting list.

The reason that the number of applicants for disabled facilities grants was increasing was in part due to the demographics of the area in that there was a larger than normal proportion of elderly people living in the area and overall, the population was increasing.

Members discussed the briefing note and the following points arose from the discussion:

- SHDC was comparable to other authorities in that it had a waiting list for Disabled Facilities Grants.
- The system was considered to be value for money. When plans were received, it was ensured that value for money was achieved and that the least amount of adaptation to a property was undertaken.
- It would be difficult for money to be found from another source to fund adaptations. Every request received was required by the claimant, and was supported by a referral from an occupational therapist. Even though every case was deserving, there were not sufficient funds to cater for every application immediately.
- Currently, no applicant waited for longer than a year for their request to be actioned. If the application was not approved because funding had been used up in one particular year, it would be placed on a waiting list for the next year.
- Some of the criteria under which an individual could apply for a Disabled Facilities Grant had changed over recent years, thus increasing eligibility. This had put some pressure on the available budget however, central government had introduced a limited charge which could be levied against people who left the adapted property within ten years which was seen as a method of addressing this.
- Applications were not prioritised in any way. They were dealt with in the order in which they were received.
- Communication with applicants could be improved. It was acknowledged that the system could be explained more clearly, where applicants were not able to gain funding straight away. Currently, applicants were advised in an offer letter which was sent after eligibility checks were undertaken. This could be amended so that applicants would be advised of the waiting list, which they may be placed on, when the preliminary form was sent out.
286. QUARTERLY GOVERNANCE AND PERFORMANCE MONITORING UPDATE ON ISSUES RAISED AT LAST MEETING (Continued)

Disabled Facilities Grant (Continued)

- Council house tenants did not get preferential treatment with regard to grant allocation. Although different budgets were used, the same system was used to means test private home owners and Council tenants.

- The Council had a Small Repairs Budget which could be used for very small adaptations.

- Where adaptations had been made to council housing and the applicant no longer lived at the property, every effort would be made to reuse these where possible. The Housing Department always tried to match a property with the person.

Usage of the South Holland Centre and Castle Sports Complex

The Leisure Facilities Manager provided the Panel with an update on user numbers at both facilities.

The user numbers for the Castle Sports Complex were in line with the figures for 2007/2008. Currently, investment was being undertaken in the facilities and plant equipment and it was hoped that as a result, more people would wish to start using the facility again. It was acknowledged that it was as an ageing property and that radical steps would ultimately have to be taken in order to improve it.

The South Holland Centre was trading just above the figures for 2007/2008. The last year, 2008/2009 had been exceptional with a very successful programme of events. This had been one of the reasons for the drop in figures this year, 2009/2010, combined with the effects of the economic downturn. There had also been some impact from the fact that a local performing arts group, which had been based at the South Holland Centre, had in the last year moved to its own premises. The Centre was looking to develop a programme to counteract this. User numbers in the café bar were also down. Capital funding was being used to redevelop the foyer area and a new revolving door had been installed. It was hoped that this, in combination with the installation of automatic lighting, which worked on sensors, would result in a decrease in utility costs.

A number of other issues relating to the facilities were explained:

- Each year, the South Holland Centre received a grant from the Arts Council. This year, there had been a strong focus on promoting the under 26 scheme which allowed qualifying venues (of which the South Holland Centre was one) to provide a number of tickets for live performances to individuals aged under 26 who were registered on the scheme. The South Holland Centre had been very successful in operating the scheme and had recently received a letter of congratulation from the Arts Council, as it had run one of the most successful schemes in the country. The theatre was very highly regarded by the Arts Council, by the County and beyond. It always developed a diverse programme of events and had a good marketing programme in place which was currently looking at promotion in the areas surrounding South Holland.
286. QUARTERLY GOVERNANCE AND PERFORMANCE MONITORING UPDATE ON ISSUES RAISED AT LAST MEETING (Continued)

Usage of the South Holland Centre and Castle Sports Complex (Continued)

- In order to retain Arts Council funding, there needed to be a strong focus on the arts and audience development, which limited how many commercial and community events could be brought to the Centre.

- When programming performances, the South Holland Centre continually had to strike a balance between community access and more commercial events.

- The London Mozart Players, who had been in residence in the area for over a year, were continuing their programme of events for the forthcoming year. The performances that they gave frequently went out into the community, covering all areas of South Holland.

