

# **Uttlesford District Council Meeting**

## **5 December 2023**

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

#### **Written responses published on 4 December 2023**

**1. By Councillor Gregory to Councillor Coote – Portfolio Holder for Housing:**

“Please provide a progress update on Reynolds Court, the cost of remediation and recovery of costs relating to Reynolds Court?”

**Response from Councillor Coote:**

“The cost of remediation relating to electrical works, fire-stopping, repairs, maintenance and investigation of the heating system at Reynolds Court was provided to UDC by UNSL on the 27<sup>th</sup> November 2023 and totals £70,360. The list is currently being scrutinised by UDC and UNSL, to determine how much we believe should be recoverable and this task will be completed by the 8<sup>th</sup> December 2023. We will then present our findings to Lovells prior to meeting with them in early January. The total expenditure in relation to the waking watch has been £68117. We are currently negotiating with Lovells in respect of this.”

**2. By Councillor Sell to Councillor Hargreaves – Portfolio Holder for Finance and the Economy:**

“Was any consultation held with town/parish councils or representatives of local business before the decision was made to slash the number of days allocated for free Christmas parking?”

**Response from Councillor Hargreaves:**

“We do not normally carry out any formal consultation but do align with key events taking place. The feedback we have received previously regarding free parking between Christmas and New Year from businesses has not been positive, the view is that this doesn't serve any real purpose as there is no increase in footfall during this period.”

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

“What was the rationale for not holding a local plan exhibition at Stansted (the district’s third principal settlement) and holding the exhibitions only in the evenings and not during the hours of daylight?”

**Response from Councillor Evans:**

“Arrangements were made to hold the local plan public exhibitions in five locations, including Manuden and Newport, on the basis that suitable facilities were available at each location, including car parking. It was considered that those two locations would be suitable to attract visitors from the surrounding areas in the west of the of the District, including from Stansted Mountfitchet. The timing of the four events, each running from 1700 to 2000, was considered likely to be the most convenient to potential attendees and thus attract them in the greatest numbers.”

**4. By Councillor Silcock to the Councillor Lees – Leader of the Council and Councillor Hargreaves – Portfolio Holder for Finance and the Economy:**

“When is the car parking review likely to be completed?”

**Response from Councillor Hargreaves:**

“The parking review and supporting documents are published on the UDC website and can be viewed using the following link [Uttlesford car parking review 2022 - Uttlesford District Council](#).

The review, which is very detailed and covers all aspects of on-street and off-street parking across the district, was sent initially to the two Town Councils and Stansted Mountfitchet Parish Council ie. the locations with the most contention for parking spaces, for comment. It has also now been sent to all parish councils.

Proposals to alter off-street Car Parking Tariffs will be brought to Cabinet this month (December) after which they will go to a consultation.”

**5. By Councillor Silcock to the Councillor Lees – Leader of the Council and Councillor Hargreaves – Portfolio Holder for Finance and the Economy:**

“What sub lets have taken place at Canfield Business Park?”

**Response from Councillor Hargreaves:**

“As owner of the property, we lease to tenants. There has been no sub letting. I would like to refer Cllr Silcock to an email sent from officers to all Councillors on the 23<sup>rd</sup> of August, which set out details of all tenants in UDC buildings. Little Canfield continues to be fully let and the tenants are:

Optimum AV Audio Visual Rental & Production Company - Optimum AV

Abundant Care Home - Abundantcare

Lightwood Logistics Lightwood Logistics | Pallet Storage”

## **6. By Councillor Fiddy to Councillor Evans – Portfolio Holder for Planning**

“Planning conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. In the year ending 31.03.23 the Local Government and Social Care Ombudsman upheld just two complaints made against Uttlesford District Council, both of which were related to failures of the planning conditions process, one wholly and one partially. When the planning conditions process fails, the risk to the council is high both in taxpayers’ money and reputation. The Ombudsman letter says that complaints offer organisations a ‘rich source of intelligence and insight that has the potential to be transformational’. Good corporate governance requires a review of the actions that resulted in these complaints so as to reduce future risk. Has such a thing been carried out? Specifically:

- i) Does UDC follow a documented, standardised process, preferably benchmarked against best practice, for writing and discharging planning conditions?
- ii) If so, have the actions that resulted in complaints been investigated against this process and has any remedial action (e.g. a review of process, or additional training) been put in place to ensure that these mistakes are less likely to reoccur elsewhere?”

### **Response from Councillor Evans:**

“Councillor Fiddy raises a very important aspect of Development Management. Approved plans and decision notices (and therefore conditions contained therein) govern a grant of planning permission. It is therefore essential to ensure that all conditions are carefully crafted and perform as intended.

