

# Uttlesford District Council Meeting

## 11 October 2022

### Written Questions to Members of the Executive and Committee Chairs

#### Responses published on 10 October 2022

**1. By Councillor Khan to Councillor Lees - the Leader of the Council:**

“The public have a right to expect councillors to be accountable. This is enshrined within the Nolan Principles that set the framework for our own Code of Conduct.

Given the announced further delay to the Local Plan and the £(multi-million) costs awarded to Stansted Airport because of the failed planning appeal, can the Leader of the Council explain if and why she has confidence in Councillor John Evans as the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan.

If the Leader does have confidence in Councillor Evans, would she please explain to the residents of Uttlesford what her key reasons are for Councillor Evans remaining in post and continuing to draw the special responsibility allowance for his role, given the failure to deliver a Local Plan and the mismanagement of the Stansted Airport appeal defence, both of which areas are within Councillor Evans’ Portfolio and Cabinet responsibility.”

**Response from the Leader of the Council:**

“I’d like to thank Councillor Khan for raising the important matter of planning at UDC.

The planning capability at UDC had been underfunded and starved of skills development for more than a decade when we were elected with a significant mandate to improve it in 2019. It takes time to implement complex change, particularly in the public sector, but the Residents Administration improvement programme to the planning capability at UDC is well underway. There have been process, skills and staffing changes.

Of strategic concern to the Council is the Local Plan. This administration inherited a track record from the previous administration of not one, but two failed Local Plans, and three if we count the one pulled on the day it was to be issued. Councillor Khan may have forgotten that the last failed Local Plan was countersigned and backed by his party, but no Lib Dem councillor has apologised or offered the slightest regret. It was not supported by R4U on grounds of inadequate evidence, which was subsequently confirmed by the Inspectors report. Our administration at

UDC did further due diligence in checking if this Lib Dem supported Plan could be patched up but were strongly advised that that it was unworkable, and “tinkering” was not an option.

In a press release the Lib Dems have demanded resignations but have not backed our belief that a Local Plan needs to be based on evidence, rather than political need to publish, as seems to have happened to previous Plans on government Inspection. Nor do they back calls for a robust Regulation 18 draft. These politically motivated personal attacks appear to be designed to defame and harass and are in stark contrast to their failure to accept any responsibility for their support of the previous Plan. Anyone would think there was an election coming up in May...

The Residents Administration at UDC has in place a new Head of Planning who is, in-turn, supported by a new officer now heading up the plan process with specific skills in rural district Local Plans. The new team, having reviewed the detail, have drawn similar conclusion to ourselves, namely that an evidence-led Local Plan needs strong supporting evidence, and that they have inherited incomplete evidence. The mistakes of the past should not be repeated, and the new officer team must be given time to create a robust solidly evidence-backed plan, which they have requested. We still do not understand why the Lib Dems appear to want another weak Local Plan that will fail inspection. Why would they want to continue the developers’ open season here in Uttlesford that they helped create?

With regard to the airport, the action taken by the Council was supported by the majority of councillors from all parties, including Councillor Khan himself. It is important to fight for the future of our planet. It was no doubt a difficult decision for a number of councillors to make, but the signals from the Conservative government ahead of COP26 was that they would follow through on their climate pledges. It is disappointing that they did not. It is also disappointing when opposition councillors are also seen to now distance themselves from taking action on climate change regarding the airport. The Council commissioned an independent expert to look into the Stansted Airport Planning appeal, so may I gently suggest a re-read. The report and the lessons now implemented were given a thorough debate at a special Full Council meeting, minutes are available to peruse.

The Nolan Principles are the basic principles of Public Life. Frankly I would really like kindness to be added to the list. There is no failure to deliver a Local Plan, there is a willingness to make the right decision knowing that political hay will be made. Selflessness I would suggest. Integrity, honour, hardworking, hours and hours of commitment are demonstrated in my cabinet. The Local Plan delivery hasn’t failed, there is a timeline pause, failure is when the Inspectors say Nay, as they have already - twice.

