

Uttlesford District Council Meeting 18 July 2023

Written Questions to Members of the Executive and Committee Chairs

Written responses to be published on 17 July 2023

1. By Councillor Barker to Councillor Lees – Leader of the Council:

“Please provide a comprehensive list of Cabinet Member portfolios to include all those items listed at the May Council meeting and in addition responsibility for:

Sport, Heritage, Culture, Museum, Grants, Rural issues, Licensing, Waste & Recycling collection, Democratic Services, HR, staff welfare and any others missing from the May list.

Please also identify Lead officers for each area of responsibility.”

Response from Councillor Lees:

“My thanks to Councillor Barker for her question – Portfolio Holders and their headline responsibilities were published with the agenda papers for the Annual Council meeting held in May and further information for the public was circulated via social media channels in advance of the Cabinet meeting on 29 June. I have also asked that the document be circulated in the most recent Members’ Bulletin and believe that the most substantive responsibilities have been clearly allocated. A number of areas you have referenced have not been allocated to a specific portfolio, such as Licensing, as the lead member is conventionally the chair of the relevant committee. As mentioned in the most recent bulletin, the Communications team will issue further materials on these committee responsibilities in due course.

I would also like to bring to Cllr Barker’s attention to the following section of the Scheme of Delegation:

Under the Local Government Act 2000 the Leader may discharge all functions of the executive or may arrange for them to be discharged by the executive, a committee of the executive, a member of the executive or by an officer. Such delegation does not preclude the Leader exercising the function personally.

As has been highlighted in the past few months during our induction, members should be contacting senior officers, such as directors, assistant directors and service managers, via the member casework email addresses that are circulated

with the members' bulletin each week. This will ensure that queries are sent to the relevant lead officer in good time. If you are unsure on where to send the query, please use the general casework address and officers will redirect to the correct lead officer."

2. By Councillor Barker to Councillor Lees – Leader of the Council:

"The Cabinet report on Blueprint Uttlesford states that by 2028 there will be fewer staff employed at Uttlesford. To help all members understand the changes in staffing that will occur can the Leader please provide two lists:

The first is a list of the Statutory Functions that the Council must undertake
The second is the Non Statutory functions that we do currently undertake."

Response from Councillor Lees:

"The idea that delineating services bluntly into two separate lists between statutory and non-statutory is a very old fashioned and derivative mindset, and is often actively unhelpful in leading to the false impression that those services on a non-statutory list are for the chop where those on a statutory list are somehow immune from consideration, when this is very much not the case, and it is far more sensible for a much more holistic, informed and differentiated approach to be taken. Indeed, the loose term 'statutory' is ill-defined to the point of being generally meaningless: district councils are essentially creatures of statute, and we require a statutory basis to carry out any of our functions, so arguably all of our services are 'statutory'.

Even those services that one might lazily badge as 'statutory' by dint of there being some specific statutory requirement in that area are rarely defined in the relevant Act to the level to which they must be provided, or the way in which they can most effectively and efficiently be provided. The work on developing options is just beginning, and is scheduled to consider all areas of council business over the next four years, with Cabinet having just decided the initial list of which services will be looked at in which of the four years. There is no short-cutting of that thorough, careful and deliberative process, so the central premise of the question is materially flawed. At this time we are not looking for advice from others, considering the Bank of England has warned that the country is facing the longest recession since records began. I would suggest the era of public spending cuts seen since 2010 has reached the phase of austerity being the new normal.

The approach being taken by this council to service reviews will look at many more factors than statutory requirements, including income opportunities, shared service opportunities, business process reengineering, channel shift, use of new technology, and how different council services interoperate. These service reviews will where possible benchmark us against other comparable authorities, and they will work to involve staff, councillors, service users, supplier and partners as appropriate exploring

different options. Ultimately, for key decisions, options will be brought back to members for us to decide.”

3. By Councillor Criscione to Councillor Evans – Portfolio Holder for Planning:

“The Local Plan Scrutiny Committee and Local Plan Leadership Group have not met either individually or jointly in over a year. No evidence base documents have been published, and even more so, if a member of the public clicks through the website to "The New Local Plan" and subsequent page entitled "local plan evidence and background studies", they discover a Freudian slip in being directed to the 2019 evidence base.

