

## Select Committee Agenda



### **Governance Select Committee Tuesday, 5th April, 2016**

You are invited to attend the next meeting of **Governance Select Committee**, which will be held at:

**Committee Room 1, Civic Offices, High Street, Epping  
on Tuesday, 5th April, 2016  
at 7.15 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

M Jenkins  
democraticservices@eppingforestdc.gov.uk (01992 56 4607)

#### **Members:**

Councillors T Church (Chairman), Y Knight (Vice-Chairman), D Dorrell, L Hughes, S Jones, H Kauffman, M McEwen, B Sandler, S Watson, J M Whitehouse and D Wixley

**SUBSTITUTE NOMINATION DEADLINE:**

**18:15**

**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Director of Governance) To report the appointment of any substitute members for the meeting.

**3. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests on any items on the agenda.

In considering whether to declare a pecuniary or non-pecuniary interest under the Code of Conduct, Overview and Scrutiny members are asked to pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a pecuniary or non-pecuniary interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub-Committee of the Council, a Joint Committee or Joint Sub-Committee in which the Council is involved and of which the Councillor is also a

member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**4. NOTES OF PREVIOUS MEETING (Pages 3 - 6)**

To agree the notes from the last meeting of the select committee held on 2 February 2016 (attached).

**5. TERMS OF REFERENCE/WORK PROGRAMME (Pages 7 - 10)**

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Select Committee. This is attached along with an on-going Work Programme. Members are asked to review both documents at each meeting.

**6. KEY PERFORMANCE INDICATORS 2016/17 - REVIEW AND TARGETS (Pages 11 - 14)**

(Director of Governance) To consider the attached report and appendix.

**7. PROPOSED EQUALITY OBJECTIVES 2016-2020**

(Director of Governance) Report to follow.

**8. TECHNICAL CONSULTATION ON IMPLEMENTATION OF PLANNING CHANGES**

(Director of Governance) Report to follow.

This consultation is seeking views on the proposed approach to implementation of measures in the Housing and Planning Bill, and some other planning measures. It runs to 64 pages and contains over 70 questions, the link can be found here <https://www.gov.uk/government/consultations/implementation-of-planning-changes-technical-consultation>

Officers will highlight suggested answers to some of the consultation questions which members will be free to amend at the meeting but members are also free to respond to the consultation directly.

**9. ITEMS OF BUSINESS FOR NEXT YEAR**

Items of business are needed for next year's work programme, members are asked to put forward suggestions to build next year's work programme.

**10. DATE OF NEXT MEETING**

This is the last meeting of the select committee for this Council year. In the new year the next select committee meeting will take place on Tuesday 5 July 2016 at 7.15p.m. in Committee Room 1.

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE  
HELD ON TUESDAY, 2 FEBRUARY 2016  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.15 - 8.25 PM**

**Members Present:** T Church (Chairman), Y Knight (Vice-Chairman), D Dorrell, L Hughes, S Jones, H Kauffman, S Watson, J M Whitehouse and D Wixley

**Other members present:** J Philip and J H Whitehouse

**Apologies for Absence:** M McEwen and B Sandler

**Officers Present** N Richardson (Assistant Director (Development Management)), B Copson (Senior Performance Improvement Officer) and M Jenkins (Democratic Services Officer)

**26. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

There were no substitute members for the meeting.

**27. DECLARATIONS OF INTEREST**

There were no declarations of interest made pursuant to the Member's Code of Conduct.

**28. NOTES OF PREVIOUS MEETING**

**RESOLVED:**

That the notes of the last meeting of the select committee held on 1 December 2015 be agreed.

**29. TERMS OF REFERENCE/WORK PROGRAMME**

The select committee noted its Terms of Reference and Work Programme.

**30. KEY PERFORMANCE INDICATORS 2015/16 - QUARTERLY PERFORMANCE MONITORING (QUARTER 3)**

The Select Committee received a report regarding the Key Performance Indicators 2015/16 – Quarterly Performance Monitoring (Quarter 3) from the Performance Improvement Officer.

