

**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 7.30pm on 17 NOVEMBER 2015**

Present: Councillor A Dean (Chairman)
Councillors H Asker, G Barker, P Davies, B Light, E Oliver and G Sell.

Officers in attendance: R Auty (Assistant Director Corporate Services), L Cleaver (Communications Manager), A Rees (Democratic and Electoral Services Officer) and A Webb (Director of Finance and Corporate Services).

Others in attendance: Councillors S Barker (Deputy Leader and Portfolio Holder for Environmental Services) and S Howell (Portfolio Holder for Finance and Administration).

SC12 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Felton, Goddard and Harris.

SC13 MINUTES OF THE PREVIOUS MEETING

The minutes were received and signed by the Chairman as a correct record.

SC14 MATTERS ARISING

(i) SC9 – Local Plan Review

Councillor Dean said that he reported the Committee's decision to Cabinet. Cabinet had welcomed the report and accepted the findings.

SC15 CABINET FORWARD PLAN

The Committee examined the Forward Plan and were informed Cabinet was no longer considering the Housing Strategy, Homelessness Strategy and HRA Business Plan at the meeting on 10 December 2015. These would now be considered at the Cabinet meeting on 12 January 2016.

Discussions moved onto the Car Parking Review. Councillor Dean said the Review had been started due to a review by the Committee and noted there had been some dissatisfaction with the draft report. Councillor Sell then added that Stansted Parish Council had been concerned the estimated number of people who used the Lower Street car park was lower than the actual number.

In response, Councillor S Barker said she was aware of the concerns surrounding Lower Street car park. The possibility of annual or bi-annual

meetings with parish councils being organised to allow for minor tweaks to car parking arrangements to be made on a more regular basis was being explored. She had asked the Assistant Director Planning and Building Control to provide her with a table of the proposals which she would circulate to Members as soon as possible.

In response to a question by Councillor Dean, The Assistant Director Corporate Services said the proposals of the car parking review could be added to the agenda of the Committee meeting in February.

The Forward Plan was noted.

SC16

SCRUTINY WORK TOPICS

Councillor Dean said the Working Group which had been established at the previous Committee meeting had met twice to discuss potential topics for the Committee. The Working Group had split the topics into four categories; those to be added to the 2015/16 Work Programme, topics to be added to the 2016/17 Work Programme, topics suitable for review in the longer term, and finally topics which were unsuitable for review. The topics for each category were as follows:

- 1) 2015/16 Work Programme
 - a. S106 and CILS
 - b. Air Quality Management
 - c. Building Control Function
 - d. Enforcement
 - e. Reliance on New Homes Bonus

- 2) 2016/17 Work Programme
 - a. The relationship between Uttlesford District Council and Essex County Council
 - b. Quiet Lanes

- 3) Topics for the longer term
 - a. Planning Appeals
 - b. Affordable Housing Provision
 - c. Evaluation of controls in place regarding information provided by developers
 - d. Methods used to assess sustainability in planning applications
 - e. The possibility of enhancing the Council's recycling and waste collection scheme
 - f. The Council Tax arrears collection process
 - g. Community Engagement
 - h. The effectiveness of the North Essex Parking Partnership (NEPP)

- 4) Topics not suitable for review
 - a. Strategic planning systems
 - b. 5 Year land supply

- c. Separate collection of dry recyclable materials
- d. Procedures for ensuring the safety of Officers and Members at Planning and Licensing Committees
- e. The Council's capacity to help with regard to the international refugee crisis

Councillor G Barker asked whether Councillor Dean, as Chairman, had already written to the Constitution Working Group about their plans to keep the cabinet system under review. Any comments should be endorsed by the Committee.

In response, Councillor Dean said he had already written to the Constitution Working Group, but would be willing to withdraw the comments he had made if the Committee felt it was necessary. Members agreed the Constitution Working Group should have been written to about their plans to keep the cabinet system under review.

RESOLVED that the topics for review were agreed as set out above.

SC17 **BUDGET 2016/17 OVERVIEW**

The Director of Finance and Corporate Services presented his report. He noted, in response to Members' comments about the size of the consultation report, that the consultation had received a much larger number of responses when compared with previous years.

