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Bitter exchanges in Epsom and Ewell Council Chamber on Local Plan oversight

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A bid to force greater councillor oversight of Epsom and Ewell's Local Plan was defeated after an extraordinary council meeting descended into bitter accusations of dishonesty, procedural obstruction and democratic failure.

The motion, proposed by Councillor **Kieran Persand** (Conservative, Horton) and seconded by Councillor **Julian Freeman** (Lib Dem, College), was rejected by 15 votes to 12, with three abstentions, on Tuesday 21 July.

It sought to instruct the Licensing and Planning Policy Committee (LPPC) to review additional Local Plan documents submitted to the Government-appointed Planning Inspector after the 2025 examination hearings.

It also called for consultation responses not to be sent to the Inspector without LPPC approval. By the time the extraordinary meeting was held, however, the consultation had closed, 346 responses had been submitted and a further examination hearing had taken place on 2 July.

Recognising that events had overtaken parts of his original motion, Cllr Persand attempted to substitute proposals for an independent external review of the Local Plan's governance.

His amendment questioned whether delegated authority allowing officers to propose "changes and corrections" to the plan and its supporting documents had been used more extensively than councillors intended.

It listed eight additional documents, covering urban sites, the Green Belt, potential housing allocations, sustainability, habitats, infrastructure and transport. Cllr Persand argued that the "scale and significance" of these documents raised questions about whether they should have gone before LPPC.

The proposed review would have examined:

- The use of delegated powers during the examination;
- Whether LPPC had fulfilled its constitutional role;
- Whether councillors received adequate opportunities to scrutinise material changes;
- Whether appropriate constitutional and legal advice was available;
- How governance and transparency could be improved.

A separate factual report would have listed the documents submitted, the powers relied upon and the reasons they had not been considered by LPPC beforehand. The review's findings would have gone to the Standards and Constitution Committee, the Planning Inspector and the shadow East Surrey Council.

Cllr Persand said the purpose was "to strengthen governance, transparency and democratic accountability, not to revisit the planning merits of the Local Plan".

Mayor rejects amendments

Mayor Councillor **Lucie McIntyre** (RA, West Ewell) rejected the amendment under Full Council Rule 17.5 after taking officer advice.

She ruled that it was outside the scope of the published motion and did not identify a source of funding for an external review.

"The proposed amendment has no relation to the scope of the original motion," she said. "It would not be in order to allow your proposed amendment, which seeks to make decisions which have no bearing on the original motion and provides no source of funding for the request."

Cllr Persand disputed the ruling. "You've just quoted back my amendment, not really telling me why it's out of scope," he said. "It is about the Local Plan, but it's also about transparency and governance, which the original motion was about."

The Mayor said she had made her decision and invited him to follow the issue up in writing after the meeting. Following further exchanges, she agreed to adjourn the meeting so that Cllr Persand could prepare a revised amendment.

After consulting the Chief Executive and legal advisers Cllr McIntyre rejected the second version on the same basis.

When Cllr Persand continued to challenge the decision, she warned that she would ask him to leave the meeting if he

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persisted. “I have made my decision,” she said. “I have given my rationale. I am not going to discuss it any further.”

Councillor **Bernie Muir** (Conservative, Horton) intervened after another member called out during Cllr Persand’s speech. “This is not normal,” she said. “I haven’t seen this happen at county or anywhere else, where a member of the floor has piped up in the middle of someone’s speech.”

The Mayor then warned all members against interruptions.

“Masterclass” in democratic failure

Forced to proceed with his original motion, Cllr Persand launched a fierce attack on the council’s administration and handling of the plan. “This Local Plan process has become a masterclass of how not to conduct democratic decision-making,” he said. “Time and again, councillors have been denied the opportunity to do the very jobs residents elected us to do – scrutinise.”

He accused the council of cancelling meetings, delaying discussions and relying too heavily on decisions taken under delegated authority.

“Important decisions have been taken away from the committee whose constitutional role is to review, consider and help shape the Local Plan,” he said. “Councillors have too often been told what has been decided instead of being given the opportunity to help make those decisions.”

