

SCRUTINY MANAGEMENT BOARD

Minutes of the meeting of the Scrutiny Management Board held on Monday, 9th January 2012 at 2.30pm in the Civic Offices, Telford

PRESENT: Councillors D. White (Chairman), V. Fletcher, G. Green, A. McClements, R. Sloan, C. Turley.

IN ATTENDANCE: Cabinet Members C. Smith and E. Clare, Councillor J. Seymour; Michael Barker, Head of Housing & Planning; Kathryn Kynaston, Strategic Housing Manager; Chris Winter, Strategy & Commissioning Officer ; Stephanie Jones, Scrutiny Group Specialist; Tracy Clarke, Scrutiny Officer.

SMB-24 MINUTES OF THE LAST MEETING

RESOLVED – that the minutes of the meeting of the Scrutiny Management Board held on the 5th December 2011 be confirmed and signed by the Chairman.

SMB-25 APOLOGIES FOR ABSENCE

Cllr. M. Hosken.

SMB-26 DECLARATIONS OF INTEREST

None.

SMB-27 MEETING HOUSING NEEDS

The Strategic Housing Manager summarised the report on Meeting Housing Needs which addressed specific issues which had been raised by Members. The following key points were made:

- All local authorities were required by law to have a housing allocations policy, even if they were not landlords. The policy may be one and the same as the Choice Based Lettings Scheme (called 'Choose Your Home' in Telford & Wrekin), but the Telford & Wrekin policy took a broader view to encompass the role of all partners, including private landlords, to make the best use of stock for those in need. There had been delays in finalising the policy due to waiting for new national guidelines as part of the National Housing Strategy. National guidance on Allocations Policies had been issued for consultation the previous week, and the intention locally was to consult with key stakeholders on the implications of the guidelines and to develop a revised draft policy prior to public consultation in the spring. Authorities were required to comment on the draft guidelines by the end of March. The guidelines followed the Localism Act to ensure that social housing is directed to those most in need. Local authorities must tailor the policy to local circumstances and prioritise categories of people deemed

most in need of housing, such as ex-service personnel, while retaining reasonable preference categories. The Act also encourages priority to be given to applicants who are in employment, caring or making a contribution to their local communities. The policy would be considered by Wrekin Housing Trust with regard to CYH.

- There were a large number of applicants for affordable housing which reflected the national picture and the position of other authorities, and this pre-existed the introduction of CYH. There were currently 20,000 applicants registered on CYH, which included people registering in anticipation of need. The latest assessment for the borough estimates that there is an annual net shortfall of 1,200 affordable homes every year. Work was being done with Wrekin Housing Trust (WHT), other Registered Social Landlords (RSLs) and private developers to increase the supply of affordable housing, manage expectations and to re-use old properties.
- An Emergency Priority band had been introduced to CYH which enabled people in this band to bid for properties over and above anyone in the other bands (urgent, needing, wanting). The band had been created for emergency situations such as unforeseen circumstances (fire, flood etc.), where there were safety risks, or where medical conditions had made accommodation unsuitable.
- With regard to applicants from outside the borough securing accommodation over local people, the principle of choice based lettings schemes was to allow everyone equal choice regardless of where they live, and CYH had been developed consistent with this national approach. Anyone could apply to the scheme and once registered could bid for properties. It was therefore possible that people from outside the borough could be housed in advance of local people. The new national housing strategy had also emphasised the need for flexibility, to assist people in social housing to move around the country. However, some schemes or properties were advertised with a 'local lettings plan' which could specify that the applicant needs a close connection with the local area to bid, and although other people could bid, those fulfilling the criteria would be prioritised.
- Members had asked about feedback from other providers about CYH, but the Council was not aware of any specific feedback at the present time.
- In the last few years there has been a step change in the number of affordable homes built in Telford & Wrekin. This is now at around 200 each year, compared to the long term average of 100. 202 were provided in 2010/11, compared to 200 over the rest of Shropshire. With funding reductions and housing market conditions it was uncertain that the level of growth could be sustained. The Homes & Communities Agency (HCA) had traditionally supported the delivery of affordable homes through the National Affordable Housing Programme, but there was now less funding available. As part of the local 'Small Sites Programme', the HCA and the Council will enable the delivery of up to 200 new affordable homes by providing land at nil value. Alternative methods of increasing the local

supply of affordable homes were always under review.

- The report provided an update on the key elements of the Government's new housing proposals. The recent national Housing Strategy confirmed the Government's intention to reform social housing and move away from it being 'a home for life'. The Localism Act also required the development of a Tenancy Strategy by November 2012, with the provision to offer fixed term tenancies for up to 5 years and the removal of the requirement for 'open' waiting lists.

Following the presentation, members raised a number of issues which were discussed.

- An issue had previously been put forward to scrutiny about Choose Your Home not taking into account the Parish Council's local housing needs register on two new rural housing schemes in Waters Upton where planning consent had been granted with local lettings plans attached to the development so that property was let to individuals with a local connection. In one case the S106 agreement had been overridden by the existing tenant's right to make a 'mutual exchange', which had enabled a tenant not meeting the local connection criteria to move into the development. Members were informed that this case was exceptional. Another more recent instance had involved a query of the local connection and level of housing need of certain applicants. Members were informed that the situation had been resolved after a detailed investigation and the issue would be reviewed to ensure it did not happen again. It was acknowledged that the process needed to be open and transparent, and that policies would be clearly worded in future. Members reiterated that where agreements were in place, they should be adhered to, and further, that applications should be validated to ensure applicants meet the local eligibility criteria. Cllr. Seymour commented that on the Wrockwardine development on The Avenue, applicants had been checked to ensure they complied with the local connections criteria.
- There was further discussion about housing in rural areas. The Head of Housing & Planning explained that rural housing was important but development was governed by strict planning policies. The Cabinet Member for Adult Social Care suggested that scrutiny members may want to review the Rural Needs Housing Survey methodology at a future meeting to look at how rural and urban needs are met. Members made a number of points relating to rural developments:
 - Members commented that affordable housing in rural areas was important to stop young people draining away from villages. Members were informed that developments given planning consent under an 'exceptions' policy must be affordable. The exceptions policy enables parishes to establish local needs criteria. For example, in Wrockwardine four homes had been built on The Avenue and applicants with a proven local connection could apply. This would help to sustain local villages, although if, at a later date, there was no local demand, applications could be opened up to neighbouring parishes.

