

Supplementary Council Agenda



Epping Forest District Council

Council Thursday, 21st February, 2019

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Committee Secretary: Democratic Services Manager Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

5. PUBLIC QUESTIONS (Pages 3 - 4)

To answer questions asked after notice in accordance with the provisions contained within Part 4 of the Council Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to any Portfolio Holder; or
- (c) to the Chairman of the Overview and Scrutiny Committee.

7. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 5 - 6)

To receive an additional report from the Commercial and Regulatory Services Portfolio Holder on matters falling within their area of responsibility.

12. COUNCIL TAX EMPTY DWELLINGS PREMIUM (Pages 7 - 8)

(Customer Services Portfolio Holder) To consider the attached report.

15. REPORT OF THE SENIOR MANAGEMENT SELECTION PANEL - APPOINTMENT OF CHIEF EXECUTIVE (Pages 9 - 12)

(Leader of the Council) To consider a report and recommendations arising from the meeting of the Panel held on 12 February 2019.

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COUNCIL – 21 FEBRUARY 2019

PUBLIC QUESTIONS

(1) Transport for London – Works to Central Line

Question by Ms. L. Bostick

“What steps have the Council taken to represent local residents in challenging the programme of works being undertaken by Transport for London in Grange Hill and how has the authority ensured that the needs and rights of residents, particularly vulnerable residents, are protected to a standard that sets proper precedent for future works by Transport for London within the Epping Forest District”

Question by Ms. D. Rye

- (a) “What is the Council doing to rectify discrepancies with the permit dated 12 December 2018 for Transport for London to use common land in Lechmere Avenue and what steps were taken to ensure that residents were fully informed of the work to be undertaken and arrangements to minimise associated disruption”;
- (b) “How does the Council feel about the intention of Transport for London to excavate 60,000 tonnes of earth from the site in Chigwell and to replace this with imported EM16, when 60,000 tonnes of indigenous earth could be used instead”;

Question by Ms. S. Gray

- (a) “What provision was put in place by the Council to ensure that trees were not cut down indiscriminately as a result of the work being undertaken by Transport for London;
- (b) Have Transport for London applied for a permit for overnight working and what measures have the Council taken to assure residents that there will be minimum disruption arising from the work”.

Question by Mr. T. Scott

“What risk assessments have been carried out by Transport for London and the Council with regard to the possibility of subsidence to properties backing on to the railway embankment once the excavation work and soil removal begins, concerning the risk of subsidence affecting main residential dwellings and not any boundary outbuildings covered by the Party Wall Act 1996”.

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Report to the Council

Committee: Council

Date: 21 February 2019

Subject: Commercial and Regulatory Services

Portfolio Holder: Councillor A. Grigg

European Union - Exit of the United Kingdom

Correspondence has recently been received from the Department of Housing, Communities and Local Government (DHCLG) concerning the preparedness of local authorities for the forthcoming exit of the United Kingdom from the European Union.

All councils have been asked to consider a number of questions concerning their individual areas and any contingency arrangements that may be needed to address specific issues arising from the exit of the United Kingdom from the European Union. The specific issues were considered Leadership Team at its meeting on 13 February 2019 and, in general terms, the Council is considered to be in a good position with regard to Brexit arrangements and there are no serious concerns locally that need to be drawn to members' attention.

The detailed responses to the questions raised by DHCLG will be published in the Members Bulletin.

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Report to the Council

Committee: Cabinet

Date: 21 February 2019

Subject: Council Tax Empty Dwellings Premium

Portfolio Holder: Councillor H Kane (Customer Services)

Recommending:

That the Cabinet considered the Council Tax Empty Dwellings Premium Policy and recommend to Full Council meeting on 21 February 2019 on adopting the following:

- (1) That with effect from 1 April 2019 properties that are long-term empty dwellings for over two years, under Section 11B of the Local Government Finance Act 1992, will be charged a Council Tax premium of 100%.**
- (2) That with effect from 1 April 2020 properties that are long-term empty dwellings for over five years, under Section 11B of the Local Government Finance Act 1992, will be charged a Council Tax premium of 200%; and**
- (3) That with effect from 1 April 2021 properties that are long-term empty dwellings for over ten years, under Section 11B of the Local Government Finance Act 1992, will be charged a Council Tax premium of 300%.**
- (4) That the existing arrangements on billing and collection costs with major preceptors continues to allow this to take place.**

1. Billing authorities currently have the power to increase council tax by a maximum premium of 50% on long-term empty dwellings. Therefore, in England, billing authorities can charge up to 150% on properties empty for more than 2 years. With effect from 1 April 2019 this premium is to increase to an additional maximum of 100%, meaning that up to 200% Council Tax can be levied on long-term empty dwellings.

