

CORPORATE SCRUTINY COMMITTEE

Date of Meeting: 9th March 2015

Present: Councillor J Oakes (Chair)
Councillors Bleakley, Haworth, (subbing for Kempson), Procter,
Robertson (subbing for Hughes) and Sandiford

In Attendance: Katie Gee, Corporate Officer
Stephen Stray, Planning Manager
Carolyn Sharples, Committee and Member Services Manager

2 members of the public

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Hughes, Kempson and Councillor Christine Lamb, Cabinet Member.

2. MINUTES OF THE LAST MEETINGS

Resolved:

That the minutes of the last meeting held on 9th February 2015 be agreed as a correct record and signed by the Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

5. PUBLIC QUESTION TIME

The Chair agreed to deviate from the Procedure for Public Speaking and allow the members of the public to ask questions as the reports were discussed.

6. CHAIR'S UPDATE

The Chair informed members that at the last meeting in February, clarification had been requested on a number of items. The Head of Finance and Property Services had emailed members with the responses following the meeting and a copy of these had been circulated at the meeting.

Councillor Sandiford asked what advice was being given to individuals across the country and in Lancashire now that blood waste was not being collected. It was agreed that this information would be found out and circulated to committee members.

7. INTEGRATED PERFORMANCE REPORT - QUARTER 3

The Corporate Officer presented the Council's Performance Report for Quarter 3 (October to December 2014), which showed that the Council was working well towards delivering its actions and performance indicators in its 2014-2015 Corporate Business Plan.

After a strong performance in Quarter 2, the Council has continued to perform well in Quarter 3, with 95% of actions finishing Quarter 3 green in status.

There were 5% of actions that were amber and Quarter 3 finished with no red actions.

The number of performance indicators that were green in status was 80%, meaning they were well on track. This is significantly more than this quarter last year by 22.4% and the previous quarter by 12%.

Customers were waiting for even less time in our One Stop Shop (OSS) – three minutes less than targeted.

Planning applications determined on time have continued their strong performance this quarter, with all three applications (minor, major and other), significantly above their targets.

STAN continues to have a strong performance this quarter, with the number of people accessing STAN being vastly over the target with 256 actually been seen, which was 100 more than the target.

There had been a turnaround with household waste, which was now above target.

Council Tax collected at the end of Quarter 3 finished above target, and crime rates were below target.

Council staff sickness was 1.84 days below target.

Calls to the Council being answered within 20 seconds had moved to amber, there were no Council Tax claims outstanding over 50 days, and there was 100% satisfaction with STAN.

In Quarter 3 the Council received 34 complaints, no Ombudsman complaints and 49 compliments from a wide range of service areas.

There were two red risks in operations and these were being monitored by Management Team and in Operations.

A number of questions were asked as follows:

- STAN and the work with Department for Work and Pensions (DWP).

- Numbers accessing the OSS and did it correlate to the reduction in waiting times?
- Had there been an increase in telephone contact since the move to Futures Park?
- Applying for blue badges at Rawtenstall Library and parking problems.
- Can a complete blue badge service be offered on STAN, including photo?
- Must renew before badge runs out and it can take 28 days.
- When would the Strategic Housing Market Assessment (SHMA) be available?

In response to questions from members the Corporate Officer informed that the DWP would provide an update report on long term unemployment for Bacup and Stacksteads then work in other areas would start in April. She would also look into providing an update on the number of people accessing the OSS services (to see if they had reduced), and also the volume of telephone calls.

The Planning Manager confirmed that the SHMA was part informed by the National Statistics Data. NLP would be using this data to work on household projections. It was an important document which would be brought forward for public consultation as soon as it was available. It may be that depending on timing of completion of the SHMA, the draft Site Allocations would be out at the same time for consultation, but if the SHMA could be consulted upon first, it would be.

There was a need to stick to the timetable for the Site Allocations otherwise it would be considered out of date, which would affect the ability to resist proposals for housing development which the Council considers inappropriate.

