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Uttlesford District Council

Chief Executive: Peter Holt

Scrutiny Committee

Date: Thursday, 22nd June, 2023

Time: 7.00 pm

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

Chairman: Councillor N Gregory

Members: Councillors M Ahmed, G Bagnall (Vice-Chair), C Criscione,
B Donald, R Gooding, R Haynes, S Luck, C Martin, A Reeve and
G Sell

Substitutes: Councillors N Church, M Coletta, G Driscoll, R Pavitt and R Silcock

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.

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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 Meetings

4 - 15

To consider the minutes of the previous meeting on the 2nd March 2023 and the Local Plan Scrutiny meeting on the 13th March 2023.

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

16 - 19

To receive the updated Cabinet Forward Plan.

6 Scrutiny Work Planning

20 - 26

To consider the Scrutiny Work Plan.

7 Housing Review Terms of Reference

27 - 33

To consider the Housing Review Terms of Reference.

8 Centre for Governance and Scrutiny Annual Conference (verbal)

To receive a verbal report on the Centre for Governance and Scrutiny Annual Conference.

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Agenda Item 2

SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 2 MARCH 2023 at 7.00 pm

Present: Councillor N Gregory (Chair)
Councillors G Driscoll, V Isham, S Luck and G Sell

Officers in attendance: R Auty (Assistant Director - Corporate Services and Monitoring Officer), B Brown (Assistant Director - Environmental Services), P Holt (Chief Executive), A Knight (Assistant Director - Business and Change Management), V Reed (Climate Change Lead Officer) and C Shanley-Grozavu (Democratic Services Officer)

Also Present: Councillors A Coote (Portfolio Holder for Housing), L Pepper (Portfolio Holder for the Environment and Green Issues; Equalities) and N Reeve (Portfolio Holder for the Economy, Investment and Corporate Strategy)

SC51 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors De Vries, Jones, Lavelle and LeCount.

There were no declarations of interest.

SC52 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were approved as an accurate record.

SC53 **RESPONSES OF THE EXECUTIVE TO REPORTS OF THE COMMITTEE**

There were none.

SC54 **CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL IN OF A DECISION**

There were none.

SC55 **ECONOMIC RECOVERY DELIVERY PLAN - YEAR 3 PLAN AND YEAR 2 UPDATE**

The Portfolio Holder for the Economy, Investment and Corporate Strategy provided an update on the progress of the Year Two Economic Recovery Delivery Plan, as well as the proposed Year Three Delivery Plan for 2023/24. Within his introduction, he highlighted two additional government schemes which

had launched during Year Two; the UK Shared Prosperity Fund (UKSPF) and the Rural England Prosperity Fund (REPF). These had subsequently delayed the delivery of the Year Two recovery plan initiatives due to the reorganisation of staff resources.

Members discussed the report, and the following was noted:

- There was concern regarding the lack of transparency around staffing at the Council and members requested that they be notified of all movers and leavers in their regular news bulletin.
- Members felt that there needed to be more acknowledgement and PR from the Council for local businesses, especially those outside of Saffron Walden.
- A recent study which ranked Uttlesford as 307th out of 309 English districts for entrepreneurial activity was based on data that had been drawn from limited companies. Members were disappointed by these findings, given the above average proportion of residents in self-employment.
- The Council continued to work towards providing a cardboard recycling service for commercial customers and the Waste Recycling Officers was looking into it in line with the Government's Waste Strategy.
- The Uttlesford Community Travel had recently received further funding from the Rural England Community Fund. The Portfolio Holder for the Economy, Investment and Corporate Strategy was keen to expand the provision of rural transport in the district, including the extension of DigiGo to Stansted.
- The Economic Development team were collaborating with the Local Plan team to solve known issues in the district's town centres, including on the upcoming Master Planning exercises.

In discussion around the additional grant funding, it was highlighted that UDC had received £1m from the UK Shared Prosperity Fund; a baseline allocation which many neighbouring authorities also obtained. On the other hand, the Council had received the largest allocation of the Rural England Prosperity Fund in Essex in recognition of the level of rurality in the district. Due to a two-week bidding window, some organisations had missed out on the initial funding from the UKSPF, however the next round which would take place next year would have an eight to ten week window. The process itself was streamlined and guidance was available to any interested party.

The Chief Executive outlined that, moving forward, the Council were looking to co-ordinate the various streams, including their own economic development funding. For example, Voluntary Support Grants would look to be allocated in a four-yearly process, rather than year-to-year, to provide organisations with longer financial certainty. He also hoped to change the culture around "bidding" by removing the competitive nature and encouraging joint partnerships.

The committee commended the Economic Development Team and Councillor Reeve for their ongoing work.

The report was noted.

SC56 CLIMATE CRISIS ACTION PLAN

The Portfolio Holder for the Environment and Green Issues presented the progress report on the implementation of the Climate Change Action Plan (CCAP). She highlighted the actions that were due to be completed during the financial year April 2022-March 2023 and beyond; of the 38 actions, nine were marked as complete, and seven were delayed in commencing.

It was confirmed that the Climate Change Lead Officer was undertaking a review of the CCAP including achievements to date, issues and risks, and lessons learnt. A revised plan for 2023/24 would be brought to the Scrutiny Committee at the early stages of development.

