

# ***Report to the Council***

**Committee: Cabinet**

**Date 25 April 2017**

**Subject: Governance and Development Management**

**Portfolio Holder: Councillor R Bassett**

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**Recommending:**

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

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## **1. Development Management**

The income figures for Development Control (DC) and Building Control (BC) continues to demonstrate increased planning and building control activity across the district. Although the increased levels of both planning and building control applications have been challenging to manage, both Development and Building Control have worked hard to ensure work is carried out within timescales to support their strong financial performance throughout 2016/17.

### **Building Control**

BC income for 2016/17 recorded a very positive 98.4% of their revised budget of £490,000 (Original Budget £425,000). Given the strong competition from Approved Inspectors (AI's) for the second year running, BC have been able to closely match Expenditure with Income recording a 2% increase over the 2015/16 year's turnover. This is particularly significant as the Income for 2015/16 was a substantial 16% increase over the 2014/15 year.

The outlook for Building Control is very positive with a robust Workforce Development Plan in place combined with over 95% of BC establishment posts filled. This is particularly encouraging as all Local Authorities experience difficulties in filling Professional Technical Surveyor posts and will support BC's plans to compete strongly in a market where there is increased competition for Building Control Surveyor work. The recent growth in independent Approved Inspectors who are now competing for Building Control work means that BC needs to ensure they have enough professionally qualified staff available to respond to these competitive pressures.

Building Control has engaged in a multiple strategy to support and improve Building Control operations and performance throughout 2016/17;

- A key element of the BC Workforce Development Plan has been to develop two Trainee Building Control Surveyors during the course of 2016/17, one of whom is attending a Professional Building Control Surveyors Course at Anglia Ruskin University.
- BC has also been driving forward the use of their services for all 'in house' council assets and this is beginning to have a positive impact.
- In addition ongoing work in partnership with developers and architects is continuing to make a positive impact on BC income streams.

### **Development Control**

Development Control has had another outstanding year achieving £975,188 against their revised budget of £970,000 for 2016/17.

In addition the Pre-Application income for DC was £120,922 for 2016/17 and added to the DC turnover brings the total DC income to £1,096,110. This shows a very favourable increase of 15% over the 2015/16 turnover of £849,842 and in particular demonstrates a £175,000 surplus over the original budget of £800,000.

The consistency of Pre-Application Fees has demonstrated an element of improvement where we now expect Pre-Application fees to exceed £100,000 each year.

Development Control has taken steps in their Workforce Improvement Plan to improve the processing of planning applications against a background of substantially increased planning applications to;

- Engage two Trainee Planners during the course of the 2016/17 year who are both attending Master's level development at two highly regarded London Universities'.
- Taken steps to employ a Trainee Contaminated Land Officer, engaged as part of a succession plan for this section.
- Created and employed a fixed term Technical Validation Officer to reduce delays in the validating planning applications. Development Management has identified the steps required to improve the workflow processing of planning applications to ensure that government targets for the processing of planning applications are met.

## **2. Internal Audit**

The shared service arrangements have been formalised from the beginning of the financial year and staff are now fully integrated providing a shared internal audit service to Epping Forest, Broxbourne and Harlow. I reported at the last Council meeting that the service had been externally assessed and found to comply with the Public Sector Internal Audit Standards (PSIAS) providing an effective and efficient service to each Council.

The way in which the staff have embraced the changes has been crucial to this success.

The financial savings from economies of scale are of course welcome – but there are additional benefits of increased cover and shared learning.

## **3. Legal Services**

### **Leisure Contract**

The Contract renewal process commenced in June 2015 and over the next 21 months extensive work was undertaken in preparing tender documents, assessing PQQ's and tender documents returned and reviewing the Design Build Operate and Maintain Contract (DBOM) and associated Schedules 1 to 29 which comprised of 432 pages.

During this time the DBOM and accompanying Schedules were amended and populated to reflect the Council's requirements. Alongside this preparations were been made for the drafting of the four leases for the current leisure Centre's and the new Centre to be built on Hill House. All manner of conveyancing searches required on these sites were undertaken and the information provided to the Solicitor. Plans were produced identifying the sites and responsibility to be handed over to Places for People (PfP) under the Contract.

PfP had appointed Nabarro LLP as Solicitors acting on their behalf in preparation of the contract using a team of experts to advise and prepare documents in the various areas eg Conveyancing, Contract and TUPE and Pensions.

The Council's Contracts Legal team, Assistant Director (Legal), Director of Governance and Peter Charman (of the Neighbourhoods Directorate) worked tirelessly throughout this process to ensure the project was delivered on time by providing support, working weekends, long hours during the week and on occasions cancelling leave to deal with matters so work was progressing to schedule. During the last week officers worked into the night around 1.00 am to 2.00 am.

