

## Select Committee Agenda



### **Governance Select Committee Tuesday, 4th July, 2017**

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

**Committee Room 1, Civic Offices, High Street, Epping  
on Tuesday, 4th July, 2017  
at 7.15 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

J Leither  
Tel: (01992) 564756 Email: [jleither@eppingforestdc.gov.uk](mailto:jleither@eppingforestdc.gov.uk)

#### **Members:**

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

**SUBSTITUTE NOMINATION DEADLINE:**

**6.15 pm**

**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

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

**3. NOTES OF PREVIOUS MEETING (Pages 5 - 30)**

(Director of Governance) To agree the notes of the meeting of the Select Committee held on 4 April 2017.

**4. 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.

**5. TERMS OF REFERENCE AND WORK PROGRAMME (Pages 31 - 34)**

(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.

**6. BUILDING CONTROL PRESENTATION**

(Director of Governance) The Building Control Manager Jeff Dixon will attend the meeting to give a presentation to Members on the Council's Building Control Service and how this differs from Planning Development Control.

**7. GOVERNANCE DIRECTORATE BUSINESS PLAN 2017 (Pages 35 - 42)**

Members will recall that Overview & Scrutiny had requested that Portfolio Holders present their Business Plans at the first meeting of the new Overview & Scrutiny Cycle on the 6 June 2017. As the Business Plans are developed on a Directorate basis, such a presentation would have required some careful choreography. However, agreement has been reached, that it makes more sense for the Business Plans to be presented to the relevant Select Committee, where there would be better alignment. This way the Select Committees would have time to undertake a more in-depth scrutiny role regarding the numerous services which make up their Select Committees.

On this basis, the relevant Portfolio Holders are requested to attend this meeting and take the Select Committee through their plans for the coming year.

**8. CONSULTATION REGISTER 2016/17 AND 2017/18**

Report to follow.

**9. CORPORATE PLAN 2018-2023 (Pages 43 - 52)**

(Director of Governance) To consider the attached report.

**10. KEY PERFORMANCE INDICATORS 2016/17 - QUARTER 4 (OUTTURN) PERFORMANCE (Pages 53 - 64)**

(Director of Governance) To consider the attached report.

**11. CORPORATE PLAN KEY ACTION 2016/17 - QUARTER 4 (OUTTURN) POSITION  
(Pages 65 - 72)**

(Director of Governance) To consider the attached report.

**12. JOINT MEETING OF DEVELOPMENT MANAGEMENT CHAIRMEN AND VICE-  
CHAIRMEN - 20 APRIL 2017 (Pages 73 - 78)**

(Director of Governance) To consider the attached minutes of the Joint Meeting of Development Management Chairmen and Vice-Chairmen, held on 20 April 2017, and any recommendations therein.

**13. 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.

**14. FUTURE MEETINGS**

To note the dates of the future meeting of the Governance Select Committee:

03 October 2017;  
05 December 2017;  
06 February 2018; and  
27 March 2018.

This page is intentionally left blank

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE  
HELD ON TUESDAY, 4 APRIL 2017  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.15 - 8.50 PM**

<b>Members Present:</b>	Councillors N Avey (Chairman), , L Hughes, S Kane, H Kauffman, B Rolfe, D Stallan (Vice-Chairman of the Council), B Surtees, H Whitbread, D Wixleyn
<b>Other members present:</b>	Councillors K Chana, M Sartin
<b>Apologies for Absence:</b>	Councillors S Jones, M McEwen and L Mead
<b>Officers Present</b>	N Richardson (Assistant Director (Development Management)), M Crowe (Senior Corporate Fraud Investigator), J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), A Hall (Director of Communities), S Tautz (Democratic Services Manager)

---

**45. APPOINTMENT OF VICE-CHAIRMAN**

In the absence of the Vice-Chairman, the Chairman sought nominations for the position of Vice-Chairman for the meeting.

**RESOLVED:**

That Councillor H. Whitbread be appointed as Vice-Chairman of the Select Committee for the duration of the meeting.

**46. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

The Director of Governance reported that Councillor M. Sartin was substituting for Councillor S. Jones at the meeting and that Councillor K. Chana was substituting for Councillor M. McEwen.

**47. NOTES OF PREVIOUS MEETING**

**RESOLVED:**

That the notes of the meeting of the Committee held on 31 January 2017 be agreed as a correct record, subject to the correction of the reference to 'Thursday 4 April 2017' in Minute 44 (Date of Next Meeting), to read 'Tuesday 4 April 2017'.

**48. DECLARATIONS OF INTEREST**

No declarations of interest were made by members of the Committee pursuant to the Council's Code of Conduct.

**49. TERMS OF REFERENCE & WORK PROGRAMME**

The Committee noted its terms of reference for the current year, which had been previously agreed by the Overview and Scrutiny Committee.

Members reviewed progress against the work programme for the Committee for 2016/17, the majority of actions from which had now been achieved. It was reported that, in a number of instances, work programme activities were unlikely to be completed in the current year and would be carried forward into 2017/18.

The Assistant Director of Governance (Development Management) reported that the work programme for 2017/18 was required to be considered and agreed by the Overview and Scrutiny Committee at its first meeting in the next municipal year and sought any suggestions from members for additional work programme priorities.

**RESOLVED:**

- (1) That the Terms of Reference of the Committee and progress against its work programme for 2016/17, be noted; and
- (2) That the Assistant Director of Governance (Development Management) finalise the draft work programme for 2017/18, for future consideration by the Overview and Scrutiny Committee, in consultation with the Chairman of the Select Committee.

**50. GOVERNANCE DIRECTORATE - REVIEW OF ENFORCEMENT ACTIVITIES**

The Committee considered a comprehensive report in regard to the scope of the enforcement activities undertaken as part of the current service portfolio of the Governance Directorate, which comprised corporate fraud and planning enforcement.

**Corporate Fraud**

It was reported that the main purpose of the Corporate Fraud Team was to provide independent and professional investigation of all aspects of fraud affecting the Council, in order to prevent fraud and abuse and take fair and consistent action against those committing fraudulent activities.

The Corporate Fraud Manager reported that, since its inception, the team had taken both proactive and reactive approaches to anti-fraud work and considered all fraud referrals with a view to risk assessment and, where appropriate, investigation. Members were advised that the team was robustly proactive in the prevention and investigation of fraud within a number of high-risk areas, particularly in relation to social housing, where fraud investigation activity had resulted in policy changes and revisions to internal processes.

The Committee noted that the Corporate Fraud Team was having significant effect in the area of Right to Buy (RTB) applications, where (working in conjunction with the Home Ownership Team) it now vetted all applications to provide assurance that tenancies were being operated correctly and that the RTB Scheme was not being used for money laundering purposes. The Corporate Fraud Manager reported that twenty RTB applications had been stopped and/or withdrawn since April 2016, a number of which had been identified as having significant funding concerns that had given rise to money laundering suspicions, saving approximately £1.5million of potential RTB discount. The Corporate Fraud Manager indicated that, as a result, the twenty properties involved had continued to remain available as public assets providing future revenue streams (in the form of rent continuing to be paid) to the

Council of approximately £1million. Members were advised that other investigations into suspected housing fraud had resulted in eleven Council properties being recovered in order that they could be re-let, resulting in a saving of approximately £200,000.

Members noted that the Corporate Fraud Team was also involved in a number of criminal prosecutions concerning fraud relating to the Local Council Tax Support Scheme, the illegal subletting of Council tenancies and various other offences. It was reported that some of these activities were subject to action under the Proceeds of Crime Act 2002 for issues such as money laundering and the Corporate Fraud Manager indicated that the Council routinely pursued claims for compensation/confiscation under the Act. In addition, the Corporate Fraud Team also undertook staff-related investigations and standards and proceeds of crime investigations on behalf of other local authorities on a 'paid-for' basis. The Corporate Fraud Team had also recently begun an informal joint working arrangement with Chelmsford City Council for the sharing of anti-fraud resources and similar arrangements were currently being explored with other authorities

The Committee was advised that, although the public were encouraged to report fraud, due to the often complex nature of both criminal investigations and subsequent court action, it was important for members to understand that cases generally took significant time and resources to investigate.

### **Planning Enforcement**

It was reported that the main purpose of the Planning Enforcement Team was to investigate alleged breaches of planning controls such as unauthorised buildings and uses and development that was not taking place in accordance with approved plans. Members were advised that the Planning Enforcement Team also assisted the Council's Tree and Landscape Section in prosecutions for destruction and damage to protected trees and the Heritage Section with unauthorised works to listed buildings.

The Principal Planning Officer (Enforcement) reported that the role and responsibilities of the Enforcement Team were set out in the Council's adopted Local Enforcement Plan, previously adopted by the former Planning Services Scrutiny Panel and that, since April 2016, almost seven-hundred complaints of alleged planning breaches at different sites had been investigated, resulting in the service of thirty-eight Enforcement Notices. Members were advised that during this period, nine Enforcement Notices appeals had been heard by the Planning Inspectorate, all of which had been dismissed and upheld in favour of the Council.

The Committee was advised that that prosecution for breaches of planning legislation was always a last resort, as the planning system required that the planning merits of a case always be considered retrospectively through the planning application process in the interest of fairness, unless the breach could not be resolved by conditions attached to the grant of planning permission. The Principal Planning Officer (Enforcement) indicated that if an enforcement case had been proved in the courts or in extreme cases before court action, the Council could take injunctive or direct action to ensure compliance and that, in the last year, the authority had mounted five prosecutions for the breach of an Enforcement Notice and three prosecutions for a breach of a Tree Preservation Order.

The Committee was advised that, due to the legislative background, enforcement cases could take considerable time to resolve and that, even in simple cases, a period of six to eight months from when a complaint was received was not

uncommon. The Principal Planning Officer (Enforcement) indicated that, in complex and/or contested cases, it might take some years to gather appropriate evidence and that it was important for members and the public to understand that such cases generally took significant time and resources to resolve.

Members noted that the resources available to the Planning Enforcement Team compared favourably with other similar local authorities, but that the addition of a Breach Of Condition Officer position to the establishment of the Team would enable officer time to be focused exclusively on enforcement matters. The Principal Planning Officer (Enforcement) reported that the Team worked collaboratively with other services of the Council, as well as with external agencies such as the Corporation of London and the Environment Agency and had recently pioneered the introduction of a remotely piloted air system (known as a 'drone') for overt deployment on appropriate enforcement cases.

The Principal Planning Officer (Enforcement) reminded the Committee of the annual planning enforcement training session provided as part of the Council's Member Development Programme, these next session of which was due to be held on 30 June 2017.

On behalf of the Committee, the Chairman thanked the Corporate Fraud Manager and the Principal Planning Officer (Enforcement) for their informative presentations.

**RESOLVED:**

- (1) That the scope of the enforcement activities of the Corporate Fraud and Planning Enforcement Teams, as part of the current service portfolio of the Governance Directorate, be noted;
- (2) That the content of the Council's adopted Local Enforcement Plan, attached as an annex to these notes, be noted;
- (3) That the current 'signposting' of the Local Enforcement Plan on the Council's website be reviewed, to ensure that it is easily accessible to visitors to the website; and
- (4) That investigation be made of the possible production and publication of an 'easy-read' version of the Local Enforcement Plan, for possible issue to local councils and members of the public in response to complaints concerning planning enforcement matters.

**51. PLANNING APPLICATION VALIDATION CHECKLIST & VIABILITY GUIDANCE FOR AFFORDABLE HOUSING**

The Committee was advised that a Local Validation Requirements List was required to be prepared by the Council, as the Local Planning Authority, to specify the information usually required to support planning applications of particular type, scale or location. It was reported that the local validation list was required to be reviewed every two years, in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (England)(Order) 2015 and that failure to review the validation requirement list would mean that the Council could only require planning application submissions to contain basic detail in order make them valid.

Members noted that all planning applications were required to meet the relevant elements of the local validation list in order to be considered 'valid', otherwise they would not be registered and consulted upon and that it was only when an application had been deemed to be valid, that the start date of the planning application process



commenced. The current local validation requirement list had been agreed by the former Planning Services Scrutiny Panel in 2014 and was now due for review.

The Committee therefore considered a draft revised Local Validation Requirements List to provide guidance and certainty to applicants about the information required when submitting planning and related applications, to ensure that the Council had all the necessary information that it needed to determine applications within target times. Once agreed, it was intended that the revised local validation list would be used for registration purposes and be made available on the Council's website.

The Committee also considered draft proposed guidance on the submission of viability and financial appraisals for affordable housing, that had been produced by the Director of Communities for incorporation within the Local Validation Requirements List. The Director of Communities reported that, in view of the increasing relevance of viability in planning matters and because of its complexity and the absence of detailed formal planning guidance at national level, there was considered to be a need for appropriate local guidance to be adopted.

**RESOLVED:**

- (1) That the draft revised Planning Application Requirement Validation Checklist and draft 'Guidance Note to Planning Applicants on the Submission of Viability and Financial Appraisals for Affordable Housing' be agreed;
- (2) That the draft Validation Checklist and Guidance Note be published on the Council's website for a period of twenty-eight days, for consultation purposes;
- (3) That any comments submitted during the consultation period be considered by the Assistant Director of Governance (Development Management) and the Director of Communities and that the draft Validation Checklist and Guidance Note be amended as considered necessary and be adopted by way of a formal decision of the Governance and Development Management Portfolio Holder;
- (4) That the adopted Validation Checklist and Guidance Note be used for the purposes of registration of planning applications and be published on the Council's website as part of the necessary information required to submit a planning application; and
- (5) That the Validation Checklist be kept under regular review and the Director of Governance be authorised to make minor amendments necessary to reflect changes in Government guidance or Council policy and guidance, without undertaking further consultation or seeking further member approval.

**52. KEY PERFORMANCE INDICATORS 2017/18 - REVIEW & TARGETS**

The Assistant Director of Governance (Development Management) introduced a report on proposed targets for the Key Performance Indicators (KPI) for 2017/18 that were the responsibility of the Committee. Members noted that the adoption of challenging but achievable indicators for each year was an important element of the Council's Performance Management Framework and that the KPI set was reviewed by Management Board on an annual basis to ensure that indicators and targets presented appropriate challenge to performance in the areas of the Council's key objectives and priorities.

The Committee was advised that the provisional target for each indicator had been identified by service directors and relevant Portfolio Holder(s), based on third-quarter performance and the estimated outturn position for the current year. The Assistant Director of Governance (Development Management) reported that Management Board would review the provisional targets against outturn data for 2016/17 when this became available and that any proposed revisions would be reported to the Committee in the next cycle of meetings.

**RESOLVED:**

That the proposed Key Performance Indicators and targets for 2017/18 for services within the areas of responsibility of the Committee, be agreed.

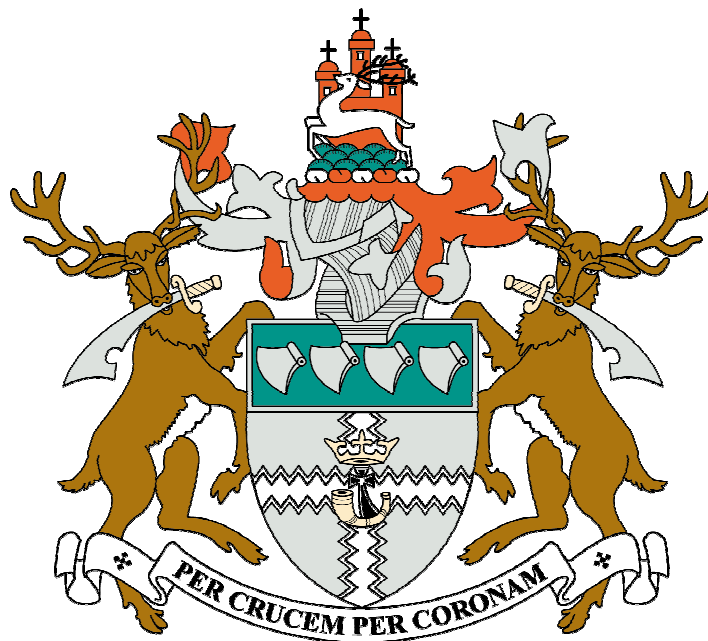
**53. OVERVIEW & SCRUTINY COMMITTEE**

The Committee did not identify any reports to be made to the next meeting of the Overview and Scrutiny Committee.

**54. DATE OF NEXT MEETING**

Members noted that the next meeting of the Committee would be held at 7.15pm on 4 July 2017.

**Epping Forest District Council**  
**Planning & Economic Development**  
**Local Enforcement Plan**  
**December 2013**



## Table of Contents

1. Introduction .....	1
2. Breaches of Planning Control .....	3
3. Investigation of suspected breaches of planning control .....	6
4. Taking formal enforcement action .....	11
5. Special controls .....	16
6. Other powers .....	17
7. Legislation/guidance.....	18

# 1. Introduction

## Our vision for planning enforcement

- 1.1 The planning system operates to regulate development and the use of land in the community's interest having regard to the development plan and other material planning considerations. The effective and proper enforcement of planning control is essential to community confidence in the planning system. It is important that the local environment is protected, as are the interests of residents, visitors and businesses of the District from the harmful effects of unauthorised development.
- 1.2 The Council has a duty to investigate alleged breaches of planning control and has powers to remedy proven breaches. We view breaches of planning control very seriously. It is our policy to exercise powers appropriately, proportionately and rigorously so that development takes place in accordance with the appropriate legislation or the planning conditions and limitations imposed on any planning permission through the development control process.
- 1.3 However, the planning enforcement system does not exist to simply punish those responsible for a breach of planning control. It is an important principle of the planning system that the use of formal planning enforcement action is a discretionary power of the Council.
- 1.4 The integrity of the development control process depends on the Council's readiness to take effective enforcement action when it is justifiable. The community's confidence of the planning process is quickly undermined if unauthorised development is allowed to proceed without any apparent attempt by the Council to intervene.
- 1.5 The purpose of this document is to set out the Council's specific plan for the enforcement of planning control. This policy will ensure that Councillors and Officers, external agencies and the community are aware of our general approach to planning enforcement.

