

## MENDIP DISTRICT COUNCIL

Minutes of the meeting of the Scrutiny Board held on Thursday 16 September 2021 in the Council Chamber, Mendip District Council, Cannards Grave Road, Shepton Mallet, BA4 5BT commencing at 6.30 pm.

### **SCRUTINY BOARD COUNCILLORS PRESENT:**

Councillors Alison Barkshire, Nick Cottle, Damon Hooton and Chris Inchley (Chair)

### **SUBSTITUTES PRESENT:**

Councillor Edric Hobbs for Councillor Adam Boyden and Councillor Eve Berry for Councillor Nigel Woolcombe-Adams

### **OTHER COUNCILLORS PRESENT:**

Councillor Garfield Kennedy, Portfolio Holder for Planning and Development Management

### **OTHER COUNCILLORS PRESENT (via MS Teams):**

Councillors Eve Berry, John Clarke, Michael Dunk, Michael Gay, Liz Leyshon (Portfolio Holder for Corporate Services and Projects) and Lindsay MacDougall

### **OFFICERS PRESENT:**

Tracy Aarons	Deputy Chief Executive
Richard Bates	Section 151 Officer
Helen Bowen	Democratic Services Officer
Dave Burn	Interim Democratic Services Manager
Claire Malcolmson	Head of Community Health Services
Andre Sestini	Principal Planning Policy Officer
Ben Sugg	Democratic Services Officer
Simon Trafford	Principal Planning Policy Officer
Haylee Wilkins	Assistant Chief Executive and Head of Service-Neighbourhoods

<b>Agenda Item</b>	<b>Subject</b>	<b>Actioned By</b>
<b>1</b>	<b>Chair's Announcements</b>  The Chair welcomed everyone to the meeting and confirmed that the session would be conducted by following the Hybrid Meeting Guidance that had been distributed to all Members. The Chair summarised the procedures for those present.  The Chair reminded Members to turn their mobile phones to silent.  He advised those present that the proceedings were being live streamed.	

2	<p><b>Apologies for Absence</b></p> <p>Apologies for absence were received from Councillors Adam Boyden, Michael Dunk, Barbi Lund, Janine Nash, Terry Napper, Lois Rogers, and Lucie-Taylor-Hood.</p> <p>It was noted that Councillor Edric Hobbs would be substituting for Councillor Adam Boyden and Councillor Eve Berry for Councillor Nigel Woollcombe-Adams.</p>	
3	<p><b>Declarations of Interest</b></p> <p>There were none.</p>	
4	<p><b>Public Participation</b></p> <p><b>a. Items on the agenda:</b></p> <p>None.</p> <p><b>b. Items not on the agenda:</b></p> <p>Mr Nick Hall addressed the Board and advised that whilst he wished to make general comments, there was some overlap in relation to item 8 on the agenda, regarding the presentation on Planning Enforcement.</p> <p>Mr Hall commented highlighted what he saw as systemic failings in Planning, which had impacted on the residents of his village. Whilst there had been attempts to resolve some of the issues raised, the lack of feedback had left residents with no alternative but to submit formal complaints.</p> <p>Mr Hall commented that attempting to resolve issues through the complaints process was costly in terms of time and effort for residents, as well as the Council. He added that the issues were too serious to ignore and that it was important for due process and the rule of law to prevail.</p> <p>By way of example, Mr Hall highlighted that one of his queries related to an outstanding issue regarding the removal of a 15-metre hedge, which he first raised in 20 December 2019, with further information subsequently provided on 4 March 2020. Whilst he accepted the difficulties caused by COVID, he felt the delay was unacceptable.</p> <p>The Chair thanked Mr Hall for his comments and invited him to stay to listen the debate on item 8.</p>	

<p><b>5</b></p>	<p><b>Previous Minutes</b></p> <p>Councillor Hooton proposed that the minutes of the last meeting held on 17 August 2021 be approved as an accurate record of the meeting. This was seconded by Councillor Hobbs and carried unanimously.</p> <p><b>RESOLVED:</b></p> <p>That the minutes of the meeting held on 17 August 2021 be approved as an accurate record.</p>	<p><b>Dave Burn</b></p>
<p><b>6</b></p>	<p><b>Quarter 1 Budget Monitoring Update 2021-2022</b></p> <p>The Section 151 Officer presented a report which provided Members with a summary overview of the forecast outturn position on the Councils' Revenue Budgets for the 2021-22 financial year, based on Quarter 1 projections. The report also highlighted service impact resulting from projected spending levels.</p> <p>The report reminded Members that Full Council had agreed the 3-year Medium Term Financial Strategy (MTFS) and the specific Revenue and Capital Budgets for 2021-22, at its meeting on 22 February 2021.</p> <p>The aim was to keep a tight control on service spending within a flexible budget management framework, allowing budget holders to manage savings within controllable budgets to help mitigate budget pressures and thus contain or minimise a budget deficit for the Council as a whole.</p> <p>Since a Member Briefing, the Section 151 Officer advised that additional information was now available. The Board was informed that the overall projected overspend was £140,000, which related mainly to car park income for April and May. Progress would continue to be monitored. In addition, there were losses in market income, caused by a reduction in stall holders. However, it was reported that there had been a recent increase in stall holders, thus indicating an improvement in this area.</p> <p>The Board was advised that whilst the Quarter 1 losses would be covered by the Government, that would not be the case going forward.</p> <p>In terms of potential sources of additional income, a new grant had become available for Freedom of Information (FOI) and General Data Protection Regulations (GDPR) arrangements.</p>	<p><b>Richard Bates</b></p>

