



# Uttlesford District Council

Chief Executive: Dawn French

## Scrutiny Committee

**Date:** Tuesday, 10th March, 2020

**Time:** 7.30 pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden,  
CB11 4ER

**Chair:** Councillor N Gregory

**Members:** Councillors M Caton, A Coote, C Criscione, G Driscoll, R Jones,  
P Lavelle, G LeCount (Vice-Chair), N Reeve and G Sell

**Substitutes:** Councillors S Barker, C Day, A Dean, M Foley, M Lemon, R Pavitt  
and A Storah

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting. A time limit of 3 minutes is allowed for each speaker. Please refer to further information overleaf.

## AGENDA PART 1

### Open to Public and Press

**1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.

**2 Minutes of the Previous Meeting**

5 - 7

To consider the minutes of the previous meeting.

**3 Responses of the Executive to reports of the Committee**

To consider any responses of the Executive to reports of the Committee.

**4 Consideration of any matter referred to the Committee in relation to call in of a decision**

To consider any matter referred for call in.

**5 Cabinet Forward Plan** 8 - 13

To receive the updated Cabinet Forward Plan.

**6 Scrutiny Work Programme** 14 - 17

To receive the Scrutiny Work Programme.

**7 Planning Obligations and Conditions**

To receive a verbal update on the Planning Obligations and Conditions Task and Finish Group.

**8 Major Planning Applications**

To receive a verbal update on the work conducted by the Planning Advisory Service.

**9 Airport Fly Parking**

To receive a verbal update on the progress of the Airport Fly Parking Task and Finish Group.

**10 Recording and Broadcasting of Meetings**

To receive a report on the recording and broadcasting of meetings from Councillor LeCount.

**11 School Transport Request from Councillor Day**

To consider a request from Councillor Day to scrutinise school transport.

**12 Essex County Travellers Unit Request from Councillor Criscione**

To discuss an issue raised by Councillor Criscione in respect of the Essex County Travellers Unit.

**13 Annual Report** 18 - 22

To consider the Scrutiny Committee annual report.

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Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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# Agenda Item 2

**SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 4 FEBRUARY 2020 at 7.30 pm**

Present: Councillor N Gregory (Chair)  
Councillors M Caton, A Coote, C Criscione, G Driscoll, R Jones, G LeCount, N Reeve and G Sell

Officers in attendance: R Auty (Assistant Director - Corporate Services), A Bochel (Democratic Services Officer), D French (Chief Executive) and A Webb (Director - Finance and Corporate Services)

Also present: Councillors J Evans (Cabinet Member – Planning and the Local Plan), A Gerard (Green Party Representative), N Hargreaves (Cabinet Member – Finance and the Budget), P Lees (Deputy Leader of the Council), J Lodge (Leader of the Council) and S Merifield (Chair of Planning Committee)

## SC35 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Lavelle.

## SC36 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 5 November 2019 were approved and signed as a correct record.

## SC37 **SCRUTINY WORK PROGRAMME**

The Chair said he had asked the Vice Chair to look into difficulties experienced with the audio broadcasting system during the Planning Committee meeting on 24 January. The Vice Chair said he would prepare a full report for the Committee for the March meeting.

Members nominated the following for the membership of the Major Planning Applications task and finish group: Councillors Dean, Gerard and Loughlin. This was in addition to the Vice Chair who had already been appointed as Chair of the group. The group would start its work once the Planning Advisory Service had conducted its interviews and reported back to the Committee.

## SC38 **CORPORATE PLAN, MEDIUM TERM FINANCIAL STRATEGY AND COMMERCIAL STRATEGY**

Councillors Caton and Sell said they were disappointed that the Scrutiny Committee had not had the opportunity to scrutinise the budget. It would be a strategic approach for the Committee to look over this. There had also been no

public consultation. The administration's actions were therefore lacking a degree of transparency and accountability.

