

WYRE FOREST DISTRICT COUNCIL

OVERVIEW & SCRUTINY COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

THURSDAY 5TH OCTOBER 2017 (6 PM)

Present:

Councillors: H E Dyke (Chairman), M Rayner (Vice-Chairman), J R Desmond, P Dyke, K Henderson, D Little, T L Onslow, S J Walker, H S Williams and S J Williams.

Observers

Councillors: I Hardiman, N Knowles and F M Oborski MBE.

OS.41 Apologies for Absence

Apologies for absence were received from Councillor R Wilson.

OS.42 Appointment of Substitutes

Councillor T L Onslow was a substitute for Councillor R Wilson.

OS.43 Declarations of Interests by Members

No declarations of interest were made.

OS.44 Minutes

Decision: The minutes of the meeting held on 7th September 2017 be confirmed as a correct record and signed by the Chairman.

OS.45 Annual Update from the Section 106 Officer Monitoring Group

The Committee received an annual update from the S106 Officer Monitoring Group on the Council's current S106 schemes.

The Cultural Services Manager provided the Committee with a brief background to the report, advising that Members were given the opportunity to appraise the Council's current S106 projects in an annual update to ensure Members were fully informed about matters which affect their electoral ward.

Members were led through the report and considered each project in turn. A Member queried whether the funding for affordable housing in four social rented units were ward specific or whether they could be allocated to anywhere in the Wyre Forest area. The Committee Services Officer was asked to request a response from the Head of Strategic Growth which would then be circulated to the Committee.

The Vice-Chair of the Overview and Scrutiny Committee queried the sum of £10,000 secured for modelling works to provide a solution to air quality issues in Blackwell Street, Kidderminster. The Planning Development Manager explained that modelling works were computer based and showed the flow of traffic to help deliver the aspirations set out within the adopted Churchfields Masterplan.

A discussion ensued regarding the Public Open space contribution for Blackwell Street, Kidderminster which had been allocated to Brinton Park. In response to a Member's question regarding why money was not allocated to St George's Park which is closer to Blackwell Street, the Cultural Services Manager explained that contributions were allocated to where they could be most effectively spent, which in this instance was Brinton Park; a strategic park for the whole district.

Agreed: The annual update from the Officer Monitoring Group on the Council's current 106 schemes be noted. Another update would be received in 12 months.

OS.46 Processes for Business Rates Debt Recovery

The Committee considered a report from the Revenues, Benefits and Customer Services Manager which outlined the National Non Domestic Rates (NNDR) debt collection procedures in order to minimise write offs.

The Revenues, Benefits and Customer Services Manager led Members through the report and explained that this was a complex subject which had been simplified for the purpose of the report. She advised Members that in 2016 the Council created the post of NNDR Officer specifically to manage the NNDR caseload, which included the collection of business rates. She referred to point 2.6 of the report to Overview and Scrutiny Committee, which provided details of the percentage of business rates collected from 2008/9 to 2016/17. The Revenues, Benefits and Customer Services Manager highlighted that there was a reduction in the amount collected in 2016/17 which was attributed to the liquidation of a large High Street property owner and a late payment from another large unit.

The Revenues, Benefits and Customer Services Manager further explained that a lot of issues faced by the Council are rates avoidance. She referred to the case studies in Appendix 3 of the report to Overview and Scrutiny Committee which provided examples of instances of rates avoidance which were both time consuming and complex. She confirmed that in 2014/15 the Government issued a consultation on rates avoidance which Wyre Forest District Council responded to and added that the most common forms of avoidance included repeated contrived periods of occupation by charities.

In answer to a Member's question regarding the recovery process and when debts are considered for write-offs, the Corporate Director: Resources explained that the decision to write off a debt was a final resort after all other options were exhausted. She confirmed that it was unfortunately inevitable that some businesses would fail and the Council took steps to ensure that write offs were covered with suitable provision.