Cllr Persand claimed LPPC chairman Councillor **Peter O’Donovan** (RA, Ewell Court) had previously admitted not reading what was submitted to the Inspector.

“Think about that,” he said. “The chairman of the committee responsible for planning policy doesn’t know what was submitted in the council’s name. If that does not ring alarm bells across this chamber, I genuinely do not know what will.”

He also criticised the absence of a legal officer when constitutional concerns were previously raised at LPPC.

“Members were asked to consider important constitutional issues without legal advice being available in the room,” he said. “That should be a concern to every councillor here, regardless of political party.”

Cllr Persand said residents had been encouraged to spend hours responding to consultations but increasingly believed their views had “disappeared into a black hole”.

“Whether residents supported the Local Plan or opposed it is almost beside the point,” he said. “They deserve confidence that their views have been properly considered and that decisions affecting the future of this borough are being taken openly and transparently. That confidence has been damaged.”

He argued that the affair was symptomatic of broader problems at the council, referring to recent Audit and Scrutiny Committee criticism of the procedure followed over an urgent decision concerning Rainbow Leisure Centre dilapidations.

“What we are seeing is not one isolated issue,” he said. “It points to a wider pattern where proper scrutiny is too often treated as optional, where transparency comes too late and where councillors are expected to accept decisions that have already been made rather than being given the opportunity to shape them.”

Motion “out of time”

Councillor **Steve McCormick** (Conservative, Woodcote and Langley Vale) agreed with the motion’s underlying concerns but acknowledged that one of its proposed instructions was no longer capable of being implemented.

“Major, highly sensitive Local Plan evidence submitted under delegated authority was sent to a Planning Inspector without prior consideration or scrutiny by the Licensing and Planning Policy Committee,” he said. “When the committee tasked with setting out our planning framework is bypassed, our elected members are sidelined and our residents are completely left in the dark.”

However, the consultation had already closed and its responses had been sent to the Inspector. “Recommendation two is simply out of time,” Cllr McCormick said. “All 346 responses have long been sent to the Inspector, and the hearing itself concluded on July 2.” He added: “We cannot rewrite the past, but we must urgently address how we restore transparency, enforce committee oversight and ensure our residents are never shut out again as we move towards the main modifications stage.”

Councillors “struggled” to participate

Councillor **James Lawrence** (Independent, College), elected in 2023, said he had struggled to become meaningfully involved in Local Plan decisions. “I haven’t been able to be involved in a single public committee, apart from the one committee in November 2024, which released over 1,000 new pages in seven days to read,” he said.

“That’s not a realistic way to run a committee system. We’re not resourcing our committee system properly. You cannot make considered decisions on that basis.” Cllr Lawrence said committees should be properly engaged because they provided the principal means by which backbench councillors could influence decisions. “If we just get presented with 1,000 pages and seven days to read them, you’re not going to get a meaningful decision,” he said.

Councillor **Kate Chinn** (Labour, Court) said the “spirit of the motion is absolutely correct”. “We need a plan for the borough,” she said. “It needs to go to Licensing and Planning Policy Committee to make those decisions in the authentic and proper way.”

Cllr Muir described three recurring problems: “Transparency, scrutiny and a fair understanding of our concerns.”

“It has been an almighty struggle to actually have any input that’s been considered,” she said. “We cannot treat members

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like this. When you treat members like this, you are treating our residents like this." She said councillors in other authorities were astonished when told how the process had operated in Epsom and Ewell. "Every single member in this room should feel appalled – absolutely appalled – at how we are consistently treated," she said.

Councillor **Christine Howells** (RA, Nonsuch) said the sole issue should be whether the correct process had been followed. "It is eminently clear that this process was fundamentally flawed," she said. "Due diligence now has to take place to show transparency, accountability and regain trust in the system."

She urged members to put "duty, honesty and integrity" above political allegiance, warning: "This vote will be judged and scrutinised by the residents."

