

2. GOVERNANCE SELECT COMMITTEE

The Governance Select Committee consisted of the following members:

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

The Lead Officer was Nigel Richardson, Assistant Director Governance, Development Management.

Terms of Reference

To undertake overview and scrutiny, utilising appropriate methods and techniques, of the services and functions of the Governance Directorate;

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;

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;

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;

To establish working groups as necessary to undertake any activity within these terms of reference;

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;

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;

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

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.

The Panel scrutinised a number of issues over the last year, which included:

(i) Consultation Register 2015/16 and 2016/17 - The Select Committee received a report regarding the Consultation Register 2015/16 and 2016/17 from the Consultation Officer.

They noted that the District Council had a statutory duty to provide responsive, value for money services, in which effective public consultation and engagement was essential for the delivery of these services.

A list of consultation, planned and carried out, by the authority, was published on the website and brought to the attention of the Governance Select Committee, to meet the general duty and best practice guidelines. All the consultation and engagement exercises undertaken by the authority complied with the provisions of the Council's Public Consultation and Engagement Strategy and Policy.

(ii) Key Performance Indicators 2015/16 –Quarter 4 (Outturn) Performance - The Select Committee received a report from the Performance Improvement Officer regarding the Key Performance Indicators 2015/16 – Quarter 4 (Outturn) Performance Report.

Of the five Key Performance Indicators that fell within the Governance Select Committee's areas of responsibility, they achieved the following:

- (i) 4 (80%) indicators achieved target.
- (ii) 1 (20%) indicators did not achieve target.
- (iii) 0 (0%) indicators performed within amber margin.

(iii) The Corporate Plan Key Action Plan 2015/16 Quarter 4 (Outturn) Position - The Corporate Plan was the Council's key strategic planning document setting out its priorities over the five year period from 2015/16 to 2019/20. The priorities or Corporate Aims were supported by Key Objectives which provided a clear statement of the Council's overall intentions for these five years.

There were 55 actions in the Key Action Plan 2015/16 of which 7 fell within the areas of responsibility of the Governance Select Committee:

- (a) 6 (86%) of these actions had not been achieved at year end.
- (b) 1 (14%) of these actions had not been achieved by year end.

(iv) Equality Objectives 2012-2016 – Outturn Report and Compliance with the Public Sector Equality Duty - The Equality Act 2010 placed a number of responsibilities on the Council, including a Public Sector Equality Duty (PSED) which has regard to equality in the exercise of its functions, eliminating discrimination advancing equality of opportunity and fostering good relations between persons who shared relevant characteristics and those who did not.

In March 2012, the Cabinet agreed four equality objectives for the four years from 2012 to 2016 designed to help the Council meet the aims of the PSED. The current status of the actions was as follows:

- (a) 31 (94%) of the 33 actions had been achieved within the relevant targets.
- (b) 2 (6%) of the 33 actions had not been achieved although significant progress had been made.

(v) Review of Elections and EU Referendum – in September 2016 the Select Committee received a report regarding the Elections and EU Referendum 2016 – Lessons Learnt from the Assistant Director of Governance and Performance Management.

The report discussed the planning processes and implementation of the following elections held on 5 May 2016:

- (1) The election of a Police and Crime Commissioner (PCC) for Essex.
- (2) 21 District Council wards were involved, one was uncontested and two in one ward caused by a resignation.
- (3) 11 contested Parish Council wards.

During this period there was a national campaign for the registration deadline publicising the opportunity of registering online. It was advised that the Electoral Commission publicity campaign confused many voters into thinking that they needed to re-register. Staff therefore had to undertake many hundreds of unnecessary deletions of duplicate registrations.

All of the local election papers for May were printed by the Council's Reprographics Section which again provided excellent service. Papers for both the PCC election and EU Referendum were printed externally, with no problems. All books were hand checked.

The use of a commonly used name for the same candidate in two wards had not been picked up at ballot paper draft and checking stages. Ballot papers were printed and postal votes despatched before the error was spotted. Officers had subsequently reviewed the checking process.

The Select Committee was advised that:

- (a) 8,700 postal packs were sent out for May, 250 of these had an issue error and were re-issued. 5,874 packs were returned and counted, a 67.5% return rate.
- (b) 10,200 postal packs were sent out for the EU Referendum, 1,500 more than May. A further issue of 1,850 were sent out over a week later. 11,069 were returned and counted, a 91.9% return rate.

At both elections all polling stations opened on time and operated all day without problem. The entire District's polling stations were operational for both the May and the June events. The Elections Office was busy on both days (22/23 June) as many callers needed advice on the voting process.

Future elections:

In May 2017 there would be County Council elections only. In May 2018 there were solely District elections. Lessons learnt would be fed back into the process for next year which would be beginning shortly. It was advised that in 2020 the district had scheduled quadruple elections, Parliamentary, PCC, District and Parish.

The Electoral Commission had recently published their reports into the May and June events as part of their recommendations they raised the issue of elections scheduled for May 2020. As indicated earlier, that year would see Local District and Parish elections combined with PCC and a Parliamentary election based on the new constituency boundaries. Apart from being a challenge to deliver, it would be potentially confusing for the voter due to the different franchises for each election and different voting systems as well.