- That rural development depends on identifying sites which are acceptable locally and there can be a tension between the need for affordable housing and local conservation or environmental protection objections.
 - There had been some mixed feedback from a recent presentation to Lilleshall and Donnington Parish Council on a rural housing needs survey, and officers would take this back to look at.
 - Members gave an example of a notice about a planning application which had been sent to residents who could not see the relevance and suggested that notices should only be sent to appropriate residents. The Strategic Housing Manager replied that notices are sent to all residents within the parish, and that changing the boundaries would require the support of the parishes but that this could be considered.
- There was a discussion about non-traditional housing schemes. The Chairman and Cllr. Fletcher referred to a previous scrutiny review of Housing & Homelessness which had recommended that the Council explore and support more non-traditional development builds on land that is not suitable for traditional builds. Members felt there were pockets of land in the borough that were not suitable for traditional build, but that could be made viable as sites for non-traditional affordable housing schemes. Members pointed to the sites in Muxton and Tweedale as good examples of non-traditional builds, although the original intention had been for temporary accommodation. The Chairman referred to a scheme in Birmingham which could be looked at as a good example of non-traditional affordable homes. The Head of Housing & Planning responded that there was no reason in principle why non-traditional schemes could not go ahead as long as the proper planning and licensing processes were carried out and there was market demand, but that no developers had come forward with non-traditional proposals. However, there was no reason why the Council could not work with developers to explore the potential and identify sites.
 - The availability and cost of land was discussed. Developers and providers will only build schemes that are economically viable, and it is more difficult for RSLs which are not-for-profit to be able to afford land. The HCA consulted the Council on bids by RSLs for grant funding from the National Affordable Housing Programme, 2011-15. In a separate initiative, The Council and HCA had offered a number of sites at 'nil value' for RSLs to bid for under the Small Sites Programme, and 200 affordable homes were being delivered as a result. Land at nil value was only offered to RSLs for affordable housing, and the RSL would take responsibility for the delivery of the scheme and for infrastructure work. More generally, however, the HCA and the Council were required to make a return and could not always make land available free of charge. Cllr. Fletcher referred to a HCA development site in Priorslee which had been granted planning permission for 450 houses which could have helped older people needing more suitable housing to stay in the area while freeing up larger houses for families, but the land had reverted back to agricultural use presumably because no developers had come forward. Cllr. Fletcher suggested that the Council should talk to the HCA to look at how

development of these types of sites could be encouraged. Cllr. Green also pointed out the need to resolve access problems to sites which would otherwise be suitable for development.

- Members asked where money from disposals in Telford & Wrekin was invested by WHT, as there was a perception that money was not necessarily re-invested within the borough and could be spent in Shropshire or Staffordshire. Members had heard that WHT had given an undertaking that for every property sold, a further two could be developed. Officers replied that the Trust's Annual Report would show income from disposals and expenditure on investments and that the Report could be provided to members. However, the Report did not show where money from disposals in the borough was spent and this question would need to be addressed by the Trust. The Head of Housing & Planning said that a clear understanding of the Trust's business model was required and a dialogue needed so that the Council could work with them to encourage re-investment in the borough. The Head of Housing & Planning said that where properties were in poor condition, it may sometimes be better to sell them to the private sector and have the property turned around, rather than to leave it empty or invest in the property. Members felt that properties needing less than £10,000 worth of renovations should not be sold off but should be refurbished and put back into stock.
- Members wanted to know what % of homes were allocated through CYH to people in Telford & Wrekin compared to people outside the borough. No figures were available at the meeting, but the feeling was that the vast majority go to Telford & Wrekin residents. Choice based lettings schemes had to be open to anyone, and equally, local people could bid into schemes in other areas.
- Members wanted to know who drives the allocations policy and whether it was the Council or WHT, who operates CYH on behalf of the Council. Officers replied that the Council's allocations policy is wider than CYH and provides a framework within which local housing providers will operate. As an RSL, WHT works under a different set of policies and legislation to the local authority, and although the Council can negotiate and influence, it has no direct control or powers of compulsion over WHT. The Council has planning and regulatory powers which could be used to influence the Trust, and the allocations policy would help the Council to influence WHT and provide a basis for negotiation. It was important that policies were aligned. Each RSL makes their own property allocations from the CYH bidders. Members were disappointed that development of the allocations policy had been put off until guidelines were published and felt that it would have been better to have had a policy in place which could then be amended to take account of new legislation. This should be taken forward as quickly as possible. Members requested that the draft allocations policy be brought back to the Scrutiny Management Board for review prior to public consultation.
- Members were very concerned about a flaw in the CYH banding system. Apart from the new emergency category, there were three bands: urgent,

needing and wanting which were defined on the CYH website. Applicants moving to a higher band could be worse off as a result of the further prioritisation by date order of application. For example, an applicant moving from the top of the “needing” band would go to the bottom of the “urgent” band: if houses then come up in the “needing” category, they would miss out even though they had become a higher priority. Members were very concerned that this flaw in the system should be addressed, and that it should be made very clear to applicants how the system works and the implications of moving between bands. Benchmarking with other choice based lettings systems was suggested. Cllr. Fletcher also suggested that there should be a better understanding of what the bands mean otherwise there could be a false impression created about the number of people who were homeless.

- Members brought up some examples of poor customer service which ward residents had reported receiving from WHT. There were further concerns about the WHT Hotline which had been set up to improve communication for Members with the Trust as this did not seem to be working. These issues could be raised with the Trust.
- The role of Councillors needed to be made clear to the public, and that the Council is not a landlord so although Councillors will liaise with the housing associations on behalf of residents, they do not have any power to influence the housing associations regarding accommodation.
- The Cabinet Member for Adult & Social Care drew Members’ attention to the potential impact of changes in the benefit system. From 1st April, people living alone will only receive housing benefit based on one bedroom accommodation regardless of how many bedrooms are in the property. The tenant, or their family, will need to make up any shortfall. There was a concern that people could be made homeless if they could not afford the extra rent. The move to the Universal Credit could also pose a threat because people un-used to managing a budget in this way could get into rent arrears.