Members discussed the progress report, and the following was noted:

- Officers were unable to confirm the number of properties within the Uttlesford housing stock without an Energy Performance Certificate, however the Council had commissioned their own study in order to obtain accurate data..
- There was a disparity in the number of households which had measures installed under the Sustainable Warmth (LAD3/HUG1) government grant scheme and the number of properties which had been referred, due to a green skills shortage. Furthermore, the grants only allowed nine months to allocate, assess and implement which impacted the number of residents it could reach.
- The team had recently expanded, and new members of staff were from the area with local knowledge.
- They would be reviewing the plans to ensure that actions were realistically achievable.
- Members suggested partnership with the Highways Panel in creating or improve pavement to link communities together.
- To date, £600k had been committed or spent in the Climate Change Budget. The Portfolio Holder for the Environment and Green Issues had produced a table which outlined the allocation of budget, along with other items considered for funding, such as the Fritch Way and the incoming Ecology Officer. It was agreed that this would be circulated.

Members discussed the need to address the issue of transport, given the high rate of car dependency and pollution generated by some of district's key infrastructure. Officers clarified that whilst large polluters such as Stansted Airport, the M11 and A120 were viewed as being out of the Council's scope of control, this did not mean that they could not try to influence change and the Action Plan sought to expand the choice of travel modes and encourage behaviour change. Good connectivity was key for effective active travel and several documents were being created to address this such as sustainable development guidance and the Local Cycling and Walking Infrastructure Plan (LCWIP). These would ultimately feed into the Local Plan which was already making Climate Change a top priority and evidencing green policies through a variety of studies including biodiversity and transport.

The report was noted.

HOUSING REVIEW TERMS OF REFERENCE

The Chair provided a brief introduction to the scoping report for a scrutiny review into the Council's housing management. He said that whilst this was a review for the next Scrutiny Committee to conduct and address, culpability for the failings in the housing function lay with the previous and current administrations, as well as the committee, for not asking enough questions.

Following the Chair's introduction, the Chief Executive explained that the report was from officers and that the Portfolio Holder for Housing had not advised on how the portfolio should be scrutinised. He highlighted issues around timing; addressing the housing function was still ongoing and would not be historic by the time the new committee met in June so members may want to consider starting the review later in order to have hindsight. The Scrutiny process was intensive, and the housing revenue account did not have the funding to bring in independent experts, so members should think carefully about the resources which officers would have and whether it would be appropriate to divert them from fixing the current problems.

The Portfolio Holder for Housing addressed the committee in support of the proposed review. He said that he had been misled on a number of occasions to believe that there were no issues in the management of the Council's housing. However, on obtaining comparable data from five other local authorities in the area, he found that the housing stock was worse than UDC's neighbours, with an underspend of 28% over the last 10 years and the average property aged 54 years old. He hoped that the Committee would look at how it had happened and how the Council could move forward.

Members welcomed the review and highlighted that it needed to be both forwards and backwards looking. They emphasised the need for clear terms of reference and to find best practice examples to draw upon when making their resolutions.

The Chair closed the meeting by thanking the committee for their work and individual contributions. He also thanked the lead officer, Richard Auty.

The Committee gave thanks to Councillor Gregory for chairing and the added value that this had given to the work of the Council.

Meeting ended at 20:38

**SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on MONDAY, 13 MARCH
2023 at 6.00 pm**

Present: Councillor N Gregory (Chair)
Councillors C Criscione, G Driscoll, V Isham, R Jones,
P Lavelle, G LeCount (Vice-Chair), S Luck and G Sell

Officers in attendance: D Hermitage (Director of Planning), P Holt (Chief Executive),
C Shanley-Grozavu (Democratic Services Officer) and A Webb
(Director - Finance and Corporate Services)

Also Present: Councillors A Coote (Portfolio Holder for Housing), J Evans
(Portfolio Holder for Planning, Stansted Airport, Infrastructure
Strategy and the Local Plan) and P Lees (Leader of the Council)

Public Speakers: Councillor P Bright, A Dodsley and R Haynes

SC58 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

SC59 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meetings were approved as a correct record.

SC60 PUBLIC SPEAKERS

Mr Richard Haynes, Mr Andy Dodsley and Mr Peter Bright addressed the meeting. Copies of their statements have been appended to these minutes.

Following the statements, the Chair invited the meeting to make comment. Summaries of the discussion can be found below.

Mr Richard Haynes

In response to Mr Hayne's statement, the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan reassured the Committee that Mr Haynes' concerns had been addressed in private correspondences, and that he was happy to put them on public record. He said that matters regarding the emerging Local Plan had not been predetermined, and there had been no meetings between members of the administration and prospective land promoters and developers. Technical details, including the heritage study, would be considered by the Local Plan Leadership Group (LPLG), and officers were reviewing the inclusion of neighbourhood plan evidence.

The Chair asked why there had been a delay previously to consider a newly-identified site, if there had been no discussion with the land owners. The Portfolio Holder clarified that officers have had discussions with the relevant parties and would carry on to do so, as part of the process. Members would not get their say on sites until the site appraisal stage.

Councillor Criscione asked Mr Haynes what he wanted from the Scrutiny Committee and Mr Haynes responded that he wanted more openness. Whilst his comments had been answered thoroughly in private, he did not understand the secrecy in the process and the lack of engagement, such as the disappearance of the Community Forums.

In response to a question from Councillor Sell about the speaker's experience with Uttlesford in relation to other Essex Councils, Mr Haynes said that in his experience, there with concerns with just about any Local Authority's local plan development process. UDC had wanted to try a whole new way of developing Local Plans with the award-winning community forums and open discussions; however this has since disappeared.

Mr Andy Dodsley

The Chair requested that the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan provide a definitive answer to Mr Dodsley on the position of the 1939 Agreement within the Local Plan process. The Portfolio Holder said that he was aware of the deed and was willing to provide an answer but was not in a position to confirm a deadline as to when this would be given.

