

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE
HELD ON TUESDAY, 6 FEBRUARY 2018
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.15 - 8.20 PM**

Members Present:	N Avey (Chairman), G Chambers (Vice-Chairman), R Bassett (Vice Chairman of the Council), L Hughes, H Kauffman, M McEwen, B Rolfe, D Stallan (Chairman of the Council) and D Wixley
Other members present:	J Philip
Apologies for Absence:	L Mead and B Surtees
Officers Present	N Richardson (Assistant Director (Development Management)), S Hill (Assistant Director (Governance)) and J Leither (Democratic Services Officer)

37. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that there were no substitute members for this meeting.

38. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the last meeting of the Select Committee held on 5 December 2017 be agreed as a correct record.

39. DECLARATIONS OF INTEREST

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

40. TERMS OF REFERENCE AND WORK PROGRAMME

The Select Committee received a report from the Assistant Director of Governance (Development Management) regarding the Governance Select Committee's Terms of Reference and Work Programme 2017/18.

Work Programme – Outstanding Items

Item (5) Equality Objectives 2016-2020 / (2018-2023), 6 monthly – A report would be coming to the next meeting of the Governance Select Committee on 27 March 2018.

Item (14) Governance Directorate Business Plans 2018/19 – Members noted that the relevant Portfolio Holders would give a presentation at the next meeting of the Governance Select Committee on the 27 March 2018.

Item (16) Transformation Projects relevant to this Committee – A report to come to a future meeting of the Governance Select Committee, as and when appropriate.

Item (17) Transformation Projects closure and benefit report – A report to come to a future meeting of the Governance Select Committee, as and when appropriate.

Item (18) Planning Appeals Performance - A report would be coming to the next meeting of the Governance Select Committee on 27 March 2018.

The Assistant Director (Development Management) advised the Select Committee that the work programme for the next municipal year was very light and asked Members if they had anything they would like to see on the programme for 2018/19 and to let him know accordingly.

RESOLVED:

That the Terms of Reference and the Work Programme of the Select Committee for 2017/18 be noted.

41. REVIEW OF THE OPERATION OF THE COUNCIL'S PETITION SCHEME

The Select Committee received a report from the Assistant Director, Governance regarding the Council's Petition Scheme which was originally adopted on 14 December 2010, in accordance with the requirements of Local Democracy, Economic Development and Construction Act 2009.

The duty on local authorities to operate a petitions scheme was abolished by the introduction of the Localism Act 2011. Members had previously requested that a periodic review of the operation of the Petitions Scheme be undertaken to assess its effectiveness and the Scheme was last reviewed by the former Constitution and Members Services Scrutiny Panel in September 2012.

Members were advised via the Members Bulletin dated 8 December 2017 that a periodic review of the operation of the Council's Petition Scheme would be undertaken in the new year and were asked if they had any comments or observations that they would like to contribute to the review of the Scheme, to inform the Democratic Services Manager by 2 January 2018, unfortunately there were no comments from Members.

Petitions Scheme

A copy of the current Petitions Scheme can be found within the Council's Constitution (Part 4 – Council Rules). The following types of petition did not fall within the scope of the Scheme:

- (a) petitions submitted by email, as email systems were not secure. Petitioners must use either paper-based petitions or the Council's ePetitions system;
- (b) petitions that were considered to be vexatious, abusive, anonymous or otherwise inappropriate;
- (c) petitions relating to a planning decision, including applications, development plan documents or the community infrastructure levy;
- (d) petitions relating to a licensing decision;

- (e) petitions relating to an individual or entity in respect of which they have a right of recourse to a review or right of appeal;
- (f) any matter for which the Standards Committee had powers for determining complaints received under the local assessment process;
- (g) any complaint made against an employee of the Council;
- (h) any matter which was substantially the same as a petition submitted in the previous twelve months;
- (i) issues where the subject matter was subject to ongoing legal proceedings; and
- (j) petitions in response to formal consultation processes instigated by the Council.

Written Petitions

During the period from September 2012 to December 2017, the Council received 21 written (paper-based) petitions. All submitted petitions were reviewed by the Director of Governance to ensure that they met the criteria set out in the Petitions Scheme.

It was suggested that the following issues be considered in the review of the operation of the Petition Scheme, with regard to written petitions.

Signature Threshold

The Petitions Scheme made provision for written petitions, which contained more than 2400 signatures, to be debated by the Council at its next ordinary meeting. Petitions containing more than 1200 signatures were subject to a report by the relevant Portfolio Holder for debate by the Cabinet at its next available meeting.

Petitions with fewer than 20 signatures were normally dealt with by the appropriate service directorate as ordinary or 'business as usual' type correspondence, unless the Service Director considered that the subject matter was sufficiently important or contentious to warrant the referral of the matter to the relevant Portfolio Holder. Petitions containing more than 20 but fewer than 1200 signatures were considered and dealt with by the relevant Portfolio Holder, who may take appropriate action if they have delegated powers to act alone, or prepare a report to the Cabinet or a Sub-Committee of the Cabinet for decision if required.