- Recently, there appeared to be a trend amongst artists to vary their appearances with a mixture of larger and smaller venues. It was considered that this could be an opportunity to encourage better known artists to the Centre.

- The South Holland Centre actively developed networks, for example, by attending showcase events including the Edinburgh Festival and speaking directly to artists, directors and promoters. The Lincolnshire Thrive programme had to date supported venues and aimed to bring a better programme of events to the area.

- The situation with revenue was different for the South Holland Centre and the Castle Sports Complex. Revenue at the South Holland Centre was important as the authority retained this income, whereas admission charges at the Castle Sports Complex were retained by the contractor. The health agenda was the issue that drove the authority with regard to usage of the Castle Sports Complex.

DECISION: (a) That the updates provided on the Disabled Facilities Grant and usage of the Castle Sports Complex and the South Holland Centre be noted; and

(b) That the issues raised by the Panel, as outlined above, be noted by relevant officers.

(The Leisure Facilities Manager and the Community Services Manager left the meeting following consideration of the above matter).

287. DEVELOPMENT CONTROL IMPROVEMENT PLAN

Consideration was given to the report of the Head of Planning and Development which provided the Panel with a further update on progress made on continuing improvements to the Development Control Service.

The Development Control Improvement Plan, which contained a total of 30 recommendations aimed at ensuring continuous improvements to the service, had been
presented to the Performance Monitoring Panel on 30 October 2008 and then subsequently to the Development Control Committee on 14 January 2009.

An update report was presented to the Panel on 15 April 2009. This report considered the Improvement Plan’s 30 recommendations individually and reported on the actions taken on each. At the meeting on 15 April 2009, the Panel resolved:

(a) That the update report of the Head of Planning and Development be noted;

(b) That the Panel receive a further update on the progress of the Improvement Plan in September 2009;

(c) That Councillors F Biggadike and D J Wilkinson be nominated as representatives of the Performance Monitoring Panel to sit with officers on an Independent Review Panel in order to ensure that a full audit be undertaken of recommendations 4 (improving File Discipline) and 6 (Maintenance of Site Notes and Records of Meetings) to the Improvement Plan; and

(d) That consideration be given at a future Panel meeting to the setting up of a Task Group to address issues around the siting and maintenance of open spaces and play areas within residential developments.

The report did not give an update on each of the 30 recommendations to the Improvement Plan individually. Instead, it focussed upon actions undertaken since the last report to Panel in April, legislative changes to service delivery and the minuted resolutions of Members following the April meeting. The Head of Planning and Development also advised that it was his intention to report periodically to the Panel with regular updates on service improvements.

Members discussed the report and the following points were raised:

- Members had been using the EDRMS system and website for a short time and comments were generally favourable. One of the main complaints was that where comments were added to the system, an address had to be input each time. Officers were aware that there were issues regarding this and that it is would be preferable to change this part of the procedure however, there were technical reasons why this could not be done.

- Members had the same access to the EDRMS system as the public. It was suggested that a hierarchy be introduced with regard to usage which would enable some users to access the system at a higher level.

- Where there were any issues of concern, it was suggested that SHDC take these forward with other authorities using the EDRMS system so that they could be investigated more thoroughly.

- Many of the issues detailed in the Improvement Plan had been taken forward, as detailed within the report. However, one of the areas still causing concern was with
regard to file issues, the taking and retention of file notes, and the recording of meetings with applicants. A more conscious effort needed to be made to improve these areas.

- There had to be an assurance that all aspects of the improvement plan were being dealt with. The Performance Monitoring Plan had initiated improvement within Development Control which had been reinforced by the issues arising from the Nestwood development. The Panel therefore requested that the Head of Planning and Development provide clarification on the progress of the Improvement Plan.

DECISIONS:

(a) That the report of the Head of Planning and Development be noted;

(b) That the Head of Planning and Development note the above comments raised by the Panel with regard to progress made to date in delivering the requirements of the Development Control Improvement Plan, and progress these accordingly;

(c) That the Improvement Plan be amended to include the requirement to produce a series of further reports for consideration at Development Control Committee which would seek to address issues which had been identified as causing concern amongst Members, namely;

(i) Guidance relating to the provision of meaningful and useable public open space and play provision.

(ii) Guidance relating to the provision and insertion of meter-boxes, including the introduction of standard conditions to address this matter.