Members raised concerns for the lack of opinion in which the Council had on the covenant, given that the site had scored highly in previous Local Plans.

Cllr Peter Bright

The Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan thanked Councillor Bright for his observations and said that the time estimates provided within the project management documentation were a realistic and accurate assessment.

The Director of Planning clarified that officers intended to have the emerging Local Plan submitted before June 2025, due to the government's upcoming changes in how Local Plans were developed.

The Leader of the Council proposed that an FAQ section be created on the Local Plan webpage, which will publish responses to queries from the public.

SC61 **LOCAL PLAN – PROJECT PLAN TO FEBRUARY 2023**

The Director of Planning provided an update on emerging Local Plan, covering the progress of the project plan as well as risks and mitigations. He highlighted staffing and the timetable within the updated risk register and explained that

whilst he had managed to recruit into the outstanding vacancies, the team were now four weeks behind schedule and likely to lose further traction as new staff aligned themselves with the work. As a result, officers would be requesting that the LPLG consider an extension to the Regulation 18 consultation which would be until no later than the end of October 2023. If approved, a revised Local Development Scheme would be brought to an upcoming meeting of Cabinet.

In response to questions, the Director of Planning confirmed that no site allocations had been made and officers were conducting robust site assessments over the coming months in preparation for members to consider potential allocations over the summer. In addition, all sites had been put forward by site owners, bar one where officers had approached the landowner. In this case, it had been agreed not to publish details of the site in order to not worry tenants if nothing were to happen. Members raised concerns with the decision to choose to commercial interests over transparency and the Council's obligations as a public authority.

The Director of Planning agreed to provide Councillor Driscoll with an update on the Local Housing Needs Assessment.

Members debated the progress made on producing a Local Plan over the last four years. Some argued that the Council had failed in the duty to communicate and engage with the public, and that the lack of a Local Plan had led to a mass of speculative and inappropriate for the district as the Planning Committee were not provided with the tools required to defend their decisions. In regard to the committee's function within the process, members had not been kept informed enough to be able to apply the required levels of scrutiny and the next cohort must be more demanding, as well as ask more questions.

On the other hand, others highlighted that members needed to be patient as it had taken some time for the Council to realise what had to be changed in order to produce a robust plan. Furthermore, officers had encountered further delays due to unforeseen factors such as staff changes and the pandemic.

In response to the debate, the Leader of the Council explained that whilst the district was in trouble because of the lack of a Local Plan, they were also in trouble when they have submitted the wrong plan which subsequently failed. She said that it was crucial that the Council needed to get it right this time around.

The Portfolio Holder agreed to provide a resume of work to-date before the start of the pre-election period.

To summarise, the Chair thanked the Director of Planning for his work and honesty in recruitment and project management. He did not agree with the approach of some members that the emerging Plan would "take as long as it takes", as a lack of a Local Plan had left Planning exposed and he was disappointed that the recurring reaction to problems was to delay the process further.

The report was noted.

HOUSING REVENUE ACCOUNT 2023/24 UPDATE

The Chief Executive presented an update on the Housing Revenue Account for 2023/24. He explained that the item had been brought under urgency, due to the upcoming pre-election period.

He highlighted that since the publication of the report, the Regulator for Social Housing for whom the Council had self-referred themselves to had agreed to not intervene as they were satisfied with the progress made towards compliance. However, as a result of the pace in which the Path to Compliance Action Plan had been delivered, along with other recent external developments, the HRA revenue budget set for 2023/24 was now insufficient to support the required level of service for tenants. Cabinet would be recommended to approve additional one-off revenue expenditure of up to £1 million during 2023/24 which would be funded from a reduction in revenue contributions to capital expenditure, as set out in the report.

The Chair raised concerns for how the administration were still finding issues with the housing stock, four years after inheriting the housing portfolio. The Portfolio Holder for Housing agreed with the Chair and explained that they act on the reports provided to them by officers and that officers have to wait for a decision before they can act. He highlighted areas of concern, including mould, repairs and pests and said that the problems within the housing was due to decades of underfunding; money which the Council could not bring back.

In response to a further question from the Chair around the role of the finance function, the Leader of the Council clarified that much of the additional expenditure was unforeseen at the time of the preparing and agreeing the budget, such as the extension of the Interim Director of Housing's contract.

The Director of Finance and Corporate Services added that the expenditure was not missing finance, but a service request made after the budget was set. For example, the expenditure around resolving damp and mould issues was now the Council's obligation to fund, as it would not be recovered from Norse.

Members debated the management of finances with some raising concerns that the unforecastable expenditure should have been expected, given the Council's knowledge of the historical problems around the housing stock and the need to ensure that there was adequate resource in place to address it. On the other hand, it was argued that finance officers had identified and handled the unexpected expenditure promptly, to ensure that it was brought to Cabinet and resolved before the pre-election period began.

The report was noted.

Councillor Driscoll left the meeting at 19:15

Meeting ended 19:38

APPENDIX: PUBLIC SPEAKERS

Mr Andy Dodsley

“The council have been advised on several occasions that one of the sites in the Local Plan site assessment process - Easton Park - has a restrictive covenant on the land - known as “the 1939 agreement” –which restricts any building development to no more than 10 dwelling houses.

The agreement was set up by the Countess of Warwick to protect Easton Park from building development. As a party to the agreement, UDC has both the right and the obligation to preserve Easton Park.

The council are aware of the covenant as in 2011 they signed a Deed of Variation to allow for the extraction of gravel from the site. In the deed, the council also agreed that “in all other respects other than varied by this deed, UDC and the Owners uphold the 1939 Agreement”.

