



**MINUTES of  
OVERVIEW AND SCRUTINY COMMITTEE  
28 JULY 2022**

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**PRESENT**

Chairman	Councillor M W Helm
Vice-Chairman	Councillor P L Spenceley
Councillors	Miss A M Beale, B S Beale MBE, V J Bell, B B Heubner, C Mayes, S J N Morgan and C P Morley
In attendance	Councillors M G Bassenger, A S Fluker, K M H Lagan and W Stamp

**198. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting. The Chairman thanked Councillor V J Bell, the former Chairman of the Committee, for her excellent chairmanship over the past year.

**199. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor M S Heard.

**200. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 23 March 2022 be approved and confirmed.

**201. PUBLIC PARTICIPATION**

There was none.

**202. DISCLOSURE OF INTEREST**

There were none.

**203. NOTICE OF MOTION**

The Chairman advised the Committee that the Council had the Notice of Motion (as set out on the agenda) to this Committee for consideration as its remit was mainly one of scrutiny and review. For now, rather than look to discuss it without more information to understand what lies behind these issues, the Committee needed to receive it and

decide how to deal with it. Since the matters to be looked at are clear and the Council has asked the Committee to look at this, the Committee could at least agree to add it to its Workplan. The Committee's normal process would however be to refer a scrutiny request to the Overview and Scrutiny Working Group (which was due to be appointed at this meeting) to seek further information and then for the Working Group to report back to the Committee on the actual scope for scrutiny and a plan for how to go about it.

The Motion was in the name of Councillor A S Fluker and he proposed that the Committee consider referring the matter to the Overview and Scrutiny Working Group for review.

The Chairman put that the best way to proceed was for the Committee to agree receipt of the Motion, add it to its Workplan and refer the matter to the Overview and Scrutiny Working Group for further consideration and report back. This was duly seconded and agreed by the Committee:

#### **RESOLVED**

- (i) That the Notice of Motion be received;
- (ii) That the Motion be added the item to the Committees Workplan;
- (iii) that the matter be referred to the Overview and Scrutiny Working Group for further consideration and report back to the Committee.

#### **204. SCRUTINY WORKPLAN ITEM - FIVE YEAR HOUSING LAND SUPPLY (5YHLS)**

The Committee considered the report of the Director of Strategy, Performance and Governance, providing a detailed response to the scrutiny workplan item – Five Year Housing Land Supply (5YHLS).

The report provided background information following the request for the scrutiny item and a number of questions to be addressed and explored in greater detail. A written response had been provided by Officers and this was attached as Appendix A to the report.

The Committee received a detailed presentation from the Lead Specialist: Planning Policy and Implementation who took Members through the report at Appendix A. A lengthy debate ensued during which Members raised a number of questions and the Officer provided additional information including:

- The Council continually reviewed what was going on sites and within the 5YHLS Officers had included the right to review the 5YHLS in six months.
- At the present Covid had not had a real impact on build rates in Maldon, although the cost of materials was still rising and this may impact on the number of completions which may be seen as an impact later this year or next year.
- The Officer confirmed It was noted that the Strategy put forward was sound in principal because growth was being put in sustainable places.
- The Council now had a legal requirement to review its Local Development Plan (LDP). It has been five years since the approval to the Plan.
- The Planning Policy Working Group (PPWG) would be looking at future housing requirements as more land for housing, possible employment and Gypsy & Traveller sites had to be considered. Policies needed updating along with some of the evidence provided when the LDP was originally approved in 2017.

It was noted that meetings of the PPWG were now open to all Members. Councillor K M H Lagan commented that he felt this matter should be brought to the Council as it was sovereign. Following further discussion Councillor V J Bell proposed that this be brought to the Council. This proposal was duly seconded. Following further discussion Councillor Bell withdrew her proposal.

Councillor P L Spenceley referred to providing housing at a level that was needed and ensuring that the District was protected against over-development at the same time. She felt Members should own the LDP and understand the methodology being used in the construction of the plan during the current review. Councillor Spenceley proposed that this Committee recommends to the Council that it pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current Strategy. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Mayes requested a recorded vote.

