

**SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 11
OCTOBER 2023 at 7.00 pm**

Present: Councillor N Gregory (Chair)
Councillors G Bagnall (Vice-Chair), B Donald, R Haynes,
S Luck, A Reeve and G Sell

Officers in attendance: R Auty (Director of Corporate Services), K Clifford (Director of
Housing, Health and Communities), D Hermitage (Strategic
Director of Planning), P Holt (Chief Executive) and C Shanley-
Grozavu (Democratic Services Officer)

Also Present: Councillor A Coote (Portfolio Holder for Housing and Equalities),
J Evans (Portfolio Holder for Planning), P Lees (Leader of the
Council) and N Reeve (Portfolio Holder for Environment and
Climate Change)

SC12 PUBLIC SPEAKERS

Councillor Luck addressed the meeting regarding the recent school bus crash in Clavering. He requested that a report on the matter be brought to the Scrutiny Committee in order to consider the lessons learnt.

In response, the Chair said that this was a troubling incident, but it was an Essex County Council (ECC) matter to resolve.

The Chief Executive confirmed that both education and highways was under the responsibility of the County Council, and their officers would have to produce an incident report. Whilst he was unaware whether this would then be considered at a member level, he encouraged those present to approach their County Councillors to call the matter in through the ECC scrutiny function.

Should the County Council not wish to take this further, then the UDC's Scrutiny function did have the right to request attendance from other public agencies; however such attendance from ECC would be optional.

Following a request from the Chair, the Leader agreed to write to the ECC Councillors for Uttlesford to request that the matter be addressed.

SC13 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence had been received from Councillors Ahmed and Criscione.

There were no formal declarations of interest.

The following declarations were made for transparency:

- Councillor Evans declared that land adjacent to his property was submitted to the Call for Sites but was not included in the Site Allocations.
- Councillor Haynes declared that he was a trustee of CPRE.
- Councillor Bagnall declared that the land adjacent to his property was in the Call for Sites and was included in the draft Local Plan.

SC14 **MINUTES OF THE PREVIOUS MEETING**

The minutes of meetings on 22 August and 22 June 2023 were approved.

In response to a question regarding a Local Plan FAQ page on the UDC website, the Director of Planning confirmed that this was now in place and updated when formal questions were submitted to the team.

SC15 **RESPONSES OF THE EXECUTIVE TO REPORTS OF THE COMMITTEE**

There were none.

SC16 **CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL IN OF A DECISION**

There were none.

With the consent of the meeting, the Chair announced that the order of items had been changed and the Council Housing Management Update would be taken first.

SC17 **COUNCIL HOUSING MANAGEMENT UPDATE**

The Portfolio Holder for Housing presented the progress update on the ongoing review of the Council's Housing Management.

In response to questions from members, the following was clarified:

- Due to human error, the Council was found to be in breach of the statutory Rent Standard, on the basis that the incorrect CPI formula had been used when calculating the annual rent increase for the years 2021/22 and 2022/23. Following this, both the Housing and Finance departments had reviewed the systems in place and offered assurance that a similar incident would not happen again.
- The average overcharge for the above was £65 and the work had already been completed to identify the overcharges and adjust rent accounts. However, during this process it was identified that in addition to the CPI issue during the annual rent increase process, there were a small number of cases where households had incorrect information regarding the number of bedrooms and as such, had also been overcharged. They had since received reconciliation.

- Since June, the Council have revised the gas servicing and electrical check access procedure, which included adding an additional stage where Housing Officers would conduct doorstep visits to properties where they had not received a response to their initial communications. Where this was not successful, the case would be taken to court to gain access. To date, the Council had gained five injunctions and applied for four more to undertake checks. They were also working on the paperwork for another two.
- In the event that the Council gained an injunction and had to use force to gain entry to a property, the Housing Officers would then work with the tenant to rebuild trust and help individuals sustain their tenancy through referrals to appropriate services. Where it was found on entry that there was a case of tenancy fraud, this would then be escalated by the same team.
- The Portfolio Holder for Housing has requested that a report be brought to Scrutiny Committee on Walden Place.
- The work to address damp and mould issues in the Council's housing stock had now commenced.
- In early 2023, Savilles conducted a survey into the condition of the housing stock. This would feed into the one-year, five-year and thirty-year business plans to maintain the Council's housing. The Portfolio Holder for Housing agreed to bring the information about the profile of the stock, which could be broken down by ward.
- Lovells were now in the process of rectifying the compliance issues at Reynolds Court, at their own cost. This included fire safety and the heating pump, which they agreed was a design issue. The Council had also asked that Lovell look to provide a compensation payment to residents.
- The day-to-day relationship with UNSL was good, and officers were working with them to re-engineer processes in order to make working more collaborative and improved.
- The representatives on the UDC/UNSL Liaison Board and the UNSL Board were the Portfolio Holder for Housing and the Leader of the Council, as well as a relevant officer. Their activities were then reported to the Housing Board, and the reports were publicly available.

