



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
24 JANUARY 2023**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	Councillor P L Spenceley
Councillors	Miss A M Beale, C Mayes, S J N Morgan and C P Morley
In attendance	Councillor W Stamp

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale MBE, V J Bell and M S Heard.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 26 October 2022 be approved and confirmed.

4. DISCLOSURE OF INTEREST

There were none.

5. PUBLIC PARTICIPATION

No requests had been received.

6. REVIEW OF SCRUTINY WORKPLAN ITEM - PLANNING DECISION-MAKING

The Committee considered the further report of the Overview and Scrutiny Working group together with recommended courses of action for the Committee to consider or scrutinise in further detail should it be considered necessary.

The Chairman introduced the report and summarised the actions taken to date in respect of the item of business. He advised the Committee that this workplan item

derived from a Motion by Councillor A S Fluker which was referred by Council to this Committee. An associated reference from Council in July 2022 on Planning Decision-Making had also been added to the workplan item. He drew Members' attention to the Committee's decision at its previous meeting in October 2022 where the Committee had accepted the Working Group's initial findings/conclusions and had asked for these to be worked up in greater detail for consideration at the next meeting when it was hoped the Committee would be in a position to conclude and make a response and any recommendations to Council or the relevant Committee. He then deferred to the Corporate Governance Project Officer to go through the detail. The Working Group's submission was at Appendix A to the report.

The Officer reiterated that this was the second time the Committee had reviewed this item and the report in front of them dealt in more detail with the comments from the previous meeting. He referred to section 3.3. of the report that outlined the main conclusions of the Working Group which contained initiatives that could be referred back to Council or the relevant Committee. He drew Members' attention to the final bullet point around a 'New Planning Protocol on Planning Decision Making which he felt was a logical conclusion to reach. This would provide an opportunity to bring together all the various documents currently in different parts of the Constitution into one single planning decision-making document that could be referred to Council for adoption and inclusion in the Constitution afresh.

A debate ensued around the initiatives outlined in section 3.3. Some Members emphasised the need to follow protocols and policies and that diagrams would be helpful when presenting detailed information. Other Members felt that more support and guidance was required from Officers regarding the existing Planning Appeals Protocol, an annexe to Planning Guidance document in the Constitution. In response to a query regarding the suggestion of a constitutional break the Officer advised that a 'Constitutional Break' would strengthen planning decision-making and provide a rule for the relevant Committee to follow, should the same circumstances arise as outlined in the motion.

Following further discussion where Members outlined their preferred initiatives as listed in section 3.3, Councillor Spenceley proposed the following from the original list be recommended to Council: a review and refresh of the Planning Appeals Protocol; Views and conclusions on Member Training – limited to concentrating on bespoke and specialised training (no references to related committee structure/decision making arrangements), together with a review and improvement of Officer Reports. This was seconded by Councillor Mayes

The Chairman then moved the revised recommendations, taking account of the proposals and issues raised in the debate and they were agreed by assent.

RECOMMENDED that the Council adopts and pursues the following initiatives:

- Review and refresh of the Planning Appeals Protocol;
- Views and conclusions on Member Training – limited to concentrating on bespoke and specialised training (no references to related committee structure/decision making arrangements);
- Review and improvement of Officer Reports

7. **POTENTIAL SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT**

The Committee considered the report of the Director of Strategy Performance and Governance originating from a scrutiny request from Councillor C Swain which reflected similar concerns from other Members regarding planning enforcement.

The Chairman introduced the report and deferred to the Corporate Governance Project Officer to present the detail. The Officer advised that this was before the Committee previously following concerns regarding the historic backlog. Further information had been requested on performance and the enforcement policy, and this was now provided having been notified to the Working Group. Although this had previously been a 'watching brief' item, there was an opportunity for Members now to request actual scrutiny of the issues raised.

A debate ensued where concerns were raised regarding the presentation of enforcement cases in the monthly list to Members, which was being addressed, members also raised concern around delays in taking action and the perception that enforcement is not working. Councillor Mayes raised that was necessary to establish a timeline for completion of an enforcement issue and to reassure residents that the Council will take appropriate action.

8. **ADJOURNMENT OF THE MEETING**

RESOLVED that the meeting be adjourned at 8:08pm to deal with a technical fault.

9. **RESUMPTION OF BUSINESS IN OPEN FORUM**

RESOLVED that the meeting resumed in open session at 8:10pm.

10. **POTENTIAL SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT (CONTINUED)**

Further debate ensued around resources and process, and Councillor Mayes proposed that the item be referred back to the Working Group to focus on the following areas:- Prioritisation of enforcement cases; Baseline study/pathways for specific categories of enforcement processes; Protocols for Member involvement in enforcement processes; Arrangements for after-office hours work to assist with investigating and monitoring enforcement cases ;Arrangements for the closing of enforcement cases and the Concept of Compliance Officers for the checking of planning conditions particularly on new residential developments, new builds and extensions. This was seconded by Councillor Morgan.

The Chairman then moved the recommendations in the report, taking account of the proposal by Councillor Mayes and these were agreed by assent as follows:

RESOLVED that the Working Group prepares further information for scrutiny by the Committee on the following detailed issues:

- Prioritisation of enforcement cases
- Baseline study/pathways for specific categories of enforcement processes
- Protocols for Member involvement in enforcement processes
- Arrangements for after-office hours work to assist with investigating and monitoring enforcement cases
- Arrangements for the closing of enforcement cases
- Concept of Compliance Officers for the checking of planning conditions particularly on new residential developments, new builds and extensions etc.

11. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

The Chairman wished the Committee to note that the Performance, Governance & Audit Committee at its meeting on 19 January 2023 had referred the following item to the Overview and Scrutiny Committee for inclusion on its Workplan 'That the Safeguarding of Children and Vulnerable Adults be referred to O&S for review to ensure that the Council is supporting this area of work appropriately together with the Officers undertaking the actual work'. This will form part of the agenda for the next meeting and the Working Group will make a start on the work involved.

12. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

13. NOTICE OF MOTION REFERRAL - CONDUCT ISSUE

The Committee considered the report of the Director of Strategy, Performance and Governance on a reference from the Council of a Motion as a potential scrutiny workplan item and the initial response and recommendations of the Overview and Scrutiny Working Group.

The Council at its meeting on 3 November 2022 received and considered a Motion on notice from Councillor A S Fluker in relation to a planning appeal at Burnham-on-Crouch and associated correspondence relating to a potential Councillor conduct issue. The motion sought a review of whether the Council acted properly, openly and correctly.

Following a debate on the Motion and having regard to the initial feedback from the Overview and Scrutiny Working Group, Councillor Morgan proposed that the Committee agree the recommendations as set out in the report. This proposal was seconded by Councillor Mayes.

The Chairman then put Councillor Morgan's proposal to the Committee and this was agreed by assent.

RECOMMENDED that the Council was informed of this Committee's conclusion that the matters raised in the motion do not require to be added to the Committee's scrutiny workplan for the reasons as set out in the report.

The meeting closed at 8.56 pm.

M W HELM
CHAIRMAN