

Lancashire County Council

Scrutiny Committee

Minutes of the Meeting held on Friday, 10th June, 2011 at 10.00 am in Cabinet Room 'B' - County Hall, Preston

Present:

County Councillor John Shedwick (Chair)

County Councillors

T Aldridge	K Ellard
Mrs R Blow	A Knox
S Chapman	D O'Toole
Mrs F Craig-Wilson	M Otter
C Crompton	D Westley
M Devaney	

County Councillor Mike Otter replaced County Councillor Peter Steen for this meeting only.

County Councillor Terry Aldridge replaced County Councillor Janice Hanson for this meeting only.

County Councillor Renee Blow replaced County Councillor Peter Malpas for this meeting only.

County Councillor Allan Knox replaced County Councillor Bill Winlow for this meeting only.

1. Apologies

Apologies for absence were received from County Councillor Liz Oades.

2. Constitution: Chair and Deputy Chair; Membership; Revised Terms of Reference of the Scrutiny Committee

Resolved: That;

- i. The appointment of County Councillor J Shedwick and County Councillor K Ellard as Chair and Deputy Chair of the Committee for the remainder of the 2011/12 municipal year be noted;
- ii. The membership of the Committee following the County Council's annual meeting be noted; and
- iii. The revised Terms of Reference of the Committee be noted.

3. Disclosure of Personal and Prejudicial Interests

County Councillor F Craig-Wilson declared a personal interest in item 5 - Flood Risk Management in Lancashire as she was a member of Fylde Borough Council

and in item 6 - Arts Council England Funding as she was the Champion for Heritage, Arts and Culture at Fylde Borough Council.

County Councillor J Shedwick declared a personal interest in item 6 - Arts Council England Funding as he was a member of the Dukes Playhouse Board of Directors, and member of the Sounding Board of the Lancashire Sinfonietta.

County Councillor K Ellard declared a personal interest in item 6 - Arts Council England Funding as he was a member of the Sounding Board of the Lancashire Sinfonietta.

County Councillor D Westley declared a personal interest in item 6 - Arts Council England Funding as he was the Cabinet Member for Finance and Performance Management at West Lancashire Borough Council.

4. Minutes of the Meeting held on 13 May and the Special Meeting held on 23 May 2011

Resolved: That, the minutes of the meeting held on 13 May and the special meeting held on 23 May 2011 be confirmed and signed by the chair.

5. Flood Risk Management in Lancashire

The Chair welcomed Jo Turton, Executive Director for the Environment, Mike Kirby, Director Transport and Strategic Highways, Rick Hayton, Assistant Director Strategic Highways and Procurement, and Andy Cameron, Principal Engineer on secondment from the Environment Agency (EA), to the meeting.

It was reported that two pieces of legislation had been introduced which brought new flood risk management responsibilities for local authorities and other organisations, these being; the Flood Risk Regulations 2009, and the Flood and Water Management Act 2010.

The Committee was informed that the Regulations had confirmed the lead local flood authority (LLFA) role for the county council and unitary authorities. The Regulations had also imposed a duty on such authorities to prepare preliminary flood risk assessments (PFRA) in which "significant" flood risk areas should be identified. To assist with the process, the EA had produced a national map identifying areas meeting the criteria set by Defra (Department for Environment, Food and Rural Affairs) for "significant" risk. It was reported that there were no significant flood risk areas in Lancashire and as a result the further duty on local flood authorities to prepare flood hazard and risk maps, and flood management plans would not apply. The Committee was informed that this cycle of activity would repeat every six years.

The Committee was informed that the Flood and Water Management Act 2010 had imposed the most significant roles and responsibilities on local authorities and other organisations. These included:

- A "strategic overview" role for the EA to assist upper tier and unitary authorities in taking on new duties and the creation of the national flood risk strategy;
- Upper tier and unitary authorities (Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Council) were now designated as "lead local flood authorities". In addition to the PFRA requirement, there was now a duty on the county council to prepare a local flood risk management strategy; and
- A number of "Risk Management Authorities" which would include; the EA, LLFA, district councils, highway authorities and water companies (United Utilities - UU) to exercise their flood risk management functions in accordance with the flood risk management strategy yet to be developed for Lancashire.