The Chair requested that an update be circulated to the Committee once the housing compliance policies and procedures had been reviewed and formally adopted by the Housing Board.

In addition, he asked that a sign-off report on the Rent Setting internal audit be brought to the Scrutiny Committee to reassure members that the matters have been addressed.

Members commended the Director of Housing, Health and Communities, and the Portfolio Holder for Housing for an excellent report and for their work in remediating matters which were not of their making.

The report was noted.

SC18 CABINET FORWARD PLAN

In response to questions about the printing of the Regulation 18 draft Local Plan, the Director of Planning confirmed that hard copies of the plan would be available in libraries and to purchase. Parish Councils would also receive a digital version.

It was also confirmed that the core indicators would be brought to Scrutiny Committee, after Cabinet, as this was now in their remit.

The Portfolio Holder for Finance and the Economy was looking into car parking, including a cost benefit analysis on the Christmas car parking incentives.

The Cabinet Forward Plan was noted.

SC19 SCRUTINY WORK PROGRAMME

Councillor Sell requested that a report on waste management be added to the programme and brought to an upcoming meeting. The Director of Corporate Services agreed that this could be done as early as November's meeting, subject to officer capacity.

Councillor Driscoll requested a report on the procurement process; however it was confirmed that this was under the remit of the Audit and Standards Committee.

The Scrutiny Work Programme was noted.

SC20 CORPORATE PLAN

The Leader of the Council presented a report on the draft Corporate Plan for 2023-27.

Members queried the reporting mechanism for the plan, given that the priorities were set by the administration, and concerns were raised around a lack of scrutiny if the delivery of the plan was only monitored by them. It was confirmed that each Portfolio Holder would oversee the reporting in their area and a quarterly report would be brought to Cabinet.

Members also discussed the metrics used to measure the priorities outlined in the Corporate Plan. Whilst the intention of setting the measurements was not to create a "tick box" exercise, some members questioned whether some were too vague or not relevant to achieving the priority; for example, the improvement to connectivity infrastructure would be measured through officer attendance at the Gigaclear Project Board Meetings.

In response to additional questions from the committee, the following was clarified:

- The Council would work with the Parish Councils on the emerging Nature Recovery Strategy. The document would provide a framework for conservation programmes in the future.
- A Capital Works programme, as well as the HRA 30-year business plan, was due to be published by March 2024. Together, both documents would seek to improve the condition of the Council housing stock and provide more homes.
- The affordability of the Capital Works Programme was dependent on a year-on-year decision by government.
- Following a request by a public speaker at Annual Council, the requirement for Swift bricks in new developments had been incorporated into the policies of the draft Local Plan.

It was confirmed that the Corporate Plan was rewritten every four years but updated annually. The current draft was to be taken to November's Cabinet and then February's Full Council.

The Chair gave thanks to the Leader and the Director of Corporate Services.

The report was noted.

The meeting was adjourned between 21:20 and 21:30.

With the consent of the meeting, the Chair announced that the meeting would continue after the two-hour point.

SC21 **LOCAL PLAN – PROJECT PLAN APRIL TO SEPTEMBER 2023**

The Portfolio Holder for Planning provided introductory remarks to the item and reminded members that the draft Regulation 18 Local Plan was a working draft which could be changed, depending on the representations received in the proposed consultation.

He confirmed that the Local Plan Leadership Group would also continue to work on the plan until the submission of Regulation 19.

The Director of Planning presented the update on local plan progress up to end of September 2023, including risks, mitigations and resourcing.

In response to questions from the Chair, the Chief Executive confirmed that the Local Plan process had been paused in June 2022, with the agreement of members, as officers had identified a potential opportunity outside of the Call for Sites. Whilst nothing came of this, he felt that it was right to have delayed to explore the option.

In regard to his recent comments about the emerging Local Plan changing “substantially” between Regulation 18 and 19, the Chief Executive clarified that the current draft was a starting point with serious policies and site allocations. Between the two stages, there would be substantial change, due to a likely reduction in housing numbers and feedback from the consultation being incorporated in, but it would not be fundamentally different. Whilst it was in the

members' gift to amend the whole plan, should they wish, officers would have to look at rerunning a Regulation 18 consultation again if it was drastically changed.

The Chair invited Councillor Bagnall, Chair of the LPLG, to make comment. He said that he believed that it was within the LPLG's role to interrogate evidence and make informed choices on the draft plan. However, there had been a lack of evidence, with most coming forward late in the day, and there were no reasonable alternatives shared with the members. As a result, the LPLG had passed a resolution to recommend the plan to Cabinet, based not on informed judgement but putting trust in officers. The only decisions made by the group was the protection of the greenbelt and CPZ and to allow officers to focus on one option for the strategic site allocations.

