



# Overview and Scrutiny Committee Monday, 10th November, 2014

You are invited to attend the next meeting of **Overview and Scrutiny Committee**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping on Monday, 10th November, 2014 at 7.30 pm

Glen Chipp Chief Executive

**Democratic Services** 

Officer:

Stephen Tautz, Democratic Services Manager, Directorate of

Governance

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564249

#### Members:

Councillors R Morgan (Chairman), K Angold-Stephens (Vice-Chairman), G Chambers, K Chana, T Church, D Dorrell, L Girling, P Keska, Mrs J Lea, A Mitchell MBE, S Murray, B Rolfe, Mrs M Sartin, Ms G Shiell, B Surtees, A Watts and D Wixley

PLEASE NOTE THAT THERE WILL BE A SHORT PRE-MEETING FOR ALL MEMBERS OF THE COMMITTEE STARTING AT 7PM IN COMMITTEE ROOM 1 SO THAT THEY CAN DISCUSS THEIR LINE OF QUESTIONING FOR THE PRESENTATION.

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

#### **WEBCASTING NOTICE**

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those who request it..

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper

council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

#### 1. WEBCASTING INTRODUCTION

- 1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.
- 2. The Chairman will read the following announcement:

"This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber's lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer"

#### 2. APOLOGIES FOR ABSENCE

#### 3. SUBSTITUTE MEMBERS

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

#### 4. MINUTES (Pages 5 - 8)

#### **Decisions required:**

To confirm the minutes of the meetings of the Committee held on 14 October 2014.

#### 5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

#### 6. PRESENTATION ON CHILDREN SERVICES (Pages 9 - 12)

Following on from last years successful talk on Children Services and this committee's desire to have an update in a years time, officers have arranged a follow up presentation.

To this end we have a representative from the County, Chris Martin, the Integrated Commissioning Director (West), at Essex County Council coming to speak to the Committee. He will be talking about Children Services in the County and their current commissioning intentions for young children based upon an Early Years review they have completed.

For information, an extract from the minutes from the O&S meeting held on 4 June 2013 is attached containing the section of the Children Services presentation given, and subsequent questions asked.

#### 7. CLG CONSULTATION ON PLANNING AND TRAVELLERS (Pages 13 - 24)

(Director of Neighbourhoods) to consider the attached report.

#### 8. SIX MONTH OVERVIEW AND SCRUTINY REVIEW (Pages 25 - 44)

To consider the attached report on the six monthly work programme.

#### 9. REVIEW OF CABINET FORWARD PLAN (Pages 45 - 60)

To review the Cabinet Forward Plan (Key Decision List) on a meeting by meeting basis.

#### 10. SAFER CLEANER GREENER SCRUTINY PANEL - REPLACEMENT MEMBER

To agree a Conservative Group replacement for the Safer Cleaner Greener Scrutiny Panel to replace Councillor Y Knight with Councillor A Mitchell.

#### 11. EXCLUSION OF PUBLIC AND PRESS

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information
		Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any

currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

## EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee: Overview and Scrutiny Committee Date: Tuesday, 14 October 2014

Place: Council Chamber, Civic Offices, Time: 7.30 - 8.20 pm

High Street, Epping

**Members** Councillors R Morgan (Chairman, Overview and Scrutiny Committee) **Present:** (Chairman) K Angold-Stephens (Vice-Chairman) G Chambers, K Chana,

L Girling, P Keska, Mrs J Lea, A Mitchell MBE, S Murray, B Rolfe,

Mrs M Sartin, Ms G Shiell, B Surtees and D Wixley

Other Councillors R Bassett, Mrs A Grigg, Ms H Kane, S Neville, J Philip, D Stallan,

Councillors: G Waller and C Whitbread

**Apologies:** Councillors D Dorrell and A Watts

Officers D Macnab (Deputy Chief Executive and Director of Neighbourhoods), Present: S G Hill (Assistant Director (Governance & Performance Management)),

S Tautz (Democratic Services Manager), T Carne (Public Relations and Marketing Officer), A Hendry (Democratic Services Officer), M Jenkins (Democratic Services Assistant) and G. Nicholas (National Management

Trainee)

#### 27. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

#### 28. SUBSTITUTE MEMBERS

There were no substitute Members for the meeting.

#### 29. MINUTES

#### **RESOLVED:**

That the minutes of the meeting held on 16 September 2014 be signed by the Chairman as a correct record.

#### 30. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

## 31. TERMS OF REFERENCE FOR THE NEW SCRUTINY PANELS REVIEW TASK AND FINISH PANEL

The Chairman of the Scrutiny Panel Review Task and Finish Panel, Councillor Angold-Stephens briefed the Committee on what the Task and Finish Panel had been doing since it had been set up. They have held two meetings so far when they

had started gathering information and speaking to Directors and Officers to get their thoughts on the state of the Scrutiny Panels. So far they had noted that some areas of the Council's activity did not fall under the umbrella of any Scrutiny Panel and that some reports tended to get agreed without full scrutiny. The system should be member led and not officer led. The Panel has the services of a post graduate Management Trainee to help with the research, write background reports and also look at what other councils were doing. As part of this initial phase they have put together a set of terms of reference for the Panel and were now seeking the agreement of the Committee to endorse these terms. Once they have firmed up their proposals they will consult all members.

#### **RESOLVED:**

The Terms of Reference for the Scrutiny Panel Review Task and Finish Panel be agreed.

#### 32. WORK PROGRAMME MONITORING

#### a) Overview and Scrutiny Committee - Work Programme

The Committee considered their work programme for the remainder of the year. They noted that they were supposed to have had a presentation from Essex County Council's Children Services; however this had to be cancelled. It was hoped that this could be brought to the next meeting in November. If this was to go ahead, Councillor Murray asked that the Youth Council be formally invited to attend the Children's Services presentation.

Councillor Girling asked if ECC Children Services Presentation could cover the changes to children services happening across the district. Councillor Murray would also like them to address the loss of 'Homestart' in Epping Forest.

#### **SCRUTINY PANELS**

#### b) Housing Scrutiny Panel

There was nothing further to add as they had not met since the last O&S Committee meeting.

#### c) Constitution and Member Services Scrutiny Panel

The Chairman of the Panel noted that their work programme had now been added to and they had a full programme for the coming year.

#### d) Safer Cleaner Greener Scrutiny Panel

The Chairman of the Panel noted that they had recently met. They had a lively meeting mainly focusing on waste. There may also be a chance to receive a presentation from Thames Water at one of their future meetings.

Councillor Surtees raised some concerns about the Local Highways Panel; Councillor Lea said that she would raise these issues at the next Highways Panel she attended.

#### e) Planning Services Scrutiny Panel

The Chairman of the Panel noted that they had not met since the last meeting of this Committee. He urged all members to attend the Panel when the Local plan was discussed. He noted that the new Planning Electronic Document Management System was now up and working well and that the Panel would look at Building Control when it could.

#### f) Finance and Performance Management Scrutiny Panel

The progress of the work programme was noted.

#### **TASK AND FINISH PANELS**

#### g) Scrutiny Panel Review Task and Finish Panel

This had been dealt with under a previous item.

#### h) Grant Aid Task and Finish Panel

This panel was still to meet and set their Terms of Reference. Councillor Whitbread asked that that they extend their terms to also look at discretional rate relief. This was agreed by the Committee.

#### **PICK FORM**

#### i) PICK Form

A PICK form had been submitted by Councillor Neville on air particulate pollution in Epping Forest. This was based on a 'Public Health England Report' that had worrying findings of high rates of particulate pollution, attributable to 6% of all deaths in our district. He noted that this was worrying and needed to be looked into.

This form was supported by Councillors Surtees and Mead. Councillor Surtees made a supporting statement.

Councillor Murray spoke in support, noting that this was worthy of scrutiny as it would also have an effect on the forest. He thought that this should be looked at by the Safer Cleaner Greener Scrutiny Panel (SCGSP). Councillor Sartin agreed that the SCGSP should consider this although the report was complex and not written for the layman. The Panel should invite the Council's air quality officer to address them and proposed that this was added to their work programme.

Councillor Chambers was concerned about what resources were needed to monitor any pollution. He thought County should be consulted about this and what they had done about it.

Councillor Waller commended Councillor Neville for putting up this PICK form. He noted that the high levels of particulates in our district was not that surprising as we had London to the South and also with the Motorways criss-crossing the district, we had a high level of vehicle movements going through, especially diesel vehicles. We did not need to look to hard to find out why we had these levels, although the London Borough of Kensington and Chelsea had some of the best life expectancy in the country, suggesting that other factors were in play. We did not need to do our own monitoring or measurements but it should be referred the SCGSP.