The aim of the report was to provide Members with information about the budget documents which would be considered by the Committee in February. This included possible areas of scrutiny for Members to consider in respect of each part of the budget.

The Director of Finance and Corporate Services outlined the changes which had been made to the consultation process. In previous years the budget's consultation had been based on the key actions contained within the Corporate Plan. The scope of the consultation had been widened and now comprised of:

- a) A telephone survey undertaken by a professional market research company. The company was commissioned to deliver 500 responses but had actually delivered 533.
- b) An open public consultation using an online questionnaire. Paper copies were available at the Council offices, with face to face consultations at Great Dunmow Carnival, as well as the Saffron Walden and Thaxted markets. This received 79 responses.
- c) The 450 members of the Uttlesford Citizens Panel. This received 208 responses.

As a result the consultation received 820 responses compared with 196 in 2014.

The Director of Finance and Corporate Services moved onto the New Homes Bonus (NHB). The NHB was a subsidy paid on the basis of the number of new homes brought into use during a 12 month period. If the NHB was to continue the Council would become increasingly reliant upon it in subsequent financial years.

In October the Government had announced that by 2020/21 councils would be able to retain 100% of collected business rates. It seemed initially the Council would benefit from this, as Uttlesford contained an international airport. However, it was also noted that local governments would be taking on new responsibilities and would need to contribute to fiscal consolidation over the Parliament. Additional funding was not going to be made available by the Government to fulfil the new responsibilities.

It appeared from the Secretary of State for Communities and Local Government that Government grants would be phased out to help ensure the new responsibilities would be fiscally neutral, although it was likely this would be fiscally neutral in respect of the Government's finances and not the Council's. This would be in return for 100% business rate retention.

The Secretary of State had also said redistribution would remain important, so it appeared that top slicing of business rates would remain in place. It also looked as though the Council would not necessarily be able to keep Business Rates growth in its entirety and that some safety nets would be put in place to help struggling authorities.

The Director of Finance and Corporate Services said there were currently a lot of unknowns surrounding the phasing out of NHB and introduction of Business Rates retention. When the Spending Review was announced on 25 November it would be clearer what the changes meant to the Council.

The Committee considered the age profiling of the telephone survey. Councillor Dean noted the number of responses from those aged 18-29 years old was roughly a third of those aged 50-74. Additionally some of the responses to the consultation had suggested that the questionnaire had focused on services relating to the elderly and not services for younger people throughout the district. Councillor Dean suggested that it may be useful to have pre-scrutiny of the consultation's questions in the future. The Assistant Director Corporate Services said the survey asked questions about the services which the Council provided. NWA, the company who carried out the telephone research had tried to achieve an age representative sample of the district, but it had proven difficult to achieve a completely representative sample.

Cllr Davies noted that designing any consultation questionnaire by committee was always extremely difficult.

Members discussed and praised the wider scope of the consultation and the increased number of responses. Councillor G Barker suggested further improving the consultation by better highlighting which services were statutory and which were not. It would also be beneficial to change the way the results of

the consultation were portrayed to ensure that services which just avoided being in the top three were also seen as priorities.

The Committee considered Uttlesford's ability to attract new businesses and ensure existing businesses stayed within its boundaries. Councillor Light noted the district mainly attracted small and medium sized business. The Planning Policy Working Group should examine the Council's policies to attract businesses more carefully.

Councillor Oliver said that Braintree had worked hard to try and attract new businesses. The Council could examine how Braintree has attracted new businesses and adapt accordingly.

Councillor Howell said he was keen for the Committee to make a contribution to the budget setting process and to help improve the budget consultation in the future. It was, however, currently quite difficult to provide a more detailed picture as there were a lot of unknowns surrounding changes to the Council's funding. It was possible that the Council would have to re-evaluate the way which it delivered non-statutory services.

The report was noted.