The Chairman put the proposal in the name of Councillor Spenceley and the voting was as follows:

For the recommendation:

Councillors Mis A M Beale, B S Beale, V J Bell, B B Heubner, C Mayes, S P Morgan and P L Spenceley.

Against the recommendation:

None.

Abstention:

Councillor M W Helm.

The Chairman advised that this was duly agreed.

Councillor Mayes proposed that the extraordinary Council meeting take place before the next Council meeting. This was duly seconded. Councillor Mayes clarified that the extraordinary meeting should take place in August. Although discussed by the Committee this was not agreed.

At this point Members were advised of the date of the next Council meeting and the requirements set out in the Constitution for calling an extraordinary meeting of the Council.

Further comments and questions arose from Members to which the Officer responded and provided further clarification which included:

- It was not possible to request a developer to split a site or bring sites forward unless the Council wished to consider compulsory purchasing a site which was very costly. However, when the Council considered its future site allocations it needed to expand its list of sites to have a wider choice for the market, we now had to ensure that 10% of sites allocated were smaller sites.
- Section 106 agreements, Recreational Avoidance and Mitigation Strategy (RAMS) and housing had previously been monitored separately but were now being reviewed weekly and published once a year.

- There was a Members' briefing scheduled for 9 August and as part of this Officers would discuss with Members the housing requirement for the review.
- It was essential to ensure that the housing trajectory was realistic and deliverable, with housing allocating providing choice in the market and help with small and medium-sized enterprise builders in the District.
- The Council had considered the Community Infrastructure Levy but when it got to the LDP examination a lot of the strategic sites had been granted planning permission. The Government was proposing a change to how infrastructure is funded but the details of this were currently awaited but at the moment it seemed like the funding would come in at the completion of a site, instead of during the life of the site.

The Officer finished her presentation cautioning Members that because of the lack of 5YHLS and the number of planning applications coming forward the Council could end up by granting a lot of permission and as a result would not have enough housing allocation to pay for the infrastructure it really needed. It was therefore important to improve the Council's position expeditiously and Officers would be discussing this with the PPWG.

The Chairman moved to the recommendations set out in the report. He moved recommendation (i) and this was not agreed.

The Chairman put recommendation (ii) to the Committee and in response Councillor V J Bell proposed that a Working Group be set up as there was too much to make a decision on at this time. She subsequently withdrew this proposal as the matter was being referred to the Council. Recommendation (ii) was subsequently not agreed.

**RECOMMENDED** that the Council pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current Strategy.

## 205. WORKING GROUP OF OVERVIEW AND SCRUTINY

The Committee considered the report of the Director of Strategy, Performance and Governance seeking agreement to establish the Working Group of the Overview and Scrutiny Committee.

The Chairman proposed that Councillor V J Bell, B B Heubner, M W Helm and P L Spenceley be appointed to sit on the Working Group. This proposal was duly seconded and agreed.

**RESOLVED** that the following Members of the Overview and Scrutiny Committee are appointed to sit on the Working Group of this Committee:

- Councillor V J Bell
- Councillor B B Heubner
- Councillor M W Helm
- Councillor P L Spenceley

## **206. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES**

The Committee considered the report of the Director of Strategy, Performance and Governance seeking appointment to the Health, Overview and Scrutiny Committee for the remainder of the municipal year, to May 2023.

Councillor C Mayes confirmed that she was happy to continue as the Council's representative on this Committee. Councillor V J Bell proposed that Councillor Mayes be reappointed as the representative, this was duly seconded and agreed.

**RESOLVED** that Councillor C Mayes be appointed as a representative to the Health, Overview and Scrutiny Committee, for the remainder of the municipal year, to May 2023.

There being no other items of business the Chairman closed the meeting at 9.00 pm.

M W HELM  
CHAIRMAN