

Select Committee Agenda



Governance Select Committee Tuesday, 31st January, 2017

You are invited to attend the next meeting of **Governance Select Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 31st January, 2017
at 7.15 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Jackie Leither
Tel: (01992) 564756 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors N Avey (Chairman), G Chambers (Vice-Chairman), D Dorrell, L Hughes, S Jones, S Kane, H Kauffman, M McEwen, L Mead, B Rolfe, D Stallan, B Surtees, H Whitbread and D Wixley

SUBSTITUTE NOMINATION DEADLINE:

6.15 pm

1. APOLOGIES FOR ABSENCE

2. WEBCASTING ANNOUNCEMENT

Chairman to read webcasting announcement.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Director of Governance) To report the appointment of any substitute members for the meeting.

4. NOTES OF PREVIOUS MEETING (Pages 3 - 8)

(Director of Governance) To agree the notes of the meeting of the Select Committee held on 29 November 2016.

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any items on the agenda.

In considering whether to declare a pecuniary or a non-pecuniary interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 9 of the Code in addition to the more familiar requirements.

This requires the declaration of a non-pecuniary 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 9 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. ESSEX COUNTY COUNCIL HIGHWAYS PRESENTATION (Pages 9 - 10)

(Director of Governance) To consider the attached report.

7. KEY PERFORMANCE INDICATORS 2016/17 - QUARTER 3 PERFORMANCE

(Director of Governance) Report to follow as a supplementary document.

8. CORPORATE PLAN KEY ACTION PLAN 2016/17 - QUARTER 3 PROGRESS

(Director of Governance) Report to follow as a supplementary document.

9. TERMS OF REFERENCE AND WORK PROGRAMME (Pages 11 - 14)

(Chairman / Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Committee. This is attached along with an ongoing work programme. Members are asked at each meeting to review both documents.

10. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

11. DATE OF NEXT MEETING

The next meeting of the Governance Select Committee will be held on Tuesday 4 April 2017 at 7.15pm in Committee Room 1.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE
HELD ON TUESDAY, 29 NOVEMBER 2016
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.15 - 8.10 PM**

Members Present:	N Avey (Chairman), R Baldwin, D Dorrell, L Hughes, S Kane, H Kauffman, M Sartin, D Stallan (Vice-Chairman of the Council) and H Whitbread
Other members present:	R Bassett and J Philip
Apologies for Absence:	G Chambers, S Jones, M McEwen, L Mead, B Rolfe, B Surtees and D Wixley
Officers Present	C O'Boyle (Director of Governance), B Copson (Senior Performance Improvement Officer) and J Leither (Democratic Services Officer)

22. APPOINTMENT OF VICE-CHAIRMAN

In the absence of the Vice-Chairman, who had tendered his apologies, the Chairman requested nominations for the role of Vice-Chairman. Councillor D Stallan nominated Councillor S Kane which was seconded by Councillor M Sartin.

RESOLVED:

That in the absence of the Vice-Chairman, Councillor S Kane be appointed as Vice-Chairman for the duration of the meeting.

23. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Select Committee noted that Councillors R Baldwin and M Sartin were substituting for Councillors D Wixley and G Chambers respectively.

24. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the last meeting of the Select Committee held on 29 September 2016 be agreed as a correct record.

25. DECLARATIONS OF INTEREST

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

26. TERMS OF REFERENCE AND WORK PROGRAMME**Terms of Reference**

The Director of Governance reported that there was an error in the Terms of Reference, after paragraph 1 referral was made throughout to the Communities Directorate whereas this should read Governance Directorate.

Work Programme

Members requested that the new Customer Services Manager be invited to a future meeting of the Governance Select Committee.

RESOLVED:

- (1) That the Terms of reference be corrected and noted;
- (2) That the Customer Services Manager be invited to a future meeting;
and
- (3) That the Work Programme be noted.

27. INVITATION TO ESSEX COUNTY COUNCIL HIGHWAYS TO DISCUSS THEIR CONSULTATION WORK ON DISTRICT PLANNING APPLICATIONS

The Director of Governance advised the Select Committee that an Officer from Essex County Council Highways would be attending the next meeting of the Governance Select Committee to discuss the consultation work that they do in relation to District planning applications. This meeting would be a single issue one held in the Council Chamber on Tuesday 31 January 2017.

The Chairman advised that Members should use this meeting to discuss questions and themes which should be submitted to Essex County Council Highways in advance of the 31 January 2017.