SC18

LOCAL COUNCIL TAX SUPPORT (LCTS) CONSULTATION

The Director of Finance and Corporate Services presented his report to the Committee. The 2016/17 scheme would run from 1 April to 31 March 2017. The results of the consultation and any comments from the Committee would be considered by Cabinet on 10 December, who would recommend to Council on 17 December that the scheme was approved.

On 18 June 2015 Cabinet had set the draft proposals for the 2016/17 scheme. These were the same as they were for the 2015/16 scheme meaning the contribution rate was frozen at 12.5%.

The consultation consisted of a pull-out survey in Uttlesford Life, an open public consultation and general promotion via press releases, social media and on the Council's website. 1,089 responses had been received by the end of the consultation, making it one of the largest non-planning consultation responses the Council had ever received. The consultation showed that the public was generally in support of the proposed scheme.

In response to questions by Members, the Director of Finance and Corporate Services said empty homes and second home discounts did form part of the LCTS, although this was being reviewed. The premium for homes which had been empty for two or more years was 50% and this was the maximum level allowed by legislation. He was speaking to the officers in the GIS team to see whether it was possible to map where in the district the consultation responses had come from.

Councillor Howell said he had been impressed by the scale of responses received with regards to the consultation and thanked officers for the work they had put in. The responses from the public showed a balance between compassion and the prudent allocation of finances.

The report was noted.

SC19

ENFORCEMENT SCOPING REPORT

The Assistant Director Corporate Services said Members would have to decide what the review's terms of reference would be and whether the review would be through an officer's report, or a task group.

Councillor G Barker said the review would be comprised of three areas of focus; the structure, the process and the outcome. The focus of the review should be on the outcomes of enforcement action.

Councillor Dean said the review should look at the scope of enforcement and the remit of its actions.

Councillor Oliver said there had been some planning enforcements cases which had been going on for a number of years. The review should look at the capacity to deal with more complex cases.

Councillor Sell noted the review was wide in scope and looked at planning enforcement, as well as matters which were considered by the Licensing and Environmental Health Committee. There were some Members of the Council who had been on the Licensing and Environmental Health Committee for a long period of time and their insight would prove useful when the review was being conducted.

Members agreed that the review should be carried out by a task and finish group and discussed the terms of reference the task group would be given. It was agreed the task group would end on 30 June 2016 and would be comprised Councillors Asker, Jones and Sell.

RESOLVED that an Enforcement Task Group be set up comprising Councillors Asker, Jones and Sell. The Group would conclude the review by 30 June 2016 and would have the following terms of reference:

- Understanding of the structure of Enforcement within the council.
- To review how decisions are reached as to when it is appropriate to take action.
- To review the resourcing of the service.
- To understand the limitations in law in relation to enforcement, such as the test of expediency.

- To understand the processes and priorities of the different elements of Enforcement, including planning, licensing and environmental matters.
- To understand how Enforcement works in its wider sense, for example which other agencies are responsible for elements of enforcement.
- To understand what service agreements/protocols are in place with regard to delivery by outside agencies.
- To understand the scope of enforcement's functions and remit.

SC20

DRAFT AIR QUALITY ACTION PLAN

Councillor S Barker, as the Portfolio Holder for Environmental Services, presented the report on the Draft Air Quality Action Plan. The current air quality laws were based on EU law and the whole of East Anglia was struggling to meet the air quality objectives. There was no quick fix, but there was a lot that could be done to help improve air quality throughout the area. For example, it had now been decided to only advertise Swan Meadow car park in Saffron Walden so vehicles were not encouraged to drive through the town's centre to find car parking.

Councillor Dean said the aim of this item was to ensure the consultation asked the correct questions. The correct solutions to any problems would be identified following the consultation. He invited each Member of the Committee to comment on the consultation document.

Councillor G Barker said it was important that the results of air quality assessments for certain areas were not homogenised over the entire district. Members noted the Action Plan focussed on Saffron Walden and agreed that in the future it would be beneficial to examine the air quality of other areas, such as Dunmow, throughout the district. In response to points made by Councillor Light, Councillor Dean said the points she raised should be made as part of the response to the consultation.

The report was noted.

The meeting ended at 9.35pm.