## Principles of Good Enforcement

- 1.6 Proportionality – Officers will consider the full range of powers when conducting investigations (this includes appropriate negotiations and retrospective planning applications) and where appropriate take immediate action.
- 1.7 We will minimise the costs of compliance by ensuring that any action we require is proportionate to the breach. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering the expediency of taking action.
- 1.8 Where practicable we will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense.

- 1.9 Normally we will prosecute individuals or organisations who do not comply with any formal notice served on them with rigour, and when appropriate will take direct action, having regard to degree of harm and public safety.
- 1.10 Consistency – We will carry out our duties in a fair, equitable and consistent manner. While staff are expected to exercise judgement in individual cases, we have arrangements in place to promote consistency including effective arrangements for liaison with other authorities and enforcement bodies.
- 1.11 We will consider each individual matter on its merits. There will be a consistent approach to enforcement action against breaches of similar nature and circumstance.
- 1.12 Standards – We will draw up clear standards, setting out the level of service and performance that customers can expect to receive in this plan. We will review performance regularly.
- 1.13 The enforcement plan will be subject to review at least every three years, but the plan may be reviewed on a more regular basis if circumstances dictate. The plan will be available on our web site.
- 1.14 Openness – Information and advice will be provided in plain language on the rules that we apply and we will publish this as widely as possible.
- 1.15 We will discuss general issues, specific compliance failures or other problems with anyone with an interest with our service, subject to it not being covered by privacy and data protection policies.
- 1.16 Helpfulness – We believe that prevention is better than cure and that we should work with customers to advise and assist with compliance.
- 1.17 Officers will provide a courteous, prompt and efficient service and emails/letters will provide a contact point and telephone number for customers to contact when seeking advice and information.
- 1.18 We will ensure that services are effectively co-ordinated to minimise unnecessary overlaps and time delays.
- 1.19 Officers will not tolerate abusive language or behaviour either in person or in correspondence.
- 1.20 Complaints about the service – We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

## 2 Breaches of planning control

### Legislative background

- 2.1 The primary legislation for planning enforcement is set out in Part VII of the Town and Country Planning Act 1990, which includes amendments set out in the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004. Hereafter these are collectively referred to as the Town and Country Planning Act (as amended).
- 2.2 The Town and Country Planning Act (as amended) sets out that planning permission is required for development. Section 55 defines development as:
- “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”
- 2.3 A breach of planning control is defined at Section 171A as “the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”.

### What is a breach of planning control?

- 2.4 The majority of planning enforcement investigations therefore involve one of the following alleged breaches:
- development (either operational or a material change in use of land) has taken place without planning permission
  - development has not been carried out in accordance with an approved planning permission
  - failure to comply with a condition or legal agreement attached to a planning permission.
- 2.5 Other matters which also fall under the scope of planning control are:
- demolition taking place in conservation areas, without conservation consent, when it is required
  - works carried out to a listed building which affect the historic character or setting, without listed building consent being granted
  - removal of, or works carried out, to protected trees and hedgerows without consent being granted or proper notification given
  - advertisements, which require consent under the advertisement regulations, which are displayed without express consent
  - failure to comply with the requirements of a planning notice, e.g. enforcement, discontinuance, stop notice, breach of condition notice, or other statutory notice
- 2.6 The basic principle of planning law is that it is **not an offence to carry out works without planning permission** (with certain exceptions for Listed Buildings and Trees). Whilst such development is unauthorised, councils must consider the expediency of taking formal action. This is important to remember as members of the public often refer to illegal development or works. This is

incorrect as development may well be unauthorised. It will not be illegal unless a statutory notice has first been issued and the owner or occupier has failed to comply.

### **What is not a breach of planning control?**

2.7 We often receive complaints regarding matters that are not breaches of planning control. Often this is where other legislation covers and controls the matter. The following are examples of what we cannot become involved in through our planning enforcement service:

- neighbour nuisance/boundary and land ownership disputes – these are civil matters that the Council can not get involved in. Further advice on these matters should be obtained from a solicitor or the Citizens Advice Bureau
- use of/or development on the highway, footway or verge that is covered by highway legislation – please contact Essex County Council on 0845 6037631
- dangerous structures – please contact our Building Control section on 01992 564141
- any matter covered by other substantive legislation such as fly tipping, noise and smell – Please contact our Environmental Health Section on 01992 564497

### **Priorities**

2.8 To make the most effective use of resources, all reports of suspected breaches of planning control will be investigated and progressed in accordance with the priority rating below. This is not an exhaustive list.

**Category A** - implies a severe and/or urgent case requiring immediate attention. This would include harmful works to a listed building or new physical development which would present a serious danger to members of the public; a Gypsy, Roma or Traveler incursion; works to a tree subject to legal protection; and works to a protected hedgerow . A site visit should be carried out within 7 working hours.

**Category B** - covers all other cases that are a less severe and/or less urgent case requiring prompt attention, and a site visit should be carried out within 14 working days.

2.9 Individual cases may be re-prioritised as the investigation progresses and as new evidence comes to light.



### **3 Investigation of suspected breaches of planning control**

#### **Receipt of complaint**

- 3.1 To start a planning enforcement investigation, complaints from the community should normally be made in the following ways:
- by email at [contactdcenf@eppingforestdc.gov.uk](mailto:contactdcenf@eppingforestdc.gov.uk)
  - filling out the standard form on our web site
  - over the phone on 01992 564527
  - by letter to the Planning Enforcement Section, Epping Forest District Council, High Street, Epping, Essex CM16 4BZ
  - or in person at the planning reception area at the Council Offices, opening hours are 0900 – 1300 Monday to Friday
- 3.2 When a complaint is received it is recorded on our database so it is important that we have the following information:
- name and contact details of complainant, including email address
  - full address of the alleged breach of planning control
  - nature of the breach and the harm it may be causing
- 3.3 All enforcement complaints are logged onto our computer system with a unique reference number so that each complaint can be monitored and the complainant updated on progress.
- 3.4 To avoid the unnecessary use of resources, hampering of investigations and dealing with malicious complaints, anonymous reports of suspected breaches of planning control will not be taken.
- 3.5 Confidentiality is vital; a complaint's identity will not be revealed to any third party.

#### **Time frame for site visit**

- 3.6 A site visit will be required in most cases to establish whether or not a breach of planning control has occurred. Most initial site visits will be unannounced so as not to alert persons on site that a complaint has been made, which would give them an opportunity to hide or cease breaches of planning control.
- 3.7 Although there will need to be some research around the case prior to a site visit the initial site visit (where necessary) will be conducted within the following timescales.
- Category A – within 7 working hours
  - Category B – within 14 days

We will aim to meet these timescales in all cases investigated to ensure cases progress without undue delay from the outset.

- 3.8 These targets allow officers to carry out the required level of research before visiting a site. If carrying out the initial site visit within these time frames is problematic on a specific case the officer will notify the complainant.

- 3.9 On completion of the initial site visit, the findings will be assessed and a view taken as to how the investigation will proceed. This may include taking legal advice about the case.

### **If no breach of planning control is established**

- 3.10 A significant number of investigations are closed as there is no breach of planning control established. This can occur for a number of reasons, for example:
- there is no evidence of the allegation
  - development has taken place but planning permission is not required, usually as it benefits from planning permission granted under the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
  - the development already benefits from planning permission granted by the Council
- 3.11 It may also be the case that whilst a technical breach of planning control has been found the breach is so minor that it has no or very little impact on amenity, for example a domestic television aerial. Such a breach would be considered de-minimus in planning terms and no formal action could be taken in this respect.
- 3.12 Where this is the case the person reporting the suspected breach of control will be notified either verbally or in writing within 10 working days of the initial site visit that no further action will be taken. The complainant will be provided with an explanation of our reason(s).
- 3.13 When we receive a complaint, the case officer will check to see if the issue constitutes a breach of planning control and that legislation allows us to take action. Each case is judged on its individual merits. There are some cases where it would not be expedient for the Council to take enforcement action for example:
- the complainant believes there is breach of planning, but in fact is covered under permitted development legislation, therefore no action is required
  - there may be cases where development has taken place but it is clear following an assessment, that retrospective planning permission or a certificate of lawfulness is likely to be granted. Should applications be made and approved, enforcement action will not be taken.
  - where a fence is, for example, 2.1 metres high, not adjacent to the highway and the visual amenity and the character of the area is unaffected – the Council would need to decide if this could be considered to be de minimis and not be expedient to pursue enforcement action. In these cases we will advise the owner/occupier of the land/building of this saying that a note will be placed on the land charge record
  - when there has been a change of use for a building or a breach of condition has taken place over 10 years ago the Council is unable to take action as there are time limits set out in planning legislation (either four or 10 years)
- 3.14 Criteria that would be used to determine a course of action include:

- whether planning permission required?
- what impact would the breach have on the visual amenity and character of the area affected, for example would it be minimal or significant?
- are the works permitted by planning legislation for example permitted development?
- is the breach contrary to any established planning policies?
- has there been a material change of use?

### **Where further investigation is required**

3.15 There are cases where the initial site visit does not provide sufficient evidence to prove whether a breach of planning control has taken place. Examples of these can include:

- business operated from home and whether this constitutes a material change of use. This will often depend on the level of intensity and this may not be immediately apparent from the initial site visit
- alleged breaches of working hours conditions. If the operator denies the activity further investigations will be required
- building works are taking place but the owner claims it is to repair a previously existing structure. The officer will need to establish what, if anything, previously existed

3.16 Further investigation may involve additional site visits, documentary research, seeking advice from other services or agencies, seeking information from the person reporting the suspected breach of control, or the owner or other persons responsible for the land or building.

3.17 In some cases, we may ask the person reporting the suspected breach for further details. If the person reporting the suspected breach of planning control is unwilling to assist, this may result in the Council not being able to pursue the investigation due to insufficient evidence.

3.18 We will also consider serving a Planning Contravention Notice to obtain information relating to the suspected breach. Drafting such a notice correctly can take time. Equally a person on whom it is served has 21 days to respond. Therefore it may be several weeks until the appropriate evidence can be collected.

### **Where there is a breach of planning control**

3.19 Where a breach of planning control is established, the first step is to consider whether it would be expedient to take formal enforcement action. Expediency is a test of whether the unauthorised activities are causing serious harm having regard to the Development Plan policies and other material planning considerations. The planning enforcement officer investigating the case will consider this in conjunction with the principal planning enforcement officer. The outcome of this consideration will generally inform the course of the investigation. Taking formal enforcement action is only one option with other courses open to the Council. Most planning enforcement investigations will involve one of the following courses of action.

### **Retrospective planning applications**

- 3.20 Where officers consider that planning permission is likely to be granted for an unauthorised development, or that the imposition of conditions could reduce the harm to amenity, a retrospective planning application will be requested for the development. Section 73A of the Town and Country Planning Act (as amended) sets out the provisions for dealing with retrospective applications.
- 3.21 In determining retrospective planning applications the Council can not refuse an application simply because the development has already been carried out. Many breaches of planning control occur because the applicant simply did not realise permission was required. A retrospective planning application enables the Council to regularise acceptable development without arbitrarily penalising the applicant. We receive between 130 and 160 retrospective applications per year out of approximately 2500 applications. This demonstrates the important role retrospective applications play in resolving breaches.
- 3.22 Generally we will not seek a retrospective planning application if we feel the development is unacceptable. However, there are cases where it is initially unclear as to whether a development is acceptable in planning terms. An example is where a development is in the early stages of construction. In these cases an application may be necessary to obtain full details of the intended development. Once this information is received it would allow for a full assessment of the planning merits. We cannot refuse to deal with a retrospective planning application, even if it is felt that there is no merit in such an application, unless it falls within the conditions laid out in para 3.23 below.
- 3.23 The recent Localism Act 2011 has introduced an additional power to the Council in respect of retrospective planning applications **where an enforcement notice has already been issued** after 06 April 2012. Section 70C to the Town and Country Planning Act (as amended) now specifies:
- ‘a local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.’
- 3.24 We will use these powers where appropriate to prevent delays in cases where enforcement action is being taken. However, we will also have regard to each specific case and consider whether granting permission for part of the development would result in an acceptable resolution.

### **Not expedient to pursue formal action**

- 3.25 While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not be issued solely to regularise development which is acceptable on its planning merits, but for which permission has not been sought. In such circumstances the Council will seek to persuade an owner or occupier to seek permission. This could include using a planning contravention notice. However, it is generally regarded by the Courts as unreasonable for a council to issue an enforcement notice solely to remedy the absence of a valid planning permission if there is no significant planning objection to the breach of planning control. See paragraphs 3.13 and 3.14 above and paragraphs 3.27 below for further information.

- 3.26 Where this is considered to be the case the officer will produce an expediency report to clearly setting out that no planning harm is caused by the development. As part of this process a planning contravention notice may be served to ensure we have all relevant information. Where officers conclude that it is not expedient to take action the case will be closed in accordance with the scheme of delegated powers as set out in the Council's Constitution.
- 3.27 Another criteria of expediency is to ensure that any action is proportionate to the breach. We investigate many technical breaches of planning control. Common examples of these include the construction of a fence or the construction of an out building in a residential curtilage slightly higher than allowed under permitted development regulations. In these cases it would clearly not be proportionate to require the removal of an entire building or fence where a slightly lower structure could be constructed without permission. As such the expediency test for taking action would not be met. We will work with owners to regularise or remedy the works but ultimately it is highly unlikely that formal action could be warranted in the case of a technical breach of planning control.

### **Negotiation**

- 3.28 Where it is considered that the breach of planning control is unacceptable, officers will initially attempt to negotiate a solution without recourse to formal enforcement action, unless the breach is causing irreparable harm to amenity. Negotiations may involve the reduction or cessation of an unauthorised use or activity, or the modification or removal of unauthorised operational development.
- 3.29 In carrying out negotiations officers will have regard to the specific circumstances of the individual case. For example where there is an unauthorised business activity officers will consider whether relocation is possible and if so will seek to put a reasonable timescale in place.
- 3.30 Where initial attempts at negotiation fail, formal action will be considered to prevent a protracted process. We will also consider using temporary stop notices to prevent the breach becoming more severe.
- 3.31 Where we are unable to negotiate an acceptable solution within a reasonable timescale, or it is clear at the outset that the breach is not capable of being remedied through negotiation, we will proceed with formal enforcement action where it is expedient to do so.

## 4. Taking formal enforcement action

- 4.1 Once the decision to take formal action has been made we will tell the complainant either verbally or in writing/email within 10 working days from the date on which the decision to take action was made. We will consider the full range of powers available to ensure the most proportionate and expedient resolution. We will also consider whether any other public authority is better able to take remedial action. For example Essex County Council or the Environment Agency.
- 4.2 A full planning enforcement toolkit is available to officers when taking formal action, the use of these can vary depending on the nature of the breach and the level of harm caused.

### **Powers available**

#### Enforcement notice

- 4.3 Section 172 of The Town and Country Planning Act (as amended) allows the service of an enforcement notice where unauthorised operational development or a change of use has taken place and it is considered expedient to do so. We are required to serve enforcement notices on the owner, occupier and any other person with an interest in the land which is materially affected by the notice.
- 4.4 An enforcement notice shall specify the steps which we require to be taken, or the activities which we require to cease, in order to achieve, wholly or partly, any of the following purposes:
- remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
  - remedying any injury to amenity which has been caused by the breach.
- 4.5 The notice will specify time periods for compliance for each of the steps from the date on which the notice comes into effect. A notice comes into effect after a minimum period of 28 days following service. There is a statutory right of appeal against the notice during this period to the Planning Inspectorate. Once the Planning Inspectorate has received a valid appeal, the enforcement notice has no effect until the appeal has been determined.
- 4.6 There are seven grounds of appeal against an enforcement notice. Any appeal may include one or all of these grounds:
- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged
  - (b) that those matters have not occurred
  - (c) that those matters (if they occurred) do not constitute a breach of planning control
  - (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters
  - (e) that copies of the enforcement notice were not served as required by section 172

- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

4.7 Given these rights of appeal it is important that all relevant matters are taken into account before serving an enforcement notice. This includes being clear in respect of; the specific breach of planning control; the steps required to remedy the breach; and the time required for compliance. An enforcement report will be produced by officers specifically to consider these issues. As with an appeal against a planning application costs can be applied for in cases where the other party has acted unreasonably.

4.8 If the breach of planning control relates to a listed building, or unauthorised demolition within a conservation area, we will consider the expediency of serving a listed building enforcement notice or a conservation area enforcement notice and where appropriate, commence a prosecution in the Courts. The enforcement notice will specify the reason(s) for its service, the steps required to remedy the breach, the date that it takes effect and the time period for compliance.

4.9 All enforcement notices are placed on the Council's enforcement register which is available to view on the Council's website at <http://planpub.eppingforestdc.gov.uk/AnitelM.websearch/Home.aspx>

#### Planning Contravention Notice (PCN)

4.10 Section 171C of the Town and Country Planning Act (as amended) provides the power to issue a PCN. This can be served on the owner or occupier of the land in question or a person who is carrying out operations in, on, over or under the land or is using it for any purpose and where a suspected breach of planning is believed to exist. The PCN will require the recipient to provide the information requested within 21 days relating to the breach of planning control alleged. Failure to comply with any aspect of the PCN is an offence for which the recipient can be prosecuted with the maximum fine of £1,000. To knowingly provide false information on a PCN can result in a fine of up to £5,000.

4.11 A PCN will be served in most cases as a precursor to an enforcement notice to ensure all relevant information has been obtained.

#### Other requisition for information notices

4.12 Under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 the Council can require the recipient of a requisition for information notice to supply in writing details of their interest in a property and provide details of anyone else having an interest in the property. A reply must be supplied within 14 days. A person who fails to comply with the requirements of a notice or makes a false statement in a reply is guilty of an offence punishable by a fine of up to £5,000.

