

SCRUTINY COMMITTEE (LOCAL PLAN) held at ZOOM on WEDNESDAY, 7 OCTOBER 2020 at 7.00 pm

Present: Councillor N Gregory (Chair)
Councillors A Coote, C Criscione, G Driscoll, P Lavelle,
G LeCount (Vice-Chair), G Sell and M Sutton (Substitute for
Councillor Storah)

Officers in attendance: R Auty (Assistant Director - Corporate Services), C Edwards
(Democratic Services Officer), C Gibson (Democratic Services
Officer), G Glenday (Assistant Director - Planning),
R Harborough (Director - Public Services), S Miles (Local Plan
and New Communities Manager) and S Payne (Local Plan
Project Manager)

Also in attendance: Councillors J Evans (Portfolio Holder for Planning and the Local
Plan), J Lodge (Leader of the Council) and A Storah (Chair of
the Local Plan Leadership Group).

SC34 PUBLIC SPEAKER

The Chair welcomed those present to the second Scrutiny Committee meeting dedicated solely to Local Plan matters. He repeated previous comments made at Scrutiny Committee that scrutiny was non-political and that it was the Committee's role to be the "critical friend" to the Executive.

Prior to introducing the public speaker, the Chair declared an interest in that he said that he had known the speaker, Councillor David Hall from Great Chesterford Parish Council for many years.

Councillor David Hall made various remarks and his notes have been appended to the minutes of this meeting.

Councillor Evans, as the appropriate Portfolio Holder, responded to Councillor Hall's remarks and indicated that he intended to meet with Councillor Hall, together with the Chair and Councillor Pavitt to discuss this matter further. He said that it would not be good to focus on what had gone wrong in the past.

There were some issues in respect of poor audio recording problems during the first half hour of the meeting that necessitated two adjournments. These were satisfactorily resolved and the meeting recommenced at 7.30pm.

SC35 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillor Dean.

Councillor Sutton was substituting for Councillor Storah who would not sit as a Scrutiny Committee member in relation to Local Plan matters due to his role as the Chair of the Local Plan Leadership Group.

Councillor Criscione declared that he was a Member of the National Trust.

SC36 **MINUTES OF THE PREVIOUS MEETING**

The Chair said in future the minutes of the Local Plan Scrutiny Committee would be brought back to the next Local Plan Scrutiny Committee and the minutes from Scrutiny Committee would be brought back to the next regular Scrutiny Committee. As the previous Scrutiny Committee had been a regular meeting those minutes would not be tabled at this meeting.

SC37 **PROJECT MANAGEMENT**

Agenda Item 6 was brought forward by the Chair.

The Local Plan Project Manager provided a summary of the report. He drew the attention of Members to the principles that underpinned the management of successful projects and which were leading the approach to preparing a new local plan for Uttlesford. He outlined the arrangements in place for governance, risk management reporting and Project Plan monitoring. He referred to the latest revision of the Risk Register, the Local Plan Workplan Dashboard, Workstream status and the Local Plan live tasks shown as at 30 September 2020. He said that the Committee was requested to endorse the Risk and Project Management proposals with reports provided on a quarterly basis and more frequently when and if required.

The Chair asked Councillors Criscione and Coote, as lead Members to open the discussion.

Councillor Criscione commended the work of the Local Plan Project Manager and asked a question about how the risk assessment process should be taken forward.

The Local Plan Project Manager said that it was for the Committee to identify areas requiring attention and officers should address these points.

Councillor Coote referred to the RAG ratings and sought clarification as to how progress would be monitored. He said that he was quite happy to take this discussion "off-line". He also asked whether there were enough resources in place.

The Local Plan Project Manager said that the Council had bid successfully for external funding to resource the mini local plans for the strategic sites and that skilled staff had been employed. They had now been redeployed into the team led by the Local Plan and New Communities Manager. He also said that there

was currently a bid in for additional funding in respect of Community Engagement.

