

**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 7.30pm on 15 MARCH 2016**

Present: Councillor A Dean (Chairman)
Councillors G Barker, P Davies, M Felton, T Goddard, S Harris, B Light and E Oliver

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

Also Present: Councillors S Barker (Deputy Leader and Portfolio Holder for Environmental Services) and J Redfern (Portfolio Holder for Housing and Economic Development).

SC36 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Asker and Sell.

SC37 MINUTES OF THE MEETING HELD ON 9 FEBRUARY 2016

The Chairman asked for agreement on two amendments to the minutes, both in relation to minute SC23. The first was to reflect that Alan Storah had spoken on behalf of Saffron Walden Town Council.

He also asked that the following part of the minute was amended; "The Chairman said whilst decisions could not be challenged, it was possible to consider whether it was right to have made those decisions." He asked that the minute was amended to state "the Committee was entitled to look at why a decision was made and whether the same process should be followed in the future." This reflected the transcript of the audio minute.

The Chairman signed the minutes as a correct record subject to those two amendments.

SC38 MATTERS ARISING

(i) Minutes SC33 – Planning Appeals

Councillor Harris said the minutes constituted a toned down version of the comments made by the Chairman. She had based her decision on the report and the discussions at the meeting. The Chairman had effectively called into question the impartiality of the Committee by suggesting the decision was party political, which was not acceptable.

The Chairman said that if his interpretation of the reasons why the decision not to establish a task group had been reached differed from the reasons Members actually had, he apologised.

Councillor G Barker added that a full discussion had not been possible because the Chairman had immediately decided a Task Group should be set up. The Committee should always consider and establish the purpose of a review first.

The Chairman agreed that the Committee should always ensure there was a purpose behind its decisions. Following the meeting he had seen correspondence between officers and Saffron Walden Town Council, which detailed the restrictions as to what could be reviewed.

The Assistant Director Corporate Services clarified the content of the emails. The Town Council had made two requests; firstly to review the Kier appeal, and secondly to review the processes and procedures surrounding appeals more generally. In reply to the Town Council's email, officers had stated that individual decisions could not be re-examined but the general processes and procedures could be reviewed.

Councillor G Barker said there had been considerable criticism of the advice received from Counsel at the previous meeting of the Committee. When the Kier appeal was debated at Full Council this issue was not raised.

Councillor Light questioned the purpose of the discussion taking place and proposed that the Committee drew a line under the topic for the time being and moved onto the next item on the agenda.

SC39

CABINET FORWARD PLAN

The Chairman invited comments from the Committee about the Forward Plan

Councillor G Barker spoke about the land at Newton Grove, Great Dunmow. He said that since the land was no longer required for domestic abuse refuge, the decision on how to use the land should be delayed until a decision had been reached on how to use the Special Purpose Vehicle (SPV). In response, Councillor Redfern said the land was owned by the Housing Revenue Account (HRA) and was ring-fenced for HRA purposes.

Councillor S Barker clarified that the portfolio holder for the Building Control Partnership was Councillor Redfern. Councillor Redfern said that she was also the portfolio holder for the Economic Development Strategy.

In response to points made by Councillor Dean about the Economic Development Strategy, Councillor Redfern said the Strategy would set out the Council's economic development plans from 2016-2018 and would be distributed shortly.

Councillor Light said the Committee was unable to scrutinise the Strategy because it was being considered by Cabinet before the next meeting of the

Committee. She felt that it was a key responsibility of the Committee to scrutinise possible decisions of Cabinet, not just decisions which had already been made.

Councillor Harris noted that the Strategy had been on the Forward Plan previously and she didn't believe it was the role of the Scrutiny Committee to scrutinise every decision made by Cabinet. The Chairman agreed that the Committee shouldn't scrutinise every decision.

In response to a question by Councillor G Barker, the Director of Public Services said Cabinet would be agreeing to Strategy which had action points for the next two years.

The Chairman said the report should be circulated to the Committee once it was published. The Committee could decide to look at the Strategy if it was considered necessary.

Discussions moved onto the review into the street naming and numbering policy. The Chairman noted that there were a number of new streets in Stansted which had very similar names. He asked whether ward members could be consulted on street names.

