



Uttlesford District Council

Chief Executive: Dawn French

Minutes of the Previous Meeting – 15 January 2019

Scrutiny Committee

Date: Thursday, 31st January, 2019
Time: 7.30 pm
Venue: Committee Room - Council Offices, London Road, Saffron Walden,
Essex CB11 4ER

Chairman: Councillor A Dean
Members: Councillors H Asker, G Barker (Vice-Chair), R Chambers, J Davey,
P Davies, S Harris, G LeCount, M Lemon, B Light and E Oliver

ITEMS WITH SUPPLEMENTARY INFORMATION PART 1

Open to Public and Press

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To consider the minutes of the previous meeting held on 15 January 2019.



Uttlesford District Council

Chief Executive: Dawn French

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Agenda Item 2

EXTRAORDINARY SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on TUESDAY, 15 JANUARY 2019 at 7.30 pm

Present: Councillor A Dean (Chairman)
Councillors G Barker, R Chambers, J Davey, A Gerard (substituting for H Asker), G LeCount, M Lemon, B Light and E Oliver.

Officers in attendance: R Auty (Assistant Director – Corporate Services), B Ferguson (Democratic Services Officer), S Pugh (Assistant Director - Governance and Legal Services) and A Webb (Director - Finance and Corporate Services).

Public Speakers: Robert Beer, Colin Day, Neil Reeve, Brian Ross, Maggie Sutton and Ray Woodcock

SC23 **PUBLIC SPEAKING**

The Chairman welcomed members of the public to the meeting. He said proceedings would begin with public representations, including those that had been sent to the Council in writing. Written representations were read out by the Chairman.

Summaries of all statements made during the public speaking session have been appended to these minutes.

The Chairman said the meeting would not be recorded as it was Council policy to only broadcast Full Council, Cabinet, Planning and PPWG meetings. He said he had requested a change in policy to allow the broadcasting of Scrutiny meetings in future.

SC24 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Asker and Davies.

Councillors Chambers, Gerard and Lemon declared non-pecuniary interests as members of their respective parish councils and that they had been voting members of the Planning Committee on 14 November 2018 which had determined the Stansted Airport application.

SC25 **HANDLING MAJOR PLANNING APPLICATIONS**

The Chairman said the purpose of the meeting was to draw up terms of reference for a study in relation to the way in which Uttlesford District Council (UDC) processed major planning applications. He reminded members that the

Stansted Airport planning application was still an open matter as it was currently with the Secretary of State. The purpose of this study was to look at all processes relating to major planning applications received by the Council.

The Chairman proposed an alternative recommendation to that included in the report.

The Chairman read the revised recommendation as follows:

“The Scrutiny Committee thanks members of the public for making representations about large planning applications at both its meeting and by written correspondence.

The committee resolves to commission an independent study on large planning application processes. The committee will take account of the representations already made and any other representations it receives in formulating a Scoping Report for the independent study.

The purpose of the independent study will be to identify improvements to the Council’s processes for handling large planning applications. The process cases to be studied will include the application determined in November 2018 for increased capacity at Stansted Airport as well as other large planning applications that will enhance the value of the study.

The committee intends to report back expeditiously with a proposed Scoping Report and preliminary advice on how the study can be conducted effectively and independently. The committee wishes to achieve delivery of at least a draft report and draft recommendations by early summer 2019. The Scoping Report should contain a preliminary timetable showing provisional key milestones. Additional meetings of the Scrutiny Committee will be called if they are needed to ensure that the study work begins on time to meet the timetable.

A reference group comprising the committee chairman and vice chairman, plus Councillors Lemon and Light will be established to work in the background with officers to progress this initiative.”

Councillor Lemon seconded the proposal. He said it was important that work began on this study as soon as possible.

Councillor LeCount said he supported a study into the Council’s planning processes, as it would identify what the council was doing well, in addition to identifying weaknesses.

Councillor Gerard said it was important to scrutinise the Council’s planning procedure from inception to completion, to demonstrate the council’s commitment to improving processes and for reasons of openness and transparency. For purposes of best practice, it was right to define the limits of an investigation but the committee had to be careful not to limit the scope too narrowly and risk leaving out fundamental issues that required addressing. He raised a number of instances during the Planning meeting held on 14 November 2018, specifically alleged interference from members of the public and a

proposal from the Chairman relating to a deferment 'deal', that would not be in the remit of the investigation if members approved the current draft of the scoping report before them. He said he supported the revised recommendation tabled by the Chairman, and fully endorsed an independent assessment of the Council's entire planning application process when handling major applications.

Councillor Light said the committee must listen to the public's concerns and it should be the entire planning process that was included in the scope of the investigation. She said she supported the revised recommendation and the establishment of a reference group to carry out this work. She added that she wanted the scoping report ready by the end of April.

In response to a Member question, the Director – Finance and Corporate Services said if the Committee were minded to approve the scrutiny review, he would find the resources to ensure it was carried out effectively.

Councillor Barker said he supported the revised recommendation although he was mindful of the pressures on time and resources a review would entail. Due to the vast amount of documentation that would need to be reviewed, he suggested no meaningful answers would be found if the study was rushed through before the district elections in May. He said it would be helpful if officers could promptly provide members with a list of independent persons or organisations, including indicative costs, which were qualified to carry out the review.