4.13 Under section 330 of the Town and Country Planning Act 1990 the Council can require the recipient to state in writing the nature of their interest in a property and to state in writing the name and address of any other person known to them as having an interest in the property, as a freeholder, mortgagee, lessee or otherwise. Failure

to return the form or to provide a miss statement is an offence punishable by a fine up to £1,000.

#### Breach of Condition Notice (BCN)

- 4.14 Section 187A of the Town and Country Planning Act (as amended) provides the power to serve a Breach of Condition Notice (BCN) where a planning condition has not been complied with. Consideration should be given to the type of condition and the steps required to secure compliance with the condition. Once issued the notice does not take effect for 28 days. There is no appeal against a BCN and therefore can offer a more expedient course of action than issuing an enforcement notice. The failure to comply with the notice is dealt with by a prosecution in the Magistrates Court. The maximum fine has recently been increased to a level 4 fine (£2,500). The BCN is ideal for matters where the steps to be taken are relatively simple and can be readily achieved.
- 4.15 Where the breach of planning control relates to non-compliance with a condition on a planning permission or a limitation on a deemed planning permission has been exceeded, we will consider the expediency of serving a BCN. The breach of condition notice will specify the steps required to comply with the condition(s) or limitation(s), the date that it takes effect and the time period for compliance.

#### Stop Notice

- 4.16 Section 183 of the Town and Country Planning Act (as amended) provides for the service of a stop notice. A stop notice must be served at the same time or after the service of an enforcement notice. We will consider serving a stop notice where urgent action is necessary to bring about a cessation of a relevant activity before the expiry of the period of compliance of the related enforcement notice.
- 4.17 The stop notice must refer to the enforcement notice, specify the activity or activities that are required to cease and the date that it takes effect. Failure to comply with the notice is an offence. The maximum fine on summary conviction is £20,000.
- 4.18 The Council must consider the use of stop notices carefully as they carry with them significant statutory compensation provisions.

#### Temporary Stop Notice (TSN)

- 4.19 Section 171E of the Town and Country Planning Act (as amended) provides councils with the power to serve a TSN. A TSN which can be issued without the need to issue an enforcement notice and is designed to halt breaches of planning control for a period of up to 28 days.
- 4.20 Whilst TSNs also carry some compensation provisions these are significantly lower than with a stop notice and therefore the risk to the Council is reduced.
- 4.21 All stop notices are placed on the Council's enforcement register.

#### **Time limits for taking formal action**

- 4.22 Section 171B of the Town and Country Planning Act (as amended) sets out time limits for taking enforcement action. The Council cannot serve a notice after four years where the breach of planning control involves building operations, for example



extensions to dwellings, new buildings and laying hard standings; or the change of use of any building to a single dwelling house, from the commencement of the breach. Other unauthorised changes of use and breaches of conditions are subject to a 10 year time limit.

- 4.23 After these periods the Council cannot take action and the use becomes lawful. The landowner can apply for a Certificate of Lawful Existing Use or Development (CLEUD) after this period and if the evidence is clear regularise the situation.
- 4.24 Serving an enforcement notice in respect of a particular development stops the clock in relation to these time limits. Therefore where the Council feel a breach may be close to the relevant time limit it may seek to take urgent enforcement action to prevent a lawful development situation.
- 4.25 The Localism Act has introduced a new enforcement power in relation to time limits. This allows councils the possibility to take action against concealed breaches of planning control even after the usual time limit for enforcement has expired (see below).
- 4.26 The Council can, within six months of a breach coming to their attention, apply to the magistrate's court for a planning enforcement order. A planning enforcement order would give us one year to then take enforcement action. In agreeing to a planning enforcement order, the court need only be satisfied, on the balance of probabilities, that the apparent breach, or any of the matters constituting the apparent breach, has (to any extent) been deliberately concealed by any person or persons. In other words:
- concealment of only part of the breach is sufficient to render it all open to enforcement
  - the deliberate concealment could be to an almost negligible extent
  - the concealment may be by anyone – it could have been by a past owner, it could even have been by a third party.

### **Failure to comply with formal notices**

- 4.27 Where a notice has been served and has not been complied with there are three main options available to the Council to pursue to attempt to resolve the breach.

#### Prosecution

- 4.28 We will consider commencing a prosecution in the Courts against any person who has failed to comply with the requirement(s) of any of the following notices where the date for compliance has passed and the requirements have not been complied with:
- enforcement notice
  - listed building enforcement notice, conservation area enforcement notice
  - planning contravention notice
  - breach of condition notice
  - section 215 notice
  - stop notice
- 4.29 Cases involving unauthorised works carried out to a Listed Building and unauthorised demolition in a Conservation Area also constitutes an offence in their own rights. We

will consider whether it would be expedient to prosecute for these works rather than issuing a notice on a case by case basis.

- 4.30 Before commencing any legal proceedings we need to be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest. We will take advice from the Councils Legal Section and from Independent Counsel where required to ensure that we act correctly.

#### Direct Action

- 4.31 Where any steps required by an enforcement notice or section 215 notice have not been taken within the compliance period (other than the discontinuance of the use of land), we will consider whether it is expedient to exercise our powers under section 178 of the Town and Country Planning Act (as amended) to:

- enter the land and take the steps to remedy the harm; and
- recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

- 4.32 In most cases the Council will seek to prosecute the failure to comply with a notice before seeking to initiate direct action.

#### Injunction

- 4.33 Where an enforcement notice has not been complied with and, because of the special circumstances of the case, either direct action or prosecution would not be an effective remedy, we will consider applying to the Court for an Injunction under section 187B of the Town and Country Planning Act (as amended).

- 4.34 An injunction can also be applied for where there is clear evidence that a breach of planning control is anticipated but has not actually occurred. Such action will only be considered if the breach, actual or anticipated, is particularly serious and is causing or likely to cause exceptional harm.

## 5. Special Controls

### Advertisements

- 5.1 Unlike most spheres of planning control the display of advertisements without consent is a criminal offence. Therefore we have the power to initiate prosecutions without the need to issue a notice. Where it has been considered that an advertisement should be removed an offender will normally be given one written opportunity to remove the advertisement voluntarily. Failure to do so will normally result in further action being taken without further correspondence.
- 5.2 Section 225 of the Town and Country Planning Act (as amended) provides powers to remove or obliterate posters and placards. We will consider using these powers as appropriate as an alternative or in conjunction with prosecution action.
- 5.3 The recent Localism Act has introduced several new provisions in respect of dealing with advertisements. These are Removal Notices, Action Notices and the powers to remedy the defacement of property. Each provision includes rights of appeal to the Magistrates Court.

### Removal notices

- 5.4 This provides the power to seek removal of any structure used to display an advertisement. Where the notice is not complied with we may undertake the works in default and recover the expenses for doing so.

### Action notices

- 5.5 Where there is a persistent problem with unauthorised advertisements an action notice can be issued specifying measures to prevent or reduce the frequency of the display of advertisements on the surface. Again where the notice is not complied with we may undertake the works in default and recover the expenses for doing so.

### Power to remedy defacement of premises

- 5.6 Where a sign has been placed on a surface that is readily visible from somewhere the public have access, and is considered by us to be detrimental to the amenity of the area or offensive, a notice may be issued requiring the removal or obliteration of the sign. As with the above provisions failure to comply with the notice will allow us to undertake the works in default and recover costs (costs can not be recovered where the sign is on a flat or house or within the curtilage of a house)

### Trees and Hedgerows

- 5.7 The lead section for all Tree and Hedgerow investigations is the Landscape Section who can be contacted on 01992 564452. Enforcement provides investigative support to their investigations where appropriate.
- 5.8 Legislation protects trees which are the subject of Tree Preservation Orders (TPOs) or are within a Conservation Area from felling or other works unless appropriate consent is first obtained. As with advertisements such works are an offence and therefore prosecution can be sought without the requirement to issue a notice. However, such action would not remedy the harm caused.

- 5.9 Section 207 of the Town and Country Planning Act (as amended) provides for a replacement notice to be issued. This will require an appropriate replacement tree to be planted where a tree covered by a TPO has been removed.

**Section 215 Notice**

- 5.10 In cases where the amenity of an area is adversely affected by the condition of land or buildings, we will consider serving a notice under Section 215 of the Town and Country Planning Act (as amended). The notice will specify the steps required to be taken to remedy the condition of the land or buildings, the time period within which the steps must be taken and the date that it takes effect.
- 5.11 A section 215 notice takes effect after 28 days service during which time an appeal can be made in the Magistrates Court.

## 6. Other powers

### Entry onto land

- 6.1 Under the provisions of Section 196A, B and C of the Town and Country Planning Act (as amended) officers have the right of entry onto land and buildings land when pursuing effective planning control for the following purposes:
- (a) to ascertain whether there is or has been any breach of planning control on the land or any other land;
  - (b) to determine whether any of the powers conferred on a local planning authority should be exercised in relation to the land or any other land;
  - (c) to determine how any such power should be exercised in relation to the land or any other land;
  - (d) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or any other land;
- and to determine whether an enforcement notice should be served on that or any other land.
- 6.2 Twenty four hours notice in writing must be given for the need to access to a residential building if entry is refused. If access is still denied, or the matter is urgent, a warrant can be applied for from the Magistrates Court. Officers will exercise these powers where appropriate particularly where their use is essential to the collection of evidence relating to an alleged breach of planning control. An obstruction of these powers is an offence which is subject to prosecution.
- 6.3 Section 324 of the of the Town and Country Planning Act (as amended) gives officers general powers of entry to sites to:
- To undertake surveys in connection with;
- a) Statutory plans;
  - b) Applications for planning permission;
  - c) Applications for consents under Tree Preservation Orders; and
  - d) Applications under Advertisement Regulations.
- 6.4 Similar Powers of entry exist for Listed Buildings, hedgerows, trees and advertisements.

## 7. Legislation/guidance

- Town and Country Planning Act 1990 – This forms the current primary legislation
- The Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004 – these two Acts are secondary legislations which amend and add to the provisions of the Town and Country Planning Act 1990. Where specific sections from these Acts are referenced in the enforcement plan they are collectively referred to as the Town and Country Planning Act (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Localism Act 2011
- National Planning Policy Framework (NPPF)
- Circular 3/09 – Cost awards in appeals and other planning proceedings
- Circular 1/95 - Use of conditions in planning permission
- Circular 10/97 - Enforcing Planning Control
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Use Classes) Order 1995 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Regulation of Investigatory Powers Act 2000
- Police and Criminal Evidence Act 1984

## GOVERNANCE SELECT COMMITTEE

### TERMS OF REFERENCE 2017/18

**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

This page is intentionally left blank



## Governance Select Committee (Chairman – Councillor N Avey)

### Work Programme 2017/18

Item	Report Deadline/Priority	Progress/Comments	Programme of Meetings
(1) Key Performance Indicators (KPIs) 2016/17 - Outturn	04 July 2017	Outturn KPI performance report for 2016/17 to be considered at the meeting on 4 July 2017.	04 July 2017 03 October 2107 05 December 2017 06 February 2018 27 March 2018
(2) Key Performance Indicators (KPIs) 2017/18 - Quarterly Performance Monitoring	Q1 – 03 October 2017 Q2 – 05 December 2017 Q3 – 06 February 2018	Governance indicators only.	
(3) Development Management Chairmen and Vice-Chairmen's Meetings	04 July 2017	To receive feedback from meetings of the Chairmen and Vice-Chairmen of the Area Plans Sub-Committees and the District Development Management Committees.	
(4) Building Control	04 July 2017	To be carried forward onto work programme for 2017/18. Building Control Officer to give a presentation.	
(5) Equality Objectives 2016-2020 - 6 monthly reporting	<del>04 July 2017</del> 03 October 2017	Next report due 4 July 2017 meeting.	
(6) Corporate Plan Key Action Plan 2015/16 - Outturn	04 July 2017	Governance actions only.	

(7) Review of Public Consultations	04 July 2017	Annual Review	
(8) Governance Directorate Business Plan 2017	04 July 2017	Portfolio Holder to take the Select Committee through his plans for the coming year.	
(9) Review of the Elections and EU Referendum May and June 2017	03 October 2017		
(10) Corporate Plan Key Action Plan 2016/17- Quarterly reporting	Q1 – 03 October 2017 Q2 – 05 December 2017 Q3 – 06 February 2018	Governance actions only.	
(11) Review of the operation of the Council's Petitions Scheme	To be carried forward into work programme for 2017/18. Report timescale to be confirmed	To be completed during the 2017/18 municipal year.	
(12) Analysis of Compliments and Complaints information in identifying trends	06 February 2018	The Head of Customer Services has been invited to attend a future meeting. To identify trends, a period of time will need to elapse.	

# Governance Directorate Business Plan 2017-18



**GOVERNANCE DIRECTORATE BUSINESS PLAN 2017-18**

Director:	Colleen O'Boyle			
Principal/Service accountant (noted)	John Bell/Claire Walters			
Leadership Team & Management Board	22 <sup>nd</sup> February 2017			
Responsible officer	Nigel Richardson	Simon Hill	Sarah Marsh	Alison Mitchell
<b>PORTFOLIO</b>	<b>DEVELOPMENT MANAGEMENT</b>	<b>GOVERNANCE</b>	<b>AUDIT AND CORPORATE FRAUD</b>	<b>LEGAL SERVICES</b>
Governance and Development Management	<p align="center">Cllr Richard Bassett</p> <p align="center">Signed</p> <p align="center">.....</p> <p align="center">30<sup>th</sup> March 2017</p> <p align="center">Date.....</p>			
Safer, Greener and Transport (Heritage Conservation, Trees & Landscape)	Cllr Gary Waller  Electronically agreed (email) ..... 27 <sup>th</sup> March 2017 Date.....			

**GOVERNANCE DIRECTORATE SERVICE PLAN 2017/18**

No.	Action	Deadline	Target / Success measure(s)	Lead officer / title	Cross reference	Project / BAU
<b>DEVELOPMENT MANAGEMENT</b> (Responsible officer Nigel Richardson)						
1	Support measures to protect and enhance the green character of the district	2017/18	Ensure all planning and building control applications are compliant with Local Plan policies. Follow NPPF guidance particularly Section 9 in the processing of planning applications. Support timely planning enforcement action in the context of protecting the unique character of the district.	Nigel Richardson	National Planning Policy Framework (2012) Section 9	Local Plan Policies BAU/Project
2	Implement effective change in Heritage Conservation as part of our statutory responsibility to protect heritage assets across the district.	2017/18	Manager the handover following the termination of the SLA with Essex County Council. This means that advice will now be provided by EFDC Conservation on works to listed buildings and applications for Listed Building Consent. Provide Local Plan input in relation to policy governing heritage conservation and design and the built environment.	Nigel Richardson	National Planning Policy Framework (2012) Section 12	Change project Local Plan BAU/Project
3	Integrating change measures to adapt from manual paper based working to electronic paperless working.	2017/18	Reduced paper usage Business Processes changed Effective support for mobile & flexible working	Peter Millward	EFDC Transformation Programme Project 019	P019 BC & DC File Scanning Project
4	Support successful transition & move of Local Land Charges to Development Management	2017/18	Convert paper and other manual LLC records to electronic working. Electronically synchronise & improve Business Processes to avoid and/or reduce duplication Work towards the electronic and spatial handover arrangements to the Land Registry	Nigel Richardson	Director lead internal re-organisation	Realignment & integration with Development Management BAU/Project

**GOVERNANCE DIRECTORATE SERVICE PLAN 2017/18**

No.	Action	Deadline	Target / Success measure(s)	Lead officer / title	Cross reference	Project / BAU
5	Improve Planning Application turnaround time to comply with statutory KPI deadlines	2017/18	Business Process change to ensure the processing of planning applications meets central government targets, 8 weeks for ordinary applications & 13 weeks for major applications Recruit Technical Officer Planning Validations to facilitate faster processing of planning applications to reduce pressure on Planning Officers. Move towards electronic caseload management on Information@work	Nigel Richardson	EFDC Corporate KPI's	Council Statutory KPI/BAU (requirement to meet 8 & 13 week targets for minor & major planning applications)
6	Maximise DC/BC Income to provide funding support for DC & BC modernisation/scanning projects	2017/18	Continue to improve Planning Pre-Application processes and recording methods in Northgate M3 Support Business Process improvement across DC and BC to ensure efficient & cost effective use of resources. Provide indirect funding support for the three year scanning and electronic records improvement project for DC & BC. Support measures for audit compliant reconciliation of DC & BC Income. Support measures for BC to match income with expenditure on its "Ring Fenced" BC Account.	Nigel Richardson	EFDC Transformation Programme Project 117	BAU/Project Linked to P019 File Scanning BC & DC
<b>GOVERNANCE</b> (Responsible Officer Simon Hill)						
1.	New Corporate Communications Standards	Dec 17	Evaluation Review to establish implementation of new standards through updated visual and accessibility audits Benefits: Increased customer awareness, recognition and understanding of EFDC services (from PID 004)	T Carne – Public Relations Manager	Transformation Project No. 004	Project

**GOVERNANCE DIRECTORATE SERVICE PLAN 2017/18**

No.	Action	Deadline	Target / Success measure(s)	Lead officer / title	Cross reference	Project / BAU
2.	Internal Communications Review	Sept 17	Evaluation – including follow up staff engagement survey Benefits: Improved staff awareness, recognition and understanding of EFDC services and Increased employee engagement (from PID 004)	T Carne – Public Relations Manager	Transformation Project No. 004	Project
3.	County Council and Other Elections 2017	May 2017	Successful completion of electoral process with no petition Benefit: Public confidence in the democratic system is maintained.	W Macleod – Senior Electoral Services Officer	Elections Project Plan 2017	BAU
4.	Development of proposals for the implementation of the report management functions of the Modern.Gov committee management system	31 March 2018	Consideration of the benefits of report management; Proposals for implementation Benefit: Streamlining of process for submitting reports with the aim of removing the need for report clearance meetings, standardisation of processes for all reports.	S. Tautz (Democratic Services Manager)	Transformation Project No. 126	Project
5.	Development of proposals for the introduction of an on-line version of the Council's Freedom of Information Publication Scheme;	31 March 2018	Proposals for implementation Benefit: Allowing the public better access to Freedom of Information data by means of a self-serve web page will mean that more FOI enquiries can be dealt without recourse to officer intervention.	S. Tautz (Democratic Services Manager)	S. Tautz 2016/17	Project

