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Uttlesford District Council

Chief Executive: Dawn French

Scrutiny Committee

Date: Tuesday, 25th May, 2021

Time: 7.00 pm

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

Chairman: Councillor N Gregory

Members: Councillors A Coote, C Criscione, G Driscoll, V Isham, R Jones,
P Lavelle, G LeCount (Vice-Chair), G Sell and J De Vries

Substitutes: Councillors S Barker, M Caton, R Pavitt and M Sutton

Public Speaking

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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** 4 - 14
To consider the minutes of the previous meetings held on 4 March and 7 April 2021.
- 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** 15 - 20
To receive the updated Cabinet Forward Plan.
- 6 Planning Obligation Task Group** 21 - 32
To consider the report from the Planning Obligation Task Group
- 7 Scrutiny Annual Report** 33 - 38
To consider the Scrutiny Annual Report
- 8 Work Planning Update**
To receive the Work Planning Update (verbal).

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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 : CALL-IN held at ZOOM on WEDNESDAY, 7 APRIL 2021 at 7.00 pm

Present: Councillor N Gregory (Chair)
Councillors A Coote, C Criscione, A Dean, G Driscoll,
G LeCount (Vice-Chair), G Sell and J De Vries

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

Also in attendance: Councillor N Reeve (Portfolio Holder for the Economy and Investment) and Councillor J Lodge (Leader)

SC71 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies were received from Councillors R Jones and P Lavelle.

SC72 **CALL IN OF THE CABINET DECISION TO APPROVE THE CORPORATE PLAN DELIVERY PLAN 2021/22**

The Chair introduced the item and invited Members to address their questions to Councillor Reeve as the Portfolio Holder for the Economy and Investment.

Councillor Dean referred to the last four pages of the corporate plan delivery plan (CPDP) in respect of being the “Champion for our District”. He highlighted the lack of identified activities and outputs/ milestones on many of the actions and questioned whether these pages were necessary at all. He also referred to “Putting Residents First 1b. Be a council that listens and acts for residents” and noted that no activities and outputs/milestones were shown and he highlighted the use of the phrase “business as usual (BAU) throughout the document. He also said that references to “new settlements” were out of place as there were currently none and there were no ideas for commercial delivery. In summary he said that he considered the document was not fit for purpose and required more work to be done.

Councillor Reeve said that he had listened to points made by Councillor Dean over the past year. He said that the items listed in the left-hand column of the document had all been approved as the Corporate Plan by the Council in February 2021 and that the intention was to monitor progress over four years of the Administration through the CPDP. He also referred to his written response to the Chair and Vice-Chair following the Cabinet meeting.

Councillor Dean said that he had no recollection of having seen the written response and the Chair said that he would follow this up.

Councillor Sell explained the reason for the call-in. He said that he considered that the views expressed by Scrutiny Committee had not been given a fair

hearing at Cabinet. He said that Councillor Reeve had appeared to be suggesting that all problems revolved around the presentational format of the document but that this was not the case.

Councillor Reeve said that he had taken the comments seriously as shown in his written response. He referred to the view expressed by Scrutiny Committee to strip out the BAU elements but said that a decision had been taken to retain these elements as part of one document.

Councillor Dean left the meeting at 7.30pm

Councillor Sell said that he considered that targets and performance indicator measurements had not been sufficiently discussed at Cabinet, whereas there had been much talk by Councillor Reeve of the presentational format.

Councillor Reeve said that he had listened but disagreed on the presentational concerns that had been raised. He also stated that there had been specific references within the CPDP to other significant documents in order to avoid duplication e.g. specific plans.

The Chair said that his major concern in respect of the CPDP was in terms of specificity and granularity, rather than of presentational issues.

Councillor Driscoll suggested some amended wording to the item referring to Locally Led Development Corporations, but the Chief Executive confirmed that as this reference was in the first column of the CPDP it had been lifted directly from the Corporate Plan and therefore any proposed amendments would have to go back to Council.

Councillor Criscione said that he recognised that there had been progress made on the CPDP since 2019. He referred to “points of irritation” in respect of the Locally Led Development Corporations and asked whether clarity had been sought in respect of item 1e on page 23 of the agenda as to whether, as a local planning authority, it could be said that a second runway at Stansted Airport would be opposed. He also asked if there should be further details supplied in respect of Member development and house building targets. He referred to the Local Plan and said there had not been enough details included in the CPDP.

Councillor Reeve thanked Councillor Criscione for his acknowledgement of progress made. He highlighted that the current overriding influence on all issues was the pandemic. In respect of Member development, he referred again to information contained in his written response. He said his group were committed to opposing a second runway at Stansted Airport, were the matter to arise, and this had therefore been included in the CPDP. He said that data had been included in the CPDP in respect of house building.

Councillor Criscione said that he accepted the caveat that the pandemic was currently the major influence, but he said that it was still important for other matters to remain on the radar. He said that if items could go in the delivery plan then they should. He also suggested that there should be a review process in

place for the Corporate Plan. This could measure deliverables too and could take place in a year's time.

The Chief Executive clarified that the Member Development programme in 2019/20 had been substantially superior to a normal year as there had been so many new Members but that 2021/22 was regarded as "a tick and turn year", rather than embedded learning and was therefore shown as BAU. She also referred Councillor Criscione to page 20 of the Agenda that showed the outputs/milestones for the delivery of new homes. She referred to an outturn report that had been presented to Cabinet on 9 March 2021 that had monitored the delivery plan and said that Cabinet would revert to receiving quarterly progress reports to see what had been achieved.

Councillor Criscione apologised for previously missing the information on housing delivery.

Councillor Reeve said that he considered that Councillor Criscione had made a good point and an annual review of processes around the CPDP could be taken further by Scrutiny. He said that he would value the results.

The Leader said that he was surprised that communication had in some way failed and that some Members were unaware of Councillor Reeve's response following Cabinet. He said that Councillor Reeve had done an enormous amount of work together with input from the Chief Executive. He said that the Administration was listening and that significant progress had been made on the CPDP.

Councillor Coote said that he was unclear as to where this matter was going and that he did not consider that this was the role of the Scrutiny Committee.

Councillor Sell said that the CPDP did need to be reviewed. He said that he could not recall receiving Councillor Reeve's written response. He said that the Scrutiny Committee was looking to add value and he was pleased that the Leader was listening.

Councillor Criscione said that he was certainly not making a request for quarterly reviews by Scrutiny Committee. He said he was concerned about outcomes and looking at whether the process in place for measuring deliverables was acceptable.

The Leader left the meeting at 8.15pm.

