

South Cambridgeshire District Council

Minutes of a meeting of the Scrutiny and Overview Committee held on
Tuesday, 20 April 2021 at 5.20 p.m.

PRESENT: Councillor Grenville Chamberlain – Chair
Councillor Judith Rippeth – Vice-Chair

Councillors: Anna Bradnam
Sarah Cheung Johnson
Dr. Claire Daunton
Jose Hales
Steve Hunt
Dr. Martin Cahn
Graham Cone
Peter Fane
Geoff Harvey
Dr. Richard Williams

Officers in attendance for all or part of the meeting:

Sharon Brown (Assistant Director (Planning Delivery)), Stephen Kelly (Joint Director of Planning and Economic Development), Rory McKenna (Monitoring Officer), Ian Senior (Democratic Services Officer), Jonathan Tully (Head of Internal Audit), Victoria Wallace (Scrutiny and Governance Adviser) and Liz Watts (Chief Executive)

Councillors Dr. Tumi Hawkins and Bridget Smith (Leader of the Council) were in attendance, by invitation.

1. Apologies

Councillor Nigel Cathcart sent apologies for absence.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of Previous Meeting

The Scrutiny and Overview Committee authorised the Chair to sign, as a correct record, the Minutes of the meeting held on 25 February 2021.

4. Public Questions

Daniel Fulton attended the meeting. Following a short introduction summarising its context, he asked the following question:

“When reporting the council’s planning performance statistics to the Ministry of Housing, Communities and Local Government, why did the council decide not to follow the reporting criteria and definitions published by the Secretary of State and approved by both houses of Parliament?”

In reply, Councillor Dr. Tumi Hawkins (Lead Cabinet Member for Planning Policy and Delivery) said that the Local Planning Authority’s submission had been made

in accordance with the up-to-date standards required by the MHCLG's Live Tables, which provided the source data for the Government's designation criteria. She acknowledged that there were two Government publications which were not entirely consistent with each other but said that South Cambridgeshire District Council was following guidance issued by the Planning Advisory Service. Nevertheless, the Council had revised its reporting methods in January 2021. Councillor Hawkins concluded by saying that the Greater Cambridge Planning Service had already addressed the comments and recommendations contained in the Internal Audit report.

5. Extensions of Time (Planning) update

The Scrutiny and Overview Committee considered a report, from the Head of Shared Internal Audit, with an appended report summarising a review of Planning Performance.

Internal Audit had been asked to complete a review of Planning Performance and data from Quarter 2 of 2020. The aim was to review the calculation process, and the supporting evidence used to complete the returns made to the Ministry of Housing, Communities and Local Government. Internal Audit also highlighted opportunities to improve internal controls and processes. Councillor Dr, Tumi Hawkins (Lead Cabinet Member for Planning Policy and Delivery) emphasised that, in principle, Extension of Time agreements were an acceptable tool in terms of planning delivery.

Councillor Steve Hunt welcomed the apparent performance improvement but suggested that, in the longer term, it might be easier to demonstrate performance by adopting a Customer Relationship Management (CRM) system.

Referring to the ambiguity between the so-called Live Tables and guidance issued by the Planning Advisory Service, Councillor Dr. Martin Cahn said that it was important to understand how the Ministry of Housing, Communities and Local Government (MHCLG) interpreted the statistics submitted by South Cambridgeshire District Council (via the Greater Cambridge Planning Service (GCPS)). The MHCLG should be urged to clarify against which standard performance should be measured to ensure consistency and comparison of like with like.

The Head of Shared Internal Audit summarised the Internal Audit report and the process followed in preparing it.

The Joint Director of Planning and Economic Development said there was no evidence to suggest that the methodology adopted by GCPS was flawed. He pointed out the data in the Live Tables and the Government's designation criteria were matters of record and suggested that both those factors were more significant than assessing South Cambridgeshire District Council's performance relative to other local planning authorities. Officers were ascertaining the reasons for Extensions of Time and, where necessary, would update returns submitted to MHCLG. However, he was confident that Extensions of Time had no actual impact on performance. The Committee was assured that designation would not be

triggered automatically.