The Agreement has never been included in any previous site assessment methodology, even though it is a material issue with the site. Over the last few months, we have asked the council a number of times to clarify their position on the agreement and whether they recognise their obligations’ in respect of Easton Park. No response has been received to any of these enquiries.

Why am I raising this at scrutiny committee?

This evening’s LPLG is just the 2nd LPLG meeting in the last year at which the public have had the opportunity to attend and speak and the process has become opaque rather than transparent to the public. The most recent LPLG meeting was held “In Camera” to enable members and officers to discuss things frankly without the risk of being legally challenged for apparent prejudice.

Some may argue that apparent prejudice is one of the key reasons that council meetings should be held in public rather than behind closed doors.

It has therefore been impossible for members of the public to follow the Local Plan process and apply regular scrutiny to either the process or the development of the evidence base. As the body that monitors the decisions and actions of the council, I am therefore raising the following questions with the committee to undertake this scrutiny on our behalf:

Question1

Has the restrictive covenant on the Easton Park site been raised as part of the site assessment process and is it included in the site assessment criteria?

And Secondly

Does the council have a position on the 1939 agreement and if so, what is it?

It is worth noting that Easton Park was also put forward as part of the 2021 call for sites process as a potential green site with the intention of creating a new country park for the district to relieve the pressure on Hatfield Forest. The council therefore have the opportunity within the Local Plan to provide much needed green space for the district and meet their obligations under the 1939 agreement”

Mr Richard Haynes

“My name is Richard Haynes. I’m a trustee of CPRE Essex with specific responsibility for Uttlesford.

I have two principal areas of concern that I’d like to bring before the Scrutiny Committee in relation to the Local Plan. These relate to transparency and progress.

Transparency

With the exception of one rather meaningless meeting in November, tonight’s Leadership Group meeting will be the first public session that has taken place for 12 months.

*Last month – nothing
February – nothing
January – nothing
December – nothing
October – cancelled
September – nothing
August – nothing
July – nothing
June – nothing
May – postponed and not reinstated
April – nothing.*

It was made clear at the outset that this was going to be the most democratic and open Plan development process that had ever been undertaken by any authority anywhere and it all started so well with the setting up of the Community Forum (of which I was a member) and full public scrutiny in relation to nine different themes. This all though, then ground to a halt and everything went into secret session with no scope for public participation or public scrutiny. This has inevitably caused suspicion and accusations of ‘done deals’.

The reason given for all this secrecy is that if the deliberations of the Group were in public then this could influence the financial interests of the different land-owning parties. That though, is complete nonsense. If there were genuine concerns on that issue then no discussions by the Planning Committee on

planning applications would ever take place in public since the views they expressed would similarly affect the financial interests of the applicants.

As I say, secrecy breeds suspicion. Something that was only intensified by the release of reports to the parish councils which indicated 'preferred allocation options' that bore no relationship to any of the evidence that had been collected from the public consultations or from earlier Leadership Group discussions, back in the days when they were publicly available.

Progress

We may not have had anything much in the way of public involvement for the last year but we would have expected there to have been a lot of work going on in preparation for the Regulation 18 draft. It doesn't appear though, that that is the case. The output seems to have been restricted to project plans and risk analysis schedules (which presumably have only been prepared because the Scrutiny Committee demands them). What I would have expected is a lot of work on how sites should be selected for the various allocations; the criteria to be used, how they will be weighted and how they will be prioritised or scored. Without proper objective analysis the draft plan will be torn to shreds when it gets to the Regulation 18 stage and certainly when it gets to the EiP.

There was an outline statement in relation to the process of site selection for housing and employment attached to the agenda for the November meeting but this was only very high-level and provided no indication of the approach to the assessment process or even the criteria to be used.

Similarly, the studies that were commissioned in relation to landscape and heritage were both deficient, a fact which I think is now widely accepted, but as far as I can see nothing has been done to try to rectify this. These are both critical elements of the evidence base.

I can cope with delay, if it means that we get the Plan right but I do want to see meaningful progress and at the moment I'm not."

Mr Peter Bright

"On 10th October there was an Extraordinary Joint Session between the Scrutiny Committee and Local Plan Leadership Group when the Director of Planning confirmed there were shortcomings in the LDS process and it was not robust enough for Reg 18 consultation. Consequently there were concerns about accountability and communication failures to identify problems earlier. Ultimately the Reg 18 consultation period was rescheduled to run from late August 2023 into September - a period of six weeks being noted in the minutes of the meeting.

When I spoke at the meeting I said there was:

- a worrying disconnect between Officers and Councillors*
- residents were frustrated that the new local plan was headed the same way as the earlier two plans with long periods of silence where the public had no idea of status*

- *and I made a plea that all parties/groups within UDC pull together and not make the same mistakes that scuppered the two previous plans.*

Based upon what I've subsequently seen in the local press that last point was a waste of my breath; some past, present and prospective councillors conveniently forgetting the two failed plans under the auspices of previous UDC administrations.

I have no idea whether internal communication issues have improved since that October meeting. If they have, how? Perhaps someone could confirm during this meeting?

At the Scrutiny meeting of 27th January this year the LDS schedule was reported by the then Interim Local Plan Manager to be one week behind schedule, despite substantial staff attrition and loss of knowledge. Staff retention and recruitment were highlighted by the Director of Planning as a high risk factor and the coming weeks were going to determine whether that risk translated into another delay. I would add the Director of Planning has been very pragmatic in his dealings with this poisoned chalice of a project.