"Democracy is being subverted"

Councillor **Chris Ames** (Labour, Court) linked the Local Plan dispute to wider concerns about transparency and officer decisions. When he began referring to the Rainbow Leisure Centre dilapidations issue, the Mayor twice directed him back to the motion. The Mayor being the daughter of Cllr **Neil Dallen**, who Ames has criticised in connection with the alleged "cover-up" of the £500,000 dilapidations Rainbow Centre bill.

"I really don't think it's for you to tell me what my speech is to be about, Madam Mayor," he replied. "If I think this is relevant, I will make this point. I will not be silenced."

He accused the administration and senior council figures of using procedural rules to prevent legitimate debate.

"There's a pattern here," he said. "Procedural rules are being used all the way along to stop councillors discussing things. This is supposed to be a democratic council, and democracy is being subverted."

Defence of officers and administration

Councillor **Clive Woodbridge** (RA, Ewell Village) mounted a forceful defence of council officers and rejected opposition claims that the process lacked transparency.

"One of the most disgraceful things about this whole Local Plan process is the way that the opposition criticises officers – officers who work diligently and hard on behalf of us and our residents, and they're not in a position to fight back," he said. He described Cllr Ames's criticism as "unconscionable" and called on opponents to reconsider the appropriateness of their language.

Cllr Woodbridge said opposition councillors had been given time to prepare an amendment which could properly be debated but had failed to do so. "Rather than blaming us, blaming the Mayor or blaming officers for this, they only have themselves to blame," he said.

He said an officer had given a lengthy explanation at the previous LPPC meeting and the council's Monitoring Officer had repeatedly stated that the constitution and due process had been followed. "It's not about transparency," Cllr Woodbridge said. "They just don't like the answer that they get."

He alleged that the opponents' real objective was to stop the plan. "What they're dressing up as transparency and integrity is that they want to stop this Local Plan," he said. "We know we have to deliver a Local Plan for our residents that protects the Green Belt, protects our environment and delivers the housing that our current and future generations need."

Cllr Woodbridge nevertheless agreed that residents and councillors should be involved when the Inspector's proposed main modifications were published.

Delegation dispute

Councillor **Shanice Goldman** (Conservative, Nonsuch) said she had been an LPPC member when the disputed delegated authority was approved. "In no uncertain terms, we were told that the delegated authority was going to be for the purpose of making small changes, including grammatical errors and spelling mistakes," she said. "We were not told that material changes would be made by way of delegated authority."

She said members had been misled about the effect of their decision, while stressing that she was not alleging bad faith. "We took a vote with the information that was given to us," she said. "That information was misleading. It was wrong."

Councillor **Alex Coley** (Independent, Ruxley) said he had raised infrastructure issues directly at the examination hearing because he felt unable to do so through the council. "I made the point that I did it in that forum because I'm not able to do it at this council, either by committee or by talking directly to officers," he said.

Although the Inspector suggested that councillors and officers should communicate, Cllr Coley said he had received no subsequent approach from the planning policy team. "This blanket, umbrella coverage of delegated authority suggests that councillors are not allowed to take part any more in their own process," he said.

Councillor **Alison Kelly** (Lib Dem, Stamford) rejected Cllr Woodbridge's contention that critics wanted to derail the Local Plan. "What we want is a Local Plan that has fulfilled all the consultation that's necessary," she said. "My personal disappointment was that we couldn't have had an extra LPPC meeting before those original documents were submitted."

She added: "I definitely want a Local Plan because it's in the residents' interest to have a Local Plan."

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“Worst-run council”

Cllr Freeman, who seconded the motion, strongly criticised the handling of the meeting itself.

He said the original motion had been available for two weeks, yet councillors received procedural advice shortly before the meeting which raised doubts about what they could debate. “This should have been quite a simple, straightforward process,” he said. “Instead, it has descended into farce, with people shouting out, being accused of things and being told they can’t talk about this and they can’t talk about that.”

Drawing a comparison with the shadow East Surrey Council, where he serves as a member, he described Epsom and Ewell as “probably the worst-run council I’ve ever had experience of….. For me, there has been a complete lack of due process,” he said. “This underlines why it is a good thing, in my view, that this council will soon cease to exist.”