Members agreed that the meeting had raised a number of key issues which should be followed up at a future meeting. A Members Information Seminar with the RSLs had been planned for 15th March, and it was agreed that Members should attend this meeting to hear what was said and ask questions, and a further meeting of the Scrutiny Management Board would be arranged following the seminar. It had already been agreed during the meeting that the draft allocations policy would be presented at a future meeting, and it was further agreed that the Chairman would discuss the issues raised at this meeting with officers to confirm arrangements for the next meeting.

SMB-28 RESPONSE TO PREVIOUS SCRUTINY RECOMMENDATIONS

A response from the service area and Cabinet Member to recommendations made by the Scrutiny Management Board at the meeting on 7th November

2011 about highways related issues had been circulated to Members. Members were satisfied with the responses, but made further requests regarding two of the recommendations;

- Recommendation 2. Cllr. McClements had attended a Co-operative Council meeting recently and heard that York City Council had a very successful Snow Warden scheme and suggested that the service area should look at as a potential example of good practice.
- Recommendation 3. Members asked that Town & Parish Councils should also be made aware that the grit in grit bins was only for use on roads, and should also be given clarity about whether they could purchase additional grit for use on footpaths.

These suggestions would be sent to the Head of Service to action.

RESOLVED – that the response to the recommendations be noted subject to the two further suggestions being forwarded to the service area.

SMB-29 FORWARD PLAN AND ITEMS FOR THE NEXT MEETING

Members considered the report of the Scrutiny Group Specialist on the Scrutiny Management Board Work Programme. Items for the work programme had been agreed in July 2011 and several new items had been added at subsequent meetings with no items being removed. As a result the work programme had become too big to be delivered within the remaining meetings scheduled for the municipal year. An informal meeting of the Scrutiny Chairmen had been held on 12th December to review the items and propose a course of action that would make the work programme deliverable and focused on priorities.

Members were asked to consider the proposed method of dealing with each item in the work programme as set out in section 5.1 of the report. Assuming the proposals were agreed, the revised Forward Plan as set out in Appendix 1 of the report would be adopted. The statutory scrutiny functions relating to Safer, Stronger Communities Partnerships, and the implications for scrutiny of the Police and Social Responsibility Bill, and Flood and Water Management had been prioritised for the work programme.

Members considered and agreed the proposals.

Members noted the time and date of the next meeting at 2.30pm on Monday, 5th March.

RESOLVED – that the proposals in section 5.1 of the report be accepted.

The meeting ended at 4.16 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

SCRUTINY MANAGEMENT BOARD: 5 MARCH 2012

TITLE: UPDATE TO SCRUTINY RE: FLOOD AND WATER MANAGEMENT ACT

REPORT OF HIGHWAYS & ENGINEERING SERVICE DELIVERY MANAGER

Introduction

Following the Flood and Water Management Act gaining Royal assent in 2010 a number of clauses have been commenced that affords substantial responsibility to the authority. *Appendix 1 highlights the impact that the flood and Water Management Act has on local authorities.*

Under the FWM Act Telford & Wrekin Council is designated as a Lead Local Flood Authority (LLFA) that must take responsibility for local flooding and lead action to combat incidents in the Borough.

