

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Scrutiny and Overview Committee held on  
Thursday, 12 March 2020 at 5.20 p.m.

**PRESENT:** Councillor Grenville Chamberlain – Chairman  
Councillor Brian Milnes – Vice-Chairman

<b>Councillors:</b>	Dr. Shrobona Bhattacharya	Anna Bradnam
	Dr. Martin Cahn	Sarah Cheung Johnson
	Graham Cone	Dr. Claire Daunton
	Dr. Douglas de Lacey	Geoff Harvey
	Peter McDonald	Judith Rippeth
	Henry Batchelor	

Councillors Neil Gough, Bill Handley, Dr. Tumi Hawkins and John Williams were in attendance, by invitation.

<b>Officers:</b>	Trevor Nicoll	Head of Environment and Waste
	Liz Watts	Chief Executive
	Victoria Wallace	Scrutiny and Governance Adviser
	Peter Maddock	Head of Finance
	Rory McKenna	Deputy Head of Legal Shared Service
	Heather Jones	Strategic Lead 3C Building Standards
	David Ousby	Head of Commercial Development & Investment
	Sagar Roy	Deputy Head of ICT - Operations

### **1. APOLOGIES**

Apologies for absence were received from Councillors Nigel Cathcart and Steve Hunt. Councillor Henry Batchelor was present as a substitute for Councillor Hunt.

The Conservative Leader Councillor Heather Williams, who had hoped to attend the meeting, asked for her apologies to be noted.

### **2. DECLARATIONS OF INTEREST**

Regarding agenda item 9 (Property Acquisition – Sawston), Councillor Milnes informed the committee that he had expressed opinions during discussions regarding the Sawston site.

### **3. MINUTES OF PREVIOUS MEETING**

The minutes of the previous meeting were agreed as a correct record, subject to the following amendments:

- Inclusion in the list of attendees of Councillors John Williams, Neil Gough, Tumi Hawkins and Bridget Smith.
- Regarding the Crime and Safety Partnership, wording would be amended to reflect that it was not the purpose of the CSP to hold the Police to account.

### **4. PUBLIC QUESTIONS**

Mr Daniel Fulton was invited to ask his question which had been submitted in advance of the meeting. Due to annual leave, Planning officers were unable to attend the meeting to provide a response. A written response was therefore provided, which the Chairman read out:

Through 2019, the Council a total of 61 applications/submissions subject to “call in” requests from Parish Councils and 3 application/submissions subject to Member call in requests were considered. The breakdown of these applications by type is as follows:

Application type	Parish call in requests	Member call in requests	Total number of applications
Outline planning applications	3	1	59
Applications for full planning permission	48	2	584
Approval of reserved matters	6	0	47
Listed building consent	1	0	191
Discharge of condition	0	0	1051
Variation of condition	3	0	163
<b>Totals</b>	<b>61</b>	<b>3</b>	<b>2095</b>

As a result of the Parish/member call in requests, the following outcomes arose for each of the items:

Application Type	Application referred to Ctte	Application approved under delegated powers	Application refused under delegated powers	No decision and matter deferred for further information/consideration.
Outline Planning Permission	0	1	2	1
Full Planning Permission	3	24	13	10
Approval of reserved Matters	2	2	1	1

Listed Building Consent	0	0	0	1
Variation of condition	1	2	0	0

Mr Fulton made the following supplementary statement:

“In September 2018, the leader of the council, the portfolio holder for planning, the entire cabinet, the chief officers, and the joint director for planning and economic development were made aware of serious legal defects in the manner in which the council was deciding planning decisions. The leader of the council asked the joint director for planning and economic development to undertake a review of the council’s scheme of delegation for planning decisions. This never happened.

Between November 2018 and May 2019, I contacted multiple officers and members of the council in regards to this issue and on multiple occasions wrote to the Council’s solicitors at 3C Shared Services. Still, no action was taken.

The Council persisted in issuing planning decisions under the unlawful delegation schemes, and on 10 January 2020, the Council was served with a pre-action letter indicating that the council’s unlawful delegation scheme would be challenged in the High Court.

The Council now finds itself in the position of being unable to operate effectively as the district’s local planning authority, and a large backlog of undetermined applications is currently awaiting consideration.

Prior to this scandal, as of Q3 of calendar year 2019, the Council’s on-time performance statistic for major planning applications was 66.1%. For comparison, South Cambridgeshire District Council’s performance on this measure is ranked number 337 out of 346 local planning authorities in England, or 9th from worst.

As I said, the current on-time performance statistic for major planning applications is 66.1%. This was before the Council had to effectively suspend the determination of major planning due to the lack of lawful delegation scheme. The threshold for the Secretary of State for Housing, Communities, and Local Government to designate a local planning authority as underperforming is 60%. A planning authority that is designated as underperforming loses its right to determine major planning applications, and applicants can instead bypass this Council and obtain planning permissions directly from the Planning Inspectorate.

