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**MINUTES OF A MEETING OF THE
VALUE OVERVIEW & SCRUTINY COMMITTEE
Town Hall, Main Road, Romford
12 July 2012 (7.30 - 8.50 pm)**

Present:

Councillors Robby Misir (Chairman), Ray Morgon (Vice-Chair) and Damian White

Apologies for absence were received from Councillor Ted Eden, Councillor Ron Ower and Councillor Billy Taylor

6 MINUTES

The minutes of the meeting of the Committee held on 29 May 2012 were agreed as a correct record and signed by the Chairman.

7 PRESENTATION FROM DEVELOPMENT AND BUILDING CONTROL ON SECTION 106

At the request of the Committee, the Head of Development & Building Control provided an overview on Section 106.

Section 106 (S106) of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The obligation was termed a Section 106 Agreement.

Planning Officers negotiated and agreed what obligations were appropriate for each development.

The following key points were outlined to the Committee:

Obligations included in a S106 were of a financial nature such as contributions for education purposes, highway works, parks or public art. Non-financial obligations could include the provision of affordable housing and restrictions on the issuing of residents' car parking permits.

The Financial Obligations were calculated as part of the planning application process whereby the planning officer consults with all relevant services. Each service would respond to the planning officer with comments on the application, and if appropriate, the level of S106 contribution required. The level of the contribution must be in accordance with the Council's current policies.

As part of the process, the service must be in a position to justify the amount required and produce a breakdown of how the contribution had been calculated and for what purpose it was required.

When S106 Agreements were negotiated, agreement would be reached as to the period of time the Council had to spend the contribution, once it had been received. A typical time period for many contributions was seven years from the date of payment, however this time period must be reasonable and was negotiated on an individual basis.

Sometimes it would be reasonable for the developer to request that the Council spend the contribution sooner. The agreement would stipulate exactly what the contribution must be spent on, such as a developer paying £25,000 for Highways to build a pedestrian crossing in a specified location within 2 years.

Monitoring of the S106 Agreement entailed that once the agreement had been completed, the details of the agreement were placed on the S106 Monitoring Schedule where all relevant services had access to the details of the agreement.

The Corporate S106 Liaison Group met every 6 weeks and all relevant services were invited to attend. The Monitoring Schedule was regularly updated by Planning and Finance to include S106 contribution payments received and spent. The details of S106 agreements being monitored were reported to the Monitoring Committee every quarter.

The responsibility to ensure that contributions were spent within time and on the specified purpose remains with each service. Planning, Legal and Finance provided a supportive role to services via the Corporate S106 Liaison group and maintained the S106 Monitoring Schedule regularly.

If the Council did not spend the money on the specified purpose or within the time frame outlined in the S106 agreement the developer could request that the contribution (including interest) be returned to them.

The Council could also approach the developer and request that a further agreement be signed (Deed of Variation) varying the terms of the original S106 to allow the Council more time to spend the contribution – this was entirely at the discretion of the developer and the Council could not assume that the developer would agree to this.

The Committee **noted** the presentation.

8 PRESENTATION FROM STREETCARE ON POTHOLES

At the request of the Committee, – the Streetcare Co-ordinator for Highways provided an overview on how potholes are repaired.

The Committee was informed that the service, in its capacity as the Highway Authority, had a statutory duty under the Highways Act 1980 s41 to maintain the public highway. In this respect, part of the duty to maintain included inspection.

Ad hoc reports of defects from members of the public, Council Members, other Council Officers, the Police and others may need to be inspected to determine precisely what action was required. These were usually received via the council's CRM system, letters, phone calls, emails etc.

The service had an inspection regime that entailed periodic inspection of between one and six months. An intervention level that required safety work being undertaken detailed that any potholes in excess of 40 millimetres in depth would require the raising of an order. In the case of footway defects, the measurement was 25 millimetres.

As a works order had to be raised for any repairs carried out on the public highway it was important to take an accurate measurement of any works to be undertaken. This information should include: the type of material the repair was in e.g. blacktop, concrete, slabs, kerbs etc. and the accurate measurement of the repair required.

Section 58 of the Act dealing with inspection was strictly followed by the service and had been the Council's defence when claims were made against it. The Committee noted that the council defended all claims and had a very good record of success as the service was always able to produce a five year history on a particular road. This had been commended by Zurich Insurance.

Currently the in house DSO had a contract to undertake all repair works. The DSO was noted as quick at responding and being good value for reactive action.

The Committee was taken through the process of reporting a pothole, its being recorded on the CRM system, passed to the work queue of the relevant Area Liaison Officer and, after inspection, an order being raised.

The Committee was advised that Area Liaison Officers were required to inspect at least 10% of completed work.

The Streetcare Co-ordinator, Highways attributed many of the recent pothole defects in the borough to the last two bad winters.

The Committee **noted** the presentation.

9 COMMITTEE'S WORK PROGRAMME

The Committee considered a draft initial work programme report for the five remaining meetings during the municipal year. This had been drawn up by officers following initial discussions with the Chairman and Vice-Chairman.

The work programme consisted of both the work plan for the Committee as a whole and also invited Members to consider the subject of any topic group run under the Committee's auspices.

Members discussed the issue of performance indicators reported to Councillors and were of the opinion that additional indicators would assist Members.

They therefore requested that the following are included on the PIs that the Committee receives periodically:

- CRM records on Pothole repairs
- Council Tax collection (Breakdown of collection figures/outstanding arrears)

The Committee were considering surveying all Councillors on what performance information they would like to receive.

The Committee **agreed** its work programme for the 2012/13 municipal year as suggested.

Chairman