

Report to the Council

Committee: Cabinet

Date: 28 September 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. Electoral Registration and IER progress update

On 13 July the Council commenced the annual electoral canvass under the second year of its transitional arrangements for Individual Electoral Registration (IER). Unlike last year when the government had allowed arrangements to apply where if a previously registered elector matched information retained by the Department for Work and Pensions (DWP) the authority could automatically register them, this year the process requires true individual responses from all households.

Progress with returns under the new system in place has proved to be slow. At the time of compiling this report 78% of Households had responded leaving 12,200 households still to return their forms. It is likely that greater effort will be required to ensure residents are appropriately registered by the December 2015 cut-off date.

The government have now decided to move the end of IER transitional arrangements forward to December 2015 rather than 2016. This has two consequences: (1) people not responding to the new process will be removed from the register in December; and (2) it is thought that no further government funding will be made available to offset the additional costs of this new process to the Council.

Officers are compiling information about the likely ongoing costs of IER without Government financial support and a report will be made to Cabinet at the conclusion of the canvass.

2. Webcasting goes HD

Following the completion of the new Webcasting Contract, from October 2015, the Council's meeting will be webcast using new HD technology. Work will be undertaken to the Council chamber to upgrade equipment and provide a fourth camera position. New portable equipment will also be leased to provide off-site meetings with the same quality of output. The Council's webcast viewership remains at over 55,000 per year which opens up the Council's working to a wide cross section of the community.

3. Corporate Fraud Team

The Corporate Fraud Team is now up and running consisting of a Senior Fraud Investigator (who reports to the Chief Internal Auditor) and two Fraud Investigators, with a vacancy for a third.

Earlier this year Epping Forest District Council prosecuted two individuals for their respective roles in a fraud against the council involving the Right to Buy scheme. Part of the case involved the council taking action under the Proceeds of Crime Act (POCA) to claw back the total discount plus any further monies deemed to be proceeds of crime. The POCA order was discharged at the beginning of July with Epping Forest District Council receiving over £88,000. This is a significant case, not only for the council but for social housing fraud in general and it has attracted national interest including being used as an example for a national housing fraud strategy.

Between April and August 2015 the Corporate Fraud Team has:

- recovered seven properties as a result of discovering issues with the tenancies (not living there etc.)
- stopped eight Right to Buy (RTB) applications (including one which ended with the tenant giving the property back). These were stopped / withdrawn as a result of investigator intervention at an early stage identifying problems and potential fraud
- stopped one housing application at an early stage due to the discovery of fraud within the application process, and
- currently five criminal prosecutions in the various stages of being prepared (four relate to RTB applications and one is a sublet).

4. Development Management

Building Control Income

Building Control budget is £386,000 with year to date (5 months) income of £198,934.

As a result income is currently £23,594 over budget and indications from Building Control are that applications are continuing at a similar level of approximately 700 applications to the corresponding period for the previous year.

On that basis Building Control may well end the year with income around £415,000.

This is encouraging news which consolidates Building Control performance which for the last seventeen months has either matched or slightly exceeded budget.

Development Control Income

Development Control continues to show encouraging levels of income this year.

The current income of £360,398 (at 5 months) compares favourably with the overall yearly budget of £595,000. Applications received are currently at about 1300 which is slightly up on this time last year.

I expect that DC should turnover at least £737,248 for 2015/16 although if current trends continue it should exceed last year's total of £813,000.

Income Summary

Both DC and BC 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 are being carefully monitored and whilst there has been a very small increase in costs as a result of the additional applications this is being offset by some document management savings. Obviously, with income being higher, workload too is at a high level,

putting a strain on planning resources ability to cope and meet deadlines. This is being carefully monitored.

General

On 31 August 2015 a planning policy statement on Green Belt protection and intentional unauthorised development was issued by Steve Quartermain, Chief Planner of DCLG.

It sets out changes to national planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. It is particularly concerned about the harm caused in the Green Belt and therefore the Planning Inspectorate will monitor all appeal decisions involving unauthorised development over the next 6 months.

There is no further advice at this stage, although most of the background to the policy statement relates to unauthorised traveller encampments, particularly in the Green Belt and it may have been prompted by the 'house hidden by straw bales' case, but otherwise the new policy seems to be of general application. On the face of it, it makes 'intentional unauthorised development' a material consideration in the determination of **all** new planning applications and appeals after 31/08/15, including retrospective planning applications. The statement does not give any indication how much weight should be given to intentional unauthorised development in relation to other material considerations, or indeed to the provisions of the Local Plan.

Finally, the government's criteria for assessing local planning authority performance has been revised. The minimum performance threshold for the speed of decisions determined on time (either by 13 weeks or within an extended period beyond as agreed in writing by the applicant from when an application is deemed valid) for Major type planning applications has increased from 40% to 50%. The threshold for appeal performance on Majors continues to be 20% being overturned (allowed) at appeal. The assessment period for this measure is based on two years performance and failure to achieve either of these, will result in designation whereby Major applications will be made direct to the DCLG for determination. It is monitored by quarterly statistic returns to the DCLG and so far, only one local planning authority has been designated. Our performance is above this threshold in respect of the planning applications and below in respect of appeal performance.

5. Legal Services

Lexcel is the Law Society's legal practice quality mark for excellence in legal practice management and client care. It provides a flexible, supportive management framework to help practices and in-house legal departments develop consistent operational efficiencies and client services, manage risk effectively and reduce costs.

This Council has been accredited for many years but requirements are refined and improved over time. A Full Inspection is carried out every 3 years with a lighter touch review in the intervening years.

On 2/9/15 a full inspection was carried out by an independent Inspector which involved meetings with senior managers, fee earning staff and legal support staff over the period of one day.

I am pleased to report that the Inspector has recommended we retain Lexcel. He commented that it was difficult to fault the application and was impressed by the staff he met and interviewed. He made one or two suggestions to improve our processes –eg a register

of the procedures we have developed –which we will consider and implement where appropriate.

Much credit is due to the hard work of the legal team who develop, implement and review the necessary policies and procedures throughout the year to satisfy the increasingly testing requirements of Lexcel.

In particular Ruth Rose, the Council's Senior Lawyer has led the work keeping up to date with the changing requirements to ensure we were fully prepared.

The recommendation must now be considered by the Law Society which will take a few weeks. I will confirm to Members the formal outcome in due course.