**GOVERNANCE DIRECTORATE SERVICE PLAN 2017/18**

No.	Action	Deadline	Target / Success measure(s)	Lead officer / title	Cross reference	Project / BAU
<b>AUDIT AND CORPORATE FRAUD SERVICE PLAN 2017/18</b> (Responsible Officer Sarah Marsh)						
1	Delivery of a sufficiently diverse Internal Audit (IA) plan that it covers a variety of service areas and corporate themes for different risks.	Each July Audit and Governance Committee	Sufficient IA work in order that the Chief Internal Auditor can give their year-end opinion to the July Audit and Governance Committee.	Sarah Marsh/Chief Internal Auditor	Corporate Plan CO 1 a	BAU
2	Ensure the Internal Audit shared service meets the needs of Broxbourne, Harlow and Epping	31/03/18	Successful TUP'ed transfer of Epping Forest IA staff to Broxbourne.  Regular progress reports on performance received by the IA shared service Board. Delivery of the agreed 17/18 IA Plan for EFDC as reported to the Audit and Governance Committee.	Sarah Marsh/Chief Internal Auditor	Corporate Plan CO 1 a	Project
3	Deliver the 17/18 Corporate Fraud Team Strategy, which includes a range of proactive and reactive fraud activities.	31/03/18	Quarterly reports to the Audit and Governance Committee and Annual Report to July 2017 meeting	Sarah Marsh/Chief Internal Auditor	Corporate Plan CO 1 a	BAU
4	Promote the corporate fraud team and the services that it can provide internally and externally with a view for identifying opportunities for income generation.	31/03/18	External income received without compromising the quality of services provided to EFDC.	Sarah Marsh/Chief Internal Auditor	Corporate Plan CO 1 a	BAU
5	Working with other Council departments re launch the Cheata Campaign to combat fraud in the district such as business rates, council tax and tenancy fraud.	31/03/18	Number of external referrals to the Corporate Fraud Team increases	Sarah Marsh/Chief Internal Auditor	Corporate Plan CO 1 a	Project



**GOVERNANCE DIRECTORATE SERVICE PLAN 2017/18**

No.	Action	Deadline	Target / Success measure(s)	Lead officer / title	Cross reference	Project / BAU
<b>LEGAL SERVICES</b> (responsible officer Alison Mitchell)						
1.	To support the Transformation programme	August 2017	Achievement of the scanning of the majority of deeds and documents held by legal services and availability digitally across the Council  Remote working implemented.	Assistant Director (Legal Services) Senior Legal Officer Senior Lawyer Senior Legal Executive	Transformation Group  Corporate Plan Key Action Plan Key Objection (iii) (b) 3)	Scanning Project. Other scanning work has been carried out BAU.
2.	Lexcel accreditation  To achieve and maintain professional qualifications and keep up to date with developments in the law.	September 2017  March 2018	Retention of Lexcel Accreditation  In accordance with requirements of Lexcel to ensure that the advice given to clients and work undertaken in legal services complies with professional standards.	Senior Lawyer Senior Legal Executive Senior Legal Officer Assistant Director (Legal)	Corporate Key Action Plan Aim 3	BAU
3.	To reduce costs or increase productivity by working in partnership with other Councils' legal services e.g. through the Public Law Partnership (PLP)	March 2018	Reduced fees charged by the on-line libraries and precedents because of the greater purchasing power of the group.  Participation at PLP training courses Knowledge base expanded through attendance at special interest group.	Director of Governance  Assistant Direct (Legal Services)	Corporate Plan Aim 1 (c) Joint Working Key Action Plan Key Objective (i) (c) 7) Value for Money Strategy (h) Collaboration and Partnership Working	BAU

This page is intentionally left blank



## Report to Governance Select Committee

**Date of meeting: 4 July 2017**

**Subject: Corporate Plan 2018-2023**

# SCRUTINY



Epping Forest District Council

**Officer contact for further information: David Bailey, Head of Transformation**

**Committee Secretary:** Jackie Leither, Democratic Services Officer

---

### Recommendations/Decisions Required:

- (1) That the Committee considers and provides comment on the Council's proposed new Corporate Plan for 2018-2023;
- (2) That the Committee considers and provides comment on the proposed Benefits and Performance Measures for 2018-2023; and
- (3) That the Committee considers and provides comment on the proposed Corporate Specification for the first year of the plan, 2018-2019.

### Executive Summary:

The Corporate Plan 2015-2020 is the authority's current key strategic planning document. This Plan was based around the Council's medium term priorities for that period. The Plan has been reviewed and updated with the input of Officers and Cabinet Members.

This new Corporate Plan will run from 2018 to 2023, and seeks to lay out the journey the Council will take to transform the organisation to be 'Ready for the Future'. This plan seeks to link the key external drivers influencing Council services, with a set of corporate aims and objectives, grouped under three corporate ambitions.

The success of the new Corporate Plan will be assessed through the achievement of a set of benefits, focussed on what the Council achieves for customers. These benefits in turn are evidenced through a set of performance measures.

A Corporate Specification for each year (previously called the Key Action Plan) details how the Corporate Plan is being delivered through operational objectives, with these in turn linked to annual Directorate and Service business plans.

### Report:

1. The Corporate Plan is the Council's highest level strategic document. It sets the strategic direction of the organisation for the lifetime of the plan, and as such informs all other plans produced by the Council. The Corporate Plan does not cover everything that the organisation does in detail, but it does provide a framework to demonstrate how the work of the Council at a strategic level fits together. It also provides a focus to establish a set of corporate priorities, describing how the organisation will deliver positive change. The Corporate Plan does not contain specific information on the wide range of services that the Council provides, or how it delivers statutory duties or enforces legislation.

2. The Corporate Plan is the cornerstone of the Council's performance management framework (called its Benefits Management Strategy) and business planning processes. It provides a framework for the development of detailed annual directorate and service business plans which provide details of service provision and how the work of these groups

directly contributes to the achievement of the Council's aims and objectives. Each individual member of staff should be able to see how their work contributes to the Corporate Plan through links to their appraisal. The Corporate Plan also provides the policy foundation for the Council's Medium Term Financial Strategy (MTFS) and is essential for the prioritisation of resources to provide public services and value for money.

3. The Corporate Plan 2015-2020 is the authority's current key strategic planning document. This Plan was based around the Council's medium term priorities for that period. Now in its third year, the plan has been reviewed and updated with the input of Officers and Cabinet Members.

4. This new Corporate Plan will run from financial year 2018/19 to 2022/23, and seeks to lay out the journey the Council will take to transform the organisation to be 'Ready for the Future'. This plan seeks to link the key external drivers influencing Council services, with a set of corporate aims and objectives, grouped under three corporate ambitions.

5. The new Corporate Plan aspires to be written in language and presented in a style that can be readily understood by our customers. Further it strives to 'put the customer at the heart of everything we do'. For the purposes of this Plan, 'customers' means people that:

- Live (residents);
- Work or do business;
- Learn (students);
- Visit (tourist economy) and
- Play (leisure activities) in the district.

6. The final Corporate Plan document will include many of the sections found in the organisation's previous Corporate Plans, including an overview of the district, our vision, purpose, values, and a set of corporate aims and objectives. The content presented in this report is by necessity more technical than it will be when presented in the final public documents. The most significant change to the plan is its focus on our customers and the measurement of success as the impact that the delivery of the plan has on them.

7. The corporate ambitions, aims and objectives are central elements of the new Corporate Plan and as such the new Plan has been developed around them in response to our external drivers and our vision, purpose and values. The new plan is a forward looking and organised document.

8. Our vision: A great place where people enjoy living, working, learning and leisure.

9. Our purpose: Working together to serve our community.

10. Our values: Trust, One Team, Performance, Innovation and Customer.

11. Like the existing Corporate Plan, to minimise the expenditure associated with its production, it will only be available as an electronic download via the Council's website.

### **Corporate Aims and Objectives**

12. External drivers have been identified by Cabinet Members and the Council's Management Board and Leadership Team, for the organisation over the next five years. They have been refined and linked with a set of three interdependent corporate ambitions:

- Stronger Communities;
- Stronger Place; and
- Stronger Council.

13. Each ambition has a set of corporate aims, which are in turn detailed by one or more corporate objective, developed with the input of Cabinet Members and Officers. This work was undertaken via a series of workshops in March, April and May 2017. Further consultation on the draft Corporate Plan contained within the Appendices will be undertaken over the summer months and feedback invited from:

- Customers;
- Businesses;
- Partners;
- Staff and managers; and
- District Councillors, through Select Committees for Communities, Governance, Neighbourhoods and Resources, as well as the Overview and Scrutiny Committee.

14. The draft Corporate Plan – containing corporate ambitions, aims and objectives – is given on a single page in Appendix 1.

### **Corporate Specification 2018-2019**

15. An annual Corporate Specification details how the Corporate Plan will be delivered through a set of operational objectives for that year. The Council has a number of Key Action Plans, so to avoid confusion the yearly action plan for the Corporate Plan will in future be referred to as the Corporate Specification. This name denotes that it specifies the operational objectives for a given year, which in turn are responded to through annual Directorate and Service business plans.

16. Corporate Specifications will continue to be set annually. Every year during the lifetime of the Corporate Plan, the Corporate Specification will be agreed by the Cabinet, with the scrutiny of the Select Committees. New operational objectives will reflect the progress already achieved against the Corporate Plan.

17. Appendix 2 to this report includes the draft Corporate Specification for 2018-19 within the left-most column, under 'Specification 2018-19'. The Corporate Plan aims, objectives and drivers are included in the two right-hand columns, under the heading 'Corporate Plan 2018-2023'.

### **Benefits Realisation**

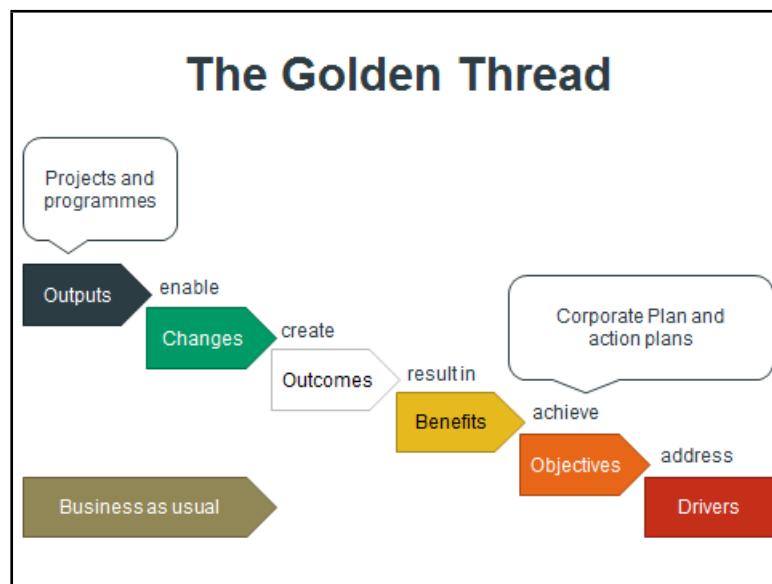
18. All benefits from individual corporate objectives, connect back to four key benefits, which are:

- B1 - Improved customer value – recognising what customers' value about our services and placing them as the heart of everything we do;
- B2 Increased efficiency – focussing on our speed of delivery and getting things right first time;
- B3 Increased agility – reducing red tape, simplifying how we work through joined up services; and
- B4 Increased savings and income – delivery of resource savings and income generation, to keep Council Tax low

19. In this context, a benefit is defined as: the measurable improvement resulting from an outcome perceived as an advantage by a stakeholder, which contributes towards one or more organisational objectives. All benefits must be defined in SMART terms – Specific, Measurable, Achievable, Relevant and Time-bound. It is possible that the Corporate Plan will have some negative impacts for some stakeholders as well as improvements. Where a negative effect of a change can be foreseen, then this is known as a dis-benefit.

20. The achievement of the new Corporate Plan will be monitored and assessed through the realisation of the set of interconnected benefits or benefits map, focussed on what the Council achieves for customers. The evidence that these benefits have been realised comes through the combination of a set of performance measures, replacing the current set of Key Performance Indicators (KPIs).

21. It is proposed that from 2018-2019 onwards, the delivery of the Corporate Specification will be monitored and reported alongside the information previously contained by the Transformation Programme Full Highlight Report and the key benefits and performance indicator set. It is envisaged that this will be presented as a benefits map, showing the interconnections between the delivery of projects, through benefits to the objectives and drivers from the Corporate Plan. A diagram showing the relationship between these elements is given below.



'The Golden Thread' linking project outputs through benefits to achieve objectives.

22. Appendix 2 contains the draft performance measures and benefits, in the middle three columns, headed 'Benefits realisation' (highlighted in purple). These 'benefits maps' show the linkages between the three interrelated parts:

- The Corporate Plan drivers, aims and objectives for 2018-2023 (right-hand side);
- The benefits realisation framework of measures and benefits (centre); and
- The Corporate Specification for 2018-19 (left-hand side).

23. Please note that when the benefits maps are created, best practice is to start from the right-hand side and work towards the left, i.e. start with the needs of our customers or the end in mind, and work back to the solutions on the left-hand side. When the organisation delivers services, it starts on the left-hand side and works over to the right, i.e. the delivery goes from left to right.

24. It should be noted that the content of the draft Corporate Plan attached, including the Corporate Specification and benefits maps, may be subject to change between consideration by Members and prior to publication, as a result of consultation.

25. The Committee is requested to consider and provide comment on the draft documents.

26. The Corporate Plan 2018-2023 document will be further considered by Cabinet in October 2017 before submission to Council for formal adoption in November 2017.

**Resource Implications:**

The design and production costs of the new Corporate Plan will be met from within the existing budget of the Transformation Programme Management Office. Resource requirements for any specific objective set out in this report will need to be identified by the relevant service director and reflected in the Council's budget processes.

**Legal and Governance Implications:**

There are no legal or governance implications arising from the recommendations of this report, which ensure that the Council sets appropriate corporate priorities, and monitors progress and reports against the achievement of benefits for customers.

**Safer, Cleaner and 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 and Greener initiative, or any crime and disorder issues within the district.

**Consultation Undertaken:**

Management Board, Leadership Team and Cabinet Members have been involved in developing the Corporate Plan 2018-2023. Over the next few months the plan is to consult on the content, priorities and benefits, with customers, businesses, partners and staff. The views of Councillors are also being sought through the Communities, Governance, Neighbourhoods and Resources Select Committees as well as the Overview and Scrutiny Committee.

**Background Papers:**

Corporate Plan 2015-2020  
Transformation Programme – Scope and Methodology (C-073-2015/16)  
Benefits Management Strategy (20 July 2016)

**Risk Management:**

There are no risk management issues arising from the recommendations of this report. Relevant issues arising from actions to achieve specific objectives or benefits will be identified the Corporate Risk Management Group.

**Equality and Diversity:**

There are no equality implications arising from this report. Relevant issues arising from actions to achieve specific objectives or benefits will be identified through individual service plans, project plans or Reports.

