

ECONOMY & PLACE SCRUTINY COMMITTEE

Wednesday, 10th August, 2022
Time of Commencement: 7.00 pm

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Present:	Councillor G White (Chair)		
Councillors:	Bettley-Smith Edginton-Plunkett Gorton	Grocott Hutchison Moffat	Panter Skelding
Apologies:	Councillor(s) Beeston and Burnett		
Substitutes:	Councillor Fox-Hewitt (In place of Councillor Beeston) Councillor Holland (In place of Councillor Burnett)		
Officers:	Daniel Dickinson Denise French Simon McEneny	Head of Legal & Governance /Monitoring Officer Democratic Services Team Leader Executive Director - Growth and Development	
Also in attendance	Councillor Fear Councillor S Tagg	Portfolio Holder – Strategic Planning Leader of the Council and Portfolio Holder – One Council, People and Partnerships	

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1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES OF PREVIOUS MEETING

The committee considered the minutes of the previous meeting held on 15 June 2022.

Councillor Moffat commented that she felt the minutes did not fully express the weight of concern raised at the meeting regarding the Local Plan. She suggested if the minutes had included more about this item then the Cabinet may have made a different decision when they considered the Issues and Options report at their 19 July, 2022 meeting. She also suggested that including Members names should be recorded against their comments in minutes.

The Chair responded that if Members wished for a specific point to be noted in the minutes then the process was to request this during the meeting.

Resolved: that the minutes of the meeting held on 15 June 2022 be agreed as a correct record.

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3. LOCAL PLAN - ISSUES AND OPTIONS - CALL-IN

The committee had been convened to consider a Call-In made in relation to the decision of Cabinet on 19 July 2022 regarding the Local Plan – Issues and Options. Cabinet had resolved:

“That:

- 1) The feedback on the Newcastle under Lyme Local Plan Issues and Strategic Options consultation be noted; and*
- 2) The feedback received from the Economy and Place Scrutiny Committee be noted.”*

The Chair introduced this item. He noted that the item had been scrutinised at the meeting in June and all Members had the ability at that point to make any statements, observations or put forward any other procedural issues on the Local Plan. The committee had come to the view that the report and recommendations on the Local Plan be accepted and this view was submitted to Cabinet. He was surprised to then receive a Call-In on an item that had already been scrutinised. He noted the costs in resourcing an additional meeting and asked that Members bear this in mind at any future scrutiny committee debates.

The Chair reminded Members of the provision in the Scrutiny Procedure Rules to declare the existence of the Party Whip; there were no declarations.

The Chair reminded the committee of the key reasons for the Call-In as stated in the Call-In notice:

1. Late adoption of paper-based submissions, resulting in a reduced window of opportunity for residents who struggle with access, or literacy with online methods.
2. Lack of in-person consultation events in certain ward areas (Bradwell) despite requests from local councillors. Limiting residents’ ability to access information or clarifications on the plan.

The Chair then outlined the procedure that would be followed at the meeting, in accordance with the constitution.

The Call-In was introduced by Councillor Moffat as lead Call-In Member. She referred to the Chair’s comments relating to time and asked that it be recorded in the minutes that time was a significant factor in relation to the Local Plan report. At the previous meeting of the committee, when consideration was given to the Local Plan – Issues and Options report the Planning Policy Manager in her introduction noted the meeting had already been underway for some time. Councillor Moffatt highlighted the need to ensure sufficient time was given to scrutinise the items brought to scrutiny and that additional meetings may be necessary.

Councillor Moffat then expanded on the points in the Call-In notice as follows:

- Low number of responses to the consultation which represented a very small proportion of the population of the Borough.

She raised concern that the low response rates could bring the council into disrepute.

- Difficulties in navigating the online portal and the failure of the online portal being a contributory factor in the low response rate.
- An expectation by members of the public that comments made at in person events would be taken on board and comprise part of the final report.

She recommended that the consultation should be re-run with a community-led design approach. She felt that there was a risk that the community would lack trust in the council and its engagement processes.