It was reported that the county council, district and unitary councils in the wider Lancashire sub-region were working in partnership with the EA and UU on developing responses to the new duties as LLFAs. Officers outlined some of the key duties required by LLFAs which included:

- A duty to; develop, maintain, apply, monitor and consult on a local flood risk management strategy from October 2010.
- The power to request information from third parties in connection with flood risk management duties. Third parties would a duty to co-operate with the LLFA and the EA.
- A duty to ensure that flooding incidents are investigated by appropriate organisations and to identify and publish intended actions.
- A duty to develop and maintain a register of structures or features that could impact on flood risk. It was explained that to develop such a register would be an extensive task as it would need to include details of structures/ features, ownership and condition of those identified across the county. The LLFA would also have the power to designate structures or features which would affect flooding, including those on private land.
- The Scrutiny Committee of the LLFA to have the power to request reports or attendance at any meeting from any flood risk management organisation to allow scrutiny of the delivery of flood risk management functions.
- The LLFA from October 2011, to take on the EA's role for consenting works that would likely affect the flow capacity of ordinary watercourses.
- To act as a Sustainable Urban Drainage System (SuDS) Approval Body to work in tandem with the planning system. From October 2011, the LLFA would have to approve sustainable drainage proposals associated with any construction work for buildings or any structure that would cover land which would affect water absorption.

The Committee was informed of the main issues facing the LLFAs which were; resources, skills and knowledge. It was reported that the EA were running workshops on a range of themes to develop necessary skills and that officers from the county council had fully engaged with these opportunities.

The Committee was also informed that the county council had also taken the opportunity to part fund a secondment from the EA for 12 months to help develop appropriate responses to the new duties. However, it was explained that it would be critical in going forward for all councils in Lancashire to be sufficiently skilled and resourced to exercise their current and new flood risk management duties properly.

However, funding for these additional duties remained an issue for the county council. Whilst monies had been received from Defra, they had recently consulted on a proposed new system for funding capital flood risk management schemes based on a "payment for outcomes" approach. It was envisaged that such an approach would bring further challenges for LLFAs to raise any balance from other sources.

It was reported that a Lancashire Flood Risk Management Officer Group Chaired by the county council had been established in order to ensure effective partnership working. The group attended by officers from the county council, district and unitary councils in Lancashire, UU and the EA had begun to develop strategic approaches to the issues facing LLFAs and other organisations. It was also reported that the group had made good early progress on gathering local flood data and historical flood information. The Committee was informed that the EA and the Chair of the Regional Flood and Coastal Committee were pleased with Lancashire's approach and saw it as an emerging model of good practice for the delivery of these new duties.

Councillors raised a number of questions and comments. A summary of which is provided below:

- There was interest in where the local flood risk hotspots were, in particular any sites that fell into the threshold set in the national risk register (30 thousand people). The Committee was informed that so far, data had been collated against surface flooding issues and not in relation to flooding from rivers. The EA were currently looking at this matter separately. The information was reviewed using national modelling techniques with an average occupancy of 2.8 people per household. However, the Committee was informed that the largest area at risk from surface flooding was Blackburn with around ten thousand people at risk followed by the areas; Preston, Burnley, Colne, Nelson and Ribble Valley - the largest of which, had approximately eight thousand people at risk. The Committee was informed that these areas would become priority areas for the LLFAs in creating the national flood risk strategy. The county council was also looking to enhance the modelling techniques used to get a better understanding of what was at risk and to alleviate those areas identified.
- A question was asked in relation to the SuDS Approval Body and to who within the county council would have delegated authority to approve sustainable drainage proposals. The Committee was informed that delegated authority was not in place yet. However, officers assured the

Committee that the county council as LLFA would be working closely with the district councils to formalise such a process.

