

**Committee:** Council  
**Title:** Scrutiny Annual Report  
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**Date:**  
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## Summary

1. There is a requirement under the Council's Constitution for the Chair of the Committee to report annually to Full Council. This occurs at the April Full Council meeting.
2. This report summarises the key work of the Committee in 2019/20.

## Recommendations

3. None

## Financial Implications

4. None

## Background Papers

5. None

## Impact

- 6.

Communication/Consultation	The report has been considered and approved by 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
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## Situation

7. Following the May 2019 election, new members were appointed to the Scrutiny Committee, including a new Chair and Vice-Chair.
8. The committee has received training on local government scrutiny and embarked on multiple work streams.
9. The sections of the report below summarise the main areas of discussion and activity during the year.

## Statutory Guidance and Memorandum of Understanding

10. In May 2019, the Ministry of Housing, Communities and Local Government published its Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, which can be viewed here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800048/Statutory\\_Guidance\\_on\\_Overview\\_and\\_Scrutiny\\_in\\_Local\\_and\\_Combined\\_Authorities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf)

11. This is the most comprehensive guide to council scrutiny the government has issued and it provides an overview of the role of scrutiny as a balance to the executive along with suggested scrutiny models and general advice on scrutiny good practice.
12. The statutory guidance sets out that scrutiny committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement and those that have already been taken or implemented, including a role in assisting with policy development.
13. The guidance emphasises the point that an effective relationship between the committee and the Cabinet is key to the success of scrutiny and recommends the adoption of a protocol between the two functions.
14. The Council adopted such a protocol in the form of a Memorandum of Understanding (MoU) between scrutiny and the executive shortly before the May 2019 election, which can be viewed here:  
<https://uttlesford.moderngov.co.uk/documents/s13063/Enc.%202%20for%20Statutory%20Guidance%20on%20Overview%20and%20Scrutiny%20and%20Memorandum%20of%20Understanding.pdf>
15. Both the MoU and the statutory guidance were considered by the new Scrutiny Committee at its first meeting in June.

## **Planning Obligations**

16. Scrutiny Committee established a task and finish group comprising Cllrs Evans, Criscione and Jones. Latterly, Cllr Evans has been replaced with Cllr Gerard after Cllr Evans joined the Cabinet. The Task and Finish Group is undertaking a review of whether the Council is achieving the best outcomes for the district with regard to planning conditions obtained under S106 agreements.

17. The key areas being considered in this review are:

- the processes and procedures whereby planning obligations are considered, negotiated and managed by the Council
- how planning obligations are enforced by the Council and contributions payable thereunder are secured and paid
- how members and the community might better be informed of the process and outcomes in respect of planning obligations
- the extent to which contributions arising under planning obligations might be spent for the delivery of affordable housing, education and/or otherwise, for the benefit of the community
- whether the Council achieves robust and achievable terms in regard to planning obligations which are fair and balanced to both the Council and developers
- whether Planning Committee members are provided with timely and comprehensive information to enable them to make informed decisions as to planning obligations
- how the council and Essex County Council can optimise their work together relating to planning obligations

18. Work commenced with the approval of Terms of Reference in June 2019 and the final report is expected to be presented to Scrutiny Committee in the coming months.

## **Major Planning Applications**

19. The pre-election Scrutiny Committee resolved to commission an independent study of the Council's procedures for dealing with major planning applications. Following the election, the new Scrutiny Committee approved a proposal from the Planning Advisory Service (PAS) for a first-stage review to ascertain where any further work may be required.

20. This review has been subject to unavoidable delay, in part due to the further consideration of the Stansted Airport application. However, work is now well under way, with the consultant from PAS conducting interviews on site in February with relevant officers and members. A final report is expected in the Spring, at which time consideration will be given to any next steps.

## **Airport-related fly-parking**

21. At the request of Cllr Caton, a Task and Finish group was established to look at the issue of airport-related fly-parking, an issue affecting some communities in the south of the district. Cllrs Caton, Reeve and Driscoll are undertaking this piece of work, which commenced with the approval of terms of reference in February. Prior to that the Committee considered a report which set out the current position with regard to airport-related parking in order to better inform the review.

22. The Task and Finish Group is focusing its work on the following three areas:

- The effectiveness of the current airport fly parking hotline reporting system and how its responsiveness can be improved
- The development of a more planned approach to initiating and implementing Traffic Regulation Orders in areas known to suffer from airport fly-parking
- Good practice in tackling the problem elsewhere in the UK, for example around Manchester and Luton Airports

## **AECOM Engagement**

23. Cabinet referred to Scrutiny a concern raised by a resident about the engagement of AECOM to review the Local Plan Sustainability Appraisal. Over the summer the Chair engaged in correspondence with, and met, relevant officers.

24. It was concluded that there had been a failure to fully inform members and the public of the potential challenges to the Sustainability Appraisal and proposed remedial action. This was due to an unintentional oversight by an officer and measures were now in place that should preclude a repetition.

25. Matters concerning probity in planning and more general perceptions of trust and openness were also discussed.

## **Commercial Strategy, Corporate Plan and Medium-Term Financial Strategy**

26. The Committee has discussed the Council's commercial activity twice during 2019/20. At its November 2019 meeting, the Leader set out the Administration's approach to commercial investment and the Commercial Strategy was presented at the February 2020 meeting alongside the Corporate Plan and Medium-Term Financial Strategy.

27. Topics discussed in November included the need for training for members of the Investment Board, the capacity of officers to deliver the commercial agenda and funding opportunities outside the Public Works Loan Board.

28. Instead of taking the full budget to the February meeting, the Corporate Plan, Medium Term Financial Strategy and Commercial Strategy were instead presented.
29. The three documents set out the Council's vision and priorities for the next four years (the Corporate Plan), the likely pattern of funding available to achieve these priorities (the Medium-Term Financial Strategy) and the way in which necessary funding can be secured (the Commercial Strategy).
30. However, some members of the Committee expressed a view that the entire budget should be considered by Scrutiny in future years as it had been previously.
31. Feedback from the Scrutiny Committee on these documents was subsequently reported to Cabinet.

### **Broadcasting and Recording of Meetings**

32. The failure of the broadcast and recording system at the Stansted Airport Planning Committee meeting was raised at Committee in February 2020. It was agreed that Cllr LeCount would look into this. He spoke to relevant officers and report back in March. There was a combination of factors that led to the issue, but new checks and procedures had been put in place.

### **Potential topics for review in 2020/21**

33. The Task and Finish groups looking at fly-parking and planning obligations are due to conclude their work and bring recommendations back to committee in the early part of 2020/21. The conclusion of this work is now likely to be delayed due to the Coronavirus pandemic.
34. Other potential matters for consideration raised at the March Scrutiny Committee meeting were school transport and the Essex County Traveller Unit, although it was decided not to proceed with the latter.
35. Regular meetings will be set up between the Leader and the Chair of Scrutiny to help better coordinate the work of Scrutiny with the Executive, following best practice guidance and ensuring the scrutiny function performs its pre-scrutiny role effectively.