

**DRAFT MINUTES OF A MEETING OF THE
CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE
HELD ON MONDAY 6 JANUARY 2014 FROM 7:00PM TO 8:40PM**

*Present:- Norman Jorgensen (Chairman), Michael Firmager (Vice-Chairman),
Tim Holton, Ken Miall and Rachelle Shepherd-DuBey.*

Also present:-

*John Cawdell, Project Officer;
Susan Coulter, Senior Democratic Services Officer;
Councillor John Kaiser, Executive Member for General Planning and Affordable Housing;
Clare Lawrence, Head of Development Management and Regulatory Services;
Andrew Moulton, Head of Governance and Support Services;
Mr John Silvester, Planning and Management Consultant;
Heather Thwaites, Director of Environment; and
Alison Wood, Electoral Services Manager.*

PART I

29. MINUTES

The Minutes of the meeting of the Committee held on 30 October 2013 were confirmed as a correct record and signed by the Chairman.

30. APOLOGIES

An apology for absence was submitted from Councillors Parry Batth, Chris Bowring and Kate Haines.

31. DECLARATIONS OF INTEREST

Councillor Ken Miall declared a personal interest in Item 37.00 as he knew Mr Meadowcroft, had requested to address the Committee, through his work.

32. PUBLIC QUESTION TIME

There were no public questions. However, the Chairman advised that two members of the public, Mr Meadowcroft and Mr Berman, had requested to address the Committee on Item 37.00, Planning Enforcement.

33. MEMBER QUESTION TIME

There were no Member questions.

34. FORTHCOMING ELECTION COUNTS

The Committee received a report, as set out on Agenda pages 6 to 9, which gave an understanding of the issues which will affect the timing of the various election counts that will take place in 2014 and 2015.

The Head of Governance and Improvement Services advised that on 22 May 2014, there would be elections held for the European Parliament, in addition to elections in 18 out of the 25 Borough wards. There would also be elections for four Parish Councils, which may or may not be contested. The European count will take place on Sunday evening (25th May) so that the result can be announced soon after the close of polls in the rest of Europe at 9:00pm.

The plan was to hold the Borough count in the afternoon of 23rd May. For the 2015 elections, the Parliamentary count has specific requirements regarding the legislation which means that the count has to start within four hours of the close of poll. The Regional Returning Officer had indicated that he will ask for the European verification figures by 2:00pm on Friday 23rd May. The accuracy of the figures is very importance and there will be a zero tolerance in this respect.

The Committee was also advised that new legislation comes into effect for the elections in 2014 which means that it will now be compulsory to check 100% of identifiers from postal voters. At present, only 20% have to be checked, although elections staff have always tried to check 100%.

The Chairman explained that one of the reasons for the requesting the report was to do with the timing of the count. It was usually held on the Friday after the election but Members felt hat it may be more effective if the count was held on the Saturday. He asked if this had been explored. He was advised that this could be explored for the 2015 elections. This would be beneficial in some respects as a lot of the staff working in polling stations on Election Day also worked at the count. Having a day in between the two would mean counting staff would be fresh and may be able to produce clearer, quicker and more accurate results.

Members were concerned that having a count on a Saturday may incur additional costs and asked if these could be explored and reported back to the Committee.

RESOLVED: That the information about planning for the election counts in 2014 and 2015, be noted and any additional costs incurred by holding counts on a Saturday be reported to a future meeting of the Committee.

35. PLANNING ENFORCEMENT

The Committee received report, which was circulated under separate cover, and which advised of the outcome of the independent review of the Planning Enforcement Service and the proposed actions to improve service provision.

Mr Silvester introduced himself. He had been a Director of Planning at Surrey Heath Council and had undertaken several reviews of other local authorities. He was also an adviser to the Local Government Association (LGA) and sat on the Department for Communities and Local Government's (DCLG) working groups. He explained that there was a perception by Members that the service was not providing what the public wanted and as planning is high profile in the public realm, an independent assessment was required. Mr Silvester explained that he had undertaken the review, including consultation with the public, Members, and Parish and Town Councils, via a workshop. He had looked at good practice elsewhere against a checklist of best practice parameters. It was then up to the Council to consider his recommendations as it saw fit. The officers' report was a summary of what had been done and what still needed to be done.