	<p>The Section 151 Officer advised that land charges remained buoyant.</p> <p>He added that with regards to the pay increase, the offer from the employers was currently 1.75%, which represented a further £50,000 over the budgeted 1%.</p> <p>The Section 151 Officer was pleased to inform the Board that the outstanding audit fees with one of the Council's contractors had now been resolved.</p> <p>The Section 151 Officer concluded by stating he was confident the Council's budget would break even at year end.</p> <p>Following questions, the Section 151 Officer advised as follows:</p> <ul style="list-style-type: none"> <li>• The inflationary impact of the pay increase would not be realised on contracts until 2022/23.</li> <li>• An initial investment was required by the authority to proceed with the Glastonbury Town Deal. Additional funding through grant would be considered in due course.</li> <li>• He undertook to consider the cost of paid leave.</li> <li>• Whilst initial COVID grant payments from the Government were delayed, the situation improved significantly over time.</li> <li>• Pension and National Insurance costs had not been included into the deficit figures. These costs represented an additional 35%, which was approximately £65,000.</li> <li>• The costs of the new unitary will be monitored and included in future returns at the appropriate time.</li> </ul> <p>The Chair thanked the Section 151 Officer for the update.</p>	
7	<p><b>Presentation by Planning on areas covered by Portfolio</b></p> <p>The Portfolio Holder for Planning and Development Management delivered a presentation on the areas covered by his Portfolio.</p> <p><u>Realities and Limitations</u></p> <p>The Board was informed that the Planning Team was a small, highly skilled team and that demands on the team were high.</p>	

There was a shortage of planning officers nationally which made recruitment difficult, as well as a shortage of specialists such as ecologists.

The Phosphates issue had caused additional pressures by increasing workload and officer time. The Portfolio Holder advised that the Council was looking at alternative approaches across sectors within the area, so as to maximise skills and expertise.

Climate change was an additional challenge, and the Portfolio Holder expressed his concern at the lack of support from Government.

#### Development Management Achievements

Despite the very real challenges there had been significant achievements in the area. These included the installation of a new IT system leading to a paperless office, a reduction in validation times from 4 weeks to 4 days and quicker, streamlined, internal decision making.

It was reported that the introduction of the Planning Performance Agreements was likely to yield increased revenue of £125,000 in this financial year.

In addition, the Portfolio Holder was pleased to report on the successful recruitment of 2 Enforcement Officers, a Conservation Officer, a Principal Planning Officer, a Senior Planning Officer along with 3 Technical Team Staff. All of which would replace vacant posts.

He added that performance shown in the performance dashboard for quarter 1, highlighted increased time to close cases. This was due to staffing departures that occurred during the summer.

#### Future Improvements

The speed and volume of legislative changes was highlighted as key a challenge. These complex changes required dedicated time to consider and assess. The impact was significant given the size of the team.

#### Phosphates

This is a major concern for the 5 Somerset authorities, with no quick fix. It was an exceptionally difficult problem to resolve given the fact the Water Authorities were not the responsibility of local authorities. It was reported that the Council is lobbying Government urging the Government to

take strategic responsibility for the problem.

It was reported that a position statement will be published in October.

### Trees

A presentation on Trees will be provided at the next meeting in October. This will cover areas of concern. It was highlighted that Tree Preservation Orders cannot be issued on every tree. The Portfolio Holder added that Tree enforcement was complex.

### Planning Policy

It was reported that the Local Plan Part II was scheduled to be submitted to Cabinet on 4 October with adoption by Full Council scheduled for 20 December 2021.

One of the key future challenges will be the preparation of the new county-wide plan for the new unitary authority.

### Policy - Focus on Design

The Portfolio Holder felt design codes will become a priority. He was disappointed that the National Planning Policy Framework placed little focus on climate change.

He advised that a lot of impressive work was being undertaken on establishing local design codes.

### Policy – Climate Change Environment

The Portfolio Holder stated that the Council was looking to adopt Sustainable Construction Guidance (Cotswold net zero toolkit).