Members expressed concerns that they had no support from Essex Highways regarding planning applications and voiced questions that they would like to see addressed as below:

Aspects the Governance Select committee wish to see addressed

- (1) Who would be attending and what was their role/level of seniority?
- (2) The level of resourcing ECC devotes to assessing referred planning applications prior to commenting.
- (3) Information about the way in which ECC assessed each application, for example, what determines when they visit, what use of technology is available/used to evidence objections or lack of them.
- (4) Members and local residents have real concerns at times over highway issues, particularly safety concerns yellow lining, existing accesses which through increased use become dangerous junctions, turning circles for delivery vehicles, site lines etc – could an explanation of the ECC approach to these issues be given?

- (5) There was a perception that ECC did not sufficiently defend their own parking standards – an insight into their approach on this would be welcomed.
- (6) In seeking appropriate infrastructure to support new development what guidance and support could/do ECC give to EFDC in seeking s106/278 at appropriate times/amounts?

The Director of Governance advised that she would circulate the questions discussed, as above and would request members to address any additional questions that they would like to put to Essex County Highways by the end of this week so that they could be submitted in good time.

28. DEVELOPMENT MANAGEMENT CHAIR AND VICE CHAIR'S MEETING

The Director of Governance advised Members that there was a report going to Cabinet on 1 December 2016 seeking the resources to appoint a Planning Validation Technical Officer and an Information/Records Team to convert Development Control and Building Control paper records to an electronic format, which would streamline the process and provide a better service to the customer.

29. CORPORATE PLAN KEY ACTION PLAN 2016/17 - QUARTER 2 PROGRESS

The Select Committee received a report from the Performance Improvement Officer regarding the Corporate Plan Key Action Plan 2016/17 – Quarter 2 Position.

The Corporate Plan was the Council's key strategic planning document setting out its priorities over the five year period from 2015/16 to 2019/20. The priorities or Corporate Aims were supported by Key Objectives which provided a clear statement of the Council's overall intentions for these five years.

The Key Objectives were delivered by an annual action plan which contained a range of actions designed to achieve specific outcomes and were working documents which were subject to change and development.

The Corporate Plan Key Action Plan for 2016/17 was agreed by the Cabinet in March 2016. Progress in relation to all actions and deliverables was reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and basis.

There were 49 actions in total for which progress updates for Quarter 2 were as follows:

- (a) 29 (59%) of these actions had been achieved or were on target;
- (b) 14 (29%) of these actions were under control;
- (c) 2 (4%) of these actions were behind schedule; and
- (d) 4 (8%) were pending.

There were 8 actions that fell within the areas of responsibility of this Select Committee, these were:

- (a) 6 (75%) of these actions had been achieved or were on target;

- (b) 2 (25%) of these actions were under control;
- (c) 0 (0%) of these actions were behind schedule; and
- (e) 0 (0%) of these actions were pending.

This report would also be considered by the Cabinet on 1 December 2016 and the Overview and Scrutiny Committee on 19 December 2016.

RESOLVED:

That the Corporate Plan Key Action Plan 2016/17 – Quarter 2 Progress Report be noted.

30. KEY PERFORMANCE INDICATORS 2016/17 - QUARTER 2 PERFORMANCE

The Select Committee received a report from the Performance Improvement Officer regarding the Key Performance Indicators 2016/17 – Quarter 2 Performance Report.

The Local Government Act 1999 required that the Council made arrangements for securing continuous improvement in the way in which its functions and services were exercised. As part of this duty, 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. Performance being monitored on a quarterly basis by the Management Board and the Overview and Scrutiny Committee.

The overall position for all 37 KPIs at the end of Quarter 2 was as follows:

- (a) 28 (76%) indicators achieved target;
- (b) 9 (24%) indicators did not achieve target; although
- (c) 2 (22%) of these indicators performed within the agreed tolerance for the indicator;
- (d) 31 (84%) of indicators were currently anticipated to achieve year-end target and a further 4 (11%) were uncertain whether they would achieve year-end target.

Five of the Key Performance Indicators fell within the Governance Select Committee's areas of responsibility. The overall position with regard to the achievement of target performance at Q2 were as follows:

- (a) 3 (60%) indicators achieved target;
- (b) 2 (40%) indicators did not achieve target; however
- (c) 0 (0%) of these KPI's performed within the agreed tolerance for the indicator
- (d) 3 (60%) of indicators were currently anticipated to achieve year-end target, and a further 2 (40%) indicator was uncertain whether it would achieve year-end target.