The Head of Development Management and Regulatory Services advised that the planning enforcement team was looking at how the service could improve and deliver the recommendations in Mr Silvester's report. The main areas for improvement were communication, managing expectations and performance. Policies and procedures needed to be updated and it was proposed that a working group be set up so that Members, stakeholders and customers could give their feedback. Guidance needed to be revised, together with the website pages and best practice needed to be promoted.

Resources were tight but the reorganisation that was taking place within the Council may mean that funding could be diverted to the enforcement service.

Councillor Kaiser stressed that the review had been undertaken during a major restructure of the Council's Management structure. There was still work to be undertaken and this would have significant impact on the enforcement service. Members were now advised when a case was intended to be closed so that they could comment, which was a step in the right direction.

The Chairman invited Mr Meadowcroft and Mr Berman to address the Committee.

Mr Berman stated that the Silvester Report was about the maladministration of Wokingham Borough Council's Planning Enforcement service. Maladministration was a strong term but Mr Berman stressed that he used it advisedly because Mr Silvester expressed his criticism in much stronger terms. Mr Berman drew Members' attention to Mr Silvester's main conclusion (para 8.1 on page 42) where he stated:

"The Council's enforcement service is found to inadequately cover the essential requirements of an effective proactive service and thus is not fully fit for purpose".

Not fit for purpose. Mr Berman stated that one could hardly be more blunt than that. Mr Silvester's report continued (in para 8.5) to refer to the need "to reform the service". He also stated in his opening comments that a key issue to be addressed is "Culture change". Mr Berman felt that there was only one interpretation of that, namely that there has been a bad culture within the department and it needed to be shifted to a good culture. Mr Berman summarised that:

- Making the department fit for purpose;
- Reforming the service; and
- Changing the culture;

were the heavy and urgent management challenges.

Mr Berman then drew Members' attention to the Department's response to Mr Silvester: The covering report under Item 37. Mr Berman stated that to be fair, it was early days, and the Council should be judged on what it actually does in the months ahead in 2014, not just on what it now says. However, Mr Berman felt that the tone of the report caused concern because it did not seem to rise to the hard management challenges posed by Mr Silvester, but rather focused first on the softer targets (which Mr Silvester also recommended) namely improving communications and managing expectations. Mr Berman suggested that "Managing expectations" sounded like a coded way of saying "the Department is fine. the problem is the residents. They don't understand. They expect too much. So, all we have to do is educate them better about how things work".

Mr Berman stated that the Committee had already been round this track within the last 12 months: In February 2013, it received a report on Planning Enforcement, which concluded the same unsatisfactory terms. This was neither challenged by the committee nor did any action follow from it.

In conclusion, Mr Berman stated that Mr Silvester's report presented a fresh opportunity for elected Councillors to be not mere bystanders, but to ensure that the necessary

management initiatives will follow from Mr Silvester's recommendations, so that in a year's time, it could be said with hand on heart that:

- Planning Enforcement is now fit for purpose;
- The service has been reformed; and
- The culture has been changed for the better.

Councillor Firmager advised that as Chairman of the Borough / Parish Working Group, he had visited all of the Town and Parish Council's in the Borough, with a view to trying to improve the culture. They favoured a Borough/Parish Charter. With regard to the recommendation relating to an annual parish conference, Councillor Firmager pointed out that the Council already holds an annual Borough / Parish Conference and it could be explored if the issue of Planning Enforcement could be included on the agenda at the next conference.

The Committee was advised that the recommendations in Mr Silvester's report were being undertaken. The next step was to draft an action plan and an Enforcement Charter, setting out what the Council can and cannot do and what customers can expect from the service.

The Director of Environment advised that the current management restructure proposals echoed Mr Silvester's recommendations. It was hoped that the department would have a dedicated senior manager whose remit would be to ensure that the service is effective and has a clear focus on customer service. The main priority was to work up an enforcement charter with stakeholders.

The Head of Development Management and Regulatory Services advised that an action plan had been drafted but it was important to have the management structure in place with the right people in the right roles. Policies, procedures and an enforcement charter should be considered together. It would be six months before consultation with stakeholders and the public could be carried out but for the action plan to be realistic and achievable it would be necessary to put the new management structure in place first.

