

GROWTH SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 6 OCTOBER 2016

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GROWTH SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON 6 OCTOBER 2016

Present:

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|---------------------------|---------------------|
| Councillor C Smith..... | (Chair) |
| Councillor J Windle | (Vice-Chair) |
| Councillor S Boyle | Councillor A Powell |
| “ C Cupit | “ B Rice |

Also Present

Grant Galloway – Assistant Director – Property and Estates (Min No 322)
Adrian Kirkham – Planning Services Manager (Min No 323)
Stephen Kimberley – Principal Planning Officer – Enforcement (Min No 323)
Sue Veerman – Overview and Scrutiny Manager
Sarah Cottam – Governance Officer

319 Apologies for Absence

Apologies for absence were received from Councillors R Smith and K Tait.

320 Declarations of Interest

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at this meeting.

321 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Growth Scrutiny Committee held on 1 September 2016 be approved as a correct record and signed by the Chair.

322 Joint Ventures for General and Housing Land

The Committee considered a presentation from Grant Galloway, Assistant Director – Property and Estates on using joint ventures for developing general fund land. The Assistant Director – Property and Estates advised the Group on why a Joint Venture Company might be of benefit to the Authority. The Committee were advised that a Joint Venture company could be used to deliver open market sales of residential and commercial developments on both Council and privately owned land.

The drive for creating a company was to stimulate economic growth by delivering housing and commercial developments on Council owned land along with selected sites currently in private ownership. It could also be used to deliver development for partner organisations such as Parish and/Town Councils.

The Assistant Director said there were currently some issues with private owners, land banking. Sites using a Joint Venture company would guarantee land put into the company would be developed.

The Committee were advised that a suggested model for the Joint Venture Company was a company which could be set up with a private sector partner. The Council would own 50% of the company and the private partner would own 50% of the company.

There would be a Joint Venture Board which would be made up from two directors from the Council and two from the private company. The company would be set up to operate on a commercial basis and free of public sector procurement requirement. Once set up the company could be used as a mechanism to deliver multiple sites across the District but not limited to sites in the Council's ownership ie build and sell houses on the open market. The company would give the Authority a way to tap into the industry expertise and to share development risk with the private sector. The company would be controlled equally on a 50:50 basis with unanimity for all key commercial and constitutional matters.

The Committee were advised that Bolsover District Council already had a company set up called Dragonfly Development Limited and this company had three sites going through the Planning process. Bolsover District Council and Dragonfly Limited worked alongside a developer named Robert Woodhead Limited who had been trading for 50+ years and held a good proven reputation through being part of a local authority framework. It was advised that Robert Woodhead Limited was ethical in its work and would bring in local labour from the area.

The Committee were advised that Social Value to any developments was important. The Assistant Director – Property and Estates outlined the benefits of a Joint Venture company for the Authority. Land was directly developed and not landbanked as previously mentioned. The full market value of the land was received by the Council and 50% of the developer profit was also paid back to the Council. Research had already started to take place on sites in the District and a report had recently been to Leadership who had asked the Assistant Director – Property and Estates to investigate further the concept. Subsequently Leadership have agreed to follow up on the concept of a Joint Venture Company.

Members discussed at length the idea of a Joint Venture Company and were happy with the concept and praised the pro-activeness of the officers involved.

The Chair on behalf of the Committee thanked the Assistant Director – Property and Estates for attending the meeting.

RESOLVED –

- (1) That the members of the Growth Scrutiny Committee in principle fully supported the concept of setting up a Joint Venture Company.
- (2) Request that the Assistant Director – Property and Estates feeds back to the Growth Scrutiny Committee on progress of the Joint Venture Company in due course.

(Assistant Director – Property & Estates)

323 Unauthorised Development

Adrian Kirkham, Planning Manager (Development Management) and Stephen Kimberley, Principal Planning Officer (Enforcement) attended the Committee to discuss with members the enforcement of unauthorised development within the District.

The Committee was advised that some developments can take place without the consent of the Local Planning Authority with permission being effectively given by central government. This is called “permitted development” and the Council has no power over these matters.

The Planning Manager advised the Committee that a variety of steps can be taken with regard to unauthorised development but action doesn’t necessarily have to take place, the use of powers is discretionary, usually a common sense approach would be taken. The relevant party can appeal against the service of formal notices, including enforcement notices, and it was advised that the enforcement process was not necessarily a quick process and the planning department would always try to resolve the issue through other means such as holding discussions between themselves and the applicant. The Committee were advised that injunctions may also be served but this was usually seen as a last resort and may prove costly to the Council.