Other councillor supported this, one said that perhaps road sweepers and dustmen would be most affected; another councillor wondered how these figures compared to Unitary Authorities; another pointed out that a large number of residents worked in London and this would also skew the figures.

The Chairman of the Safer Cleaner Greener Scrutiny Panel was happy for this to go onto her Panel's work programme and to receive a report from the Council's officer.

#### **RESOLVED:**

That the Safer Cleaner Green Scrutiny Panel adds the PICK form produced by Councillor Neville to their work programme.

#### 33. REVIEW OF CABINET FORWARD PLAN

The Committee reviewed the Cabinet's Forward Plan for September 2014. They had no specific items that they wanted to consider.

**CHAIRMAN** 

# Extract from Minutes on: Presentation on Children Services and Corporate Parenting – O&S Committee 4 June 2013

The Committee welcomed Jenny Boyd, the Director of Local Delivery West, Children's Social Care at Essex County Council. She was there to talk about Corporate Parenting and Children Services, what corporate parenting was and just what was a member's responsibility in relation to it. She started by quoting Frank Dobson from a letter he wrote in 1998 that "for children who are looked after, your council has a legal and moral duty to try to provide the kind of loyal support that any good parents would give to their children...you should do your utmost to make sure that children in public care get a good start in life..." this was the principal that underlined and still underlined the concept of Corporate Parenting.

These responsibilities were primarily laid out in the Children Act 1989 and updated and refined in subsequent legislation.

In some circumstances we share parental responsibilities for these children in care and care leavers. Some of the duties and responsibilities on local authorities are for planning, safeguarding, promoting health, wellbeing and life chances. Duties to care leavers extend to at least age 21. A lot of what was done was measured by performance indicators.

Councillors need to be aware of the corporate parenting role and the shared responsibility for ensuring that the needs of children are met. They also need to understand the impact of council decisions on children in care and care leavers and to ensure that action was taken to address any shortcomings.

There were two main categories of public care, 'Accommodated' at the request of parents and/or young person; or subject to a Care Order (by order of a court under section 31, Children Act 1989). At 16 or 17 young people can ask to go into care or to come out off care and this would override the wishes of parents. The courts would have to decide on any Care Orders made.

There were various reasons why young people were in care, the primary reasons being abuse or neglect, followed by problems in the family such a family being acutely stressed or absent parents or a parent's illness or disability. Last on the list of reasons and accounting for only a small percentage (2%) of looked after children, would be a child's socially unacceptable behaviour.

The cost of getting this wrong would result in poor educational performance, contact with the criminal justice system, poor physical and mental health, homelessness and/or unemployment. All at a huge cost financially to the state.

Children in care need someone who cares for them and believes in them; they need stability, security and continuity of support. The support services need to promote resilience and not just fix what was broken but nurture what was best. They should ensure that young people become employable and that on leaving care have access to safe, permanent, suitable accommodation. Essex County Council aimed to provide early, targeted help, effecting change to enable children to be brought up safely and healthily in their own families. However, they also wished to provide and commission high quality substitute care within family settings, as near to home as possible, maintaining links with the birth family whenever this was in the child's best interest. Also, where it was appropriate to provide high quality residential care. They also aimed to support children in care and care leavers and to work respectfully with children and their families and involve them in the future design and improvement of their services. They would like EFDC and key partner agencies to help and

support the development of work experience opportunities for young people in care and care leavers within the EFDC area. They would like them to support the development of apprenticeships and employment opportunities, support requests for foster carers being seen as a priority housing group, provide free access to leisure facilities to children in care and care leavers and to promote fostering for Essex CC at a local level. Councillors should champion children and care leavers at every opportunity. They should also remember that when corporate parenting clashes with other responsibilities, councillors should remember the principle "if this were my child".

The meeting was then opened out to questions from members.

Councillor Wixley commented that the Children's Centre in Lawton Road, Loughton did excellent work with young families in a deprived area. Were you hoping to provide an alternative service in future with reduced funding?

Ms Boyd replied that the services had been absorbed into another children's centre. She did not have the details with her but she would provide a more detailed response after the meeting. Councillor Wixley asked if she could also describe the services provided in her response. Councillor Murray asked if she could also indicate exactly where this alternative provision was being provided.

Councillor Lea said that 'Homestart' was a highly valued service working, she believe, nationwide. Our local service had helped many young families, often single parents without any other means of support, to turn their lives around. 'Homestart' has had County and District Council support in the past but was also heavily dependent on volunteers and local fund-raising. Evidence was that demand for such help was increasing at an alarming rate. Failure to provide that support would lead to more intervention being required from Social Services, Housing Services and the welfare system which would probably prove even more costly. Can we be re-assured that support for 'Homestart' would continue?

Ms Boyd said that she would get a detailed response back to this meeting. She understood that money had been made available but that 'Homestart' had not applied for this. This was because they would have to widen their terms of reference to include the over fives, which they were working on now.

Councillor Kane asked that in contrast to 'Homestart' could you confirm that the 'Surestart' centres will continue to be funded to an adequate level.

Ms Boyd noted that they had children centres in place and they would continue to be funded. She would provide a fuller reply at a later date.

Councillor Rolfe asked how did her services relate to those with those of the Youth service and Education. Did she work collaboratively? Whilst the needs of various age groups were different, was there an overlap in provision at a particular age, or alternatively a gap in provision, and were you able to share resources?

Ms Boyd replied that they did work collaboratively and wanted to share resources in a climate when funding was becoming more constrained. In terms of Children's Social Care a lot of the work was going on including youth and health and education. Also there was a new Family Solutions Service that was coming on stream in October, when Children Social Care were setting up an early family intervention service. That will be a multi-disciplinary service working on providing early help to families in this district as well as Brentwood.

Councillor Mitchell asked how she saw the future of Children's Services in a climate of reducing budgets.

Ms Boyd said that they had a responsibility to look at the services they provided. They have no choice but to provide a lot of their services. Essex County Council was currently reviewing their services in this period of budget reduction over the next three years. She added that their relationship with all the district's were crucial in the regard of partnership working.

Councillor Girling said that the Loughton Centre for young people would like a base for office space so that they could offer more services; how would ECC view this? Ms Boyd said she did not know but would find out and would get back to the councillor.

Councillor Lion asked if Ms Boyd could relate Corporate Parenting to something more practical and how this would work in practice. Ms Boyd said the basic responsibility to keep in mind was that children being looked after was something that you could affect and do something for them. Look for opportunities to help care leavers. Keep them in mind all the time. Raise your awareness of them and pass it on to others you deal with.

Councillor Murray said that he may have misunderstood but thought that the council had a scheme to provide a number of units around the district for secure one bedroom accommodation. Ms Boyd agreed that there was a scheme in place, but she was talking about access to long term accommodation. Councillor Stallan, the Portfolio Holder for Housing, said that they had a new housing allocations scheme which had these people as a priority. Ms Boyd replied it was fine to have them as a priority but they would have to complete with the other priority groups. She would like to see them have three allocations per year in this district as standard. Councillor Stallan asked that she email him so they could look at this.

The Chairman thanked Ms Boyd for her interesting presentation ad hoped that she could come back in a years time and update the Committee.

\*Please note that subsequent to the meeting Ms Boyd had supplied fuller answers to some of the questions that she could not answer at the meeting. These are attached to these minutes as an appendix.



## Agenda Item 7

# Report to Overview & Scrutiny Committee

### Date of meeting: 10<sup>th</sup> November 2014

Portfolio: Planning Policy

Subject: CLG consultation "Planning and Travellers"

Officer contact for further information: Ian White

**Committee Secretary: Adrian Hendry** 



#### Recommendations/Decisions Required:

That the Council's response to the Department for Communities and Local Government consultation document 'Planning and Travellers', as set out in the following report, be agreed.