There was uncertainty amongst some members present regarding the definitions of GOV007 and GOV008.

GOV007 – The percentage of planning applications recommended by Planning Officers for refusal that were overturned and granted permission following an appeal. This indicator was expressed as a percentage of the number of appeals determined and sought to assess the levels of applications that may be refused in order to meet development control performance targets. This measured the performance of only Officer recommendations for refusal of planning permission.

GOV008 – The percentage of planning applications refused by Members against the planning officers recommendations that were granted permission to appeal. This indicator was expressed as a percentage of the number of appeals determined and sought to assess the levels of applications that may be refused in order to meet development control performance targets. This measured the performance of only Officer recommendations for granting of planning permission which were overturned by Members.

RESOLVED:

That the Key Performance Indicators 2016/17 – Quarter 2 Performance report be noted.

31. EQUALITY OBJECTIVES 2016-2020 - 6 MONTHLY REPORTING

The Select Committee received a report from the Performance Improvement Officer regarding the Equality Objectives 2016-2020, 2016/17 Quarter 2 report.

In April 2016, the Cabinet agreed four equality objectives for the four years from 2016 to 2020, designed to help the Council meet the aims of the Public Sector Equality Duty (PSED). This report reflects the progress against these objectives at the end of September 2016, and other work to ensure compliance with the Council's equality duties. This was the first 6 monthly report of the 4 year life span.

The report sought to ensure the development and coordination of a corporate approach to the Council's statutory equality duties. Actions discussed in the report covered the full range of the Council's services, and its dual role of service provider and employer. Whilst no equality implications arose from the report, the appropriateness of actions to deliver the objectives, together with the successful achievement of the objectives, had the potential to impact on service users and employees across all the protected characteristics.

RESOLVED:

The 6 monthly Equality Objectives 2016-2020 report be noted.

32. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Director of Governance advised members that the select committee would be requiring new items for next year's work programme. The following were suggested:

- (a) Work in relation to complaints to the end of year;
- (b) Building Control report for April 2017; and

- (c) A report in respect of the Essex County Council Highways meeting at the next meeting of this Committee on 31 January 2017.

33. DATE OF THE NEXT SELECT COMMITTEE MEETING

The next meeting of the Select Committee will be held on Tuesday 31 January 2017 at 7.15pm in the Council Chamber. Essex County Council Highways have confirmed that an Officer will be attending to talk about Consultation Work on District Planning Applications. This meeting will be a one item meeting and will resume back to normal at the meeting on 4 April 2017.

Report to Governance Select Committee

Date of meeting: 31 January 2017



Subject: Essex County Council Highways Presentation

Officer contact for further information: N. Richardson (01992) 564110

Democratic Services Officer: J. Leither (01992) 564756

Recommendations/Decisions Required:

That the Committee undertake appropriate external scrutiny of Essex County Council Highways, in respect of work in relation to consultation on local planning applications.

1. (Director of Governance) As included in the current work programme for the Committee, representatives of Essex County Council Highways will be attending the meeting to respond to the concerns of members in respect of the consultation work that they do in relation to District planning applications. The following officers of Essex County Council Highways will be in attendance:

Matthew Bradley, Strategic Development Manager, Transportation, Planning and Development - ECC; and
Matthew Lane, Strategic Development Engineer, Transportation, Planning and Development – ECC.

2. The following specific issues as previously identified by the Select Committee, have been notified to Mr. Bradley and Mr. Lane as the emphasis for such external scrutiny, in order to ensure that maximum value is derived from this external scrutiny activity:

Aspects the Governance Select Committee wish to see addressed

- (a) Who would be attending and what was their role/level of seniority?
- (b) The level of resourcing Essex County Council Highways devotes to assessing referred planning applications prior to commenting.
- (c) Information about the way in which Essex County Council Highways assessed each application, for example, what determines when they visit, what use of technology is available/used to evidence objections or lack of them.
- (d) Members and local residents have real concerns at times over highway issues, particularly safety concerns yellow lining, existing accesses which through increased use become dangerous junctions, turning circles for delivery vehicles, site lines etc – could an explanation of the Essex County Council Highways approach to these issues be given?
- (e) There was a perception that Essex County Council Highways did not sufficiently defend their own parking standards – an insight into their approach on this would

be welcomed.

- (f) In seeking appropriate infrastructure to support new development what guidance and support could/do Essex County Council Highways give to Epping Forest District Council in seeking s106/278 at appropriate times/amounts?
3. The identification of additional lines of questioning to be raised with Essex County Council Highways, were recently sought from members through the Council Bulletin.