- Councillors re-iterated the importance of consulting them as a resource for local knowledge. The Committee was informed that the Environment Directorate was also looking to liaise with local groups to assist in identifying structures and features across the county.
- One councillor commented that he didn't recall any instances where planning permission had been refused on a flood risk basis. Concern was expressed that with the increase in building activity, flooding incidences and the lack of regular gully emptying that authorities would need to ensure a more robust process was in place when refusing planning applications.
- A councillor asked whether responsibility for sea defences would be transferred from the district councils to the county council. The Committee was informed that the responsibility would not be transferred, however, the county council as LLFA would be accountable under the new legislation. It was also suggested that district councils would gain additional powers from the new legislation.
- Questions were asked in relation to preventative maintenance, gully cleaning and the clearing of subways and underpasses. The Committee was informed that the county council as LLFA was currently looking at its inventory of gullies, identifying problem locations with the view to changing maintenance regimes. With regard to the clearing of subways and underpasses, the Committee was reassured that these matters had been noted for action accordingly.
- One councillor asked whether training would be carried out for the staff taking on the new additional responsibilities. The Committee was informed that Defra were running a capacity building initiative and a series of workshops to assist organisations in developing the necessary skills. The Committee was also informed that the county council along with the EA was jointly funding a post on a two year foundation flood risk management degree. The county council in working in partnership with the district councils was making sure it could access a wider skill-set to move forward.
- A question was asked regarding what power the county council would have in ensuring that developers put in place the necessary flooding retention systems. Another question was also asked in relation to the quality of data and how intelligence was shared between authorities. It was reported that district councils had to abide by national planning policy which included carrying out strategic flood risk assessments to inform decision makers when approving or refusing planning applications. The county council was also working with district councils in creating surface water management plans as a new approach to assessing surface water flooding risks. It was hoped that an outcome of producing these plans would be the creation of local development policy documentation to share intelligence.
- Concern was expressed regarding flooding in rural areas, issues being reported and a lack of physical action being carried out to resolve them. Assurance was sought by a councillor that concrete action wouldn't be

sacrificed at the expense of additional meetings and trails to ascertain who would be responsible for what. The Committee was informed that the new legislation provided the county council with better prospects to deliver outcomes, putting money where it mattered and in taking schemes forward.

The Committee considered how it wished to take forward its additional responsibility on scrutinising the delivery of flood risk management functions. The Committee was advised that whilst it should monitor progress it would need to ensure that physical changes were occurring. The role of the Scrutiny Committee also allowed for it to call upon other organisations to attend meetings to present evidence.

The Chair felt that it would be appropriate for the Committee to receive feedback on what has been achieved in relation to the risk register, funding and the new responsibilities in six months' time.

Resolved: That;

- i. The report be noted;
- ii. An update report on Flood Risk Management be presented to the Committee in six months' time.

6. Arts Council England Funding

The Chair welcomed Ian Watson, Head of Cultural Services, David Blackett, Cultural Services Development Manager, Paul Kelly, Arts and Regeneration Officer, Alex Walker, Head of Arts and Heritage from Preston City Council, Joe Sumsion, Director of the Duke's Theatre in Lancaster, and Mandy Precious, Director of Burnley Youth Theatre to the meeting.

It was reported that Arts Council England (ACE) had issued information about funding for 2012-2015 for its National Portfolio of Organisations (NPO). The Committee was informed that the Arts Council had undergone a strategic re-modelling of its funding arrangements which had had far-reaching effects on arts organisations within Lancashire in comparison to the North-West. It was hoped that the presentations by the organisations invited to the Committee would reflect the impact of the Arts Council's decision to re-model its funding arrangements and how the county council might take the matter forward.

Paul Kelly delivered a presentation on ACE and the arts infrastructure of Lancashire. It was explained that ACE had devised a ten year strategy called, "Achieving Great Art for Everyone". However, it was reported that there had been a 29.6% reduction in monies available for funding over the next four years. Along with the new strategy, ACE had also established a new 'National Portfolio Organisation' funding process whereby bids for funding were open to all. It was reported that 1300 applications had been received nationally with only 695 being approved. The impact all these changes had on Lancashire meant that the current regular funded organisations had taken a 6.9% reduction in funding for 2011/12. From 2012/13 Six organisations would see their funding reduced

entirely, whilst the majority of those who were to receive funding would be on a reduced basis from previous year's allocations. It was also reported that for 2012/13, Lancashire would see a 45.1% reduction in funding secured.