#### Report:

- 1. The consultation runs from 14<sup>th</sup> September to 23<sup>rd</sup> November 2014, and seeks views on proposed changes to planning policy and guidance for the travelling community ie Gypsies and Travellers and Travelling Showpeople. The stated intentions of the proposed changes are to (i) ensure that the planning system applies fairly and equally to both the settled and traveller communities; (ii) further strengthen protection of "sensitive areas" and Green Belt; and (iii) address the negative impact of unauthorised occupation. The consultation also states that the Government remains committed to increasing the level of authorised traveller site provision in appropriate locations to address historic undersupply as well as to meet current and future needs.
- 2. The changes would primarily affect Planning Policy for Traveller Sites (PPTS) published by CLG in March 2012, although there would also be some changes to wider national planning policy, and in particular the National Planning Policy Framework (NPPF).
- 3. The consultation also includes streamlined draft planning guidance aiming to support councils in robustly assessing their traveller site needs. Members will be aware that the Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) was published in July 2014 and was included in the Local Plan Evidence Base at Cabinet on 8<sup>th</sup> September 2014.
- 4. The key suggestions in the consultation are:
  - Travellers who have given up travelling permanently should be treated in the same way as the settled community, especially regarding sites in sensitive locations, such as the Green Belt – ie redefining "Gypsy" and "Traveller" to exclude those who no longer travel;
  - Strengthening Green Belt protection by amending the current policy (paras 87 and 88 of the NPPF) so that unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm. Ministerial statements earlier in the year had already emphasised that "unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt;
  - Strengthening the current onus on authorities to "strictly limit new traveller

- development in open countryside" (para 23 of PPTS) to "very strictly" limit such developments:
- Downgrading the weight attributed to a lack of an up-to-date five-year supply
  of deliverable traveller sites para 25 of PPTS states that this should be a
  "significant material consideration" when considering applications for
  temporary permission. The consultation proposes that this would remain a
  "material consideration", but its weight would be a matter for the decision
  taker;
- Addressing unauthorised occupation of land the Government is concerned about those who intentionally ignore planning rules and occupy land without planning permission. Such actions, particularly in sensitive areas including the Green Belt, (where those who would apply through the proper channels would be unlikely to gain permission), are highly contentious at the local level and can fuel tensions between the site occupants and the adjacent community. The consultation proposes that national planning policy and PPTS should be amended to make it clear that intentional unauthorised occupation, whether by travellers or members of the settled community, should be regarded by decision takers as a material consideration that weighs against the grant of permission;
- More specifically, and perhaps with Basildon in mind, the consultation proposes that "where a local authority is burdened by a large-scale unauthorised site which has significantly increased its need (for pitch provision), and the area is subject to strict and special planning constraints, then there is no assumption that the local authority is required to meet its traveller site needs in full."
- 5. The consultation contains 13 questions which are considered below. The appendix to this report also lists the questions with suggested responses based on the comments below.

#### <u>Definition of "travellers" (Question 1)</u>

6. Annex 1 of PPTS has current definitions for "Gypsies and Travellers" and "Travelling Showpeople". They are mutually exclusive:

"Gypsies and Travellers" means "Persons of nomadic habit of life whatever their race or origin, including such persons who, on grounds only of their own or their family's or dependants' educational or health needs or old age, have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such;

"Travelling Showpeople" means "members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who, on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age, have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above."

- 7. In both cases the consultation proposes deleting the underlined words in the definitions, emphasising that this is not about ethnicity or racial identity, but simply that, for planning purposes, the Government believes that a "traveller" should be someone who travels. The consultation advises that "In determining whether applicants for traveller sites would fall under the proposed new definitions, decision takers should give <u>close scrutiny</u> to whether the applicants are in fact living a nomadic lifestyle." Question 1 asks "Do you agree that the planning definition of travellers should be amended to remove the words "or permanently" to limit it to those who have a nomadic habit of life? If not, why not?"
- 8. The proposal raises a number of concerns for officers, particularly around resources. "Close scrutiny" will require gathering, verifying, and monitoring information and, where necessary, enforcing when it is felt that the guidance is not being followed. This latter is likely

to lead to a series of Public Hearings and Inquiries at a time when local authority budgets are being reduced as the national austerity programme continues. It is the case with many Gypsy and Traveller families that the husband travels to find work while the mother stays in one place particularly to ensure that younger children can benefit from a stable education and to be able to register for other services including health. As it stands, the proposal does not make it clear whether the change would differentiate between the husband and the wife in these cases. It would also seem logical that, if some travellers have ceased to travel because of old age and for at least some health reasons, these will not be temporary – the proposed change to the definition does not make allowance for this. Will the proposed change mean that, if planning permission is granted for new pitches, it will only apply as and when the households satisfy the proposed new definition, and therefore when they cease to travel they will have to find and move to a new location? Just because some Gypsies and Travellers have ceased travelling, they are still ethnically Gypsies and Travellers, and this could open the door for legal challenges where permission has been granted for residential use for Gypsies and Travellers.

#### Measures to support travellers who are nomadic (Question 2)

- 9. In an attempt to complement the proposed change in definition, the consultation seeks views on measures to support those travellers who would fall under the new definition, in order to facilitate their nomadic habit of life. Specific mention is made of transit sites. Question 2 asks "Are there any additional measures which would support those travellers who maintain a nomadic habit of life to have their needs met? If so, what are they?"
- 10. The Essex GTAA advises that there are no public transit sites in the county. It recommends that, to accommodate visiting households and to provide a more powerful mechanism for addressing unauthorised encampments, at least two public transit sites should be provided in Essex, with a fairly broad hint that locations in Thurrock and Southend would help to address current levels of encampment in those areas.
- 11. Officers do not believe that it would be appropriate to provide a public transit site in this district based partly on Green Belt coverage (92% of the district) and recent infrequent history of unauthorised encampments.

## <u>Definition of travellers in the Housing (Assessment of Accommodation Needs) Regulations</u> 2006 (Question 3)

- 12. Question 3 asks "Do you consider that (a) we should amend the 2006 regulations to bring the definition of "gypsies and travellers" into line with the proposed definition of "travellers" for planning purposes, and (b) we should also amend primary legislation (Housing Acts 1985 and 2004) to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?"
- 13. Officers believe the answer to (a) is straightforward and logical if changes are made to the planning definition, similar changes should be made to the housing definition to retain the current consistency and avoid future confusion. Officers would encourage Members to answer "yes" to (b).

#### Protecting sensitive areas and the Green Belt (Question 4)

14. The consultation proposes that PPTS should be amended to include existing sections from the NPPF which give significant protection to "sensitive areas" including Local Green Space (NPPF paras 76-8) – none so far designated in this district, Sites of Special Scientific Interest (para 118), and areas protected under the Birds and Habitats Directives (para 119). Other types of sensitive area also mentioned (eg Area of Outstanding Natural Beauty) do not occur in the district. Question 4 asks "Do you agree that PPTS be amended to reflect the provisions in the NPPF that provide protection to these sensitive sites? If not, why not?

15. Officers think this proposal is quite unnecessary. The areas are already protected by the NPPF policies, no doubt backed up by appropriate policies in the relevant local plans. PPTS requires local plans to include criteria-based policies to deal with future applications for sites for the travelling community and, if it is considered necessary or helpful, one criterion could specifically address the protection of "special areas".

#### Protecting open countryside (Question 5)

- 16. Para 23 of PPTS requires local authorities to "strictly limit new traveller site development in open countryside that is away from existing settlements ...." The Government wishes to strengthen this to reflect the importance of accounting for the intrinsic character and beauty of the countryside. Question 5 therefore asks "Do you agree that paragraph 23 of PPTS should be amended to "Local authorities should <u>very</u> strictly limit new traveller sites in the open countryside" (underlined simply to highlight the change). If not, why not?"
- 17. Officers again think this proposed change is unnecessary, and can best be dealt with in a criteria-based policy, should a local authority consider this to be useful and practical. In a district such as this (and the same argument applies to protection of Green Belt see below), it is generally accepted that it will only be possible to find suitable sites in the countryside because of comparative land values ie urban land (effectively only 8% of the district) is simply too expensive for the travelling community. This proposed change would make it even harder for the Council to make adequate provision for travellers, endangering the prospect of achieving a sound new Local Plan. It also does not help that there is no definition of "open countryside" in PPTS.

#### Significance of a five-year supply of deliverable sites (Question 6)

- 18. Para 25 of PPTS states ".... if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission." Para 14 of PPTS also makes it quite clear that traveller sites (temporary or permanent) are inappropriate development in the Green Belt. They should therefore be permitted only where very special circumstances exist, ie where the harm to the Green Belt and any other harm is clearly outweighed by the benefits of the development. Ministerial statements of July 2013 and January 2014 said "unmet need, whether for traveller sites or conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt".
- 19. In this context, Question 6 (slightly re-worded) asks "Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from PPTS as a significant material consideration in the grant of temporary permission for traveller sites in the Green Belt and other sensitive areas? If not, why not?"
- 20. Officers strongly recommend that the answer to this question should be yes. Even without the increased restrictions being proposed by the consultation, it is a very difficult task to identify suitable and deliverable sites for the travelling community in a district which is 92% Green Belt. The GTAA has identified a target of 112 additional pitches in this district in the period up to 2033 however this is broken down into five-year segments, it is still a very challenging figure in an area with such significant restraints on development.