Based on my calculations, the 60% threshold is virtually certain to be breached by this council in 2nd, 3rd, and 4th quarters of calendar year

2020. This will leave the council with no say on major planning applications by 2021.

This situation was avoidable if the leader, members of the cabinet, and chief officers had not taken a nonchalant and lackadaisical attitude towards the council conducting its planning process in an unlawful manner.

Having been present at a number of scrutiny meetings and having read the minutes from the recent meetings I have not attended, I have been surprised that this committee has not more closely examined why the Council persisted in knowingly issuing unlawful planning permission for nearly a year and a half and why no one has been held accountable for these obvious failures that are very highly likely to result in the council losing its discretionary powers over major development applications.

I would like to ask the Chairman why there has not been more rigorous scrutiny of the cabinet's and officers' roles in this scandal, and in particular, whether at any point, any officer has advised the chairman or members of this committee not to pursue this issue within the context of the scrutiny and overview committee."

## **5. ICT UPDATE AND ICT SHARED SERVICE BUSINESS PLAN 2020/21**

The Deputy Leader (non-statutory) introduced the Shared Services Business Plans 2020/2021. He provided an explanation of the governance arrangements for the shared services.

The committee received an update on ICT from the Deputy Head of ICT. There was a detailed discussion during which the Deputy Head of ICT informed the committee of the following:

- Disaster recovery tests would be carried out for new systems and a full network disaster recovery test would be carried out. Regular disaster recovery tests would be carried out on network infrastructure going forward.
- Backups were used on a regular basis. The ICT service knew how long it took to recover each service, application or data from scratch. The current plan required each council to provide ICT with their priority applications for recovery. This was provided to ICT by each council's Intelligent Client.
- Regarding the service's KPI-2 Service Availability, the target of 95% was queried. The Deputy Head of ICT informed the committee that this equated to several days of downtime per year, which was not considered to be acceptable as residents wanted to access council services 24/7. He explained that the service was running above target.
- The relationship with the County Council was explained and the committee was informed that the ICT service used the County Council's data centre room. Given the County Council's move from Shire Hall, a new location for this was being discussed. The committee was informed that South Cambridgeshire District Council was responsible for its server

- unit and that there was no requirement for a generator here.
- The committee was informed that the ICT service had an asset register, which had been audited.
  - The Deputy Head of ICT was confident that all single points of failure could be identified and that there was resilience in these areas.
  - Corporate risk management decisions would be escalated to the Shared Service Board and from there issues would be escalated to Cabinet if appropriate.
  - The telephony project was underway, which South Cambridgeshire District Council was leading. Designs had been proposed and requirements developed with key service areas. The plan was to go out to market in around June 2020.
  - The Deputy Head of ICT explained the processes and measures that were in place to protect against cyber security attacks.
  - Information was held in a central repository which all 3 councils could access.
  - The committee was informed that not all vacant posts in the service had been filled but recruitment was ongoing. These vacancies were difficult areas to which to recruit.
  - The Deputy Head of ICT explained how funding was split across the 3 authorities.
  - The committee was informed that customer satisfaction would be surveyed through a general staff survey, however the timescale for this was not yet known.
  - The Chamber equipment upgrade project would include the AV equipment, not the microphone equipment.

It was noted by the committee that documentation requested, such as IT Security Policy, Business Continuity Plan and others had still not been provided.

The committee noted that the albeit incomplete Council Anywhere project was delivering significant improvements and had put the council in a strong position with regards to the Covid-19 outbreak. However, the committee noted that the resilience of the ICT infrastructure was not being tested frequently enough and following significant changes.

Members requested that text on coloured background was not used in reports as this was not easily legible.

The Vice Chairman requested a copy of the ICT Security Policy be circulated to all members of the committee.

The committee noted the update and thanked the Deputy Head of ICT for this.

## **6. EXCLUSION OF THE PRESS AND PUBLIC**

The committee agreed that the Press and public be excluded from the meeting during the consideration of the 3C Building Control Business Plan and for the consideration of agenda items 8 and 9, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (as amended) (exempt

information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act). Paragraph 3 refers to information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **7. SHARED SERVICES 2020/21 BUSINESS PLANS**

The Deputy Leader (non-statutory) introduced the Shared Services Business Plans which were discussed in turn by the committee.

### **Legal Shared Service Business Plan**

The committee was informed by the Deputy Head of Legal Practice, that Cambridge City Council was the primary employer for the service and as such ran the recruitment process with support from HR. He informed the committee that there was difficulty in recruiting legal officers, which was likely due to competing with private sector salaries. The other benefits of working in Local Government, which were not financial, were promoted during recruitment. The use of paralegals and trainee solicitors was being looked at.

It was clarified that Tom Lewis was the Head of Legal Practice and Monitoring Officer for Cambridge City Council and Huntingdonshire District Council. Rory McKenna was the Deputy Head of Legal Practice and Monitoring Officer for South Cambridgeshire District Council.