Those coming weeks have been and gone. And tonight another delay is requested; a further two months in the start of Reg 18 consultation from late August to late October. Because the delay is staffing-based my intuition is there are more delays in store, and I reckon final adoption won't occur until mid 2026 at the earliest.

Is the current schedule a best, realistic or worse case? I hope it's somewhere between realistic and worst. The identified risks inherent in the LDS as displayed on pages 12 and 13 of the reports pack are very high - even after mitigation where of the 11 dominant risks only five can be said to be adequately addressed. And staffing still remains in the red.

So now we have late October before Reg 18 is produced for consultation. But also a final target of early December to receive comments. Personally, as December is the worst month in the year to start a new phase I'd leave consultation open until the end of that month and start 2024 afresh. The project takes as long as it takes.

I am glad to note that MS Project is now being used. Maybe if it had been deployed earlier problems would have been identified sooner.

With all this pressure it is not surprising that e-mails/letters referring to the local plan go go unanswered. But they shouldn't. Some of the points made in such letters can inform thus allowing focus on the things that need addressing. Long responses are not necessary. Bullet points are acceptable for everyone's convenience. I particularly refer to Stop Easton Park's questions re recognition of the 1939 agreement and heritage issues."

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
2022/23 Financial Outturn	Cabinet	29 Jun	Annual outturn report for General Fund, Housing Revenue Account and capital programme.	No	Open	Portfolio Holder for Finance and the Economy	Jody Etherington, Assistant Director of Finance JEtherington@uttlesford.gov.uk
Local Council Tax Support Scheme Proposals - 2024/25	Cabinet	29 Jun	To set out the LCTS scheme proposals for 2024/25 and consultation process	No	Open	Portfolio Holder for Finance and the Economy	Angela Knight, Assistant Director - Business and Change Management aknight@uttlesford.gov.uk
Officer Decisions - Write Offs 2022/23	Cabinet	29 Jun	Details write off amounts below £10k against income collection by Officers.	No	Open	Portfolio Holder for Finance and the Economy	Angela Knight, Assistant Director - Business and Change Management 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
Planning and Environmental Health Issue - Mortimer's Gate, Saffron Walden	Cabinet	29 Jun	A report to Members advising of an ongoing noise issue relating to an electricity sub-station in Mortimer's Gate, Saffron Walden - and implications for the local authority around planning and environmental health, following an adverse Ombudsman's finding.	No	Open	Portfolio Holder for Finance and the Economy	Peter Holt, Chief Executive PHolt@uttlesford.gov.uk
Treasury Management - 2022/23 Outturn	Cabinet	29 Jun	Final outturn report in respect of treasury management for the 2022/23 financial year.	No	Open	Portfolio Holder for Finance and the Economy	Jody Etherington, Assistant Director of Finance JEtherington@uttlesford.gov.uk
Appointments to the North Essex Parking Partnership and the West Essex Wellbeing Joint Committee	Cabinet	21 Sep	Appointments to the North Essex Parking Partnership and the West Essex Wellbeing Joint Committee.	No	Open	Portfolio Holder for Council and Public Services	Angela Knight, Assistant Director - Business and Change Management aknight@uttlesford.gov.uk
Quarter 1 Financial Forecast - 2022/23	Cabinet	21 Sep	Q1 forecast outturn positions for General Fund, Housing Revenue Account and capital programme	No	Open	Portfolio Holder for Finance and the Economy	Jody Etherington, Assistant Director of Finance JEtherington@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 Council Tax Support Scheme Proposals - 2024/25	Cabinet	2 Nov	To present the responses for the consultation process on the LCTS scheme for 2024/25	No	Open	Portfolio Holder for Finance and the Economy	Angela Knight, Assistant Director - Business and Change Management aknight@uttlesford.gov.uk
Treasury Management Mid-Year Report - 2023/24	Cabinet	2 Nov	Mid-year update on treasury management for the 6 months ended 30 September 2023.	No	Open	Portfolio Holder for Finance and the Economy	Jody Etherington, Assistant Director of Finance JEtherington@uttlesford.gov.uk
Quarter 2 Financial Forecast - 2022/23	Cabinet	14 Dec	Q2 forecast outturn positions for General Fund, Housing Revenue Account and capital programme	No	Open	Portfolio Holder for Finance and the Economy	Jody Etherington, Assistant Director of Finance JEtherington@uttlesford.gov.uk
Medium Term Financial Strategy 2024-2029 and Annual Budget 2024/25	Cabinet	13 Feb	Full suite of financial strategies and annual budget reports covering 2024/25 and the medium term.	No	Open	Portfolio Holder for Finance and the Economy	Jody Etherington, Assistant Director of Finance JEtherington@uttlesford.gov.uk
Medium Term Financial Strategy 2024-2029 and Annual Budget 2024/25	Cabinet	13 Feb	Full suite of financial strategies and annual budget reports covering 2024/25 and the medium term.	Yes	Open	Portfolio Holder for Finance and the Economy	Jody Etherington, Assistant Director of Finance JEtherington@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
Quarter 3 Financial Forecast - 2023/24	Cabinet	19 Mar	Q3 forecast outturn positions for General Fund, Housing Revenue Account and capital programme	No	Open	Portfolio Holder for Finance and the Economy	Jody Etherington, Assistant Director of Finance JEtherington@uttlesford.gov.uk

Agenda Item 6

Committee: Scrutiny

Date: 22 June 2023

Title: Work Planning

Report Author: Richard Auty
Assistant Director – Corporate Services

Summary

1. The Scrutiny Committee is required to approve an annual work programme.
2. This report presents the work programme for 2023/24 as at June 2023 and explains the approach to work planning which has proven successful over a number of years.