None of the petitions received during the period from September 2012 to December 2017 met the thresholds for debate by either the Cabinet or the Council. The Committee might therefore consider that these thresholds were discouraging the submission of petitions.

Members could choose to reduce the current signature thresholds for petitions. However, this approach could greatly increase the number of valid petitions received. To enable members to consider this aspect of the Petitions Scheme, the following comparative information had been obtained from several neighbouring authorities with regard to the handling of petitions, in terms of signature thresholds (for which statutory levels no longer applied):

Brentwood Borough Council (Population (mid-2016) 76,400)

1,500 signatories - considered by full Council

500 signatories - considered by Overview and Scrutiny Committee

Broxbourne Borough Council (Population (mid-2016) 96,800)

No signature threshold. All petitions received reported to the Cabinet

Chelmsford City Council (Population (mid-2016) 174,100)

2,000 signatories - considered by full Council

Harlow District Council (Population (mid-2016) 86,000)

650 signatories - considered by full Council

50-650 signatories - considered by Cabinet or appropriate Committee

Uttlesford District Council (Population (mid-2016) 86,200)

3,600 signatures - considered by full Council

The Select Committee requested that officers contact the authorities listed above and asked them how many petitions they had received over the last year.

Signature Requirements

The Petition Scheme required that written petitions should include contact details, (including an address) for the petition organiser and the name and address and signature of any person supporting the petition.

This element of the Scheme has caused operational difficulties in a number of recent instances, where details of the name, address and signature of persons supporting the petition had not been provided.

On some occasions when written petitions had been submitted, the lead petitioner had failed to collect the correct information (i.e. a name, address and signature) from petitioners, thereby resulting in the petition being rejected. There have also been a number of occasions where it had been difficult to ascertain who the petition organiser was, as contact details had not been made clear on the petition. If no details for the lead petitioner were submitted, an acknowledgement was sent to the first signatory to the petition. This could cause confusion if the first signatory did not know who organised the petition and therefore no further action was taken as there was no lead petitioner.

To address these issues, a pro-forma had been developed for the completion of written petitions. Whilst the use of a pro-forma was not compulsory, it was designed to assist those members of the public who were unsure of the information required and would help to reduce the number of petitions where doubtful or unclear information was provided. Although the pro-forma template was clearly available on the Council's website, it had not been used for any petition submitted during the period from September 2012 to December 2017. It was therefore proposed to review the template and its online location, to ensure its visibility within the petitions area of the website.

The Select Committee expressed concern that there were some inconsistencies between the Petition Scheme whereby it stated the maximum time an ePetition would run for was 3 months and the Guide to ePetitions stated the maximum time and ePetition would run for was 6 months. Members asked that this be corrected in the review.

Paper Petitions Received

When a paper petition was received by the Council the process taken would be to:

- Acknowledge receipt to the Lead Petitioner within seven working days, advising of the procedure that will be followed;
- Send an email the relevant Officers with a Memo outlining the procedure and attach a scanned copy of the petition; and
- Send an email to the Portfolio Holder, Chairman of Overview and Scrutiny Committee and the relevant Ward Members attaching a letter outlining the procedure, attach a copy of the memo to officers and a copy of the petition.

ePetitions Received

When an ePetition was received by the Council the process taken would be to:

- The content of the ePetition would be checked to ensure that it was suitable before it was made available for signature. Once the content and length of time was agreed the ePetition would be made available for signature. This process could take up to a maximum of ten working days;
- An email would be sent to the relevant Officer with a Memo outlining the procedure; and
- An email would be sent to the Portfolio Holder, Chairman of Overview and Scrutiny Committee and the relevant Ward Members attaching a letter outlining the procedure.

The Council's response to a petition would depend on what the petition asked for and how many people had signed it, this may include one or more of the following:

- Taking the action as requested in the petition;
- Consider the petition at a council meeting;
- Holding an enquiry into the subject matter;
- Undertaking research in the matter;
- Hold a public meeting;
- Hold a consultation;
- Hold a meeting with petitioners;
- Referring the petition for consideration by Cabinet or a Cabinet Committee; or
- Writing to the petition organiser setting out the Council's views about the request in the petition.

In addition to the steps above, the Council would consider all the specific actions it could potentially take on the issues highlighted in a petition.

The Select Committee expressed concerns that they felt the Council's Petition scheme was not prominent enough on the website and that the instructions on how to submit a petition should be made clearer to members of the public.

