

Report to the Council

Committee: Cabinet

Date: 29 July 2014

Subject: Portfolio Holder Report – Governance
and Development Management

Portfolio Holder: Councillor J Philip

Recommending:

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

1. IER – Individual Voter Registration

Members will remember the report on this matter of Councillor Ulkun to the Council in April I can now report that after negotiation, officers have secured nearly £71,000 in Government Grant to meet the costs of the transition to Individual Registration this year.

This budget has been used to increase staffing resources during the period to April 2015, to purchase equipment for the service, required following the government's decision to switch to A3 forms, and the additional costs of contacting each of our 100,000 electors individually about their registration.

From last month (June) any new application will be made using this process, either on-line or during the canvas period that ends in December. Members may also have seen a national TV/radio/media campaign to encourage the return of forms due under the new system.

Working together with our system suppliers and the Council's ICT Service, Officers have successfully and securely transferred electronic records of all current electors to the Government's Digital Service to enable checking against Department of Work and Pensions data. This 'matching' exercise will mean that a large majority of residents will automatically transfer to the new register arrangements without further form filling. However, it is anticipated that new forms will be required from approximately 15,000 individuals in the district by December. Initial matching results indicate a match rate of nearly 81% and further work is being undertaken to use data sets in Housing and Benefits to increase the match rate. A verbal report will be given at the meeting on the results of the local matching exercise.

Going forward, using the first IER Canvas as a guide, further reports will be made on whether there is a need to continue the greater staffing resource; and any grant application to the Cabinet Office that will be required to underpin the financing of additional resources.

2. Freedom of Information

Officer responsibility for freedom of information matters transferred to the Performance Improvement Manager from 16 June 2014, following the retirement of the former Assistant Director (Democratic Services). The Performance Improvement Manager is also currently the Council's Data Protection Officer and, although it is likely to take some time before officers of the Performance Improvement Unit are fully conversant with relevant legislation and requirements, it has already been identified that there may be a need to review the

existing ICT arrangements for the handling of freedom of information (and data protection) matters.

Freedom of information requests are currently handled through the Council's corporate document management system, Information at Work (I@W). Although I@W provides for the Council's needs in terms of general document management requirements, its use for freedom of information matters is less suitable, as it does not provide an end to end case management solution and its processes are particularly time consuming. The bringing together of freedom of information and data protection matters under the overall responsibility of the Director of Governance as part of the new management structure, has also presented an opportunity to consider options for the implementation of an information governance system to streamline the management of information disclosure processes such as freedom of information and data protection, and enable officers to better track and respond to requests in order to comply with relevant legislation

In excess of fifty freedom of information requests were submitted to the Council during June 2014. Whilst suitable systems have yet to be researched, the procurement of an appropriate solution is a proposal that I am keen to support going forward.

3. Local Land Charges

Transfer of the local land charges register

The government has announced that legislation is being proposed to transfer all local land charges registers to the Land Registry who will hold a composite register of local land charges for England and Wales and will be the sole provider of the Local Land Charges official search results.

It is intended that the necessary change to legislation will complete its passage through Parliament by March 2015. If this is successful then a phased migration of the local land charges service will start later in 2015. At present there are no legislative proposals to transfer responsibility for the CON29 searches which are carried out at the same time as the Official Search however pilots may commence this year.

During consultation concern has been expressed by both the local authority community and the private sector conveyancing practitioners mainly in relation to the I.T. infrastructure required, the separation of the Official Search and the CON29 enquiries and the uncertainty of the timetable/impacts.

I will keep members updated as to the progress of the Bill going through parliament and if adopted the proposed timetable and the effect of the changes to the service, when they become clearer.

Property Searches Litigation

Members have previously been informed of claims arising from the charge levied in the past by all local authorities for the provision of the Local Land Charges official search. In summary, starting in 2005 the Environmental Information Regulations (EIR) were implemented and they provide that environmental information should be accessible free of charge. In 2010 the government revoked the legislation around Local Land Charges enabling us to charge due to its incompatibility with the EIR.

A number of personal search companies have issued claims against local authorities in England and Wales requiring the repayment of search fees paid between 2005 and 2010. The Local Government Association has appointed Bevan Brittan, who in turn has instructed

Leading Counsel, as the legal representatives on behalf of most of the authorities involved. This has ensured both a joint approach and economies of scale on costs.

Unfortunately the detail of the progress with the claims which I can share with you publicly is constrained by legal requirements of confidentiality. However I can reassure Members that I have been fully briefed on the issues and will bring matters to your attention as soon as that is possible.

In that vein, I can confirm that of the two sets of claimants seeking repayment by this Council, the original group is now seeking £4,557.20 plus interest and costs. We have reached agreement on this claim, the precise terms of which are confidential at present.

4. Building Control Award

At the Local authority Building Control East Anglia Building Excellence Awards the submission by Jeff Dixon, Building Control Manager, of the Millfield High Ongar scheme (also known as the straw bale development) won the Best Social and Affordable New Housing Award category. The scheme was built in partnership with Hastoe Housing and has been recognised for its ground-breaking use of sustainable construction materials including straw sourced from local farms. The submission now goes on to the National Finals in London on the 11th November.

5. Petition- Newhouse Farm Vicarage Lane (East)

In accordance with the Constitutional requirement I report that I have received a petition in respect of a retrospective planning permission (EPF/0416/14) for a change of use from horticultural to business use at Newhouse Farm, Vicarage Lane East, North Weald. The use is stated to be causing excessive lorry movements and parking in the lane. I will take account of the views expressed and respond after consulting with Nigel Richardson, Assistant Director (Development Management).