2. On 1 November 2018 the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 came into force. The Act included additional provisions covering properties empty dwellings for very long periods. The new maximum additional rates are:

- 100% extra for long-term empty dwellings (2-5 years) [commencing 1 April 2019]
- 200% extra for long-term empty dwellings (5—10 years) [commencing 1 April 2020]

- 300% extra for long-term empty dwellings (over 10 years) [commencing 1 April 2021]
3. In effect this means that the liable person(s) of an empty dwelling can be facing bills of up to 200% of the standard council tax after two years, 300% after five years and 400% after 10 years.
 4. Currently there are approximately 130 long-term empty dwellings within the Epping Forest district. The key driver behind the legislation is to ensure that properties do not remain empty for long periods and that the additional Council Tax charged will incentivise owners to bring properties back into use. The additional Council Tax charged will however give rise to a potential additional income for the financial year 2019/20 of around £12,000 for the district council and £95,000 for Essex County Council, if the additional premium is raised from 50% to 100% from 1 April 2019.
 5. It is recommended that the Council adopt the new provisions to further incentivise owners of empty properties to ensure their properties are brought back into occupation.
 6. The additional administration, billing and collection costs incurred by raising the premium charge is borne by the Epping Forest District Council, whilst the lion's share of the additional income derived is to the benefit of Essex County Council. As such, we believe the additional income to the district council is not sufficient to cover the risks associated with the additional costs of billing and collecting the premium charge unless the major preceptors, particularly the county council, agree to share a proportion of their additional income.
 7. It should be noted that the district council has had such an arrangement with the county council since 1 April 2013, when the Local Government Finance Act 2012 gave Billing Authorities the powers to levy premium charges against long-term empty dwellings (over 2 years) under Section 11B of the Local Government Finance Act 1992 and there is no reason to assume this will not continue.

Conclusion

8. We recommend as set out at the commencement of this report.

Report to the Council

Date: 21 February 2019

Report of: Senior Management Selection Panel

Chairman: Leader of the Council - Councillor C. Whitbread

Recommendations:

Appointment of Chief Executive

- (1) To receive an oral report from the Chairman of the Senior Management Selection Panel on consultation under the Local Authorities (Standing Orders) (England) Regulations 2001 with members of the Executive regarding the proposed appointment of Georgina Blakemore to the position of Chief Executive, identifying any objections;**
- (2) That, subject to recommendation (1) above, Georgina Blakemore be offered the position of Chief Executive at the salary indicated in the report subject to final agreement of the contract;**
- (3) That the Leader of the Council, in consultation with the Acting Chief Executive and the Service Director (Business Support Services), be authorised to agree a starting date and agree any other detailed terms in the contract as may arise, subject to legal advice from the Council's Monitoring Officer and Service Manager (Legal Services);**
- (4) That the Council note that the Contract of Employment for the Chief Executive will make specific provision for clear and measurable performance management and supervision based on:
 - (a) the Council's key objectives;**
 - (b) specific personal targets to be set for the Chief Executive by the Leader of the Council; and**
 - (c) regular review meetings with the Leader of the Council of a kind and at a frequency which meets the best interests of the Council, together with an annual appraisal;****
- (5) That the Leader of the Council be authorised to agree the termination date for the Acting Chief Executive, anticipated to be the 23 May 2019;**
- (6) That the Council's appreciation of Derek Macnab's work as Acting Chief Executive be recorded;**

Appointment of Returning Officer and Electoral Registration Officer

- (7) That, subject the agreement of Recommendations (1)-(5) above:
 - (a) in accordance with the Representation of the People Act 1983 and all related legislation, Georgina Blakemore be appointed as Electoral Registration Officer (ERO) for the Council with effect from 24 May 2019; and****

- (b) in terms of Section 41 of the Local Government Act 1972 and all related legislation and with effect from 24 May 2019, Georgina Blakemore be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the District Council and all or any parish and town councils within the Epping Forest District;
- (8) That the Council's Returning Officer/Electoral Registration Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including those in relation to County Council elections, elections to the European Parliament (if required), and for national and regional or local polls and referendums;
- (9) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with scale of fees approved by the Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums;
- (10) That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable;
- (11) That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll); and
- (12) That any such insurance carrying an 'excess' clause by which an initial portion of risk was not insured, the Council, through its internal insurance fund or otherwise, would indemnify the Returning Officer up to the value of such excess.

Chief Executive Selection Process

1. The post of Chief Executive was advertised with a closing date early in January 2019. The Senior Management Selection Panel (the Panel) authorised the Council's recruitment advisers Solace in Business, to produce a long-list of applicants for consideration. The recruitment advert produced some 40 expressions of interest for the position and the Panel agreed proposals by Solace in Business for a long-list of 10 candidates. One candidate subsequently withdrew at this stage.
2. The 9 remaining applicants were then involved in technical interviews with Solace in Business and a peer adviser, the latter being a former Chief Executive of another local authority. At the Senior Management Selection Panel on 4 February 2019, the Panel

received a detailed report from Solace in Business on the results of the technical interviews and an assessment of each of the long-listed candidates. As a result, a short list of five (again one candidate withdrew at this stage), was agreed. The 4 shortlisted candidates were invited to a two-day assessment centre held on 11 and 12 February 2019. Members of the Senior Management Selection Panel attended and participated in this exercise, which included a range of tests, an external stakeholder panel discussion and a final formal interview.