The Chair confirmed that Scrutiny Committee was looking to add value. He highlighted examples of clear CPDP actions as shown on pages 18, 19 and 20 of the Agenda set against actions shown on pages 32 and 33 that he saw as not very clear. He said that the CPDP varied between being very good in some places but lacking precision in others. He had identified further examples.

Councillor Reeve said that most points that had been raised related to BAU elements and in many cases where there was not specific detail shown then actions would be included within officers' service plans. He confirmed again that

he was listening and that he was also committed to a mid-year review programme.

The Chair said that it would be helpful for Scrutiny if in BAU the words “Business” and “Usual” were defined.

Councillor Driscoll suggested that electronic links be provided within the CPDP where specific other documents were mentioned alongside BAU.

The Chief Executive said she would take this off-line and was conscious that electronic links did not always work properly. She said that the CPDP was looking at step change programmes but also the regular BAU. The Chief Executive said that she took responsibility for use of the term “BAU” and had not perhaps appreciated the degree to which newer members were unfamiliar with the routine working of the council, no doubt exacerbated by the enforced absence from the office and officers.

Councillor Sell said that he understood what BAU was and suggested that it would be worthwhile for the Chair and Vice-Chair to meet with their GAP equivalents in order to share information. He also spoke about the context of the delivery plan in that employees were working from home and that officers would be redeployed to the new depot in Little Canfield.

Councillor Coote thanked the Chief Executive. He said there had been a misunderstanding of elements and that officers knew their roles.

Councillor Reeve restated the position for reflecting how BAU was shown in the CPDP. He said he was looking for continuity over a four-year cycle of the Administration. He said that he did understand the downsides and gave a commitment that a mid-year review of the CPDP would take place.

The Chair said that there had been a robust and stimulating debate. He said he would e-mail Councillor Reeve with further examples of concern from the CPDP. He said that he recognised that over the past year there had been gaps in communication, particularly as everyone had been operating remotely. He thanked everyone for their contributions to the meeting.

Councillor Criscione gave a vote of thanks to Councillor Reeve for listening to the Committee and for his diligence and respect. This was seconded by the Chair and was supported unanimously.

Following further discussions on possible ways forward the Chair concluded that it was very clear that Councillor Reeve had listened to the views expressed by Committee Members and that there was no need for the matter to be taken further at the current time.

The meeting ended at 8.45pm.

SCRUTINY COMMITTEE held at ZOOM on THURSDAY, 4 MARCH 2021 at 7.00 pm

Present: Councillor N Gregory (Chair)
Councillors A Dean, G Driscoll, R Jones, G LeCount, G Sell and J De Vries

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

Also in attendance: Councillor N Reeve (Portfolio Holder for the Economy and Investment)

SC65 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillor Coote, Criscione and Lavelle

SC66 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 2nd February 2021 were approved and would be signed by the Chair as a correct record at the next opportunity.

Councillor Dean chased the written report promised to Ms Tealby-Watson. The Chair said he would contact Councillor Merrifield to find out when the report would be available and e-mail Ms Tealby-Watson to apologise for the delay.

SC67 CABINET FORWARD PLAN

In response to a question from the Chair regarding the grant for the Carver Barracks running track, the Chief Executive said the grant was given by the Council to the Ministry of Defence (MoD), Infrastructure Defence Organisation and said it was separate to the Armed Forces Covenant Grant.

The project had been delayed due to a procurement issue and the pandemic and it was proposed that the back stop date be moved to 31st December 2021. The Chief Executive was confident it would be completed before that date.

In response to further questions from Councillor Dean the Chief Executive confirmed that no request had been made by the Council to have the running track grant money returned. She clarified that the two matters were separate and it was the Armed Forces Covenant Trust who had requested recovery of the monies relating to Debden Village Hall. A full legal opinion would be provided to the Trust and all parties were working together to resolve the matter.

The Director of Finance and Corporate Services confirmed that the Governance, Audit and Performance Committee were dealing with the issue.

Councillor Sell said he was pleased that the running track was on course to complete by the end of the year. It had been given a significant amount of public money and he said it was important that the public had maximum use of the shared facility.

Councillor Jones joined the meeting at 7.15pm

Further to a question from Councillor Sell about the omission from the Cabinet Forward Plan of the Post Covid Recovery Plan, Councillor Reeve said this was very important and there was a great deal happening. The Economic Development Team were expanding, and some of the activities planned included a virtual job fair; administration of grant schemes; re-skilling and new employment opportunities.

The Chief Executive said the Business Recovery Action plan had been brought to the Scrutiny Committee and a budget of £1m provided over 3 years to support the economy. She reassured members that it was a priority.

Councillor Sell agreed with the comments but said it should be on the forward plan. He asked if the economic recovery work could be a regular item at the Scrutiny Committee.

SC68 **UPDATE ON PLANNING-RELATED STUDIES**

Councillor Le Count said he was waiting for the final PAS report and that it would be ready for the next meeting.

A proposed meeting date had been discussed and the Assistant Director - Corporate Services said the next Scrutiny meeting would look at planning-related studies coming from the Task and Finish groups.

SC69 **CORPORATE PLAN DELIVERY PLAN 2021/22**

Councillor Reeve introduced the report and said the Corporate Plan 21-25 had been adopted by the Council on 23rd February 2021; it was mainly unchanged from last year to provide a sustained plan over the course of the administration.

He said the draft delivery plan aimed to make progress on the ambitions of the administration in 2021/22. He said most items had detailed plans and objectives but some were not yet completed. He noted that the pandemic was still having an effect and still posed a risk to some actions.

He made Members aware that the Uttlesford Moving Forward programme was not included in the delivery plan and was being managed by Officers.

The plan incorporated business as usual items which made the plan a longer but more comprehensive document.

There were 4 main themes and Councillor Reeve highlighted some items in each:-

Putting residents first

- Expanding the opportunities for young people, Councillor Day as the portfolio holder was working on a more detailed plan.
- The completion of the £300m investment programme to ensure the Council was financed sufficiently.

Being an active place maker for our towns and villages

- Defined milestones within the Local Plan detailed in the Local Development Scheme
- The Economic Development Recovery Plan and the current £350k budget for the coming year.
- Updating the housing strategy and within that affordable housing.

Being progressive custodians of the rural environment

- To build on the Climate Change Strategy document, approved at the last Council meeting.

Champion for the District

- Supporting the ageing population which required more detail but the task and finish group had been set up to take this forward.

Members agreed that the document was too long and said that the business as usual items should be taken out.

- Councillor Reeve said it would be considered for next year.