Recommendations

3. The committee approves the work programme, accepting that there will be in-year amendments.

Financial Implications

4. None

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

The Uttlesford District Council Constitution

Impact

- 6.

Communication/Consultation	The work programme is developed in discussion with the Chair and Vice-Chair of Scrutiny and the wider membership of the Scrutiny Committee
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. Under the Terms of Reference for the Scrutiny Committee (Article 4, Section 2.4), it is a responsibility of the committee to: *“approve an annual work programme, including the programme of any sub-committees they appoint so as to ensure that the committees’ and sub-committees’ time is effectively and efficiently utilised”*.
8. The approach to work planning for the Scrutiny function has evolved over the last few years, with various approaches tried. The successful elements have been adopted; the less successful have not been repeated.
9. The Scrutiny function has benefitted from keeping a good amount of flexibility in its plan. Inevitably, matters can arise during the course of any year and having the breathing space in the work programme to accommodate such matters has been of real benefit over the last four years.
10. Additionally, there are some items which would benefit from pre-scrutiny but which cannot yet be timetabled. These can be added to the work programme in the coming weeks and are detailed later in this report.

Existing work programme items

11. As part of its work to monitor and scrutinise work in the executive’s areas of responsibilities, the committee has received regular reports on key areas of work. It is proposed that this practice continues during the 2023/24 year and items have been added to the work programme accordingly:
12. **Economic Development Recovery Plan** – this three-year plan was originally established to support business recovery after the Covid pandemic. It continues to support economic recovery, particularly through the cost-of-living crisis, but also delivers work through four sub-priorities:
 - Business engagement and support
 - Skills and training
 - Inward investment
 - Creating a Greener Local Economy
13. Funding totalling £1 million was allocated to delivering the plan and this year (2023/24) is the final year of that funding.

14. **Climate Crisis Action Plan** – A Climate Crisis Strategy was approved by Full Council in 2021 and an action plan developed to deliver the strategic aims. The plan covers both inward and outward-facing initiatives. It is currently being reviewed to ensure its focus is targeted at fully deliverable actions.
15. Funding totalling £1 million was allocated to climate crisis actions. Additional funding continues to be secured from external sources.
16. **Budget and Medium Term Financial Strategy** – All, or at least the bulk, of the February meeting each year is given to the Medium Term Financial Strategy (MTFS) and budget papers. These include the General Fund budget, the Housing Revenue Account and the Capital Programme. Scrutiny is the first body of the council which considers the budget papers. From the committee, they go on to Cabinet and finally Full Council for approval.
17. **Corporate Plan** – the committee has in previous years commented on the Corporate Plan, which sets out the council's priorities for the next four years. Because there was an election in May, work has only recently started in earnest on the new Corporate Plan. It will be brought to the committee when ready.

Other work programme items

18. There are other areas of work which, subject to the Committee wishing to see them, will undergo pre-scrutiny ahead of Cabinet discussion.
19. **Blueprint Uttlesford** – This is the council's transformation programme and the vehicle through which the necessary budget savings and organisational change will be delivered over the next four years. The project will report regularly to Cabinet and the additional input of Scrutiny Committee could be of benefit.
20. **Performance Monitoring** – Once the responsibility of the now former Governance, Audit and Performance (GAP) Committee, Full Council voted in May 2023 to move this responsibility to Cabinet along with merging the remaining responsibilities of GAP with the Standards Committee to create the new Audit and Standards Committee.
21. What this means for Scrutiny is that it can request the quarterly performance monitoring data ahead of presentation to Cabinet. The committee may not wish to see it every quarter but it is suggested that the first quarter is brought to the committee so it can get a feel for what the report looks like and decide how best it can contribute to the performance monitoring process. It may be, for example, that the committee may wish to focus on a particular area of concern at a future meeting, rather than monitoring the entire suite of performance indicators.
22. Members should note that the performance report that will be presented to Cabinet is not the same as that which was presented to GAP – the basket of indicators has been streamlined and over time benchmarking data will also be introduced.

23. At the time of writing, the performance reporting timetable was not available so it has not yet been possible to include it on the work programme document.
24. **Local Plan** – During the last four years, the committee established Local Plan-specific Scrutiny Committee meetings. The intention was that the committee would monitor progress while the Local Plan Leadership Group would be the body at which policy development was discussed. In practice, it was found that this separation was difficult to maintain and much of the Local Plan work ended up being double-handled, with similar discussions taking place twice.
25. Local Plan scrutiny meetings will therefore not be organised in this council term; however it remains in the committee's gift to request occasional Local Plan reports be brought to the committee should there be areas of sufficient concern.

Matters raised by members

26. In addition to all of the above, there are a number of other potential areas of work which have been raised. It is probably not realistic to incorporate all of these in the work programme, but ultimately it is for the committee to set the work programme it wishes, taking into account officer advice.
27. **Social Housing Delivery** – the opportunities to deliver new council and other social housing in the district.
28. **Minor applications** - the quality of service and process for determination. It may be appropriate to discuss this when the first quarterly performance report is presented to Scrutiny.
29. **Investments** – The council has an Investment Board which monitors the performance of the council's commercial investment portfolio and reports into Cabinet but changes to the portfolio might merit Scrutiny input.
30. **External issues** – the Scrutiny Committee can request attendance from external public bodies if it wishes. Some years ago the committee had more of a focus on this than on internal council matters but experience suggests it is not a particularly effective use of the committee's time. While there is no requirement for representatives from such bodies to attend, the Committee is within its rights to ask. There has been a request from a non-committee member, via the Chair, for the committee to consider issues around water supply/pollution.
31. The committee also now has the responsibility to carry out the functions assigned to a Crime and Disorder Scrutiny Committee as per Section 19 of the Police and Justice Act 2006. This is a relatively recent addition to the committee's responsibilities and has yet to be enacted. The Act states:

Every local authority shall ensure that it has a committee (the "crime and disorder committee") with power—

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;

“(b) to make reports or recommendations to the local authority with respect to the discharge of those functions.