(d) That the Head of Planning and Development be requested to amend the Improvement Plan to include proposals to address the common issues identified from the Annual Review of Implemented Planning Decisions;

(e) That in relation to item c(i) above, this piece of work be undertaken to coincide with the work of the task group set up to look at this area, which would be commencing in the new year; and

(f) That the Head of Planning and Development report periodically to the Panel with regular updates on service improvements.
288. **COUNCILLOR CALL FOR ACTION**

Consideration was given to the report of the Head of Customer, Legal and Member Services which informed the Panel of the implementation of the regulations that enabled Councillors to refer matters to the Overview and Scrutiny Panels.

A provision of the Local Government and Public Involvement in Health Act 2007 enabled all Councillors to refer matters to Overview and Scrutiny Panels for consideration. Implementation of what had become known as the ‘Councillor Call for Action’ had recently come into force.

Section 119 of the Local Government and Public Involvement in Health Act 2007 set out provisions for the Councillor Call for Action. The idea of the regulations was to provide Councillors with the opportunity to ask for discussions at Overview and Scrutiny Panels on issues where local problems had arisen and other methods of resolution had been exhausted.

The regulations stated that the following matters could be considered under a Councillor Call for Action and referred to Overview and Scrutiny:

- A local government matter, i.e. a matter which:
  - related to the discharge of any function of the authority
  - affected all or part of the electoral area for which the member was elected or any person who lived and worked in the area; and
  - was not an excluded matter (as detailed below)

- A local crime and disorder matter i.e. a matter concerning:
  - crime and disorder (including in particular forms of crime and disorder that involved anti-social behaviour or other behaviour adversely affecting the local environment) or,
  - the misuse of drugs, alcohol and other substances that affected the electoral area represented by the member or the people who lived and worked in that area.

The regulations dealt with any matters that could be excluded from the Councillor Call for Action, stating that ‘any matter which was vexatious, discriminatory or not reasonable’ was to be excluded.

Other issues to be excluded from the Councillor Call for Action were:

- Matters which related to planning and licensing decisions
- All other areas where a person had a statutory right to a review or right of appeal.

South Holland District Council already had in place a facility that covered the requirements of new regulations. The exclusions from the Councillor Call for Action, as outlined above, mirrored those set out in the Local Government Act 2000 upon which the Council’s Constitution in relation to Scrutiny was based. However, Section 8(b) of Section 5 of Part 4 of the Constitution did not make it explicit that there were exclusions.
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288. COUNCILLOR CALL FOR ACTION (Continued)

DECISIONS:  
(a) That the report of the Head of Customer, Legal and Member Services, outlining the new Councillor Call for Action arrangements be noted; and

(b) That the minutes of this meeting be presented to the Council to seek the following necessary changes to the Constitution:

That the following paragraph, Section 8(b) of Section 5 of Part 4 of the Constitution, be amended to clarify that scrutiny of quasi-judicial matters, such as individual planning and licensing applications, are not permitted by the 2000 Act – 'Any Member of the Council may give written notice to the Head of Customer, Legal and Member Services that he/she wishes an item to be included on the agenda of a relevant Panel. If the Head of Customer, Legal and Member Services receives such a notification, then he/she will include the item on a future agenda of the relevant Panel for consideration by the Panel'.

289. PERFORMANCE MONITORING PANEL WORK PROGRAMME

Consideration was given to the report of the Head of Customer, Legal and Member Services which set out the Work Programme of the Performance Monitoring Panel. The Work Programme consisted of two separate sections, the first setting out the dates of future Panel meetings along with proposed items for consideration and the second setting out the Task Groups that had been identified by the Panel.

DECISION:  
(a) That both sections of the Panel’s Work Programme, detailed in the report of the Head of Customer, Legal and Member Services, be noted;

(b) That upon completion of the Effectiveness of CCTV Task Group, work commence on the Task Group set up to address issues around the siting and maintenance of open spaces and play areas within residential developments;

(c) That the membership of the Task Group set up to address issues around the siting and maintenance of open spaces and play areas within residential developments consist of Councillors A Casson, M Bamber, S M Booth and F Biggadike;

(d) That the Member Services Officer (Overview and Scrutiny) contact Councillor F Biggadike to confirm that he wished to be a member of the Task Group, as his name had been put forward at the meeting in his absence. The
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Officer was also to contact members not present at the meeting to ascertain whether they wished to be a member of the Task Group; and

(e) That the Lead Officer to the Task Group be confirmed as the Head of Community and Neighbourhood Services.

(Meeting ended at 7.45 pm).

(End of Minutes.)