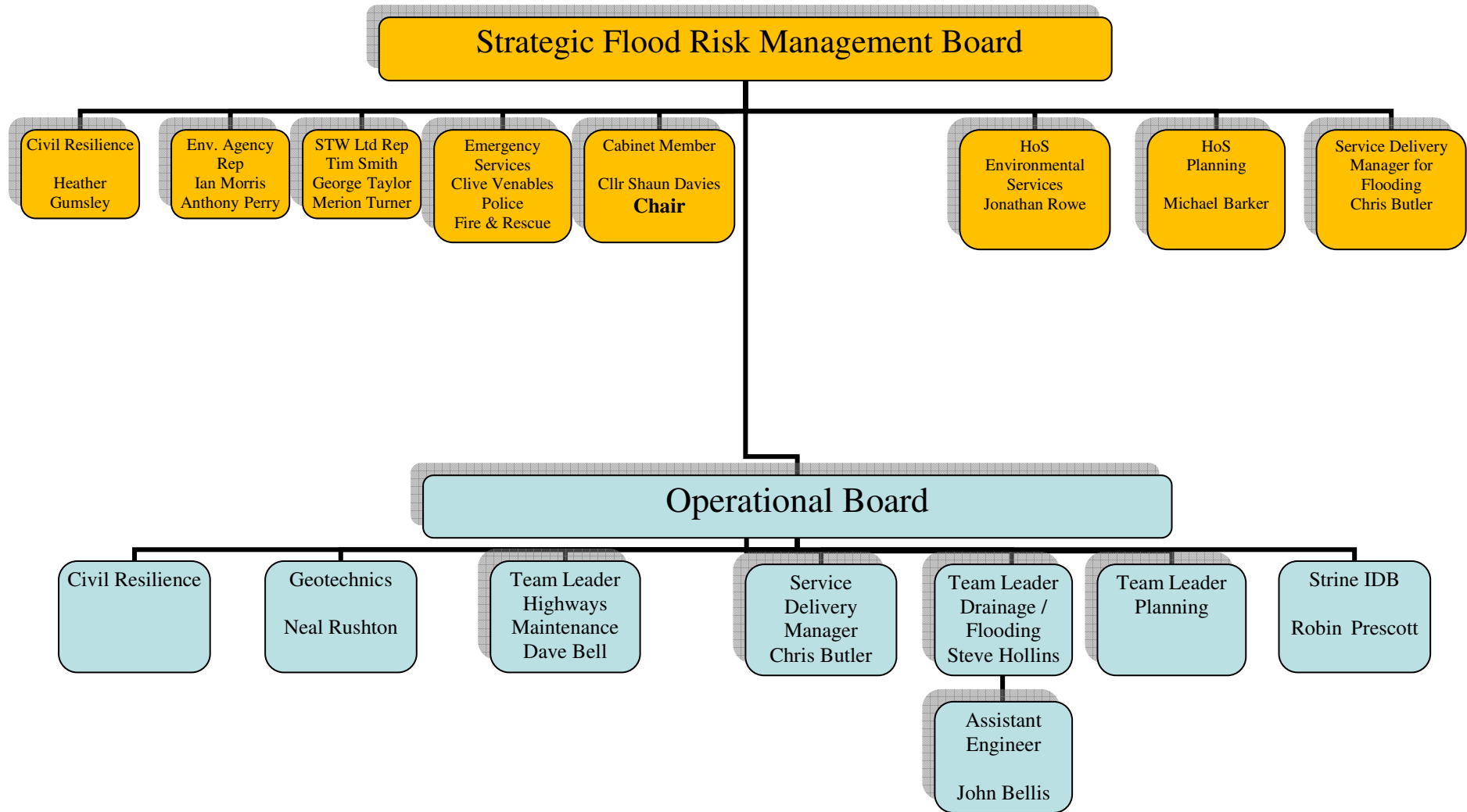
Progress to date

Following the meeting of the Scrutiny board on the 23rd March 2011 a number of work streams have commenced in order to meet the requirements of the Act:

- 1 During 2011 it was confirmed that the Severn Trent Regional Flood and Coastal Committee would be split into 2 committees (Severn & Wye catchment and Trent Catchment) The committees come into being as of July 2012. Telford & Wrekin Council will be requested by Defra to apply for member representation on the Severn and Wye committee during March 2012. It is vital that we have representation on the committee in order that we contribute to the allocation of £3million in local levy flood schemes.
- 2 Highway & Engineering Services submitted Preliminary Flood Risk Assessments (PFRA) to the Environment Agency in 2011 as required under the European Floods directive. The PFRA is a high level strategic document summarising local flood risk within the borough. Telford & Wrekin Council's submission was deemed to be exemplary.
- 3 Telford & Wrekin Council LLFA Strategic Board was established in 2011 and is due to sit on the 26th April 2012 for the 3rd time. The 1st and 2nd meetings established the agenda and the terms of reference for the board. It also outlined the function of the operational board, which would report directly to the strategic board. Councillor Shaun Davies has replaced Councillor Hilda Rhodes as the Chair of the strategic board.(Please see Strategic Board attachment)
- 4 Highway and Engineering Services has commenced on the development of a strategy for local flood risk (as required under section 9 of the Act) The local strategy in combination with the national strategy will encourage more effective risk management by enabling people, communities, business and the authority to work together to ensure co-ordinated planning and sustainability.

- 5 As of October 2012 Telford & Wrekin Council (Highway and Engineering Services) is required to establish a Sustainable Drainage Approvals Board (SAB) The board will approve drainage systems for new developments or redevelopments. This is an additional function to that of the planning process. No work can commence on site without approval from the Board. National standards for Sustainable Drainage Systems (SuDS).are expected to be published in April 2012. This new process will establish an income stream for the approval and maintenance of SuDS. Democratic Services will be advised of this new role when the full details are known. It is expected to be officer led as much of the approval will relate to detailed technical matters. However all proposals will be taken to the strategic board for final approval.
- 6 Telford & Wrekin Council is now required to administer applications for consenting to carry out works on ordinary watercourses. Any individual proposing to carry out work on or adjacent to a watercourse will have to make an application to the council's engineering team for consent. The proposal will be considered in both engineering and environmental terms and if necessary rejected, alternatively the authority may apply conditions on the proposed works.
- 7 Highway and Engineering Services have started to compile a register of structures and features that have an effect on flood risk (section 21). This is a substantial piece of work and is envisaged to take 18 months to complete.
- 8 Highway and Engineering Services is required under the Act to investigate all flooding incidents within the Borough and provide a report of the findings to the Environment Agency.
- 9 Highway and Engineering Services are currently working in partnership with Severn Trent Water Ltd to develop a flood alleviation scheme for the residents of Ketley Town, which will be subject to external funding.
- 10 Highway and Engineering Services successfully bid for £45k from the Environment Agency for a Property Level Protection Grant to 17 properties in Old Hall Close, Dawley Road and Holyhead Road, Wellington. This has involved community engagement via public meetings and surveys of properties. All properties will shortly be having flood doors and other bespoke protective measures fitted.
- 11 Highway and Engineering Services continue to manage the deployment of the Flood barriers along the Wharfage, Ironbridge in partnership with the Environment Agency.

Strategic Flood Risk Management Board Proposal



Flood and Water Management Act 2010

What does the Flood and Water Management Act mean for Local Authorities?

This factsheet summarises flood management provisions in the Act that affect local authorities in England. This factsheet does not contain information about commencement or implementation of the Act which is available elsewhere on the Defra website.

Lead local flood authority

Sir Michael Pitt's review of the flooding in 2007 stated that "the role of local authorities should be enhanced so that they take on responsibility for leading the co-ordination of flood risk management in their areas". The Act provides for this through the new role of the lead local flood authority.

As set out in the Government's response to Sir Michael's Review, the Act defines the lead local flood authority for an area as the unitary authority or the county council. This will avoid any delay or confusion about who is responsible, but in no way prevents partnership arrangements to make full use of all capabilities and experience locally. The Act enables lead local authorities to delegate flood or coastal erosion functions to another risk management authority by agreement.

Local Partnerships

Sir Michael Pitt's Review recommended that the lead local flood authority should bring together all relevant bodies to help manage local flood risk. The important roles played by district councils, internal drainage boards, highways authorities and water companies are also recognised in the Act and these bodies, together with the Environment Agency, are identified as risk management authorities.

