SCRUTINY PANEL

27 MARCH 2019

7:30 pm – 8:50 pm

Opposition Members
Councillor Ian George (Chair)
Councillor Jason Hughes
Councillor Nicola Sheppard

Administration Members
Councillor Patricia Bamford
Councillor Sam Foulder-Hughes
Councillor Anita Schaper
Councillor John Sweeney

* Absent

In attendance:
Councillors Malcolm Self and Kevin Davis.

16. Apologies for Absence

Councillor Jason Hughes substituted for Councillor Kevin Davis.

Councillor Nicola Sheppard substituted for Councillor Rowena Bass.

Councillor John Sweeney substituted for Councillor Christine Stuart.

Councillor Anita Schaper substituted for Councillor Yogan Yoganathan.

Councillors Kevin Davis and Malcolm Self attended to provide evidence as members who sat on the Environment and Sustainable Transport Committee which determined the Local Implementation Plan.

17. Declarations of Interest

There were no declarations of interest.

18. Appointment of Chair

Councillor Ian George was appointed Chair for the duration of the meeting.

19. Minutes

The minutes of the meeting of the Committee held 25 February 2019 were confirmed as a correct record.

20. Panel Procedure

The procedure at the meetings is at the discretion of the Panel, adapting the guidelines in Part 4C of the Constitution.
The following procedure was agreed:

The Chair would invite an officer comment or clarification at the appropriate point in the meeting if required

1. Ms Caroline Shah Scott plus up to one other representative of those named in the call in request.  
   (No specific time limit on addressing the Panel but representatives are requested to focus on the call in reasons and be mindful of the time)

2. Questions from the Panel to Ms Shah Scott and other representative.

3. Member responsible for the decision – Councillor Malcolm Self, Vice Chair of the Environment and Sustainable Transport Committee

4. Questions to Councillor Self from:
   a) Ms Shah Scott and other representative
   b) the Panel

5. Final comments from Ms Shah Scott and other representative

6. Final comments from Councillor Self.

21. Community Call in on Local Implementation Plan 3 (LIP3)  

The Panel heard the Call in of Recommendation 2 of the Environment and Sustainable Transport Committee on 12 February 2019 to approve, for submission to Transport for London (TfL) and Mayor for London, the 3rd Local Implementation Plan (the “LIP”) for the Borough. The Call in contended that TfL guidance on preparing LIPS had not been followed.

Ms Caroline Shah raised a series of points as mentioned in the Community Call-in submitted. There was concern that the Statutory Consultation was not conducted correctly as there was no evidence that all the consultees listed were consulted or that all consultees’ views were taken into account in the final LIP programme. Moreover, there was no evidence that eight residents’ associations were consulted. Additionally, it was argued that it was not democratic to select eight residents’ associations as representative of residents’ views across the Borough. It was argued that representative organisations such as the North Kingston Forum and associations that represent large numbers of residents should have been included.

By way of response it was emphasised that the guidance stated that the statutory consultation process must include Commissioner or Commissioners of Police for the City of London and the Metropolis, TfL, such organisations representing disabled people as the boroughs consider appropriate, and other affected London boroughs.
The guidance also stated that boroughs may wish to consult organisations such as elected members and a range of other interested parties. To meet that requirement, consultation was undertaken in November 2018 with those people/organisations listed in the schedule of consultees that was included with the committee report to EAST on 12 February 2019, and identified those who had responded. All the comments that were received were incorporated into the draft LIP3, and in response to the point raised a summary table of those statements and a reference to where those points have been addressed will be prepared. The reference to the residents’ associations has identified an unfortunate error, whereby the distribution list provided was incomplete, and only identified those Residents’ Associations within Council housing areas.

Caroline Shah queried why the Strategic Environment Assessment (SEA) was not completed before the document was approved by Committee. Officers responded that the requirement for a Strategic Environmental Assessment (SEA) was clear, and it was acknowledged that the SEA was not available at the time of Environment and Sustainable Transport Committee’s decision. This process was currently being undertaken which would ensure the document was compliant with our statutory requirement, to submit the SEA document to support LIP3 for approval by Mayor of London by June 2019.

Caroline Shah raised concern that the LIP did not give detail of “other characteristics of the Borough”, which it could have done using the Borough Character Study. Furthermore the local context demographic information did not include accurate or up-to-date information on the Borough or detail or explanation given of the planned “nascent Opportunity Area” for Kingston.

By way of response officers explained that Kingston’s borough character study was a document of over 400 pages and it was not appropriate or possible to include that level of detail within the LIP Context. With respect to the specific text, while it could arguably include greater detail about areas beyond Kingston town centre, it did nonetheless refer to the breadth of character in paragraph 2.6 for example, and reference to the District Centres in paragraph 2.1. Figure 2 provides accurate information on forecast increases in population, and clearly shows the distribution of probability embodied in different population projections. The housing-led projection included within this graph takes into account the anticipated housing delivery through the London Development Database and the London Strategic Housing Land Availability Assessment.

Ms Shah stated that the opportunity areas needed to be challenged and concern was raised that green belt sites would be developed in order to fulfil unrealistic housing targets. By way of response it was explained that the sites listed in the Early Engagement on the Local Plan documents going to the Strategic Housing and Planning Committee on 28 March 2019 were brought forward by external people. These were local sites offered for the basis of a consultation to gather evidence on site viability. It was reiterated that it was not the Council’s policy to develop on Greenbelt land.
Some Councillors agreed with the points made within the Community Call-in, namely the inadequate consultation and the missing SEA documentation when the EAST Committee made its decision. It was made apparent that this needed to improve for future LIP funding bids. By way of response officers agreed to improve their consultation in future iterations of the scheme by improving their consultation database to ensure that a broader area was consulted prior to Committee decision.

Members were mindful that the Strategic Environment Assessment (SEA) documentation was missing when the Environment and Sustainable Transport Committee had considered the item. Members were reassured by officers that this would follow at a later date.

Caroline Shah raised concern that the Sustainable Transport Strategy Document was not included and there was no evidence of an up to date STS for the Borough. By way of response it was explained that TfL had advised that this was not required.

There was a consensus from Members that the process for LIP needed to improve in terms of the consultation to avoid future omissions of important stakeholders. Officers agreed to update their consultation databases with a wider variety of consultees. Members were reassured by the officer's commitments to review internally their consultation and improve this for future iterations of LIP.

Members also considered that the SEA document needed to be circulated to the members of the Environment and Sustainable Transport Committee for comments prior to inclusion in the LIP3 submission. A majority of Members were satisfied with the implementation of the original decision subject to the officers proceeding on that basis.

**Resolved** to reject the request for the call-in, in which instance the original decision of the Committee, is effective immediately and may proceed to implementation.

The original decision of the Committee be confirmed.

Voting:
For: Councillors Patricia Bamford, Sam Foulder-Hughes, John Sweeney and Anita Schaper (4).
Against: (0)
Abstain: Councillors Ian George (Chair), Jason Hughes and Nicola Sheppard (3).
22. Urgent Items Authorised by the Chair

There were no urgent items.

Signed…………………………………………………….Date…………………

Chair