I believe in the Residents of Uttlesford, I believe they recognise what we have inherited, noted the improvements, and appreciate what appears at times, a herculean (though achievable) task for this administration. They, and they alone, will be the judge of the Cabinet.”

**2. By Councillor Barker to Councillor Coote - Cabinet Member for Housing:**

“As private landlords are likely to be required to have an EPC of "C" or better when letting property from 2025, I am sure you would agree that we would want the same or better for our social tenants.

Can I therefore ask what proportion of our UDC housing is band C or better and what are we doing to improve this; and what proportion of Housing Association Housing is band C or better and how are we working with those social landlords to reach band C sooner rather than the back stop date of 2035?”

**Response from the Cabinet Member for Housing:**

“68% of UDC housing stock has an EPC rating of A – C. 29% has a rating of D or below. Uttlesford Norse are currently working on a 5 year projection to show where the stock will be if current planned works are delivered. When this information is available, it will be shared with the Housing Board.

From the Housing Associations with stock within the district who responded to our enquiries, 1773 out of 1823 properties had an EPC rating of A – C. This equates to 94.6% and reflects the age of the Housing Association stock compared to the age of Council stock. Those Housing Associations that have reported a small number of properties with an EPC rating of D or below have been asked to confirm how they intend to improve the rating of these properties.”

**3. By Councillor Sell to Councillor Lees - the Leader of the Council**

“Next year marks the 50<sup>th</sup> anniversary of the first elections to Uttlesford District Council. What plans does the Administration have to mark this occasion?”

**Response from the Leader of the Council:**

“I would like to thank Councillor Sell for his question.

The district of Uttlesford was formed on 1 April 1974, following the merger of the Borough of Saffron Walden, Dunmow Rural District and Saffron Walden Rural District Councils. Since the anniversary of the formation of Uttlesford is more than 18 months away, any marking of the occasion will be the responsibility of the next administration.”

**4. By Councillor Caton to Councillors Hargreaves and Reeve – Cabinet Members for Finance and the Budget & the Economy, Investment and Corporate Strategy:**

“Has the Council taken action to reduce the impact of interest rate increases on the income generated by the Council’s £300m investment portfolio?”

Secondly, what has been done to mitigate any reduction in income from further interest rate increases on the Council’s budget for 2023/24 and subsequent financial years?”

**Response from the Cabinet Member for Finance and Budget & the Cabinet Member for the Economy, Investment and Corporate Strategy:**

“The question refers to the ‘£300m investment portfolio’. The investment expenditure to date is £243m. In the last month the Council has covered £80m of short-term borrowing by taking out longer term loans with the Public Works Loan Board, thereby reducing the exposure to interest rate rises. This is in addition to £37m of long-term fixed interest borrowing already in place. The usual high quality quarterly budget management process is being strengthened further to ensure only necessary expenditure is included in the budget for the remainder of 2022/23 and as normal, the Q2 budget position will form the basis for the following year’s budget. We are working closely with our financial advisers, Arlingclose, to forecast, if that is at all possible given the current position of the country, the interest rate and inflation positions for future years. These forecasts will then be applied to the MTFs and the Blueprint Uttlesford requirements updated accordingly.”

**5. By Councillor Smith to Councillor Hargreaves - Cabinet Member for Finance and the Budget:**

“Can I have a breakdown of all costs on both the previous and new Local Plan since 2019 when this administration took control of the Council. Including, but not limited to, details of internal staff costs, external costs (consultants, advisors, etc), management overheads and the costs for any competitions or awards that UDC has entered into that were related to the Local Plan?”

**Response from the Cabinet Member for Finance and the Budget:**

“The cost of the three failed Local Plans was £5.904m. The cost from 1 April 2020 to 31 March 2022 for the new one was £2.49m. A breakdown is provided below. These figures are from the Finance Department and include overheads and internal charges and recharges. Costs since March, as supplied by the Planning Department, are £304k. These however do not include the cost accounting additions of overheads, adjustments and accruals to produce a full accounting picture, but gives a reasonable indication without creating significant extra work for the accounting officers.