Councillor LeCount said it was a good plan overall. He thought the document was over optimistic in places and would like to see more detail regarding the numbers as it helped to have data on how much was being spent and what the targets were.

- Councillor Reeve said he would need more details on what items were overly optimistic.

Councillor Reeve confirmed that he had considered all of Councillor Dean's comments from last year and had been able to work some into the plan.

Councillor Sell highlighted some issues with the plan:-

He said it should mention relevant items within the year, for example Covid and the Investments Program to give context to readers.

- Councillor Reeve said this was a valid point which would be taken into consideration. He also agreed that a plan for the period of the administration could be an option going forward but it was currently done on a yearly basis and followed the budget process.

On page 21, item 2a he was disappointed with the review of governance.

- Councillor Reeve said Councillor Coote were working on the review but he did not know the outcome yet.

On page 23, item 3f he said there had been two independent members of the Investment Board, it had been discussed that one of these members would become the Chair but this had not happened.

- Councillor Reeve said the Chair was elected at each meeting and the independent members had decided not to be put forward to enable them to speak on the items at the meeting with more freedom.

On page 25, item 3a he welcomed the levy but was disappointed that there was no work scheduled.

- The Director of Public Services said this would go ahead but there was a process to follow which was being worked through sequentially.

On page 29, item 7a he said Councillor Lees had given a commitment to a number of affordable homes to be built during the lifetime of the administration and asked if that target would be met. He asked how many houses were built in 2020/21.

- Councillor Reeve said there was confidence that the target of 200 homes in the lifetime of the administration would be met.

On page 43, item 4c he asked why the hot meal service was being withdrawn for the elderly people using the Stansted day centre.

- Councillor Reeve said a working group was being set up to look at the best way to deliver services for the older community.

At 7:52pm, Councillor Le Count temporarily took over as Chair until Councillor Gregory could re-join the meeting due to connectivity issues.

In response to a question from Councillor Jones, Councillor Reeve said he had been working on the document for 2 months and he did believe in it.

Councillor Gregory rejoined the meeting as Chair at 7:55pm

Councillor Dean highlighted the following issues:-

On page 22, item 2c he asked for more clarity regarding the development programme which he said was down as business as usual but he was not aware of an active programme.

- Councillor Reeve said it was not a high priority and largely ad-hoc.

On page 24, item 1a he asked why the Locally Led Development Corporation was included as there was not a current Local Plan. The Chair agreed and said there were inconsistencies in the documentation.

- Councillor Reeve said this was an ambition of the administration and it would map into the development work, but no decision had been made to go ahead.

On page 26, item 3d he said this asked for developers to be considerate, but there were no actions or outcomes and this had been the same last year.

- Councillor Reeve accepted that it was not very clear, but he hoped policies would be put in place in due course.

On page 27, item 4a he said there was no action plan to reduce night flights if it was in the document it should have a purpose.

- Councillor Reeve said that the Senior Planning Policy Officer had submitted comments on the Council's behalf to an on going consultation. Officers were taking action once they were aware of a consultation.

On page 29, item 5f he asked why there was nothing in the empty boxes.

- All the points were added into the Economic Recovery plan item above. The item regarding employment opportunities with the airport was not currently going forward due to the pandemic.

Councillor Driscoll said it would be helpful if it was presented as a progress report with targets for last year and this year so that it could be clearly seen what had been achieved.

In response to a question from Councillor Jones, the Chief Executive said she was confident that the plan was deliverable and had the full support of Cabinet members and Officers. She said that it was an annual work plan because of other reports that were linked and completed on an annual basis, for example the budget and corporate plan.

The Chair said it did not read like a delivery plan and was more like a manifesto. He did not think some of the questions raised had been answered in a satisfactory manner specifically with regards to the Locally Led Development Corporations and the Community Infrastructure Levy.

He said he would prefer to see a document divided into 3 separate sections, future aspirations, business as usual and what was intended to be carried out within the year. He thought there needed to be more clarity and measurable targets. He was not sure it satisfied the criteria of a delivery plan.

Councillor Sell agreed and wanted to know how to measure success if there were no targets. He was not satisfied with the answers to his questions with regards to the day centre and Governance.

- Councillor Reeve said success was measured against each item as it was written down and some miscellaneous items had specific targets. There was also an annual report against the Corporate Plan Delivery Plan that went to the Governance, Audit and Performance Committee. There would also be reports sent to Cabinet on a quarterly basis.

Councillor Dean thought the plan should be more focused. He asked if the document would be updated in view of the comments made in the meeting. He said if changes could not be made before the next Cabinet meeting, could there be a supplementary note added to state it would be amended in the future.

Councillor Dean raised further points:-

On page 33, item 1d he asked about the tree planting initiative.

- Councillor Driscoll said the Climate Change Working Group was working on this issue and a suggestion was being put forward to replace felled trees.

On page 35, item 1g he asked why a smaller car park had been suggested for charging points.

- Councillor Driscoll said that in the station car park cars tended to park for a longer time and would potentially take up a charging point all day. He thought a smaller car park would have a bigger turn over of cars and the spaces would not be used for as long.

On page 36, item 2c was there going to be an initiative by the council to invest in renewable energy as this would produce an income.

On pages 39 and 40, there were many items listed without activities set against them, he asked why were they included.

Councillor Jones said that the points raised were mostly relevant but he suggested that they were put in writing.

The Chair said he did not think there was a unanimous position from the Committee, and he asked Councillor Sell and Dean to produce a draft document with comments that had been raised.

Councillor Reeve answered the points raised above and said the document was based on the manifesto as that was what the administration aimed to achieve. He said the presentation was not as important as making sure the content was correct and detailed and that had been his focus. He said users of the document would be residents and councillors but mainly officers who would have ownership of each line item. He argued that there was detail but some items had separate strategy documents and these had been referred to.

The Chief Executive said there was an annual outturn report which went on an annual basis to Cabinet; unfortunately the quarterly reports had not been produced this year because of the pandemic situation.

Councillor Dean said the quarterly reports should be compared against a succinct document to ensure accountability.

Further to a question from Councillor Le Count, the Chief Executive said the delivery plan would go to the Cabinet meeting as the budget started on the 1st April and could not be delayed. She said Cabinet would reflect on the comments and it could be revisited at a later date.

The Chair said it had been a robust debate, and he was grateful for all contributions. He said that although the Committee were not overwhelmingly happy with the document he suggested that it was sent to Cabinet subject to a note of clarification and specific areas for improvements. Councillor Le Count would take forward as the Vice-Chair. Unanimous assent was given to the proposal.

