

SCRUTINY COMMITTEE MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 10 SEPTEMBER 2015 at 7.30pm

Present: Councillor A Dean – Chairman.
Councillors H Asker, G Barker, P Davies, M Felton, T Goddard, S Harris, B Light, E Oliver and G Sell.

Also present: Councillors H Rolfe and M Lemon
Adam Dodgshon – Principal Consultant PAS and Simon Ford – Principal Consultant Amec Foster Wheeler.

Officers in attendance: R Auty (Assistant Director Corporate Services), L Cleaver (Communications Manager), M Cox (Democratic Services Officer), V Taylor (Business Improvement and Performance Officer) and A Webb (Director of Finance and Corporate Services).

SC7 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Members declared the following non - pecuniary interests

Councillors Barker, Harris, Davies and Oliver as they had been members of the Scrutiny Committee from 2011 – 2015 when the Local Plan had been considered. Councillor Oliver was also a member of the Local Plan working group during that period.

Councillor Sell as a member of Stansted Parish Council.

Councillor G Barker said he had been granted a dispensation in that he was the husband of Councillor Susan Barker and she had been involved in the Local Plan process from 2007- 2015.

SC8 MINUTES

The Minutes of the meeting held on 24 June 2015 were received and signed by the Chairman as a correct record, subject to the inclusion of Councillor Harris in the list of apologies for the meeting.

SC9 LOCAL PLAN REVIEW

The Chairman welcomed to the meeting Adam Dodgshon from the Planning Advisory Service (PAS) and Simon Ford from Amec Foster Wheeler. They were to present the findings of the review, requested by the Scrutiny Committee, into the process leading up to the withdrawal of the Local Plan in December 2014. As this was the first formal feedback of the report the Chairman suggested that this meeting should be an opportunity for members to ask questions, digest and understand the findings of the report and then

consider how to take it forward within the council. He did not intend this meeting to challenge members or officers about the actions taken but in due course the council would see what lessons had been learned.

Mr Dodgshon presented the report. He explained that it was a high-level review of the work to date and aimed to consider how the council could move forward with the new Local Plan.

The review had considered the following areas - the timeline of the plan preparation, the Inspector's letter, the Sustainability Appraisal, the site selection process, engagement and duty to cooperate. It also included a summary and conclusions.

Mr Dodgshon said that the timeline provided a commentary of how the decisions had been made. He had reviewed the minutes of every council meeting that had discussed the Local Plan between 2007 -2014. This had revealed that the expected political structures were in place and there had been no process failure or impropriety.

However, some other areas had been highlighted which should be addressed in the new plan process. One concern was the lack of any formal reviews in response to disagreements about the direction of the Plan. The Plan should have been evidence led but throughout the document the narrative appeared inconsistent. There was also evidence that a political mandate had created the potential for disagreement between officers and members. The plan preparation had taken seven years, which was not the norm, and whilst there had been fundamental policy changes during this period there should be better resilience built into the plan to prevent these unforeseen delays. The council should also look at how to deal with contrary opinions and realise the importance of a comprehensive risk register.

In relation to the Inspector's letter, the main matters of concern was the shortfall in the council's Objectively Assessed Need (OAN) and the lack of clear justification for the site at Elsenham. Other matters such as the Duty to Cooperate and the Sustainability Assessment required further work but other elements of the plan such as the 5 year land supply, employment and settlement classifications had been regarded as good pieces of work.

Mr Dodgson explained the test of soundness that all Inspectors had to take into account and the options open to the Inspector if the Plan failed these tests. He considered that the decision of the Inspector to withdraw the Plan was consistent with these tests. As a comparison, he gave details of recent decisions for other authorities whose plans had been withdrawn or rejected. He said Uttlesford's Plan was by no means a complete failure and work that had been done could be carried forward to the new plan. The Inspector had helpfully set out the key pieces of work going forward – a new Strategic Housing Market Assessment, cooperation on strategic issues and a new Sustainability Appraisal.

Mr Ford continued the presentation. One area that the report had identified was that the Plan included an excessive number of options for policies and a

lack of narrative around how sites had been identified, in particular the site at Elsenham. The council was now required to prepare a new Sustainability Appraisal, which was a key technical document and should provide a transparent narrative on the options and how the sites were chosen. This was currently being prepared and there were positive signs from the early draft, which had recently been prepared.

Mr Ford said site selection should have an effective mechanism and process. The Inspector had been concerned that that the council could not evidence that it had taken account of all three factors - suitability, availability and viability. The council should first establish which sites were potentially available, then develop a vision that fits the sense of place and then assess all sites equally under a common framework, taking account of the OAN. This process should not be developer led.

There had also been concerns about the limited documented evidence of an Engagement Strategy and evidence of ongoing engagement with key agencies during the plan preparation. Mr Ford said this was about process and documentation and could easily be addressed.

