

**SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 22
SEPTEMBER 2022 at 7.00 pm**

Present: Councillor N Gregory (Chair)
Councillors G Driscoll, V Isham, R Jones, P Lavelle, G LeCount,
S Luck and G Smith

Officers in attendance: R Auty (Assistant Director - Corporate Services), J Clements
(Interim Local Plan and New Communities Manager), D
Hermitage (Director of Planning) and A Lindsell (Democratic
Services Officer)

Also in attendance: Councillors P Lees (Leader of the Council), J Evans (Portfolio
Holder for Planning and the Local Plan), R Freeman (Portfolio
Holder for Council Services), N Reeve (Portfolio Holder for the
Economy, Investment and Corporate Strategy) and M Sutton
(Portfolio Holder for Communities, Health, Youth, Public Safety,
Emergency Planning and liaison with the Police and Fire &
Rescue Service)

Virtual attendance: B Brown (Assistant Director for Environmental Services)

SC29 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Criscione, De Vries and Sell.

Councillor Smith said that he was substituting for Councillor Criscione.

There were no declarations of interest.

SC30 MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on 14 July 2022 were approved as an accurate record.

SC31 RESPONSES OF THE EXECUTIVE TO REPORTS OF THE COMMITTEE

There were no matters to report.

SC32 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL IN OF A DECISION

There were no matters to report.

The Chair said that following discussion with the Vice-Chair he would be bringing items 8 and 9 forward on the agenda.

He said that there had been considerable discussion about operational matters in the Housing Department, which was being dealt with efficiently by the Governance and Audit Performance (GAP) Committee and the Housing Board. He suggested that Members read the papers for the 27 September Housing Board meeting and said that some health and safety deficiencies going back over ten years had been identified, which the Chief Executive was efficiently addressing.

The Leader said they were still in discussion with the government and that it would not be appropriate to comment.

SC33 CABINET FORWARD PLAN

The Plan was noted.

SC34 SCRUTINY WORK PROGRAMME

The Work Programme was noted.

SC35 ZERO CARBON COMMUNITIES FUND

The Assistant Director for Environmental Services presented the Zero Carbon Communities Fund Report.

He recommended that Members consider and provide feedback on the proposed principles of the fund.

He said that the fund would allow community projects to be funded by the District Council to reduce carbon emissions from public organisations and had been recommended by the Energy and Climate Change Working Group.

Following a question from a Member the Assistant Director for Environmental Services confirmed that feasibility studies could be included as projects that would be considered for the fund.

The Chair thanked the Assistant Director for Environmental Services and Councillor Pepper for their work on this well thought out, sound and sensible approach

SC36 **ECONOMIC RECOVERY DELIVERY PLAN - YEAR 2 PROGRESS REPORT**

The Portfolio Holder for the Economy, Investment and Corporate Strategy presented the Economic Recovery Delivery Plan – Year 2 Progress Report.

He recommended that Members noted the proposed Year 2 Delivery Plan for 2022/23.

He said:

- The Year 2 for 2022 and 2023 had been delayed due to a lack of staff resources as well as the submission for grant funding from the UK Prosperity Fund from the government. The plan was now submitted, had been approved by our MP and was awaiting results
- The thrust of the programme was that those most affected by Covid were most likely to be affected by the economic downturn, so the focus of the recovery plan was likely to continue in the current climate
- There were two new risks affecting the execution of the plan and failure to appoint the additional staff required could delay execution of the targets
- There was a desire to further build on activities in the current plan

In response to questions from Members the Portfolio Holder for the Economy, Investment and Corporate Strategy said that:

- The bank interest rates would impact the plan and that evidence would be provided to support the businesses who would be further consider their business plans
- They would continue to try to better help residents access the car parks. The system was working well, the card issues had been fixed and there was only a 1% rejection rate
- The car parking review was currently in draft form and would be published in the next few weeks
- Sympathetic allowances were made for vulnerable individuals and season tickets could be extended where appropriate
- The group running the Discover Uttlesford app have reported good uptake and superficially the evidence is that people are looking at it which should help the sector in the future

The Chair thanked the Portfolio Holder for the Economy, Investment and Corporate Strategy for his well-managed portfolio that provided comprehensive reporting.