The Act enables effective partnerships to be formed between the lead local flood authority and the other relevant authorities who retain their existing powers (with some enhancement), but it does not say what any local arrangements should look like. It requires the relevant authorities to co-operate with each other in exercising functions under the Act and they can delegate to each other. It also empowers a lead local flood authority or the Environment Agency to require information from others needed for their flood and coastal erosion risk management functions.

Statutory guidance on Co-operation and Information sharing has been published by the Environment Agency with the National Strategy. Guidance and examples of best practice arrangements for local partnerships will be made available to local authorities and, as recommended by the EFRA Select Committee, different bodies' roles can be varied if necessary.

Flood risk management strategies

The Environment Agency has developed and published a national strategy for the management of coastal erosion and all sources of flood risk for England. The National Strategy was consulted on publicly, approved by the Secretary of State and laid before Parliament prior to its publication (July 2011).

The Act also requires a lead local flood authority to develop, maintain, apply and monitor a strategy for local flood risk management in its area. The lead local flood authority will be responsible for ensuring the strategy is put in place but the local partners can agree how to develop it in the way that suits them best. The Act sets out the minimum that a local strategy must contain, and the lead local flood authority is required to consult on the strategy with risk management authorities and the public. The Local Government Group (LGG) in association with local authority representatives, the Environment Agency and Defra have published a Preliminary Framework for local strategies to help local authorities develop their local flood risk management strategy.

Local flood risk includes surface runoff, groundwater, and ordinary watercourses (including lakes and ponds). Guidance may, amongst other things, set out in more detail how the national strategy and local strategies should interact and how local strategies will need to take account of plans to manage other sources of risk.

Local authorities will need to consider the full range of measures consistent with a risk management approach in developing their local flood risk strategy. Resilience and other approaches which minimise the impact of flooding are expected to be a key aspect of the measures proposed.

Duty to act consistently with local and national strategies

The Act requires local flood risk management strategies to be consistent with the national strategy – in particular the guiding principles for managing flood and coastal erosion risk set out in the National Strategy. The local strategies will build on information such as national risk assessments and will use consistent risk based approaches across different local authority areas and catchments. The local strategy will not be secondary to the national strategy; rather it will have distinct objectives to manage local flood risks important to local communities.

Duty to investigate and to maintain a register

To ensure greater co-ordination of information and avoid situations where bodies do not accept responsibility, the lead local flood authority will:

- investigate flooding incidents in its area (where appropriate or necessary) to identify which authorities have relevant flood risk management functions and what they have done or intend to do. The lead local flood authority will then be required to publish the results of any investigation, and notify any relevant authorities.
- maintain a register of structures or features which they consider have a significant effect on flood risk in their area, at a minimum recording ownership and state of repair. The register must be available for inspection and the Secretary of State will be able to make regulations about the content of the register and records.

Ensuring progress

To avoid administrative burdens, the Act does not require routine reporting on performance, but allows information to be requested where necessary. Local authorities can bring matters to the Government's attention and if a risk management authority fails to exercise a flood or coastal erosion risk management function, the Secretary of State can direct another authority to carry out that function.

In addition, the Act will enable overview and scrutiny committees in lead local flood authorities to hold all the risk management authorities to account. In this way, the public can be actively involved in ensuring authorities perform.

Works powers

The Act provides the lead local flood authority with powers to do works to manage flood risk from surface runoff and groundwater. Powers to do works on ordinary watercourses remain with either district or unitary authorities, or internal drainage boards. All works must be consistent with the local flood risk management strategy for the area.

Designation of third party assets

The Act provides lead local flood authorities, district councils, internal drainage boards and the Environment Agency with powers to designate structures and features that affect flooding or coastal erosion. The powers are intended to overcome the risk of a person damaging or removing a structure or feature that is on private land and which is relied on for flood or coastal erosion risk management.

Once a feature is designated, the owner must seek consent from the authority to alter, remove, or replace it. If someone does make a change to a designated feature, then the authority may issue an "enforcement notice" which will set out any steps that must be taken to restore a feature. An individual may appeal against a designation notice, refusal of consent, conditions placed on a consent or an enforcement notice.

Sustainable drainage systems

The Act establishes a SuDS Approving Body (the "SAB") at county or unitary local authority levels. The SAB would have responsibility for the approval of proposed drainage systems in new developments and redevelopments, subject to exemptions and thresholds. Approval must be given before the developer can commence construction.

In order to be approved, the proposed drainage system would have to meet new national standards for sustainable drainage. Where planning permission is required applications for drainage approval and planning permission can be lodged jointly with the planning authority but the Approving Body will determine the drainage application. Regulations will set a timeframe for the decision so as not to hold up the planning process.

The SuDS Approving Body (SAB) would also be responsible for adopting and maintaining SuDS which serve more than one property, where they have been approved. Highways authorities will be responsible for maintain SuDS in public roads, to National Standards.

The SAB must arrange for SuDS on private property, whether they are adopted or not, to be designated under Schedule 1 to the Act as features that affect flood risk. The SAB will also be required to arrange for all approved SuDS to be included on the register of structures and features (as a separate category).

The National Standards will set out the criteria by which the form of drainage appropriate to any particular site or development can be determined, as well as requirements for the design, construction, operation and maintenance of SuDS. Local authorities are represented on the Project Advisory Board for the development of these National Standards.

The Act, in response to Sir Michael Pitt's Review, also makes the right to connect surface water drainage from new development to the public sewerage system conditional on the surface water drainage system being approved by the Approving Body.

Further information on sustainable drainage systems and drainage is covered in a separate factsheet for property developers.

Other powers

Local authorities will be able to use all their normal powers (in planning, regeneration, local investment, highways and to provide information and guidance) to support their new roles under the Act.

They will take over the Environment Agency's role in deciding whether to allow works by third parties that may affect water flows to take place. They will also continue to be members of Regional Flood and Coastal Committees. These Committees will decide on the local levy raised and how this is spent and will be consulted on all relevant Environment Agency proposals.

Sustainable development duty and environmental works

The Act includes a duty for local authorities, highways authorities, and internal drainage boards to contribute to sustainable development in discharging their flood and coastal erosion risk management (FCERM) functions. This is similar, to the existing duty that the Environment Agency already has.