# Equality analysis report

## Step 1. About the policy, service change or withdrawal

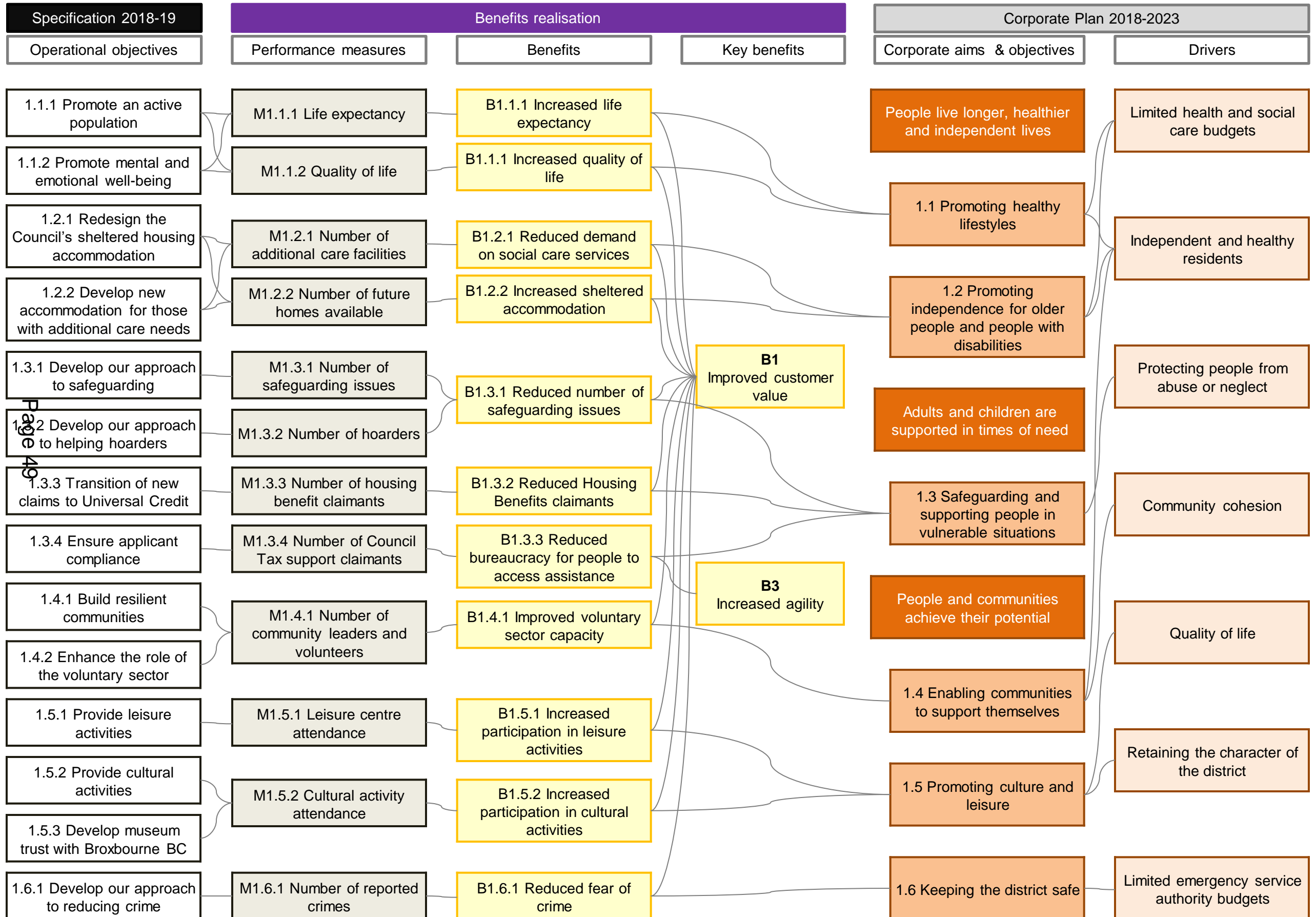
Name of the policy, service or project: <i>be specific</i>	Corporate Plan 2018-2023
Revised / new / withdrawal:	New
Intended aims / outcomes/ changes:	Consultation with the committee on the draft Corporate Plan 2018-2023, the draft Corporate Specification 2018-19, and associated benefits maps
Relationship with other policies / projects:	<b>All</b>
Name of senior manager for the policy / project:	Glen Chipp, Chief Executive
Name of policy / project manager:	David Bailey, Head of Transformation

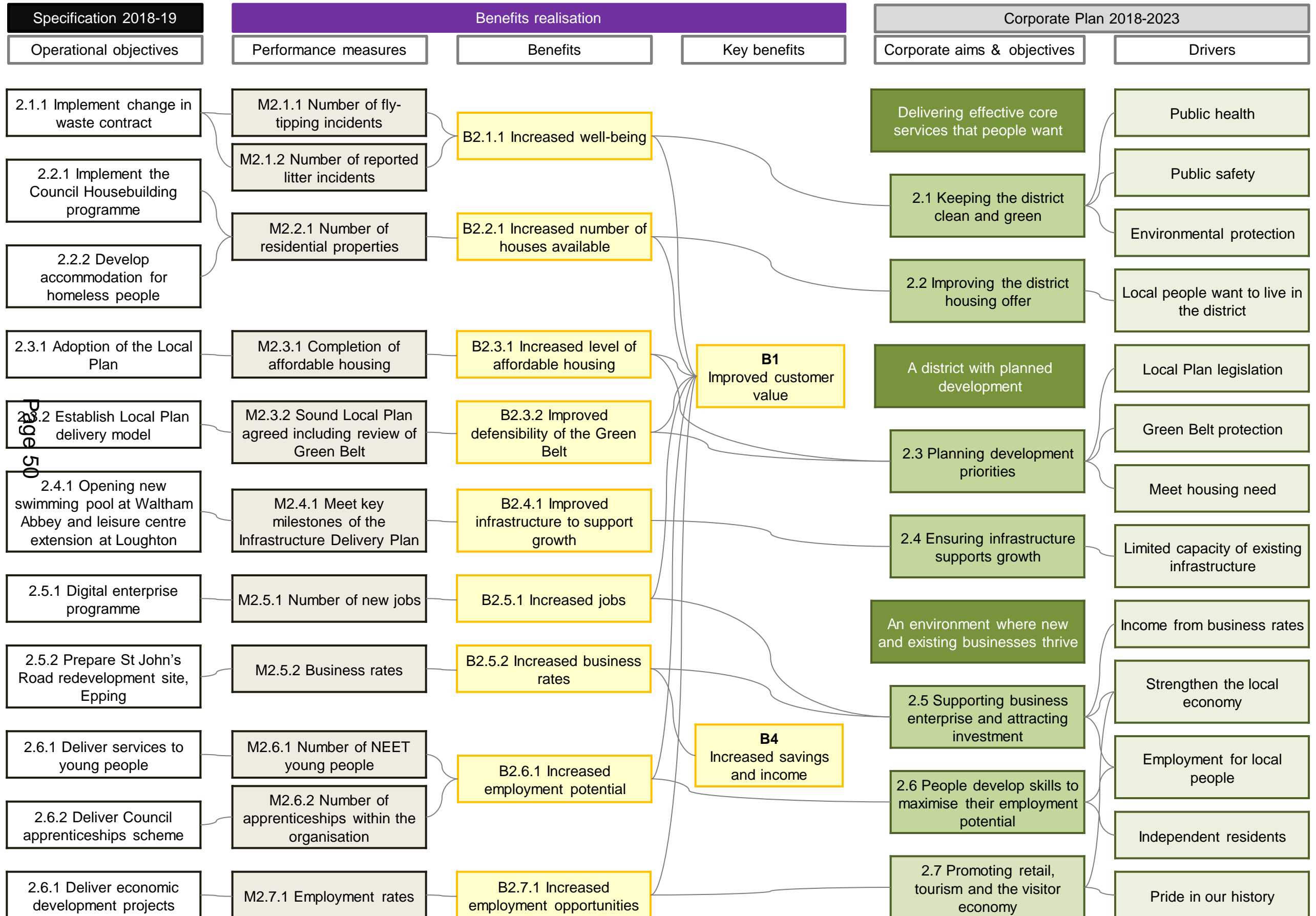
## Step 2. Decide if the policy, service change or withdrawal is equality relevant

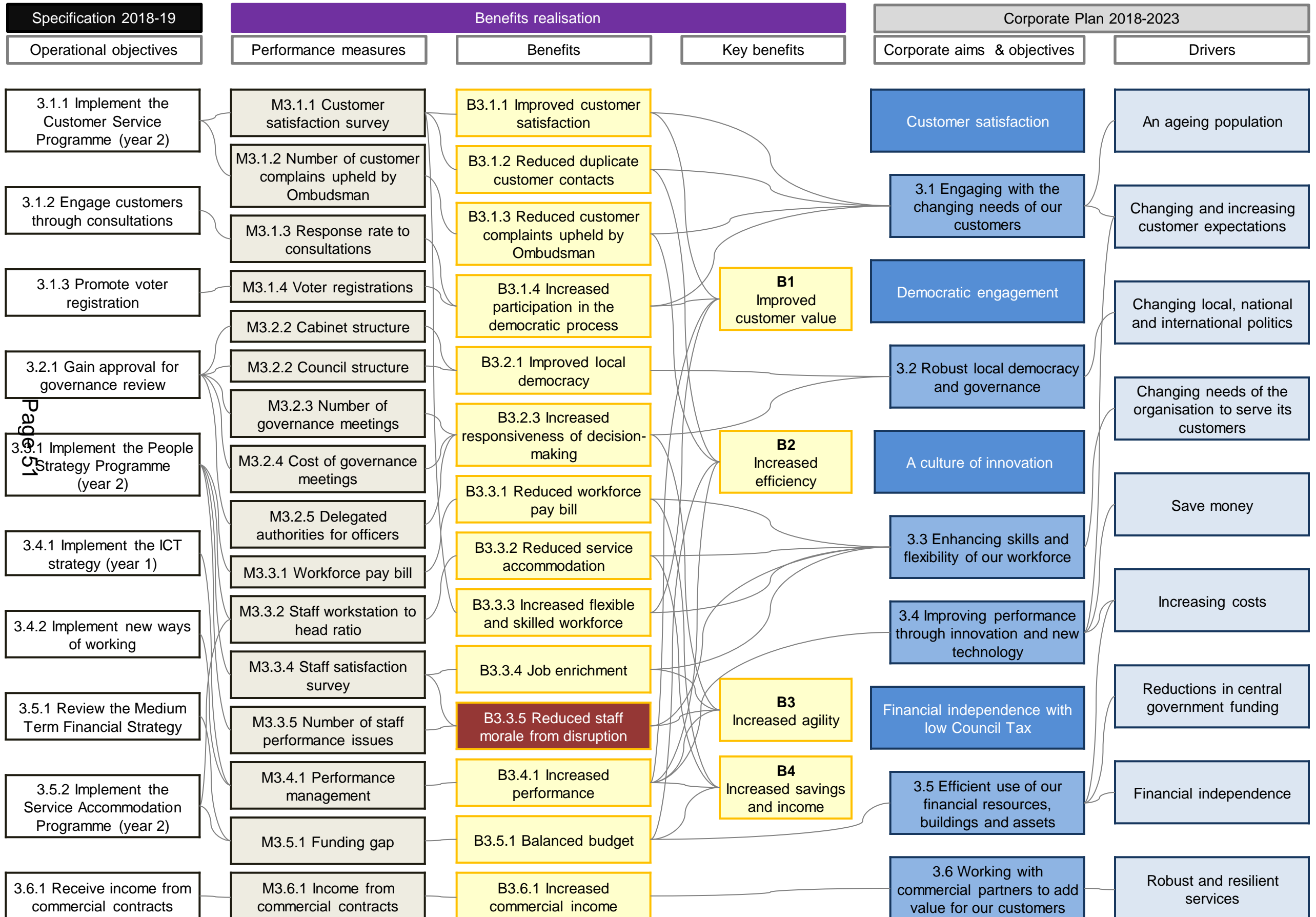
<p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p>	<p>If yes, state which protected groups:</p>
	<p>If no, state reasons for your decision:</p> <p>No. Any equalities impact assessment for individual projects or programmes will be detailed in the respective reports.</p>

Name and job title of officer completing this analysis:	David Bailey, Head of Transformation
Date of completion:	16.06.2017
Name & job title of responsible officer: (If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit)	David Bailey, Head of Transformation
Date of authorisation:	16.06.2017
Date signed copy and electronic copy forwarded to PIU <a href="mailto:equality@eppingforestdc.gov.uk">equality@eppingforestdc.gov.uk</a>	16.06.2017









Page 10 of 11

This page is intentionally left blank



## SCRUTINY



### **Report to: Governance Select Committee**

**Date of meeting: 4 July 2017**

**Portfolio:** Planning and Governance (Councillor J. Philip)

**Subject:** Key Performance Indicators 2016/17 – Q4 (Outturn) Performance

**Officer contact for further information:** M. Chwiedz (01992 562076)

**Democratic Services Officer:** J. Leither (01992 564756)

---

#### **Recommendations/Decisions Required:**

**that the Select Committee reviews performance against the Key Performance Indicators within its areas of responsibility for 2016/17.**

#### **Executive Summary:**

The Local Government Act 1999 requires that the Council make arrangements to secure continuous improvement in the way in which its functions and services are exercised, having regard to a combination of economy, efficiency and effectiveness.

As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives, are adopted each year by the Finance and Performance Management Cabinet Committee. Performance against the KPIs is monitored on a quarterly basis by Management Board and overview and scrutiny to drive improvement in performance and ensure corrective action is taken where necessary.

#### **Reasons for Proposed Decision:**

The KPIs provide an opportunity for the Council to focus attention on how specific areas for improvement will be addressed, and how opportunities will be exploited and better outcomes delivered. It is important that relevant performance management processes are in place to review and monitor performance against the key performance indicators to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance.

#### **Other Options for Action:**

No other options are appropriate in this respect. Failure to monitor and review KPI performance and to consider corrective action where necessary could have negative implications for judgements made about the Council's progress, and might mean that opportunities for improvement are lost.

#### **Report:**

1. A range of thirty-seven (37) Key Performance Indicators (KPIs) for 2016/17 was adopted by the Finance and Performance Management Cabinet Committee in March 2016. The KPIs are important to the improvement of the Council's services, and

comprise a combination of some former statutory indicators and locally determined performance measures. The aim of the KPIs is to direct improvement effort towards services and the national priorities and local challenges arising from the social, economic and environmental context of the district.

2. Progress in respect of each of the KPIs is reviewed by the relevant Portfolio Holder, Management Board, and overview and scrutiny at the conclusion of each quarter. This report provides an overview of all KPIs and includes in detail those indicators which fall within the areas of responsibility of the Governance Select Committee
3. A headline end of Q4 (outturn) performance summary in respect of each of the KPIs falling within the Governance Select Committee's areas of responsibility for 2016/17, is attached as Appendix 1 to this report together with details of the specific twelve-month performance for each indicator. Attached at Appendix 2 is the Improvement plan for GOV007 (Appeals – Officers) and GOV008 (Appeals – Members) which failed to achieve its target for the year.

### **Key Performance Indicators 2016/17 – Quarter 4 Performance**

4. **All indicators** - The overall position for all 37 KPIs at the end of the year was as follows:
  - (a) 28 (75%) indicators achieved target;
  - (b) 9 (25%) indicators did not achieve target; although
  - (c) 3 (8 %) of these KPIs performed within its tolerated amber margin.
5. **Governance Select Committee indicators** – Five (5) of the Key Performance Indicators fall within the Governance Select Committee's areas of responsibility. The overall position with regard to the achievement of target performance at the end of the year for these indicators, was as follows:
  - (a) 3 (60%) indicators achieved target;
  - (b) 2 (40% indicators did not achieve target; and
  - (c) 0 (0%) indicators performed within its tolerated amber margin.
6. The 'amber' performance status used in KPI reports identifies indicators that have missed the agreed target for the quarter, but where performance is within an agreed tolerance or range (+/-). The KPI tolerances were agreed by Management Board when targets for the KPIs were set in February 2016.
7. The Select Committee is requested to review performance at the end of the year in relation to the KPIs for 2016/17 within its areas of responsibility.

**Resource Implications:** none for this report.

**Legal and Governance Implications:** none for this report; however performance management of key activities is important to the achievement of value for money.