A range of 36 Key Performance Indicators (KPIs) for 2015/16 was adopted by the Finance and Performance Management Cabinet Committee in March 2015. They were important to the improvement of the Council's services and comprised a combination of some former statutory indicators and locally determined performance measures. The KPIs directed improvement effort towards services and national priorities and local challenges arising from the social, economic and environmental context of the district.

Members were advised that overall performance in the area regarding the timely process of planning applications was good. However the percentage of planning applications recommended by officers for refusal being overturned and granted permission following an appeal was higher this quarter. The target of 19.0% was breached by reaching 33.3% in Quarter 3. By contrast the target for Councillors refusing planning applications against officer recommendation was better, 50% being the target upper limit and Members reached 41.2%.

**RESOLVED:**

That the progress made on the Key Performance Indicators 2015/16 – Quarterly Performance Monitoring (Quarter 3) be noted.

**31. DATA QUALITY STRATEGY 2016/17 - 2018/19**

The Select Committee received a report from the Performance Improvement Officer regarding the Data Quality Strategy 2016/17 – 2018/19.

The Council needed timely, accurate and reliable data to manage activities and meet internal and external requirements for demonstrating accountability through accurate reporting. Data was used for the assessment of the Council's performance, the strategy set out the arrangements for the next 3 years to ensure that key data met the highest standards. Members noted that the strategy had previously been considered by the Corporate Governance Group in November 2015 and by the Finance and Performance Management Cabinet Committee in January 2016.

**RESOLVED:**

That the Data Quality Strategy 2016/17 – 2018/19 be noted.

**32. DEVELOPMENT MANAGEMENT CHAIR AND VICE CHAIR'S MEETING - 27 OCTOBER 2015**

The Select Committee perused the minutes from the most recent Development Management Chairmen and Vice-Chairmen's meeting held on 27 October 2015.

Member's attention focussed on Minute Item 6 which concerned the Review of Current and Future Training Needs. Members supported using training, particularly for parish and town councils, to reduce the number of call-ins of planning applications to the area planning sub-committees, better knowledge and understanding of planning considerations would make for better recommendations. It was also felt that regular and smaller "bitesize" training sessions for members would be beneficial as the details were easier to digest.

Members expressed concern with the consultation comments that were received from Essex County Council Highways on planning applications submitted to committees. They requested that Essex Highways' officers should be invited to this select committee to discuss these issues and it was agreed that this should be added to next year's select committee draft work programme.

There was a strong feeling that the District Council was stranded in a situation whereby the county council did not object or make adequate representations on planning applications and thus weakened planning committees' decisions, particularly when appeals took place. The Assistant Director (Development Management) assured the select committee that Highways' officers visited the Civic

Offices regularly and wrote short summaries on current planning applications. However they were not always aware of local objections to these applications many of which were on highways grounds.

A further concern was basement expansions which was having a particular effect on planning considerations in central London. Officers agreed to draft an item regarding this issue for the Council Bulletin.

**RESOLVED:**

- (1) That the minutes from the Development Management Chair and Vice Chair's Meeting held on 27 October 2015 be noted; and
- (2) That an item be added to the draft work programme for 2016/17 regarding an invitation to Essex County Council Highways to attend a meeting for discussing on-going concerns with planning application consultations; and
- (3) That an item be published in the Council Bulletin advising on the current situation in regard to basement developments.

**33. DEVELOPMENT MANAGEMENT PRE-APPLICATION ADVICE**

The Select Committee received a report regarding Pre-Planning Application Advice from the Assistant Director (Development Management).

The Local Government Act 2003 allowed local authorities to charge customers for holding discussions prior to the submission of planning applications. This Council had been charging on major category applications since 2007 and had expanded this across other developments including householder extensions. Unlike planning application fees, pre-application advice was set locally, with discussions having always been encouraged as a charging scheme had the benefit of dissuading some ill conceived proposals and highlighted the cost of officer time in the process and recouping some of this cost.

The officer's report, in letter form, gave an assessment of whether there seemed a reasonable chance of getting planning permission and where possible, suggested how amendments could be made as a way forward. It was advised that the number of pre-applications received and dealt with by officers had markedly increased and although this brought in a larger income to the authority, it had also added significantly to officer workload. In addition the time frame for response, set for up to 21 working days from a meeting, was rarely achieved because of the pressure for turning around planning applications in a timely manner.

