

Report to the Council

Committee: Cabinet

Date: 15 December 2015

Subject: Governance and Development Management

Portfolio Holder: Councillor J Philip

Recommending:

That the report of the Governance and Development Management Portfolio Holder be noted.

1. Development Management

Development management has a number of highlights around income streams and recovery of costs. It is always good to see the Council being able to recoup the costs of planning enforcement actions in addition to the regular stream of income.

Planning Enforcement

Members will recall that following the lengthy required legal and enforcement procedures, the Planning Enforcement section took direct action to remove a large portable building from the Old Foresters site, Abridge Road, Theydon Bois several years ago. Considerable costs were incurred having to pay for a contractor to carry out the works. These fees were £25,000 and we placed a legal charge on the land to enable the Council to recover its costs, when the land was disposed of. As a result of action by the Council this amount has now been recovered in full.

Income Summary

Both development functions are showing strong signs of resilience with income above budget and planning/building control applications exceeding and/or matching like for like periods last year. Costs continue to be carefully monitored although workload remains at a high level. The pressure to achieve deadlines and cope with demand is being actively managed – but recruitment in planning and building control remains challenging due to high levels of demand within the professions.

Building Control Income

Building Control 2015/16 budget is £386,000 with the year to date income of £298,000, which equates to 77% of the whole year projected budget in a seven month period.

As a result income is currently £21,432 ahead of budget. Building control applications are on an upward trend as our partnering and marketing initiatives are having a positive impact.

This is only sustainable if the quality of the service is high and I am pleased to report a growing trend of compliments from our residents for, most notably, speed of response and empathy of the building control team.

Development Control Income

Development Control 2015/16 budget is £595 000 with the year to date income of £481,000. This is an even higher level being 81% of the budgeted income in just the seven month

period. It is therefore anticipated that DC income will reach about £800 000 for this financial year.

2. Legal Services

The legal section has again been representing the Council's interest and making sure that a few cases of individual misconduct do not disadvantage the majority of our residents. On 25th November 2015 the Council secured the eviction of tenants on anti-social behaviour grounds from 3 Council houses in the Loughton area.

One tenant living in Crossways Loughton had already faced a two day trial, when on 23 October 2014 the Court converted her secure tenancy to a demoted tenancy for the period of one year. This meant that she lost certain rights as a tenant and if she caused any further anti-social behaviour the Court was bound to grant the Council a possession order. In practice this was the Court giving the tenant a final opportunity to show that she could behave. Unfortunately she did not take that opportunity and, following further evidence of such behaviour being presented to the Court on 29th September this year, the possession order was made.

In respect of another tenant living in Homecroft Gardens, the Council was granted a possession order on 19th September 2015. Matters had become so bad between the Council issuing the possession proceedings in July 2015 and the hearing date that the Council sought and was granted an Injunction on 11th August prohibiting her from using abusive, offensive, threatening or intimidating language or behaviour in the locality, causing noise nuisance by shouting or by slamming doors or knocking on neighbours' doors, playing loud music and from having any Class A or B drugs in the property.

The third tenant lived in Marlescroft Way Loughton. The Council issued possession proceedings at the beginning of September 2015 and a hearing was set for 6th October. In the meantime following joint consultation between a number of parties, Essex police obtained a Closure Order on 18th September prohibiting anyone apart from the tenant from going to the property. The Council obtained a forthwith possession order on 6th October 2015 but, because there were concerns that the tenant had befriended a vulnerable tenant living in the same area and might move in with her when evicted, an urgent Injunction was applied for and granted on 23rd November prohibiting him from residing at, visiting or otherwise entering any property, corridors stairways or landings within an area defined on a plan. This Injunction was served on the tenant at the eviction.

In reporting these cases I draw attention to productive working between Directorates and the external agencies. In particular the Council is grateful to Essex Police for providing police officers to attend at each of these evictions to prevent any breach of the peace.

3. Corporate Fraud Team

We have been looking for opportunities to make the most of our capabilities in this area, and members will remember an earlier report where I highlighted our automatic investigation of right-to-buy applications. Leading on from this, during August, the team manager provided training to officers of Uttlesford District Council on how to conduct interviews under caution (in accordance with PACE). This was at the request of the Revenues Manager at Uttlesford following previous advice we have given in this area.

The training provided was charged to Uttlesford and represented the first step towards the Corporate Fraud Team actively bringing in revenue for the Council. According to feedback, the training was very well received and there is potential to build on this with other Local

authorities and registered social landlords, particularly in the field of Housing and Right to Buy frauds.

The Council is currently bringing a criminal prosecution against an Epping Forest District Council tenant for the illegal subletting of her council property. As she was a tenant of a housing association prior to obtaining a council tenancy (and our investigation shows she obtained the HA property fraudulently), we have worked , and continue to work, with the housing association concerned to bring proceedings and also pursue the defendant under the Proceeds of Crime Act. As we are the lead authority both in the investigation and prosecution of offences, a financial contribution, from the HA, towards bringing the case and any subsequent POCA actions is in the process of being agreed.

Staying on the subject of Housing Associations, we are in the early stages of liaising with another HA in our area regarding a criminal subletting investigation concerning one of their properties. This particular HA does not have any investigative resources of their own so it is also an opportunity to “pitch” our investigative services to them going forward.

We have had initial discussions with Harlow Council on developing their strategy for tackling Social Housing Fraud and this is another demonstration of our work with our partners to share expertise and drive efficiencies.

As a result of a successful and well received presentation by one of the team to a Conference attended by many Local Authority anti-fraud professionals, on tackling Right to Buy Fraud we have received requests for input, advice and training from other authorities (including some London Boroughs). We are also receiving requests for copies of our additional Right to Buy application form which was designed in house and implemented in partnership with the DCLG.