The Portfolio Holder – Finance and the Budget said that a consultation had not been carried out as the administration had won the district elections with a manifesto on which the budget was based. An additional difficulty was that the government had been late providing information on this year's settlement, which meant the budget had to be prepared within less time than was normal.

The Chair said he had suggested that the Committee focus its attention on the Corporate Plan, Medium Term Financial Strategy (MTFS) and Commercial Strategy in their work programme instead of the budget, because these were the documents that drove the direction of the budget. The budget would be put into the Committee's work programme for the following year.

The Chair asked for questions on each of the documents in turn. Those with answers which noted future actions are listed below.

#### *Corporate Plan:*

In response to questions from Councillor Criscione, the Leader said the action plan that was being developed would address concerns about how to measure the efficiency of council services. This would be made available shortly. The administration was enthusiastic about good governance.

In response to a Member question, the Leader said he would consult on officer time available to look into school transport issues.

In response to a Member question, the Leader said the Corporate Plan Delivery Plan would spell out the timescales that the administration hoped to achieve its goals in.

#### *MTFS:*

In response to a question from Councillor Caton, the Leader said the amount of money to be invested by the Council had increased due to the need for investment to generate a higher level of return as central government funding was reduced. The amount of return that council tax generated alone was not enough to keep up with inflation. The Director – Finance and Corporate Services said Council would need to approve the increase of allocation of resources for investment. Each investment opportunity would then be brought to Council for approval.

In response to a question from Councillor Caton, the Director – Finance and Corporate Services said the commercial protocol would be developed once two independent members of the Investment Board had been hired.

In response to a question from Councillor Caton, the Director – Finance and Corporate Services said all investments would have Key Performance Indicators. These were recommended by central government.

*Commercial Strategy:*

In response to a Member question, the Director - Finance and Corporate Services said the current council house programme was based on the existing business plan and housing strategy. When these were refreshed, the house building programme could be developed further.

**SC39 PLANNING OBLIGATIONS AND CONDITIONS TASK GROUP**

Councillor Criscione said the group's discussions had rooted out a few issues which it hoped to make recommendations on. These included:

- A developer contributions document
- Early engagement with town and parish councils
- Adoption of the Community Infrastructure Levy (CIL)
- The importance of neighbourhood planning
- Greater focus on monitoring, intervention and enforcement

Members noted there was no disadvantage in proceeding with CIL in order to move its adoption forward quickly.

**SC40 AIRPORT RELATED PARKING TASK GROUP**

Councillor Caton said the group had held an initial meeting and had spoken to the Portfolio Holder for Infrastructure, Transport and Stansted Airport. They intended to research good practice elsewhere and liaise with parish councils.

**SC41 MAJOR PLANNING APPLICATIONS**

The Assistant Director – Corporate Services said the Planning Advisory Service would be conducting interviews on how the Council handled major planning applications in late February. The report would hopefully be ready for the May meeting.

Councillor Gerard noted it would be useful to define what a major planning application was. At present it was anything over ten units.

The meeting ended at 9.30.

## UTTLESFORD DISTRICT COUNCIL DRAFT FORWARD PLAN

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Budget Outturn Forecast - Quarter 3	Cabinet	4 Mar	To provide the qtr 3 outturn position on budgets spends and predicted year end position on all council budgets	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Investment Opportunities 3 and 4	Cabinet	4 Mar	To consider Investment Opportunities 3 and 4.	Yes	Fully exempt	Leader of the Council	Adrian Webb, Director - Finance and Corporate Services awebb@uttlesford.gov.uk
Corporate Plan Delivery Plan for 2020/21	Cabinet	1 Apr		No	Open	Leader of the Council	Dawn French, Chief Executive dfrench@uttlesford.gov.uk

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Documentation Policy	Cabinet	1 Apr	The Museum's Documentation Policy sets out the Museum's accountability for keeping accurate information about the collections, complying with recognised standards and legal requirements, and defining standards of public access to information on the collections for all users. It is being reviewed and updated as part of the accreditation process.	No	Open		Carolyn Wingfield, Curator - Saffron Walden Museum cwingfield@uttlesford.gov.uk