Members had access to the paid pre-planning application enquiries through notification in the Council Bulletin. However currently member's involvement in the pre-paid process was quite limited, despite the Government's encouragement that effective pre-application engagement should involve elected Councillors particularly ward ones.

The Chairman drew attention to statistics within the officer's report which showed that in the first 9 months of 2015/16, the number of paid pre-application enquiries had risen from 129 the previous year to 173, however the total income had fallen from £105,000 to £83,000. The Assistant Director (Development Management) advised that each extra meeting needed raised costs for the applicant. The Chairman

suggested that there were either many smaller planning applications or less larger ones being submitted.

Members were encouraged to check where S106 monies were intended to be allocated in the Council Bulletin and Weekly Planning List. However the select committee felt that this form of communication was not always adequate in conveying news of S106 proposals, they suggested that ward members and parish clerks effected should be informed electronically.

Members thanked the Assistant Director (Development Management) for his report.

**RESOLVED:**

- (1) That the report regarding the Development Management Pre-Application Advice be noted; and
- (2) That the resource requirements for paid pre-planning application advice within Development Control be noted.

**34. DATE OF NEXT MEETING**

The next meeting of the select committee would be held on Tuesday 5 April 2016 at 7.15p.m. in Committee Room 1.

## SELECT COMMITTEES

### TERMS OF REFERENCE 2015/16

**Title:** Governance Select Committee

**Status:** Select Committee

1. To undertake the overview and scrutiny, utilising appropriate methods and techniques, of services and functions of the Governance Directorate, excluding those matters within remit of the Audit and Governance Committee, the Standards Committee or the Constitution Working Group;
2. 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;
3. To consider any matter referred to the Select Committee by the Overview and Scrutiny Committee;
4. 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;
5. To establish working groups as necessary to undertake any activity within these terms of reference;
6. Where requested by the Overview and Scrutiny Committee, to examine and review call-in requests and the implementation of executive decisions;
7. More service specific proposals to be determined by the relevant lead officer.
8. 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;
9. 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;

#### **Performance Management**

10. 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;
11. To review relevant Key Performance Indicator (KPI) outturn results for the previous

year, at the commencement of each municipal year;

12. To identify on an annual basis, subject to the concurrence of the Finance and Performance Management Cabinet Committee:
  - (a) a basket of KPIs important to the improvement of the relevant to the service areas for which the Panel has scrutiny responsibility Council's services and the achievement of its key objectives,; and
  - (b) the performance targets for those KPIs for each year;
13. To review performance against the KPIs on a quarterly basis throughout each year, and to make recommendations for corrective action in relation to areas of slippage or under performance.

#### **Equality**

14. To review six monthly progress towards the achievement of the Council's equality objectives for 2012/13 to 2015/16, and progress in relation to other equality issues and initiatives.

#### **Public Consultation and Engagement**

15. To develop arrangements as required, for the Council to directly engage local communities in shaping the future direction of its services, to ensure that they are responsive to local need;
16. To annually review details of the consultation and engagement exercises undertaken by the Council over the previous year;

**Chairman: Councillor T Church**



## Governance Select Committee (Chairman – Councillor T Church)

### Work Programme 2015/16

Item	Report Deadline/Priority	Progress/Comments	Programme of Meetings
(1) Review of the Elections 7 May 2015	7 July 2015	Review of the processes for the General, District Council and Parish Council elections. <b>COMPLETED</b>	7 July 2015; 6 October 2015; 1 December 2015; 2 February 2016; and 5 April 2016
(2) Review of Public Consultations	7 July 2015	Annual Review <b>COMPLETED</b>	
(3) Key Performance Indicators 2014/15 – Outturn	Outturn KPI performance (Governance indicators only) considered at first meeting in each municipal year;	Outturn KPI performance report for 2014/15 to be considered at meeting on 7 July 2015. <b>COMPLETED</b>	
(4) Key Performance Indicators 2015/16 – Quarterly Performance Monitoring	Quarterly KPI performance (Governance indicators only) considered on a quarterly basis;	Quarterly KPI performance reports for 2015/16 to be considered at meetings on: 6 October 2015 (Q1) <b>COMPLETED</b> 1 December 2015 (Q2) <b>COMPLETED</b> 2 February 2016 (Q3) <b>COMPLETED</b>	
(5) Proposed Governance Key Performance Indicators 2016/17	Draft indicator set KPI performance for 2016/17;.	Proposed Governance KPIs for 2016/17 to be considered at meeting on 5 April 2016.	
(6) Planning Appeals Performance	1 December 2015	To receive examples of recent appeals decisions issued by the Planning Inspectorate. <b>COMPLETED</b>	
(7) Development Management Chair and Vice Chair's Meeting	2 February 2016	To receive feedback from meeting (27 October 2015) of Chair and Vice Chair's of the Area Planning and District Development Management Committees. <b>COMPLETED</b>	