32. The full text of Section 19 can be read here:

<https://www.legislation.gov.uk/ukpga/2006/48/section/19/enacted>

33. Consideration will need to be given as to how best to meet the requirements of the Act.

Scrutiny Committee Maturity

34. This final section of the report briefly considers the maturity level of the Scrutiny function in the council. It is officers’ view that the maturity level of the committee has increased over the last four years. The following table sets out levels of maturity:

Level of Maturity	Structure of work	Behaviours
Immature	Focus on post-decision call-ins Work topics influenced by party political loyalties or personal views	Obvious party lines Conflict over control
Semi-mature	Pre-Cabinet scrutiny Work topics considered in an open and independent way	Evidence of trust and respect between Scrutiny and Executive
Mature	Meaningful policy development role Work topics considered in conjunction with Executive to bring the greatest good	Strong mutual trust and respect

35. Officers’ view is that the scrutiny function has moved firmly into the semi-mature space, with a noticeable shift away from use of call-in powers (which are still available should they be required) to consistently applied pre-scrutiny of Cabinet decisions. This scrutiny can be, and often is, robust but also fair and considered.

36. Accepting that pre-scrutiny must remain a major part of the committee's role, a further move towards policy development at a point over this four-year term would only be of benefit to the council and the public it serves. It will require equal commitment from the Executive and the committee and is a longer-term aim but is included in this report to bring it to the committee's attention at the earliest opportunity.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The work programme is either too busy to effectively deliver outcomes, or focused on matters which will not bring the greatest benefit	2	2	Committee acknowledgement that it is better to do a few things well than attempt to take on too much

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.

Scrutiny Work Programme 2023/24

22 June 2023	7 September 2023	30 November 2023	11 January 2024	6 February 2024	16 April 2024
Work Planning	Corporate Plan	Economic Development Recovery Plan	Climate Crisis Action Plan	Medium Term Financial Strategy and 2023/24 Budget	Corporate Plan
Housing review scoping report					Economic Development Recovery Plan
Feedback from Centre for Governance and Scrutiny Annual Conference					

Committee: Scrutiny

Date: 22 June 2023

Title: Council Housing Management

Report Author Richard Auty

Assistant Director – Corporate Services

Summary

1. At the final meeting of the Scrutiny Committee before the election, a scoping document for a review of Council Housing Management was presented.
2. The committee requested it be brought back to the first meeting of the new committee for consideration. Since that time, the situation has progressed and work being done elsewhere in the authority will likely address the issues raised in the scoping document.

Recommendations

3. Scrutiny Committee requests an up-coming Cabinet report on future options for the Housing service be presented to it prior to decision at Cabinet.

Financial Implications

4. None

Background Papers

5. None

Impact

- 6.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	Health and safety issues have been a key feature in the issues faced by the Housing service and continue to be of primary importance
Human Rights/Legal Implications	There are potential legal implications as explained in the scoping document

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

7. The Scrutiny Committee requested a scoping report on Council Housing Management for its March 2023 meeting due to concerns around the delivery of some elements of the service, particularly with regards to property repair and maintenance.
8. There have been well-publicised issues and challenges over the last 18 months which the council has moved to address. These challenges have included managing repairs, maintenance and capital improvements, the setting of rents, and quality assurance of build standards in a new built sheltered housing unit.
9. In August 2022 the council referred itself to the Regulator of Social Housing over concerns it may have breached the Home Standard with regards to some aspects of health and safety. Considerable work had been undertaken to address the issues and subsequent to the March Scrutiny Committee meeting, the Regulator wrote to the council to confirm that having reviewed the council's action plan and compliance data, it was satisfied the council was not in breach.
10. The scoping document appended to this report is unaltered from the version that went to Scrutiny in March 2023 and sets out a detailed approach to reviewing matters since April 2020. However, some of the content has been superseded by events and officers do not recommend the committee now proceeds in the way set out in the scoping document.
11. As expressed in the scoping document, and at the March meeting, there is also concern that time spent by relevant officers working with members on this review will inevitably detract from ongoing work to rectify areas where issues have been identified, and detract from work generally to improve the service offered to our tenants.
12. Members should also take note of the legal and contractual constraints as set out in the "Other issues" section of the scoping document.
13. Discussions continue about how best to meet the continuing needs of tenants and a detailed and substantive report on issues and solutions, covering many of the issues raised in the scoping document, will be going to Cabinet for decision, most likely in September 2023.
14. Therefore it is recommended that this report to Cabinet is brought to the Scrutiny Committee beforehand. As per established practice, the Chair of Scrutiny can then feed the committee's views into the Cabinet discussion.

15. Once matters are settled, there may be value in the Scrutiny Committee doing a piece of work on lessons learned, but this cannot happen in the short term for reasons set out in the scoping document (see paragraph 12 above).

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
Outstanding issues relating the council housing management are not effectively addressed	1	3	Comprehensive reporting to Scrutiny and Cabinet

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.