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Land west of Woodside Way Great Dunmow	Cabinet	1 Apr	Proposal to use powers under Section 203, Housing and Planning Act 2016 to override a covenant that is an obstacle to implementation of planning consent for development of land west of Woodside Way. The planning consent provides for access and highway dedication across land owned by the Council as open space. The owner of adjoining land maintains that the covenant bars access across Council land to the full development site and prevents dedication of the access as public highway. Although the land is held by the Council as open space, there is currently an access road across it and there are legal access rights to part of the site. Overriding the covenant would facilitate development of a large strategic site that is required to contribute to the 5 year supply of housing land.	Yes	Open	Portfolio Holder for Planning and the Local Plan	Roger Harborough, Director - Public Services rharborough@uttlesford.gov.uk

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Nomination of The Gate Inn as an Asset of Community Value	Cabinet	1 Apr	The purpose of this report is to determine whether or not The Gate Inn, a public house in Saffron Walden, should be listed as an Asset of Community value for a period of five years.	No	Open	Portfolio Holder for Housing, Health and Communities	Joanna Hill, Planning Policy Officer jhill@uttlesford.gov.uk
Saffron Walden Museum Forward Plan	Cabinet	1 Apr	The Museum's Forward Plan (business plan) sets out the Museum's purpose and key aims, with an outline of how these aims will be achieved and the resources required to implement the plan. This will be an interim Forward Plan for 2019/20 and 2020/21 only, because plans for the Museum's long-term development 2021-25 are being developed through our National Lottery Heritage Fund project which finishes in December 2020. Providing an updated Forward Plan is an essential part of the accreditation process.	No	Open		Carolyn Wingfield, Curator - Saffron Walden Museum cwingfield@uttlesford.gov.uk

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Appointment to a Cabinet Working Group	Cabinet	1 April	To consider appointing Cllr Eke to the Uttlesford Highways Panel in place of Cllr Asker	No	Open	Leader of the Council	Ben Ferguson – Acting Principal Democratic Services Officer – bferguson@uttlesford.gov.uk



**Work Programme 2019/20**

Date	11 June	25 June	24 September	5 November	4 February	10 March
Standard agenda items	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	<b>Responses of the Executive to reports of the Committee</b>	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee
	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision
	Invited reports from the Executive					
	Cabinet Forward Plan					
	Scrutiny Work Programme					
Page 14  Agenda items	<b>Reflections on training</b>	<b>Governance discussion</b>	<b>Planning Obligations and Conditions task and finish group update</b>	<b>Draft Corporate Plan 2020-2024</b>	<b>Corporate Plan, Medium Term Financial Strategy and Commercial Strategy</b>	<b>Planning Obligations and Conditions task and finish group update</b>
	Statutory Guidance and Memorandum of Understanding	Planning ToR/scope	Major Planning Applications Review update	Investment Strategy	Fly-Parking task and finish group terms of reference	Major Planning Applications update
	Work Planning	Major Planning Applications Review proposal	Referral from Cabinet re AECOM engagement	Airport-related parking background report	Planning Obligations and Conditions task and finish group - verbal update	Airport-related Parking task and finish group update

			Probity in Planning	Planning Obligations and Conditions task and finish group update	Major Planning Applications – verbal update	Recording and Broadcasting of Meetings
			Discussion with Chief executive and Directors	Major Planning Applications Review update		School Transport
						Essex County Travellers Unit
Page 15						Annual Report

## Work Programme 2020/21

Date	21 May	25 June	24 September	5 November	2 February	4 March
Standard agenda items	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	<b>Responses of the Executive to reports of the Committee</b>	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee
	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision
	Invited reports from the Executive					
	Cabinet Forward Plan					
	Scrutiny Work Programme					
Page 16  Agenda items	Major Planning Applications – report from the Planning Advisory Service	Fly-parking Task and Finish Group final report			Budget Scrutiny	Annual Report
	Planning Obligations and Conditions Task and Finish Group – final report					
	Fly-parking Task and Finish group verbal update					