He outlined his concerns regarding the site allocations and the lack of documentation seen by members on this, including the Sustainability Appraisal and Site Assessments. He highlighted that regardless of any future review, it was important to get it right the first time as these houses would be built in the district.

In response, the Portfolio Holder for Planning said that it was unfortunate that evidence had been provided late. The Local Plan team were working to a tight timetable and much of the evidence, including the Sustainability Appraisal, was now available so that the Council were in a sufficient position to consider the Regulation 18 consultation.

In addition, the Director of Planning explained that the Council had a challenging timetable in which to prepare a plan before the government changes the way plans are developed under the current regime. This is June 2025. Should the Council miss this deadline, then they would face a delay, likely up to 2029/30 to develop a plan under the new framework, which has yet to be announced. This would have significant costs and implications for the district.

He had asked members to be pragmatic about not receiving the full suite of evidence at the start of the five-week governance cycle in order to allow the Local Plan team an extra month to finalise everything required. The alternatives were to delay the consultation or ask officers to rush and potentially make mistakes.

Regarding the concerns raised around the LPLG, the Director of Planning clarified that the group had agreed a number of high-level decisions such as the site methodology and had seen much evidence. He reassured the meeting that all evidence would be available for Full Council, and the LPLG would be invited to another workshop before the meeting to go over the papers.

Members discussed the work to date on the draft Regulation 18 Local Plan. Whilst there was general agreement that there was a need to get a Local Plan in place in order to avoid further speculative development and address the infrastructure deficit, there were concerns regarding the creation of the current plan; particularly the perceived officer-led approach and lack of engagement after the initial community stakeholder consultations.

Furthermore, members questioned the suitability of the allocations, particularly those sites which had been previously dismissed at appeal in Takeley, Great Dunmow and Newport. Officers clarified that the sites in questions were dismissed due to matters of technicality, such as layout and impact on heritage assets. Following consultation with the Council's Urban Designer and Counsel, officers were confident that these sites could be suitable when the Council were in a position to set parameters, address the previous reason for refusal and allocate the appropriate infrastructure.

During discussion, a number of questions of clarification were raised, and the following responses were provided:

- The LPLG had seen the "headline" transport findings. The full evidence would be available before Full Council.
- The commitment figure used to determine the housing supply had been calculated up until 1st April 2023, as it is standard practice to cut off at the previous municipal year. These figures would be updated at Regulation 19 to reflect the additional permissions, and this would likely push down the housing numbers required in the plan.
- The housing supply figures did not include the recent Easton Park decision for an additional 1000-1200 homes. It was noted that the window for Judicial Review had not yet closed.
- The district had a strong record of Neighbourhood Planning, however the NPPF outlined that it was the role of the district's Local Plan to bring forward strategic sites due to their legal duty to meet housing need. It was therefore a risk to leave this responsibility to Neighbourhood Plans and be contrary to advice in the NPPF and Planning Policy guidance, however neighbourhood planning bodies were welcome to bring forward non-strategic sites.
- Paragraph 48 of the NPPF states that Local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies. Given that there had yet to be any formal agreement on any aspect of the Plan, officers felt that it currently held no weight in the planning decision making process.
- There would be no limit to the number of comments which could be received in the six week consultation and each individual response would be given a reply. This exercise would be undertaken by officers in December and January, before a report is brought to the LPLG.
- As a strategic allocation may be made up of a number of smaller sites, there would be parameters for each development which would make a contribution towards the greater infrastructure of the whole strategic allocation.

The Chair summarised the debate and said that there had been a thorough exchange of views. The report before the committee was to put the matter forward to Cabinet and Full Council and he sensed the general feeling of the committee was to do so, with some descent. It was important to allow stress testing by stakeholders at a consultation, and the evidence threshold behind it was key. However, evidence was lacking in some areas.

The Chair proposed that Scrutiny Committee remit the matter to Cabinet with the

recommendation that the Regulation 18 draft be further submitted to Full Council for 30th October, but ask Cabinet to satisfy themselves, as part of that process, as to the adequacy of the site selection evidence when that is made available.

This was seconded by Councillor Sell.

RESOLVED: that Scrutiny Committee remit the matter to Cabinet with the recommendation that the Regulation 18 draft be further submitted to Full Council for 30th October, but ask Cabinet to satisfy themselves, as part of that process, as to the adequacy of the site selection evidence when that is made available.

It was noted that the vote was not unanimous and there were significant reservations about the evidential robustness that the committee had been shown.

What we report to Cabinet must be unquestionable as to the balance of the arguments that are conveyed.

The report was noted.

Meeting ended at 22:27