

Report to the Council

Committee: Cabinet

Date: 27 September 2016

Subject: Governance and Development Management

Portfolio Holder: Councillor R Bassett

Recommending:

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

1. Development Management

Planning Enforcement

After 8 months of 2016, the Planning Enforcement Team has received around 450 complaints and served 25 notices, 11 of which have been appealed against to the Planning Inspectorate, including a recent gypsy/traveller site in Pig Sty Green Rd, Willingale, due to be heard at a Public Inquiry in February 2017.

This compares with 2015, when 664 complaints were received and 14 enforcement notices served, 5 of which were appealed against - 3 notices were dismissed and 2 allowed. We are still monitoring the sites for compliance, one of which is the Luxe Bar in High Road Loughton, however, this has become complicated by the planning definition of what is a night-club and what is a bar (its authorised use) and officers are currently gathering information and evidence of continued use as a night club with a view to prosecuting.

Enforcement has also taken direct action to remove illegal advertisements in Highbridge Street Retail Park and also on land adjacent to the railway bridge serving Debden Underground Station, Chigwell Lane. Unfortunately, the advertiser has re-erected the boards, but enforcement are in the process of having them removed again with a view to bringing a prosecution against all people involved.

Two notable examples of successful enforcement action by the enforcement team has been the removal of a large commercial building erected at High Willows, Murthing Lane Stapleford Abbots in March 2016 and the prosecution of the Il Baco restaurant in Theydon Bois, where the owner was fined £1,277 in total against 8 offences of a breach of condition notice.

The enforcement section has also been actively involved in a Council project in respect of unauthorised Nursery Workers Accommodation. This includes meetings with other the relevant sections of the Council looking at to address the housing issues and also site visits to some nurseries. They have also attended sites with Essex Police in connection with their search for modern day slavery and checking workers conditions.

As part of the recent well-received Planning Training that included Enforcement, Members were made aware of how complicated, busy and somewhat frustrating this area of work is, where evidence gathering to carry out successful enforcement action and prosecutions is time consuming. There is no magic wand to instantly prosecute because the planning system allows for fairness in many cases for the harm to be put right or give the opportunity

to retrospectively gain planning permission. Most enforcement officer investigations however, are closed because the harm caused has been remedied without the need for enforcement action, but in conjunction with the Legal Section, the Council does take action where necessary. The Member approved Local Enforcement Plan that explains the procedure and processes in more detail.

Building Control

Building Control 2016/17 budget is £425,000 and their year to date income is £224,798 which comprises 53% of the years projected budget income for the first five months of this financial year.

As a result BC income is currently £47,715 over budget. Indications are that this improved income will continue from Building Control and that applications are continuing at a similar level to the corresponding period for the previous year.

This is supported by the actual income to date for 2016/17 which shows that Building Control is approximately £20,000 better of compared to the corresponding period for 2015/16. Early indications projecting actual income for five months and budget income for seven months show that the BC income will be at least £444,856 for 2016/17. However this is a conservative estimate as the BC income for 2015/16 was £473,062 and the target is to exceed this for 2016/17.

This is encouraging news and illustrates how resilient Building Control is. The current improved staffing arrangements has had a significant positive effect as it has enabled BC to not only to put in place organised development/training programmes for surveyors but also helped BC to place a greater focus on marketing activities for BC.

Development Control

Development Control continues to show encouraging levels of income this year. Actual income during this period constitutes 51% of the overall budget for the year of £800, 00.

The current income of £405,635 is £42,734 better that the corresponding five month period for 2015/16.

In addition projecting the five months actual with seven months budget it does appear that the DC income for the year may well come close to matching the 2015/16 record turnover.

One the biggest difficulties when recording high turnover levels is the ability to be able to match or exceed this in the following financial year. In this case DC is well on track to match and possibly exceed last year's income.

2. Equalities

Adoption of New Equalities Policy

The Equality Act 2010 places a number of duties upon the Council including the Public Sector Equality Duty (PSED). This is a wide ranging duty and proactive requirement to integrate consideration of equality and good relations into the day-to-day business of public authorities. Considering how a function can affect different groups in different ways can lead to the function having the intended effect and lead to greater equality and better outcomes. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these to be kept under review.

I am pleased to say that elsewhere on this agenda is our new updated Policy. Members will know that we have arrangements in place to deliver the work required and ensure our equality responsibilities are met. This work is supported by an Equality Framework which includes an Equality Policy. The current policy was agreed in 2011 and considerable progress has been achieved since then and therefore the policy needs updating to reflect our current position and arrangements for the delivery of our equality work.

Our Corporate Equalities Working Group of Officers continues to monitor our agreed Equalities Action plan for 2016-2020 which has the following Objectives:

Objective 1: To integrate the Council's public sector equality duty into our partnership working

Objective 2: To apply robust equality requirements in commissioning, procurement and contract management

Objective 3: To develop our capacity so that our employees have the knowledge, skills and confidence to deliver our plans

Objective 4: To improve and develop equality in our business activities.

Further reports will be made on how we progress in our plans later in the year.

3. Corporate Fraud

Three Right to Buy applications have been stopped or withdrawn since my last report, following Corporate Fraud Team intervention. The total discount saved as a result of this is approximately £233,700 and the value of retained rent revenue streams is around £137,000. In addition, another property has been recovered as a result of fraud being detected, resulting in a saving of approximately £18,000.

The team is currently engaged in a number of criminal investigations, including an active money laundering investigation linked to a Right to Buy application.

Our accredited Financial Investigator is now fully trained and able to undertake financial confiscation and cash seizure work.

Through the Internal Audit shared service, the team has provided two sessions of antifraud training to Harlow Council. These were well received and attracted positive feedback. In July, a Waltham Abbey resident was convicted of Local Council Tax Support fraud following an investigation by the Corporate Fraud Team.

A successful recruitment exercise has been undertaken and a new, fully qualified and experienced investigator is due to start on 5 September which will increase capacity to detect and prevent fraud as well as increasing income streams.

4. Legal Services

Following on neatly from the work of the fraud team I would highlight the prosecution of Natalie Ebanks for Housing Benefit fraud. This is the last one to be carried out by Epping Forest District Council, as responsibility for these specific investigations and prosecutions have been transferred by Central Government to the DWP.

Ms Ebanks of Harlow, Essex was prosecuted for eight offences of Housing Benefit fraud. She eventually pleaded guilty to all the offences shortly before the Crown Court trial due to start on 11 July 2016.

Ms Ebanks was sentenced on 23 August 2016 to a 12 month prison sentence for 7 of the offences to run concurrently and a one month prison sentence for the eighth offence also to run concurrently. There was no order to pay costs.

When claiming Housing Benefit between 2008 and 2013 Ms Ebanks failed to declare her relationship with the landlords of the properties she was renting and submitted rental agreements which were false.

She initially rented a property in Barncroft Green, Loughton which was owned by a company of which her parents were the directors. She then failed to notify us that she had moved from there to a property in Harlow. She made various false claims that she was still living in Loughton. The Harlow property was owned in fact owned by her daughter but this had not been declared to Harlow District Council. Epping Forest District Council notified Harlow DC who rejected her claim for benefit.

As a result of the offences Ms Ebanks was overpaid a total of £91,165.91 which the Council will be seeking to recover separately.

Cases such as these not only demonstrate the Council's commitment to detect fraud, it is also a good example of collaborative working with another Council to ensure that the public purse is protected.