

**OVERVIEW AND SCRUTINY COMMISSION
17 FEBRUARY 2021
6.30 - 9.30 PM**



Present:

Councillors Angell (Chairman), Virgo (Vice-Chairman), Mrs Birch, Brossard, Gbadebo, McLean, Mrs Mattick, Mossom, Porter, Temperton and Tullett

Apologies for absence were received from:

Councillor Mrs McKenzie-Boyle

Executive Members present:

Councillor Mrs Hayes MBE, Executive Member for the Environment

Councillor Heydon, Executive Member for Transformation and Finance

Councillor Turrell, Executive Member for Planning and Transport

Also Present:

Councillors Ms Gaw and Leake

In attendance:

Kevin Gibbs, Executive Director: Delivery

Andrew Hunter, Director: Place, Planning & Regeneration

Ann Moore, Head of Democratic and Registration Services

Hilary Coplestone, Strategic Sites & Design Team Manager

61. Minutes

RESOLVED that the minutes of the meeting of the Commission held on 6 January 2021 be approved as a correct record, and signed by the Chairman.

62. Declarations of Interest and Party Whip

There were no declarations made and no indications that members would be participating while under the party whip.

63. Urgent Items of Business

There were no items of urgent business.

64. Public Participation

No submissions had been made by members of the public under the Council's Public Participation Scheme for Overview and Scrutiny.

65. Scrutiny of Planning practices

The Commission invited guests to address the meeting before considering the following question: "Are our current planning practices robust enough to protect Bracknell Forest from developers manipulating viability study process?"

Andrew Hunter, Director: Place, Planning and Regeneration addressed the Commission on the Council's current planning practices. Andrew Jones from BPS

Chartered Surveyors explained the viability assessment process. Jim Bailey, representative from Pegasus Planning provided the Commission with a developer's perspective. Councillor Turrell, Executive Member for Planning and Transport summed up what he had heard about members' concerns about planning practices.

In response to questions the following points were made:

- The package of planning policies would be updated following the adoption of the new Local Plan these would be published in advance of Executive in March and as such were not yet available to the Commission.
- Planning decisions which moved away from the Council's approved policy framework would be considered by the planning committee.
- A viability assessment was being developed for the new local plan covered overall plan strategy.
- Delivering all policy requirements on specific applications, was the aim but viability assessments were available for use where developers could identify genuine viability issues which should be considered as part of the planning approval process. Larger allocated sites would be covered by the local plan viability assessment.
- There was a delicate balance between being robust but pragmatic in order to attract housebuilders and work with them to deliver local housing and meet needs.
- Viability studies had been published for applications during the previous few years.
- Technical information to quantify how much potential affordable housing had been lost through the viability study process, would be provided to the Commission.
- Reported that registered providers were becoming more proactive in the local housing market to build more affordable homes on the sites by using government grants.
- In response to the suggestion that affordable housing levels could be set per site rather than across the whole Local Plan it was explained that this would be very complex and was not considered achievable and would require multiple viability assessments.
- Some developments were delivered in phases and when affordable housing was built during the construction timeframe depended on the site size and would be controlled through a S.106 agreement.
- Planning permission was granted on the information available at the determination date and therefore there would not be a reassessment process unless the developer did not undertake the construction before the permission lapsed had reapplication was required. Section 106 agreements could also see reassessment if a long period of time lapsed between decision and implementation.
- Noted that the issue of affordable housing was high on the political agenda.
- The Commission were welcome to make a submission to the consultation but at this stage in the process responses would go directly to the examiner.
- Advised that some policies were nationally set but local authorities could produce guidance on how the policy was interpreted locally.
- Following the implementation of the new Local Plan it was anticipated there would be fewer viability studies submitted as up to date policies would be in place.

The following points were concluded by Director: Place, Planning and Regeneration:

- The Council's approach was to use a District Valuer to assess viability assessments with knowledge from across the south east to ensure

independence and relevant expertise. Further alternative assessors could be investigated to build elected members confidence in their technical advice.

- Further training could be provided to the Planning Committee and comments regarding complexity of the reports would be taken onboard and reviewed. It was acknowledged that reports needed to be clearer on viability issues and an executive summary to viability reports could be introduced.

RESOLVED that the Commission required specific guidance on viability process to be prepared and the Commission to scrutinise it before it is published.

66. Education, Skills and Growth Panel Review Report: Apprentices

Councillor Mrs Birch, Chair of the Education, Skills and Growth Overview and Scrutiny Panel presented the Commission with the findings and proposed recommendations within the Apprentices review report.

The Commission endorsed the recommendations within the Apprentices review report for submission to the Executive on 16 March 2021.

67. Work Programme Update

The Statutory Scrutiny Officer highlighted to the meeting that the work programme had successfully been brought back on track so when commissioning future reviews or considering amendments to active reviews the Commission would need to consider the implications for the programme as a whole. Each Panel Chair provided a verbal update on work programme progress.

Environment and Communities

The Registered Social Landlords review was in the process of being concluded and the review report would be brought to the next Commission meeting.

The scope for the Food Waste review was proposed to the meeting and was focusing on how food waste could be implemented for flats and houses of multiple occupancy (HMOs).

Wellbeing and Finance

The Isolation and Loneliness review was progressing, would be concluded shortly and the review report would be brought to the next Commission meeting.

The Chair proposed that the Panel's next review should be on Blue Badges to investigate whether the process was fair for non-visible disabilities. The scope for the Blue Badge review was proposed to the meeting. The Chair requested that he was provided scrutiny support earlier than was currently proposed.

Education, Skills and Growth

The Community Infrastructure Levy (CIL) review was being developed and the scope would be shared with the Commission when available. Planning officers were focusing on the Local Plan process and therefore the witness programme was being revised to delay their participation until they had more capacity. The review would initially focus on the CIL process with parish and town councils.

The deadline for the implementation of the recommendations agreed by the Executive from the Careleavers review are due to be implemented by February 2021. Progress would be followed up and reported back to the Commission.

Overview and Scutiny Commission

The cross-party advisory panel for Climate Change would be set up with and the Commission proposed eight representatives.

The Commission agreed that:

- i) the proposed scope for the Food Waste review be approved and the review commissioned;**
- ii) the proposed scope for the Blue Badge review be approved and the review commissioned;**
- iii) progress of the implementation of the Careleavers review recommendations would be checked and reported back to the Commission;**
- iv) further discussions on scheduling and support capacity would be held offline with the Statutory Scrutiny Officer; and**
- v) the proposed representatives for the Climate Change Advisory Panel were Councillors Ingham, Mrs McKenzie, Mrs McKenzie-Boyle, Mossom, Parker, Temperton, Tullet and Virgo.**

CHAIRMAN