The scope to impose conditions is set out in the Town & Country Planning Act 1990. The NPPF sets out six tests which govern the application and wording of conditions. The scope and application of conditions has also been tempered over the years by the

courts. Through their own continual training, team meetings and one-to-ones with managers, officers are kept informed of best practice and case law with respect to drafting conditions. In the case of the two Ombudsman decisions concerning planning decisions, these related to cases dealt with pre-2019. However, the Planning Committee Working Group will be receiving a report on the findings of the most recent Ombudsman decision in the new year.”

#### **7. By Councillor Barker to Councillor Evans – Portfolio Holder for Planning**

“Can I please ask for the number of Planning permissions granted since 1/4/2023 which have not been counted in the Local Plan numbers.

These should be presented in the form of a table with the Parish/ Town identified as well as a split between Market and Affordable. The table should include permissions granted on appeal, granted by the inspector, granted by Committee or granted under officer delegation.”

#### **Response from Councillor Evans**

“That information will be prepared in the new year as part of the ongoing local plan project-plan. It will be formally published in Spring 2024 with a ‘working draft’ version made available earlier for Local Plan Leadership Group. This can also be made available to the wider council membership. I should take this opportunity to say that the final housing figures that will make up our Regulation 19 version of the local plan may not simply be the arithmetical product of the current figure minus planning permissions granted in 2023/24. However, the figure will provide an indication of the reduction of housing numbers to be allocated in the Regulation 19 version.”

#### **8. By Councillor Barker to Councillor Reeve – Portfolio Holder for Environment and Climate Change**

“I understand that a number of Villages that purchase a Village Green Waste skip have been let down in recent weeks. Barnston, Newport, Hatfield Heath and White Roding have been reported to me.

Can I ask the Cabinet member for details of how many visits have been missed since August, what his plans are to rectify this situation and to confirm that Parishes will not be charged for visits not made.

Can I further ask him to confirm the timetable for the replacement of the ageing fleet that seems to be at the root of the problem and to confirm that this will be a fleet run on renewable energy.”

**Response from Councillor Reeve:**

“There have been several occasions this year where we have been unable to offer the full weekend garden waste service to all the planned locations. Where possible, we have contacted Parish Clerks ahead of any disruption, to inform them of the reasons and to help inform residents that may be inconvenienced. Parishes will not be charged for any of the cancelled services. There have been 6 occasions since August where we have not been able to complete the schedule. Fleet replacement is currently being considered and proposals will be explored through the normal budget setting process. The primary reason for cancellation has been driver availability rather than lack of vehicles. We continue to review potential alternative fuels and will potentially move to renewables where there is clear improvement environmental performance.”

**9. By Councillor Gooding to Councillor Hargreaves – Portfolio Holder for Finance and the Economy**

“We note that the intention of the investment in commercial property is intended to provide a revenue income for the benefit of the Council. However, it is evident that the balance of short and long-term borrowing to fund this investment will be significantly affected by the recent rises in interest rates and the unlikely hood that these rates will decrease in the foreseeable future. Given this reality together with the fact that some of the investments will require upfront expenditure, funded by borrowing, that will take some considerable time to yield an income, will the Cabinet Member provide this Council with a fully costed cash flow forecast over the next five years setting out the times and dates for the cost of borrowing balanced with the revenue income derived from that borrowing based on the best estimates of interest costs over that period.”

**Response from Councillor Hargreaves:**

“That information is currently being prepared in a format that will form part of the budget setting process, in particular the five-year Medium Term Financial Statement, and will be presented to Members in February. One key factor in assessing future costs is the OBR forecasts which were only released on 22 November as part of the Autumn Statement.”

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

“Can you inform me what the current credit score of Uttlesford District Council is and where does it sit in regard to the national average and the eastern region average score for district councils?”

### **Response from Councillor Hargreaves:**

“This council, in common with most councils, does not pay for a credit rating as it is not required in order to be able to borrow from public sector lenders.”

### **11. By Councillor Church to Councillor Evans – Portfolio Holder for Planning**

“Can I please ask for the intended level and frequency of planning training for members of the committee.”

### **Response from Councillor Evans:**

“I am glad that this question has been asked since this Administration is very keen to support the training of Members and on going professional development for officers. This is a matter, in the context of planning, which has also been the subject of recommendations made by the recent Peer Review . Councillor Church who was able to be present for part of the recent meeting of the Planning Committee Working Group, to which I was also invited by the Chairman, will have heard that further training for the members of the Planning Committee will be introduced commencing in the New Year. Its frequency will be considered and decided upon by the Chairman and Members. Since development management decisions and the planning considerations underlying them are “plan led”, it is important for the effects of the current Development Plan, and its components, fully to be appreciated and suitable “refresher” training will be provided in this area as well as that of planning enforcement and appeals processes. Additionally, further training will extend to new and evolving policy areas, including:

- Biodiversity Net Gain
- The Uttlesford Design Code
- Levelling Up and Regeneration Act 2023”

### **12. By Councillor Church to Councillor Lees – Leader of the Council**

“Can I please ask the expected timelines for the completion of the 2019-2020, 2020-2021 and 2021-2022 External Audit.”

