

**SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 22 JUNE
2023 at 7.00 pm**

Present: Councillor N Gregory (Chair)
Councillors M Ahmed, G Bagnall, C Criscione, B Donald,
R Gooding, R Haynes, S Luck and A Reeve

Officers in attendance: R Auty (Assistant Director - Corporate Services and Monitoring Officer) and C Edwards (Democratic Services Officer)

The Chair explained the purpose and remit of the Committee. He welcomed new Members.

SC1 PUBLIC SPEAKERS

Mr Andy Dodsley and Mr Peter Bright addressed the meeting, copies of their statements have been appended to the minutes.

The Chair made the following comments:-

- The Local Plan Leadership Group (LPLG) and Local Plan Scrutiny had not been able to meet since March due to the pre-election period which restricted political discussion and policy making and at this time all committees and working groups were disbanded until after the election.
- The LPLG would not be reconstituted until after the Cabinet meeting on the 29th June when the new working groups and membership were approved.
- Although there was nothing in the Scrutiny work plan specifically about the Local Plan he expected that there would be an update in the 7th September Scrutiny Committee.
- The Portfolio Holder for Planning and the relevant officer had been e-mailed today for a reply to the questions raised by the speakers at the previous meeting of Local Plan Scrutiny in March.
- As far as he knew the Local Plan was on track for the 27th October date.
- LPLG meetings would be scheduled shortly.
- Progress would be monitored by the administration, the Chief Executive, Officers and most importantly by Scrutiny Committee. There was also the opportunity to call extraordinary meetings if necessary.
- The Frequently Asked Questions promised at the last meeting would be followed up with Officers and brought to the Leaders attention.
- As far as he was aware there would be fair representation on the LPLG both politically and geographically.
- The public speakers would be welcomed back to the 7th September meeting if they wanted to attend.

Councillor Bagnall who was the Chair of LPLG in the last term and had been put forward to be the Chair again said:-

- There would be an update on the Local Plan and the process shortly after the Cabinet meeting on the 29th June.
- He accepted the criticism that there needed to be better public perception and participation in the process going forward.
- He accepted that it had been the wrong decision to have all closed workshops.
- It was important to have a Local Plan that was fit for purpose and so it was better that it had been delayed in order to get the evidence right.

SC2 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Sell.

Councillor Haynes said he was the ward member for both Andy Dodsley and Peter Bright.

SC3 **MINUTES OF THE PREVIOUS MEETINGS**

The minutes of the meetings held on 2nd and 13th March 2023 were approved as an accurate record.

SC4 **CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL IN OF A DECISION**

There were no matters referred. The Assistant Director, Corporate Services gave a brief explanation of this item and referred Members to part 4 of the Constitution.

He said that any decision made by the executive, an individual member of the executive, a committee of the executive, a key decision made by an officer with delegated authority from the executive or under joint arrangements could be called in by the Chair or any three members of the Scrutiny Committee.

SC5 **CABINET FORWARD PLAN**

The Cabinet Forward Plan was noted. In response to questions from Members about write-offs below £10k, the Assistant Director, Corporate Services said that these were in the remit of and would be considered by the Audit and Standards Committee.

He agreed to get the relevant Assistant Director to send an explanation of the process. The Chair said that these were mainly routine items from Revenues and Benefits, for example writing off a debt when someone had died and did not have the money within their estate to pay any outstanding monies.

SCRUTINY WORK PLANNING

The Scrutiny Work Programme was noted.

The Chair said that it was the committee that decided what items were brought to be scrutinised. He said that the table in the report was populated by standard items but there were blank spaces that would be filled depending on what Members wanted to review.

The Chair went through the report and gave his observations and comments. He gave a brief summary of each entry that was currently set to come to the committee over the year.

He then talked through other work programme items that could be pre-scrutinised before going to Cabinet and those that Members had raised.