Comparisons of data were made against neighbouring authorities' investments in the north west region. It was stated that whilst Lancashire had 20% of the total population within the region, it was calculated that investment from ACE for national portfolio organisations accounted for only 4% of that invested in the region.

Some positive aspects on funding for the arts were reported which included; a forecast that Arts Lottery income would rise over the next four years, a transition fund of £47K from ACE had been placed with the county council, the Preston Guild event had secured a £300K award and the organisation 'Curious Minds' based in Lancashire had been identified as a 'Bridge Organisation' bringing an additional £4.16m to the region over the next three years. A list of questions was presented to the Committee for consideration on the future of the arts in Lancashire. These were:

- Where do we want to be in 4 years time?
- Should we have an arts infrastructure vision for the county with a strategic plan to support this?
- What do we want the arts infrastructure to look like?
- Home grown talent, external bodies coming in?
- How should we manage transition support and target ongoing LCC investment? How do we better connect with the districts?
- Where is the artistic ambition in Lancashire: the opportunities?
- Where's the new blood - new artists / collectives?
- How can we ensure increased GFA project funding into Lancashire?
- Where is the Arts leadership in Lancashire?
- Who are our Arts Champions outside the sector?
- Are we conveying the right messages about the Arts and the economic potential for Lancashire?

Joe Sumsion gave a presentation to the Committee on the Dukes Theatre at Lancaster. The Committee was informed that The Dukes received annual investment from three core funding partners namely; ACE, the county council and Lancaster City Council. It was their ambition for the theatre to become a centre of excellence for young people in Lancashire. Whilst the theatre primarily invested in young people, it was also a key employer, provided support for creative businesses and attracted investment from other sources.

However, it was reported that whilst ACE and other organisations recognised the recent success of The Dukes, the level of investment from ACE for 2012 would be the equivalent to their investment received in 2001. Also, The Dukes had been identified as a NPO by ACE and, therefore, could no longer apply for 'grants for the arts' post 2012. The impact of which, would result in fewer productions and reduced staffing.

On moving forward, The Dukes was looking to; promote itself further as a successful organisation, develop a vision for arts and culture in Lancashire and to work with ACE to help realise their vision.

Mandy Precious gave a presentation to the Committee on the Burnley Youth Theatre. The Committee was informed that the theatre was established by parents in 1973 and subsequently became a registered charity in 1997. The theatre was one of two purpose built facilities in the UK and its core business was self-sustained through contributions. The theatre worked with approximately 450 young people per week, delivering 23 workshops and an additional ten to 20 workshops in outreach locations per week.

It was felt that the theatre was successful in securing funding from ACE for a number of reasons including; that it reflected the community it served, was a hub of good practice, provided training and paid placements and was a developing venue.

Alex Walker delivered a presentation on the Harris Museum and Art Gallery at Preston. The Committee was informed that the museum housed some of the finest art collections in the north west. As well as containing historical material the museum also ran a contemporary programme of works and installations.

The Committee was informed that the museum was recognised for its temporary exhibition programme and international work. Visitor numbers had doubled over the past five years. Successful partnerships had also been established between the county council and the University of Central Lancashire (UCLAN) working jointly on matters relating to access and education.

With regard to funding, it was reported that the museum had in the past secured Renaissance funding from the Museums, Libraries and Archives Council (MLA) which had provided the necessary monies to fund ten or eleven staff. However, concern was expressed surrounding the future of Renaissance funding due to the initiative being transferred to ACE in the near future. The outcome of which would be critical for the museum.

It was reported that the museum was not a regularly funded organisation. A recent application for National Portfolio funding had been unsuccessful. As a result of which, the museum and UCLAN had developed a programme of work to identify sources of regular funding. It was also reported that the museum had received a number of 'grants for the arts' over the years and was now in the process of submitting an application for a three year 'grants for the arts' award.

The Committee was informed that officers from Preston City Council were looking to enter into discussions with the county council on matters relating to future funding arrangements.