	Work Planning					
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Please note:

- The above dates have yet to be agreed at Council
- Further corporate items such as a Corporate Plan refresh and revised Commercial Strategy will likely be added but dates were not available at the time of publication
- The final report dates for Planning Obligations, Major Planning Applications and Fly-parking are to be confirmed

# Agenda Item 13

**Committee:** Scrutiny

**Date:**

**Title:** Annual Report 2019/20

Tuesday, 10 March

**Report Author:** Richard Auty, Assistant Director – Corporate Services

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## Summary

1. There is a requirement under the Council's Constitution for the Chair of the Committee to report annually to Full Council. This occurs at the April Full Council meeting.
2. The information below will form the report the Chair will give to the meeting and summarises the key work of the Committee in the 2019/20 year.

## Recommendations

3. The Committee approves the content of the Annual Report

## Financial Implications

4. There are no direct financial implications associated with this report.

## Background Papers

5. None

## Impact

- 6.

Communication/Consultation	The report will provide a summary of the committee's work for all members
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

7. Following the May 2019 election, new members were appointed to the Scrutiny Committee, including a new Chair and Vice-Chair.
8. The committee has received training on local government scrutiny and embarked on multiple work streams.
9. The sections of the report below summarise the main areas of discussion and activity during the year.

## Statutory Guidance and Memorandum of Understanding

10. In May 2019, the Ministry of Housing, Communities and Local Government published its Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, which can be viewed here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800048/Statutory\\_Guidance\\_on\\_Overview\\_and\\_Scrutiny\\_in\\_Local\\_and\\_Combined\\_Authorities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf)

11. This is the most comprehensive guide to council scrutiny the government has issued and it provides an overview of the role of scrutiny as a balance to the executive along with suggested scrutiny models and general advice on scrutiny good practice.
12. The statutory guidance sets out that scrutiny committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement and those that have already been taken or implemented, including a role in assisting with policy development.
13. The guidance emphasises the point that an effective relationship between the committee and the Cabinet is key to the success of scrutiny and recommends the adoption of a protocol between the two functions.
14. The Council adopted such a protocol in the form of a Memorandum of Understanding (MoU) between scrutiny and the executive shortly before the May 2019 election, which can be viewed here:  
  
<https://uttlesford.moderngov.co.uk/documents/s13063/Enc.%20%20for%20Statutory%20Guidance%20on%20Overview%20and%20Scrutiny%20and%20Memorandum%20of%20Understanding.pdf>
15. Both the MoU and the statutory guidance were considered by the new Scrutiny Committee at its first meeting in June.

## Planning Obligations

16. Scrutiny Committee established a task and finish group comprising Cllrs Evans, Criscione and Jones. Latterly, Cllr Evans has been replaced with Cllr Gerard after Cllr Evans joined the Cabinet. The Task and Finish Group is

undertaking a review of whether the Council is achieving the best outcomes for the district with regard to planning conditions obtained under S106 agreements.

17. The key areas being considered in this review are:

- the processes and procedures whereby planning obligations are considered, negotiated and managed by the Council
- how planning obligations are enforced by the Council and contributions payable thereunder are secured and paid
- how members and the community might better be informed of the process and outcomes in respect of planning obligations
- the extent to which contributions arising under planning obligations might be spent for the delivery of affordable housing, education and/or otherwise, for the benefit of the community
- whether the Council achieves robust and achievable terms in regard to planning obligations which are fair and balanced to both the Council and developers
- whether Planning Committee members are provided with timely and comprehensive information to enable them to make informed decisions as to planning obligations
- how the council and Essex County Council can optimise their work together relating to planning obligations

18. Work commenced with the approval of Terms of Reference in June 2019 and the final report is expected to be presented to Scrutiny Committee in May 2020.