On the day of the signing and sealing of the contract during those last few hours Fareeza Sheikh, the Senior Legal Officer was answering emails up to 1.00/1.30 am and got to work at 7.45 am to find a further 84 emails some with attachments had been sent to her by PFP's solicitors in that short time requiring her attention prior to the sealing of the contract later that morning which was set for 10.00/10.30 am. The good working relationship between Peter and Fareeza and their teamwork was a significant contribution which led to the contract being completed in a timely fashion.

On the day of the signing and sealing one of the many e-mails which had been sent by the PFP's solicitor requested Fareeza to provide a copy of their CD with PFP's Schedule 2, Part 2 (containing the Service Delivery Proposals) to be provided that morning as the solicitors had experienced technical issues last night with burning more CDs. This could have been a stumbling block but averted as Fareeza had the CD readily available and took it along so the contract could be executed.

Legal Officers have spent, during this process, some 1,063.44 hours on this project and the end result was as follows:-

- Project completed and signed before the Commencement date of 1 April.
- DBOM Contract completed with accompanying Schedules 1 to 36 consisting of 1,077 pages in 3 volumes and 6 CD's which contain numerous number of documents which form part of this Contract consisting of EFDC's Technical Requirement, Facilities Requirement and Services Specification and PFP's Tender Submission Documents, TUPE and Pension info etc.
- Headleases, Underleases and Sub-underleases consisting of up to 38 to 47 pages for each Leisure Centre
- Operating Contract consisting of 153 pages
- Building Contract consisting of 263 pages
- Numerous Deeds of Appointments, Collateral Warranties, PCG, Consultants Appointments consisting of up to 6, 10, 12, 48 pages for Architect, Structural Engineer, Independent Certifier, Employers Agent to name but a few
- TUPE and Pensions Admission Agreement consisting of 34 pages

### **Off-Street Parking**

The contract commenced in February 2016 and over the next 13 months extensive work was undertaken in preparing tender documents, assessing PQQ's, clarification questions and tender returns and reviewing and drafting the Conditions of Contract.

The volume of paperwork involved with this project was not as much as that of the Leisure Contract but in any event it was a project that also required completion by 1 April which was not something Legal had envisioned at the time they would be expected to take on.

Legal Contracts team worked tirelessly again in order to ensure the deadline was made by working weekends and long hours during the week.

This contract involved staff to be TUPE'd over which did cause some issues as the information required from the current provider NEPP was not always forthcoming.

Legal Officers have spent during this process some 599.38 number of hours on this project and the end result was as follows:-

- Project completed and contracts executed before the Commencement date of 1 April
- Conditions of Contract consisting of 72 pages when started by the end 212 pages
- EFDC Contract Specification consisting of 82 pages
- NSL Tender Submission documents 715 pages
- PCG consisting of 10 pages

Fareeza Sheikh, the Senior Legal Officer who manages the Legal Contracts Team is pleased to inform members that both projects being run side by side were completed and signed by 31st of March 2017. This was only possible due to the excellent team work of the Legal Contract's team and the support of the Director of Governance and Assistant Director (Legal Services) and additional support staff paid for by Neighbourhoods to undertake the routine contract work in the office.

## **5. PR and Information**

### **Future Proof**

'Future Proof' - a new video produced in-house by the PR Team sets out some of the major achievements of the Council over the past few years and shows how the organisation is planning and preparing for the future. Starting with the freezing of Council Tax for a seventh year, the three and a half minute film features a range of success stories from savings on our own energy bills thanks to LED lights and solar panels through to major income generation schemes such as the Epping Forest Shopping Park. It also looks further into the future as we take the St John's Road developments forward. It can be viewed at [https://youtu.be/rfM\\_sqf8eSU](https://youtu.be/rfM_sqf8eSU).

Using in-house expertise, a day and a half of filming (including aerial shots provided by the Council's drone), library footage from previous events and royalty-free music, the video was shot with the support of staff across the Council. It was shown for the first time to staff at the recent Transformation Roadshow where Council Leader Chris Whitbread and Chief Executive Glen Chipp provided the answers at a staff Q&A. It was then published online via various digital channels including the Council's website, You Tube, Facebook and Twitter to our wider audience of residents.

The Council's in-house production offers a very cost effective alternative to externally produced video services. In this instance the combined working time of 4.5 days FTE staff time equates to approximately £750 in production costs. An equivalent externally commissioned video would cost in the region of £5,000.