

MINUTES
of the
OVERVIEW AND SCRUTINY COMMITTEE

held on 14 October 2024 at 7pm

Present:

Councillor J. Jeapes (Chair)
Councillor A. Thompson (Vice-Chair)

Councillors, C. Adutwim, D. Clark, H. Clark, P. Clark, J. Deakin, L. Mascot, M. Steel, P. Wilson, R. Whitehead, and S. Young.

Also in attendance –
Councillors J. Lardge, S. Robinson, and T. Sherlock

1. Apologies for Absence and Substitutions

Apologies were received from Councillors V. Canning, P. Davey, S. Davies, S. Dobson, and K. Franks. Councillor C. Adutwim substituted for Councillor P. Davey. Councillor P. Clark substituted for Councillor S. Davies. Councillor R. Whitehead substituted for Councillor S. Dobson. Councillor S. Young substituted for Councillor K. Franks.

2. Chairs Announcements

The Chair reminded members of the importance of impartiality and non-political nature of the Overview and Scrutiny Committee. Members were reminded to have an independent mindset. The Chair reiterated their role was to ensure that members were heard fairly and for the independence of the Committee to be maintained.

3. Minutes

The minutes of the meeting held on 12th February 2024 were agreed as a correct record.

4. Decision and Action Sheet

The Committee considered and noted the decision and action sheet since the last meeting on 12th February 2024.

5. Declaration of Interests

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

6. Public Question Time

One public question had been submitted in advance of the meeting, which was asked in person and [can be seen via this link](#).

The question related to the Chelmsford City Council's climate emergency declaration, and they asked for the costs and quantifiable benefits of the initiatives to residents. They queried whether there was a target in mind for when the climate emergency would be over. They also asked if the initiative to transfer to electric vehicles was consistent with the modern slavery policy. They further stated that the science was not settled on the topic of climate change. They stated that Council's initiatives to Net Zero were expensive and did not provide a value for money for residents.

The Chair then proposed to include an inform and debate item on the topic on the future work programme. It was advised that the points raised by the member of the public could be discussed then, as appropriate.

RESOLVED that an inform and debate item on the Council's climate emergency declaration and net zero initiatives be included in the work programme.

(7.07pm to 7.13pm)

7. Decisions Called-In

It was noted that the Cabinet decision on 8th October 2024 to declare John Shennan Field as a Local Nature Reserve had been called. It had been agreed to consider the call in at a special meeting on 4th November 2024.

8. Planning Enforcement Inform and Debate

The Committee received a report from, the Council's Planning Environment Manager, and the Planning Development Services Manager, that set out the ways the Planning Enforcement service within the Council operated. Members were advised that the Planning Enforcement Team also consisted of a senior planning officer, senior planning enforcement officer, and two planning investigators.

Members were informed that the Planning Enforcement Team were responsible for investigating alleged breaches of planning control and ensuring that works were carried out in accordance with the relevant planning permission. They were advised that the complaint procedure usually consisted of an investigation, which could include site visits, drawing up a report, and then resolving the issue. Officers also advised that they resolved breaches through negotiations as much as possible which might include submitting a retrospective planning application. However, there were instances where officers had to take formal action against unacceptable development.

Officers advised on what constituted as a breach of planning permission and the different meaning of what consisted as a 'development' including building operation and material change of use. Members were informed of the different routes to planning permission either via planning applications, permitted development rights, or

prior approval from the local planning authority. An example where a negotiation resolved a breach of planning control was also shown and this had included three planning applications, two appeals, and two rounds of pre-application advice.

The Committee heard that in situations where negotiation had not resolved a breach of planning control and that a formal enforcement action was needed. It was advised that there would be an assessment of expediency, which was outlined in the national planning guidance. Officers also stated that enforcement action was avoided on cases where the breach was either trivial or technical (where it caused no harm or adverse impact to the amenity of the site or the surrounding area), or where development was acceptable if a planning application were to be submitted. Members were then shown various examples of cases, including trivial ones and ones where action had been taken leading to an injunction, the strongest type of formal action. Officers also advised that planning enforcement could not always fix a breach of planning control. It was emphasised that the enforcement powers were quite limited and there would be certain individuals who would always disregard planning law and regulations.