What would the Cabinet Member respond in the contention that there is a democratic deficit in this current local plan-making process and, moreover, what democratic oversight has been, and continues to be in place on matters concerning the delivery of a draft local plan and associated evidence base in the period after the draft Regulation 18 Plan was discarded last May?”

Response from Councillor Evans:

“The Local Plan Leadership Group most recently met in public on 13 March 2023. Prior to that it met on 10 October and 10 November 2022. At the meeting in November the methodology for the site selection process was presented to members and discussed. The March meeting focussed on a high level overview of the work programme for 2023.

The LPLG also met as a working group on 20 February 2023. It discussed the Strategic Land Availability Assessment that was being undertaken at the time and reviewed the updated settlement hierarchy, which will assist decision-making in terms of where best to provisionally allocate new sites for housing and other purposes.

There have been no meetings since March owing to the pre-election period and the LPLG not being formally appointed until the first Cabinet post election on 29 June. It would have been improper to hold such meetings during that intervening period.

There will be further public meetings concerning the local plan in the run up to publication of the draft local plan this coming October. Throughout November and early December 2023, there will be an open, public consultation on the local plan over a period of six weeks.

A such, there is not a democratic deficit in the local plan-making process.

With regards to the evidence base, many of the 2019 documents remain part of our evidence base. Many of the documents are being or have been updated and refreshed to reflect the position in 2023. Some new documents are in the process of being added.

Owing to the timing of the pre-election and election periods, there have not been formal public meetings held on the local plan since March 2023, however the LPLG and Scrutiny Committee received information on the programme in March. As portfolio holder for Planning I regularly meet with officers and receives updates on progress. A draft Regulation 18 Plan has not been published to date, nor thus has any been discarded.”

4. By Councillor Haynes to Councillor Evans – Portfolio Holder for Planning:

“In view of the fact that so little information has filtered through to the public domain in relation to the Local Plan I would welcome a statement as to what has been done over the course of the past year.

We are told that the delay in getting to the Reg. 18 draft is due to deficiencies in the evidence base. What steps have been taken to rectify this and specifically, have the omissions in the Landscape and Heritage studies now been addressed (the lack of identification and analysis of key views in the former and the absence of any commentary on the setting of heritage assets in the latter)?”

Response from Councillor Evans:

“The Planning Policy Team has been strengthened in recent months following a successful recruitment process and is now back to full strength. This has allowed the team to commence work necessary to prepare a Draft Local Plan for consultation in the autumn of 2023. This involves considerable work across a series of workstreams, including a comprehensive update to the suite of evidence necessary to inform a Local Plan process. An update on this work was provided to all councillor at a briefing on 12th June 2023 and a further session focusing on climate change and housing on 12th July.

The updates to the Local Plan evidence base includes the commissioning of an updated Landscape Sensitivity Study and Heritage Assessments.

As indicated above, a new programme of meetings for the LPLG will now be established to ensure Councillors continue to have input and remain updated.”

5. By Councillor Lemon to Councillor Sutton – Portfolio Holder for Communities and Local Partnerships:

“Could I please ask that Councillor Sutton provide answers to the following questions on the Youth Council:

1) When did the Youth Council last meet?

And:

2) How many Youth Members do we currently have?”

Response by Councillor Sutton:

“Other than informal Zoom meetings during covid the last Youth Council meeting took place before the pandemic in March 2020

There are currently no elected members but contact has been maintained with a few young people and volunteers are keen to contribute.

Unfortunately we are now in an environment where continuing reductions in funding and services and the after-effects of Covid have left partners without the resources, and schools without the capacity, to provide the levels of support previously available. For residents across the district the continuing Cost of Living Crisis is a priority and there is little motivation to be involved in local politics.

We need to adopt a different approach to the previous traditional model of Youth Council and we intend to move forward by:

- Engaging more with Primary schools to introduce Cllrs and explore their ideas of democracy and local government.
- Working with Secondary schools to integrate meaningful engagement with council departments such as planning, climate change, business and communities.
- Supporting groups to include work with young people in their community initiatives such as Takeley Old School Community Hub and Touchpoint
- We will continue to identify pathways to enable the young people to have a voice and inform the Council of their views.”