Councillor LeCount said that it was an excellent Project Plan.

Councillor Sell agreed with what had been said and asked about how the Council was taking forward the responses to the Government's Planning White Paper.

The Local Plan Project Manager said that representations were being made through officers' networks.

Councillor Evans said that a co-ordinated response was being drawn up and that portfolio holders across Essex were meeting in the third week of October.

The Leader said that he was keen to speak to Ministers and that the LGA Peer Review Team was also involved in preparing a way forward.

Councillor Sell requested that Councillor Evans fed back from his meeting with other portfolio holders through the Committee.

There was some discussion about the roles and responsibilities of the various Groups, Boards and Committees involved in the Local Plan process.

The Chair referred to the role of the Scrutiny Committee as being a "critical friend" and the Council as being an "intelligent client". He also asked the Local Plan Project Manager to outline his previous work experience, which he did.

The Chair said that he felt that the Council's Local Plan project management was the root of a successful plan, making sure that things stayed on track and on time.

Councillor LeCount proposed a motion that the Local Plan Project Management proposals be recommended to the Cabinet.

Councillor Driscoll seconded the motion. There was no dissent.

RESOLVED to approve the motion.

SC38

LOCAL PLAN PROJECT INITIATION DOCUMENT

The Local Plan and New Communities Manager presented the report with a revised version of the Project Initiation Document (PID). He said that the PID had been updated following the recent meeting of the Local Plan Leadership Group (LPLG) and that it was intended to go forward to Cabinet on 20 October 2020 for approval.

Councillor Criscione referred Members to the Project Governance diagram shown at Paragraph 3.16 of the report. He said that he wanted to ask questions around procedure, decision-making and constitutionality. He asked Councillor

Evans, as Portfolio holder, whether the LPLG was turning out in practice to be a decision-making body. He also raised concerns about the role of the Portfolio holder, the fact that the LPLG Chair was not a Cabinet Portfolio holder and whether Members were comfortable with the possible overlaps between the LPLG and Scrutiny Committee.

Councillor Evans, as the Portfolio holder, said that the LPLG had acted as a review body and made recommendations but that it did not have an Executive role. He said that the decision as to who chaired the LPLG had been taken some time ago and that this had given a degree of checks and balances to the processes. The LPLG Terms of Reference gave him as the Portfolio holder the right to attend the LPLG.

Councillor Storah, as the Chair of LPLG, said that the Project Management clarification had been very helpful and he recognised that there might still be some overlap between the LPLG and Scrutiny. He said that the LPLG made recommendations but Scrutiny would look at the mechanics of how recommendations had been made and that this would then go forward to Cabinet. He also stated that the intention was to review governance arrangements on a six monthly basis.

Councillor Coote said that he considered it to be unconstitutional for a Cabinet member to chair the LPLG and that he was satisfied with the governance arrangements in place.

Councillor Criscione said that the PID was the key to setting out the roles and responsibilities of all bodies involved in the Local Plan processes.

Councillor Evans outlined his Portfolio holder responsibilities and detailed his schedule of various meetings with leading Members and explained the links with the Corporate Overview Board (COB).

Councillor Coote said he was happy with the explanations given and that the Local Plan should be overseen by the Leader and Chief Executive.

The Leader outlined his regular 1-2-1 meetings with Councillors Evans and Storah and his contact arrangements with the Chief Executive. In response to a question from the Chair as to whether he was a project sponsor, the Leader said that technically he saw himself as a sponsor.

In response to a question from Councillor Driscoll, the Assistant Director – Planning said that the Local Plan would be reviewed every five years and there would be no need to go back to the Government.

At this point the Chair asked for the consent of the meeting to proceed beyond the two hour period. This was agreed.

The meeting was then adjourned at 8.56pm for a comfort break.

The meeting was reconvened at 9.06pm.