**Safer, Cleaner, Greener Implications:** none for this report.

**Consultation Undertaken:** Relevant Select Committees and the Finance and Performance Management Cabinet Committee.

**Background Papers:** KPI submissions are held by the Performance Improvement Unit.

**Impact Assessments:**

**Risk Management** – none for this report.

**Equality:** none for this report.

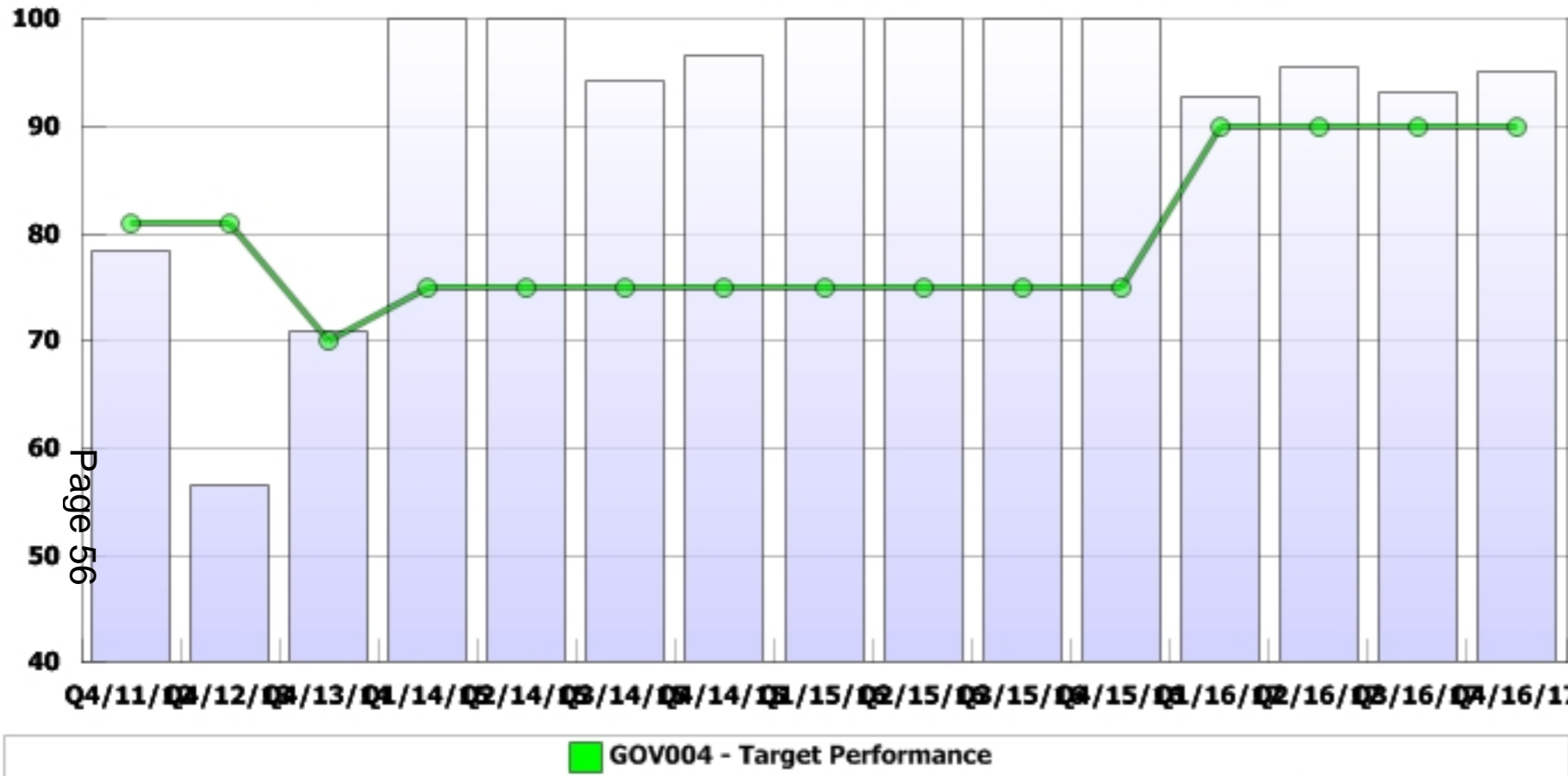
Quarterly Indicators		Quarter 1			Quarter 2			Quarter 3			Quarter 4			Is year-end target likely to be achieved?
		Tgt	Actual		Tgt	Actual		Tgt	Actual		Tgt	Actual		
<b>Communities Quarterly KPIs</b>														
COM001	(Housing rent) (%)	99.00%	101.59%	🟢	99.00%	100.13%	🟢	99.00%	100.07%	🟢	99.00%	100.3...	🟢	Yes
COM002	(Void re-lets) (days)	37	49	🔴	37	42	🔴	37	39	🔴	37	38	🟡	No
COM003	(Tenant satisfaction) (%)	98.00%	100.00%	🟢	98.00%	100.00%	🟢	98.00%	99.65%	🟢	98.00%	99.44%	🟢	Yes
COM004	(Temp. accommodation) (no.)	140	103	🟢	140	111	🟢	140	101	🟢	140	116	🟢	Yes
COM005	(Non-decent homes) (%)	0.0%	0.0%	🟢	0.0%	0.0%	🟢	0.0%	0.0%	🟢	0.0%	0.0%	🟢	Yes
COM006	(Modern Homes Std) (%)	825	587	🔴	1,650	1,414	🔴	2,475	2,116	🔴	3,300	2,806	🔴	No
COM007	(Emergency repairs) (%)	99.00%	99.15%	🟢	99.00%	99.14%	🟢	99.00%	99.19%	🟢	99.00%	99.21%	🟢	Yes
COM008	(Responsive repairs) (days)	7.00	4.87	🟢	7.00	5.15	🟢	7.00	5.58	🟢	7.00	5.81	🟢	Yes
COM009	(Emergency repairs) (%)	98.00%	98.00%	🟢	98.00%	98.00%	🟢	98.00%	98.00%	🟢	98.00%	98.15%	🟢	Yes
COM010	(Calls to Careline) (%)	97.50%	99.90%	🟢	97.50%	99.80%	🟢	97.50%	99.80%	🟢	97.50%	99.86%	🟢	Yes
<b>Governance Quarterly KPIs</b>														
GOV004	(Major planning) (%)	90.00%	92.86%	🟢	90.00%	95.65%	🟢	90.00%	93.33%	🟢	90.00%	95.24%	🟢	Yes
GOV005	(Minor planning) (%)	90.00%	88.68%	🟡	90.00%	90.71%	🟢	90.00%	92.11%	🟢	90.00%	92.24%	🟢	Yes
GOV006	(Other planning) (%)	94.00%	94.69%	🟢	94.00%	95.85%	🟢	94.00%	95.43%	🟢	94.00%	94.84%	🟢	Yes
GOV007	(Appeals - officers) (%)	20.0%	21.4%	🟡	20.0%	25.0%	🔴	20.0%	27.1%	🔴	20.0%	22.2%	🔴	No
GOV008	(Appeals - members) (%)	50.0%	57.1%	🔴	50.0%	62.5%	🔴	50.0%	70.0%	🔴	50.0%	66.7%	🔴	No
<b>Neighbourhoods Quarterly KPIs</b>														
NEI001	(Non-recycled waste) (kg)	95	101	🔴	196	195	🟢	296	306	🟡	400	415	🟡	No
NEI003	(Litter) (%)	8%	8%	🟢	8%	8%	🟢	8%	9%	🟡	8%	6%	🟢	Yes
NEI004	(Detritus) (%)	10%	10%	🟢	10%	9%	🟢	10%	9%	🟢	10%	4%	🟢	Yes
NEI005	(Neighbourhood issues) (%)	95.50%	98.82%	🟢	95.50%	99.16%	🟢	95.50%	98.80%	🟢	95.50%	98.79%	🟢	Yes
NEI006	(Fly-tip investigations) (%)	92.00%	99.39%	🟢	92.00%	99.01%	🟢	92.00%	98.63%	🟢	92.00%	98.08%	🟢	Yes
NEI007	(Fly-tip: contract) (%)	90.00%	93.72%	🟢	90.00%	91.74%	🟢	90.00%	91.51%	🟢	90.00%	91.91%	🟢	Yes
NEI008	(Fly-tip: non-contract) (%)	90.00%	94.67%	🟢	90.00%	95.22%	🟢	90.00%	94.24%	🟢	90.00%	94.11%	🟢	Yes
NEI009	(Noise investigations) (%)	90.00%	88.76%	🔴	90.00%	90.95%	🟢	90.00%	92.38%	🟢	90.00%	92.22%	🟢	Yes
NEI010	(Increase in homes) (no.)	41	23	🔴	69	68	🟡	87	114	🟢	230	131	🔴	Yes
NEI011	(Commercial rent arrears) (%)	2.5%	2.0%	🟢	2.5%	2.0%	🟢	2.5%	1.8%	🟢	2.5%	1.8%	🟢	Yes
NEI012	(Commercial premises let) (%)	98.00%	98.89%	🟢	98.00%	98.15%	🟢	98.00%	97.42%	🟡	98.00%	97.79%	🟡	Yes
NEI013	(Waste recycled) (%)	30.00%	22.00%	🔴	30.00%	26.09%	🔴	30.00%	25.00%	🔴	30.00%	26.93%	🔴	No
NEI014	Waste composted (%)	30.00%	37.64%	🟢	30.00%	35.00%	🟢	30.00%	33.15%	🟢	30.00%	30.32%	🟢	Yes
<b>Resources Quarterly KPIs</b>														
RES001	(Sickness absence) (days)	1.90	1.50	🟢	3.64	2.98	🟢	5.24	5.03	🟢	7.50	6.71	🟢	Yes
RES002	(Invoice payments) (%)	97%	98%	🟢	97%	97%	🟢	97%	97%	🟢	97%	96%	🔴	No
RES003	(Council Tax collection) (%)	27.27%	27.61%	🟢	51.99%	52.65%	🟢	77.09%	78.00%	🟢	97.00%	98.00%	🟢	Yes
RES004	(NNDR Collection) (%)	28.48%	28.83%	🟢	53.46%	53.25%	🟡	78.67%	78.02%	🔴	97.70%	97.75%	🟢	Yes
RES005	(New benefit claims) (days)	22.00	21.28	🟢	22.00	22.72	🟡	22.00	21.98	🟢	22.00	21.83	🟢	Yes
RES006	(Benefits changes) (days)	6.00	6.91	🟡	6.00	7.62	🔴	6.00	7.69	🔴	6.00	4.77	🟢	Yes
RES009	(Website Availability) (%)	99.60%	99.82%	🟢	99.60%	99.89%	🟢	99.60%	99.73%	🟢	99.60%	99.79%	🟢	Yes
RES010	(Website Broken Links) (%)	95.00%	99.89%	🟢	95.00%	100.00%	🟢	95.00%	100.00%	🟢	95.00%	97.70%	🟢	Yes
RES011	(Website Navigation) (%)	79.90%	80.51%	🟢	79.90%	80.42%	🟢	79.90%	80.34%	🟢	79.90%	80.42%	🟢	Yes

**GOV004 What percentage of major planning applications were processed within 13 weeks or extension of time date?**

**Additional Information:** This indicator ensures that local planning authorities determine major planning applications in a timely manner (within thirteen weeks).

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

**Current and previous quarters performance**



Quarter	Target	Actual	Status
Q4/16/17	90.00%	95.24%	✓
Q3/16/17	90.00%	93.33%	✓
Q2/16/17	90.00%	95.65%	✓
Q1/16/17	90.00%	92.86%	✓
Q4/15/16	75.00%	100.00%	✓

Annual Target: 2016/17 - 90.00%  
 Target: 2015/16 - 75.00%  
 Indicator of good performance: A higher percentage is good  
 ↑ is the direction of improvement



Is it likely that the target will be met at the end of the year?  
 Yes



**Comment on current performance (including context):**

(Q4 – 2016-17) Major type applications represent only a small number of the overall number of planning applications received, but they are more complex and generally are reported to planning committees, so deadlines for decisions are tight. Because of this, the performance can be volatile, but with 40 out of 42 decided in time, the target has been achieved.

**Corrective action proposed (if required):**

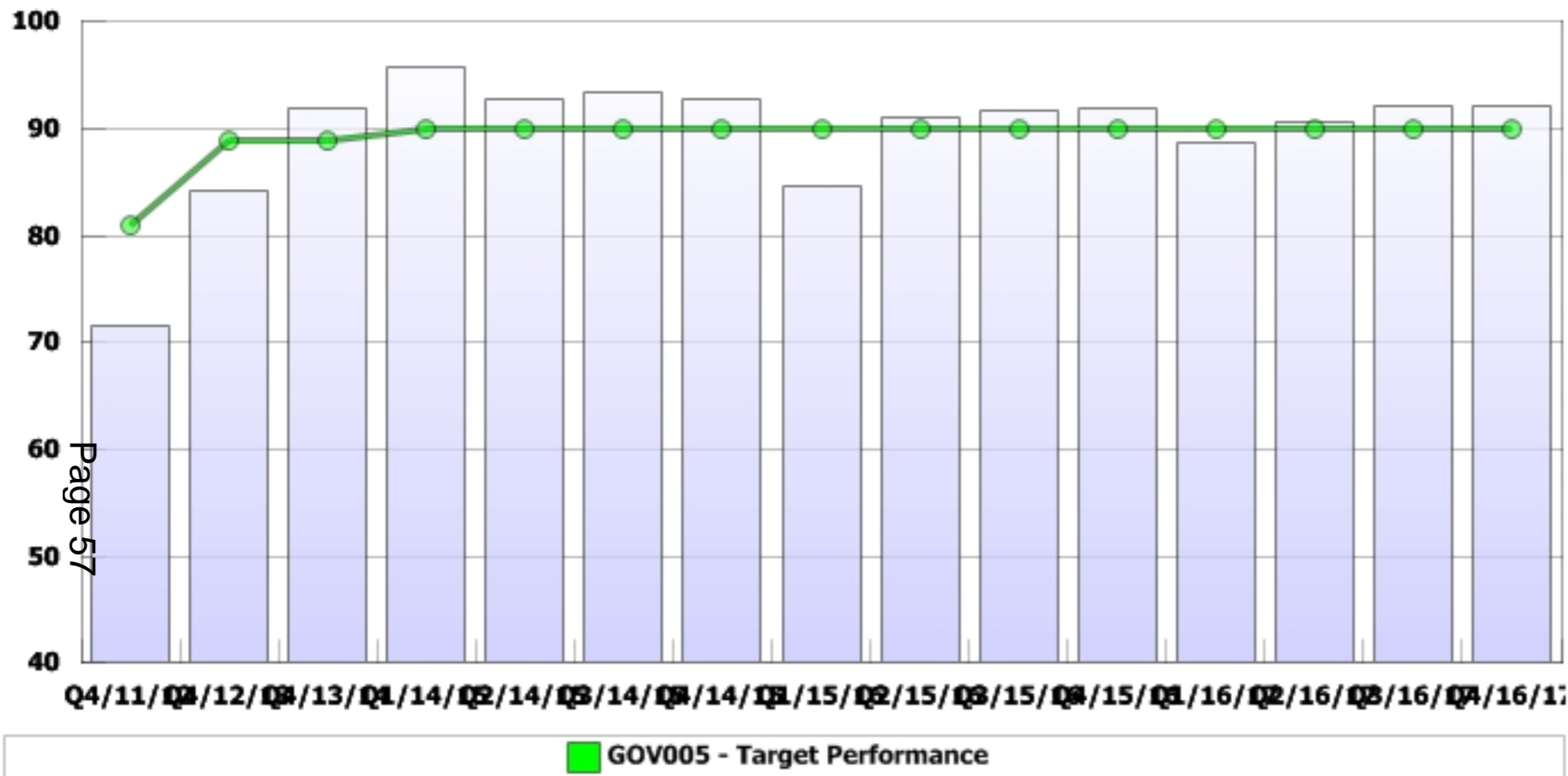


**GOV005 What percentage of minor planning applications were processed within 8 weeks or extension of time date?**

**Additional Information:** This indicator ensures that local planning authorities determine 'minor' planning applications in a timely manner (within eight weeks).

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

**Current and previous quarters performance**



Quarter	Target	Actual	Status
Q4/16/17	90.00%	92.24%	✓
Q3/16/17	90.00%	92.11%	✓
Q2/16/17	90.00%	90.71%	✓
Q1/16/17	90.00%	88.68%	✗
Q4/15/16	90.00%	92.05%	✓

**Annual 2016/17 - 90.00% (delegated)**  
**Target: 2015/16 - 90.00% (delegated)**

**Indicator of good performance:**  
 A higher percentage is good

↑ is the direction of improvement

Is it likely that the target will be met at the end of the year?

Yes



**Comment on current performance (including context):**

(Q4) This covers planning applications that include 1 to 9 dwellings/ pitches per application as well as offices, light industry, general industry, storage, warehousing or retail floorspace under 10,000sq m or 1 hectare and other minor developments. 421 out of 453 applications were made in time.

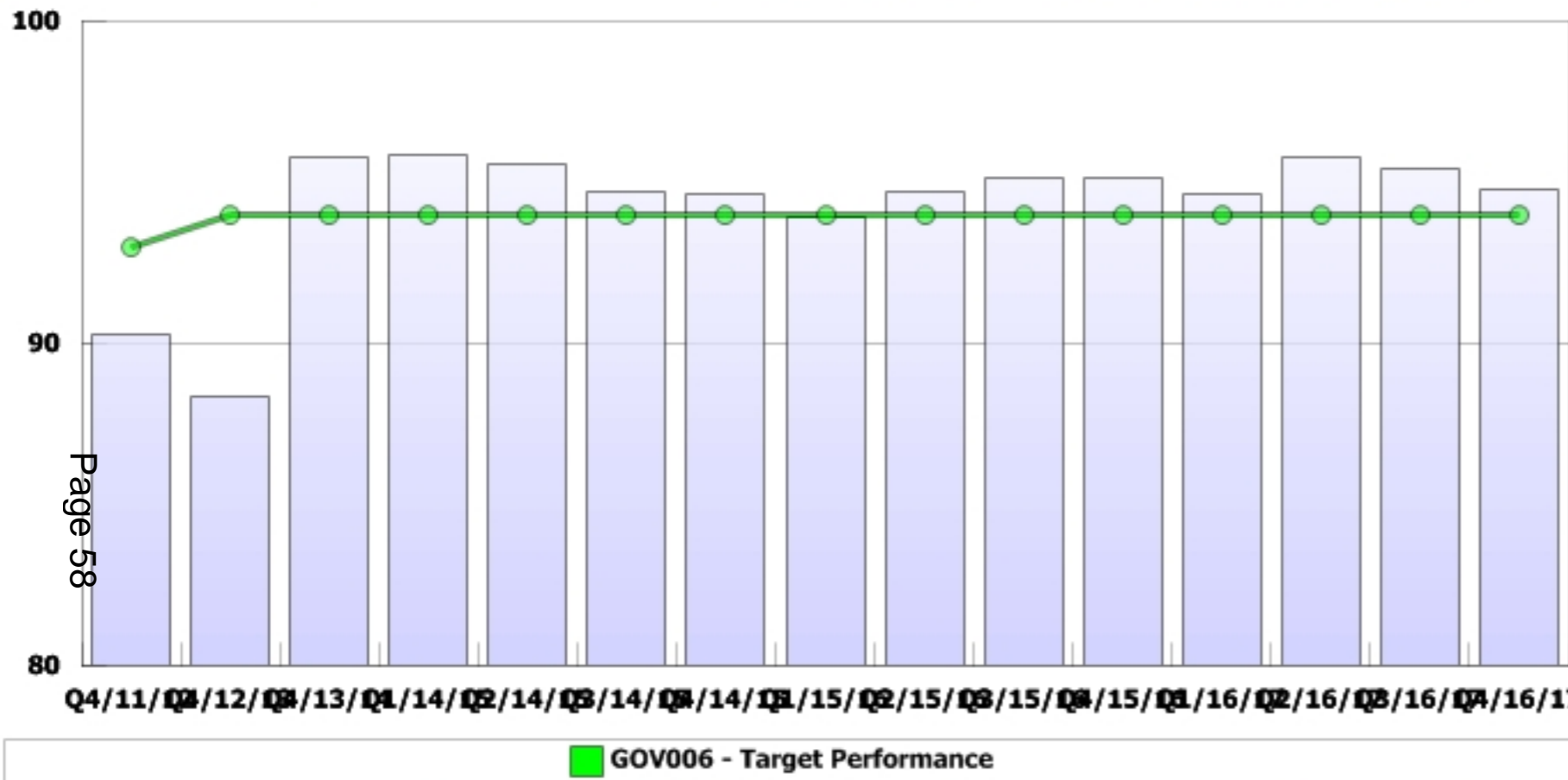
**Corrective action proposed (if required):**

**GOV006 What percentage of other planning applications were processed within 8 weeks or extension of time date?**

**Additional Information:** This indicator ensures that local planning authorities determine 'other' planning applications in a timely manner (within eight weeks).

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

**Current and previous quarters performance**



Quarter	Target	Actual
Q4/16/17	94.00%	94.84%
Q3/16/17	94.00%	95.43%
Q2/16/17	94.00%	95.85%
Q1/16/17	94.00%	94.69%
Q4/15/16	94.00%	95.17%



Annual Target: 2016/17 - 94.00% (delegated)  
2015/16 - 94.00% (delegated)

Indicator of good performance:  
A higher percentage is good

↑ is the direction of improvement

Is it likely that the target will be met at the end of the year?

Yes

**Comment on current performance (including context):**

(Quarter 4) GOV006 represents the highest number out of all planning application types decided, which includes household extensions. 1251 out of 1319 applications were decided in time in this category and meets the target.