RESOLVED:

1. That Corporate Scrutiny notes the level of performance and risks detailed in the report.
2. That Corporate Scrutiny continues to monitor the corporate risk register and the performance of those actions and performance indicators that are under achieving their target levels of performance.

8. REVISED INTERIM HOT FOOD TAKEAWAY POLICY

The Planning Manager presented the update of the Hot Foot Takeaway Policy (HFT). This was an update on the Interim Hot Food Takeaway Policy which had been adopted in June 2011. The policy was largely effective and therefore it was considered timely to hold back the revision of the policy to concentrate on taking forward the Site Allocations and Development Management DPD including a re-consultation on proposed changes on Green Belt boundaries.

The policy had proven to be a useful tool in setting out criteria to assist in determining planning applications for Hot Food Takeaways. It had also been given weight by planning inspectors at planning appeal stage. The Planning Manager's review indicated that preparation during 2014/15 of a revised HFTA policy would

not have been a good use of staff resources, having regard to clear evidence that only a small number of HFTA applications have been submitted, (4 applications within 2014/15), most of which were refused having regard to the existing planning policy context (3 of the 4 submitted) and where necessary the decisions been successfully defended at appeal.

The Planning Manager understood members concerns that government regulation changes had the potential to be abused. That is changes of use of premises to restaurants (with ancillary takeaway use) from other uses in the town centre could now occur for up to 2 years without the need to apply for planning permission, but in practice the units were operating more akin to takeaways with minimal restaurant operation and for which planning permission is still required.

However, a revision of the existing HFTA policy would not address these concerns regarding restaurant use (potentially with ancillary use for takeaway). Instead the Council would need to go through a process to consult upon and designate article 4 direction areas precluding restaurant use and / or ancillary takeaway use. Such action would leave the council open to claims of compensation where it could be demonstrated by prospective applicants that permission had been refused as a result of the Article 4 designations. The Planning Manager was not convinced the evidence to date indicated the problem was sufficient to warrant the action and associated risks.

In addition, Lancashire County Council (LCC) would be undertaking work in respect of the public health agenda given its new duties. Therefore, it would be sensible for LCC's work to inform the revision of the HFTA. Rossendale Borough Council's Health, Housing and Regeneration Manager also intended to take forward related work in 2015/16, and this should also inform the preparation of the revised IHFTA policy.

A number of comments and questions were raised by members as follows:

- The number of takeaways in Haslingden.
- National guidelines.
- Restaurants with takeaway ancillary use.
- Premises shuttered up during the daytime.
- Starting to put chairs and table in the takeaway premises.
- Current policy and takeaway locations near schools and bus stops.
- Operators are aware of the law.
- Old food establishments closed up but new premises opening.
- Blanket ban.
- How many hours did they need to open as a restaurant for?
- Looking at VAT returns.
- Pie/sandwich shops with tables and chairs.

In response to questions, the Planning Manager confirmed that:

- Action could not be taken against HFT which had been operating for more than 10 years (depending on their planning use).
- Shops which had converted to restaurants could only operate up to May 2016 after which they technically need planning permission

- Action could be taken against those without planning permissions. Members needed to report HFT's in the guise of restaurants so they could be investigated.
- To take enforcement action evidence was required and the Planning Manager invited members to submit evidence to enable investigation and enforcement action to be taken where necessary.
- There was no reluctance to investigate if evidence could be provided e.g. name of the premises, location, photos etc.
- When considering new planning applications, vacancies in the frontage were looked at.
- Sandwich shops were predominantly cold based foods and classed as A1 shop use.

RESOLVED:

That members note the report setting out a revised timescale for the preparation of the revised Interim Hot Food Takeaway (IHFTA) policy.

9. 2014/15 SCRUTINY WORK PROGRAMME UPDATE

The 2014/15 Scrutiny Work Programme Update report highlighted the work undertaken since June 2014 to date.

RESOLVED:

That the 2014/15 Scrutiny Work Programme Update be noted.

The meeting commenced at 6.30pm and closed at 7.15pm

Signed
(Chair)

Dated