In response to Councillor Graham Cone, the Lead Cabinet Member for Planning Policy and Delivery said that planning officers were now seeking Extensions of Time, when needed, prior to statutory determination dates.

The Scrutiny and Overview Committee considered a report, from the Head of Shared Internal Audit, with an appended report summarising a review of Planning Performance.

Councillor Jose Hales welcomed the report and, in thanking the Lead Cabinet Member for Planning Policy and Delivery, Joint Director of Planning and Economic Development and Head of Shared Internal Audit, he asked that the Committee's appreciation be passed on to all those involved.

Picking up on a point made by Councillor Fane, Councillor Dr. Richard Williams noted that 57% of the Extensions of Time agreed during the period under review had been made after the statutory deadline. He referred to a statement in the officer report that Extensions of time should be agreed as soon as possible and be the exception. Councillor Dr. Williams pointed out that 'should' does not mean 'must' and wondered when the exception became the norm. The Lead Cabinet Member for Planning Policy and Delivery replied saying that the aim of agreeing Extensions of Time as soon as possible was laudable in principle but circumstances had to be considered – the period under review had been challenging because of the Covid-19 pandemic.

The Joint Director of Planning and Economic Development reiterated the challenge facing officers during Quarter 2 of 2020. Nevertheless, several measures had been taken because of the Internal Audit review. These included the production of a procedure note on agreeing extensions of time and making sure that the planning system highlighted for ease of reference those cases where Extensions of Time had been agreed. The Joint Director of Planning and Economic Development said that he preferred the use of Extension of Time agreements as opposed to rigidly sticking to statutory deadlines, which might result in applications being refused because of them not being acceptable.

Councillor Anna Bradnam commended officers for attempting to maximise the opportunity for applicants to make applications as acceptable in planning terms as possible, citing this as evidence of officers being thorough in seeking to grant high quality planning permissions.

Comparison with the performance of other local planning authorities was not appropriate in the opinion of Councillor Geoff Harvey. He said that, given all that had been said during the meeting, it was inevitable that some applications would exceed statutory deadlines for determination.

The Lead Cabinet Member for Planning Policy and Delivery assured the Committee that planning officers were keen to get planning applications processed as quickly as possible so would never seek Extensions of Time that were longer than necessary.

Councillor Bridget Smith (Leader of the Council) thanked the Head of Shared Internal Audit for an outstanding and reassuring report. The period under review had coincided with the first period of lockdown necessitated by the Covid-19 pandemic. Councillor Smith appreciated how challenging that had been for planning officers to whom she paid special credit. Those officers must not take the blame for missed determination deadlines when planning agents had submitted poor applications and inadequate information.

Winding up the debate, the Chair thanked the Joint Director of Planning and Economic Development, Assistant Director (Delivery), Head of Shared Internal Audit and Councillor Dr. Tumi Hawkins for giving evidence to the Scrutiny and Overview Committee.

6. Work Programme

The Scrutiny and Overview Committee received and noted its updated work programme for 2021-2022.

7. To Note the Dates of Future Meetings

The next Scrutiny and Overview Committee meeting was scheduled to take place on Tuesday 18 May 2021 at 5.20pm. However, the Chair said that there remained uncertainty as to when the next Committee meeting would take place: the legislative provision allowing Committees to meet virtually was due to expire on 6 May 2021 (subject to an Action brought by the Association of Democratic Services Officers and by Lawyers in Local Government), This matter would be heard in the High Court on 21 April 2021 but, pending Judgment, officers were investigating other ways of conducting meetings safely in view of the ongoing Covid-19 pandemic.

8. Victoria Wallace - Scrutiny and Governance Adviser

This had been Victoria Wallace's last appearance at a meeting of the Scrutiny and Overview Committee prior to her taking up her new duties with the National Health Service.

Councillor Grenville Chamberlain led tributes from the chair. He said that it had been a great pleasure to work with such a supportive and delightful officer. He conveyed his sincere thanks and wished Victoria Wallace all the very best in her new role.

The Meeting ended at 6.45 p.m.