The Assistant Director, Corporate Services said that the overview for performance monitoring was now the responsibility of Cabinet and therefore would be within the Scrutiny Committee's remit. He suggested that the first tranche of data came to the committee in full to get an understanding of what was involved.

The Chair said that the data would then be used to explore issues further and a discussion held on how Scrutiny could monitor.

Councillor Criscione declared that he had a live application within minor applications.

The Chair said that reports from the Investment Board came to him as Chair of the Scrutiny Committee but there had not been a need to call in any items so far. He said that the Investment Board was made up of independent members and had overview of all the investments made.

It was noted in the report that the committee had responsibility under the Police and Justice Act 2019, section 19, the Assistant Director, Corporate Services said this had not been taken up but needed to be considered.

A discussion was held and the following points were made:-

- The level of maturity within the committee was a buzz word within the scrutiny community that gave an indication of how the committee was run and the level of involvement and politicization. The Chair said that he thought the current committee was semi mature as it had an independent membership which held people and actions to account.
- The Assistant Director, Corporate Services agreed to circulate the proforma previously used by Members to put forward ideas for the committee to consider.
- He suggested that Members waited until after the scrutiny training being held on the 6th July before choosing what they would like to bring to the committee as this would give them a better understanding and a lot to think about.

- It was suggested that there should be more joined up thinking between the Local Highways Panel and the Climate Change Team.
- Councillor Gooding said that as the Chair of the Local Highways Panel he would be willing to come to a future Scrutiny Committee to be asked questions about the Local Highways Panel as there were significant changes which were in the process of being finalised.
- The Assistant Director, Corporate Services said that the Committee had no formal responsibility for the setting of performance monitoring targets, but recommendations could be made the next time these were considered, which was usually at the beginning of the municipal year.

Councillor Criscione was concerned about the new approach to Local Plan Scrutiny. He said that it was important going forward that there was much greater public involvement and transparency .

The Chair agreed that it was likely there would be a need for more scrutiny of the Local Plan. He said that it would be on the agenda at the September meeting.

Councillor Haynes said that there needed to be much greater public involvement and the meetings should not be closed off to the public just because there were a couple of items of sensitivity. He said that if this was the case the meeting should go into part 2.

Members agreed that public involvement in the Local Plan needed to be encouraged and communication greatly improved.

SC7

HOUSING REVIEW TERMS OF REFERENCE

The Portfolio Holder for Housing and Equalities presented the Report. He gave an update on the current situation within Housing and made the following comments:-

- As a last resort a court order was necessary to gain entrance to some homes to carry out essential maintenance.
- He was concerned about the time it took to fill voids, which on one occasion was up to 4 months.
- There were people desperate for homes and the department was losing money whilst the properties were empty.
- The service needed more money in order to resolve the large waiting list, this would have to come from central government.

In response to questions the Portfolio Holder for Housing and Equalities said:-

- He was aware of the problem with some access roads that were in poor repair, but unadopted and therefore not within the Highways remit. He agreed to take the discussion outside the meeting with Councillor Gooding.
- The cost of servicing gas boilers was high but this had to be carried out by law.
- The Housing Revenue Account was very low on funds.
- There was new legislation that had to be complied with but added cost.

- The Norse contract costs were higher than expected but were in the process of being re-negotiated.
- The housing stock was old and the service had fallen behind with repairs.
- The proceedings against the developers at Reynolds Court was an on going investigation. Wrong decisions were made and sign off should not have been given. It was important to learn from it and make sure it did not happen again.
- The voids took a long time to fill for a number of reasons including:-
 - Left in a bad state
 - Costs and age of the property
- The process needed to be improved with better stock checks.
- There should be an inspection on properties every 10 years and worn items replaced, but in fact this was sometimes closer to 20 years and if things were still working they were often not replaced.
- There was a lack of investment in social housing.
- The King Edward IV almshouses negotiations had never completed. Uttlesford District Council had asked for eight of their tenants to be given accommodation in the thirteen properties that were being rebuilt. In the end it was decided it did not offer good value for money.