He added: “In the end, I think there has been a failure of adequate oversight over this whole Local Plan process.”

The Mayor subsequently said Cllr Persand’s amendment had been submitted at 6.39pm, but corrected herself after he protested, confirming it had been sent at 5.04pm. The original motion had been published two weeks earlier.

LPPC chairman rejects accusations

Cllr O’Donovan disputed Cllr Persand’s assertion that he did not know what had been submitted.

“I did not read the actual responses, but I was in full conversation with the Head of Planning Policy and Economic Development,” he said. “I knew what was being asked, what was being replied to and therefore I was in full knowledge of what was being sent.”

He stressed that delegated authority did not require him to sign off individual documents. “I have to make it clear: under the delegated authority, it is not for me to sign anything off,” he said. “But I was well aware of what was being said.”

Responding to Cllr Goldman, Cllr O’Donovan said the full wording of the delegation appeared in the committee papers available to councillors before the November 2024 meeting. “I did not mislead anything,” he said. “The full motion was there, and you could have read it.”

Cllr O’Donovan said the necessary political decisions had been made during preparation of the plan. During examination, responsibility for the process rested with the Planning Inspector, who requested additional evidence to address concerns about soundness. “That work was completed under the delegated authority granted in November 2024,” he said.

The Inspector then approved publication of the additional documents for consultation. At the 2 July hearing, she indicated that documents submitted during the examination could only be withdrawn at her direction.

“As the documents and consultation responses have been published on the examination webpage under the direction of the Inspector, both parts of the motion being considered this evening cannot be implemented,” he said.

Cllr O’Donovan said the Inspector appeared likely to find the plan sound, subject to main modifications. Those modifications would be consulted upon before Full Council decided whether to adopt them. “If we decide not to, then the plan will not be found sound, and we will be in serious trouble,” he said.

Cllr Goldman replied that she had read the papers and fully participated in the November 2024 debate.

“Members of the committee queried the scope of the delegated authority,” she said. “We were then given assurances by the chair that the scope would be limited to small changes, including grammatical errors. That’s what we were told.”

Accusations of lying

In his final reply, Cllr Persand accused Cllr O’Donovan of making two false statements and said video evidence supported his account of what the LPPC chairman had previously said. “You did say that you hadn’t read the papers,” he said. “That is on a video recording.”

He accused Cllr O’Donovan of having “passive involvement versus active involvement” as LPPC chairman and said it was inappropriate given the significance of the Local Plan. “You’re under no obligation to read a paper for us, but you are under an obligation not to mislead the committee and to lie,” he said – apparently meaning not to lie.

Cllr Persand maintained that the November 2024 delegation had been presented as covering minor amendments rather than the material changes subsequently submitted. “There is a culture in this chamber and council where scrutiny is treated as an inconvenience, where transparency is something to be managed rather than embraced,” he said.

He rejected claims that the opposition wanted to defeat the plan. “All of us want a Local Plan. All of us want a sound Local Plan,” he said. “It’s the RA who are bulldozing decisions through without proper consultation, notification or working with other councillors.”

Cllr Persand turned his fire on the Residents’ Association’s record in local government, arguing that voters had already passed judgement in the East Surrey elections, at which only two RA candidates were elected. “You will not be leaving a positive legacy,” he told the administration. “Residents made that very clear in the last local elections.”

Cllr O’Donovan immediately objected to being accused of lying. “I’ve been accused of deliberately misleading the council and lying,” he said. “I just think that is unacceptable language.”

“I’m not lying,” he added during a brief exchange across the chamber.

The Mayor ended the argument and called the vote. Twelve councillors supported the motion, 15 opposed it and three abstained.

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The motion was therefore defeated, leaving the additional examination documents without the retrospective LPPC review sought by its supporters. No external governance review or factual report will be commissioned under Cllr Persand's rejected amendment.

The meeting closed at 8.22pm.

Sam Jones – Reporter



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