

4. NEIGHBOURHOODS SELECT COMMITTEE

The Neighbourhoods Select Committee consisted of the following members:

Councillor N Bedford (Chairman)

Councillor H Brady (Vice Chairman)

Councillors N Avey, R Baldwin, L Hughes, J Jennings, R Morgan, S Neville, A Patel, C P Pond, B Rolfe, M Sartin, G Shiell, E Webster and J H Whitehouse

The Lead officer was Derek Macnab, Director of Neighbourhoods and Deputy Chief Executive.

Terms of Reference

General

1. To undertake overview and scrutiny, utilising appropriate methods and techniques, of services and functions of the Neighbourhood Directorate and excluding those matters within the remit of the Audit and Governance Committee, the Standards Committee or the Constitution Working Group;
2. To consider any matter referred to the Select Committee by the Overview and Scrutiny Committee;
3. To keep under review:
 - (i) *Environmental enforcement activities;*
 - (ii) *Waste management activities; and*
 - (iii) *Leisure Management*
 - (iv) *Local Plan Scrutiny*
4. To respond to applicable external consultations as appropriate;
5. To establish working groups as necessary to undertake any activity within these terms of reference;
6. To identify any matters within the services and functions of the Neighbourhoods Directorate that require in-depth scrutiny and report back to the Overview and Scrutiny Committee as necessary;

Performance Monitoring

7. To undertake performance monitoring in relation to the services and functions of the Neighbourhoods Directorate, against adopted Key Performance Indicators and identified areas of concern;

Environment

8. To monitor and keep under review the Council's progress towards the development and adoption of a corporate energy strategy / environmental policy and to receive progress reports from the Green Working Party.

9. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract;

Leisure

10. To monitor and keep under review leisure management matters and in particular the procurement of the Leisure Management Contract.

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

(i) **Regular Updates on the Local Plan** – Throughout the year the Committee received regular updates on the development of the Council's Local Plan when they received reports from the officer in charge and had the chance to scrutinise the progress made and identify any obstacles that were encountered.

(ii) **Key Performance Indicators 2015/16 - Quarter 4 (Outturn) Performance** – in June 2016 the Committee considered the quarter 4 outturn report for the Key Performance Indicators for the previous year (2015/16). The Committee noted that as part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives, are adopted each year by the Finance and Performance Management Cabinet Committee. Performance against the KPIs was monitored on a quarterly basis by Management Board and Overview and Scrutiny to drive improvement in performance and ensure corrective action was taken where necessary.

Twelve of the Key Performance Indicators fell within the Neighbourhoods Select Committee's areas of responsibility. The overall position with regard to the achievement of target performance at the end of the year for these indicators, was as follows:

- (a) 7 (58%) indicators achieved target;
- (b) 5 (42%) indicators did not achieve target; although
- (c) 1 (8%) indicator performed within its tolerated amber margin.

The committee went on to review each indicator that looked to be not on target and to question any inconsistencies that they came across.

(iii) **Corporate Plan Key Action Plan 2015/16 – Quarter 4 (Outturn) Position** – Again in June 2016 the Committee received a report on the quarter 4 outturn position of the Corporate Plan Key Action Plan for 2015/16. 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 are supported by Key Objectives, which provided a clear statement of the Council's overall intentions for these five years.

20 actions fell within the areas of responsibility of the Neighbourhoods Select Committee. At the end of the year:

- 11 (55%) of these actions have been achieved; and
- 9 (45%) of these actions have not been achieved by year end.

(IV) Environmental Charter Objectives - The report on the Councils Environmental Charter and objectives was introduced by the Environmental Co-ordinator. In November 2015 the Neighbourhood and Community Services Select Committee had agreed that a draft environmental charter and action plan should be developed to replace the existing Climate Change Policy. It was further agreed that it should be brought back to the Select Committee for comment and agreement.

The outcome of these discussions was considered at the Green Working Party (GWP) on 7 December 2016 when it was agreed that the charter and action plan should be modelled on the 'Climate Local' methodology. This looks at various environmental commitments for a local authority and breaks them down into broad areas, such as Finance, Energy, the Natural Environment, etc. Within each area, suggestions are made for environmental commitments and associated actions. These documents now follow the format of Climate Local methodology but have been tailored to EFDC requirements.

The Environmental Charter was an overarching document to explain what we as EFDC (and the GWP) feel are our main commitments to the environment as the area leader.