Councillor Gooding asked if the Uttlesford Norse contract negotiations could be added to the Scrutiny Work Plan. The Chair said that the committee would not be able to get too involved due to sensitive commercial issues within the negotiations. He said that a report would be on the agenda for Scrutiny Committee in September which would show how the contract negotiations were proceeding and if there was a further role for the committee.

In response to a question from Councillor Criscione, the Assistant Director, Corporate Services said that the Housing Rent Account 30 year business plan would come to the committee and would be picked up when it appeared on the Cabinet Forward Plan. He said that the Housing Rent Account was also scrutinised by the committee through the budget and finance item that was brought to Scrutiny in February each year.

The Chair summarised the discussion, he said that there was a lot going on in the Housing Service, he said that the Portfolio Holder for Housing and Equalities had a firm grip and was working well with the department. He said that it was a detailed report with areas of concern clearly highlighted. He recommended that the report was remitted to Cabinet and the Members agreed unanimously.

Agreed: That the report be remitted to Cabinet.

SC8 CENTRE FOR GOVERNANCE AND SCRUTINY ANNUAL CONFERENCE (VERBAL)

The Assistant Director, Corporate Services said that both he and the Chair had attended the conference. He said that it had shown that the Scrutiny Committee at Uttlesford was not in too bad a state. He said that there were some key messages that he took away, including keeping an eye on devolution and that a

change of National Government would not change the current issues facing the Council.

He said that he had picked up from one of the sessions that it was good practice to have some sort of Executive/Scrutiny protocol. He said that there was a memorandum of understanding document which he would update and circulate.

The Chair agreed and said that there had been an interesting suggestion that the three Statutory Officers, (Section 151 Officer, Head of Paid Services and the Monitoring Officer) met for regular formal minuted meetings to check if there were any areas of concern. He said that it could be useful to pick up on any reservations that they had and could possibly have brought to light certain issues that the Council had faced in recent years, like Stansted Airport, the Local Plan and Reynolds Court. He said that it was not appropriate for this to be imposed but could be raised with the Chief Executive.

The meeting ended at 20.35.

PUBLIC SPEAKERS STATEMENTS

STATEMENT FROM ANDY DODSLEY

Scrutiny Committee Meeting 22nd June 2023 – Andy Dodsley - Public Speaking Input

Agenda Item 2 of tonight's meeting is to consider the minutes of the Local Plan Scrutiny Committee meeting on the 13th of March 2023. You will have read in the minutes that I attended that meeting and asked two questions:

Has the restrictive covenant on the Easton Park site been raised as part of the site assessment process for the Local Plan and is it included in the site assessment criteria?

Does the council have a position on the 1939 agreement and if so, what is it?

As the minutes indicate, Members raised concerns around the lack of opinion that the council had on the covenant and the chair requested that the portfolio holder provide me with a definitive answer. I am here to remind you that we are now 3 months down the line and I have not yet received an answer. These are reasonable questions to ask given the number of times this site has been and is still being assessed and it is very worrying that the council does not appear to know the answers.

You will also note from the minutes that another speaker raised the issue of the absence of LPLG meetings over the last year and the lack of transparency of the process to the public. The LPLG meeting on the 13th of March is the only meeting held in the last 12 months. There are no LPLG or Local Plan Scrutiny committee meetings currently scheduled between now and October. We are now closing in on the delayed date for Regulation 18 of the 27th of October and yet

not a single piece of Local Plan evidence has been submitted to the LPLG in the last 12 months.