The Act also provides environmental powers for works that a) have a net beneficial impact, b) are consistent with the national FCERM Strategy and, c) are deemed by the relevant authority to be desirable for the natural environment, the historic environment, landscape, or have amenity or leisure benefits.

Levies

The Act will enable the Environment Agency to issue levies to the lead local flood authority for an area in accordance with section 74 of the Local Government Finance Act in the same way that they could previously raise levies under Section 133 of the Water Resources Act 1991, which will be repealed.

Funding

Defra is committed to funding all net new burdens on local authorities resulting from the new Act, and will monitor the situation as implementation proceeds.

The EU Floods Directive

Alongside the Act, the Flood Risk Regulations 2009 have been made to implement the Floods Directive in England and Wales. These regulations outline the roles and responsibilities of the various authorities consistent with the Flood and Water Management Act and provide for the delivery of the outputs required by the Directive:

- Preliminary Flood Risk Assessments (PFRAs), which will allow the identification of areas of potential significant risk.
- Maps showing impact and extent of possible future significant flood events.
- Flood risk management plans, identifying how significant flood risks are to be mitigated.

It is envisaged that initially the local and national strategies (which will take on board work to date in putting together catchment flood management plans, shoreline management plans, and surface water management plans amongst other things) will help to shape the work to be done on the Floods Directive outputs. Over time the maps and plans under the Directive will in turn shape the national strategy and the local strategies.

TELFORD & WREKIN COUNCIL

SCRUTINY MANAGEMENT BOARD– 5th MARCH 2012

PROPOSED CHANGES TO SCRUTINY ARRANGEMENTS

REPORT OF SCRUTINY GROUP SPECIALIST

1.0 PURPOSE

- 1.1 To enable the Scrutiny Management Board to consider proposed changes to the Scrutiny arrangements and agree the changes for further consultation.

2.0 RECOMMENDATIONS

- 2.1 That Scrutiny Management Board agrees the proposed Scrutiny Committee structure and membership as set out in Section 5.1 for consultation with the Scrutiny Assembly and Town & Parish Councils.
- 2.2 That Scrutiny Management Board agrees the proposal and terms to invite the Parish Forum to elect a Town & Parish Council representative for each Scrutiny Committee, excepting the Scrutiny Management Board as set out in Section 6.
- 2.3 That the Scrutiny Management Board notes the process and timetable for making changes as set out in Section 7.5.

3.0 PREVIOUS MINUTES

- 3.1 N/A

4.0 SUMMARY

- 4.1 The current scrutiny arrangements have been in place since Annual Council in May 2011. Under the current arrangements, there are five service-themed Scrutiny Committees (Adult Social Care, Budget & Finance, Children & Young People, Co-operative & Communities and Health) and a Scrutiny Management Board which has overall responsibility for over sight of the scrutiny function and delivery of the work programme.

- 4.2 Throughout the year, the Scrutiny Chairmen have been formally and informally evaluating the efficiency and effectiveness of the scrutiny structure and arrangements and have identified two key areas for improvement.
- 4.3 The Scrutiny Chairman is therefore proposing changes to the scrutiny arrangements as follows:
- 4.3.1 The merger of the Health and Adult Social Care Scrutiny Committees, and the establishment of a new Housing, Economy and Infrastructure Scrutiny Committee.
- 4.3.2 To invite Town & Parish Councils to elect a representative to sit on each Scrutiny Committee, except the Scrutiny Management Board.
- 4.4 The rationale and proposed process for making these changes are set out below.

5.0 CHANGES TO THE SCRUTINY COMMITTEE STRUCTURE

- 5.1 Under the proposals, the number of scrutiny committees would remain the same, but there would be two changes:

- 5.1.1 The merger of the Health and Adult Social Care Scrutiny Committees into one **Health & Adult Care Scrutiny Committee**. There is a clear duplication of work between the two committees which is only likely to increase as the NHS reforms bring about closer integration of health and adult care services. A merger would create one stronger, more focused committee and would make more efficient use of both member and officer resources.

There are currently 8 elected members on the Adult Social Care Scrutiny Committee and 6 elected members on the Health Scrutiny Committee. It is proposed that there would be eight elected members on the Committee.

- 5.1.2 The establishment of a new **Housing, Economy and Infrastructure Scrutiny Committee**. It has been recognised that there are gaps within the existing Scrutiny Committee structure. Key areas of Council activity in housing, economic development, regeneration, environment and transport do not currently fall within the remit of one of the existing Committees. Scrutiny of these issues is currently incorporated into the Scrutiny Management Board's work programme which has limited its capacity either to play a full strategic role for the Scrutiny function, or to conduct reviews requiring in depth or follow-up work.

The new Scrutiny Committee would allow for more effective scrutiny of issues within the defined areas by a dedicated Committee, and would free up capacity within the Scrutiny Management Board to take on a more strategic function.

It is proposed that there would be eight elected members on the Committee.

- 5.2 Membership of the Scrutiny Management Board which would remain unchanged.
- 5.3 The proposed changes would result in a net increase of 2 elected member positions on the Scrutiny Committees.
- 5.4 Appendix 1 shows the existing scrutiny structure and the proposed structure.

6.0 RECRUITMENT OF TOWN & PARISH COUNCIL REPRESENTATIVES TO THE SCRUTINY COMMITTEES

- 6.1 The Scrutiny Chairmen have expressed a desire to develop closer links between scrutiny and the Town & Parish Councils. This is consistent with the Co-operative Council priority to give local people greater involvement in planning and running Council services, accepting that scrutiny is an influencing but not a decision making body.
- 6.2 Currently, Town & Parish Councils are invited to make suggestions for the Scrutiny Work Programme and councillors may attend scrutiny meetings along with other members of the public, but there are no recognised links between scrutiny and the Town & Parish Councils.
- 6.2 It is proposed that Town & Parish Councils are invited to elect one representative to sit on each Scrutiny Committee, excluding the Scrutiny Management Board.
- 6.3 Criteria will be applied to the Town & Parish Council representatives:
 - They may not be borough ward Members.
 - They should represent the interests of all Town & Parish Councils and not the individual interests of their own parish. However, issues may legitimately be raised where the issue also affects several other wards in the borough.
 - They may bring appropriate issues to scrutiny as suggestions for the work programme. Provision to do this already exists, but a more formal working relationship is likely to enhance opportunities for the Town & Parish Councils to influence the work programme.

Decisions about the work programme remain with the Scrutiny Management Board and appropriate Scrutiny Committee.

- Representatives may feed back about scrutiny to the Parish Forum.
- They may ask questions and take part in scrutiny meetings, but will not have voting rights.
- They should ideally have an interest in, or knowledge of, the services within the remit of the Scrutiny Committee on which they sit so that they add to the skills and experience of the borough ward members and other co-optees on the Committee.

6.3 The proposal will not affect the position of existing Co-optees who are Town or Parish Councillors and who have been co-opted onto scrutiny for their individual skills and expertise.

6.4 There is currently no identified budget for paying allowances to Town & Parish Council representatives on the Scrutiny Committees.

6.5 The process and timetable for the recruitment of Town & Parish Council representatives is set out below.

7. PROCESS AND TIMETABLE FOR MAKING THE CHANGES

7.1 The Council's Constitution sets out that there will be a minimum of 2 and a maximum of 6 Scrutiny Committees including the Scrutiny Management Board.

7.2 Subject to this provision, the Scrutiny Management Board may make changes to the scrutiny structure and processes after consulting with the Scrutiny Assembly. The Scrutiny Chairman will report changes to the next full Council meeting. The Scrutiny Handbook will be updated to reflect the changes.

7.3 Appointments to the Scrutiny Committees will be made at Annual Council.

7.4 The process and timetable for making the proposed changes above is set out below.

5 th March	Scrutiny Management Board	Scrutiny Management Board to consider and agree changes to the scrutiny arrangements for consultation with the Scrutiny Assembly and Town & Parish Councils.
5 th March – 31 st March	Scrutiny Assembly	Consultation by e-mail with the Scrutiny Assembly and Town & Parish Councils.

		If there is sufficient demand, a Scrutiny Assembly meeting may be held during this period.
Mid-April 2012 (tbc)	Scrutiny Management Board	Scrutiny Management Board to consider feedback arising from the consultation and agree the final structure and arrangements as consulted on. The agreed structure will be confirmed to Town & Parish Councils so that they may nominate representatives for election at the Parish Forum meeting in June. A “job description” and “person spec” will be provided. Following the meeting the Scrutiny team will update the Scrutiny Handbook as required for consultation and approval by the Scrutiny Management Board at a future meeting.
3 rd May	Full Council	Chairman of the Scrutiny Management Board to report the changes to Full Council.
24 th May	Annual Council	Appointment of Members to Scrutiny Committees.
Mid-June 2012 (tbc)	Parish Forum	Election of TPC representatives, with immediate effect.

7.5 Further work arising from these proposals includes:

- Review of the statutory designations of the Scrutiny Committees
- Amendment of documents relating to the co-opted members of the Joint Health Overview & Scrutiny Committee
- Induction of Town & Parish Council representatives.

8. **EQUAL OPPORTUNITIES**

There are no specific equal opportunity issues arising from this report. All Town & Parish Councils will be given the opportunity to nominate representatives to the Scrutiny Committees.

8. ENVIRONMENTAL IMPACT

The environmental impact is limited to additional car journeys made by increasing the number of people travelling to meetings.

9. LEGAL COMMENT

Section 21(10) of the Local Government Act 2000 provides that a Scrutiny Committee can include members who are not elected Members of the Authority. Such members cannot vote unless a scheme is made in accordance with Schedule 1 Paragraph 12 to the Act.

10. LINKS WITH CORPORATE PRIORITIES

The proposal to invite Town & Parish Council representatives to the Scrutiny Committees is in line with the Co-operative Council priorities to involve partners and local people in the planning and running of services.

11. OPPORTUNITIES AND RISKS

The proposals are intended to improve the effectiveness of Scrutiny and to increase involvement of partners – the Town & Parish Councils – in the process.

There is a risk that the lack of an allowance for the Town & Parish Council representatives could be a barrier to participation.

There is a risk that the representatives bring individual parish matters to scrutiny.

12. FINANCIAL IMPLICATIONS

Additional costs will be incurred should the decision be taken to pay the Town & Parish Council representatives a Co-optees allowance. This will total £1,300 per annum and will need to be met from the members allowances budget.

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13. WARD IMPLICATIONS

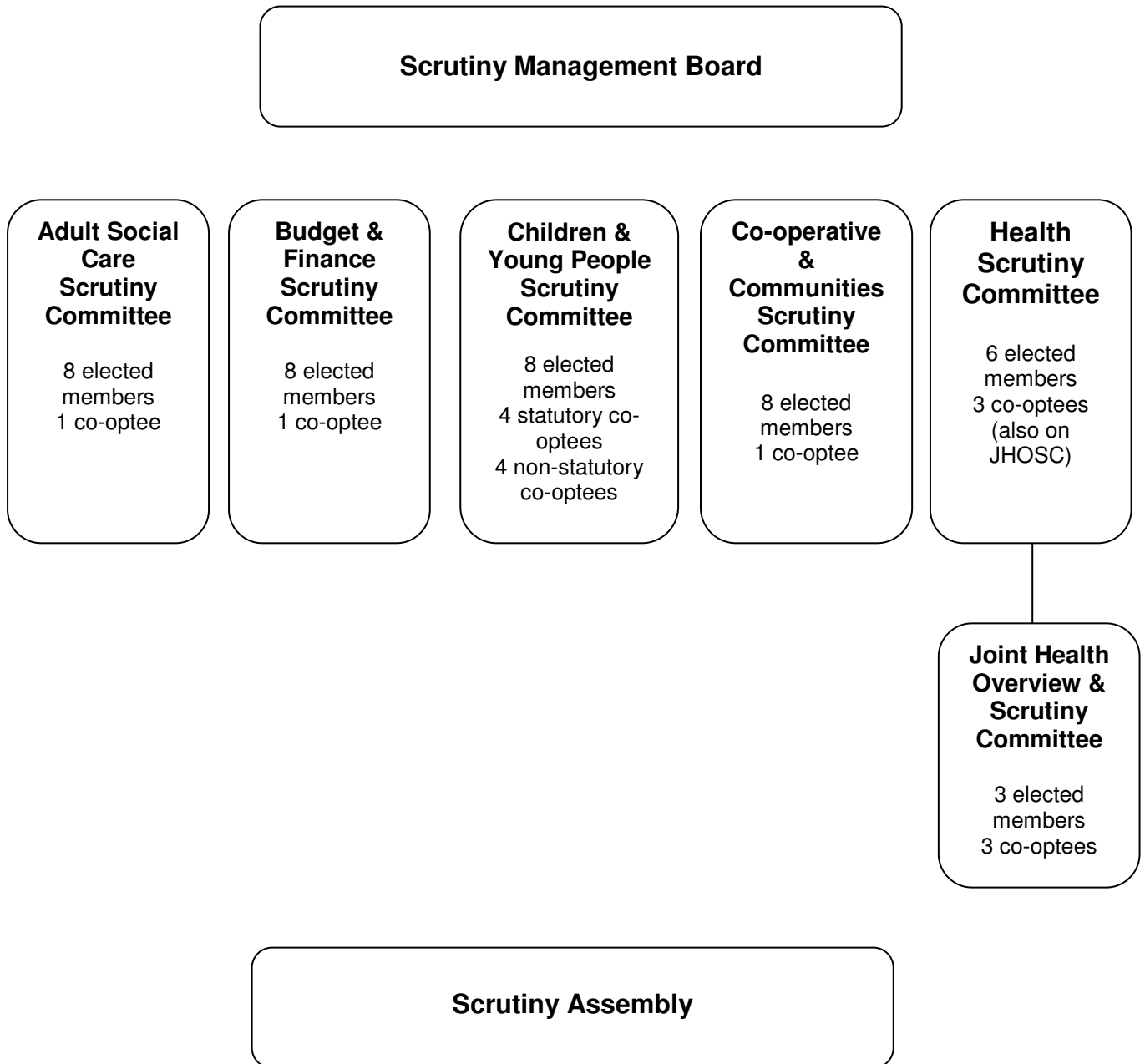
There are no ward specific implications arising from this report.

14. BACKGROUND PAPERS

None

Report prepared by Stephanie Jones, Scrutiny Group Specialist 01952 383114

EXISTING STRUCTURE



PROPOSED STRUCTURE

Scrutiny Management Board (strategic oversight)

- Setting the priorities for scrutiny and oversight of the work programme
- Evaluation and performance monitoring - quantitative and qualitative
- Allocation of resources
- Allocation of new scrutiny suggestions
- Legislation updates
- Scrutiny Reports
- Determining Scrutiny Assembly meetings
- Review issues of strategic importance

No change

Health & Adult Care Scrutiny Committee

8 elected members
4 co-optees

Budget & Finance Scrutiny Committee

No change*

Children & Young People Scrutiny Committee

No change*

Co-operative & Communities Scrutiny Committee

No change*

Housing, Economy & Infrastructure Scrutiny Committee

(Incorporating regeneration, environment, transport)

8 elected members

Joint Health Overview & Scrutiny Committee

No change

Scrutiny Assembly

No change

No change* - excluding potential TPC representative.

**Scrutiny Management Board Forward Plan
Forward Plan 2011/12**

MEETING DATE	AGENDA ITEM	LEAD MEMBER/ OFFICER	ADDITIONAL ATTENDEES
Tuesday, 12 th July 2011 10.00am Scrutiny Meeting Room	Scrutiny Work Programme		
Tuesday 13 th September 2011 6.00pm VIP suite	<ol style="list-style-type: none"> 1. Co-operative Council and Co-operative Commission 2. Scrutiny Handbook 3. Policy for Co-opting Scrutiny Members 	Cllr. Shaun Davies Richard Partington	
Monday, 7 th November 2011 2.30pm Committee Room 2	<ol style="list-style-type: none"> 1. Highways issues: <ul style="list-style-type: none"> – Winter maintenance – Pothole repair and quality of repairs – Condition of footpaths for wheelchairs 2. Chairmen's updates 	Jonathan Rowe Stuart Freeman Chris Butler Dave Hanley	
Monday, 5 th December 2011 2.00pm Scrutiny Meeting Room	Council's Forward Plan Scrutiny and the Media Progress Report on scrutiny work Scrutiny Suggestions	Nigel Newman	
9 th January 2012 2.30pm Scrutiny Meeting Room	<ol style="list-style-type: none"> 1. Housing Strategy and Choose Your Home 2. Response to recommendations made on 7th November 3. Scrutiny Management Board work programme 	Cllr. Liz Clare Cllr. Charles Smith Katherine Kynaston	
5 th March 2012 2.30pm Scrutiny Meeting Room	Flood and Water Management Proposed changes to Scrutiny arrangements	Chris Butler Steve Hollins	
14 th May 2012 2.30pm	Changes brought about by the Police & Social Reform Act and the Safer Stronger Communities Partnership	Jas Bedesha	

MEETING DATE	AGENDA ITEM	LEAD MEMBER/ OFFICER	ADDITIONAL ATTENDEES
Scrutiny Meeting Room	Reports for information: <ul style="list-style-type: none"> • Inward Investment and the Wrekin as part of the Tourism Strategy • Results of Hot Box trial 		
Reports requested for information			
Report on hot box trial compared to the pot hole buster (May).			
Car parking enforcement, decriminalisation of car parking			
Attracting business and tourism investment in the borough and developing the Wrekin as a tourist destination (May)			
Taxi licensing			
Suggestions carried forward to 2012/13			
Waste and recycling, refuse disposal			
Highways term maintenance contract			
Regeneration schemes and lessons learnt			