



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
4 SEPTEMBER 2025**

PRESENT

Chairperson	Councillor S J N Morgan
Vice-Chairperson	Councillor P L Spenceley
Councillors	V J Bell, J R Burrell-Cook, A Fittock, L J Haywood, A M Lay, C P Morley, E L Stephens and N J Swindle

222. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

223. APOLOGIES FOR ABSENCE

There were none.

224. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 19 June 2025 be approved and confirmed.

225. DISCLOSURE OF INTEREST

Councillor S J N Morgan declared a non-pecuniary interest as a Member of Wickham Bishops Parish Council.

226. PUBLIC PARTICIPATION

The Chairperson advised that in accordance with the Council's Public Speaking Protocol two requests to speak had been received in relation to Agenda Item 6 – Member Scrutiny Request – Councillor S J N Morgan – Planning Appeal at Church Road, Wickham Bishops. Mr Henry Bass, wished to address the Committee on behalf of Wickham Bishops Parish Council and Mr Richard Kewish who was speaking on behalf of the Wickham Bishops Action Group.

Mr Bass addressed the Committee, highlighting the Parish Council's concerns and reasons why they felt it was appropriate for the matter to be referred back to the Overview and Scrutiny Committee Working Group for further considerations.

Mr Kewish then addressed the Committee, advising that the Wickham Bishops Action Group had opposed the development, he set out their concerns and requested a full explanation of a number of related areas.

227. MEMBER SCRUTINY REQUEST - COUNCILLOR S J N MORGAN - PLANNING APPEAL AT CHURCH ROAD, WICKHAM BISHOPS

The Committee considered the report of the Overview and Scrutiny Committee Working Group (the Working Group) presenting a Member scrutiny item request and the initial assessment of the Working Group.

It was noted that this scrutiny request had been submitted by Councillor S J N Morgan and reported to the last meeting of this Committee. At the heart of the request were questions (set out in the report) posed to the Assistant Director: Planning and Implementation by Wickham Bishops Parish Council regarding a planning appeal in Church Road, Wickham Bishops.

The report provided information regarding the detailed assessment that had been undertaken by the Working Group. It was noted that a note had been issued to Wickham Bishops Parish Council providing an explanation of the process and rationale behind the response given to the Planning Inspectorate. As there was little scope for further detailed scrutiny, the Working Group endorsed the bringing forward of a strengthened Planning Appeals Protocol to help clarify the involvement of nominated Members in planning appeal matters. It was noted that the revised and strengthened Planning Appeals Protocol was the subject of a separate report due to be considered by the Committee.

In response to the earlier public participation, the Chairperson raised a number of questions and Officers provided the following information:

- The Head of Service: Development Management and Building Control outlined the process undertaken by the Planning Department regarding the Council's response provided to the Planning Inspectorate (PINS) regarding the Planning Appeal. It was noted that there was a very short timescale, and the response was given having taken into consideration reasonable judgement, which was legally supported, and officers' professional opinion. The report set out the chain of events.
- It was confirmed that legal advice had been provided, as to how the response back to PINS should be approved in the time available, by the Council's Solicitor and Deputy Monitoring Officer at the time who had specialist knowledge of the planning system as well as the governance process of the Local Authority.
- Discussions had taken place with Officers and the Council's solicitor as to whether it would be classed as reasonable behaviour for the Local Authority to defend reason for refusal 1.
- It was noted that this was an unprecedented set of events which neither Officers present had seen before.

The Chairperson moved the recommendation as set out in the report. This was duly seconded and agreed.

RESOLVED

- (i) That the Committee received and considered the report of the Working Group;

- (ii) That the scrutiny item raised by Councillor S J N Morgan relating to the Planning Appeal at Church Road, Wickham Bishops be concluded;
- (iii) That the recommendations of the Working Group that the proposed revision and strengthening of the Planning Appeals Protocol be endorsed.

228. SCRUTINY WORKPLAN ITEM - PLANNING APPEAL AT WOODHAM MORTIMER

The Committee considered the report of the Overview and Scrutiny Committee Working Group (the Working Group) informing Members of the further findings and conclusions of the work on this scrutiny workplan item.

The scrutiny request had been submitted by Councillor S J N Morgan and previously reported to the Committee where four broad areas for scrutiny were identified. The report provided detailed information regarding the initial request reported to the Committee. It was noted that the Working Group had given further detailed consideration to the areas of scrutiny set by the Committee and its deliberations were set out in Appendix A.

The scrutiny had identified that the Council's position could be better explained to the public and some of the concerns expressed by local residents allayed. The Committee's attention was drawn to the lessons learnt highlighted in the Appendix by way of improvements to processes.

In response to questions raised by Members, the following information was provided by Officers:

- The Assistant Director: Planning and Implementation explained that Planning Officers who were members of the Royal Town Planning Institute (RTPI) were bound by a professional Code of Conduct which included clauses on Independent Professional Judgement and they had to stand by the original assessment of a planning application, even if it conflicted with the decision made by their Local Planning Authority. He explained that this was why Officers could not always act to defend planning appeals where the decision was contrary to professional advice and the potential consequences of doing, were their position to be discussed at an appeal hearing or inquiry.
- The Head of Service – Planning Policy and Implementation provided an update on the status of an approved traveller site within the District.