In response, the Assistant Director Planning and Building Control that the review was light touch and brought the Council's policy up to date with current processes and legislation. As the principle process had not been changed, a consultation had not taken place. He then outlined the street naming and numbering process. This involved three possible names being put forwards by the developer, which were then given to the town/parish council to consider. Royal Mail then gave final approval to the street name.

Councillor Light questioned why the domestic abuse refuge was no longer needed. In response Councillor Redfern, explained that the County Council had changed its policy on how it dealt with victims of domestic abuse.

The Forward Plan was noted.

SC40 **SCRUTINY WORK PROGRAMME**

The Work Programme was noted.

SC41 **ENFORCEMENT REVIEW**

The Chairman said the Task Group had been unable to meet since the previous meeting of the Committee. Regrettably this meant the Task Group had not made any progress.

The Assistant Director Corporate Services explained that although the Task Group had not had another meeting, officers had been collating information requested by the Task Group. In addition, he said, ULODA were still keen to

contribute to the review and their absence at the meeting was only because the Task Group had not met again since the previous committee meeting.

SC42

PLANNING OBLIGATIONS

The Director of Public Services presented his report on planning obligations, which he explained was separated into two parts; the ways of funding infrastructure, and the Council's systems for monitoring and enforcing obligations.

The Government had published Planning Policy Guidance which included advice on planning obligations. The Guidance was included as appendix A to the report. Guidance had also been issued regarding the Community Infrastructure Levy (CIL) which was appendix B to the report.

The Director of Public Services said the regulations prevented the pooling of funding for a particular infrastructure scheme from six or more planning obligations. This was not the case with a CIL where a charge could be levied on developments of any size, unless the category of development was exempt. The purposes on which the CIL could be spent was wide ranging, but could not be used to fund affordable housing. The CIL was intended to be used to fund new infrastructure unless it could be demonstrated that pre-existing deficiencies would be made worse by a new development.

Local authorities were required to allocate at least 15% of levy receipts to spend on priorities agreed with the local community. This could rise to a minimum of 25% in an area with an adopted neighbourhood plan. Parish and town councils were not required to spend their neighbourhood funding in accordance with the charging authority's priorities, but they were expected to work together to agree what the priorities were. A section 106 planning obligation could not be used in relation anything which was intended to be funded through the levy.

The Director of Public Services explained that Section 106 agreements, Section 278 agreements and CIL could be used in combination to deliver infrastructure. However, the NPPF required that this did not threaten the viability of sites, or the scale of development.

Enforcement of planning obligations consisted of monitoring certain trigger points contained within the planning obligation. Most trigger points were not a set date, but the completion of a certain aspect of the development such as a certain number of houses. Planning obligations placed the onus on developers to notify the Council that a trigger point was about to be reached.

In response to a question by the Chairman, the Assistant Director Planning and Building Control said that the decision with to use planning obligations or CIL would be considered as part of the local plan process. As the new plan was developed it would become clearer what the infrastructure requirements would be and what would be the most effective way of delivering funding for that infrastructure.

The report was noted.

SC43 **LOCAL COUNCIL TAX SUPPORT (LCTS) 2017/18 – SCOPING REPORT**

The Chairman asked whether members wished to comment on the suggested terms of reference detailed in the report.

In response to a point by Councillor G Barker, the Director of Finance and Corporate Services said material produced when LCTS was last considered will be made available to members. The recommendation was for a written report to be presented at the next meeting of the Committee.

RESOLVED that a written report would be presented to the next meeting of the Committee, with a further report to July's meeting. The report would cover the following points:

- Explanation of what LCTS is and how it came into being
- Timetable for 2017/18 scheme approval
- Comparison of the UDC scheme with others in Essex
- Consultation process

SC44 **RELATIONSHIP BETWEEN UDC AND ECC – SCOPING DISCUSSION**

The Chairman introduced the item and suggested the first aim should be to narrow down the scope of any possible review. When the relationship between the Council and the County Council was initially raised, the main topic of discussion was Highways and it made sense that any review focussed on this. He asked Members to comment on their experiences with Essex Highways.