Councillor Kaiser advised that Members needed to be sympathetic to changes in staffing in the Department. Once there was stability, then work would progress depending on the resources available. The Enforcement Team was committed to improving the service. The Team's computer system was also out of date and needed replacing.

The Chairman invited Mr Meadowcroft to address the Committee.

Mr Meadowcroft started by expressing his appreciation to Councillor Kaiser for inviting him and Mr Berman to participate in the preparation of the Silvester Report and keeping them informed of its progress. He was acutely concerned that the Committee only received Mr Silvester's report last Friday and that, bizarrely, that was also the day after Members were notified of the "Outcome report" by Clare Lawrence. Between last Friday and today, notwithstanding their devotion to their work, it cannot be reasonable to expect all Members have had enough time to digest and reflect on the weighty analysis and the conclusions which the Silvester Report conveyed. Thus, for five Members to come to this meeting with such short notice makes a mockery of the concept of Overview & Scrutiny and Mr Meadowcroft urged the Chairman to extend all discussion on this item to the March 2014 meeting, by which time all Members would have had an appropriate period of time to

consider and reflect on a document of crucial importance to the public credibility of the Borough Council's management and performance.

Mr Meadowcroft reminded Members that they had, barely six months ago, voted 9-0 in favour of an enquiry into planning enforcement to be carried out. Their vote coming in the light of weaknesses which they themselves had experienced. Indeed this project was rated the highest priority on the Committee's programme of work. He explained that Mr Berman had made Members aware of the contrasting remarks in the summary of the Silvester report and the opening remarks in the "Outcome report". Mr Silvester was not, as Mr Berman had pointed, anywhere near as enamoured of the performance and management of Planning and Enforcement in the Borough as the "Outcome report" would have Members think. The Silvester Report must not land in the long grass through a cursory passage at this meeting. Mr Meadowcroft stressed that this was precisely what Overview and Scrutiny should be acutely concerned to prevent if it is to uphold its core task. The Silvester Report was designed by Councillor Kaiser, as a root and branch review of Planning Enforcement matters. It goes a long way to guide this Committee in establishing a service which will become fit for purpose. However the content of the "Outcome report" indicates no robust or strategic plan to achieve such fitness for purpose - tinkering with "communications" and "managing expectations" is no effective outcome when the decent and candid appraisal and consequent guidance which this Committee needs, indeed has the duty, to provide. Mr Meadowcroft urged the Chairman to seize the opportunity to return to this agenda item in March 2014.

The Chairman thanked Mr Meadowcroft and Mr Berman for their input.

Mr Silvester stressed that no one Local Authority worked to best practice. Wokingham Borough Council was not unique in that respect.

The Chairman suggested that the February meeting of the Committee be cancelled and an extraordinary meeting be held in March or April 2014 to consider this matter further and to consider the action plan being drafted by the Planning Enforcement Team. The Senior Democratic Services Officer undertook to organise this.

Councillor Kaiser reminded Members of the excellent training they had received last year on planning matters. The Head of Development Management and Regulatory Services undertook to provide the training again and to bring the action plan back to the Committee for consideration in Spring 2014.

RESOLVED: That:

- 1) Mr Silvester's report be noted;
- 2) The Head of Development Management and Regulatory Services report be noted;
- 3) An extraordinary meeting of the Committee be organised to be held in spring 2014;
- 4) The Planning Enforcement Service action plan be presented to the Committee in March 2014;

36. WORK PROGRAMME

The Committee received a report, as set out on Agenda pages 10 to 12, which outlined the Committee's work programme for the remainder of the municipal year.

The Committee was asked if there were any other items which needed to be included in the work programme. It was suggested that an item be added relating to the recent flooding in the Borough. Members asked why advance warning signs were not displayed around the Borough during the recent bad weather to forewarn residents of the flooded areas. Some roads were closed due to flooding and residents had not been made adequately aware. The Senior Democratic Services Officer undertook to liaise with the appropriate colleagues to ensure that a report would be presented to a future meeting of the Committee.

RESOLVED: That the Committee's work programme for the remainder of the municipal year, be noted, subject to the addition of an item relating to the recent flooding and inadequate provision of advance warning signs for the public.

These are the Minutes of a meeting of the Corporate Services Overview and Scrutiny Committee.

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