The proposed year 2 Delivery Plan for 2022/23 was noted.

SC37 **PLANNING SERVICE IMPROVEMENT PROGRESS**

The Portfolio Holder for Planning and the Local Plan presented the Planning Service Progress Report.

He recommended that Members noted progress with the actions on each of the Pathways.

The Chair said that he would also discuss the Local Plan under this item.

The Leader said that there would be a Joint Local Plan Leadership Group and Scrutiny Session arranged for 10 October where further details would be provided.

The Chair said that Councillor Bagnall would Chair the Joint Session.

In response to questions from the previous Scrutiny meeting the Portfolio Holder for Planning and the Local Plan said that:

- The provision of a duty planner was becoming less commonplace nationally. The administration were not in a position to reinstate that service due to staffing levels, but it would be reviewed in the new year
- Access to officers through the telephone was similarly impacted and could not be provided other than on a specific case by case basis
- There was not a programme in place that enabled the reporting of response to emails timings
- Paid Pre-Application Advice fees across the district totalled £117k so far this year, in response to 262 requests for advice
- There had been thirty nine major applications this year, four of which had proceeded to the Planning Inspectorate under the s62A designation route.
- Enforcement remained an important topic for residents, the register was now up to date. It was not possible to provide information into the public domain until the enforcement had taken place due to GDPR. This year there had been 141 new cases and 134 cases had been closed
- Section 106 required further work, and it was anticipated that it all would be uploaded to Exacom by the end of 2022
- Councillor Merifield had said that if required she would consider appearing before Scrutiny although she noted that all matters had been considered by the Planning Committee

In response to questions from Members the Director of Planning said:

- The Council did not have a software system that tracked the timescale of responses to emails. He said that the expectation was that responses were made within ten working days.
- Exacom would be online in December to track S106 Planning Obligations, subject to the external consultants working to the agreed time. Exacom were awaiting an external provider to input data, which was a laborious and time consuming task.
- In response to a comment from the Leader, who highlighted that a recent poll of planners within the whole of Essex had identified a shortage of applicants responding to vacancies, and a shortage of planners being trained, the Director said that post-Covid planners could now work remotely across far larger areas and that this had contributed to shortages across the country. He was working to make the planning jobs as appealing as possible and with the agreement of the cabinet member he had put forward improved job descriptions supporting learning

development and intended to run a campaign in the next few weeks, to ensure that they can attract the best people to recruit to key roles.

- During discussions with the Department for Levelling Up, Housing and Communities, the Director asked them whether their graduate programme attendees would benefit from a stint at Uttlesford, which would benefit both parties.
- Training young people was a long-term aim, which needed to be balanced against the twelve current vacancies. As other employers allow working from home a balance needed to be struck to compete with other employers and not discourage applicants.
- Forty one enforcement cases were closed during the week that Planning closed down to tackle the backlog. He said that the majority of planning enforcement cases required an onsite visit and that there were 299 backed up cases as a result of Covid restrictions which the team sought to address during the sprint week

In response to questions from Members, the Portfolio Holder for Planning and the Local Plan said:

- The duty planner role would be reviewed at the start of 2023
- That it was a challenge to attract and retain qualified planners as there was a chronic shortage of planners throughout the country
- That officers working from home were impacted in several ways by the remote working scenario and that this would be addressed by the Director of Planning

The Leader of the Council said that she was very impressed with the innovative ways the Director of Planning was attempting to attract new staff. She welcomed the Interim Local Plan and New Communities Manager as an experienced rural local planner.

The Chair said that the minutes demonstrated that there was progress, but that it was slow and not at the pace previous statements had promised. He said that the absence of the duty planner was unacceptable and asked who was looking after the interests of the 90,000 Uttlesford residents who cannot call the planning department while developers get a fabulous service due to the efforts of the Director of Planning.