The 'Commitments and Actions' was a document to demonstrate ways in which we were fulfilling our Charter. It was broken into three main headings with broad actions under each heading. The broad actions will then be supported by specific actions from the GWP work plan. Once actions have been completed they can be added to this document as a record of what has been achieved. In this way the work plan can be the "working document" which changes; supporting the overall commitments and actions document.

(v) Consultation Report on M11 Junction 7a and Widening of Gilden Way - The Committee received a late report on the ECC consultation on the M11 junction 7A (and widening of Gilden Way). They noted that Essex County Council was currently consulting on the provision and design of a new junction 7A on the M11, and the related widening of Gilden Way. This consultation followed several years of work by the County Council in assessing various options to improve congestion, and also in assessing possibilities for junction 7A design and location. A number of exhibitions would be going around the district.

The project also creates a spur going nowhere at present. This was to future proof the scheme but officers were unconvinced about this spur on the consultation. EFDC Members have previously raised concerns over the timing of the 'future-proofing' spur and roundabout which form part of Essex County Council's proposals. It was suggested that the Council included these concerns in its response, suggesting to Essex County Council that the phasing of delivery for these elements would need to be determined by the individual Districts' Local Plans, which were not yet available.

(vi) The Surface Water Management Plan for Loughton, Buckhurst Hill and Theydon Bois – In September 2016 the Select Committee received a presentation on the surface water management for Loughton, Buckhurst Hill and Theydon Bois from officers from Essex County Council and Capita.

Officers from the Council's Engineering, Drainage and Water Team had been working with Essex County Council's Flood Team, consultants and other stakeholders in producing a Surface Water Management Plan (SWMP) for Loughton, Buckhurst Hill and Theydon Bois. The plan outlined the predicted risk and preferred surface water management strategy for these areas. Surface water flooding

described flooding from sewers, drains, groundwater and run off from land, small watercourses and ditches that occurred as a result of heavy rainfall.

(See Case Study for details)

(vii) Fly Tipping – Enforcement and Clearance - The select committee received a verbal update on the Enforcement and Clearance of Fly Tipping from the Environment and Neighbourhoods Manager.

There were two main issues facing the authority in respect of fly tipping; the first was small scale disposal, often involving a single black rubbish bag and could be put down to mis-management. The second was large scale fly tipping which was frequently associated with professional tippers who worked for profit, this was a criminal activity that was hard to tackle and difficult to catch those responsible.

The solution was to attempt a reduction in fly tipping using enforcement signs, education and fines. Signs or notices could be stuck to black bags. The Environment Team were committed to the task; the Environment Agency only took on the largest cases which meant that this authority handled a great deal, probably 99% of all cases.

There had been recent changes in Government legislation including Fixed Penalty Notices which could impose £200 fines. The income from this could be used by local authorities. The enforcement technology was also improving, CCTV was one example.

(viii) Key performance Indicators 2016/17 Quarterly Performance - The Committee reviewed the Key Performance Indicators relevant to their Select Committee on a quarterly basis.

(ix) Corporate Plan Key Action Plan 2016/17 – Quarterly Performance - The Select Committee received quarterly updates on the Council's corporate action plan pertaining to their area of responsibility.

(x) Chigwell Neighbourhood Plan – The Select Committee considered the Council's response to the Draft Chigwell Neighbourhood Plan. It needed to be broadly in conformity with the Council's own Local Plan and had to meet certain basic conditions.

Chigwell Parish Council had published its Draft Neighbourhood Plan for a period of formal public consultation.

The examination process was 'light touch' and considered a limited number of matters. However, in order to pass examination a Neighbourhood Plan must comply with the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. The plan met the basic conditions if:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it was appropriate to make the plan;
- b) The making of the plan contributes to sustainable development;
- c) The making of the plan was in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and

- d) The making of the plan did not breach, and is otherwise compatible with, EU obligations and human rights requirements.

(xi) Environmental Charter and Objectives – In November 2016 the meeting reviewed the report updating them on the progress of the Environmental Charter. It was noted that the development of an Environmental Charter and associated action plan was added to the Green Working Party's (GWP) work programme. Over a period of months the GWP developed the Charter and associated 'commitments and actions' and these were agreed by this Select Committee at its meeting on 28 June. The Select Committee recommended the Charter to the Cabinet and asked to receive an annual report on the progress of the Charter against its action plan.