Councillor Sell said that there was Members' agreement that the Council needed to get the Local Plan right. He said there had been two failed attempts in the past thirteen years and that, in the process, residents' trust had been lost. He said he had worked with Councillor Storah and agreed with Councillor Coote that proposed arrangements were the right way round. He said that he shared Councillor Criscione's concerns about the links between the LPLG and Scrutiny and said that Scrutiny should add value and not duplicate the work of the LPLG.

Councillor Storah responded to an earlier question from Councillor Criscione as to where the LPLG got its power from. He said that the LPLG did not have power, it just made recommendations; power was awarded by the Executive.

The Chair said that various Members had zeroed in on the Project Governance diagram shown at para 3.16 of the report. He said that various concerns about "the wooliness" of accountability and responsibilities had been expressed. He said he did not think that the Committee was happy about the process for project governance. He said that he was particularly concerned about the role of the COB.

Councillor Evans said that he would bring a paper to the next Scrutiny meeting that explained how the governance arrangements actually worked in practice.

Members supported this way forward and the Chair accepted this offer.

The Director – Public Services said that the COB was chaired by the Chief Executive and that it was a vehicle that ensured that Members were given robust advice as informed by a range of officers. He said that all reports went through COB before the LPLG. He said that his understanding was that the Leader and the Chief Executive were jointly Project sponsors with distinctive roles.

Councillor Criscione suggested that an additional role should be added to paragraph 3.17 of the report and that should be to show the Leader as Member Project Sponsor.

Councillor Coote proposed a motion that the Local Plan Project Initiation Document be recommended to Cabinet subject to the addition of the Leader as Member Project Sponsor in paragraph 3.17 of the report and subject to Councillor Evans bringing forward a document that clarified how the governance arrangements actually worked in practice.

Councillor Driscoll seconded the motion. There was no dissent.

RESOLVED to approve the motion.

SC39 LOCAL DEVELOPMENT SCHEME

The Local Plan and New Communities Manager presented his report of a new draft Local Development Scheme (LDS) that set out the draft timetable for producing the Local Plan. He said that community engagement through local channels would be carried out in a new way.

In response to various questions on community engagement, the Local Plan and New Communities Manager said the intention was to have a number of initiatives that engaged the public through Community Forums, through Town and Parish Councils, through magazines, ensuring that the public could make use of email and written communication by letters. He said that the intention was to ensure that any questions asked were easily understood and that he recognised the importance of not raising public expectations.

Several Members commented on the need to carefully frame any questions, to work at local levels and to particularly consider older residents in terms of their engagement. Members offered to assist in the circulation of questions to the public if they could be provided with them.

The Assistant Director – Planning said that a meeting had been arranged with Town and Parish Councils on 12 October 2020 and that he would endeavour to pick this issue up then.

Councillor Evans said that he had attended previous meetings with the third tiers and that he supported the notion to get as much involvement from the third tiers as possible. He said that both he and Councillor Day (Portfolio holder for Communities, Community Safety, Youth and Police and Fire Service Liaison) would be writing on a quarterly basis to each of the third tiers to update them.

Councillor Criscione highlighted a slight discrepancy between the draft timetable shown on page 35 with that shown on Page 14 of the Agenda. He also asked why there had been nothing included in the Risk Register that related to possible Government intervention.

The Local Plan and New Communities Manager acknowledged that there had been a drafting error in respect of the timetable and that this would be corrected. He said that he had been informed that provided the Local Plan had been submitted by December 2023 then the Government would not be looking to intervene and that the key issue for the Government was that progress was being made.

Councillor Sutton proposed a motion that Members were content to remit the Local Development Scheme proposals to Cabinet for adoption, subject to the timetable discrepancy being resolved.

Councillor Sell seconded the motion. There was no dissent.

RESOLVED to approve the motion.