#### Personal circumstances and the Green Belt (Question 7)

21. The consultation states that in many cases the weight attached to unmet need for traveller sites, in combination with the personal circumstances of the occupants, is being given greater weight than the harm to the Green Belt, leading to decisions justifying planning

permission for inappropriate development. While the Government recognises that the best interests of a child are a primary consideration in planning decisions affecting children, there is growing concern that there is a greater disproportionate impact on the Green Belt from traveller decisions compared with those for conventional housing.

- 22. Question 7 therefore asks "Do you agree with the policy proposal that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances? If not, why not?
- 23. Officers are uncertain about the answer to this question. The implication for this district is that, from the current position of already being very hard, it will become virtually impossible to make suitable and deliverable provision now and into the future for the travelling community, because realistically sites in the Green Belt are the only option. This in turn will severely compromise the likelihood of being able to achieve a sound Local Plan, leading to considerable difficulties in the immediate future of development going ahead in the most suitable locations, and being left at the risk of "planning by appeal".
- 24. The extent of Green Belt in different Council areas varies very widely eg East Herts is about 33% Green Belt while Uttlesford is significantly less ie both these neighbouring districts have potentially significantly greater options for identifying suitable locations. This proposal by the Government a "one size fits all" approach seems too blunt and inflexible given the wide variation in Green Belt coverage of affected districts. It is particularly unfair to those districts which have a very high percentage of Green Belt, and where there is already a long-established and sizeable traveller community, while the requirement under PPTS to identify suitable and deliverable sites to meet identified need remains a key issue in determining the soundness of a Local Plan.

#### Unauthorised occupation of land (Questions 8 to 10)

- 25. The Government is concerned about those (not just the travelling community) who intentionally ignore planning rules and occupy land without planning permission. In sensitive areas, including the Green Belt where planning permission is unlikely, this action is highly contentious and can fuel tension between the site occupants and the surrounding community. There are also public financial costs in dealing with intentional unauthorised occupation, which would not have been incurred if proper procedures had been followed, seeking and gaining planning permission before occupation and development.
- 26. While there is no intention to remove the ability to apply for retrospective planning permission, the consultation has three questions relating to this issue:
  - Question 8 Do you agree that intentional unauthorised occupation should be regarded by decision makers as a material consideration that weighs against the grant of planning permission? If not, why not?
  - Question 9 Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?
  - Question 10 Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit details with your response.)
- 27. Officers agree strongly with the approach promoted in Q8, but it needs to be made very clear that this applies equally to the settled and travelling communities. This can only be seen as fair by all those who use the planning system correctly. As regards Q9 officers also agree that the current situation does cause harm to the planning system generally, and more specifically brings the Council's role, as perceived by sections of the local community, into disrepute. In response to Q10, Members will be aware that there is a significant concentration of traveller pitches in the parishes of Nazeing and Roydon at present 91 (78%) of the 117 authorised permanent pitches. Intentional unauthorised occupation of land is similarly a more

frequent occurrence in these parishes, to the extent that a Nazeing Councillor has sought, on a number of occasions, a meeting with the Planning Minister to try to explain the problems being experienced, and the frustrations and disbelief being expressed by the settled community. There is certainly a widely held feeling that unauthorised occupation leads to favourable consideration of retrospective applications discrediting the planning system, devaluing the Green Belt and, to some extent, harming community relations.

#### Occupation of large-scale unauthorised sites

- 28. Without naming areas, this section of the consultation must have Basildon (at least) in mind. This Government believes it is unfair that a small number of authorities have to bear the burden in planning to meet needs created by occupation of large-scale sites, significantly distorting the level of local need. The consultation suggests that PPTS could be amended so that, in exceptional cases, where a local authority is burdened by a large-scale unauthorised site which has significantly increased need for authorised pitch provision, and the area is subject to strict and special planning constraints, then there is no assumption that the local authority should be required to plan to meet its traveller site needs in full. Question 11 asks if this would help that small number of local authorities and if not, why not. Suggestions are requested for other measures the Government could take to help local authorities in this situation.
- 29. Officers agree that authorities in this situation do need external help, and that what is being proposed may be useful to the affected authorities. But what are the implications for their adjoining and other nearby authorities? And what are the ramifications for the travellers for whom no provision will be made? For all that PPTS encourages collaborative working between authorities to produce joint development plans to address the needs of the travelling community, this is very unlikely to become a reality for a variety of reasons. Even this idea seems to be watered down in the consultation which states in para 1.3 that councils "may wish to consider" the production of joint development plans. The issue is being addressed from only one direction, ie that of the immediately affected authorities, and this can only create problems for their neighbours and give no solutions for the travelling community currently living on unauthorised sites.
- 30. Although the origin and extent of the issue is different, this authority is facing similar problems to those being addressed in this section of the consultation, ie there is too much demand or need for sites and too many and too extensive policy constraints to enable suitable and deliverable provision, particularly if all the proposed changes to policy guidance become a reality.
- 31. Officers can think of no immediate and practical solutions to the problems, other than to suggest a re-think at national level. The planning system as it currently operates is not making adequate provision for the needs of the travelling community. The problem is particularly acute in Green Belt areas, where there does seem to be a perception of favourable treatment for travellers, but the proposals in the consultation will only exacerbate the overall problem of meeting total needs, and make it very much harder to identify suitable sites in the Green Belt.
- 32. Question 12 asks "Are there any other points that you wish to make in response to this consultation, in particular to inform the Government's consideration of the potential impacts that the proposals in this paper may have on either the traveller community or the settled community?" Officers believe that this is answered by the generality of responses to the earlier questions.
- 33. The last question concerns the streamlined draft guidance for robustly assessing traveller site need (Annex A of the consultation). This is not of immediate direct relevance for this Council or Essex as a whole as the 2014 GTAA was only published in July and included as Local Plan Evidence Base material at Cabinet on 8<sup>th</sup> September. Officers feel that the

guidance is basic in the extreme – little more than a list to be "ticked off" and makes no mention of the frequency of such assessments or gives no guidance on, let alone mention, household formation rates – which is the source of the main growth in this district, and which is likely to be a bone of contention at Public Inquiries etc. when the GTAA is being used as evidence.

**Reason for decision:** As this Council has one of the highest Green Belt coverages in the country, any proposals to further restrict provision for the travelling community could have serious repercussions for being able to prepare a sound Local Plan. Responses to this consultation are therefore needed to get this point firmly across to the Government.

#### Options considered and rejected:

Not to respond to the consultation. This would be inappropriate as the proposed changes would appear to significantly restrict this Council's ability to make adequate provision for the travelling community, particularly in the context of the findings of the Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (July 2014).

#### Consultation undertaken:

Internal – Planning Enforcement Officers; Assistant Director (Private Sector Housing and Communities Support); Officer members of the Gypsy and Traveller Co-ordination Group; and Performance and Improvement Officer – Equality and Diversity

#### **Resource implications:**

Budget provision: From existing resources

Personnel: From existing resources

Land: Potential implications for identifying Council-owned land and other assets which are not in the Green Belt

Community Plan/BVPP reference:

Relevant statutory powers:

Background papers:

National Planning Policy Framework (CLG March 2012)

Planning Policy for Traveller Sites (CLG March 2012)

Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (July 2014)

CLG "Consultation: planning and travellers" (Sep 14)

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Key Decision reference: (if required) N/A



#### Planning and Travellers Consultation September 2014

Q1 Do you agree that the planning definition of travellers should be amended to remove the words <u>or permanently</u> to limit it to those who have a nomadic habit of life? If not, why not?

**<u>Draft Response:</u>** No, for the following reasons:

- There has been no consideration of the probably increased resource implications for local authorities in terms of gathering, verifying and monitoring information and taking enforcement action where necessary;
- The proposed change does not make it clear whether the definition will apply to individuals only or to households where at least one member travels;
- The proposed new wording implies that travelling can temporarily cease due to old age - this seems unlikely and this would also apply to some health reasons for ceasing travelling;
- It is unclear whether permission for new pitches will cease to apply when previously nomadic applicants cease to travel.
- Q2 Are there any additional measures which would support those travellers who maintain a nomadic life to have their needs met? If so, what are they?

<u>Draft Response:</u> Public transit sites may be helpful elsewhere in the County, but they would not be appropriate in this district, given its 92% Green Belt coverage and the recent history of only very infrequent encampments. We have no suggestions for other measures which would be suitable for the district.