(8) Equality Objectives 2012-2016 – 6 monthly reporting	7 July 2015	Review 6 monthly performance: 7 July 2015 <b>COMPLETED</b> 1 December 2015 <b>COMPLETED</b>
(9) Proposed Equality Objectives 2016-2020	5 April 2016	Proposed Equality Objectives 2016-2020 to be considered at meeting 5 April 2016
(10) S106 Monitoring Report	6 October 2015	<b>COMPLETED</b> Future reports to be referred to District Development Management Committee for consideration.
(11) Planning Enforcement Report		This item has been referred onto the Resources Select Committee. <b>REFERRED</b>
(12) Review the budget for the Chairman and Vice-Chairman of Council	1 December 2015	Referred from Council on 28 July 2015  <b>COMPLETED</b>
(13) Annual Equality Information Report 2015	6 October 2015	<b>COMPLETED</b>
(14) Development Management – Pre-Application Advice	2 February 2016	To receive details of the resource requirements for pre-application planning advice and opportunities for increased member involvement in the pre-application process. <b>COMPLETED</b>



**Report to: Governance Select Committee**

**Date of Meeting: 5 April 2016**

**Portfolio:** Governance and Development Management (Councillor J. Philip)

**Subject:** Key Performance Indicators 2016/17 – Review and Targets

**Officer contact for further information:** Barbara Copson (01992 564042)

**Democratic Services Officer:** Mark Jenkins (01992 564607)

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### **Recommendations/Decisions Required:**

That the Select Committee considers the proposed Key Performance Indicators and targets for 2016/17 for those areas which fall within the Committee's areas of responsibility, and provide comment for the Finance and Performance Management Cabinet Committee as appropriate.

### **Executive Summary:**

The Council is required to make arrangements to secure continuous improvement in the way in which its functions and services are exercised, having regard to a combination of economy, efficiency and effectiveness. To assist with this a range of Key Performance Indicators (KPI) relevant to the Council's service priorities and key objectives, are adopted each year and targets set which are appropriate and challenging.

### **Reasons for Proposed Decision:**

The KPIs provide an opportunity for the Council to focus attention on how specific areas for improvement will be addressed, and how opportunities will be exploited and better outcomes delivered. It is important that the key performance indicators are reviewed annually to ensure their continued relevance and that their targets are appropriate and challenging.

### **Other Options for Action:**

No other options are appropriate in this respect. Failure to identify challenging performance targets, could mean that opportunities for improvement are lost and might have negative implications for judgements made about the progress of the Council.

### **Report:**

- 1) The adoption of challenging but achievable KPIs each year is an important element of the Council's Performance Management Framework, and the KPI set is reviewed annually by Management Board to ensure the indicators and their targets are appropriate to provide challenge in the Council's key areas and to meet its objectives.
- 2) Whilst the recent annual review considered that the current indicator set was appropriate to provide challenge and improvement, a number of changes to targets have been

identified for the coming year, and one indicator has been split to enable greater focus and evaluation.

- 3) The provisional target for each indicator has been identified by service directors and relevant portfolio holder(s), based on third-quarter performance (and the estimated outturn position) for the current year. Management Board will review the provisional targets against outturn data for 2015/16 when this becomes available, and any revisions to next year's targets will be reported to the appropriate select committees in June 2016.
- 4) The review of the KPIs which fall within the areas of responsibility of the Governance Select Committee has resulted in no change to the indicator set, however it is proposed the target for one indicator is raised, whilst another is lowered, the details of which are set out in the attached appendix.
- 5) Improvement plans will be developed for each KPI for 2016/17, identifying actions to achieve target performance. The plans will be considered and agreed by Management Board, and submitted to the relevant select committees along with the 2016/17 first quarter performance submission.
- 6) The Select Committee is requested to consider the proposed KPIs and targets for 2016/17 which fall within its areas of responsibility. These were also considered by the Finance and Performance Management Cabinet Committee at its meeting on 17 March 2016. The views of the Select Committee will be reported to the Cabinet Committee at its next meeting in June 2016.