### **Major Planning Applications**

19. The pre-election Scrutiny Committee resolved to commission an independent study of the Council's procedures for dealing with major planning applications. Following the election, the new Scrutiny Committee approved a proposal from the Planning Advisory Service (PAS) for a first-stage review to ascertain where any further work may be required.

20. This review has been subject to unavoidable delay, in part due to the further consideration of the Stansted Airport application. However, work is now well under way, with the consultant from PAS conducting interviews on site in February with relevant officers and members. A final report is expected in the Spring, at which time consideration will be given to any next steps.

### **Airport-related fly-parking**

21. At the request of Cllr Caton, a Task and Finish group was established to look at the issue of airport-related fly-parking, an issue affecting some communities

in the south of the district. Cllrs Caton, Reeve and Driscoll are undertaking this piece of work, which commenced with the approval of terms of reference in February. Prior to that the Committee considered a report which set out the current position with regard to airport-related parking in order to better inform the review.

22. The Task and Finish Group is focusing its work on the following three areas:

- The effectiveness of the current airport fly parking hotline reporting system and how its responsiveness can be improved
- The development of a more planned approach to initiating and implementing Traffic Regulation Orders in areas known to suffer from airport fly-parking
- Good practice in tackling the problem elsewhere in the UK, for example around Manchester and Luton Airports

### **AECOM Engagement**

23. Cabinet referred to Scrutiny a concern raised by a resident about the engagement of AECOM to review the Local Plan Sustainability Appraisal. Over the summer the Chair engaged in correspondence with, and met, relevant officers.

24. It was concluded that there had been a failure to fully inform members and the public of the potential challenges to the Sustainability Appraisal and proposed remedial action. This was due to an unintentional oversight by an officer and measures were now in place that should preclude a repetition.

25. Matters concerning probity in planning and more general perceptions of trust and openness were also discussed.

### **Commercial Strategy, Corporate Plan and Medium-Term Financial Strategy**

26. The Committee has discussed the Council's commercial activity twice during 2019/20. At its November 2019 meeting, the Leader set out the Administration's approach to commercial investment and the Commercial Strategy was presented at the February 2020 meeting alongside the Corporate Plan and Medium-Term Financial Strategy.

27. Topics discussed in November included the need for training for members of the Investment Board, the capacity of officers to deliver the commercial agenda and funding opportunities outside the Public Works Loan Board.

28. Instead of taking the full budget to the February meeting, the Corporate Plan, Medium Term Financial Strategy and Commercial Strategy were instead presented.

29. The three documents set out the Council's vision and priorities for the next four years (the Corporate Plan), the likely pattern of funding available to achieve

these priorities (the Medium-Term Financial Strategy) and the way in which necessary funding can be secured (the Commercial Strategy).

30. However, some members of the Committee expressed a view that the entire budget should be considered by Scrutiny in future years as it had been previously.

31. Feedback from the Scrutiny Committee on these documents was subsequently reported to Cabinet.

### **Broadcasting and Recording of Meetings**

31. The failure of the broadcast and recording system at the Stansted Airport Planning Committee meeting was raised at Committee in February 2020. It was agreed that Cllr LeCount would look into this, speak to relevant officers and report back in March.

### **Potential topics for review in 2020/21**

32. The Task and Finish groups looking at fly-parking and planning obligations are due to conclude their work and bring recommendations back to committee in the early part of 2020/21.

33. Other potential matters for consideration raised at the March Scrutiny Committee meeting are school transport, the Essex County Traveller Unit and the Local Plan.

33. Regular meetings are being set up between the Leader and the Chair of Scrutiny to help better coordinate the work of Scrutiny with the Executive, following best practice guidance and ensuring the scrutiny function performs its pre-scrutiny role effectively.

34. Refresher training for all committee members is being planned for the Spring.