(vi) Key Performance Indicators - Quarterly Progress – the Committee reviewed the Key Performance Indicators relevant to their Select Committee on a quarterly basis.

(vii) Corporate Plan Action Plan Progress Quarterly Progress – the Select Committee received quarterly updates on the Council's corporate action plan pertaining to their area of responsibility.

The Select Committee received the Annual Equality Information Report 2016 from the Performance Improvement Officer.

(viii) Annual Equality Information Report 2016 - The Equality Act 2010 required that authorities subject to the public sector equality duty publish equality information annually to demonstrate compliance with the duty. The Council published its last equality information report in September 2015, this report set out progress made since then, to improve the Council's services and employment practices for people with protected characteristics.

The Equality Act 2010 required that public bodies, including the Council had due regard to the need to:

- (a) Eliminating unlawful discrimination, harassment and victimization.
- (b) Advancing equality of opportunity between different groups.
- (c) Fostering good relations between different groups.

The equality duty covered age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

(ix) Essex County Council Highways Presentation – In January 2017, the Committee received a presentation from the Strategic Development Engineer and the Strategic Development Manager from the Transportation, Planning and Development Team at Essex County Council Highways in the role of Essex County Council as Highway Consultee.

Because of the amount of interest shown beforehand, this meeting was webcast.

The Transportation, Planning and Development team were based in County Hall, Chelmsford and consisted of Engineers and Officers who covered twelve districts within Essex. Essentially they were there to protect the safety and efficiency of the highways network.

Their role was to provide responses to planning applications as a statutory consultee to both, Local Planning Authorities and Essex County Council as the Waste and Mineral Planning Authority. It was also to protect the safety and efficiency of the highway network and to promote the use of sustainable travel.

(See Case Study for full details)

Case Study: Essex County Council Highways Presentation

The Committee received a presentation from Matthew Lane, Strategic Development Engineer and Matthew Bradley, Strategic Development Manager from the Transportation, Planning and Development Team at Essex County Council Highways in the role of Essex County Council as Highway Consultee. Mr Lane advised that they were invited to the Select Committee to give a brief overview of the work that they were responsible for within the County.

The Transportation, Planning and Development team were based in County Hall, Chelmsford and consisted of Engineers and Officers who covered twelve districts within Essex. The work they dealt with varied and could be anything from a vehicle crossover on an unclassified road to thousands of houses as part of the Local Plan strategic site allocations, the work could be very varied and on a huge scale. They were there to provide a statutory response as a consultee to all the local planning authorities within Essex. They also respond to the Essex County Council Waste and Mineral planning authority which deal with quarries and schools. Essentially they were there to protect the safety and efficiency of the highways network.

Their role was to provide responses to planning applications as a statutory consultee to both Local Planning Authorities, Essex County Council and Waste and Mineral Planning Authority and to protect the safety and efficiency of the highway network and to promote the use of sustainable travel.

EFDC would consult the Strategic Development Department with an application. It was then the responsibility of the team to look through the application in detail and either contact EFDC for more information or if there was sufficient information to determine the application within 21 days of receipt.

When considering an application, for the majority of proposals, a site visit would need to be arranged and to take into consideration, if the site had previously been considered and there were no changes then the decision would remain as previously determined and a site visit would not be needed.

Depending on the scale of the proposal a transport assessment would be required for 50 or more residential dwellings, to take into consideration the junction impact, site access and sustainable travel in the area. The applicant would employ transport consultants to produce a TA and they would conduct a traffic count and speed data and model the impact of the assessment. ECC would assess the modelling and check that it was done within industry standards. That could then lead on to

sustainable travel considerations especially where people want to reduce their vehicle movements and there could be better bus services, good footways and cycle route connections.

They consult with a variety of other departments within the Highway Authority for example Passenger Transport and Public Rights of Way to see if traffic calming can be implicated and yellow line provision in developments. Internal roads would be checked with the Essex Design guide making sure they were fit for purpose. They also check that new dwellings comply with the Parking Standards, unfortunately they have a different view to the districts and boroughs view regarding the Parking Standards as they have to look at it as highway safety not as the loss of parking.

Once they had investigated and completed an application they would then make their recommendations which would consist of one of the following responses:

- a) From a highway and transportation perspective the Highway Authority had no comments to make on the proposal;
- b) From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:
 - Must accord with both National and Local Planning Policies; and
 - Conditions/Works to mitigate the impact of the development;
- c) From a highway and transportation perspective the impact of the proposal is not acceptable to the Highway Authority for the following reasons:
 - Contrary to both National/Local Policies;
 - Safety Issues – evidence based;
 - Unable to mitigate the impact of the development.

Frequent Highway Misconceptions

Perceived traffic impact and speed – they do not look to assess impact until there were over 50 dwellings as anything smaller would not impact on the highways. If there was a safety measure then they would look at the application.

Residential amenity – was a planning issue and the planners would take this on board.

Pre-existing safety and congestion issues – we would not be able to refuse this as it was the lawful use of that site. The same with congestion at a junction if nothing could be done to improve it then they wouldn't be able to refuse,

Personal circumstances – they could not take personal circumstances into account.

Additional Responsibilities

Applicants went to them for Pre-Application advice, although they could not determine the application they did advise them on what they needed to do and what they needed to see as part of that application.