Q3 Do you consider that (a) we should amend the 2006 regulations to bring the definition of "gypsies and travellers" into line with the proposed definition of "travellers" for planning purposes, and (b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?

<u>Draft Response:</u> (a) If changes are made to the planning definition, similar changes should be made to the housing definition for the sake of consistency; (b) Yes

Q4 Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the NPPF that provide protection to these sensitive sites? If not, why not?

<u>Draft Response:</u> No, because this amounts to unnecessary repetition when the areas are already protected by NPPF policies and most probably by relevant local plan policies. If necessary, "special area" protection could be included in the criteria-based policy required by PPTS.

Q5 Do you agree that paragraph 23 of PPTS should be amended to "local authorities should very strictly limit new traveller sites in the open countryside"? If not, why not?

<u>Draft Response:</u> No - the change seems unnecessary at the level of national guidance, and it should be down to individual authorities to decide whether they wish to increase protection

of "open countryside" (however that is defined). This further restriction will make it even more difficult for this Council to make adequate provision for the needs of the travelling community, which in turn will make it a lot harder to achieve a sound Local Plan.

Q6 Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from PPTS as a significant material consideration in the grant of temporary permission for traveller sites in the areas mentioned above? If not, why not?

<u>Draft Response:</u> Yes – this proposed change is particularly appropriate for areas where there are significant policy constraints on development – Epping Forest District is 92% Green Belt.

Q7 Do you agree with the policy proposal that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances? If not, why not?

**<u>Draft Response:</u>** None as yet – see paras 23 and 24 of the report.

Q8 Do you agree that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of permission? If not, why not?

<u>Draft response:</u> Agree that it should be a valid material consideration but it must apply equally to both the settled and travelling communities. This will show fairness to all those who use the planning system correctly, and hopefully gradually encourage all to do so.

Q9 Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?

<u>Draft Response:</u> Yes – there is a lot of tension in this district between the travelling community and sections of the settled community. This is partly based on the perception that favourable consideration is given to retrospective applications, despite the fact that all of these are in the Green Belt.

Q10 Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit details with your response).

<u>Draft Response:</u> The travelling community has historically concentrated into a small part of this district. Of the current 117 authorised permanent pitches, 91 (78%) are found in only 2 of the district's 24 parishes. Intentional unauthorised occupation tends to imitate this, to the extent that a District Councillor, representing one of these parishes, has sought a meeting with the Planning Minister on a number of occasions to explain the problems being caused and the resentment and frustration being expressed by the local settled community.

Q11 Would amending PPTS in line with the proposal set out in para 4.16 above help that small number of local authorities in these exceptional circumstances? If not, why not? What other measures can Government take to help local authorities in this situation?

<u>Draft Response:</u> The proposal may help the immediately affected authorities, but it is likely to raise problems for neighbouring and other nearby authorities, and does not address the lack of provision for the travelling community on unauthorised sites.

Q12 Are there any other points you wish to make in response to this consultation, in particular to inform the Government's consideration of the potential impacts that the proposals in this paper may have on either the traveller community or the settled community?

**<u>Draft Response:</u>** This is dealt with in the generality of responses to the earlier questions.

Q13 Do you have any comments on the draft planning guidance for travellers (see Annex A)?

<u>Draft Response:</u> The draft guidance is basic in the extreme amounting to little more than a list of items or issues, almost a form of tick box. There is no mention of the suggested frequency of such assessments, and no mention of, let alone guidance on, household formation rates. This latter is key to future needs in this district and the figures used in the Essex GTAA have already been challenged at Public Inquiry and undoubtedly will be again.



# Report to Overview & Scrutiny Committee

### Date of meeting: 10 November 2014

SCRUTINY

Epping Forest District Council

genda Item 8

Subject: Overview and Scrutiny Work Programme – Six Monthly Review

Officer contact for further information: S Tautz (Ext 4180)

Committee Secretary: A Hendry (ext 4246)

#### Recommendations:

That the current work programme be reviewed in accordance with rule 9.3 of the Overview and Scrutiny Rules having regard to:

- (a) the resourcing and scope of the programme; and
- (b) the reserve programme and new proposals from members.
- 1. (Director of Governance). The Overview and Scrutiny Procedural rules state that 'The Overview and Scrutiny Work Programme shall be of six months duration and be reviewed at or before the expiration of that six month period'.
- 2. The current work programme is attached. A review of this plan is therefore now due.

#### **Task and Finish Panels**

3. Two Task and Finish Panels were established this year, they were the Scrutiny Panel Review Task and Finish Panel and a Grant Aid Task and Finish Panel. The Scrutiny Review T&F Panel is up and running and has held several meetings so far. However, at the time of writing this report the Grant Aid T&F Panel had not met as they were still looking for members to make up the Panel.

#### **Scrutiny Standing Panels**

4. No new Standing Panels were created this year.

#### Reserve List.

- 5. A reserve list of scrutiny topics is required to ensure that the work flow of OSC is continuous. OSC will 'pull out' items from the list and allocate them accordingly once space becomes available in the work plan following the completion of existing reviews.
- 6. To date a PICK form asking that the causes and problems of air pollution be considered has been added to the work programme of the Safer Cleaner Greener Scrutiny Panel.
- 7. Councillors and now members of the public can put forward any suggestions for consideration for inclusion in the reserve list. Existing review items will be dealt with first, and

then time will be allocated to the items contained in the reserve work plan.

7. Members need to bear in mind that new projects can be added but only if there is capacity among Panels and/or officers to undertake them.

### Overview and Scrutiny Work Programme – October 2014

Overview and Scrutiny Committee				
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings	
(1) OS Annual Review/ Annual Report	July 2014	Final report went to the July 2014 meeting.	01 July 2014; 16 Sept.; 14 October;	
(2) To meet with Essex County Council in respect of Children Services and on annual basis, with the attendance of the Director of Children's Commissioning.  (3) Six monthly review -  (a) Monitoring of OS recommendations  (b) OS work programme	For November 2014  For November 2014	Recommendation taken from the Children Services Task and Finish Panel. To invite an Officer and the ECC Portfolio Holder.  Last completed in November 2013	14 October; 10 Nov; 12 January 2015; 10 February; 23 March; and 27 April.	
(4) To review the strategic direction of Epping Forest College, its vision for the future and its relationship with the Community	July 2014	The new Principal of Epping Forest College addressed the July 2014 meeting.  In September 2014, the Committee agreed that the Principal should be asked to address them on an annual basis.		

As at: 28 October 2014

(5) To receive a presentation from Youth Council members	January 2014	Members of the Youth Council to attend with an update on their programme of work.	
(6) Key Objectives 2014/15	Outturn report to July 2015 meeting	Outturn report for 2014/15. Quarterly progress reports in respect of the annual Key Objectives are made to the Cabinet and the Overview and Scrutiny Committee.	
(7) Key Objectives 2014/15	Progress reports to be considered on a quarterly basis.	Quarterly progress to be considered at meetings to be held in Sept. 2014 (Qtr 1), Nov 2014 (Qtr 2) and March 2015 (Qtr 3).	
(8) Mental Health Services in the District.	For February 2015	Came in February 2014 to update the Committee on the state of the Mental Health Services in the District – asked to return in 2015 and update the committee on progress made.	
(9) To establish a Task and Finish Panel on Scrutiny Panels	July 2014	Established a Task and Finish Panel to look at the future of Scrutiny Panel.	