I therefore have some further questions:

1. How is the Local Plan process being managed and led? It obviously isn't through the LPLG as they have only met once in 12 months and have had no sight of any aspect of the evidence base.
2. Following the hastily withdrawn proposals of a year ago which, by the council's own admission, did not have a robust evidence base behind them, an Extraordinary Joint Session between the LPLG and the Scrutiny Committee in October 2022 identified that a key lesson learnt from the withdrawn plan was (and I quote) "the failure of accountability of the LPLG and Scrutiny Committees, as LPLG had not met for 6 months, and Scrutiny had not been provided with enough opportunity to identify problems in the evidence early on". Given the lack of action over the last 12 months, what assurances can this committee give that we are not seeing exactly the same situation arise again, and, given the continuing absence of LPLG and Local Plan Scrutiny committee meetings, tell the public what activities, if any, are being scrutinised.

STATEMENT FROM PETER BRIGHT

Good evening. For those who don't know me I am Peter Bright, chairman of Little Easton Parish Council and a founder member of Stop Easton Park. Tonight I want to express my concern at the Scrutiny work programme relating to the Local Plan. First, I make no apologies about objecting to housing plans on Easton Park to meet the Government's diktat for housing numbers in Uttlesford. Less than two years ago the benefits of open space, the countryside and reducing food imports by expansion of agriculture were being opined by the great and the good. Uttlesford may need houses but it doesn't need a new town on Easton Park with a bigger population than Saffron Walden and Dunmow combined. There is an astonishingly high level of house-building currently in train overstretching already stretched infrastructure in the south of the district. The seemingly casual way in which the 1939 restrictive covenant (freely entered into by the then Rural District Council of Dunmow, subsequently recognised by UDC and Landsec in 2011) can potentially be tossed to one side shows scant disregard for such covenants and questions the entire efficacy of creating one. It certainly does not enhance people's trust in the council. Second, we do need a local plan and in the last meeting of the Scrutiny Committee I asked whether internal communication issues had improved following concerns, frustratingly aired by several Councillors, that they were unaware of delays in the process. I mentioned the lack of Local Plan progress updates to the public DESPITE that same public funding millions of pounds for two previously failed plans. I am no wiser about progress now than I was since the last date revision. And that is appalling given that I, along with all the other residents of our district, continue to fund the process. So what is the status? Are milestones being met? Is Reg 18 still on target for 27th October? Have all previously identified risks have been sufficiently mitigated? Have any risks been added? Is the LPLG working group to be reconstituted? Why are there no LPLG meetings currently scheduled? Who is monitoring overall progress? When will public transparency recommence? Following my last speech to the Scrutiny Committee the Leader of the Council

proposed that “an FAQ section be created on the Local Plan webpage, which will publish responses to queries from the public”. It hasn’t happened yet but if the reason is a lack of questions you now have enough to fill a couple of pages. Third, and lastly, the single biggest project this council MUST deliver requires overarching scrutiny to ensure success. The Uttlesford website states the Scrutiny Committee “ensures that decision-makers are accountable for what they do, the decision-making process is clear and accessible to the public, and that there are opportunities for the public and their representatives to influence and improve public policy and services”. Laudable goals. So why does, in your reports pack this evening, agenda item 6 (Work Planning) paragraphs 24 and 25 state that Local Plan Scrutiny meetings will not take place during this council term. I have attended and read the minutes of recent Scrutiny meetings. I do not recognise the claim that there is duplication of effort between Scrutiny and the LPLG. Indeed, Scrutiny performs its role of ensuring accountability and transparency superbly well. An analogy is that Scrutiny performs an Internal Audit role for decision-making committees and working groups. And that is arguably just as important as Internal Audit is for financial probity. LPLG has been very ably chaired with good debaters. The key frustrations for me were the closed door meetings where transparency became opaque. If it is being reconstituted, which body is going to scrutinise LPLG’s work, if not the Scrutiny Committee itself? Who will ensure there is fair representation and process on the LPLG and resultant recommendations to Cabinet are arrived at after robust debate? (That’s another couple of questions for the FAQ page by the way.) If challenge and oversight is lacking on any decision it will get picked up by the public and then it’s a sure-fire bet that a future Inspector will do so as well. Thank you.