### Policy – Masterplan for Shepton

The Portfolio Holder expressed his pleasure with this initiative.

The Chair thanked the Portfolio Holder for his presentation and invited questions.

During the course of the discussion, the following points were made.

- In terms of pollution and primarily the phosphates issue, it was difficult to take on industrial farms given their size and environmental impact. The Council had very limited remedies open to it other than to appeal to

	<p>Central Government. Some controls could be included if buildings were required. It was reported that Factory Farms were governed by the Environment Agency.</p> <ul style="list-style-type: none"> <li>• In response to concerns over capacity in the local drainage systems and the resultant flow of sewage into the rivers, the Portfolio Holder advised that the matter had been discussed by the local Somerset Leaders. He shared frustrations and advised that without Supplementary Planning Document (SPD), the Council was limited in the action it could take. An SPD timetable had been circulated to the Scrutiny Working Group.</li> <li>• Concern was expressed at the lack of appropriate infrastructure being in place for new developments.</li> <li>• Members were reminded that not all applications were automatically sent to ward members, as in certain instances they were only sent on request.</li> <li>• The role of Planning could be described as trying to find the highest quality compromise. There will always be someone impacted upon by a development, the job was to try and minimise the impact.</li> <li>• It was felt the Phosphates problem effected the whole of the District, given the impact on local river systems.</li> <li>• It was disappointing that members of the public had, had to report their concerns with service delivery at the Board and it was hoped that a plan would be developed to resolve those problems.</li> <li>• The Portfolio Holder confirmed that the presentation would be circulated. He also offered to consider making the content publicly available.</li> </ul> <p>The Chair thanked the Portfolio Holder for his presentation which was noted.</p>	
8	<p><b>Spotlight on Planning Enforcement</b></p> <p>Councillor Hooton delivered a presentation on planning enforcement.</p> <p><u>The Issues</u></p> <p>Councillor Hooton advised that the service had struggled with service levels. Planning Enforcement was a non-statutory function, which was reflected in the staffing</p>	

levels.

The role was, by its virtue, time consuming. The public were often under the wrong impression that little was being done. This often led to frustration and high complaint volumes.

There were currently 255 live cases, managed by a very small team.

The Government stipulates that enforcement action should be 'proportionate' to the breach of planning control to which it relates and undertaken when it is expedient to do so.

### The Aims

The focus was to enable serious breaches to be investigated, with clear guidelines. A lighter touch would be taken on more minor breaches.

In order to deliver on these aims, the Planning Enforcement Team will carry out a major review of the service, close some old cases and adopt strict investigation priorities. As such, a Senior Enforcement Officer and an Enforcement Officer have already been recruited. One vacancy exists pending an interview.

Councillor Hooton set out the complaints process, which will be supported by an updated website.

He added that the approach would focus on resolution through negotiation.

The four stage Planning Enforcement process was set out. Members were advised that landowners who were unhappy with a decision made by the Planning Enforcement Team could appeal that decision, within 28 days of the issue date.

The Chair thanked Councillor Hooton for his presentation. During the discussion the following key comments were made:

- In terms of the duty, it was clarified that the duty was associated with harm, not cost. Action would also be determined by the public interest test.
- The new team has been established to improve the service. Complainants will be advised that matters are being considered and informed of the outcome.

	<ul style="list-style-type: none"> <li>• A number of Members expressed surprise that the function was non-statutory.</li> <li>• Councillor Hooton confirmed that the presentation would be circulated.</li> </ul> <p>The Chair thanked Councillor Hooton for his presentation which was noted.</p>	
9	<p><b>Updates from the Scrutiny Working Groups</b></p> <p>Written updates had been received from the Policies and Strategies and Breaking the Cycle of Disadvantage Working Groups:</p> <p><b>a) Climate and Ecological Working Group:</b> Councillor Janine Nash (Lead) supported by Jacob Hall</p> <p><b>b) Policies and Strategies Working Group:</b> Councillor Nigel Woollcombe-Adams (Lead) supported by Tracy Aarons.</p> <p>Councillor Nigel Woollcombe-Adams provided a written update.</p> <p><b>c) Access Working Group:</b> Councillor Phillip Ham (Lead) supported by Kelly Knight</p> <p>Councillor Hobbs advised that he wished to serve on the Access Group.</p> <p><b>d) Breaking the Cycle of Disadvantage Working Group:</b> Councillor Chris Inchley (Lead) supported by Tracy Aarons</p> <p>Councillor Chris Inchley provided a written update from the Group.</p> <p><b>e) Contracts Working Group:</b> Councillor Barbi Lund (Lead) supported by Haylee Wilkins.</p>	
10	<p><b>Urgent Business</b></p> <p>There was none.</p>	

The meeting finished at approximately 8:30 pm.