#### **Scrutiny Panels Housing Scrutiny Panel (Chairman – Cllr Murray)** Report **Programme of Item** Deadline / **Progress/Comments Future Meetings Priority** July 2014 22 July 2014 (1) Performance against Housing 16 October (Extra-COMPLETED Service Standards and Review Ordinary Meeting) 21 October 2014 20 January 2015 (2) 12-Month Progress Report on October 24 March 2015 Housing Strategy Action Plan 2014 COMPLETED 2013/14 (3) Housing Key Performance October **COMPLETED** Indicators (KPI) - Quarter 1 2014 (4) Six Month Review of the HRA October COMPLETED Financial Plan 2014 (5) Six Monthly Progress Report October COMPLETED on Housing Business Plan Action 2014 Plan (6) Private Sector Housing October COMPLETED Strategy Action Plan - Annual 2014 **Progress Report**

(7) Annual Review of the Housing Allocations Scheme and Tenancy Policy	October 2014	COMPLETED	
(8) Annual Diversity Report of Housing Applicants	October 2014	COMPLETED	
(9) Housing Strategy Action Plan 2015	January 2015		
(10) Housing Key Performance Indicators (KPI) – Quarter 2	January 2015		
(11) Briefing on the proposed Council rent increase for 2015/16	January 2015		
(12) Proposed housing service improvements and service enhancements – 2015/16	January 2015		
(13) Housing Key Performance Indicators (KPI) – Quarter 3	March 2015		
(14) HRA Business Plan 2015/16	March 2015		
(15) 12-monthly Progress Report on Housing Business Plan Action Plan	March 2015		

As at: 28 October 2014

Special (Planned) Items – Including Updated Housing Service Strategies			
(16) Housing Service Strategy on the Private Rented Sector (Review and Update)	July 2014	COMPLETED	
(17) Consideration of the Government's "Pay to Stay" Policy (DCLG Guidance on Social Housing Rents)	July 2014	COMPLETED	
(18) Housing Under Occupation Officer post – 1 Year Review	July 2014	COMPLETED	
(19) EFDC Tenant Profile Report	July 2014	COMPLETED	
(20) Presentation from Family Mosaic on their Floating Support Service to vulnerable people to help prepare/sustain their tenancies	October 2014	COMPLETED	
(21) Housing Service Strategy on Rent Arrears (Review and Update)	October 2014	COMPLETED	
(22) Housing Service Strategy on Harassment (Review and Update)	January 2015		
(23) Possible operation of operating a "Sinking Fund" for new leaseholders in new or existing flat blocks where there are no existing leaseholders	January 2015		

(24) Housing Strategy 2015-2018	January 2015	
(25) Homelessness Strategy 2015-2018	January 2015	
(26) Housing Service Strategy on Anti-Social Behaviour (Review and Update)	January 2015	
(27) Housing Service Strategy on Older Peoples Housing (Review and Update)	March 2015	
(28) Housing Service Strategy on Housing and Estate Management (Review and Update)	March 2015	
(29) Housing Service Strategy on Empty Properties (Review and Update)	March 2015	
(30) Report of the Tenant Scrutiny Panel on its Service Review of Tenant Involvement	March 2015	
(31) Review of Housing Management Staffing Levels following the introduction of Universal Credit	2015/16	

Constitution and Member Services Scrutiny Panel (Chairman – Cllr Sartin)				
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings	
(1) Review of Polling Stations	28 July 2014	COMPLETED	28 July 2014; 23 September;	
(2) Review of Elections	28 July 2014	COMPLETED	18 November Changed to 27 November 2014;	
(3) Joint Consultative Committee – Terms of Reference and Constitution regarding representation for non-union staff	27 November 2014		13 January 2015; and 17 March	
(4) Review of the Council's Constitution		Scoping report received 23 September 2014. To be completed by March 2016.		
(5) Articles of the Constitution	Starting 27 November 2014			
(6) Constitution – Minority References	13 January 2015			
(7) Constitution – Thresholds for Leases and Licences	13 January 2015			
(8) Constitution – Council Procedure Rules	Starting 27 November 2015			
(9) Constitution – Use of Chairman's Casting Vote	13 January 2015			

### Safer, Cleaner, Greener Scrutiny Panel (Chairman – Cllr Lea)

ltem	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Enforcement activity	October 2013	Six monthly report to Panel	15 July 2014
(2) CCTV action plan review	July 2014	Six monthly report to Panel – last went to October '13 meeting	<del>07 October 2014;</del>
(3) CSP scrutiny review meetings	April 2015	Report last went to April 2014 meeting.	06 January 2015;
(4) Receive notes of Waste IAA Member meetings	As appropriate	Notes reported to Panel at first available meeting following receipt – the January '14 meeting received notes of 24 October 2013 meeting	24 February 2015; 28 April 2015
(5) Receive notes of Waste Management Partnership Board	As appropriate	Notes reported to Panel at first available meeting following receipt – October '13 meeting received notes of 15 July 2013 meeting	Crime & Disorder
(6) To received updates from the Green Corporate Working Party	As Appropriate		Scrutiny meeting – April 2015?
(7) Receive notes of Bobbingworth Nature Reserve liaison group	As appropriate	Notes reported to Panel at first available meeting following receipt – the July meeting received notes of the 17 April 2014 meeting.	
(8) Recycling in flats and multi-occ dwellings		A verbal report was given to the October 14 meeting	

#### Safer, Cleaner, Greener Scrutiny Panel (Chairman – Cllr Lea) Report Deadline / Programme of **Progress / Comments** Item **Priority Future Meetings** (9) Monitor Local Highways Panel As Appropriate Once established to keep a watching brief on the effectiveness of the new Local Highways Panel -January '14 meeting received minutes from the November 2013 meeting. (10) Review notes of SLM contract As Appropriate Notes reported to Panel at first available meeting following receipt - January '14 meeting received monitoring board minutes of the November 2013 meeting (11) Receive notes of North Essex As Appropriate Notes reported to Panel at first available meeting Parking Partnership (NEPP) minutes following receipt - January '14 meeting received notes from the August '13 meetings. (12) Highway Accident statistics Presentation went to Initial report went to April 2013 meeting. A presentation from Police Casualty Reduction the July 14 meeting. Manager went to the July '14 meeting. (13) To monitor the minutes of the As Appropriate Police and Crime Panel The October 2014 O&S Committee asked that this (14) To consider PICK form submitted As Appropriate by Cllr. Neville on Air Pollution. Panel consider the PICK form on Air Pollution in the District.

Planning Services Scrutiny Panel (Chairman – Cllr Chambers)				
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings	
To consider and Review Measures taken to Improve Performance within Development Management	To be confirmed	The Panel would review 5 Key Performance Indicators	8 July 2014; 2 September 2014; 9 December 2014; 26 February 2015 Extra-Ordinary	
2. To monitor and receive reports/updates on the delivery of the Local Plan:  a. To report on the progress of the Local Plan  b. To provide further updates on the Local Plan Community Infrastructure Levy	To be updated at every Panel meeting		Meeting and 14 April	
Community Infrastructure Levy	December 2014			
To monitor and receive reports/updates on the Planning Electronic Document Management System	2 September 2014 and 14 April 2015	Received report on 2 September 2014		

4. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year.  To provide reports/updates as and when required	2 September 2014	Received update on Electronic Records Document Management Systems at the 2 September 2014 meeting	
5. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year.  To provide reports/updates as and when required.	9 December 2014		
6. To consider and report on any recent meeting of the Chairman and Vice Chairman of the Area and District Committees Invitation Panel.	To be discussed prior to December 2014 Panel	Any recent meeting of the Chairman and Vice Chairman of the Area and District Committees Invitation Panel	
7. To receive urgent or other consultations and consider what response to give on behalf of the Council.	As and when required to meet consultation deadline	a. The London Infrastructure Delivery Plan Consultation (2 Sept 2014), recommendations to OSC – 16 Oct 2014	
8. S106 Agreements Monitoring Report (Annually)	8 July 2014	COMPLETED	
9. KPIs 2014/15 Q1 Performance	2 September 2014	COMPLETED	
10. Speaking and arrangements at Planning Sub-Committees	9 December 2014	PICK Form request from Councillor B Sandler referred from the OSC to this Panel	

Finance and Performance Management Scrutiny Panel (Chairman – Cllr Church)								
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings					
(1) Key Performance Indicators – 2013/14 - Outturn	Outturn KPI performance (all indicators) considered at the first meeting of each municipal year.	Outturn KPI performance report for 2013/14 (all indicators) considered at meeting on 16 July 2014.	16 July 2014; 09 September; 11 November;					
(2) Key Performance Indicators – 2014/15 – Quarterly Performance Monitoring	Quarterly KPI performance (specified indicators only) considered on a three- monthly basis.	Quarterly KPI performance report for 2014/15 (specified indicators) to be considered at the meetings to be held in September 2014 (qtr. 1), November 2014 (qtr. 2) and March 2015 (qtr. 3).	20 January 2015 – jointly with Fin. Cabinet Cttee; and					
(3) Proposed Key Performance Indicators – for 2015/16	Draft indicator set considered alongside review of third quarter KPI performance for 2014/15.	Proposed KPIs for 2015/16 to be considered at March 2015 meeting.						
(4) Financial Monitoring 2014/15	Quarterly budget monitoring reports considered on a three-monthly basis.	Quarterly budget monitoring reports for 2014/15 to be considered at the meetings on September '14 (qtr. 1), November '14 (qtr. 2) and March '15 (qtr. 3).						
(5) Annual Consultation Plan	Consultation plan considered on an annual basis at first meeting in each municipal year.	Consultation Plan was considered at July 2014 meeting.						