6. By Councillor Moran to Councillor Hargreaves – Portfolio Holder for Finance and the Economy

“I am sure you agree with me that the provision of top quality sports and leisure facilities for our residents is increasingly important in the fight against obesity and to support good mental and physical health. Can you please give us an update in regards to the district’s leisure facilities, as follows:

1. Can you tell us what your onsite visits have revealed regarding the partial closure of Lord Butler leisure centre and assure us that this council has had in place a robust inspection regime of all council provided sports and health facilities in Uttlesford?
2. Can you please update us on any discussions you and your officers have had with the new operators of our leisure centres, Parkwood, in particular looking forward to the planned internal audit of all PFI contracts that is to take place in this council year?”

Response from Councillor Hargreaves:

“Officers are working closely with the PFI owner Linteum (Uttlesford) holdings Ltd, and the facility operator, Parkwood Leisure, to minimise the amount of time that section of Lord Butler Leisure Centre will be closed. Health and safety and facility inspection lies with the PFI owner and in turn the facility operator. The issue is with the ceiling area around and in the squash courts, which were built with Reinforced Autoclaved Aerated Concrete (RAAC), which you may well have heard of as it has been in the news because 700 schools have similar issues. RAAC comes in panels and looks like an aero chocolate bar, with a number of steel rods through each panel. The issues are that the rods rust and fail and also the aeration collapses causing the panels to bow and eventually start to breakdown. A number of the RAAC panels in the squash court area have been identified as needing urgent remedial work. Both of our other leisure centres are free from RAAC which ceased to be a permitted building material in the late 1990's. We are obviously keen to get the centre back fully open but as you will appreciate safety of staff and users must come first.

1. As you would expect, officers have met with the new owners of 1Life and I am pleased to say the centres operator is now on a sounder financial footing than prior to the acquisition by Parkwood. Since the purchase, Parkwood have concentrated on behind the scenes changes to make the operation more efficient and effective. They are now turning their attention to introducing more modern technology across the 1Life brand, something that was lacking prior to the acquisition. This will benefit both the staff and the users via the website
2. The authority gets to see and approve annual inspection reports for all three sites and all Planned and Reactive Maintenance works are approved by the authority in monthly contract review meetings.

As the newly appointed Portfolio Holder, Cllr Sutton was invited to tour all three leisure centres, and met the managers of each centre. Together with UDC Officers Nicola Wittman, Assistant Director of Commercial and Digital Change Management, and Paula Evans, Contracts, Performance and Risk Manager, they were shown the affected part of the Lord Butler building and the areas where the defects are present. It is cordoned off and some of the facilities closed. I will be doing a report to Cabinet on the whole Tour and the knowledge imparted regarding all three Leisure Centres and I hope that will be helpful generally to Cabinet and members.”

7. By Councillor Pavitt to Councillor Evans – Portfolio Holder for Planning:

With reference to para 3.1 of Appendix 1

“Please advise what action has been taken to assess the extent to which the council may unwittingly or otherwise compromise its legal responsibilities, namely to ensure that it does not undertake nor authorise projects which jeopardise (a), (b), (c) and (d) as contained in the Environment Agency’s (EA) reply to UDC (dated 26-10-2020), which stated:

Legal obligations and Article 4.7 Regulation 33 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 place a

duty on each public body, including Local Authorities, to have regard to River Basin Management Plans (RBMPs) when exercising their functions. This means they must ensure they neither undertake, nor authorise, a project which may jeopardise

a) The current status of a WFD element or cause its deterioration

b) The attainment of good status

c) Pollution reduction measures

d) Standards and objectives for protected areas”

Response from Councillor Evans:

“The EA is a statutory consultee for the purposes of certain planning applications. The council consults the EA on proposals which may affect watercourses and which have the potential to add to pollution to rivers and streams. We rely on the responses of the EA, as well as other consultees and specialists, to assist in ensuring council decisions do not negatively affect the water environment and do treat water and river health as a material consideration when considering planning applications.”