UDC entered the RTPi Planning Awards for early consultation on the Local Plan, and won, in 2021. There was no fee to enter the RTPi awards.”

<b>Local Plan Spend</b>		<b>TOTAL COST OF WITHDRAWN PLANS TO MARCH 2020</b>		<b>NEW PLAN SPEND TO MARCH 2022</b>	
		£'000	£'000	£'000	£'000
Employee Expenses (incl Agency)		2,844		1,003	
Travel Expenses		61		0	
Supplies and Services	- Consultancy	2,094		1,041	
Supplies and Services	- Other	229		45	
<b>Direct Expenditure</b>			5,228		2,089
Reimbursements		(80)		(11)	
<b>Direct Income</b>			(80)		(11)
Internal Charges	- Management	478		198	
	- Specialist Services	174		146	
	- Central Support	246		81	
	- Accommodation	93		20	
	- Administration	195		20	
<b>Indirect Expenditure</b>			1,186		465
Internal Charges	- Income	(430)		(53)	
<b>Indirect Income</b>			(430)		(53)
<b>TOTAL</b>			<b>5,904</b>		<b>2,490</b>

**6. By Councillor Smith to Councillor Evans - Cabinet Member for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan:**

“Since the Call for Sites for the new Local Plan closed in the spring of 2021, how many meetings have taken place on behalf of UDC with landowners or their agents relating to sites that were not originally submitted? Who was present in those meetings and how many of these meetings were recorded through minutes?”

**Response from the Cabinet Member for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan:**

“Records show five meetings with representatives of a landowner concerning such a site (a single landholding). These were held on 22 October 2021 (attended by the previous Local Plans Manager and Planning Officer); 25

March 2022 (previous interim Director of Planning and previous Local Plans Manager); 10 August 2022 (current Director of Planning and previous Local Plans Manager); 6 September 2022 (previous and current Local Plans Manager); and 30 September 2022 (current Local Plans Manager and Planning Officer). A note of each the meeting is on file.”

**7. By Councillor Light to Councillor Freeman – Cabinet Member for Council and Public Services:**

“Over the years, you have demonstrated your concerns for residents, especially for the more vulnerable ones, and have stated that the Garden Room Community Centre in Saffron Walden would be maintained. The requirement before winter for a warm and welcoming centre which will cater for a multiplicity of needs is indisputable, and as Ward Councillor, residents regularly ask me when the centre will reopen.

As you are aware, Saffron Walden Town Council has submitted a proposal to run the community centre and with its excellent record of managing venues will ensure the centre will be successful in meeting residents’ needs.

Can you confirm that the Garden Room will reopen as a community centre for local residents as it has been in the past?”

**Response from the Cabinet Member for Council and Public Services:**

“I am delighted to inform Council that we are in the final stages of negotiating a 10-year lease with Saffron Walden Town Council for the Garden Room building in Jubilee Gardens, Saffron Walden. There remains some final minor points to be agreed and then relevant surveys undertaken, before the lease can be concluded.”

**8. By Councillor Light to Councillor Sutton - Cabinet Member for Communities, Health, Youth, Public Safety, Emergency Planning and liaison with the Police and Fire & Rescue Service:**

“When we founded the Youth Council, it consisted of 22 members, held regular meetings, and this Council has a seat reserved for a Youth Councillor at each Full Council meeting.

Could you please give Council a comprehensive progress report towards reestablishing the Youth Council since our last request in April 2022 when there were only two Youth Councillors due to Covid?”

**Response from Cabinet Member for Communities, Health, Youth, Public Safety, Emergency Planning and liaison with the Police and Fire & Rescue Service:**

“First of all can I thank the Councillors here who came to talk to me on the subject of the Youth Council and offered me their advice and guidance -

avoiding the necessity of posing questions to be answered here at full Council.

### **Youth Clubs**

Over my time with this portfolio and aided with Officers in my Team we have encouraged and linked with recently formed Youth Clubs around the District such as in Ashdon, Sewards End, Takeley Dunmow, Hatfield Broadoak and Hatfield Heath in an attempt to revitalise and encourage relationship growth between ourselves and our young people.