In response to questions and statements from the Committee it was advised that;

- Regarding the closure rate of cases, it was advised that there was a constant stream of new cases and that they were being closed in a similar rate i.e. around the same amount of cases were opened and closed each week. Although, case opening and closure were not dependent on one another.
- The Planning Enforcement Team would also welcome any concerns of breaches of planning control from councillors and they could advise them in an informal manner before opening a case.
- It was confirmed that the outstanding issues from Persimmon Homes Ltd at the Chignal estate were being investigated by the Planning Enforcement Team.
- It was advised that if direct planning enforcement action was taken, the Council had the power to put land charges back on the land however it was observed that these came with legal difficulties and recovering the cost of direct action was unlikely to happen based on experience from other Local Authorities.
- Regarding whether it was appropriate to take formal action, it was advised that this would depend on the nature of the breach and the risk of it continuing and would be dealt with on a case-by-case basis. It was also advised that a formal action may have been taken many years ago however the breach could still be ongoing.
- In terms of the public interest test, officers advised that this would come down to expediency. The Planning Enforcement Team advised that the expediency test was complex as the level of public interest, the breach of planning control, the policies within the Local Plan, the likelihood of planning permission being granted, and whether conditions attached to planning permission could resolve issues were considered.
- It was advised that the expediency test boiled down to whether officers thought the development would or could be granted planning permission with planning conditions.
- With regards to anonymous complaints, officers advised that these were not normally investigated, but there were instances where they would be; usually

when a common issue was identified over the same time period and there was a potential serious breach of planning control.

- Under the Levelling Up and Regeneration Act 2023, it was advised that breaches of planning control could be immune from enforcement action after 10 years, rather than the previous four-year period. To be subject of the 10 year rule, a development had to be substantially complete before April 2024. The Planning Enforcement Team at the moment would not be looking back on historic cases as these would be under the previous four-year rule.

RESOLVED that;

- officers be thanked for their presentation and continued hard work and;
- the contents of the report be noted.

(7.14pm to 7.52pm)

9. Theatre Refurbishment Evaluation Task & Finish Group Report

The Committee received a report from the Theatre Refurbishment Evaluation Task & Finish Group. The report was presented by Councillor Sue Young, who had been the Chair of the Task & Finish Group. They thanked the Director of Connected Chelmsford, and, the Chelmsford City Culture Services Manager, who had given many hours to the project evaluation and drawing the final report together. They also thanked the members of the Task & Finish Group who had challenged and checked the process.

Members were advised that the report did not just provide an evaluation report but that it also indicated how members questioned and challenged the process. It was emphasised that the Theatre Refurbishment had not been a straightforward project and that ambitions grew before the work had been tendered. The Committee were reminded that difficulties had emerged in the early stages and, although these had been overcome, it was found that they had long-term implications on the costs and time taken for the project. The report also detailed several lessons learnt, both identified throughout the project and during the course of the Task & Finish Group meetings. It was stated that the Task & Finish Group wanted to ensure that the recommendations were monitored.

In response to the comments and questions from Committee members, the Chair of the Task and Finish Group and officers advised that;

- There were some indications on the report of how the theatre had been performing since the refurbishment however it was emphasised that there was no sufficient time frame where they could gather enough information on the performance. The Task & Finish Group had suggested for the new Theatre Director to provide these information and figures after six months. It was appreciated that the new programming was at early stages however it was also observed that the outlook looked to be very positive.
- In response to a comment on the change of ambitions involving the project, it was advised that it had changed before the contract was tendered, and that information had come to Cabinet and Council regarding what would additionally be done.

