

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE
HELD ON TUESDAY, 1 DECEMBER 2015
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.12 PM**

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| Members Present: | T Church (Chairman), Y Knight (Vice-Chairman), D Dorrell, L Hughes, S Jones, H Kauffman, M McEwen, S Watson and D Wixley |
| Other members present: | J Philip (Governance and Development Management Portfolio Holder) and E Webster (Chairman of Council) |
| Apologies for Absence: | B Sandler and J M Whitehouse |
| Officers Present | N Richardson (Assistant Director (Development Management)), S G Hill (Assistant Director (Governance & Performance Management)), T Carne (Public Relations and Marketing Officer), B Copson (Senior Performance Improvement Officer), P Seager (Chairman's Secretary) and M Jenkins (Democratic Services Officer) |

17. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitute members at the meeting.

18. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

19. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the last meeting of the select committee, held on 6 October 2015, be agreed.

20. TERMS OF REFERENCE AND WORK PROGRAMME

(a) Terms of Reference

The Select Committee's Terms of Reference were noted.

(b) Work Programme

The Select Committee was updated as follows:

(i) Item 7 Development Management Chair and Vice Chair's Meeting

It was advised that this item, although scheduled for the current meeting, could not be discussed as the notes from the most recent meeting of the Development Management Chair and Vice Chair's meeting had not yet been confirmed. It was agreed that it would be put before the 2 February 2016 Select Committee.

(ii) Item 11 Planning Enforcement Report

The Select Committee was reminded that this item had been referred to the Resources Select Committee by the Overview and Scrutiny Committee in October 2015.

The Assistant Director (Development Management) informed members that Management Board would shortly be discussing a proposal to use drones in undertaking enforcement work.

21. KEY PERFORMANCE INDICATORS 2015/16 - QUARTER 2 PERFORMANCE

The Select Committee received a report regarding the Key Performance Indicators 2015/16 – Quarter 2 Performance from the Performance Improvement Officer.

The Local Government Act 1999 required that the Council made arrangements to secure continuous improvement in the way in which its functions and services were exercised having regard to economy, efficiency and effectiveness.

As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPIs) relevant to the Council's services and key objectives were adopted each year by the Finance and Performance Management Cabinet Committee.

A range of 36 KPIs for 2015/16 were adopted by the Finance and Performance Management Cabinet Committee in March 2015. This report included in detail only those indicators which fell within the areas of responsibility of the Governance Select Committee.

Five of the KPIs fell within this select committee's areas of responsibility. The overall position with regard to the achievement of target performance at the end of Q2 for these 5 indicators was as follows:

- (a) 4 (80%) indicators achieved their Q2 target;
- (b) 1 (20%) indicators did not achieve its Q2 target;
- (c) 0 (0%) indicators performed within their tolerated amber margin;
- (d) 4 (80%) indicators were currently anticipated to achieve their cumulative year end target.

RESOLVED:

That the progress made in regard to the Key Performance Indicators 2015/16 – Quarter 2 be noted.

22. EQUALITY OBJECTIVES 2012-2016 Q2 PROGRESS 2015-2016

The Select Committee received a report regarding Equality Objectives 2012-2016 Quarter 2 Progress 2015/16 from the Performance Improvement Officer.

The Equality Act 2010 placed a number of responsibilities on the Council including a Public Sector Equality Duty (PSED) to have due regard to equality in the exercise of its functions, the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who shared a relevant characteristic and those who did not.

In March 2012, the Cabinet agreed four equality objectives for the four years from 2012 to 2016 designed to help the Council meet the aims of the PSED. The report reflected progress against these objectives at the mid-point of last year.

The objectives were as follows:

- (a) Objective 1: To integrate the Council's public sector equality duty in our partnership working.
- (b) Objective 2: To apply robust equality requirements in commissioning, procurement and contract management frameworks.
- (c) Objective 3: To improve and develop equality in our business activities and project working.
- (d) Objective 4: To develop our capacity so that our employees have the knowledge, skills and confidence to deliver our plans and services.

As the current set of equality objectives came to the end of its lifetime in March 2016, work was underway in identifying a new set of objectives for 2016-2020.

The Select Committee observed that all of the objectives had been met or were under control.

RESOLVED:

- (1) That the progress against the Council's Equality Objectives 2012-2016, up until September 2015, be noted; and
- (2) That the draft equality objectives for 2016-2010 be noted.

23. CHAIRMAN'S EXPENDITURE AND ALLOWANCES

The Select Committee received a report regarding the Chairman's Expenditure and Allowances from the Public Relations and Marketing Officer.

The Chairman and Vice-Chairman of Council received special responsibility allowances in recognition of the particular expenses incurred by the Civic and Ceremonial role. It was advised that an anomaly in recompense for transport costs was addressed by the adoption of a motion at Full Council on 28 July 2015 that a review should be conducted into the current levels for the civic ceremonial budget by this select committee.