Councillor Oliver supported the revised recommendation. He said it would be useful if the scoping report included reference to other local authorities to allow for a benchmarking study to ascertain best practice.

Councillor Chambers said a reasonable amount of time would be required to carry out the study properly. He said the scope of the study should be one that satisfied all members of the committee.

Councillor Gerard said he believed a scoping report could be produced before the election in May. He said it was of great importance to all parish councils in the district and the review should be carried out as quickly as possible.

The Chairman said the four members nominated to keep track of the progress of the scoping report would not put up with unnecessary delays. He assured members of the committee that they would be kept informed of the reference group's progress.

RESOLVED to:

- i. Commission an independent study on large planning application processes. The committee will take account of the representations already made and any other representations it receives in formulating a Scoping Report for the independent study.

The purpose of the independent study will be to identify improvements to the Council's processes for handling large planning applications. The process cases to be studied will include the application determined in November 2018 for increased capacity at Stansted Airport as well as other large planning applications that will enhance the value of the study.

- ii. The committee intends to report back expeditiously with a proposed Scoping Report and preliminary advice on how the study can be conducted effectively and independently. The committee wishes to achieve delivery of at least a draft report and draft recommendations by early summer 2019. The Scoping Report should contain a preliminary timetable showing provisional key milestones. Additional meetings of the Scrutiny Committee will be called if they are needed to ensure that the study work begins on time to meet the timetable.
- iii. A reference group comprising the committee chairman and vice chairman, plus Councillors Lemon and Light will be established to work in the background with officers to progress this initiative.

SC26 **ANY OTHER BUSINESS**

The Chairman proposed scheduling a pre-budget briefing before the next Scrutiny meeting on 31 January. Members' availability would be canvassed in the coming week.

The meeting ended at 9.00pm.

PUBLIC SPEAKING

Statement of Simon Havers (read by the Chairman)

Mr Havers said there were three elements that needed to be addressed by the Scrutiny Committee following approval of the Stansted Airport planning application to increase passenger numbers. There was a *need* for a review to restore public confidence following poor public engagement in the lead up to the application; the *scope* of the review was to be as broad as possible but with specific reference to the Stansted Airport application to ensure all involved in the process were held to account; and in terms of *timing*, the review should begin without delay.

Statement of Debbie Bryce (read by the Chairman)

Ms Bryce said she wanted to make Scrutiny aware that she had been frustrated when trying to relay information to Planning Committee members in the period leading up to the determination of the Stansted Airport application. The issues related to ancillary development at Stansted Airport and a Freedom of Information request for minutes of meetings between UDC and the airport operator. She believed that the Council had not served the public interest in this matter.

Statement of Ray Woodcock

Mr Woodcock spoke in relation to the Stansted Airport application. He said he was aware of at least three people who were denied the opportunity to speak during the public speaking sessions and were told that all of the time had been allocated, even though all three sessions ended early. He added that the issue of air pollution was not properly addressed during the planning process. He believed that these issues justified an investigation into the way major planning applications were handled by UDC.

Statement of Robert Beer

Mr Beer said the decision to approve the Stansted Airport application had left the electorate with little faith in the democratic process. He said officer reports were biased and in favour of the applicant, and he criticised the reasoning of members who voted in favour of approval. He said the scrutiny review should include specific reference to the decision made by the Planning Committee on 14 November, and, as the application was still "live", it was the ideal time to scrutinise the decision. He said residents deserved greater transparency and accountability from their council.

Statement of Brian Ross

Mr Ross said the recent Stansted Airport planning application had become politicised and this would lead to Scrutiny restricting the scope of any investigation, rather than examining the process from start to finish. It was necessary for an independent and thorough review into the process, in order to restore public trust, develop best practice and to ensure no malpractice had

occurred. He urged the Committee to establish an independent review to examine all aspects of how major planning applications were handled at UDC.

Statement of Colin Day

Mr Day said officers and councillors at UDC were inadequately experienced and trained to deal with major planning applications, such as the Stansted Airport application to increase passenger numbers. Instead, this should have been determined by the Secretary of State, who did have the required expertise. He said the volume of documentation and the skills required to cross examine experts were beyond the capabilities of most district councillors. He urged the Committee to scrutinise the Stansted Airport decision and to appoint an independent scrutineer to carry out the review.

Statement of Maggie Sutton

Ms Sutton asked the Council to consider those people who would be adversely affected by the recently approved Stansted Airport application. She said it would have a negative impact on their quality of life. There were questions left unanswered regarding the application due to the Council's lack of expertise in major planning matters. She said it would have been more appropriate to have had the application determined by central government.

Statement of Neil Reeve

Mr Reeve said due process was not followed during the determination of the Stansted Airport application. He said the non-Conservative planning members had clearly read the application papers, whilst he highlighted the lack of input of Conservative members and questioned whether they had been politically instructed to support the application. He said it was a disgrace that every parish and town council in the district had objected to the application, and yet Conservative councillors proceeded to approve the application. He urged the Committee to conduct an investigation into this process.