In response to a Member's question regarding where the write offs from Wyre

Forest District Council benchmarked with other authorities, the Revenues, Benefits and Customer Services Manager explained that the Council was comparable with its neighbours.

The Chairman of the Overview and Scrutiny Committee thanked the Revenues, Benefits and Customer Services Manager and the Principal Revenues Officer for their contribution and added that the report would be a good reference for future use.

Agreed: The report be noted.

OS.47

Scrutiny of Business Cases in respect of the Capital Portfolio Fund and Development Loan Fund.

The Committee considered a report from the Chief Executive that invited consideration of a proposal to establish a sub-committee of the Overview and Scrutiny committee to consider business cases in respect of the capital portfolio fund and development loan fund.

The Chief Executive led Members through the report. He advised that establishing a sub committee would allow flexibility for business cases to be scrutinised. He added that the sub-committee would meet only when the timing of the decision making process meant that the full Committee could not consider a business case.

Councillor Steven Walker entered the meeting at this point (6.56 pm)

Members welcomed the opportunity for the establishment of a sub committee and additional scrutiny, which was a positive way forward.

A discussion ensued regarding the political balance of the sub-committee. In response to a Member's question the Chair of the Overview and Scrutiny Committee confirmed that, due to the political balance of the Council, the current Vice- Chair of the Overview and Scrutiny Committee would be unable to sit on the sub-committee as a member. She added that this decision had been debated previously at Overview and Scrutiny Committee. The Chief Executive advised that the size of the sub-committee meant that three of the groups would be represented. However the fourth and smallest group would not have a seat as a result of the current political balance.

Agreed: The Committee resolved:

- 1.1.1 to establish a sub-committee consisting of five members of the Overview and Scrutiny Committee, politically balanced;**
- 1.1.2 that substitution of members is permitted in accordance with paragraph 3.11 of the Council Procedure Rules;**
- 1.1.3 that the terms of reference of the sub-committee are solely to scrutinise, and make recommendations upon, business cases in respect of the capital portfolio fund and development loan fund;**

1.1.4 that the sub-committee shall be chaired by the Chairman of the Overview and Scrutiny Committee. In the event that the Chairman is unable to be present at a meeting of the sub-committee, the sub-committee shall appoint one of its members to chair that meeting.

OS.48 Overview and Scrutiny Work Programme:

A report was considered from the Chief Executive that invited the Committee to agree to additions to its work programme.

The Chief Executive advised that members of the Committee had informally met with Officers to discuss the work programme in light of the Local Government Association's Peer Review. He added that the Chair and Vice-Chair of the Overview and Scrutiny Committee had identified potential issues that could be considered, which were set out in point 3.2 of the report to the Overview and Scrutiny Committee.

Members welcomed the additions to the work programme and noted in particular the inclusion of Police and Communities Together (PACT) meetings. It was acknowledged that the nature of the meetings had changed over the years and it was important for the topic to be discussed. The Chair of the Overview and Scrutiny Committee commented that proposed additions to the work programme were issues that members of the public had contacted Councillors about and therefore it was important to include them.

The Chief Executive explained that the informal discussions about the work programme had touched on the arrangements for review panels. It was suggested that, whilst any councillor can propose items for scrutiny, Overview and Scrutiny Committee members should expect to lead the process and chair each newly established review panel. He advised Members that the Committee could recommend that the Constitution be amended to embed this requirement.

Agreed: The proposals set out in paragraph 3.2 of the report to the Overview and Scrutiny Committee be included in the Overview and Scrutiny work programme.

Recommend to Council: The Council's constitution be amended to incorporate the additions to the work programme as set out in paragraph 3.2 of the report.

OS.49 Feedback from Cabinet

Agreed: The content of the Cabinet decision list following consideration of the recommendations from its meeting on 20th September 2017 be noted.

OS.50 Press Involvement

There were no future items for scrutiny that might require publicity.

There being no further business the meeting ended at 7.14pm.