SC70 **WORK PLANNING FOR 2021/22**

The Assistant Director - Corporate Services proposed a more formal approach to work planning for 2021/22. He asked that each Councillor emailed him a list of 5 to 10 items ideally across different areas, (page 46 showed different places to draw ideas from). An informal meeting could be arranged to discuss. These proposals would then be collated into a full list which would be scored by each member. This would produce a short list of the most important topics to take forward. There were no timescales currently but these would be planned once the next Scrutiny meeting was agreed.

Further to member's questions, the Assistant Director - Corporate Services stated the following:-

- A list of items from each Councillor to be e-mailed, date to be advised.
- The benefit of the process would be a back up list which could be used if all the chosen items had been completed.
- Paragraph 24 of the document showed that time would need to be set aside for the outstanding items from this year which were:-
 - Planning Obligations Report
 - Airport Fly Parking
 - Major Planning Applications
- Little was off limits but the Committee did not have scope to scrutinise the work of regulatory committees.
- A template would be sent to keep all submissions in the same format.

Councillor Driscoll suggested that the Airport Fly Parking be suspended until September. The Chair asked for this to be discussed outside of the meeting.

Councillor Sell asked that members considered what items would be of benefit to the Council and provide added value. He thought the Committee should not take on too much and should complete fewer items in a more thorough way.

The meeting ended at 9.20pm.

UTTLESFORD DISTRICT COUNCIL CABINET 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
Appointment to Outside Bodies	Cabinet	27 May	To make appointments to Outside Bodies.	No	Open		Ben Ferguson, Democratic Services Manager bferguson@uttlesford.gov.uk
Appointments to Cabinet Committees	Cabinet	27 May	To consider appointments to committees of Cabinet.	No			Ben Ferguson, Democratic Services Manager bferguson@uttlesford.gov.uk
Appointments to North Essex Parking Partnership and the West Essex Wellbeing Joint Committee	Cabinet	27 May	To consider the appointments to the North Essex Parking Partnership and the West Essex Wellbeing Joint Committee.	No			Ben Ferguson, Democratic Services Manager bferguson@uttlesford.gov.uk
Cabinet Working Groups - Appointments	Cabinet	27 May	To consider appointments to working groups of Cabinet.	No			Ben Ferguson, Democratic Services Manager bferguson@uttlesford.gov.uk
Cabinet Working Groups - Terms of Reference	Cabinet	27 May	To consider the terms of references for working groups of Cabinet.	No			Ben Ferguson, Democratic Services Manager bferguson@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
Local Plan Strategic Objectives	Cabinet	27 May	Agreeing the Strategic Objectives for the Local Plan.	No	Open		Stephen Miles, Local Plans and New Communities Manager smiles@uttlesford.gov.uk
Budget 2020/21 - Final Outturn	Cabinet	29 Jun	Sets out the closing financial outturn position for 2020/21 - Revenue, Capital and Housing Accounts	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Local Council Tax Support Scheme proposals 2022/23	Cabinet	29 Jun	Sets out the 2022/23 proposals for the 2022/23 scheme	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Local Plan Housing Numbers	Cabinet	29 Jun	To confirm the housing numbers for the Local Plan	No	Open		Stephen Miles, Local Plans and New Communities Manager smiles@uttlesford.gov.uk
Officer Delegated Decisions - Write Offs	Cabinet	29 Jun	sets out the write offs agreed by Officers under delegated authority during the financial year 2020/21	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@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
Corporate Plan Delivery Plan 2021/22 Q1 progress update	Cabinet	2 Sep	To review the progress made against the Corporate Plan Delivery Plan 2021/22 for the Quarter 1 period (April-Jun 2021)	No	Open	Portfolio Holder for Business, Economy, Jobs, Investment and Strategy; Youth Services	Dawn French, Chief Executive dfrench@uttlesford.gov.uk
Local Plan Preliminary Outline Strategy	Cabinet	2 Sep	To confirm the Preliminary Outline Strategy for the Local Plan.	No	Open		Stephen Miles, Local Plans and New Communities Manager smiles@uttlesford.gov.uk
Budget 2021/22 - Quarter 1 Forecast Outturn	Cabinet	19 Oct	Forecast of spend for the financial year 2021/22 for Revenue, Capital and Housing accounts	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@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
Corporate Plan Delivery Plan 2021/22 Q2 progress update	Cabinet	19 Oct	To review the progress made against the Corporate Plan Delivery Plan 2021/22 for the Quarter 2 period (July-Sept 2021)	No	Open	Portfolio Holder for Business, Economy, Jobs, Investment and Strategy; Youth Services	Dawn French, Chief Executive dfrench@uttlesford.gov.uk
Local Council Tax Support Scheme proposals 2022/23	Cabinet	19 Oct	To agree (subject to consultation responses) the final scheme for approval at Council	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Budget 2021/22 - Quarter 2 Forecast Outturn	Cabinet	2 Dec	Sets out the forecast 2021/22 financial year end spend for Revenue, Capital and Housing	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@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
Corporate Plan 2022-2026	Cabinet	10 Feb	To consider the Corporate Plan 2022-2026	No	Open	Portfolio Holder for Business, Economy, Jobs, Investment and Strategy; Youth Services	Dawn French, Chief Executive dfrench@uttlesford.gov.uk
Corporate Plan Delivery Plan 2021/22 Q3 progress update	Cabinet	10 Feb	To review the progress made against the Corporate Plan Delivery Plan 2021/22 for the Quarter 3 period (Oct - Dec 2021)	No	Open	Portfolio Holder for Business, Economy, Jobs, Investment and Strategy; Youth Services	Dawn French, Chief Executive dfrench@uttlesford.gov.uk
Medium Term Financial Strategy and Budget Proposals 2022/23	Cabinet	10 Feb	Draft MTFS, GF, Capital and HRA budgets 2022/23 and associated reports and strategies	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@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
Corporate Plan Delivery Plan 2021/22 Q4 progress update (outturn report)	Cabinet	29 Mar	To review the progress made against the Corporate Plan Delivery Plan 2021/22 for the Quarter 4 period (Jan - Mar 2021) outturn report	No	Open	Portfolio Holder for Business, Economy, Jobs, Investment and Strategy; Youth Services	Dawn French, Chief Executive dfrench@uttlesford.gov.uk
Corporate Plan Delivery Plan 2022/23	Cabinet	29 Mar	To approve the Corporate Plan Delivery Plan for 2022/23	No	Open	Portfolio Holder for Business, Economy, Jobs, Investment and Strategy; Youth Services	Dawn French, Chief Executive dfrench@uttlesford.gov.uk

Committee: Scrutiny Committee

Date: 25 May 2021

Title: Planning Obligation Task Group

Author: Councillor Criscione & Councillor Jones
Assisted by Nigel Brown, Development Manager
nbrown@uttlesford.gov.uk

Summary

At Scrutiny Committee on 25 June 2019 it was agreed to establish a Task and Finish Group to consider Planning Obligations and Conditions specifically:

- a. Their methodology; use; scope; negotiation; agreement; drafting; monitoring; enforcement and
- b. Their application in respect of affordable housing, education and other community benefits.

