

Scrutiny Committee – Handling Major Planning Applications Reference Group

10am Council Chamber, 26 February 2019

Present: Cllrs Dean (Chair), G Barker, M Lemon & B Light

Officers: R Auty (Assistant Director – Corporate Services), A Bochel (Democratic Services Officer) and A Webb (Director – Finance and Corporate Services)

Also Present: I Parry (Centre for Public Scrutiny)

The Chairman welcomed Ian Parry. He said the aim of the meeting was to continue the discussion from the last time that the group met.

Ian Parry said he had been asked to offer advice and support to the Scrutiny Committee. Concern had initially arisen from the process leading up to the decision on the Stansted Airport planning application and the Scrutiny Committee had wanted to look into this further. The Centre for Public Scrutiny believed in good-quality public scrutiny. One of the key questions surrounding this issue was the extent of this scrutiny.

Difficulties could arise for the Council for two reasons. Legal guidance was that a Council should not investigate processes regarding planning applications when a relevant application was still live. Both the Council's Monitoring Officer and the Centre of Public Scrutiny supported this guidance, and the Council's constitution made no provision for it either. Additionally, it was not appropriate practice to examine decisions themselves or the committee meetings at which the decisions were made. Regulatory functions of district councils such as planning had external means by which appeals against decisions could be made.

Instead it was important to focus on scrutinising the process leading up to decisions being taken. A number of authorities, such as Hertsmere, had done good work on examining this with respect of planning, including the impact on the economy, upon communities, the efficiency of the process and its value for money.

In response to a Member question, Ian Parry said one of the dangers of scrutinising a live application was the potential for giving an impression that the Committee was attempting to interfere with a decision that had already been taken by the Council. Additionally, it might mean the Committee was accused of taking this action for the purposes of electioneering. While members of the reference group would not want to scrutinise the process for this reason, it was sensible for the Council not to give that impression. There was no particular time pressure to push the Committee to start to scrutinise the process at the present time. It would be safer to wait until after the final decision about the Stansted Airport application had been taken.

In response to a Member question, Ian Parry said scrutiny could provide a good way of improving aspects of the planning process, and real examples would be an important element of this. While the Committee could not influence the decision taken by the Secretary of State, examining any process leading up to the decision in the case of Stansted Airport was a potential minefield while the application was still live. It was sensible to wait until after a final decision had been taken.

Members emphasised that it must not look like the Committee was kicking the issue into the long grass. An update report would be taken to the Scrutiny Committee which would state that the Committee should include the issue in its work programme and would begin work on the matter when the Stansted Airport application had been finalised. The Chairman would then be able to include progress about the matter in his report to Council.

Ian Parry said Members could inform residents of their wards that there were plans for a review of the major applications planning processes. However, it had to be emphasised that it was not appropriate for the Committee to do so while the Stansted Airport application was still live, and there were other means of due process to appeal the decision. Residents need to understand that the Committee could not affect the outcome of the decision. The case of Stansted Airport could be used as a case study in the piece of work examining the process running up to taking decisions on major planning applications, but only when the final decision had been taken.

Members emphasised that the handling of major planning applications in Uttlesford was an important issue