(6) Detailed Portfolio Budgets	Portfolio budgets considered on an annual basis jointly with the Finance and Performance Management Cabinet Committee.	Annual review of portfolio budgets to be considered at joint meeting with the Cabinet Finance & Performance Management Committee on January 2015.	
(7) Equality Objectives 2012-2016 - Progress	Progress against equality objectives considered on a sixmonthly basis.	Half yearly progress reports for 2014/15 to be considered at meetings on November 2014 and July 2015.	
(8) Provisional Capital Outturn 2013/14	Provisional Revenue Outturn considered on an annual basis at first meeting in each municipal year.	Provisional outturn for 2013/14 was considered at meeting on 16 July 2014	
(9) Provisional revenue Outturn 2013/14	Provisional Revenue Outturn considered on an annual basis at first meeting in each municipal year.	Provisional outturn for 2013/14 was considered at meeting on 16 July 2014	
(10) Fees and Charges 2015/16	Proposed fees and charges considered on an annual basis each November.	Proposed fees and charges for 2015/16 to be considered at meeting on 11 November 2014	
(11) Sickness Absence	Detailed progress against achievement of sickness absence targets reviewed on a six-monthly basis.	Half yearly progress reports for 2014/15 to be considered at meetings on 9 September 2014 and 10 March 2015.	

(12) ICT Strategy Progress	Progress against ICT Strategy considered on an annual basis each September.	Progress report to be considered at the 9 September 2014 meeting.	
(13) Key Performance Indicators  – Commercial Premises	Comprehensive report on current performance against KPI 11 (Rent) and actions to improve performance	Report to be made to meeting on 9 September 2014 (Minute 44 – 11 March 2014)	
(14) Call response/handling performance indicator	Report on options following introduction of new telephony system.	Report made to the 9 September 2014 meeting (Minute 42 – 11 March 2014)	
(15) Use/cost of Consultants	Report on value and benefit derived from the use of consultancy services across the Council services.	Report to be made to meeting during 2014/15 (minute 40 – 11 March 2014)	

## Task and Finish Panels

Scrutiny Panels Review Task and Finish Panel (Chairman – Cllr K Angold-Stephens)								
Item Report Deadline / Priority		Progress/Comments	Programme of Future Meetings					
First meeting to define Terms of Reference held on 29 September 2014	Final Report by Feb 2015	Final Report to go to the February 2015 O&S Committee meeting.	29 Sept. 2014 20 October 2014 25 November 2014 20 January 2015					
(1) Agree terms of reference and scope of review;	Terms of reference and scope of review agreed by Panel (29 September 2014) and Overview & Scrutiny Committee (14 October 2014);							
(2) Consider views of chairmen and vice-chairmen of existing scrutiny panels and the Audit & Governance Committee, and service directors/lead officers, on the operation of the current framework;	By October 2014;	Chairmen and Vice-Chairmen of existing scrutiny panels and the Audit & Governance Committee invited to attend meeting on 20 October 2014. Discussions being held with service directors/lead officers for report to same meeting;						

(3) Review workloads of existing scrutiny panels;	By November 2014;	Terms of reference of existing scrutiny panels to be reviewed at 25 November 2014 meeting;	
(4) Consider report of options for future panel structure;	Options to be developed;	Options to be considered by the Panel in November 2014;	
(5) Undertake appropriate stakeholder consultation	Consultation to be held with all members and relevant stakeholders;	Consultation to be completed by January 2015;	
(6) Final proposals, including training requirements, to be considered by February 2015.	Introduction of preferred structure at the commencement of 2015/16 municipal year.	Report to Overview and Scrutiny Committee (10 February 2015) and Council (19 February 2015).	

Grant Aid Task and Finish Panel (Chairman – ?)						
Item	Report Deadline / Priority	Progress/Comments	Programme of Future Meetings			
First meeting to define Terms of Reference – still to be had.	Final Report by Feb 2015	Final Report to go to the February 2015 O&S Committee meeting.				





#### THE KEY DECISION LIST

#### **INCLUDING PROPOSED PRIVATE DECISIONS**

(24 October 2014)

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#### The Key Decision List including Proposed Private Decisions

There is a legal requirement for local authorities to publish a notice in respect of each Key Decision that it proposes to make, at least 28 days before that decision is made. There is also a similar requirement to advertise those decisions, whether they are Key Decisions or not, which it is proposed to be made in private with the public and press excluded from the meeting. This Key Decision List, including those decisions proposed to be made in private, constitute that notice. Copies of the Key Decision List are available for inspection at the Council's Civic Offices, as well as on the Council's website in the 'Your Council' section.

Any background paper listed can be obtained by contacting the relevant Officer in the first instance, or failing that the Democratic Services Officer listed below.

#### **Key Decisions**

The Council's Constitution defines key decisions as:

- (i) Any decision within budget and policy that involves expenditure/savings of £250,000 or more in the current municipal year;
- (ii) Any decision not within budget and policy that involves expenditure/savings of £100,000 or more in the current municipal year;
- (iii) Any decision that raises new issues of policy;
- (iv) Any decision that increases the Council's financial commitments in future years, over and above existing budgetary approval;
- (v) Any decision that involves the publication of draft or final schemes, which may require either directly, or in relation to objections to, the approval of a Government minister;
- (vi) Any decision that involves the passage of local legislation; and
- (vii) Any decision that affects two or more wards, and has a discernible effect on the quality or quantity of services provided to people living or working in that area.

Borrowing or lending decisions undertaken under delegated authority by the Director of Resources are not defined as a key decision.

The Council has also agreed the following additional requirements in relation to key decisions:

- (a) Key decisions cannot be made by officers;
- (b) Key decisions not within budget and policy can only be made by the Council;

- Key decisions within budget and policy but involving expenditure/savings in excess of £1million can only be made by the Cabinet and/or (c) Council:
- Key decisions within budget and policy but involving expenditure/savings between £250.000 and £1million can be made by the relevant Portfolio Holder:
- Portfolio Holders can only make key decisions affecting their wards if the decision is based upon a recommendation by a Service Director or as one of a range of options recommended by a Service Director.

#### **Private Decisions**

Any decisions that are proposed to be taken in private will be reported as such. The paragraph number quoted relates to Part 1 of Schedule 12A of the Local Government Act 1972, and their definitions are as follows:

- (1) Information relating to any individual.
- Information which is likely to reveal the identity of an individual.
- Page (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information relating to any consultations or negotiations, or contemplated consultations of negotiations, in contemplated consultations of negotiations, in contemplated consultations of negotiations, in contemplated consultations of negotiations, and employees of, or office holders under, the authority. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour elations
- (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes:
  - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (a)
  - (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### **Corporate Key Objectives 2014/15**

- 1. Proactively promote the policies and reputation of the Council internally and externally.
- 2. Engage with communities to put them at the centre of the Council's policy development and service design.
- 3. Deliver a robust and resilient Local Plan that facilitates appropriate growth, whilst protecting the special character of the District.
- 4. Promote cultural change to breakdown silo working and implement new flexible ways of working.
- 5. Deliver key priorities within budget.
- 6. Prepare for changes arising from the transfer of Public Health responsibilities.
- 7. Maximise the potential of the Council's key development sites.

Prepare and plan for the effects of Welfare Reforms in an effective and coordinated way.