RESOLVED:

- (1) That Portfolio Holders be reminded that they are responsible for the consideration of all petitions containing more than 20 but fewer than 1200 signatures;

- (2) That, in future, all members be advised of the submission of an electronic petition, through the Council Bulletin;
- (3) That a review of the existing guidance for the Petitions Scheme be undertaken, to ensure that this is clear and consistent;
- (4) That the Council continue to only accept electronic petitions created and submitted through its website and that petitions hosted by third-party websites continue to not be accepted;
- (5) That a re-launch of the Petition Scheme be publicised appropriately on the Council's website;
- (6) That the location of the Petition Scheme on the Council's website be reviewed, in order to ensure that it is easier to find;
- (7) That those local authorities from which comparative information was obtained with regard to the signature thresholds for petitions, be requested to provide details of the number of petitions received in the last municipal year; and
- (8) That the revised Petition Scheme be publicised in the Council Bulletin.

42. KEY PERFORMANCE INDICATORS 2017/18 - QUARTER 3 PROGRESS

The Select Committee received a report from the Assistant Director (Development Management), regarding the Key Performance Indicators 2017/18 – Quarter 3 Performance.

The Local Government Act 1999 required the Council to make arrangements to secure continuous improvement in the way in which its functions and services were exercised, having regard to a combination of economy, efficiency and effectiveness.

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, were 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.

A range of thirty-two (32) Key Performance Indicators (KPIs) for 2017/18 were adopted by the Finance and Performance Management Cabinet Committee in March 2017. The KPIs were important to the improvement of the Council's services and the achievement of its key objectives and comprised of a combination of some former statutory indicators and locally determined performance measures. The aim of the KPIs was to direct improvement effort towards services and the national priorities and local challenges arising from the social, economic and environmental context of the district, that were the focus of the key objectives.

The overall position for all 32 KPIs at the end of Quarter 3 were as follows:

- (a) 25 (78%) indicators achieved third quarter target;
- (b) 7 (22%) indicators did not achieve third quarter target, although 4 (13%) of KPIs performed within the agreed tolerance for the indicator; and

- (c) 25 (78%) indicators were currently anticipated to achieve the cumulative year-end target, 3 (9%) indicators were anticipated not to achieve year-end target and a further 4 (13%) were uncertain whether they would achieve the cumulative year-end target.

There were 5 KPIs which fell within the Governance Select Committee's areas of responsibility. The overall position with regard to the achievement of target performance at Quarter 3 for these 5 indicators were as follows:

- (a) 4 (80%) indicators achieved target;
- (b) 1 (20%) indicators did not achieve target;
- (c) 0 (0%) performed within the agreed tolerance for the indicator; and
- (d) 4 (80%) indicators were currently anticipated to achieve year-end target and a further 1 (20%) indicator was uncertain whether it would achieve year-end target.

The 'amber' performance status used in the KPI report identified indicators that had missed the agreed target for the quarter, but where performance was within an agreed tolerance or range. The KPI tolerances were agreed by Management Board when targets for the KPIs were set in March 2017.

The Select Committee was requested to review Q3 performance for the KPIs within its areas of responsibility. The full set of KPIs was also considered by Management Board on 24 January 2018 and will be considered by the Finance and Performance Management Cabinet Committee on 9 March 2018.

RESOLVED:

That the Key Performance Indicators 2017/18 for Quarter 3 Progress Report be noted.

43. CORPORATE PLAN KEY ACTION PLAN 2017/18 - QUARTER 3 PROGRESS

The Select Committee received a report from the Assistant Director (Development Management), regarding the Corporate Plan Key Action Plan 2017/18 – Quarter 3 Progress.

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 were supported by Key Objectives which provided a clear statement of the Council's overall intentions for these five years.

The Key Objectives were delivered by an annual action plan with each year building upon the progress against the achievement of the Key Objectives for previous years. The annual action plans contained a range of actions designed to achieve specific outcomes and were working documents and therefore subject to change and development to ensure the actions remained relevant and appropriate and to identify opportunities to secure further progress or improvement.

The Corporate Plan Key Action Plan for 2017/18 was adopted by Council at its meeting on 27 September 2016. Progress in relation to all actions and deliverables was reviewed by the Cabinet, the Overview and Scrutiny Committee and the appropriate Select Committee, on a quarterly basis.

There were 50 actions in total for which progress updates for Quarter 3 were as follows:

- (a) 40 (80%) of these actions had been Achieved or were On-Target;
- (b) 5 (10%) of these actions were Under Control;
- (c) 4 (8%) were Behind Schedule; and
- (d) 1 (2%) were Pending.

There were 8 actions that fell within the areas of responsibility of the Governance Select Committee. At the end of Quarter 3 these were:

- (a) 8 (100%) of these actions had been Achieved or were On Target;
- (b) 0 (0%) of these actions were Under Control;
- (c) 0 (0%) of these actions were Behind Schedule; and
- (d) 0 (0%) of these actions were Pending.

RESOLVED:

That the Corporate Plan Key Action Plan 2017/18 Quarter 3 Progress Report be noted.

44. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Select Committee agreed that there were no reports for recommendation to the Overview and Scrutiny Committee.

45. FUTURE MEETINGS

The next meeting of the Governance Select Committee would be on 27 March 2018 and would be the last for this municipal year.