The Task and Finish Group had the following terms of reference:

- The process 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 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 related to Planning Obligations.

RECOMMENDATION

The task and finish group requests Scrutiny Committee advises Cabinet of the following recommendations

- A. The creation of an Uttlesford Developers Contribution Document.**
- B. More formalised and procedural approach for Town and Parish Councils to input into Planning Obligations**
- C. Clearer and consistent reporting of Planning Obligations as part of recommending of major planning applications to Planning Committee**
- D. Priority of populating EXACOM database, to allow enhanced reporting and public self-service requests**
- E. Reflection of cases and projects on their completion to maintain improvement in delivery**

Financial Implications

- 1. There are likely costs regarding recommendation D, with respect of additional resourcing for inputting of historical data**

Background Papers

Impact

- 1.

Communication/Consultation	
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

1. Members will recall from Scrutiny Committee on 25 June 2019 that it was agreed to establish a Task and Finish Group to consider the Council's implementation, monitoring and enforcement of Section 106 Planning Obligations
2. The Task and Finish Group had the following terms of reference:
 - The process 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 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 related to Planning Obligations.

Actions

3. In response to this the group (or parts of the group) carried out the following actions, supported by the Development Manager,
 - Met with the Development Manager to assess the approach to the negotiation and policy/legal basis for negotiations for Section 106 Obligations
 - Met with the Council's Legal Officer on matters related to Section 106 Drafting.
 - Considered best practice in other Councils and organisations.
 - Approached Towns and Parish Councils (including survey) to consider third tier Councils' input in Section 106 Obligations.
 - Interviewed Other District Councillors including members of the Planning Committee

4. Legal and Policy Confines of Section 106 Obligations

- 4.1 Before considering the opportunities of Section 106s it is important to consider the legal context within which they sit. The statutory limitation on the use of Planning Obligations sits within Regulation 122 of the Community Infrastructure Levy Regulations 2010. Although the Council does not operate the Community Infrastructure Levy (CIL), the statutory limitations of the use of S106 Obligations sit within this legislation; hence the often confusing term that Section 106 Obligations must be CIL compliant.
- 4.2 Regulation 122 does state that “ *A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-*
- (a) necessary to make the development acceptable in planning terms;*
 - (b) directly related to the development and*
 - (c) fairly and reasonably related in scale and kind to the development*
- 4.3 Although there is some opportunity for some lateral imposition of these Regulations, all decisions around the negotiation of S106 Obligations, or their variation must have Regulation 122 at its heart.
- 4.4 The requirements of Regulation 122 are imbedded within Paragraph 56 of the National Planning Policy Framework (NPPF). Para. 57 goes further and states that any contributions sought must also be policy compliant.
- 4.5 The Council’s Development Plan continues to be the Adopted Uttlesford Local Plan 2005, supplemented by the increasing suite of Neighbourhood Plans. Notwithstanding the current stage that the Council is in with regards the preparation of its new local plan, any emerging plan and its emerging policies (including those related to infrastructure contributions), will retain low/moderate weight until significant milestones are reached in the progress of the plan.
- 4.6 On the point of Uttlesford not operating CIL, the Council has currently engaged consultants to consider the options around CIL. In light of the Council’s decision to withdraw the Local Plan in April 2020, the consultants did advise that they could not cost up the infrastructure requirements for the district without the Local Plan and associated Infrastructure Development Plan. As such, this work is currently paused.
- 4.7 The Council currently does not have a Developers’ Contribution Document (either adopted as guidance or policy). Essex County Council does have an adopted Developers’ Guide to Infrastructure Contributions Document which was revised in 2020.
- 4.8 The absence of a District Developers’ Contribution Guide, especially in light of the current transient nature and age of the Council’s Adopted Plan, is clearly a policy constraint in maximising Regulation 122 complaint contributions from development.

5. Current Processes for Agreeing Planning Obligations

- 5.1 The processing of planning obligations at Uttlesford has been the very traditional method currently implemented by the vast majority of Local Planning Authorities.
- 5.2 Recommended Planning Obligations, including their requirements, develop as a planning application is considered. As a result Heads of Terms emerge in line with Regulation 122. These Heads of Terms emerge through a combination of the following:
- a. Consultation responses from statutory consultees who request contributions in line with their own contribution frameworks for instance (but not exclusive to)
 - Essex County Council with respect of education and public transport
 - Clinical Commissioning Groups (CCG) with respect of health
 - Natural England with respect of impact on Recreational impact on protected habitats (Essex Coast RAMS)
 - b. Ongoing stewardship measures for
 - Public open space/recreation spaces (including first refusal for town and parish councils for adoption). Commuted sums for ongoing maintenance
 - Sustainable Drainage Systems
 - Public car parks etc.
 - c. Other matters that cannot be secured by condition for instance
 - Securing highway improvements proportionate to the development (preference is always for developer to carry out works, with financial contribution if Highway Authority do work)
 - Offsite works (including contributions if required)
- 5.3 In the majority of cases the Planning Obligation relates to major planning applications and the applications are reported to Planning Committee. Prior to the reporting of the matter to Planning Committee the Heads of Terms are agreed with the applicant, without prejudice to the decision of Planning Committee. The Heads of Terms are included as part of the recommendation, the recommendation is couched in negative terms that the application is refused if the applicant fails to enter into the S106 Obligation within a given time. This avoids the need to refer back to Planning Committee if the Planning Obligation is not progressed.
- 5.4 The Heads of Terms are reported in list form and include the full of list of requirements. Traditionally this has not included the monetary sums. The report does not include reference to triggers for actions or payments and deliberately avoids drafting matters at Planning Committee. This is primarily to allow the matter in terms of the completion of the Planning Obligation and the

consideration of triggers and drafting not to be unduly hamstrung by a Committee resolution. Only clear movements away from the Heads of Terms should be reported back to Planning Committee.