**Resource Implications:**

Resource requirements for actions to achieve specific KPI performance for 2016/17 will have been identified by the responsible service director and reflected in the budget for the year.

**Legal and Governance Implications:**

None arising from the recommendations of this report; implications of actions to achieve KPI performance for 2016/17 will be identified by the responsible service director.

**Safer, Cleaner, Greener Implications:**

None arising from the recommendations of this report; implications of actions to achieve KPI performance for 2016/17 will be identified by the responsible service director.

**Consultation Undertaken:**

Draft KPIs and targets have been proposed by service directors in consultation with relevant portfolio holder(s), and considered by Management Board and the Finance and Performance Management Cabinet Committee.

**Background Papers:**

Third quarter KPI submissions held by the Performance Improvement Unit.

**Impact Assessments:**

*Risk Management*

None arising from the recommendations of this report; issues arising from actions to achieve KPI performance for 2016/17 will be identified by the responsible service director.

*Equality:*

None arising from the recommendations of this report; implications arising from actions to achieve KPI performance for 2016/17 will be identified by the responsible service director.

KPI Ref	Description	Target 2015/16	Q3 2015/16 Performance	Proposed Target 2016/17	Target Changed Yes/No	Comments/justification for proposed target for 2016/17 and reasons for targeted reductions in performance
GOV004	What percentage of major planning applications was processed within 13 weeks or extension of time date?	75.00%	100.00%	90.00%	Yes	There is a lower number of planning applications in this category compared with Minor (GOV005) or Other (GOV006) types so one application not meeting the target can result in a greater percentage swing. However, the target has proved to be easier to hit since the Government introduced a new tolerance that allowed a developer to extend the 13 week deadline to a new date, and there has been a significant increase in the number of applications meeting the target. Increasing the target by 15% to 90% therefore would be more challenging.
				Amber tolerance = 2.00% below target		
GOV005	What percentage of minor planning applications was processed within 8 weeks or extension of time date?	90.00%	91.67%	90.00%	No	Performance against the current target of 90% has been achievable since 2013/14, but just within an upward 2% tolerance. It is therefore considered the target remains at 90%.
				Amber tolerance = 2.00% below target		
GOV006	What percentage of other planning applications were processed within 8 weeks or extension of time date?	94.00%	95.20%	94.00%	No	The target at its current level for the category of planning applications, which is the highest received and mainly decided under delegated powers, still remains a challenge for officers at 94% and therefore it is recommended this should not be changed.
				Amber tolerance = 2% below target		

KPI Ref	Description	Target 2015/16	Q3 2015/16 Performance	Proposed Target 2016/17	Target Changed Yes/No	Comments/justification for proposed target for 2016/17 and reasons for targeted reductions in performance
GOV007	What percentage of planning applications recommended for refusal were overturned and granted permission following an appeal?	19.0%	33.3%	20.0%	Yes	Target had been achieved for 3 consecutive years from 11/12 to 13/14, including a target change challenge for officers from 20 to 19%. However, for this and last year it has not been met and may be because some allowed appeals are the result of the Local Plan becoming increasingly outdated and Inspectors therefore giving more weight to the National Planning Policy Framework. Whilst a small change, it is recommended that the target be put back to 20%, which will still be a challenging target for Officers.
				Amber tolerance = 2.0% above target		
GOV008	What percentage of planning applications, refused by members against a recommendation, was granted permission following an appeal?	50.0%	41.2%	50.0%	No	This target should remain the same There have been fluctuations either side of the 50% over the past few years, but Members consider that if half their decisions to refuse planning permission are then dismissed on appeal, this is a good performance, given that these are usually balanced or contentious planning applications.
				Amber tolerance = 5.0% above target		