### **Schools and College**

We have met several times with Saffron Walden County High School and their Youth Council and Student Voice representatives. We are currently working on a speed dating exercise allowing students to link up with UDC Councillors and become more familiar.

We have a meeting in the diary at Helena Romanes Great Dunmow set for after next half term, with a new head teacher who has expressed a willingness to forge a working relationship between us all.

Forest Hall in Stansted and Student Vice Chair of the eco Committee has invited us to visit them once they have organised the newly elected members of their new committee.

Students from Joyce Frankland Academy in Newport have established contact with us recently expressing interest in our Youth Council vision.

We have visited Stansted Airport College on several occasions over the months. We have discussed Youth Council engagement and on Wednesday 12th October the UDC team and myself will be promoting a Hate Crime Awareness day which will also promote our Youth Council focus going forward.

### **Summer activities**

Under the UDC umbrella we have been part of organising outdoor pursuits to our local schools, using funding we have available. We have liaised and worked with Essex Association Boys and Girls Club and Essex CC.

We have given up free time to set up and promote a couple of summer school Clubs throughout the last Summer Holiday and a new Youth Club in Takeley.

### **General points**

It has taken time to get to this point and has been impossible to hurry but I am trying to illustrate the determination and enormous work that has gone into trying to engage with our Uttlesford youth and our constant efforts in

communicating and forming a successful long term liaison and building understanding and civic participation.

Covid has not helped and schools are undoubtedly overwhelmed. Trying to catch up on months and years of uncertainty in education. Social skills and confidences have been damaged - not least involving our young people. And deep financial cuts in funding throughout the District, County Councils and Youth services have had massive impact – for example we no longer have a dedicated full time Essex Youth Commissioner.

Our capacity also limited. Before Covid virus Uttlesford District Council had a very dedicated senior UDC officer and team that gave many hours of their valuable time for free - promoting and working towards ensuring an outstanding Youth Council for our District. Today, with heavy burden on time and resources - that positive energy can no longer be relied upon.

Be assured myself and our UDC team of officers are totally committed in doing everything possible to re establish a strong community youth voice to engage with the council, understand the workings of local democracy and councils, and representing our young people in local decision-making.”

**9. By Councillor Fairhurst to Councillor Lees - the Leader of the Council:**

“Could you please inform us who is responsible and accountable for the lack of oversight and the reputational and financial harm in the following areas of concern, and what actions they will be taking in mitigation?”

- the disastrous change of the defence strategy relating to the Stansted Airport application which resulted in the granting of planning permission and at least £1.5 million in financial penalty awarded against this Council where even the external adviser pointed to a lack of oversight; yet nobody is responsible
- the imprudent interpretation of CIPFA guidelines for the Council’s commercial investments which has led to a reduction in yield of at least £1 million a year, ignoring the risk of interest rates rise in borrowing from private lenders and now being forced to retreat to public lending which will cost a substantial sum every year; yet nobody is responsible
- the poor management of the Local Plan resulting in more than 3.5 years of significant additional costs and resources, exposure to mass building by developers and a return to May 2019 in terms of development of the Plan; yet nobody is responsible
- the lack of action and acknowledgement that the police investigation which has overshadowed this Council since March 2020 was a serious matter despite calls for action; yet nobody is responsible.”

**Response from the Leader of the Council:**

“The action taken by the Council, with regard to a high expansion of the airport, was supported by the majority of Councillors from all parties, including Green Party members. It is important to fight for the future of our planet. As a



result of the appeal decision, the Residents Administration at UDC commissioned an independent expert review. The resulting report has been published in full, and it has been fully debated in a Full Council meeting, so I commend that report to Councillor Fairhurst to re-read. I think that Councillor Fairhurst may have forgotten that he advised on the employment of Mr Coppell who headed up UDC's defence at appeal. He used all the expert evidence, which was then available as best he could, and it must be remembered that the appeal process was entirely conducted by him and officers. It was the fact that the technical evidence did not support the defence of the appeal – nothing else – as the Inspectors made very plain.