- 5.5 Following the resolution from Planning Committee, the Council's legal officers are instructed to complete the Planning Obligation. Recently the Council's Legal Officers have been resourced to retain drafting and version control of the emerging planning obligation. The Council's legal officers are looking at standardising clauses moving forward. Historically, delays have occurred where Essex County Council have been party to the obligation. Better liaising between legal teams, and between the County lawyers and their client areas, appears to be resulting in improvements in this area.

6. The Role of Town and Parish Councils

- 6.1 Traditionally, Towns and Parish Councils have had limited input in terms of the scoping and consideration Planning Obligations. The role of third tier authorities is clearly a cornerstone of this Committee's consideration of Planning Obligations.
- 6.2 A survey carried out by the Task & Finish Group, directed at Town/Parish Councils and individual district councillors identified the following:
- 68.4% of respondents feel that they have a very good or good understanding of Section 106 agreements
 - 71.1% of respondents feel they have very little or no influence over the planning obligations process
 - 76.3% of respondents were not satisfied or completely unsatisfied with the level of engagement with UDC regarding s106 Agreements
 - 44.7% of respondents want to be consulted during pre-application stage, with a further 23.7% wanting input at the Officers' initial review, and 28.9% during the consultation stage
 - 84.3% of respondents do not feel sufficiently involved in the spending of s106 monies and would like more involvement
 - 84.2% of respondents support a wish list of projects for areas that might qualify for s106 monies
- 6.3 It is clear from the work that that the Task & Finish Group has with Town and Parish Councils that Third Tier Authorities do feel excluded from the process. As a result they do not consider that the best outcomes have emerged for the local communities from Planning Obligations.
- 6.4 Parallel to this consideration has been Sue Chadwick review of pre-application discussions and ongoing Planning Obligation matters specifically in Saffron Walden. This has highlighted and recommended that Town and Parish Councils become more centrally involved in pre-application discussions. This

is not a new issue; the Planning Advisory Service has advocated for many years the involvement of third tier authorities and ward members in pre-application discussions. It is not for this Task and Finish Group to duplicate the recommendations from Sue Chadwick. A working group including the Chair of Planning Committee and a sample of Third Tier Councils has carried out work on this point. From this work, is emerging a protocol for involvement of parish and town councils in pre-application discussions which will be reported to Planning Committee following consultation, later in the summer.

- 6.5 The Council's approach to pre-application discussions is changing significantly. The increased use of Planning Performance Agreements (PPAs) allows for a project based approach to the consideration of planning proposals from pre-application, through application and onto implementation. PPAs offer no guarantee of planning permission for the developer, but it does set the timeframes for the consideration of matters including resourcing. It also establishes the town and parish council within the process rather than outside of it. This is being confirmed within the emerging Statement of Community Involvement.
- 6.6 The more formalised approach of including the Towns and Parish Councils within the pre-application process rather than merely being a consultee of the planning application will certainly allow for a much more meaningful input in the negotiation of the Planning Obligation. This input would be certainly will be without prejudice to any principle objections to the development held by the Town/Parish Council. This engagement would also be in the full context of the need to comply with Regulation 122 of the CIL Regs.
- 6.7 Notwithstanding this commitment regarding pre-application/PPA discussions a formal process for the engagement of Town and Parish Councils in the negotiation of Planning Obligations is required, including any requests for variations.

7.0 The Section 106 Monitoring/Enforcement Process

- 7.1 In January 2019, the Council created and recruited to a Section 106 Monitoring/Enforcement Officer. The post was funded by Section 106 Monitoring Charges. The post holder acquired a number of legacy cases.
- 7.2 The post has successfully monitored and helped deliver infrastructure from Planning Obligations, working with developers and Town/Parish councils to deliver infrastructure locally. The monitoring role is not exclusive to invoicing of payments from Planning Obligations, but also requires the liaising with parish/town councils to bring public open space and facilities to an appropriate standard in a timely fashion, to be transferred for adoption to town/parish councils.
- 7.3 During the pandemic the situation did become becalmed. The officer has been unable to carry out site visits, and some public open space has been delayed in transfer through no fault of this Council, our partner Councils or the

developer. In addition key developer links have not been available due to furloughing etc.

- 7.4 The processes and procedures around the monitoring process are currently the subject of an audit programme to ensure business continuity moving forward. It is suggested that this audit process and its ultimate reporting to GAP Committee compliments this Scrutiny Task & Finish Group Report. It is therefore recommended that this report not intrude on the ongoing work of Internal Audit.
- 7.5 The S106 Monitoring Officer deliberately sits within the Planning Enforcement Team. The priority on the implementation of a Planning Obligation will always be through monitoring and ensuring compliance. Where enforcement, following intervention is required then the priority should be on negative injunction action (i.e. prevention of building). Developers do want to comply, and early monitoring does ensure that triggers are met, and the developer is assisted to comply.
- 7.6 The operating of the S106 Monitoring/Enforcement Officer has been a success. The workings of this officer, not only allowed a dedicated officer to monitor compliance, it has allowed an element of reflection with both developers and town/parish councils over the effectiveness of the Planning Obligations.
- 7.7 As an illustration, on the point of public open spaces. Whilst Planning Obligations certainly over the past decade, have allowed town/parish councils first refusal to adopt the open spaces, the terms of the Planning Obligation have not always made the public open space attractive for town/parish councils to willingly adopt. This can be for a number of reasons:
- The town/parish council has had no input in the design of the facility
 - Planning Obligations have had an inconsistent approach to commuted charge periods (can be between 5-20 years)
 - Lack of clarity over approach to level of commuted sum
 - The matter is complicated by Sustainable Urban Drainage facilities being on Public Open Space Areas
- 7.8 As a result of this the stewardship of public open spaces has been taken over by Management Companies. This has resulted in the residents of these new developments appearing to be double charged (i.e. service charges and Council Tax). Although Management Companies may be unavoidable in certain circumstances, it is imperative that provided facilities and the terms of the Planning Obligation make it attractive for towns/parish councils to adopt, and this is committed to in the obligation.