In addition to the Chairman's and Vice Chairman's individual allowances, "spending" budgets directly supported the work of the Chairman and Vice-Chairman amounted in total to £22,530. Officers conducted a survey of civic ceremonial expenditure by other Essex and neighbouring councils although differing budget structures made direct comparisons with the District Council difficult, there was a range of costs applied by different authorities, for example Chelmsford City spent £71,000 in total and Braintree District Council spent £17,340.

The District Council hosted three major events each year, the Civic Awards, Civic Carol Service and the Civic Lunch, additionally each Chairman carried out a wide range of other engagements, the scope and volume of such engagements varied

from year to year depending on the number and type of invitations accepted. Levels of staff support varied considerably between different councils.

In attendance at the meeting was the current Chairman of Council, Councillor E Webster, who elaborated on the civic ceremonial role and its expenses. Officers informed members that the Chairman's spending never went over budget, in addition the Chairman's Secretary made strenuous efforts to reduce expenditure on events by obtaining a fairer bargain for the authority. It was also stated that there had been no inflationary increase in budget for the Chairman of Council in 10 years.

The Select Committee supported referring the Chairman's and Vice-Chairman's Allowances to the Member Remuneration Panel for more direct scrutiny, in addition the Governance and Development Management Portfolio Holder suggested that this issue could, in the final instance, be referred up to Full Council by obtaining the permission of the Chairman of the Overview and Scrutiny Committee.

RECOMMENDED:

- (1) That the review of Civic Ceremonial expenditure and the current levels of member allowances in respect of payments made to the Chairman and Vice-Chairman of Council be noted;
- (2) That the Chairman's and Vice-Chairman's Allowances be referred to the Member Remuneration Panel for review; and
- (3) That following consideration by the Member's Remuneration Panel, recommendations be made direct to Full Council, bypassing the Overview and Scrutiny Committee with the Chairman's permission.

24. PLANNING APPEALS PERFORMANCE

The Select Committee received a report and a Powerpoint presentation from the Assistant Director (Development Management) regarding Planning Appeals Performance.

Applicants applying for planning permission through a local planning authority, could appeal to the Secretary of State, any decision made whether it be refusal or granting with conditions. In these instances, all parties provided the evidence required and were normally determined by exchange of written statements or appearance at a hearing or inquiry.

Appeal performance was reported every 6 months to the area planning committees using two Key Performance Indicators (KPIs), GOV007 which measured the percentage of planning applications recommended by planning officers for refusal, overturned and granted planning permission by appeal and GOV008 which measured the percentage of planning applications refused by Councillors against the recommendation of the planning officers and subsequently granted planning permission on appeal. Members sought clarity and understanding on why some appeals were dismissed and others were allowed, which in turn would help towards improving performance of these two KPIs as identified in their individual improvement plans.

It was difficult to show common themes in why some appeals were more successful than others, but the Assistant Director (Development Management) had picked out 6

relatively recent cases across the district for further scrutiny, which he did in the form of a presentation to the committee and these were:

- (a) (EPF/2693/14) 42 Princes Road, Buckhurst Hill – Appeal allowed.
- (b) (EPF/1412/14) Church Hill Car Park, Church Hill, Loughton – Appeal allowed with costs.
- (c) (EPF/0180/15) 47a Theydon Park Road, Theydon Bois – Appeal dismissed.
- (d) (EPF/1556/14) Former Haulage Yard, Sewardstone Road, Waltham Abbey – Appeal dismissed.
- (e) (EPF/2358/14) 134 High Street, Ongar – Appeal allowed.
- (f) (EPF/1924/12) 261 High Street, Epping – Appeal allowed.

Members were advised on the problems of attempting to successfully defend a decision to refuse at an appeal if there were no objections from the local Highways authority. However, they felt that the staff at Essex County Council Highways were not particularly pro-active in checking planning applications at the consultation stage for neighbour objections on highway grounds whereas Councillors felt, if they did, then they could raise objections which would support their own views at the committee meeting.

The Assistant Director (Development Management) informed the select committee that an officer from Highways visited the District Council planning offices most weeks to review current planning applications and also made regular site visits in the area as well. An option for area planning sub-committees was to defer items for a fuller Highways assessment of the application in question. The Governance and Development Management Portfolio Holder advised caution when objecting to planning applications against officer recommendation as good evidence was needed to justify a refusal in all reasons put forward. Whilst there was a risk that costs could be awarded against any reason for refusal being appealed. The Assistant Director (Development Management) put the appeals situation into context by stating that there had only been one successful appeal this year where costs had been awarded against the authority.

The current method of analysing the appeals record from the area planning sub-committees was through the Probity in Planning reports submitted to the committees every six months at the end of the meeting which was in some was after a very heavy agenda. It was suggested that a summary of appeal decisions could regularly appear in the Bulletin and that officers consider adding this as part of the annual planning training for Members. The Probity in Planning reports did not always receive adequate attention after a long meeting.

RESOLVED:

That the Planning Appeals Performance report be noted.

25. DATE OF NEXT MEETING

Members decided that this select committee would meet at 7.15p.m. for the duration of the council year. The next meeting of the Select Committee would be held on Tuesday 2 February 2016 in Committee Room 1.

