

Mr Roger Harborough
Director of Public Services
Uttlesford District Council

15 August 2019

Dear Roger,

Probity in Planning – UDC Constitution

I hope you enjoyed your holiday.

Thank you for your letter of 30 July in response to mine of 15 July.

For clarity, I shall address the points you made in the same order as you made them.

Apparent conflict between UDC Constitution and national guidance

You do raise an interesting issue here about the contradiction in guidance. Leaving aside the issue of revision of the UDC Constitution which is wholly outside Scrutiny's remit, the questions arise as to why members did not comply with the extant rules in the UDC Constitution? Were waivers provided or explanations of the issues in the Localism Act given?

Meetings – officers/Stansted and members/Stansted

Thank you for your kind offer that I may inspect the files. However, as I said previously, I would like please a list of meetings and notes of each. If a list does not exist, why is this ? If notes do not exist, why ?

The documentation you have provided seems remarkably light bearing in mind the scale and importance of this application.

Rule 21.2

Could you please clarify your reasoning, my understanding is that Rule 21.2 needs to be read in the context of Rule 21.1.

Breaches of Good Practice Guidance

I agree any breaches would be a matter for Standards Committee. The question here is did any take place that merit referral to Standards Committee ?

Access to Diaries

You state that disclosure of diary entries of elected members with executive responsibilities relating to the conduct of official business would breach data protection regulations. Could you please clarify on what legal basis you make this

statement ? I note that the Council is undertaking an investigation into an alleged breach of confidentiality which will involve examination of Members' emails – how does this square with your statement ?

Outstanding Matters

I requested, *inter alia*, the following in my letter of 15 July, I have not received :

Please may I have detailed, timely, individual and precise answers to each of the questions, addressing each individual meeting (if any), at your earliest convenience.

1. Did the meetings with officers alleged by Mr Ross take place?
2. If so how many, when and with whom?
3. Were there meetings with UDC Members, as alleged by Mr Ross?
4. If so, how many, when and with whom?
5. Were there meetings with the Leader, as alleged by Mr Ross?
6. If so, how many, when and with whom?

Returning to the relevant aspects of the UDC Constitution;

Councillors should not meet applicants or agents or third parties in connection with a current or proposed application. – Did any councillors meet with applicants or third parties in respect of this application?

If councillors do agree to meet they should only do so in the presence of a planning officer. – Did all meetings, if any, take place in the presence of a planning officer?

In exceptional circumstances, where it is not possible to arrange a meeting in the presence of a planning officer without causing undue delay councillors should notify the relevant planning officer of the proposed meeting beforehand and the notification recorded in the application file. Were there any such cases and if so were planning officers notified and said notification recorded?

Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. Did Councillors at any/all meetings (if any) restrict themselves as so required? Was this documented?

A note should be taken of the meeting and placed on the application file. Do such notes exist for all meetings and are they on the appropriate file? Were notes taken of all meetings (if any)? Are they on the file?

The fact that a councillor has discussed any proposal with the applicant, agent, supporters or objectors must be made clear when the application is before the committee for determination. Were such notifications, in all respects and with reference to each individual meeting (if any) made clear to the committee as required?

Discussions with applicants, agents or objectors should be reported and any correspondence made available to officers before the committee meeting. Were all such discussions (if any) reported and relevant correspondence made available as required?

The planning application files should be complete and accurate containing sufficient information and itemising events so that the reason for the decision can be easily understood. Are the planning files complete and accurate as required?

Yours ever

Neil Gregory

Chair, Scrutiny Committee