The Portfolio Holder for Planning and the Local Plan said that was unfair and was a generalisation and that application progress could be reviewed on the website. He said the Royal Town Planning Institute (RTPI) research recently released identified that the system was not as satisfactory as it might be across the country, with less than half of applications across the country being dealt with within the statutory time frame. He said that developers were not receiving preferential treatment.

Members noted the report and requested that the Planning Service Improvement Progress was reconsidered at the Scrutiny meeting scheduled for 31 January 2023.

The Chair said that the Local Plan had taken up a lot of Scrutiny Committee`s time over the last two years, and had been making good progress until February

2022. He confirmed that a further delay to the process had been announced the previous week and requested that the Director of Planning and Interim Local Plan and New Communities Manager explained the reasons for the latest delay. He said that a joint session had been scheduled with the Local Plan Leadership Group for 10 October 2022.

Councillor Luck left the meeting.

The Director of Planning said:

- The pause was necessary as a result of the site allocation assessments not yet being ready to go out for consultation
- Staff had been missing the benefits of collaborative working during remote working
- There had been two resignations in the Local Plan team in the last week, making a total of three in a month which was 40% of the team leaving in the month
- The issues had been difficult to mitigate against

Members said that they understood the delay was for good reasons but were concerned what further impact this delay could have on delivery of the plan.

The Interim Local Plan and Communities Manager said:

- The Regulation 19 submission of the 'final' plan for examination by an inspector was the key target and that getting the plan right beforehand was the priority
- The current pause could cause an estimated three month delay to that overall key target and was unfortunate, but that action was necessary, and they were working hard to find a way forward
- There were advantages for the council as a result of the delay, as they would be able to reorientate the next major consultation to be more accessible and meaningful for feedback.

The Director of Planning said that moving the Regulation 18 did not mean moving the Regulation 19 by the same amount as it could be concertinaed. Work currently being undertaken on the timetable would be reported to Members at the joint meeting scheduled 10 October 2022.

Members discussed:

- The need to pause and address the issues highlighted
- That evidence had often been lacking during the many previous briefings
- The need for process to pick up the project management, particularly given the loss of staff
- What had the Local Plan team been doing all this time if they haven't come back with the answers
- Members do not have the authority to manage officers who need to work together in closely integrated teams
- The need to reinstate project manager meetings
- The need to update the website to ensure residents have a greater understanding of the reasons for this latest delay

The Interim Local Plan and New Communities Manager said:

- That evidence was a complex matter, with transport studies researched internally and contracted out
- That proposals needed to be known before research was undertaken and that some of the evidence could not be collected at the beginning of the process
- Many of the consultancies used were also struggling with staffing
- Not all the evidence was discreet work undertaken by the team or consultant, a lot was dealing with 700 responses, some containing detailed information and was a complex task
- The knowledge needed to be collated within the team and work was required to integrate the different departments/chapters and was not currently complete and would not have been good for the reputation of the council
- Officers had been working incredibly hard and have every intention of getting the plan across the line

The Leader of the Council confirmed that the website would be updated and welcomed constructive management of the plan. She said that further details including a programme and a positive view to be adopted for the future would be shared at the joint meeting scheduled for 10 October 2022.

The Portfolio Holder for Planning and the Local Plan said that he was extremely disappointed that this position had come about, that appropriate questions had been asked and suitable levels of detail had been obtained.

The Chair summarised the purpose of the Scrutiny Committee to hold the administration to account. He said that throughout this process the Committee had been assured that everything was on track. Concerns had been raised since March 2022, and Scrutiny were told all was in hand, but in the subsequent six months, five months of delay had been added.

He said that it would be an extreme step to raise the question of confidence in the portfolio holder but that he would consider it if Scrutiny did not receive detailed answers to their questions with the utmost transparency at the meeting scheduled 10 October 2022.

The meeting ended at 20:52.