The Planning Manager advised that the District’s Enforcement Team were primarily reactive to complaints received, and could not currently offer a pro-active service due to the level of enforcement resources available compared to the complaints received. Larger Council’s would often employ a specific officer to deal with compliance (with approved planning consent) but this was not possible in smaller authorities such as ourselves. The Principal Planning Officer (Enforcement) advised that the majority of complaints received by the Council were residential. It was advised that 145 complaints had been logged this year to date. The Committee were advised that any complaints submitted to the planning department needed to be submitted via letter or e-mail and not anonymously (with the exception of those received from Members). This was to ensure the correct information was received by the Council. However, it was stressed by the Planning Officers that the complainants’ details would always be kept confidential.

One member raised a query over Section 106 Agreements and requested the Planning Manager to clarify how these agreements were dealt with. The Planning Manager advised that there could be confusion over Section 106 Agreements as a breach of the 106 Agreement was a breach of contract which was a legal matter and not a Planning matter.

The Committee were advised that a report went to the Planning Committee quarterly advising of all outstanding section 106's and particularly those where money had been received by the Council. The next such report was due to go to the October Planning meeting.

The Planning Manager advised that he was happy to talk to any member regarding unauthorised development in their wards or elsewhere either by telephone or by e-mail.

The Chair, on behalf of the Committee thanked the Planning Manager and the Principal Planning Officer (Enforcement) for attending the meeting.

RESOLVED – That the update on unauthorised development be noted.

324 Scrutiny Review

The Overview and Scrutiny Manager gave an update of where the Committee was at in the discussions regarding this year's scrutiny review topic. Various suggestions had already been discussed in previous meetings which included the developer's prospectus and how other authority's gained funding from international countries. Following the scheduled scoping meeting which was held recently between the Overview and Scrutiny Manager, the Chair and Vice-Chair of the Committee and the Lead Officer for the service it was agreed that these two topics did not provide a viable review.

A further suggestion was put forward in the scoping meeting on carrying out a review on Transport and Connectivity in the District. The key issues raised from transport and connectivity were:-

- HS2
- Rail Network and Stations
- Electrification of the Midland Main Line
- Supertram
- Roadlinks
- Bus Provision
- A61

The Overview and Scrutiny Manager advised the Committee that the subject put forward was probably too large to carry out a full review in the remainder of the Committee's year.

A discussion was then held on focussing on a particular issue. The Overview and Scrutiny Manager advised on each of the areas including The Sheffield City Region consultation into the future of the Sheffield Supertram. It was advised that the closing date for the consultation was 31 October 2016 and was thinking ahead for the next 30 years. Members discussed at length the key issues around transport and connectivity within the District and felt there was not enough time to hold a full review into all of the key issues arising from this topic. It was therefore proposed to focus on issues with the A61.

This would include issues in relation to the Local Plan and the impact of housing around the A61 road. The Committee were advised that Derbyshire County Council had a £5m pot of money for improvements to the A61. Members discussed the issues at length regarding the A61 and felt that possibly talking to other organisations on their intentions for the A61 would make a good topic to review. However, due to their being only two interviewing meetings remaining in this municipal year, it was felt that a quick review should be carried out on the topic. Members also suggested that Derbyshire County Council should be invited along to answer questions regarding improvements to the A61.

RESOLVED – That a quick review be undertaken by the Growth Scrutiny Committee on improvements to the A61 road network including issues with the road in terms of the Local Plan and the impact of housing.

(Members and Overview & Scrutiny Manager)

325 List of Key Decisions – Issue No 52

The Committee considered Issue No 52 of the List of Key Decisions which set out the major decisions being taken over the next few months.

RESOLVED – That the List of Key Decisions Issue No 52 be noted.

326 Work Programme

The Committee considered its Work Programme for 2016/17 which set out the items which the Committee would consider over the forthcoming year. The Overview and Scrutiny Manager advised the Committee that the Work Programme was a reminder for the Committee to show what was scheduled for each meeting. The Chief Executive Officer and the Assistant Director – Property and Estates would be in attendance at the next meeting to discuss the ‘One Public Estate Initiative’. Digital Derbyshire would also be in attendance to answer questions from the Committee. The Assistant Director – Customer Service and Improvement would be in attendance to provide a further update on the agreed Growth performance indicators.

RESOLVED – That the Growth Scrutiny Committee’s Work Programme for 2016/17 be noted.

(Members/Overview and Scrutiny Manager)

327 Additional Urgent Items

There were no additional urgent items to be considered at the meeting.

328 Date of Next Meeting

The next meeting of the Growth Scrutiny Committee would take place on Thursday 1 December 2016 at 2.00 pm.