**Corrective action proposed (if required):**

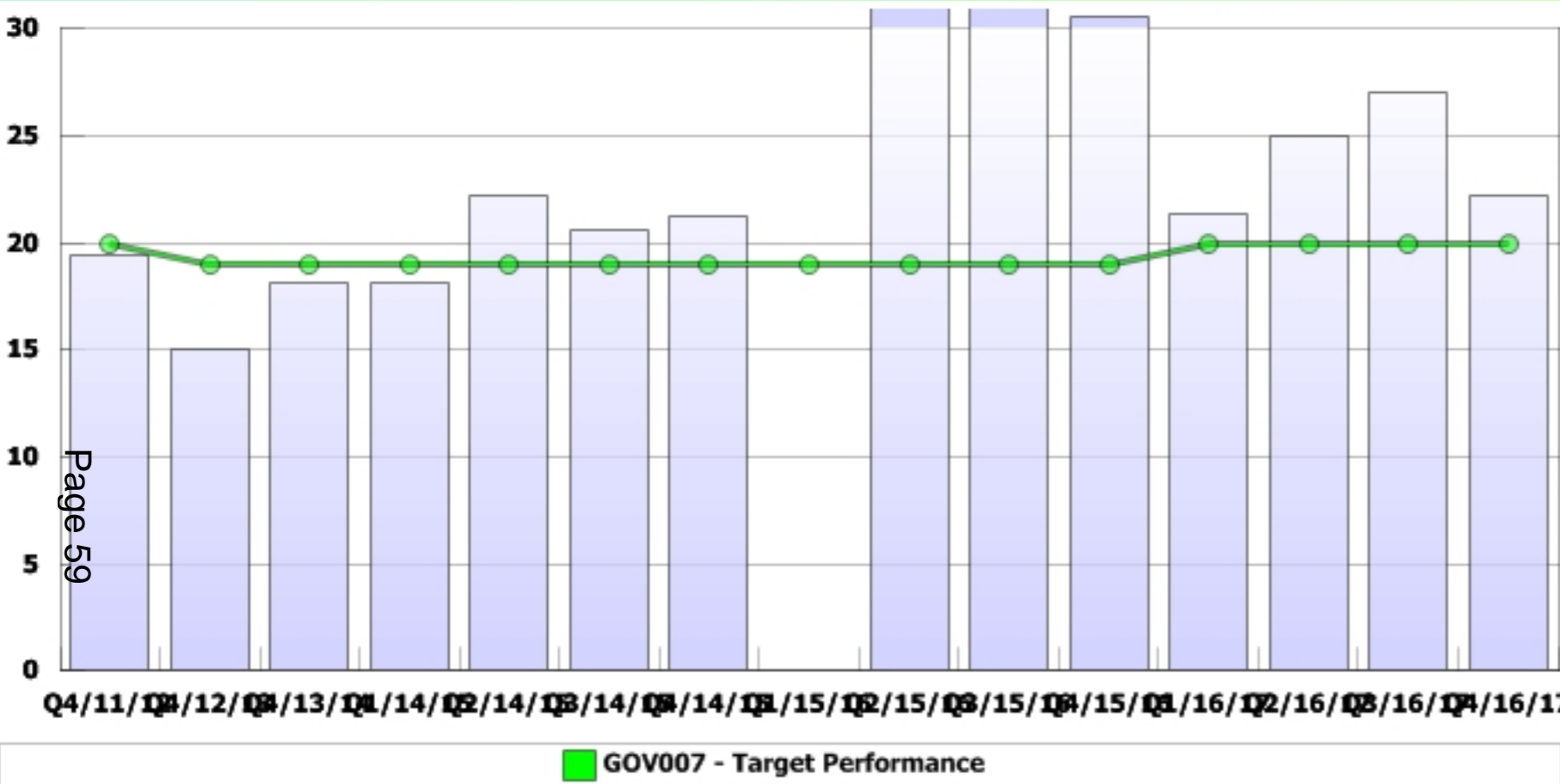
Empty box for corrective action proposed.

**GOV007 What percentage of planning applications recommended by planning officers for refusal were overturned and granted permission following an appeal?**

**Additional Information:** This indicator is expressed as a percentage of the no. of appeals determined and seeks to assess the levels of applications that may be refused in order to meet development control performance targets. It measures the performance of only Officer Recommendations for refusal of planning permission

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

**Current and previous quarters performance**



Quarter	Target	Actual	Status
Q4/16/17	20.0%	22.2%	✗
Q3/16/17	20.0%	27.1%	✗
Q2/16/17	20.0%	25.0%	✗
Q1/16/17	20.0%	21.4%	✗
Q4/15/16	19.0%	30.6%	✗

Annual Target: 2016/17 - 20.0%  
 Target: 2015/16 - 19.0%

Indicator of good performance:  
 A lower percentage is good

↓ is the direction of improvement

Is it likely that the target will be met at the end of the year?

No

**Comment on current performance (including context):**

Q4) Of the 72 appeal decisions up to Q4 resulting from officer recommendations to refuse planning permission, 16 were allowed on appeal.

**Corrective action proposed (if required):**

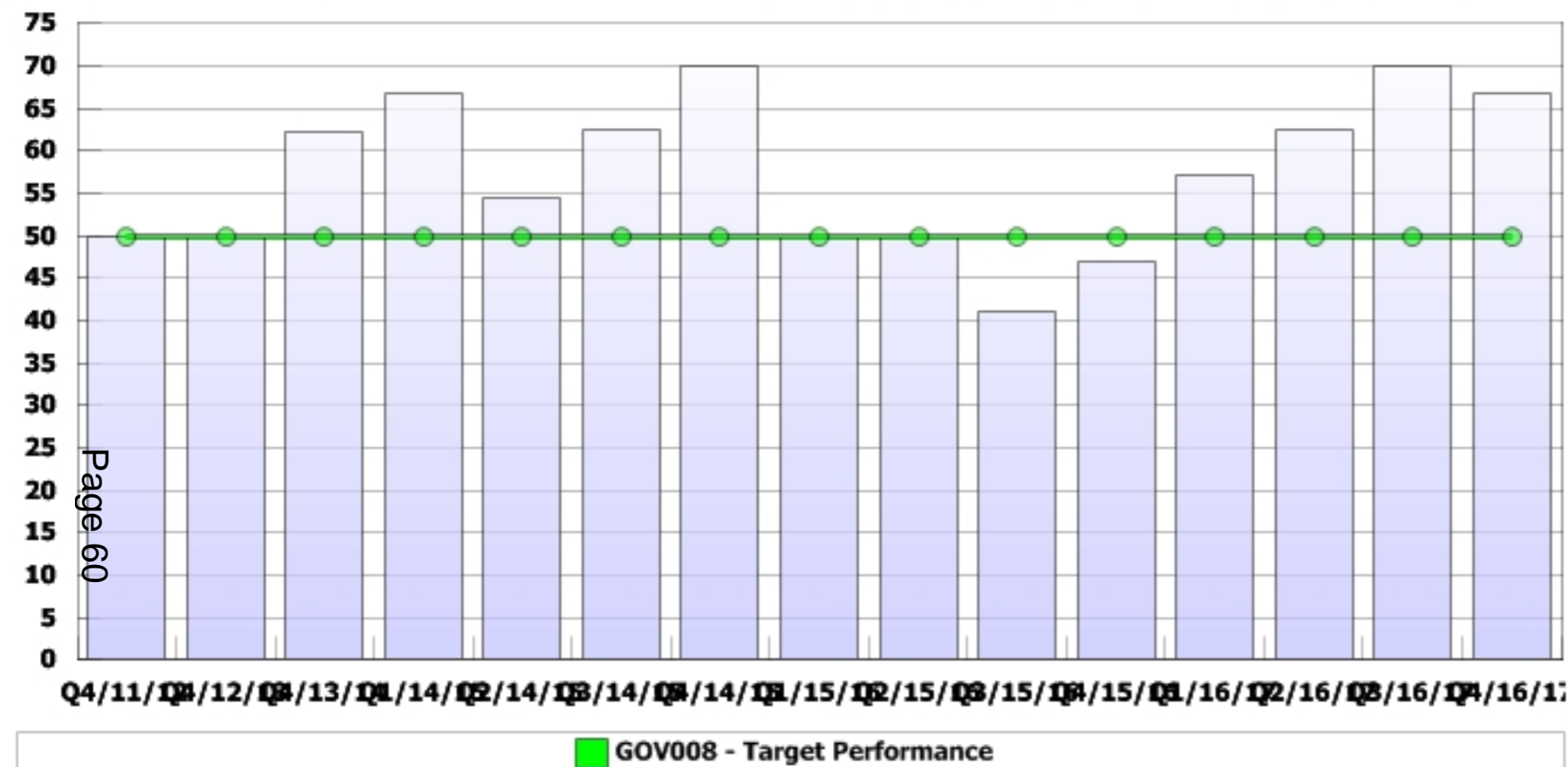
Improvement in Q4 has reduced the gap close to the target, is only just outside the tolerance. Members and officers will continue to scrutinise appeal decisions.

**GOV008 What percentage of planning applications refused by Council Members against the planning officer's recommendations were granted permission to appeal?**

**Additional Information:** This indicator is expressed as a percentage of the no. of appeals determined and seeks to assess the levels of applications that may be refused in order to meet development control performance targets. It measures the performance of only Officer Recommendations for grant of planning permission, overturned by Members.

For enquiries regarding this indicator contact the Performance Improvement Unit by email on performance@eppingforestdc.gov.uk or by telephone on 01992 564042.

**Current and previous quarters performance**



Quarter	Target	Actual
Q4/16/17	50.0%	66.7%
Q3/16/17	50.0%	70.0%
Q2/16/17	50.0%	62.5%
Q1/16/17	50.0%	57.1%
Q4/15/16	50.0%	46.9%

**Is it likely that the target will be met at the end of the year?**  
 No

Annual 2016/17 - 50.0%  
 Target: 2015/16 - 50.0%

Indicator of good performance:  
 A lower percentage is good

↓ is the direction of improvement

**Comment on current performance (including context):**

(Q4) Members decisions to refuse planning permission by reversing officer recommendations on planning applications at planning committees were supported on appeal in 9 out of 27 cases in total to Q4, but 66.7% (18 applications) were allowed and therefore is outside of the set target.

**Corrective action proposed (if required):**

(Q4) - 6 month review of planning appeal decisions are reported to Members and they are reminded of the need to take account of all planning considerations.

**GOV07 What percentage of planning applications recommended by planning officers for refusal were overturned and granted permission following an appeal?**

Outturn			Target
2013/14	2014/15	2015/16	2016/17
18.18%	21.3%	30.6%	20.00%

**Responsible Officer**

**Colleen O'Boyle  
Director of Governance**

Improvement Action	Target Dates	Key Measures / Milestones
Review Appeal Decisions at 6 months	17 June 2016 and November 2016	Member training in June, analyse key appeal decisions at Governance Select Cttee, 6 month report to Area Plans - resulting in improved appeal performance by Q4.
Planning officers refusal report state a way forward, if there is one, so as to encourage a resubmission under a new planning application rather than appeal.	Ongoing, review quarterly	Reduction in the number submitted and proportion of those appeal submitted being allowed.

Finely balanced planning applications decisions to be recommended for approval rather than refusal, particularly those decisions taken at officer delegated level.	As and when required.	Reduction in the number submitted and proportion of those appeal submitted being allowed.
Specialist witness used to defend Council decision on complex appeals	As and when required and within set budget	Improved appeal performance by Q4, particularly for gypsy & traveller related appeals.

**Please detail any budget or resource implications of the improvement actions you have listed overleaf. Please quantify any additional resources which will be required to implement the improvements and detail how the additional resources will be allocated.**

In respect of more complex planning appeal hearings or a public inquiries, there is a Professional Fees annual budget of £24,640, which, when required, pays for specialist advice to help the Council defend appeals. Such examples include gypsy and traveller appeals, agricultural related cases and highway refusals where there is no highway objection from Essex County Council. Each year, there has been a need to use this consultancy resource, including, where necessary, helping Legal Services pay towards barrister fees.

**Please describe any contextual factors, internal or external, which may impact upon the ability to deliver the improvements listed.**

Full staff resource within the Development Control section is required to produce appeal statements on a strict time limit and attend hearing etc. All senior planning officers in Development Control have had hearing and public inquiry training. Where external consultants are required to defend the Council’s appeal, consultants who are used who are familiar with Epping Forest District and despite the narrow time parameters set by the Planning Inspectorate, this has proved successful in helping to defend the appeal. The reliance on internal staff, again in specialist areas across the Council and Essex County Council, is invaluable.

**GOV08 What percentage of planning applications refused by Council Members against the planning officer's recommendation were granted permission to appeal?**

Outturn			Target
2013/14	2014/15	2015/16	2016/17
62.20%	70.00%	46.9%	50.00%

**Responsible Officer**

**Colleen O'Boyle  
Director of Governance**

Improvement Action	Target Dates	Key Measures / Milestones
Training for Members and review Appeal Decisions at 6 months	17 June 2016 and November 2016	Member training in June, analyse key appeal decisions at Governance Select Cttee, 6 month report to Area Plans - resulting in improved appeal performance by Q4.
Members continue to state whether there is a way forward after a planning application is refused, if there is one, so as to encourage a resubmission under a new planning application rather than appeal.	Ongoing, review quarterly	Reduction in the number submitted and proportion of those appeal submitted being allowed.
Feedback and analyse appeal decisions as part of Development Control Team meeting.	Monthly meetings	Improve appeal performance

Specialist witness used to defend Council decision on complex appeals	As and when required and within set budget	Improved appeal performance by Q4, particularly for gypsy & traveller related appeals.
Follow the recommendation of the planning officer's committee report and only overturn it to a refusal if presenting officer considers it may succeed on appeal.	Each committee meeting	Reduction in number of appeals and appeals allowed.

**Please detail any budget or resource implications of the improvement actions you have listed overleaf. Please quantify any additional resources which will be required to implement the improvements and detail how the additional resources will be allocated.**

In respect of more complex planning appeal hearings or a public inquiries, there is a Professional Fees annual budget of £24,640, which, when required, pays for specialist advice to help the Council defend appeals. Such examples include gypsy and traveller appeals, agricultural related cases and highway refusals where there is no highway objection from Essex County Council. Each year, there has been a need to use this consultancy resource, including, where necessary, helping Legal Services pay towards barrister fees.

**Please describe any contextual factors, internal or external, which may impact upon the ability to deliver the improvements listed.**

Full staff resource within the Development Control section is required to produce appeal statements on a strict time limit and attend hearing etc. All senior planning officers in Development Control have had hearing and public inquiry training. Where external consultants are required to defend the Council's appeal, consultants who are used who are familiar with Epping Forest District and despite the narrow time parameters set by the Planning Inspectorate, this has proved successful in helping to defend the appeal. The reliance on internal staff, again in specialist areas across the Council and Essex County Council, is invaluable.





## SCRUTINY



### **Report to: Governance Select Committee**

**Date of meeting: 4 July 2017**

**Portfolio:** Leader (Councillor C. Whitbread)

**Subject:** Corporate Plan Key Action Plan 2016/17 – Quarter 4 (Outturn) position

**Officer contact for further information:** Monika Chwiedz (01992 562076)

**Democratic Services Officer:** Jackie Leither (01992 564756)

---

#### **Recommendations/Decisions Required:**

- (1) That the Committee review the outturn position of the Corporate Plan Key Action Plan for 2016/17 in relation to its areas of responsibility; and
- (2) That the Committee identifies any actions arising from the Corporate Plan Key Action Plan for 2016/17 within its areas of responsibility, which require in-depth scrutiny or further report on current progress.

#### **Executive Summary:**

The Corporate Plan is 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 are supported by Key Objectives, which provide a clear statement of the Council's overall intentions for these five years.

The Key Objectives are delivered by an annual action plan, with each year building upon the progress against the achievement of the Key Objectives for previous years. The annual action plans contain a range of actions designed to achieve specific outcomes and are working documents are therefore subject to change and development to ensure the actions remain relevant and appropriate, and to identify opportunities to secure further progress or improvement.

The Corporate Plan Key Action Plan for 2016/17 was agreed by the Cabinet in October 2015. Progress in relation to individual actions and deliverables is reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and outturn basis.

#### **Reasons for Proposed Decision:**

It is important that relevant performance management processes are in place to review progress against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under-performance.

Some actions have cross directorate responsibility. Where this is the case the most appropriate Select Committee is requested to consider the action. This report presents

outturn progress against the Key Action Plan for 2016/17 for actions most appropriately considered by the Governance Select Committee at the end of the year (31 March 2017).

### Other Options for Action:

Actions with cross directorate responsibility could be considered by an alternative Select Committees, or not considered by the Select Committees.

### Report:

1. The Corporate Plan 2015-2020 is the Council's highest level strategic document. It sets the strategic direction for the authority for the five year lifetime of the Plan. It focuses on a number of key areas that the Council needs to focus on during that time and helps to prioritise resources to provide quality services and value for money. These key areas are known as the Corporate Aims and are supported by a set of Key Objectives which represent the Council's high-level initiatives and over-arching goals to achieve the Corporate Aims. The Key Objectives are in turn, delivered via an annual Key Action Plan.
2. The Key Action Plan 2016/17 is populated with actions or deliverables designed to secure progress against each of the Key Objectives during 2016/17. During the subsequent years in the lifetime of the Key Objectives, annual action plans will be developed which build on progress achieved during preceding years.
3. The annual action plans are working documents and are therefore subject to change and development to ensure that the actions remain relevant and appropriate, and to identify opportunities to secure further progress or improvement. Therefore, during Q2, action (i) (b) (5) became no longer required. This is because Cabinet has decided not to pursue this action.
4. Progress against the Key Action Plan is reviewed on a quarterly basis to ensure the timely identification and implementation of appropriate further initiatives or corrective action where necessary. Quarter 4 (outturn) progress against the individual actions of the 2016/17 Key Action Plan, is as below: In reporting outturn progress, the following 'status' indicators have been applied to the to individual actions:

**Achieved (Green)** - specific deliverables or actions were completed or achieved in accordance with in-year targets;

**Under Control (Amber)** – expected to achieve target in the next 6 months; or

**Behind Schedule (Red)** - specific deliverables or actions were not completed or achieved in accordance with in-year targets.