The Chairperson moved the recommendation set out in the report. This was duly seconded and agreed.

RESOLVED

- (i) That the Committee received and considered the report of the Working Group;
- (ii) That the scrutiny item raised by Councillor S J N Morgan relating to the Planning Appeal at Woodham Mortimer be concluded;
- (iii) That the recommendations of the Working Group that the proposed revision and strengthening of the Planning Appeals Protocol be endorsed.

229. COUNCIL CONSTITUTION - PLANNING APPEALS PROTOCOL

The Committee considered the report of the Overview and Scrutiny Committee Working Group (the Working Group) presenting a revised and strengthened version of the Planning Appeals Protocol (attached at Appendix A to the report) for recommendation to the Performance, Governance and Audit Committee for adoption.

It was noted that the Planning Appeals Protocol (the Protocol) was an appendix to the Planning Guidance document within the Council's Constitution. Following the outcome of two scrutiny reviews and following request from the Working Group, Officers had brought forward a revised version of the Protocol which had been endorsed by the Working Group.

The Chairperson put the recommendations set out in the report. These were duly seconded and agreed.

RESOLVED

- (i) That the Committee endorses the revised and strengthened version of the Planning Appeals Protocol;
- (ii) That the Performance, Governance and Audit Committee be recommended to adopt the revised Planning Appeals Protocol (Appendix A to the report) for inclusion in the Council's Constitution.

230. SCRUTINY WATCHING BRIEF ITEM - PLANNING ENFORCEMENT

The Committee considered the report of the Overview and Scrutiny Committee Working Group (the Working Group) updating Members on the scrutiny watching brief item relating to Planning Enforcement.

It was noted that the Working Group had continued to receive regular updates from Officers on this watching brief item and wished to bring to the attention of the Committee issues of concern around performance which had been directly affected by on-going staff difficulties. All Members had been sent an email by the Assistant Director – Planning and Implementation in July 2025 briefing them on the present position with regards to the Planning Enforcement Team to ensure they were aware of the challenges. The report provided detailed information on the number of open cases and those assigned to an Officer; current staff and the impact this had on performance and the expanding duties required of the Team.

During the discussion that followed and in response to questions / comments raised, the Head of Service: Planning Policy and Implementation outlined the ongoing problems faced recruiting into staff vacancies within the Enforcement team and the various unsuccessful local and nationwide recruitment campaigns that had been undertaken. Members were informed that a contractor was currently in place for a period of three months and working to get notices that need serving up to date. Following discussions, the Assistant Director provided further detail and advised that whilst agency cover was a last resort due to the cost, this may need to become a more permanent way of resourcing enforcement, if the Council was minded to consider this, in a similar way to the current arrangement in place for the Development Management team. He explained that whilst investigation of a potential breach was a legal requirement, taking action to resolve the breach was not.

Following further discussion, the Chairperson moved the recommendation set out in the report and suggested an additional recommendation to suspend the watching brief

on Planning Enforcement by this Committee, viewing it as a performance issue with the review of performance moving to the Performance, Governance and Audit Committee (PGA). Members discussed this proposal, and the Chairperson then changed his proposal recommending that Officers be asked to prepare a report to the Council regarding Planning Enforcement.

In response to the suggestion that the PGA monitor enforcement, the Assistant Director – Programmes, Performance and Governance advised that the Committee could make a recommendation to the PGA that it continue to review enforcement as part of the performance monitoring suite.

The Committee discussed the suggested report to the Council and its content regarding Planning Enforcement and in response to questions Officers provided further information relating to the current backlog of cases. The Assistant Director – Planning and Implementation suggested that, if agreed, the report detail the challenges faced, what an alternative future could look like along with the policy updates that the team would like to bring forward.

The Chairperson then revised his earlier proposition and moved that the Committee retained a watching briefing on Planning Enforcement; Officers be asked to prepare a report to the Council regarding increasing resources relating to Planning Enforcement, and recommend to the PGA that it start to review performance in relation to the Planning Enforcement team. This was duly seconded and agreed.

RESOLVED

- (i) that the Committee received and considered the Working Group's report;
- (ii) that the Committee continues to have a watching brief in relation to the Planning Enforcement Team;
- (iii) that Officers prepare a report to the Council outlining the operational issues currently experienced by the Planning Enforcement Team and options for future resourcing of the team;
- (iv) that the Performance, Governance and Audit Committee consider reviewing Planning Enforcement as part of its performance monitoring.

231. MEMBER SCRUTINY ITEM REQUESTS

The Committee noted that the following scrutiny requests had been received and in accordance with the agreed procedure this would be referred to the Committee's Working Group for an initial assessment and report back to the Committee.

- Councillor V J BellEfficiency / performance of Planning Services in dealing with planning applications
- Councillor A Fittock.....Use of Policy H2 in assessing housing mix / monitoring and reporting of data
- Councillor E L StephensPost implementation review of new leisure contract

There being no other items of business the Chairperson closed the meeting at 8.38 pm.

S J N MORGAN
CHAIRPERSON