8. By Councillor Pavitt to Councillor Evans – Portfolio Holder for Planning:

With reference to para 3.5 of Appendix 1

“What further information has been received from the Greater Cambridge Planning Service on their Water Management Studies following the meeting of officers on 27th April 2021 and what implications are there for Uttlesford in the EA’s formal objection on 26th June 2023 to new housing in South Cambs on the grounds of water concerns and river damage which pose - quote: “a real risk to chalk streams, river, and wetland habitats.”

Response from Councillor Evans:

“Our officers continue to meet with all surrounding planning authorities under Duty to Cooperate requirements. I, and officers, are aware of the situation in South Cambridgeshire and officers working on the local plan are mindful of the position across the district border. The position on water is one of a number of important factors that may well influence the final version of our local plan.”

9. By Councillor Gregory to Councillor Evans – Portfolio Holder for Planning:

With reference to para 3.6 of Appendix 1

“What information has been received from the council’s water cycle study consultants in respect of the water sustainability and river pollution concerns summarised by JBA Consultants in their presentation in October 2021?”

Response from Councillor Evans:

“As part of developing the evidence base for the emerging local plan, a Water Cycle Study has been commissioned and a final draft will be published at the same time as the local plan consultation. The Water Cycle Study sets out how the council can deliver future development within environmental constraints and/or with the provision of appropriate infrastructure. This study sets out a number of recommendations, not just for UDC as a planning authority, and where relevant, is being incorporated into draft policies for the LPLG to consider. In addition, an analysis of our chalk streams has been undertaken. Again, this work and report will include recommendations that members will be presented with and will have the opportunity to consider.”

10. By Councillor Gregory to Councillor Evans – Portfolio Holder for Planning:

With reference to para 4.1 of Appendix 1

“How has the Environment Agency been - to quote: “actively considering.... the matters raised in the adopted motion” and is the cabinet member for Planning satisfied that both UDC and the EA have addressed these “as a matter of urgency” bearing in mind the motion was passed four years ago?”

Response from Councillor Evans:

“The council lobbied the EA following the ‘Waters and Rivers’ motion in 2020. Since then the Government and the EA has updated the River basin Management Plans (RBMP) that include Uttlesford. The Anglia RBMP was updated in December. The Chief Executive and Director of Planning are meeting with EA Officials later this month to discuss the Management Plans, water quality and river ecology and can provide an update following the meeting.”

11. By Councillor Criscione to Councillor Evans – Portfolio Holder for Planning:

With reference to para 4.2 of Appendix 1

“Is the cabinet member for Planning satisfied that suitably robust “measures to protect and improve water supply, river flow and environmental conditions” will come forward in what little time remains before Reg 18 consultation of the Local Plan and what “further evidence and expert advice” has been obtained to this end?”

Response from Councillor Evans:

“Draft policies will be reviewed by the LPLG, at Cabinet and then Full Council along with the draft (Regulation 18) version local plan. Members will have seen the relevant evidence and will thus be in an informed position to consider and seek to ensure that the drafted policies secure these aims and objectives. Of course, there then follows a wide consultation period, which will include consultation with residents, consultees and specialist bodies. Policies may then be amended, refined and added to in the run up to the Regulation 19 version of plan due to be published in summer 2024.”

Appendix 1 - Questions Regarding Water Sustainability & River Damage as submitted by Councillors Pavitt, Gregory and Criscione (Questions 7 – 11)

Background

Three years ago (July 2020) council unanimously passed a motion regarding the effect on Uttlesford’s rivers of over-abstraction of ground water. The motion required specific actions.

A year later (20/7/21), Cllr Pavitt asked for a report to full council of the progress made in respect of those actions. In response, the Asst. Director of Planning provided a list of actions and a summary of progress (attached below). Using that report as a benchmark and its paragraph numbering, can the Member for Planning please respond to Questions 7 -11:

Provided by Assistant Director – Planning, 11 May 2021

BRIEFING NOTE FOR THE LEADER PROGRESS ON ADDRESSING ISSUES IN THE JULY 2020 WATERS AND RIVERS MOTION

1. **Purpose of this Note**
- 1.1. To provide an update on Water related work that has taken place following the Council adopting the ‘Waters and Rivers’ Motion in 2020.
2. **Background**
- 2.1. On 21 July 2020 the Council resolved on Waters and Rivers:
 - 1) To act to raise awareness of the threat to its rivers and to:
 - (a) Call on those responsible for water supply and environmental protection to adopt immediate measures to avoid the loss of important river habitats.
 - (b) Lobby central Government to gain better recognition of both Uttlesford’s water imperatives and also the need to protect its Chalk streams.