There are 49 actions in the Key Action Plan 2016/17. At the end of the year:

- (a) 33 (68%) of the individual deliverables or actions supporting the key objectives had been achieved;
- (b) 9 (18%) of the deliverables are expected to achieve target in the next 6 months.
- (c) 7 (14%) of the deliverables or actions were not completed by year-end albeit significant progress has been made. Details of the progress made are set out in the comments against the individual deliverables or actions in the attached schedule.

Eight (8) actions fall within the areas of responsibility of the Governance Select Committee. At the end of the year:

- 7 (86%) of these actions have been achieved at year end; and

- 1 (14%) of these actions are expected to achieve target in the next 6 months.
  - 0 (0%) of these actions are behind schedule
5. The Committee is requested to review the outturn position of the Corporate Plan Key Action Plan for 2016/17 as set out in Appendix A of this report, and identify any actions that require more in-depth scrutiny or further progress reports.
  6. This report was also considered by the Cabinet on 15 June 2017 and the Overview and Scrutiny Committee on 6 June 2017.

**Resource Implications:**

None for this report.

**Legal and Governance Implications:**

None for this report. Performance monitoring contributes to the delivery of value for money.

**Safer, Cleaner, Greener Implications:**

None for this report.

**Consultation Undertaken:**

The performance information set out in this report has been submitted by each responsible service director.

**Background Papers:**

Relevant documentation is held by responsible service directors.

**Impact Assessments:**

**Risk Management**

None for this report.

**Equality:**

None for this report.

This page is intentionally left blank

**Aim (i) To ensure that the Council has appropriate resources, on an ongoing basis, to fund its statutory duties and appropriate discretionary services whilst continuing to keep Council Tax low.**

Key Objective (i)(c) To explore appropriate opportunities to make savings and increase income through the shared delivery of services with other organisations, where such arrangements would provide improved and/or more cost effective outcomes.

Action	Lead Directorates	Target Date	Status	Progress
1) Liaise with the Communities Directorate on Housing related / led projects is constructive and productive to retain Building Control project work in-house	Governance	30-Apr-16	Achieved	(Q1 2016/17) - We continue to enjoy a constructive and responsive relationship between directorates and building income continues to exceed budget. (Q2 2016/17) – As above. (Q3 2016/17) – As above. (Q4 2016/17) – As above.
3) Estates colleagues to include use of the in-house building control service in their standard negotiations	Governance	30-Apr-16	Under Control	(Q1 2016/17) - The directorates continue to liaise to embed the inclusion of the in-house service in negotiations. (Q2 2016/17) – Progress has been made but we need to continue to embed this process. (Q3 2016/17) - Building Control are continuing to hold constructive dialog with estates officers. (Q4 2016/17) – Building Control seek to impress upon colleagues the need to include the requirements early in negotiations.
6) Identify and undertake measures to raise the profile and successes of the in-house building control team.	Governance	30-Apr-16	Achieved	(Q1 2016/17) The Staples Road Junior School in Loughton was shortlisted for the Local Authority Building Control awards held in Cambridge and the team continues to promote partnership working resulting in healthy income levels.

					<p>(Q2 2016/17) - We are continuing to train our own officers to ensure the quality of the service which we have to market.</p> <p>(Q3 2016/17) - National recognition for both building control trainees and increased income demonstrate the commitment to and of the in house building control team.</p> <p>(Q4 2016/17) - The team is currently looking for opportunities to work with neighbouring authorities and to retain a full complement of professional staff.</p>
7) Participate in the renegotiations of the contracts for the provision of on-line library services	Governance	31-Mar-17		Achieved	<p>(Q1 2016/17) - As part of PLP the legal service continues to benefit from reduced online library services in a form of savings.</p> <p>(Q2 2016/17) – As above.</p> <p>(Q3 2016/17) - As above.</p> <p>(Q4 2016/17) - Completed</p>

**Aim (iii) To ensure that the Council adopts a modern approach to the delivery of its services and that they are efficient, effective and fit for purpose.**

Key Objective (iii)(a) To have efficient arrangements in place to enable customers to easily contact the Council, in a variety of convenient ways, and in most cases have their service needs met effectively on first contact.

Action	Lead Directorates	Target Date	Status	Progress	
2) Implement and/or produce an Implementation Plan for, the agreed proposals for improving customer contact.	Management Board	31-Mar-17		Achieved	<p>(Q1 2016/17) - The customer contact project team continues to make good progress. A Head of Customer Service is due to be appointed shortly.</p> <p>(Q2 2016/17) – Head of Customer Services has been appointed and is due to start on 2 November. Implementation plan produced and</p>

				<p>implementation continues. A portfolio Holder decision on purchase of CMS software has been taken and now being actioned to allow prototyping work to be undertaken through to March 2017. A draft specification for the reception work has been agreed with Facilities which now moves to initial design stage. A further period of monitoring of visitor patterns was undertaken in September. A Channel shift/process mapping day will take place in early November. New ICT analyst position now filled and started working on our online forms to transition them to the new CMS.</p> <p>(Q3 2016/17) Complaints handling revised to two stage process. Process mapping undertaken. Prototyping of new CRM scoped.</p> <p>(Q4 2016/17) Neighbourhoods call centre staff and back office staff transferred into customer team and process re-engineering has started. Cabinet approved in principle the redesign of the Customer Contact Centre subject to detailed business case demonstrating sufficient payback.</p>
--	--	--	--	---

Key Objective (iii)(b) To utilise modern technology to enable Council officers and members to work more effectively, in order to provide enhanced services to customers and make Council services and information easier to access.

Action	Lead Directorates	Target Date	Status	Progress
1) Achieve significant progress in the scanning of paper and microfiche Development Control files	Governance	31-Mar-17	Achieved	<p>(Q1 2016/17) - The dedicated team continues to scan Planning files with a view to supporting flexible and remote working and reducing space requirements.</p> <p>(Q2 2016/17) – The team is up to speed and we continue to scan the files to support flexible working.</p> <p>(Q3 2016/17) - Cabinet has agreed continued funding for a three year scanning project based on a full report of progress to date.</p>

				(Q4 2016/17) - Progress continues.
2) Scan Building Control paper and microfiche files to promote flexible working and reduce storage costs.	Governance	31-Mar-17	Achieved	<p>(Q1 2016/17) - The dedicated team continues to scan building control with a view to supporting flexible and remote working and reducing space requirements.</p> <p>(Q2 2016/17) – As above.</p> <p>(Q3 2016/17) - Cabinet has agreed continued funding for a three year scanning project based on a full report of progress to date.</p> <p>(Q4 2016/17) – Progress continued.</p>
3) Undertake document scanning projects in Legal Services and Development management to support the Transformation Programme.	Governance	31-Mar-17	Achieved	<p>(Q1 2016/17) - We continue to scan legal documents and we are embarking on a program of creating electronic files for certain categories of legal work. Approximately 20% of the 2383 Council Deeds have been scanned and up-loaded onto the Council’s mapping system. Additionally a spreadsheet has been developed to organise approximately 6000 miscellaneous documents in preparation for scanning.</p> <p>(Q2 2016/17) - We had a slight delay with the scanning as a result of a member of staff leaving and recruitment of a replacement. The new officer is in the progress of being trained.</p> <p>(Q3 2016/17) - Good progress is being made following the appointment to a temporary scanning post within legal.</p> <p>(Q4 2016/17) - Progress continues but subject to availability of resources due to competing priorities.</p>



**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF JOINT MEETING OF DEVELOPMENT MANAGEMENT  
CHAIRMEN AND VICE-CHAIRMEN  
HELD ON THURSDAY, 20 APRIL 2017  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.00 - 8.00 PM**

**Members Present:** B Sandler (Chairman), , S Jones, P Keska, G Chambers, A Patel, A Mitchell, G Shiell, R Bassett (Vice Chairman of the Council) and J Philip (Planning and Governance Portfolio Holder)

**Other members present:** -

**Apologies for Absence:** B Rolfe

**Officers Present** N Richardson (Assistant Director (Development Management)), S Hill (Assistant Director (Governance & Performance Management)), S Tautz (Democratic Services Manager), J Shingler (Principal Planning Officer) and G J Woodhall (Senior Democratic Services Officer)

**Also in attendance:**

---

## **22. NOTES OF THE LAST MEETING**

**Resolved:**

(1) That the notes of the last meeting, held on 4 October 2016, be agreed as a true and accurate record.

## **23. MATTERS ARISING**

In relation to the review of the Planning Protocol, S Hill reported that the new Planning Protocol had been drafted and would be considered by the Standards Committee and Constitution Working Group, as well as this Group. Representations had been made by Officers from the Planning Policy Team, which would be circulated in due course, and S Hill had had a meeting with A Blom-Cooper regarding these representations. The post Annual Council meeting training would be on the current Planning Protocol as this was still valid and would remain so for a while longer.

In response to questions from the Group, S Hill stated that the new Code of Practice would cover various situations that could arise in a meeting, such as what to do when the Officer recommendation was refused by the Committee, and where the recommendation to grant and the proposal to refuse were both lost on a vote. The current flowchart within the Constitution could also be updated accordingly.

## **24. AREA PLANS SUB-COMMITTEES - SEATING ARRANGEMENTS**

S Tautz presented a report on the seating arrangements for the Council's Planning (Sub-)Committee meetings.

The Group was reminded that Council had agreed to move the meetings of Area Planning Sub-Committee South from its current location at Roding Valley High School back to the Council Chamber at the Civic Offices for 2017/18. The membership of this Sub-Committee was considerably larger than the membership of the other two Sub-Committees, and it would not be possible to fit all of the Members of the Sub-Committee on the benches. Therefore, Officers had met with the current Chairman of the Sub-Committee and the Group was referred to the draft seating plan distributed at the meeting. This showed the Members of the Sub-Committee sitting in the horseshoe section of the Chamber, with the public speakers sitting on the benches; the Chairman, Vice-Chairman and Officers would sit in their usual positions at the top table.

Cllr Chambers, as the current Chairman of Area Planning Sub-Committee South, suggested that the draft seating plan be prototyped for the initial meetings of the Sub-Committee and amended if necessary in the light of experience. Cllr Chambers also enquired whether there would need to be set seats for Members in the Council Chamber. Cllr Philip responded that there usually was set seating for Members in the Council Chamber for webcasting purposes.

S Tautz reminded the Group that a public disturbance had occurred at the meeting of Area Planning Sub-Committee West on 19 October 2016, which had resulted in a number of changes to the Member and public seating arrangements at Planning (Sub-)Committees:

- (i) Members of the Planning (Sub-)Committee to be seated on the left hand side of the Chamber (as viewed by the Chairman) to enable Members to evacuate directly through the ante room in the event of an incident without having to cross the floor of the Chamber first; and
- (ii) only those members of the public registered to speak at the meeting to be permitted to sit in the Council Chamber, with all other members of the public to be directed to the Public Gallery on the second floor.

S Tautz stated that, following the implementation of these changes, Members of Area Planning Sub-Committee East had raised some concerns regarding the new arrangements. The sitting of all non-speaking members of the public in the Public Gallery meant that it was difficult to gauge public opinion on specific proposals and for the public to observe the proceedings of the meeting. Management Board had considered the differing views regarding the segregation of the public at Planning (Sub-)Committee meetings and had suggested that the issue should be considered at this meeting.

Cllr Keska stated that members of the public seated upstairs in the Public Gallery could not see the Members of the Planning (Sub-)Committees and had to lean over the railing; the audio system in the Public Gallery was not particularly good either. Cllr Jones felt that the vast majority of the public were respectful, but it was disconcerting to not be able to see the reactions of the public during a meeting and made the atmosphere more intimidating. J Shingler added that members of the public were more likely to be vocal when they were in the Public Gallery and N Richardson remembered one instance when an agenda was thrown into the Council Chamber from the Public Gallery at a meeting of the District Development Management Committee. Cllr Philip acknowledged that it was difficult to see proceedings from the Public Gallery as Members did not stand up when they were speaking during Planning (Sub-)Committees, and would prefer it if all members of the public were sat in the Council Chamber as they would feel more involved in the process.

Cllr Sandler reminded the Group of the instance when a planning application for the demolition of the Winston Churchill Public House in Loughton was considered at the District Development Control Committee, which became so disruptive that the meeting had to be adjourned whilst the Chamber was cleared of the Members and the public – the majority of whom were upstairs in the Public Gallery. Cllr Sandler could only remember one instance of public disturbance at Area Planning Sub-Committee South during his time on the Council. Cllr Chambers reminded the Group that the motion at Council concerning the current seating arrangements at Council Planning meetings was passed for security reasons.

Cllr Bassett advised the Group that the membership of Area Planning Sub-Committee West was predominantly female and felt that the incident at Area Planning Sub-Committee West on 19 October 2016 was particularly nasty. If members of the public were allowed to sit in the Chamber again then there should be security available, as the Council had a duty of care and any further incidents could result in possible reputational damage for the Council. Cllr Bassett was also worried about possible disturbances in the car park areas if any members of the public were waiting outside after the meeting.

The Group agreed that the Council's duty of care meant there should be a visible security presence in the Council Chamber at all Council Planning meetings.

In respect of the seating arrangements for public speakers and the public at Council Planning meetings, S Hill suggested that it should be for the Chairman of each (Sub-)Committee to decide, following consultation with Officers and a discussion with Members at each (Sub-)Committee. This was agreed by the Group.

S Hill also informed the Group that the projector in the Council Chamber was beginning to come to the end of its useful life; however, the estimated cost of a replacement was approximately £8,000 and no budgetary provision had yet been made by the Council to replace it.

**Resolved:**

- (1) That the draft Member seating plan, with set seating for Members to be finalised, for future meetings of Area Planning Sub-Committee South in the Council Chamber be agreed and amended if necessary in the light of experience;
- (2) That, as the Council had a duty of care to the public, Members and Officers, a security presence should be visible at all Council Planning (Sub-)Committee meetings in the Council Chamber; and
- (3) That, in consultation with Officers, authority be delegated to the Chairman of each Planning (Sub-)Committee to decide the speaker and public seating arrangements for that (Sub-)Committee following a discussion with the Members of that (Sub-)Committee.

**25. REVIEW OF PLANNING PROCEDURES**

The proceedings of the Planning (Sub-)Committees held during the preceding six-month period was evaluated and consideration was given as to whether the procedure, policy and organisation of the (Sub-)Committees required review.

S Hill reminded the Group that an unusually large number of planning applications was expected to be received by the Council once the Local Plan had been agreed, which would put pressure on the Development Management Team and Members of Planning (Sub-)Committees. Those aspects of the Constitution which dealt with Planning matters would need to be reviewed, including delegations, to ascertain if the current rules were still 'fit for purpose'.

Cllr Sandler suggested that all large scale applications should go direct to the District Development Management Committee (DDMC), and not be heard at the Planning Sub-Committees. Cllr Chambers also suggested that the calling-in of planning applications by District Councillors could also be revised. N Richardson agreed that the Council could do this, although more meetings of DDMC would then be needed; but the Group were reminded that there was an expectation from Officers for more planning applications to be received generally after the Local Plan had been agreed, not just large scale planning applications. Cllr Sandler reminded the Group that the number of Tree Preservation Order applications heard at Committee had been reduced for similar reasons. S Hill advised the Group that the review would consider the best use of the time spent in determining applications at planning meetings.

N Richardson highlighted that there was a significant number of applications referred to a Committee meeting where the only objection to the application had been from the local Town/Parish Council, but then they did not attend the meeting to speak on the application and the application could have been dealt with under delegated authority by Officers. Cllr Keska pointed out that if such applications were dealt with by Officers under delegated authority then Local Councillors would simply lobby District Councillors to call in applications that they objected to, in order to get them considered at a Planning Meeting. Cllr Jones was also reluctant to lose the automatic referral of planning applications to a meeting where the local Town/Parish Council had objected, and suggested that the Planning Officer could discuss the objections with the Local Council and possibly reject the referral. Cllr Sandler felt that the training of Local Councillors could be improved to enable more of them to attend and comment on applications on planning grounds at meetings. S Hill reassured the Group that this issue would be included in the proposed review.

Cllr Bassett reminded the Group that, following the agreement and publication of the Epping Forest Local Plan, some cross-border planning decisions would be required and there was currently no mechanism to facilitate this. S Hill advised that a discussion document regarding the Governance of Strategic Housing Market Assessment Areas had been drawn up for consultation.

The Group then considered ways in which the Officer reports to the Planning (Sub-)Committees could be further improved to enhance the decision-making process. N Richardson acknowledged that one particular report to Area Planning Sub-Committee South, which had been cited by Members as an example, had not been of the required quality. The report itself was late and had only just been completed in time for the publication of the agenda. Principal and Senior Planning Officers had been reminded to complete their reports for Planning (Sub-)Committees in a timely fashion to allow for a proper review before the publication of the agenda. Cllr Sandler stated that the Planning Officer in attendance should not have to go through the whole report at the meeting, but just highlight the salient points in relation to that particular application.

## **26. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS**

The current and future training needs for the Members tasked with discharging the

Council's Planning function was considered.

S Hill informed the Group that training on the Planning Code of Practice had been scheduled for 30 June 2017, starting at 9.15am. The Chairmen and Vice-Chairmen were not only requested to attend themselves, but also be advocates for other Members of their Sub-Committees to attend. It was also highlighted that a training session specifically for Chairmen and Vice-Chairmen could also be scheduled if required, which would cover relevant Development Management matters from the point of view of the presenting Officers, as well as constitutional and procedural requirements. Cllr Sandler felt that it would be a very good idea for all of the Chairmen and Vice-Chairmen to attend a training session together specifically on how to run a Planning meeting.

**27. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration.

**28. DATE OF NEXT MEETING**

It was noted that there would be meetings of the Group in 2017/18 and these had been scheduled for:

- (a) 25 September 2017; and
- (b) 19 March 2018.

This page is intentionally left blank