The committee **noted** the Legal Shared Service Business Plan.

### **Shared Planning Service Business Plan**

The Lead Cabinet Member for Planning presented this business plan which the committee discussed. The committee was informed by the Lead Cabinet Member of the following:

- The career development opportunities offered by this large service were being recognised. Officers had the opportunity to work on exciting projects due to the large number of strategic sites in the district.
- A significant number of new staff appointments had been made to the service after it had been featured in two articles in key Planning publications.
- The service's customer service had improved.
- Training on the new planning portal had been provided for parish councils, all of which had access to their own portal account.
- The new software project was discussed, and the committee was informed that all data had been transferred to the new system.
- The Chief Executive explained the financial arrangements for the shared planning service, which were complicated. Income from planning applications remained with the relevant council to which the application had been made. The costs for the Joint Local Plan would be split equally between the relevant councils.
- The service was looking at bringing in extra resource when needed for conservation area appraisals.

The committee **noted** the business plan.

## **Greater Cambridge Shared Waste Service (GCSWS) Business Plan**

The Head of Environment and Waste and Lead Cabinet Member presented the business plan.

Committee members provided some positive feedback regarding the service.

Communications around recycling was discussed. Members thought the information on recycling provided on the website was useful, however the website was difficult to navigate. Members suggested that some further communication around items that could be recycled, was needed. The Head of Environment and Waste explained the action that had been taken regarding this.

The Head of Environment and Waste outlined to the committee the measures that were being taken to reduce the service's carbon impact. He informed the committee that the service's biggest carbon impact was from its waste vehicles. The detail of the timing of the new electric bin lorry would be announced in due course and moving the rest of the fleet to electric vehicles would be worked on.

The committee was informed by the Head of Waste and Environment that a food waste trial had started with 1000 properties split between South Cambridgeshire and Cambridge City Council. This had been well used by residents. Food waste collection was likely to be part of the new waste strategy.

The committee was informed that over 400 litter picking kits had been given to parishes that had been proactively using these.

The Lead Cabinet Member informed the committee that cleaning out recyclable plastics was an education issue and that fresh water was not needed for this.

The Head of Environment and Waste informed the committee that:

- Some people were moving away from the use of highly recyclable materials, such as plastic, to other materials that were more difficult to recycle.
- The service had historically suffered from high levels of staff sickness due to the nature of the work. Staff were being supported with their sickness and work was being done to ensure extra burden was not put on remaining staff.
- Officers were working with waste teams to mitigate against Covid-19 and the service had an extensive business continuity plan.

The committee **noted** the business plan.

## **Shared Internal Audit Service Business Plan**

The Head of Finance informed the committee that the process of auditing the Council's accounts was nearing completion. A full report would be presented to the next meeting of the Audit and Corporate Governance Committee.

The committee **noted** the business plan.

### **3C Building Control Business Plan**

As agreed by the committee at agenda item 6, the committee discussed the 3C Building Control Business Plan in closed session. The Head of Building Control explained the figures which demonstrated the saving that had been made by the service. She explained the enforcement model and that it was anticipated there would be more enforcement and powers to recover the cost of this activity. There was a risk related to the competency and numbers of staff required if the service had to increase enforcement activity to the extent that was expected. The head of service informed the committee that a successful bid for funding had been submitted to Cambridge City Council to help support training for the Building Control team.

The Lead Cabinet Member for Planning highlighted to the committee the transformation of this service, which was award-winning, since it had become a shared service. The Lead Cabinet Member was confident that the same would happen with the new Shared Planning Service.

#### **8. PROPERTY ACQUISITION - CAMBRIDGE SCIENCE PARK**

The Lead Cabinet Member for Finance presented the investment opportunity at Cambridge Science Park, which he considered to be a good investment. As agreed at agenda item 6, committee members discussed this in closed session. Despite the concerns raised by committee members, the committee supported this investment going forward to Cabinet for consideration.

#### **9. PROPERTY ACQUISITION - SAWSTON**

The Lead Cabinet Member for Finance presented the investment opportunity at Sawston Business Park, which he informed the committee provided facilities that were needed and provided the opportunity to deliver sustainable development. Committee members discussed this in closed session and outlined their concerns.

#### **10. TRANSFER OF COMMUNITY ASSETS POLICY**

The Lead Cabinet Member for Finance presented the policy for the potential transfer of community assets to relevant third-party organisations.

Members commented that this was an excellent document and the committee indicated its support for the policy.

#### **11. WORK PROGRAMME**

The Scrutiny and Overview Committee **NOTED** its work programme.

#### **12. TO NOTE THE DATES OF FUTURE MEETINGS**



The next meeting would take place on Thursday 21<sup>st</sup> April 2020 at 5.20pm.

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**The Meeting ended at 8.20 p.m.**

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