- 2) To make water supply and river health a material consideration of sustainability when assessing major applications for development within the district.
 - 3) When developing the district Local Plan to give full and detailed consideration to:
 - (a) The sustainable provision of water throughout the district;
 - and (b) Protection of the Chalk stream habitats of Uttlesford.
 - 4) At the earliest opportunity to introduce stringent policies for new buildings in respect of water conservation and recycling.
 - 5) To call on the Environment Agency to:
 - (a) Immediately submit a plan for restoring a proper and consistent flow to the rivers of Uttlesford;
 - and (b) propose a programme for monitoring water quality and restoring the biological health of the rivers to at least “good” as defined in the Water Framework Directive;
 - and (c) Ensure that the alkalinity of the Chalk streams within Uttlesford is and continues to be sufficient to safeguard the natural ecology associated with a Chalk stream environment.
- 2.2. Councillor Pavitt has indicated he will ask a question at Full Council on 20 July 2021 about what progress has been made as a result of the adopted Motion:
- * To call on those responsible for water supply and environmental protection to adopt immediate measures to avoid the loss of important river habitats.
 - * To call on the Environment Agency to immediately submit a plan for restoring a proper and consistent flow to the rivers of Uttlesford (together with other measures).

3. Actions to Date

- 3.1. Following the adoption of the Motion, the District Council wrote to the Environment Agency (Appendix 1) and a reply was received on 26 October 20 (Appendix 2). River Basin Management Plans are an important part of the Agency’s work and in Uttlesford there are two: Anglian and Thames (we fall within the Cam and Ely Ouse Catchment Partnership (CamEO) and the Combined Essex Catchment called Essex Rivers Hub).
- 3.2. The River Basin Management Plans are currently under review and a consultation took place last year with revised Plans due to go out for consultation before final publication this year.

- 3.3. The District Council has also become a member of Water Resources East (WRE) which is preparing a strategy to address water supply and related environmental impacts which are serious issues for all local authorities in the region. The District Council is an active member of the organisation and a regional strategy is in preparation for consultation before the end of 2021.
- 3.4. On 10 October 2020 officers of the District Council met representatives of the water companies and agencies and agreed how to collaborate in preparing the local plan. A copy of notes of the meeting are attached in Appendix 3.
- 3.5. On 27 April 2021 officers of the District Council met officers from Great Cambridge Planning Service for an update on their work on Water Management Studies (as well as decarbonising the energy grid) and agreed further collaboration. A copy of notes of that meeting is attached as Appendix 4.
- 3.6. On 29 April 2021 the Local Plan Leadership Group agreed the methodology for undertaking the next stage in preparing the Regulation 18 Draft of the Local Plan in accordance with the approved Local Plan Development Scheme. The methodology recognises that the water cycle issues, and related environmental issues, will be an integral part of the emerging local plan.
- 3.7. On 29 April 2021 both the Local Plan Leadership Group and the Strategic Infrastructure Delivery Group considered the proposed scope for a study on Water Cycle issues. Consultants are being appointed to do this work with a target date for a report back to members in November 2021.
- 3.8. On 22 April 2021 the consultation period closed for the Local Plan Issues and Options Stage and representations have been received from the Environment Agency, Anglian Water and Thames Water. These representations are currently being processed.

4. Summary of Progress

- 4.1. Both the Environment Agency and Water Resources East are actively considering a range of issues, including the matters raised in the adopted Motion and the Council. The Council will continue to engage with these organisations to ensure that the matters highlighted in the adopted Motion are fully addressed as a matter of urgency.
- 4.2. The Local Plan presents a significant opportunity for the District Council to include measures to protect and improve water supply, river flow and environmental conditions and the actions described above support the preparation of a local plan to do that. The Council is currently obtaining further evidence and expert advice to ensure that this is done.

Gordon Glenday

Assistant Director – Planning

11 May 2021