### **Response provided by Councillor Hargreaves:**

“The delay in completing the work on all outstanding audits is with our external auditors. Shortage of auditors is a national problem and government are working to address the issue. Limited work on the 2019/20 audit started again in mid-November but we have no

indication at present of a timescale for completion of this or any of the other outstanding audits.

This report by the Public Accounts Committee gives further information and expressing serious concerns:

<https://committees.parliament.uk/committee/127/public-accounts-committee/news/195918/unacceptably-high-backlog-in-local-government-audit-system-may-get-worse-before-improving/>

And published 24<sup>th</sup> November from the cross-party Levelling Up, Housing and Communities (LUHC) Committee:

<https://committees.parliament.uk/committee/17/levelling-up-housing-and-communities-committee/news/198578/government-must-act-now-to-fix-crisis-in-local-audit-say-mps/>

The committee is severely critical of the government's lack of prompt action to resolve this issue, which has been building for several years:

“The growing backlog of audit opinions seriously undermines efforts to hold councils to account for their financial management. The Government now needs to set out urgently what it will do to clear the backlog, re-establish trust in local audit, and accelerate its efforts to establish a local audit system leader.

Local public bodies are responsible for billions of pounds of expenditure each year, delivering public services that taxpayers rely on every day. However, the current format and content of accounts are so complicated that they are impenetrable to councillors and council officials, let alone the wider public. The Government should now lead on work with the audit sector to ensure audits and accounts support the oversight of public spending and strengthen local democracy and accountability.”

The report calls for the Department of Levelling Up, Housing and Communities (DLUHC) to move quickly to clear the audit backlog and implement its proposed actions by the end of the calendar year 2023. The report also recommends that DLUHC introduce backstop dates for publishing audit local authority accounts on an annual basis going forwards.

The Committee's report notes the lack of momentum in bringing forward the legislation to establish the Audit Reporting and Governance Authority (ARGA). The report recommends the Government make it a priority to establish the local audit system leader and ensure this body is the primary contact for local auditors to raise the alarm should they find matters of concern during an audit of a local authority.”

### **13. By Councillor Oliver to Councillor Hargreaves – Portfolio Holder for Finance and the Economy**

"The Chancellor's Autumn Statement extended the 75% business rates discount in the Hospitality and Leisure sector. Can you tell me how much this will save in rates for our Leisure Centres reassure the Council that this will be covered by a Government grant"

**Response from Councillor Hargreaves:**

"The Council's leisure centres are operated by 1Life, a separate Community Interest Company, who are responsible for the payment of business rates. Being a Community Interest Company, a measure set up in 2005 under the Blair government, gives all three leisure centres an 80% mandatory relief.

The discretionary Section 47 relief continued in the Autumn Statement is capped at £110,000, which applies across all 1Life's hereditaments in England. As 1Life operate leisure centres across England, it is their decision if and where to claim this relief. The Council does not routinely publish details of reliefs relating to individual businesses for reasons of commercial confidentiality. However, rateable values are publicly available via the government website if members wish to research.

I can confirm that only the Mountfitchet Romeera is in receipt of this relief for 23/24. It is 1Life's decision as to what they do for 24/25. The Council will be fully compensated via section 31 grant from the Government. In addition, there will be a new burdens payment for the administration of this scheme which will be allocated to each Council after an assessment of the expected reasonable costs."

**14.By Councillor Regan to Councillor Evans – Portfolio Holder for Planning**

"Why did the Council hold four Consultation Events about the Local Plan the week before distributing a leaflet explaining the proposals were delivered to Households?"

**Response from Councillor Evans:**

"A detailed e mail was sent by Mr Hermitage, the Director of Planning, to all Members on 20 November explaining the communications strategy concerning the Regulation 18 Local Plan. The purpose of the information booklet, distributed to every registered address in the district, was to provide a high level look at key areas of the draft plan and proposed site allocations. Its purpose was to sustain publicity around the consultation and urge participation in the consultation exercise by way of written or electronic responses. Further full-page local press adverts followed and repeated publicity will continue 4 x times weekly via social media adverts, counting down to the end of the consultation on 18 December. The process (including the booklets) exceeds statutory requirements."