Scoping Report for Scrutiny Committee Review

Review Topic	Council Housing Management
Scoping Report to go to meeting on:	March 2023
Final report to go to meeting on:	Tbc – post May 2023 Elections
Portfolio Holder	Housing – Cllr Coote
Lead Officer	Peter Holt, Chief Executive
Stakeholders	Tenants & Leaseholders; Suppliers; Regulator of Social Housing/Housing Ombudsman

<p>Purpose/ Objective of the Review (the reason for the review and what it hopes to achieve)</p>	<p>To explore the Council’s approach to management of its housing stock, particularly with regard to repairs and maintenance; to draw and apply learning from local experience and established best practice.</p> <p>This review flows from well-publicised challenges in managing repairs, maintenance & capital improvements, the setting of rents, and quality assurance of build standards in a new built sheltered housing unit.</p>
<p>Terms of Reference (including what is in/out of scope)</p>	<p>The focus of this Scrutiny Review will be the procurement and subsequent management of both reactive repairs and maintenance and proactive capital improvements to Uttlesford’s c2,800 council housing stock, with particular reference to the selection and implementation of the joint venture vehicle Uttlesford Norse Services Ltd [UNSL] which took over management of this function in April 2020, just as the Coronavirus pandemic hit.</p> <p>A secondary set of areas of focus will be:</p> <p>The process for the setting of council house rents (and service charges for leaseholders). Rent setting includes both the process for the accurate setting of rents in line with national requirements and local Member decisions, as well as the policy on charging affordable versus social rents for new housing properties built or acquired by the Council. This is encapsulated within the Rent Standard 2020 as amended in 2023.</p>

	<p>The process for quality assuring major refurbishment work on council housing property.</p> <p>The delivery of housing management, repairs and maintenance, tenant engagement and complaints handling in relation to the current regulatory standards (some of which have been in place since 2012) – these being the Home Standard, the Tenant Involvement and Empowerment Standard, the Tenancy Standard, Neighbourhood and Community Standard</p> <p>Delivery of the housing management service in accordance with the Housing Ombudsman’s Complaints Handling Code</p> <p>Handover process for new developments</p> <p>In terms of timing, and to give this review reasonable boundaries and thus avoid mission creep, the principal time focus will be on matters since April 2020, only going further back in time as necessary to track and understand earlier decisions and actions whose impact was felt from April 2020 onwards.</p> <p>For avoidance of doubt, both housing development and planning matters relating to the Local Plan are explicitly <u>out of scope</u> of this review.</p>
<p>Methodology/ Approach (methods to be used to gather evidence)</p>	<p>First a scoping discussion with members of Scrutiny to clarify draft Key Lines of Enquiry.</p> <p>Thereafter a gathering and presentation of information – principally committee reports, contract documentation, and management reports, culminating in an agreed timeline of key moments/inflection points.</p> <p>Thereafter, a series of discussions with key Uttlesford players on what happened at those key moments, how things subsequently played out, and what positive learning there is to draw and apply. This will include discussions with tenant and resident representatives.</p> <p>This to be supplemented as necessary by taking evidence and advice from external experts.</p> <p>Thereafter, officers will prepare for members’ consideration a draft set of conclusions and recommendations drawing out learning in a draft Report, which members will finalise and publish.</p>

<p>Potential witnesses</p>	<p>Relevant cabinet members and officers.</p> <p>Tenant & leaseholder representatives.</p> <p>Possible external experts.</p> <p>NB. Supplier representatives are not proposed as witnesses, due to the operational sensitivities and legal difficulties as explained in the section below.</p> <p>Similarly, neither the Regulator of Social Housing nor the Housing Ombudsman representatives are proposed as witnesses, as this is not consistent with their regulatory duties – though published documentation from both will feature as reference material in the evidence pack assembled.</p>
<p>Other issues</p>	<p>It is the legitimate job of members through the Scrutiny function to explore operational matters, but not legitimate to ‘cross the line’ into becoming back seat drivers, effectively seeking to influence (deliberately or unintentionally) the management of operational matters, contractual negotiations or any legal disputes.</p> <p>Councillors have previously been advised that direct approaches from them to senior staff of third parties <u>must not happen</u> because crossing over into operational activity on such sensitive matters runs an immediate and serious risk of prejudicing the proper and effective pursuance of the Council’s interests and fiduciary duties.</p> <p>It should be noted that there are extensive contractual and legal implications between the Council and third parties which are still very much live, and which are likely to remain live well into the 2023/24 financial/municipal years. There are therefore rich opportunities for unintended negative consequences of councillors engaging in reviewing historic actions which are simultaneously also very much still under active management, negotiation and potentially litigation, and thus severely prejudicing the Authority’s position, and with that risking either the current/future services provided to tenants and leaseholders and/or the Council’s legal and financial position.</p> <p>There is therefore essentially a binary choice for the Scrutiny Committee in how (and when) it establishes and operates this suggested review – either it must wait until the issues are truly historic rather than live before commencing, or it must accept the necessity of strict constraints on how it operates.</p> <p>For example, any elements of the review that touched upon still live contractual matters would have to be conducted in strictest</p>

	<p>confidence, outside of the public domain – including potentially redacting large sections of the final report. Even operating in private session, the Committee would not be able to interview or engage directly with third parties with whom officers are in live negotiations over contractual matters, as there would be an inevitable and unhelpful bleed between the two which would likely prejudice the Authority’s position.</p> <p>Councillors may well want to consider whether commencing this review at an appropriate time – e.g. perhaps late 2023, might see many (but not all) of these constraints loosened.</p> <p>Additionally, councillors must understand the constraints on officers to support such a potentially wide-ranging piece of work. Officer time will unfortunately be limited in working with councillors on this, and indeed any, Scrutiny review due to sustained pressure of work and councillors need to be realistic with their requests and what they aim to achieve.</p>
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