Councillor Moffat called 2 witnesses:

- (1) Len Gibbs of the Audley Local Plan Group. He reiterated the concerns around the low response rates. He referred to the two petitions submitted and the 757 identical letters which he felt indicated a desire to engage in the consultation process. He felt the feedback received showed overwhelming opposition to the proposals. He referred to other councils' Local Plan consultations which had received greater numbers of responses. He suggested the council consider adopting a target participation level. He felt that different methods of consultation could have been used such as producing a summary note. He also thought that the Plan had a lack of information on sustainability for the public to engage with.
- (2) Dr Colin Bielby of the Audley Local Plan Group – he referred to the consultation on the Audley Neighbourhood Plan for which a response rate of over 25% had been achieved. He felt low numbers of online responses was partly due to difficulties in responding and the time consuming nature of the amount of questions. He felt the readability level was too high and disenfranchised a high number of the population. He referred to in person meetings and lack of recording of views. He felt the size of the document was off-putting.

Councillor D Jones, as one of the Call-In Members then addressed the meeting. He was supportive of progressing the Borough Local Plan as soon as possible but was concerned if the Plan was rejected by the Planning Inspector and felt any risks needed to be mitigated early in the process. He suggested dovetailing the previous and forthcoming consultation so as not to risk any delay.

Councillor Fox-Hewitt, as one of the Call-In Members, addressed the committee regarding lack of face to face events. He referred to a specific query he had raised at a Members Planning event in September 2021 at which he had asked whether the consultation team would attend specific events if requested, this assurance was given but following a request he had subsequently made, the response was that the Portfolio Holder would approve all such attendances and despite a follow up request the consultation team had not attended the event requested. This denied opportunities to participate to those who were not digitally connected and reduced confidence in the process.

The Chair then called Councillor Fear as Portfolio Holder for Strategic Planning to respond to the Call-In. Councillor Fear agreed that consultation responses were always welcome but the council could not compel views to be submitted; in addition, there had been only 8 complaints about the process. He also reminded the committee that the consultation period was 14 weeks compared to the statutory requirement of 6 weeks. The consultation period was also during the Omicron variant when in person meetings did not have to take place; officers had, however, attended a series of face to face events for which they had been praised. He

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understood written submissions were taken at face to face meetings as well as views over the phone. There had been initial issues with the portal which had been addressed and officers had also taken comments via the phone and uploaded them onto the portal on behalf of residents.

Councillor Fear called two witnesses:

(1) The Executive Director – Growth and Development confirmed that written comments were taken at face to face events. Officers assisted in uploading comments onto the portal. A summary note was not produced as it was felt better to provide the document in its entirety. Although there were 289 comments there were a greater number of attendees across all events and it may have been that some attendees did not have any comments to make. In relation to Bradwell, the intention was to have a spread of events and to hold events where the Local Plan was to have the most impact. There were capacity issues that preventing the team responding to all invitations; a number of parish councils and neighbourhood groups arranged to send a representative to an event who would then report back. The consultation did not include land allocations which could explain the low response rates.

(2) Councillor S Tagg, Leader of the Council and Portfolio Holder for One Council, People and Partnerships addressed the committee. He thanked officers for their work with the consultation, including all the events and the support with collating comments. He noted other consultations that had had low response rates and other councils where no face to face consultation events had been held. He also noted that a residents group in his ward had nominated a representative to attend an event and report back. He noted social media reports that paper representations were not being accepted but this had been corrected by the council communications team. In relation to dovetailing the consultation it had been decided to focus on policy only at this stage with a site specific consultation later in the year which he felt would generate more interest. He also noted that the software used was one in use by many other councils.

Councillor Fear concluded by noting the previous meeting, no motion had been proposed or advice offered in respect of perceived inadequacies around the consultation process. The consultation had been lengthy and broad; it was about policy and not about areas of land and it was expected that the next stage would see increased responses.

The Chair then invited Call-In Members to ask any questions of the Cabinet Member.

(1) Councillor Edgington-Plunkett asked the Cabinet Member to clarify that there had not been a vote at the previous meeting of the scrutiny committee on the Local Plan item. Councillor Fear advised that his recollection was there was no motion placed at the meeting other than to receive the report and pass it to Cabinet; this was also confirmed by the Chair.

(2) Councillor Moffat reiterated that there had been a number of concerns raised at the scrutiny meeting in June but also made reference to the time pressures. The Chair explained that he would always give councillors as much time as they needed and if members at the June meeting had felt that more time was needed for the Local Plan then other items could have been delayed. Councillor S Tagg also reminded the meeting of the option for councillors to submit views to Cabinet and that there was a procedure for both councillors and the public to speak at Cabinet meetings.