Applications

3. The Panel were generally impressed with the range of applicants and the strength of the long and shortlists. The Panel's approach throughout the process had been to ensure that the widest range of credible applicants came forward. Applicants included established local government officers and aspirant candidates. There were applications from individuals who had experience in the private sector and other areas of public service, outside local government.
4. In terms of the individual characteristics for a future Chief Executive, the Panel advised Solace in Business that the Council were seeking:
 - (a) a Chief Executive capable of ensuring that the Council can achieve its major objectives in the short and medium terms;
 - (b) a Chief Executive who can articulate a vision for the Council and commit others (both inside and outside the Council) to achieving those objectives;
 - (c) a Chief Executive who would be capable of delivering new ways of working and driving through the Council's modernisation agenda; and
 - (d) a Chief Executive who will be an effective advocate for the Council's interests in a wide range of external forums.
5. The job description and person specification for the position of Chief Executive was produced with these attributes in mind.

The Recommended Candidate

6. After the evaluation of tests, stakeholder feedback and final formal interviews held on the 12 February 2019, the Panel unanimously propose that the candidate set out in recommendation (2) should be appointed as Chief Executive.
7. The recommended candidate is Georgina Blakemore, who currently holds the position of Strategic Director for Epping Forest District Council. Georgina has been in her present role since August 2018, after a short spell consulting at the London Borough of Redbridge. From 2013-2018, she was Head of Customer Services at Basildon District Council, which included a period as Programme Director of the 'Future Basildon' transformation programme. The period from 2005-2014 saw her as Strategic Change Manager at Colchester Borough Council, before which she was Managing Director at a luxury brand retailer, Lilestone PLC from 2001-2005. Georgina was Operations Manager at the White Company from 1998-2001, before which she had further retail and logistics roles dating back to 1987.

Right of Objection to the Proposed Appointment

8. Under the Local Authorities (Standing Orders) Regulations 2001, the Committee was required to notify the Proper Officer (in this case the Council appointed Derek Macnab, Acting Chief Executive) of the name of the person to whom it is intended to make an offer of appointment. These regulations are designed to allow the Cabinet members to object if they so wish to any proposed appointment. This reflects the fact that the

appointment of a Chief Executive/Head of Paid Service is matter for the Council rather than the Cabinet.

9. The Proper Officer has advised each member of the Cabinet and provided them with relevant information on the proposed appointee. A deadline of 18 February 2019 has been set for any objection to the proposed appointment to be made. Within that deadline any member of the Cabinet may object and the Council would then have to decide, if such an objection were received, whether it was material and well-founded.
10. The outcome of this process will be reported orally at the meeting by the Leader of Council, who is Chairman of the Panel under recommendation (1).

Salary

11. This post was advertised nationally at a salary range of up to £120,000 per annum. Having taken into account the current marketplace average for posts of this kind and the present salary of the preferred candidate, the Panel recommends a salary of £120,000 p.a. which would include attendance at evening meetings and London Inner Fringe Allowance. An essential user car allowance will also be provided as part of the salary package.

Delegated Authority

12. The Panel are recommending an offer of employment subject to the agreement of a contract. This may mean that further matters may arise with the preferred candidate once final contractual terms are discussed. So that the Council can respond quickly, we are seeking delegated authority for the Leader of Council to deal with any such negotiating points. The Panel can assure the Council that any such discussions will only be within the framework of the Council's HR policies and based on the position as advertised. The Leader will notify all members of any action taken under this delegation.

Returning Officer and Electoral Registration Officer

13. Derek Macnab was appointed by the Council in an acting capacity on the 22 February 2018, to carry out the Chief Executive role for a period of 12 months, with an extension of up to six months by mutual agreement.
14. As a result of the departure of the Council's former Returning Officer, at the Council Meeting on 20 December 2018, Derek Macnab was appointed as Returning Officer and Electoral Registration Officer for the forthcoming District Council elections to be held on the 2 May 2019. There is a requirement for the Returning Officer to be an employee of the authority for the statutory challenge period after the election. On this basis, it is anticipated that Derek Macnab will retire from the employment of the Council on the 23 May 2019, on the Terms previously agreed, at the point of his initial appointment as Acting Chief Executive.
15. From the 23 May 2019, the Council is statutorily obliged to have appropriate arrangements for the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so.
16. It is therefore recommended that, subject to the agreement of recommendations (1) to (5) above, that Georgina Blakemore in terms of Section 41 of the Local Government Act 1972 and all other related legislation, be appointed as Returning Officer and Electoral Registration Officer for the Council with effect from 24 May 2019.