- It was also emphasised that certain aspects such as the lift could not be included due to the age and layout of the building. However, it was also stated that accessibility had still been improved significantly for those with disabilities.
- The Chelmsford Theatre's contribution to the cultural work within the city was highlighted.
- It was advised that a profit of £49k had been reached in 2023/24. Even taking the central recharge figures into account, the net financial position of the theatre was an improved position of £60k against the last full year before the pandemic. However, it was emphasised that these were early figures and members would get a full projection at the Theatre Inform and Debate.
- Regarding a query about the mobile changing places unit, it was advised that this was currently undergoing refurbishment, and it was planned for the unit to be brought to the theatre and to be utilised for relaxed performances.

The Leader of the Council also explained that the Deputy Leader and the Cabinet Member for a Connected Chelmsford at the time had explained the problems faced in previous Cabinet meetings. They reiterated the multiple problems that the building had posed which hindered the team in installing certain facilities such as more seats and the lift. It was also emphasised the vast numbers of people attending the theatre were higher than the previous years. It was added that the theatre had a robust programme, and the new theatre director had also offered new ideas. The Leader admitted that there were lessons to be learnt from the process and the project management toolkit should be endorsed.

It was acknowledged that whilst there were lots of lessons to be learnt for future projects, the transformation of the theatre had been a success overall, with increased income and excellent customer feedback.

RESOLVED that;

- the thorough work undertaken by the Theatre Refurbishment Evaluation Task & Finish Group be acknowledged and;
- the contents of the evaluation report be noted and;
- the Council use the lessons learnt on future projects and decisive actions be taken on the recommendations outlined in the evaluation report and;
- the new Theatre Director, post-six months into their appointment, be requested to present an inform and debate item to the Committee and;
- officers to provide a report on the use of the new project management toolkit at a future meeting

(7.52pm to 8.21pm)

10. Report on the Updates from Council Representatives on Outside Bodies

The Committee received a report on the activities of Council Representatives on Outside Bodies from 2023/24. Members were reminded that two of the recommendations made from the report of the Outside Bodies Task & Finish Group was for the Overview and Scrutiny Committee to receive annual updates from each appointed representative and review any outside bodies that had not meet before May 2024.

RESOLVED that the updates from the Council representatives on Outside Bodies be noted.

(8.21pm to 8.23pm)

11. Request from a Councillor to add item on Parking Strategy to Work Programme

The Committee received a request from a councillor to add an item in relation to the Council's Parking Strategy and parking provision to the work programme

Councillor Whitehead, who had submitted the request, was invited to provide a summary of it. It was advised that members had been advised that an updated parking policy would be published covering all aspects of parking in Chelmsford. However, it was observed that no Parking Policy had been brought to Cabinet. They added that, in their view, closure of some car parks would reduce the attractiveness of the city for visitors. It was also reiterated that no financial information had been given showing the benefits of the closure.

The Leader of the Council was invited to respond to the request and confirmed that they would be happy for an item regarding the parking provision to be brought to Overview and Scrutiny. It was advised that the administration had always planned to review the Parking policy. They informed the Committee that some car parks had not reached pre pandemic levels of activity and it had been observed that some the car parks did not reach full capacity. There would also be a significant impact from the Beaulieu Station and related car park. The Leader also emphasised on the pressing issue of the housing crisis and its financial costs and highlighted the benefit of being able to provide the solutions via building on Council owned land. Regarding a query on the budget to use for housing, the Leader advised that this would be from the revenue budget.

RESOLVED that a Review of the Parking Strategy be considered in the work programme.

(8.23pm to 8.37pm)

12. Work Programme

The Committee considered a report on its work programme which had been updated following the last meeting on 12th February 2024. It was advised that as additional items had been added for future meetings, officers would discuss with the Chair and Vice Chair the appropriate meetings for them to be considered.

RESOLVED that the work programme be noted.

(8.37pm to 8.39pm)

13. Urgent Business

There were no matters of urgent business.

The meeting closed at 8.39pm.

Chair