8.0 Reporting of Planning Obligation Outcomes

- 8.1 Currently the reporting of Planning Obligation outcomes is confined to the Council's annual report of accounts which includes Planning Obligation receipts. This is certainly not the preferred approach.
- 8.2 Parallel to the creation and filling of the role of the S106 Monitoring/Enforcement Officer, the Council acquired the EXACOM software package. EXACOM being a web based software allows interaction with the Council's IT systems. EXACOM is also the preferred interface of the Council's corporate system, IDOX. EXACOM does rely upon historic Section 106s being inputted, to allow further reporting. Sadly, the new officer role has been a victim of its own success, whilst picking up legacy cases and successfully delivering infrastructure, time and resources have not been available for the populating of the system with historic S106s and data. This does now have to be made a priority moving forward, and duly resourced.
- 8.3 A fully populated EXACOM database with its reporting and interaction with other databases can provide the following
- Ability to report on a case by case (i.e. development) basis on the collection and spend of monies, and the delivery of infrastructure
 - Ability to report on a project basis (i.e. pooled resources)
 - Ability to report on geographical/ward/parish basis
 - Ability to report on a themed basis (e.g. affordable housing).
- 8.4 The priority moving forward is for the database to be public facing and subject to appropriate audit and data protection checks, to be open for public self-service enquiries.
- 8.5 Additional to this, overdue formal reporting of Planning Obligation outcomes, in terms of figures or narrative will be able to be reported to appropriate Committees (especially Planning Committee) on a regular basis.

9.0 Reflection on Planning Obligation Delivery

- 9.1 The ability to reflect on a specific Planning Obligation Implementation or a project delivery journey cannot be overvalued. It is essential that part of the process of the implementation of planning obligations, and the delivery of projects and infrastructure should include looking back and reflecting. Reflection can be positive but even if critical can enhance the process moving forward.
- 9.2 The Task & Finish Group has therefore cause to suggest that regular review and feedback between members, officers, third tier authorities and applicants take place in order to identify areas where improvement is necessary. This will be brought about by open and positive dialogue between parties and the

raising of any issues through and beyond the formal planning application process.

- 9.3 In other areas, Local Planning Authorities have established Development Forums to create a collaborative platform for stakeholders to share non-specific issues that are being experienced in the planning process. This is with improvement in mind and could prove a useful forum for the Council to identify shortcomings, issues and actions in respect of planning obligations, particularly with future negotiations in mind.

10.0 Conclusions and Recommendations

10.1 The outcomes leading to recommendations can be based on five key areas:

- A. Improved Policy Basis and Guidance to provide enhanced and more consistent approach to Planning Obligations
- B. More formalised and procedural approach for Town and Parish Councils to input into Planning Obligations
- C. Clearer and consistent reporting of Planning Obligations as part of recommending of major planning applications to Planning Committee
- D. Priority of populating EXACOM database, to allow enhanced reporting and public self-service requests.
- E. Reflection of cases and projects on their completion to maintain improvement in delivery.

A. Improved Policy Basis and Guidance to provide enhanced and more consistent approach to Planning Obligations

- A.1 The creation of an Uttlesford Developers Contribution Document. This document will act as a policy of its approach to all matters specific to Planning Obligations. The document will be twofold
- Capturing of existing evidence base to provide ongoing contribution requests, taking the Essex Developers' Contribution Document as the blueprint in this area.
 - Provide specific guidance for developers over the Council's approach on specific matters (e.g. commuted sum maintenance periods)

B. More formalised and procedural approach for Town and Parish Councils to input into Planning Obligations

- B.1 That the emerging Protocol for involvement of Town & Parish Councils at pre-application/PPA discussion (following the recommendations of the Sue Chadwick Report), be extended to include non-prejudicial input into planning obligations. Such input must be consistent with Regulation 122.
- B.2 Establish a procedure for the inclusion of Town and Parish Councils in Planning Obligation negotiations on appeals. Such input must be consistent with Regulation 122 and the specific appeal timetable.

C. Clearer and consistent reporting of Planning Obligations as part of recommending of major planning applications to Planning Committee

- C.1 As part of the scheduled redesign of Planning Committee the reporting of Planning Obligation recommendations to be clearer and more consistent. This will include:

- Dedicated section on Planning Obligation recommendation (including CIL justification) and input from partner authorities
- Extend the recommendation to beyond Heads of Terms to include monetary sums where possible.
-

D. Priority of populating EXACOM database, to allow enhanced reporting and public self-service requests

- D.1 To resource and prioritise the populating of the EXACOM database with historic planning obligations before end of October 2021
- D.2 Establish quarterly reports to Planning Committee and other relevant Committees (where required), on specific developments, projects or themes
- D.3. Following appropriate audit and data protection checks, establish an outward facing self-service approach to planning obligations data.

E. Reflection of cases and projects on their completion to maintain improvement in delivery.

- E.1 Formally establish a process for reflection, including review with partners, the community and developers around the delivery of specific development, infrastructure and projects.

Risk Analysis

2.

Risk	Likelihood	Impact	Mitigating actions
Problems with existing IDOX data including address data resulting in delay in re-engineering IDOX system	2	2	Early engagement with IDOX/ICT may need some temporary administration resources.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Committee: Scrutiny

Date:

Title: Annual Report 2020/21

Tuesday, 25 May
2021

Report Author Richard Auty, Assistant Director – Corporate Services

Summary

1. There is a requirement under the Council's Constitution for the Chair of the Committee to report annually to Full Council.
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 2020/21 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. Despite the significant impact of the Covid 19 pandemic on the Council during 2020/21, the Scrutiny Committee has continued to make a positive difference. Although some workstreams have been slow to progress because of the constraints imposed by the pandemic response, the Committee has been able to continue meet regularly online and provide a critical friend role to the Executive.
8. During the year the Centre for Governance and Scrutiny has carried out two reviews and made recommendations.
9. Also during the year the Committee took the decision to split its scrutiny of the Local Plan process from the rest of its workload and now holds separate Local Plan-specific meetings.
10. The sections of the report below summarise the main areas of discussion and activity during the year.

Public Health Emergency

11. Scrutiny Committee began the first meeting of 2020/21 with a report on the Council's management of the public health emergency. This report was received two months after the start of the first lockdown, so very early in the pandemic.
12. The Committee heard how the Council began preparing for the coronavirus outbreak in January, issuing its first bulletin to all staff regarding its impacts in early February. An officer group was formally established in February and began to consider and plan for the implications for council services. The council moved to an incident command structure on 17 March 2020 when a public health emergency was declared. That structure remains in place.
13. The discussion at the meeting looked at the impact on, and changes to, the Council's work, the support the Council was providing to residents and businesses and the way the Council was working with partners to ensure an effective response to the unprecedented situation.
14. In January 2021, Cllr Reeve as Portfolio Holder for the Economy, presented the Economic Development Recovery Plan, which set out how a £1 million budget would be spent over three years to support economic recovery and growth in the district. The Committee supported the plan and considered it a well thought out piece of work, noting it had clear and measurable objectives.