Councillor Oliver said there had been a number of issues with roads in Clavering and Wicken Bonhunt which had not been resolved. It felt as though there was no means of checking whether requests had been received or what their status was. Councillor Harris agreed with Councillor Oliver's comments. She had often found it necessary to get the county councillor to raise the issue on the community's behalf.

Councillor Goddard spoke about issues in Forest Hall Park. Highways had a two year waiting period before any roads were adopted and as a result there were no signs or road markings which has caused considerable problems throughout the area.

The Chairman requested that all members were written to about their relationship with Essex Highways.

Councillor Light said that Epping Forest District Council had terminated its relationship with the North Essex Parking Partnership (NEPP). She echoed the sentiments expressed by Councillors Goddard, Harris and Oliver. It was important to look at how the relationships between the Council and Highways, as well as the County Council more generally, and establish how it could be improved.

The Director of Public Services drew Members' attention to the Locality Board, which was a joint meeting between the Council and the County Council. The agenda and minutes of previous meetings were available on the Council's website and could help provide context for any possible review into the relationship between the two authorities.

Councillor G Barker asked for a list of services which connected the Council and County Council to be produced. Members agreed that this would help establish which other areas could be reviewed.

In response to comments by Members, the Assistant Director Planning and Building Control said that the County Council waited until a road was adopted. The Planning Committee could not impact upon this. NEPP had a 5 year period before it could make further changes to on-street parking arrangements. The Planning Committee had called in Highways around a year ago to discuss the consultation responses which were received for planning applications. Members may wish to liaise with Councillor Ranger about the meeting. Epping Forest had withdrawn from the off-street element of NEPP. They could not withdraw from the on-street element as it was devolved from the County Council.

Councillor Davies said his experience with Highways differed from that of other members and he had found that any potholes which he reported had been dealt with within a reasonable timeframe. It was possible that there was a communications issue which meant that issues were being raised with the wrong people.

Councillor S Barker asked that county councillors were also included in any correspondence about Highways. She added that the County Council had to prioritise works as it had a limited budget.

Members discussed the actions to be taken from this meeting. It was agreed that all councillors would be emailed about the County Council with the topics discussed at the Locality Board used as a frame. A list of the relationships between the Council and County Council would be produced. Councillor Ranger would be spoken with about the Planning Committee's call-in of Highways. The County Council would be asked about any performance indicators they had surrounding highways.

RESOLVED that

- All councillors would be emailed about experiences with the County Council using the Locality Board to frame the discussion.
- Officers would produce a list of the areas where a relationship between the Council and County Council existed.
- Councillor Ranger would be contacted about the Planning Committee's call-in of Essex Highways.
- The County Council would be asked to supply any performance indicators they had surrounding Essex Highways.

SC45 **SCRUTINY 2015-16 REVIEW**

The Chairman said that he would present the report to Annual Council and asked Members whether they felt the report reflected the work undertaken by the Committee.

The Assistant Director Corporate Services said the Committee had completed a lot of work, especially given that it was their first year as a committee.

The report was noted.

SC46 **EXCLUSION OF THE PUBLIC**

RESOLVED that under section 100I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1-5 of Schedule 12A of the Act.

SC47 **BUILDING CONTROL PARTNERSHIP**

The Committee considered the Assistant Director Planning and Building Control's report. The Chairman said that at the previous meeting it was agreed that he and Councillor Harris would make enquiries into the proposed partnership. They had met with the Building Control Team Leader and the Administrative Officer (in her role as the Council's UNISON representative). At the meeting the officers commented on the service's operation and gave their views on the proposed partnership.

The Assistant Director Planning and Building Control outlined the rationale of the proposed partnership. The next stage of the process was financial details. Once these had been published the Council would have to decide whether or not it would commit to the Partnership.

Members examined and discussed the five options presented in the report. In response to points by Members, the Assistant Director Planning and Building Control said that statutory functions had to be dealt with by the respective authority, unless a partnership was agreed. The Council could apply to be an Approved Inspector in its own right.

The Chairman concluded the discussions and asked officers to consider the points made by members in the next report to the Committee.

RESOLVED that officers would consider the points raised by Members in the next report to the Committee.

The meeting ended at 9.50pm.