Mr Ford concluded that the council would not need to start from scratch. The main actions were for the council to focus on the key areas identified by the Inspector and consider the resources and support that might be required. It should also look to develop resilience against changes in policies to ensure the plan kept moving forward. He emphasised that the importance of robust evidence could not be overstated.

The Chairman thanked Mr Dodgshon and Mr Ford for conducting a very thorough review and for the clear presentation of the findings.

The Committee discussed the report and asked the following questions.

Do you consider that Full Council has been sufficiently engaged through the process? *This is really for the council to decide. Standard practice is for Full Council to consider the key stages. If significant issues are raised these can also be brought to the council.*

Uttlesford is a very popular district and residents feel passionate about their areas. How is it best to engage with the community? *Community engagement is an emotive issue but there are a number of important things to consider. It should be upfront, start early, be ongoing and consistent and clear in the messages. The public should be clear on what value they can add to the process but also about what can't be changed within statutory requirements. The process should be mapped, audited and trackable.*

Do you consider that Scrutiny Committee has done enough in this process as the timeline only mentions meetings in 2007 and 2012? *For much of this period, work was continuing behind the scenes on technical studies. The committee was probably engaged when necessary, but it might be worth looking at the role of Scrutiny going forward.*

Can the PAS offer a view on the plan before it is submitted? *We expect that PAS will remain a critical friend and offer support with assessing the plan's documents. However, at this stage the future of PAS funding and the council's requirements are unclear.*

Please can you explain the following phrases in the report?

Prevailing political desires – *this was taken from the LDF working group August 2010 where there was a policy to reduce the housing number which appeared to be politically rather than officer led.*

Dodgy assumption – *this referred to a discussion at the working group around the zero migration assumption, many examinations had failed on this point.*

How can officers best advise members about complicated advice and technical issues so that members fully understand the issues and can be sure that the advice is sound? *Probably the most effective way is to arrange focused member briefing sessions on particular issues. The PAS has also produced some learning sessions.*

Is there value in using a project management tool (eg Prince 2) for this process? *This type of project management tool is not generally appropriate for Local Government projects, but the underlying principles are a sound basis to include in the project plan. It is also very important to produce a detailed risk register, so that mitigation measures can be triggered in the light of changed events during the production of the plan.*

Members welcomed the report and said the presentation had been helpful in summarising the findings. The council was now working collaboratively on the new plan and there was optimism about the outcome. It was now for the council to move forward by focusing on the identified areas and a lot of this work had already taken place.

The committee discussed how to take this matter forward. The Chairman suggested sending the report to Cabinet, with a request for a response in the form of an action plan; then the Chairman and Vice Chairman of the committee could consider what further action, if any, was required.

Other members felt it was unnecessary to ask for a response from Cabinet as this would needlessly hinder the process. The report had been published and many of the identified actions had already been taken on board. Members were also aware that the Scrutiny Committee had finite resources and there were other service areas that it wished to consider.

The Chairman felt that Cabinet, as the responsible body, should at least acknowledge the report to ensure that the recommendations were progressed. Members said that they would like to receive feedback on the progress of the Plan. Officers explained that this could be achieved through the pre-scrutiny process, which gave the committee the opportunity to comment on key issues before reports were considered by PPWG and Cabinet. The Leader also offered to feed back progress to the committee when appropriate.

The Chairman suggested forwarding the report to Cabinet, for it to be taken into account in the new Local Plan preparation. He proposed the following recommendation, which was seconded and agreed.

RESOLVED that

- 1 The committee welcomes the report from the Planning Advisory Service and thanks its representatives for their detailed work on identifying flaws in the past process and in making recommendations for improving the process used to produce the new local plan.
- 2 The PAS report and the minutes of this meeting be referred to Cabinet, working with the Planning Policy Working Group, and ask that it take account of the findings of the report and the Scrutiny Committee's deliberations

SC10 **CABINET FORWARD PLAN**

The Committee received the latest version of the Forward Plan. As requested at the last meeting this now included a column, which set out brief information about each item.

SC11 **SCRUTINY WORK PROGRAMME**

The Committee received a list of suggested topics for Scrutiny to review from Councillors Dean and Davies. The Chairman suggested appointing a task group to look at this list in detail and suggest key areas for the committee to review.

Councillor Sell said that at the last meeting the committee said it would focus on internal rather than external relationships. He suggested that the committee look at the enforcement service for its first review and members agreed.

RESOLVED

- 1 The committee appoint a task group, comprising Councillors A Dean, G Barker and B Light, to consider areas for review and recommend a work programme to the Scrutiny Committee meeting on 17 November 2015.
- 2 Officers prepare a scoping report on the enforcement service for the next meeting of the committee.

The meeting ended at 9.45pm.