In receiving the presentations the Chair suggested that a task group to look into arts funding be established. Furthermore, that a formal request be made to this

Committee at its next meeting in September to allow sufficient time to develop the terms of reference for it so that the task group could commence its work as soon as practicable.

Councillors raised a number of questions and comments. A summary of which is provided below:

- A question was asked in relation to how much money the county council spent on the arts and how much was given in grants to organisations per year. It was reported that the county council spent approximately £570K on the arts - £450K of which would go towards funding seven principal arts organisations in Lancashire. The remaining £120K would go towards funding projects.
- One councillor made a comment that the arts were seen as a soft cut during periods of recession. There was concern that some amateur organisations would close down due to a lack of funding being directed to them.
- Concern was expressed regarding reduction in schools' budgets for the arts and whether or not the county council was conveying the right message about what art and culture was. It was recognised that the arts contributed to many other areas including; health, education and quality of life. It was suggested that this matter could be looked into by the task group.
- Councillors queried why certain districts within the county received funding and others didn't. The Committee was informed that funding for the arts by the county council was targeted to the more professionally established groups which happened to be based in those particular districts receiving investment. However, mention was made that amateur groups were normally funded by the district councils. It was suggested that Lancashire's ambition for the arts be looked into by the task group.

The Chair thanked everyone for their attendance and the presentations delivered to the Committee.

Resolved: That;

- i. The Committee in receiving the presentations noted the report;
- ii. The request for a task group on Arts Funding along with a draft terms of reference be presented at the next meeting of the Scrutiny Committee on the 9 September 2011 for consideration.

7. Establishment of a Standing Joint Lancashire Health Overview and Scrutiny Committee

The Chair welcomed Josh Mynott, Committee Support Team Leader, to the meeting.

At its meeting on 13 May 2011, the Committee recalled that whilst it had accepted the requirement to establish appropriate joint working arrangements a further report regarding the balance of representation from the three Councils on the Standing Joint Health Overview and Scrutiny Committee was requested. The Committee had felt that the relative sizes of the three authorities should be more accurately reflected in the overall composition of the Joint Committee.

A new balance of representation for the three Councils was therefore proposed as follows:

- Lancashire – 9 representatives;
- Blackburn with Darwen – 3 representatives; and
- Blackpool – 3 representatives.

The Committee was informed that whilst the new proposal did not accurately reflect the relative sizes of the three authorities, the requirement was balanced against the need to keep the overall size of the Joint Committee within reasonable parameters and to ensure that the two unitary authorities would maintain a reasonable level of representation. The terms of reference for the Joint Committee had been revised and presented at appendix 'A' to the report.

The Committee was also informed that the new proposal had been indicated to the two unitary authorities. It was reported that since the agenda was published a joint letter from the two unitary authorities had been received by the county council. The letter explained that the two unitary authorities preferred the original proposal as suggested by the Lancashire Leaders Group.

However, it was reported that officers were aware of imminent changes in the health service which would affect all three areas. The Committee was advised that if the Lancashire Care Trust was to consult in the near future the county council would need to have established a Joint Committee in order for it to be consulted.

Resolved: That,

- i. The establishment of the Joint Lancashire Health Overview and Scrutiny Committee be approved.
- ii. The balance of representation from the three councils be as follows:
 - Lancashire – 9 representatives;
 - Blackburn with Darwen – 3 representatives; and
 - Blackpool – 3 representatives.

8. Task Group Updates

The Committee received an update on current task groups and their proposed completion dates.

Resolved: That, the update on existing task groups be noted.

9. Recent and Forthcoming Decisions

The committee had been given the opportunity to view and consider recent relevant decisions made and also forthcoming decisions including those set out in the current Forward Plan.

Resolved: That, the report be noted.

10. Workplan 2010/11

The workplan for the committee was presented for noting and comments. The Chair gave an outline of the work to be carried out by the Committee over the coming months.

Resolved: That, the report be noted.

11. Date of Next Meeting - Training Session

It was noted that the next meeting of the Committee on Friday 8 July 2011 had been designated as a training session for Members. The next ordinary meeting of the Committee would therefore be held on 9 September 2011 at 10am at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston