

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON TUESDAY, 8 SEPTEMBER 2009
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 10.05 PM**

Members Present: Mrs L Wagland (Chairman), K Chana (Vice-Chairman), A Boyce, M Colling, Mrs A Cooper, R Frankel, Mrs C Pond, Mrs P Richardson, H Ulkun and J M Whitehouse

Other members present: Mrs A Grigg, J Knapman and Mrs M Sartin

Apologies for Absence: Mrs A Haigh and J Hart

Officers Present D Macnab (Deputy Chief Executive), J Preston (Director of Planning and Economic Development), J Kershaw (Assistant Director (Building Control)), R Sharp (Principal Accountant) and M Jenkins (Democratic Services Assistant)

16. SUBSTITUTE MEMBERS

It was noted that Councillor J Whitehouse had substituted for Councillor Mrs A Haigh.

17. DECLARATIONS OF INTEREST

Councillor Mrs A Cooper declared a personal interest in item 8 of the agenda, Birchwood Estate Fire, by virtue of being a ward member for Nazeing.

18. NOTES FROM THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 8 June 2009 be agreed.

19. TERMS OF REFERENCE

The Panel were advised of the following:

Item 7 – “Reviewing Measures to Improve Performance within Development Control, namely:

- The “Hit Squad”
- Service Restructure
- New IT System
- Application of the Planning Delivery Grant”

had been removed from the Panel’s Terms of Reference.

Item 12 – “Report to the Overview and Scrutiny Committee at Intervals and Submit an Interim on Development Control in the June 2008 cycle” was yet to be completed. A report would be made to the forthcoming Overview and Scrutiny Committee

together with an update on the discussions surrounding the fire at the Birchwood Estate, Nazeing.

20. WORK PROGRAMME

Item 1 - East of England Plan

The Panel was advised that the current East of England Plan was incomplete, because the District Council were awaiting the results of a legal challenge to the Plan from a number of local authorities. East Hertfordshire Council were holding a public consultation on its review of the East of England Plan which was being brought before the Overview and Scrutiny Committee before being reported to the Cabinet. There was also a legal challenge to the Gypsy and Traveller Consultation from St. Albans City and District Council.

Item 2 - Traffic Issues Roydon and Nazeing

It was suggested that the traffic issues in the Roydon and Nazeing areas should be referred to the Local Highways Panel for discussion. The Chairman requested that the report submitted to the Panel should be accompanied by a strongly worded letter regarding the on-going traffic problems.

Councillor Mrs M Sartin was concerned about the forthcoming planning application submitted to Hertfordshire County Council regarding the Dobbs Weir Quarry. She said that there was no freight strategy regarding Nazeing New Road. Councillor J Knapman informed the Panel that he would take up traffic issues in Roydon and Nazeing in his capacity as an Essex County Councillor, he would speak to the County Highways and Transportation Portfolio Holder. He asked for a letter to be addressed to himself, from the Panel, so that he could raise it at the forthcoming Essex County Council Full Council meeting, D Macnab, Deputy Chief Executive, agreed that he would draft the letter on behalf on the Chairman of the Panel.

RESOLVED:

That D Macnab, Deputy Chief Executive, draft a letter on behalf of the Chairman of the Planning Services Scrutiny Standing Panel, to County Councillor J Knapman regarding traffic issues in Roydon and Nazeing.

Item 3 - Provision of Value for Money within Planning Services

J Preston, Director of Planning and Economic Development, reported that the Value for Money report had not been completed. R Sharp, Principal Accountant, advised that the CIPFA Planning Statistics (not included on the Panel's agenda, but to be part of the Value for Money report) went back 5 years and currently only included around half of the Essex County's District Councils, due to a lack of response.

Item 6 - Meeting of Chair and Vice Chair of Planning Committees

The Chairmen and Vice Chairmen of the Area Planning Committees had met in February 2009. They were due to meet again in September. Councillor Mrs L Wagland requested that the action points from the noted meeting be acted upon prior to the next.

Item 7 - Update on Gypsy and Traveller Consultation

The Local Development Framework Cabinet Committee were meeting on Thursday 10 September with a report concerning the Gypsy and Traveller Consultation.

Item 8 - Report from Corporate Support Services on Performance at Planning Appeals

The Panel were advised that a meeting was to be arranged, with the Chairman in attendance, to elucidate the Council's performance at planning appeals.

Members felt that there should be councillor representatives participating in planning appeals. The Chairman felt that more member training was required, particularly around the employment of correct terminology, Councillor Mrs A Grigg advised that councillors can attend public enquiries regarding planning matters, they could register to speak at the enquiries, ask questions of officers present and attend site meetings as well.

Item 10 - Additional Senior Officer Post (Enforcement)

The Panel was advised that this report was deferred to a future meeting of the Panel.

Item 11 - Route of a Planning Enforcement Investigation.

The Panel was advised that this report was deferred to a future meeting of the Panel.

New Item

The Chairman advised that there would be an extra item on the Panel's Work Programme. The Overview and Scrutiny Committee on 3 September 2009 had agreed to refer a report on Officer Delegation – Planning Applications: Comments by Town and Parish Councils to the Planning Services Scrutiny Standing Panel.

21. BUILDING CONTROL

The Panel received a report from Mr J Kershaw, Assistant Director of Planning and Economic Development (Building Control).

The Building Control Service was part of the Planning and Economic Development Directorate providing a number of services. The main functions of the Building Control Service were:

- **Full Plans Applications** – Detailed applications submitted to the Council under the building regulations. The Council must determine an application within a legally prescribed timescale or the application would become "deemed approved."
- **Building Notices** – Notifications to the Council, under the building regulations, of intentions to carry out building work.
- **Inspections** – Inspection of building work through the construction stages from commencement to completion. The builder had a statutory responsibility to notify the Council at specific stages of construction, although Council officers may inspect at any stage.

- **Contraventions** – Related to enforcement action securing compliance with the building regulations in terms of building work not complying with approved plans and building regulations. Also where an appropriate full plan or building notice had not been received with work carried out.
- **Initial Notices** – A person carrying out building work may, as an alternative to the Council, choose to use an Approved Inspector. In these circumstances, two main areas of responsibility remained with the Council. Firstly to ensure that an Initial Notice setting out details of the project and the Approved Inspector had been submitted and secondly, where an Approved Inspector had identified a contravention of building regulations in the work under his control, and had been unable to resolve the matter. The building work was handed back to the Council, as the authority, of last resort to carry out enforcement action.
- **Demolitions** – Persons intending to carry out the demolition of a building were required to give the Council six weeks notice of the intended date of commencement. The Council may, by notice, require the demolition of the building taking into account specific matters.
- **Dangerous Structures** – The Council were empowered, under the Building Act, to deal with dangerous buildings and structures. If informal measures were unsuccessful the individual concerned may apply to a court for an order requiring the danger to be remedied. In more urgent cases the powers allowed appropriate emergency action to be taken.
- **Access for Disabled People** – In addition to ensuring the building regulation requirements were complied with, the Building Control Service also provided the role of Access Officer, regularly meeting with the Epping Forest Access Group to promote improved standards of access and facilities for disabled people in the District.

The main direct users of the Building Control Service were property developers and their architects seeking approval to proposed building developments, builders and owners of building work in the constructional stages from commencement to completion.

The Building Control Team

The Building Control Team had an establishment strength of 12 Full Time Engineers with 9 staff in post, of these, 2 were consultants. In addition to this, a Senior Building Control Surveyor was on maternity leave until December. At present the team functioned with the equivalent of 6.8 full time posts.

Budget

The Building Control Service divided financially into two main areas, Fee Earning and Non Fee Earning. Under the Building (Local Authority Charges) Regulations 1998 the Council was authorised to fix a scheme of charges in connection with the performance of its functions under the Building Regulations. Income from the charges should be sufficient to meet the costs of the service provided and must always meet the cost over any three year rolling accounting period.

The revised outturn for 2008/09 showed a surplus/deficit of zero. The £15,000 deficit brought forward from 2007/08 needed recouping over a 3 year rolling cycle. The Cabinet had recently agreed to a fee increase of 8%. The Building Control ring fenced account eventually ended up with a loss of £10,451 for 2008/09, which added to the deficit rolled over from the previous year gave a shortfall to be found in 2009/10 of £25,000. It was estimated that savings or additional income of around £50,000 was needed for this year, to ensure that the ring fenced account will break even, based on the current position.

Staffing

With professional/technical staffing levels at just over 50% of full establishment and little or no response to national advertisements of vacancies, service performance was inevitably effected. External consultants could do some work but even with this assistance only a very basic level of service was being provided. There were also consequential effects upon staff in terms of their ability to meet required Continuing Professional Development programmes and the level of pressure and stress they were being expected to work under.

Previously in 2003/04, when the surveyors were 50% understaffed, the then Assistant Head of Planning Services made decisions on the best use of remaining resources. This meant that all full plans applications were vetted by external agencies. This led to a greater cost to the Council than if the applications were checked in house and also to a dilution of knowledge within the Building Control Section.

The extension of the Approved Inspector Regulations, permitting the private market across the full range of building work, had seen an increase in loss of market share. Higher fee earning work, large scale developments and commercial work for the larger chain stores had been lost to Approved Inspectors.

Members asked why the District Council was losing potential work. J Kershaw advised that an Approved Inspector could decide how much potential work would cost by vetting the plans. There was no level playing field with private inspectors, they could undercut the Council. Councillor K Chana advised that some builders were incompetent and required perhaps 50 visits from an inspector, it was thought that builders should be licensed. However J Kershaw said that they limit themselves to 10 visits per site and following this will approve a site. It took from 5 to 8 weeks to determine an application, it was deemed approved, they can build based on plans only.

There were concerns about staffing levels, Building Control Surveyors had particular skills, other types of surveyor would need to be trained. Mentoring new staff would cause experienced staff to be diverted from other work.

The Chairman asked for a further report on Building Control to be re-submitted to the Panel with particular focus on the possibility of shared services or joint commissioning with other neighbouring contractors.

RESOLVED:

That a report on Building Control be submitted to the panel focussing on using shared services and/or joint commissioning with neighbouring contractors.

22. BIRCHWOOD ESTATE FIRE

The Panel received an update from D Macnab, Deputy Chief Executive, regarding the fires at the Birchwood Estate, Nazeing. The issue had been discussed by the Panel in June 2009 and they had referred it to the Safer, Cleaner, Greener Scrutiny Standing Panel for discussion with a request that the Planning Scrutiny Panel receive an update on the matter. The notes from the Safer, Cleaner, Greener Panel meeting were attached to the agenda for this meeting, as was a letter from the District Council and concerned agencies to residents effected by the fires plus a suggested Questions and Answers leaflet to the residents. The Panel was advised that the letter had been dispatched to 2000 households, however only 1 response had been received by the District Council.

Officers had made unannounced visits to the site, there were no reports of materials being taken on the site. To deal with security, fencing had been put around the site, which was nearing completion. Members agreed for a joint report to be made to the Overview and Scrutiny committee, regarding the outcome of the two Panel meetings.

Councillor Mrs A Cooper was concerned that there were significant health and environmental problems posed by the site. Officers advised that everything possible had been done by the District Council, however there was concern that current legislation was inadequate.

It was noted that a public petition had been received in response to the situation and was being dealt with in accordance with the District Council's petitions procedure. It was important to remember what legislative parameters the District Council could work within.

RESOLVED:

That a joint report be put before the Overview and Scrutiny Committee from the Planning Services Scrutiny Standing Panel and the Safer, Cleaner, Greener Scrutiny Standing Panel, regarding the outcomes of their discussions concerning the situation at the Birchwood Estate, Nazeing.

23. IMPROVEMENT PLAN

The Panel received the updated Planning and Economic Development Improvement Plan.

1. Review the measures used within Planning and Economic Development to ensure that staff are maximising the performance of the Directorate.

- **Ensuring that processes were in place to implement the Corporate Performance Management Framework to include:**
- **Development of Key Cabinet Objectives – completed February 2009.**
- **Production of a Directorate Business Plan 2009/10 – completed April 2009.**
- **Identification of Key Performance Indicators for inclusion in the Council's KPI for 2009/10 – Partially completed.**

- **Production of Action Plans for Key Performance Indicators.**
2. Develop and promote a set of service standards for Planning and Economic Development, outlining the minimum levels of service that external and internal customers would receive.
 - **Postholder had left, a new postholder had been appointed, but was yet to commence work.**
 3. Check the effectiveness of the channels of communication used to ensure that all staff are aware of service priorities and quality standards.
 - **All planning staff had been consulted regarding the Development of the Service Business Plan. The Staff Survey was due for completion by June 2009.**
 4. Improve the mechanisms for regular on-going feedback from users on the quality of service they have received.

Ensure officers with the appropriate level of responsibility act upon complaints.

 - **Officer group within Planning to be established to review Customer Services Issues and recommend areas for improvement – completed.**
 - **Refresh training on Customer Complaint handling to be undertaken – limited action.**
 5. Improve ownership of problems and accountability amongst the Senior Management Team within Planning and Economic Development.
 - **Partially achieved through successful recruitment of one Assistant Director.**
 6. Implement appropriate measures to raise morale and increase staff motivation in achieving service improvements.
 - **It was possible for a staff newsletter to improve awareness, however there has been limited action on this.**
 7. Develop a systematic approach to workforce planning to address recurring recruitment and retention difficulties.
 - **The previous Workforce Development Plan was being updated.**
 - **The recruitment procedures had been reviewed, so there was an essentially up to date package of information open to staff that can be used to quickly commence appropriate recruitment campaigns.**
 8. Improve the standard content, presentation and consistency of reports to Development Control, Planning Standing Panel and Area Sub Committees.
 - **Meet regularly with the Chairmen and Chairwomen of the planning committees – partially completed. Next meeting is overdue.**

9. Review the Corporate Planning protocol with respect to dealing with applicants, agents, developers and the local business community to ensure that the highest standards of probity and governance are achieved.

- **The Planning Protocol reminded staff and assured the public that officers and members had codes of conduct, professional requirements, financial training and various registers of interest. In May 2009 the review was cut to consultation with reports to the Constitution and Member Services Panel in July 2009.**

10. Implement practical measures to improve the public perception and reputation of the Council's Planning Service, particularly with respect to high profile/controversial applications and enforcement action.

- **Instigation of regular reporting on enforcement performance to members and publicise the outcome of action more widely – partially completed.**

11. Take positive action to raise confidence amongst elected Members of the Council with respect to the performance of the service area.

- **Better communication of the successes of the directorate was needed.**

12. Routinely review costs for the different elements of the service, set challenging targets for improved performance and implement effective monitoring arrangements.

- **The Panel had considered costs, further one off reviews were planned.**
- **Challenging targets already existed and the monitoring of these had been audited and acceptable.**
- **New Business Manager would need to be significantly involved in these.**

13. Ensure that there is a clear focus on the actions contained within the improvement plan by all senior staff within Planning and Economic Development and that priority is given to delivery.

- **The monitoring of the Improvement Plan at Directorate Senior Management Team Meetings and providing updates at the scrutiny standing panels has been fully achieved.**

24. BEST VALUE REVIEW

The Panel was informed that the Best Value Review update was not yet completed. It should go before a future meeting of the Panel.

25. STAFFING UPDATE

The Panel received an update on the current staffing situation within Planning and Economic Development.

One of the Assistant Director's Posts had now been filled by Mr N Richardson, former Principal Planning Officer. The Assistant Director (Conservation) had been filled by

Ms Cassandra Polyzoides who was starting on Monday 14 September. The Business Manager post had been filled by a Mr Peter Millward who would be starting in early November 2009. It was announced that the Environment Co-Ordinator Miss Lisa Ingwall would be leaving, her post would be advertised externally. The whole exercise for recruiting for the Assistant Director posts cost £9,000, although most of this had been expended on advertising. J Preston informed the Panel that they had used Hayes Recruitment for recruiting for the Assistant Director (Conservation).

26. ANY OTHER BUSINESS

There was no other business.

27. DATES OF FUTURE MEETINGS

The next programmed meeting of the Panel was scheduled for Tuesday 10 November 2009 and then on:

Tuesday 5 January 2010 at 7.30p.m.;
Thursday 11 February 2010 at 7.00p.m.; and
Tuesday 27 April 2010 at 7.30p.m.