Planning Obligations, Major Applications, Airport Fly-parking

15. These three workstreams were commenced in the previous year. Due mainly to the impact on the organisation of the pandemic, progress has been extremely limited for much of the year.
16. The planning obligations review commenced with a task and finish group comprising Cllrs Evans, Criscione and Jones. Now-former councillor Anthony

Gerard replaced Cllr Evans and latterly the group has comprised just Cllrs Criscione and Jones. The review was established to look at whether the Council is achieving the best outcomes for the district with regard to planning conditions obtained under S106 agreements.

17. Although it had been hoped the final report would be presented at the beginning of 2020/21, this proved impossible. However, stakeholder consultation was carried out during the year and a final report including recommendations was presented to the first Scrutiny meeting of 2021/22, concluding the work of this Task and Finish group.
18. 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 began this work pre-pandemic. Cllr Reeve then became a Cabinet Member, necessitating his withdrawal. Although terms of reference were approved, limited progress has been made, due mainly to the impact on the pandemic not only on the Council but also on Stansted Airport.
19. The outcome of the work by the Planning Advisory Service (PAS) on major planning application processes remains outstanding. Officers are working with PAS to bring this to a conclusion.

Corporate Plan Delivery Plan

20. Members of the Scrutiny Committee called in both the 2019/20 Delivery Plan and the 2020/21 Delivery Plan. Prior to the call-in of the 2020/21 plan, it had been an agenda item in an ordinary meeting of the committee.
21. At each call-in, concerns centered around what the Scrutiny Members who requested the call-in considered a lack of specificity in the document. They felt there were insufficient measurable targets and concerns were also expressed that their views had not been sufficiently taken into account when Cabinet approved the 2020/21 Delivery Plan.
22. The Portfolio Holder with responsibility for the Corporate Plan, Cllr Reeve, attended to explain the Executive's position on these matters and it was decided not to refer the decision back to Cabinet. A mid-year review of the Delivery Plan will however be conducted.

Commercial Investments, Medium-Term Financial Strategy, Budget

23. At its September 2020 meeting, the Committee considered a report on local authority commercial investments at the request of Cllr Caton. Discussion focused on governance arrangements around investment decisions.
24. At the same meeting, the results of a mid-year review of the Medium-Term Financial Strategy were presented. The document had been comprehensively overhauled due to the financial impact of the Covid 19 pandemic and the efforts of the Director of Finance, the Assistant Director of Resources and the Finance Team were formally noted.

25. The 2021/22 Budget and Medium-Term Financial Strategy were discussed in February, prior to the reports going to Cabinet. The Committee questioned Cabinet Members around various areas of proposed spend including the Local Plan specifically and planning generally, climate change and economic development along with budget-related matters such as Council Tax collection rates and reserve levels. Ultimately the Committee voted to recommend the budget to Cabinet.

Climate Change Strategy and Interim Policies

26. The Committee conducted pre-scrutiny of the Climate Change Strategy ahead of it going to Cabinet. Members supported the broad aims of the Strategy but expressed the view that they would have preferred to see a detailed action plan alongside the high-level document. The Committee is expecting to receive the action plan early in the 2021/22 year.

27. At the same meeting the Scrutiny Committee also looked at a series of Interim Climate Change Planning policies which were to be put in place ahead of the full Strategy. These were welcomed by the Committee.

Centre for Governance and Scrutiny Reviews

28. During the year, the Centre for Governance and Scrutiny (CfGS) completed two reviews of the Council's scrutiny function – one looking at scrutiny generally and one giving advice on Local Plan scrutiny specifically.

29. Both reviews found areas of good practice and the CfGS made recommendations as to where the Council could build on these even further. These included the shift towards more pre-decision Scrutiny and the cross-party, non-political approach of the Committee. Areas of improvement identified included general understanding among councillors of the role of Scrutiny, support/resourcing of the function and work planning. With regard to the Local Plan, the CfGS recommended greater clarity regarding roles and responsibilities of the various committees within the Local Plan structure and suggested a Protocol should be created.

30. Both reviews were followed by virtual workshops, to which Members were invited.

Local Plan

31. In 2020/21 the Committee began scrutinising the process of getting a new Local Plan in place. Quarterly meetings consider project management progress reports to ensure the process is on track; as well as feeding into the update to the Ministry of Housing Communities and Local Government.

32. The Committee has overseen the design and implementation of a new Project Management system to ensure delivery of the local plan against an agreed timeline. The Project Management arrangements comprise several elements:

- a Local Plan Risk Register that is kept up to date in real time and which identifies all key risks, and identifies and monitors progress in mitigating each risk;

- a Local Plan Workplan Dashboard which gives an overall picture of progress and tracks total numbers of local plan tasks shown with current status (red, amber or green);
- a Workstream Status Report and Executive Summary which provides a succinct commentary on the Project Plan work, linked back to the Risk Register, and an overall assessment of progress for the whole project (red, amber or green);
- an extract from the Local Plan Microsoft Project Database that shows all live tasks with detailed explanations and specific progress rating for each individual element.

33. The Scrutiny Committee reviews the four elements of the Project Management system at each quarterly meeting and asks questions of the Local Plan Project Manager. This process then allows the Committee the opportunity consider each quarterly update to Government about progress. The approach also enables the Committee to suggest any further action that the Council may wish to take to ensure the local plan is delivered on time in accordance with the Council's objectives. In this respect the Committee has adopted the style of a 'critical friend' in overseeing the Local Plan process.

34. The new Local Plan Project Management system was agreed by Scrutiny Committee in early October 2021 and since then there have two further meetings that have considered the quarterly local plan progress reports with the following outcomes:

- In December 2020 the Quarter 3 Project Management Report was considered. At that time there were 126 live tasks in the Project Plan and the overall status of the project was assessed as 'amber' subject to an imminent decision by Council on the budget (which was subsequently confirmed) and action being taken to address staff recruitment (posts which were later successfully filled). The Committee also provided constructive comments to support the operation of the Local Plan Community Stakeholder Forum.
- In February 2021 the Quarter 4 Project Management Report was considered. At that time live tasks had increased to 323 with overall status assessed as 'amber'. At that time the main risk related to a lack of inhouse capacity to support the procurement of the local plan evidence base and the Committee discussed the potential for other local authority support (this was subsequently obtained through the County Council Procurement Team). The Committee also discussed the risks of unwanted development being pursued by promoters through the planning appeal system and the continued need for district and county officers to work closely together to resist these proposals.

35. Scrutiny Committee is intended to focus on the process elements of the Local Plan, while the Local Plan Leadership Group makes recommendations to Cabinet on the policy content of the plan.