SC40

STATEMENT OF COMMUNITY INVOLVEMENT - DRAFT FOR CONSULTATION

The Local Plan and New Communities Manager presented the report with a revised version of the Statement of Community Involvement (SCI) that had been updated since the meeting held on 18 August 2020 to make reference to the

White Paper on the future of Planning and which also had taken on board the advice provided by the EELGA Peer Review Team. He said that the main changes from the previous SCI were detailed in Paragraph 7 of the report and that much of the information in the report had already been discussed at this meeting.

Councillor Criscione suggested that due to the complexity of the Local Plan it would be helpful if a separate website was set up for the Local Plan. This proposed way forward was supported by Councillors LeCount and Sell.

The Chair asked the Local Plan and New Communities Manager to take this suggestion away as an action point. He also said that it was essential that Town and Parish Council elected representatives were kept in the loop.

The Chair summarised the main outcomes of the meeting, particularly in that significant progress had been made on project management issues and that there were outstanding governance issues that required clarification on the PID. He also thanked Councillors Criscione and Coote for their contributions as lead Members.

With reference to previous governance matters, the Leader referred Members to page 24 of the Agenda that defined the key individual roles. He said that the Chief Executive was the project sponsor but he re-stated that he considered himself to be a sponsor, working and meeting regularly with the Chief Executive.

The Chair said that he still considered that there remained a lack of clarity but welcomed the offer made by Councillor Evans to produce a supplementary governance document.

The meeting ended at 9.45pm.

APPENDIX

Cllr David Hall, Great Chesterford Parish Council Remarks to Scrutiny Committee - 7th October, 2020

The list of 'Other Consultees', Appendix C in Agenda Item 3 - also in Appendix B of the proposed Community Engagement Strategy adopted last week by the LPWG - contains no organisation associated with Great Chesterford. Yet in relation to the withdrawn Local Plan both the Examining Inspectors and Historic England attached particular importance to the national significance of the Roman and archaeological features at Great Chesterford - so why has the local History and Archaeological Society been ignored and other relevant local organisations not been included in the consultation list?

The documented record concerning the previous Plan shows that the same Officers now proposing close local community consultation failed last time to respond to my Parish Council's detailed analysis and criticism of the Call for Sites evaluation relating to the NUGC site, failed to respond to correspondence, failed to follow-up expert landscape, archaeological and transport evidence

provided by my Council, failed to provide promised information and generally failed to seek or engage in any meaningful dialogue with either the Parish Council or the local community about the NUGC proposals and their implications.

I also note, regarding the previous Plan, that the 2020 Annual Report of this Committee states that 'unintentional oversight by an Officer' is the reason proffered why elected Members and the public were not fully and properly informed about problems associated with the Regulation 19 Sustainability Appraisal. Comparison of the timeline submitted by the Chief Executive to the Committee by way of explanation with Minutes of the October 2018 PPWG and Council meetings at which the Plan was approved for submission to the Inspectors makes crystal clear that, despite already being in possession of AECOM's draft Review of the SA, Officers failed to inform Members of the advice received that the SA was non-compliant with SEA Regulation requirements, and was otherwise materially deficient.

Instead, they allowed Full Council to remain in ignorance of the true position, subsequently informing Members that the purpose of the AECOM Review was merely 'to test and strengthen the evidence base' when they knew from AECOM that the SA had failed adequately to test reasonable alternative sites. Given the central importance of such matters for the soundness of the Plan, the explanation now put forward of an 'unintentional oversight' is patently absurd.

The issue for the Scrutiny Committee, therefore, is whether it can reasonably be satisfied that assurances now offered regarding full engagement and consultation in the preparation of the new Local Plan have any convincing validity. The experience of my Parish Council last time and the general record suggest that very close supervision by elected Members will be required of Officer performance to ensure that what is promised will be delivered - that the leopard, in other words, has actually changed its spots.

I should be grateful if the text of these remarks, which I will forward, is appended to the Minutes of this meeting.

Thank you.