### Cabinet Membership 2014/15

Chris Whitbread Leader of the Council

Syd Stavrou Deputy Leader and Finance

Richard Bassett Planning Policy
Will Breare-Hall Environment

Anne Grigg Asset Management & Economic Development

Dave Stallan Housing

Gary Waller Safer, Greener & Transport Helen Kane Leisure & Community Services

John Philip Governance & Development Management

Alan Lion Technology & Support Services

#### **Contact Officer**

Gary Woodhall Tel: 01992 564470

Democratic Services Officer Email: gwoodhall@eppinigforestdc.gov.uk

PORTFOLIO - LEADER

ITEM	DESCRIPTION	KEY	DATE OF	DECISION	PRIVATE	REPRESENTATION	BACKGROUND
II EIVI	DESCRIPTION	KE I	DATE OF	DECISION	FRIVAIL	REPRESENTATION	BACKGKOUND
		DECISION	DECISION	MAKER	DECISION	ARRANGEMENTS	PAPERS
		DECISION	DECISION	IVIANER	DECISION	AKKANGEMENIS	PAPERS

#### PORTFOLIO - PLANNING POLICY

ITEM	DESCRIPTION	KEY	DATE OF	DECISION	PRIVATE	REPRESENTATION	BACKGROUND
		DECISION	DECISION	MAKER	DECISION	ARRANGEMENTS	PAPERS
Strategic Flood Risk Assessment Stage II	To accept the Study into the Evidence Base for the draft Local Plan	No	3 November 2014	Cabinet		Anna Cronin 01992 564119	Strategic Flood Risk Assessment Stage I

#### PORTFOLIO - FINANCE

ITEM	DESCRIPTION	KEY DECISION	DATE OF DECISION	DECISION MAKER	PRIVATE DECISION	REPRESENTATION ARRANGEMENTS	BACKGROUND PAPERS
Budget 2015/16	The Budget setting process for 2015/16, including:	Yes				Bob Palmer 01992 564279	
	1Financial Issues Paper		28 July 2014	Finance and Performance Management Cabinet Committee			
	2Fees & Charges		13 November 2014	Finance and Performance Management Cabinet Committee			
Page 51	3Draft Budget Lists		19 January 2015	Finance and Performance Management Cabinet Committee			
	4Executive Approval		2 February 2015	Cabinet			
	5Final Approval		17 February 2015	Council			
Treasury Management Strategy	Update of the 2014/15 Strategy.	Yes	18 September 2014	Finance and Performance Management Cabinet Committee		Simon Alford 01992 564455	
			6 October 2014 4 November 2014	Cabinet Council			
Corporate Risk Update	Quarterly update of the Corporate Risk Register	Yes	13 November 2014	Finance and Performance Management Cabinet Committee		Bob Palmer 01992 564279	
			1 December 2014	Cabinet			
Local Council Tax	Scheme setting process for 2015/16, including:	Yes	21 July 2014	Cabinet		Janet Twinn 01992 564215	

Support Scheme	1Consider amendments;		1 December 2014	Cabinet		
Scheme	2Finalise scheme; and		16 December 2014	Council		
	3Approve scheme.					
Capital Programme	Annual review of the Capital Programme.	Yes	1 December 2014	Cabinet	Teresa Brown 01992 564604	
Corporate Risk Update	Quarterly update of the Corporate Risk Register	Yes	19 January 2015	Finance and Performance Management Cabinet Committee	Bob Palmer 01992 564279	
			2 February 2015	Cabinet		
Council Bailiff	Review of the internal Bailiff service	Yes	2 February 2015	Cabinet	Rob Pavey 01992 564211	None

#### PORTFOLIO - ENVIRONMENT

ITEM	DESCRIPTION	KEY	DATE OF	DECISION	PRIVATE	REPRESENTATION	BACKGROUND
		DECISION	DECISION	MAKER	DECISION	ARRANGEMENTS	PAPERS
Transfer of Storm Grilles on main rivers from EA to EFDC	Council requested to act as agents for Environment Agency to monitor & clear 12 storm grilles on main rivers across the District	Yes	1 December 2014	Cabinet		Kim Durrani 01992 564055	
Review of Fleet Operations Service	Consideration of operating the in-house Fleet Operations Service as an arms-length management organisation (ALMO).	Yes	3 November 2014	Cabinet		Kim Durrani 01992 564055	

#### PORTFOLIO - HOUSING

ITEM	DESCRIPTION	KEY DECISION	DATE OF DECISION	DECISION MAKER	PRIVATE DECISION	REPRESENTATION ARRANGEMENTS	BACKGROUND PAPERS
Over Payment of Rents	To agree the arrangements for reimbursing tenants that have overpaid their rent.	No	10 October 2014	Housing Portfolio Holder		Lyndsay Swan 01992 564146	
Annual Review of Waivers to Contract Standing Orders	To agree required waivers to Contract Standing Orders.	No	3 November 2014	Cabinet		Paul Pledger 01992 564248	
Development at Vere Road,	To agree the proposed development	Yes	3 November 2014	Cabinet		Alan Hall 01992 564004	
Off Street Parking Programme	To appoint the Council's Off-Street Parking Consultant.  To agree the future programme.	Yes	7 November 2014 2 February 2015	Housing Portfolio Holder Cabinet		Paul Pledger 01992 564248	Tender Document
Housing Development Strategy	To approve an updated Strategy	Yes	2 February 2015	Cabinet		Paul Pledger 01992 564248	
Housing Strategy 2013-16	To approve the adoption of the new Housing Strategy	Yes	2 February 2015 21 April 2015	Cabinet Council		Alan Hall 01992 564004	
Council Housebuildin g Programme Review	Annual review of sequencing/phasing of potential development sites.	Yes	9 March 2015	Cabinet		Alan Hall 01992 564004	
Housing Improvement s and Service Enhancemen ts 2015/16	To agree the list of improvements & enhancements for 2015/16.	Yes	9 March 2015	Cabinet		Alan Hall 01992 564004	

Council Housebuildin	Annual report on progress and costs.	Yes	8 June 2015	Cabinet	Alan Hall 01992 564004	
g Programme						
Annual						
Report						

#### PORTFOLIO - LEISURE & COMMUNITY SERVICES

ITEM	DESCRIPTION	KEY DECISION	DATE OF DECISION	DECISION MAKER	PRIVATE DECISION	REPRESENTATION ARRANGEMENTS	BACKGROUND PAPERS
EF Museum Redevelopm ent & Extension	To agree the award of the building contract	Yes	1 December 2014	Cabinet		Julie Chandler 01992 564214	

#### PORTFOLIO - SAFER, GREENER AND TRANSPORT

ITEM	DESCRIPTION	KEY DECISION	DATE OF DECISION	DECISION MAKER	PRIVATE DECISION	REPRESENTATION ARRANGEMENTS	BACKGROUND PAPERS
Parking Strategy & New Pay- and-Display Machines	Report outcome of public consultation on parking strategy and seek additional capital allocation for the introduction of any changes required, including new Payand-Display parking meters.	Yes	3 November 2014	Cabinet		Kim Durrani 01992 564055	
Nomination of Schemes for NEPP	To review criteria for nomination of schemes to the North Essex Parking Partnership (NEPP).	Yes	1 December 2014	Cabinet		David Oxborrow 01992 564182	
Safeguardin Self- Assessment Audit	Outcome of the Audit.	No	1 December 2014	Cabinet		Julie Chandler 01992 564214	

#### PORTFOLIO - TECHNOLOGY & SUPPORT SERVICES

ITEM	DESCRIPTION	KEY	DATE OF	DECISION	PRIVATE	REPRESENTATION	BACKGROUND
		DECISION	DECISION	MAKER	DECISION	ARRANGEMENTS	PAPERS

#### PORTFOLIO - ASSETS & ECONOMIC DEVELOPMENT

ITEM	DESCRIPTION	KEY DECISION	DATE OF DECISION	DECISION MAKER	PRIVATE DECISION	REPRESENTATION ARRANGEMENTS	BACKGROUND PAPERS
Signing of Development Agreement for St John's Road, Epping	To sign an agreement for the development of the St John's Road area in Epping	Yes	29 August 2014	Assets and Economic Development Portfolio Holder		Chris Pasterfield 01992 564124	
Marketing of an Operational Management Agreement at North Weald	To consider the Savills report to soft market the management of the Airfield for aviation purposes	Yes	6 October 2014 4 November 2014	Cabinet Council		Colleen O'Boyle 01992 564475	Savills Report (confidential)
Proposed Development Of St Johns Road, Epping	Potential purchase of ECC land interest in St Johns Road site	Yes	6 October 2014 4 November 2014	Cabinet Council	Yes, paragraph (3)	Colleen O'Boyle 01992 564475	Design & Development Brief
Oakwood Hill Depot	To consider the development of a new Depot for Grounds Maintenance & other services.	Yes	3 November 2014	Cabinet		Chris Pasterfield 01992 564124	
Epping Forest Shopping Park	To accept a capital sum in return for the Council to release the purchasers of the T11 site from a clawback provision relating to the development use.	Yes	2 December 2013	Cabinet	YES, paragraph (3)	Colleen O'Boyle 01992 564475	Report by Colliers Internatinal
	To enter into an agreement with Polofind Limited for development of the Shopping Park.		1 December 2014	Cabinet			

## PORTFOLIO - GOVERNANCE & DEVELOPMENT MANAGEMENT

ITEM	DESCRIPTION	KEY	DATE OF	DECISION	PRIVATE	REPRESENTATION	BACKGROUND
		DECISION	DECISION	MAKER	DECISION	ARRANGEMENTS	PAPERS
Polling Districts, Places and Stations	To review UK Parliamentary Polling Districts, Places & Stations	No	30 September 2014	Council		Simon Hill 01992 564249	Consultation Responses