Case Study: The Surface Water Management Plan for Loughton, Buckhurst Hill and Theydon Bois

In September 2016 the Select Committee received a presentation on the surface water management for Loughton, Buckhurst Hill and Theydon Bois from L Shepherd of Essex County Council and C Despins from Capita.

Officers from the Council's Engineering, Drainage and Water Team had been working with Essex County Council's Flood Team, consultants and other stakeholders in producing a Surface Water Management Plan (SWMP) for Loughton, Buckhurst Hill and Theydon Bois. The plan outlined the predicted risk and preferred surface water management strategy for these areas. Surface water flooding described flooding from sewers, drains, groundwater and run off from land, small watercourses and ditches that occurred as a result of heavy rainfall.

A four phase approach had been undertaken in line with Defra's SWMP technical guidance for 2010. The areas identified as being at significant risk had been placed into Critical Drainage Areas (CDAs) of which a total of seven CDAs had been identified. For each site, specific measures had been identified that could be considered in helping reduce the risk of surface water flooding. The process established a long term action plan for the County Council, District Council and other flood management authorities to assist in their roles under the Flood and Water Management Act 2010.

These areas were the first within Epping District subject to a SWMP, because:

- (a) Defra's National Rank Order of Settlements Susceptible to Surface water Flooding indicated that Loughton was vulnerable to surface water flooding and was ranked 313th out of 4,215 settlements in England with an estimated 1,000 at risk of flooding. The Defra document did not contain any information regarding the vulnerability or floodrisk for Buckhurst Hill or Theydon Bois, but due to historical flooding events it was decided to assess these areas as part of the SWMP; and

(b) As part of its duties created by the Flood and water Management Act 2010, the County Council produced in January 2011 a Preliminary Flood Risk Assessment which identified the Loughton area as a Tier 1 at risk area.

The select committee were advised of the potential options in dealing with flooding:

(a) Soft Measures

- (i) Adaptation of spatial planning policy
- (ii) Improving maintenance of the drainage network
- (iii) Emergency planning
- (iv) Raising community awareness

(b) Hard Engineering Measures

- (i) Ponds
- (ii) Pipe enlargement
- (iii) Additional gullies

(c) Sustainable Drainage Systems

- (i) Bioretention (The process in which contaminants and sedimentation were removed from stormwater run off. Stormwater was then collected into the treatment area)
- (ii) Green roofs (A roof partially or completely covered with vegetation)
- (iii) Permeable Pavement (Was a range of sustainable materials that allowed the movement of stormwater through the water)
- (iv) Detention Basins An excavated area installed on or adjacent to rivers, streams and the like for protection against flooding)
- (v) Rainwater Harvesting (The accumulation and deposition of rainwater for re-use on site, rather than allowing it to run off)
- (vi) Sub-Surface Storage (This relied on construction of water storage structure made of concrete or piping)

The select committee asked the invited guests about the various options for coping with flooding. Members were concerned about the role of Essex County Council Highways in supporting better flood preparation. A meeting had been undertaken with County Highways considering changing maintenance regimes on their assets. Whilst the attitude from Highways was positive, it was clear that their current funding and prioritisation gave limited focus to their own drainage assets. The working relationship the District Council had with the Drainage Engineer at Highways was extremely good.

The ECC and the Capita officers advised other problems they faced:

- Encouraging eligible residents to consider applying for Property Level Protection Grants that were available from ECC to install flood protection products, however properties must have been flooded previously to receive this.
- Continuing exploration of investment opportunities for drainage assets offered by developments that may come forward within the SWMP area, both pre and post adoption of the new Local Plan.

- Challenging drainage proposals where developers had not considered or embraced the range of sustainable drainage systems available.
- Working to ensure that Members and the wider public were aware of flood risk from all sources and how they could better prepare in the event of flooding.
- The Select Committee were advised that it was important building flood resilience into buildings, for example flooring that could be used after a flood.

Members were concerned about blockages in the River Roding which were not being cleared. Essex County Council replied that they had a very good relationship with the Environment Agency, however maintenance budgets had been cut, it was important to justify the benefits of work in line with costs sustained.

There was particular concern about flooding in the Theydon Bois, affecting 31 properties Essex County Council replied that it was difficult to assess options and deciding what would work. They would look at properties potentially affected, there were resources available. It was important to inform people and help with preparation.