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- (3) Councillor Gorton asked whether prior thought had been given to how many responses would be considered a good rate and also whether figures were kept of how many attendees were at the in person events. Councillor Fear felt having a specific figure in mind was not necessarily helpful. The Executive Director said figures were not kept per event but as he had attended both events at Audley he knew there were over 100 attendees at each but he was also confident that there were over 289 attendees overall.
- (4) Councillor D Jones asked whether a risk assessment had taken place regarding the low number of responses and was there a mitigation strategy. Also was there a breakdown of responses between residents, stakeholders, local councillors etc. The Executive Director said no Risk Assessment had been carried out as it was not felt that the response rate was too low to a consultation on policies and options that did not include site specific information.

The Chair then invited the committee to debate the item and the following points were made:

- Councillor Fox Hewitt asked for a copy of the Equality Impact Assessment which was agreed
- Could a list of action points from the meeting be produced?
 - It appeared that all Cabinet members had either been present at the previous meeting, watched the livestream or the recording and had therefore been aware of all the points raised at the meeting
- Social media suggestions that paper based submissions were not being accepted were incorrect
- There did not appear to be any evidence that responses received were lower from areas where there were no in person events
- The Local Plan was a most important document that would impact the Borough for a number of years; it was paramount to get people engaged in the process throughout. There was no criticism of the efforts made by officers.
- The Statement of Community Engagement (SCE) had been agreed early in the process and had been approved by Cabinet without any Call-In and was applied throughout the process.
- The letter from the Chief Executive attached to the agenda pack dealt with a number of the issues that had been raised this evening. The letter confirmed that the consultation had been conducted effectively and in compliance with the SCE and accessibility regulations.
- Were there any suitable premises in Bradwell? Sites had been arranged across the area with the Chesterton site serving Bradwell residents but there was also the option to attend virtual events, made comments online and via the phone. The in person events were also held during the Covid pandemic.
- The methodology and response rate were not necessarily a cause and effect, where people were satisfied there was often a low response rate.
- The 289 responses did not reflect the total reach of the consultation as this included attendees at in person events, those who read about the proposals, discussions at Parish Council and other meetings. The next stage could garner a greater number of responses which could be due to the nature of the issues being consulted even though the reach could be of similar size.

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- An additional number of paper copies had been made available at in person events in response to feedback but paper copies had also been made available in local libraries.
- The consultation purpose was not to reach a wide audience but to receive responses, many residents had expressed difficulties with responding and it was important to acknowledge this and learn from it.

Councillor Moffat then made concluding remarks. She said the main purpose of the Call-In was to seek to re-run the consultation period due to the issues as highlighted throughout the meeting. The issues raised around accessibility and readability needed to be addressed to ensure a better response to the next round of consultation. There was no criticism of officers involved in the process.

Councillor Fear then made concluding remarks as Portfolio Holder. The two key points in the Call-In related to written responses not being accepted and lack of in person consultation events. It was suggested that the consultation had failed to reach certain groups of residents. Councillor Fear felt that the consultation had not failed as written submissions were accepted, the council had held in person events in spite of the Covid pandemic and there had been no requirement to do so. Councillor Tagg echoed these points. He noted there would be two further consultations, one relating to sites and one prior to the final Plan being submitted to the Inspector. It was important to look forward now to progressing the Plan. He also referred to the point about sustainability which was a part of the Local Plan which had a green thread running throughout.

A question was raised regarding a previous resolution about digital inclusion and not relying solely on online methods; Councillor Fear confirmed that his statement regarding not having to do face to face events was in relation to legislation which did not require face to face and allowed for online consultation only.

Resolved: that

- (a) no advice be offered to Cabinet regarding the Call-In; and
- (b) Cabinet be requested to take account of the views outlined at the meeting in regards to future consultations on the Borough Local Plan.

[Click here to watch the debate](#)

4. PUBLIC QUESTION TIME

There were no public questions.

5. URGENT BUSINESS

There was no urgent business.

**Councillor Gary White
Chair**

Meeting concluded at 8.53 pm