It should not need to be repeated, as it has been stated several times before, that no elected member directed or changed the strategy nor had the right to do so once the appeal process was underway. Councillor Fairhurst will not need to be reminded of the steps which have subsequently been taken, in light of the independent advice, to revise the means of conducting significant appeals and bringing matters back to Full Council if and when appropriate.

On the Council's commercial investments, the question is inaccurate as neither the CIPFA guidelines, nor the government rules imposed at the end of last year alter the yield. A yield is the annual income generated, in this case rent, divided by the purchase price of the asset, expressed as a percentage. UDC's investment portfolio has been extremely successful in supporting £millions of spending on services whilst simultaneously increasing in value, according to CBRE, UDC's independent experts, whose regular valuations are published in the Investment Board agendas. Overseeing all investments is the cross-party Investment Board, with all purchasing decisions taken by all Members at Full Council.

The question on interest rates is responded to in the answer to the question from Councillor Caton.

The lenders are not 'private' – they are Phoenix Life, other Local Authorities and similar public bodies, and the Public Works Loan Board. Again, full details are published in the agendas of the Investment Board, and also in the published quarterly financial updates.

There has been no 3.5-year delay on the Local Plan as falsely claimed by Councillor Fairhurst. Councillor Fairhurst will remember that the previous Local Plan was submitted for government inspection before the 2019 election, at which a Residents Administration displaced the Conservatives.

UDC withdrew that Local Plan that had been submitted by the previous administration on the advice of the Inspectors letter, in January 2020, in coming to a decision on the most appropriate way forward the Council sought advice from independent consultants sourced through the talent bank of the East of England Local Government Agency. In their advice at the time, the Inspectors stated:

“We estimate it would take between 1 and 2 years, possibly longer, to complete the necessary work and that would include work which is normally undertaken as part of the plan preparation process, also we are of the view that withdrawal of the plan from examination is likely to be the most appropriate option.”

It is important to note that this failed Local Plan was supported by Lib Dems, of which Councillor Fairhurst is now in political alliance.

After three failed attempts between 2005 and 2019, I cannot overstate how important it is that UDC’s next Local Plan succeeds in delivering what local people need: a way of positively shaping the future growth of our area and protecting the unique local character of our beautiful and historic district. It also must be based on evidence, rather than political whim, though politically one could suggest this may appear not to be the best of moves. This administration will always stand firm to do the right thing and pausing to ensure a Robust Evidence Based Plan is produced is the right thing.

The Local Plan process oversight and governance is undertaken by the cross-party Local Plan Leadership Group (LPLG), with project management of the process overseen by the Scrutiny Committee. Councillor Fairhurst’s colleagues Councillors Light and Caton sit on the LPLG. The LPLG and Scrutiny are meeting in joint session the day before Full Council in October to discuss the situation and ensure that the process leads to the top quality Local Plan that our residents and communities deserve.

The Plan costs are the subject of another question, and are noted in the relevant answer.

Councillor Fairhurst knows that after long investigations by both the Police and CPS, that they called ‘meticulous’, there was a finding of absolutely no case to answer. Knowing the answer already, it would seem that continued repeated accusations, are bordering on defamation and harassment.”

**10. By Councillor Criscione to Councillor Evans - Cabinet Member for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan:**

“What action has this Council taken through its planning policy and development management functions to secure increased sewage capacity, to improve the existing under-provision and plan appropriately for the significant growth across the district?”

**Response from the Cabinet Member for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan:**

“The on-going work on the Local Plan includes an Infrastructure Delivery Plan (IDP). An IDP was produced in 2018 and will be updated as the Local Plan moves on. Through consultation with key infrastructure providers, including water companies, the infrastructure requirements that are needed to support

new development will be identified and incorporated into the plan. The local plan process plans for infrastructure to support future development.

It is not for individual planning applications to address infrastructure needs specifically around sewage and wastewater. Sewage undertakers have a duty to maintain their infrastructure to accept sewage and wastewater from new developments. Outside of the town planning regime officers are seeking to pursue historic deficits separately with providers.”