Resource Implications:

The recommendations of this report seek to enable scrutiny activity to more effectively meet work programme requirements.

Legal and Governance Implications:

The Council's constitution sets out rules for the management of its overview and scrutiny responsibilities. Although external organisations are not generally required by legislation to attend before the Overview and Scrutiny Committee, it is hoped that most would be willing to engage constructively with the Council's scrutiny activity when invited to do so.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Background Papers:

None

Impact Assessments:

Risk Management

The Council's constitution sets out rules for the management of its overview and scrutiny responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.

GOVERNANCE GOVERNANCE SELECT COMMITTEE

TERMS OF REFERENCE 2016/17

Title: Governance Select Committee

Status: Select Committee

1. To undertake overview and scrutiny, utilising appropriate methods and techniques, of the services and functions of the Governance Directorate;
2. To develop a programme of work each year, informed by relevant service aims and member priorities, to ensure that the services and functions of the Governance Directorate are appropriate and responsive to the needs of residents, service users and others;
3. To consider any matter referred to the Select Committee by the Overview and Scrutiny Committee, the Cabinet or a relevant Portfolio Holder, and to report and make recommendations directly to the Committee, the Cabinet or such Portfolio Holder as appropriate;
4. To consider the effect of Government actions or initiatives on the services and functions of the Governance Directorate and any implications for the Council's residents, service users and others, and to respond to consultation activities as appropriate;
5. To establish working groups as necessary to undertake any activity within these terms of reference;
6. To undertake pre-scrutiny through the review of specific proposals of the Council and its partner organisations or other local service providers, insofar as they relate to the services and functions of the Governance Directorate, to help develop appropriate policy;
7. To undertake performance monitoring in relation to the services and functions of the Governance Directorate, against adopted key performance indicators and identified areas of concern;
8. To identify any matters within the services and functions of the Governance Directorate that require in-depth scrutiny, for referral to the Overview and Scrutiny Committee; and
9. To recommend the establishment of task and finish panels to the Overview and Scrutiny Committee as necessary, in order to undertake any activity within these terms of reference.

Chairman: Councillor N Avey

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Governance Select Committee (Chairman – Councillor N Avey)

Work Programme 2016/17

Item	Report Deadline/Priority	Progress/Comments	Programme of Meetings
(1) Review of the Elections May and June 2016	29 September 2016	Review of the processes for the EU Referendum, District Council and Parish Council Elections COMPLETED	5 July 2016; 29 September; 29 November; 31 January 2017; and 4 April
(2) Review of Public Consultations	5 July 2016	Annual Review - COMPLETED	
(3) Key Performance Indicators (KPIs) 2015/16 - Outturn	5 July 2016	Governance indicators only - COMPLETED	
(4) Key Performance Indicators (KPIs) 2016/17 - Quarterly Performance Monitoring	Q1 – 29 September 2016 Q2 – 29 November 2016 Q3 – 31 January 2017	Governance indicators only. Q1 and Q2 have been completed.	
(5) Development Management Chair and Vice-Chair's Meeting	TBA	To receive feedback from meetings of Chair and Vice-Chair of the Area Planning and District Development Management Committees. This group had met on 4 October 2016.	
(6) Equality Objectives 2012-2016 - Outturn	5 July 2016	COMPLETED	
(7) Equality Objectives 2016-2020 - 6 monthly reporting	Q2 – 29 November 2016	Q4 at July 2017 meeting.	
(8) Annual Equality Information Report 2016	29 September 2016	COMPLETED	

(9) Corporate Plan Key Action Plan 2015/16 - Outturn	5 July 2016	Governance actions only - COMPLETED	
(10) Corporate Plan Key Action Plan 2016/17- Quarterly reporting	Q1 – 29 September 2016 Q2 – 29 November 2016 Q3 – 31 January 2017	Governance actions only. Q1 and Q2 have been completed.	
(11) Review of the Operation of the Council's Petitions Scheme	TBA		
(12) Analysis of Compliments and Complaints procedures data in identifying trends	TBA		
(13) Review of enforcement activity across the services of the Governance Directorate	4 April 2017	This item will include Planning Enforcement but corporate and benefit fraud as well, within the Governance remit.	
(14) Invitation to Essex County Council Highways for a single item meeting to discuss their consultation work on District planning applications	31 January 2017	This particular meeting will be held in the Council Chamber	
(15) Building Control	TBA		