

## 2. GOVERNANCE SELECT COMMITTEE

### *The Governance Select Committee consisted of the following members:*

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

The Lead Officer was Nigel Richardson, Assistant Director for Development Management.

### *Terms of Reference*

To undertake reviews of the services and functions of the Governance Directorate and to consider the effect Government actions or initiatives on the services and functions of the Governance Directorate and to review the six monthly progress towards the achievement of the Council's equality objectives and review public consultation and engagement. To report to the Overview and Scrutiny Committee, the Council or the Cabinet with recommendations on matters allocated to the Committee as appropriate.

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.

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.

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.

To annually review details of the consultation and engagement exercises undertaken by the Council over the previous year.

### *The Panel scrutinised a number of issues over the last year, which included:*

(i) **Review of Elections – May 2015 - Lessons Learnt** – At their July 2015 meeting, the Panel received a report from the Returning Officer regarding the lessons learnt at the recent elections.

The report discussed planning processes and implementation for the elections held on 7 May 2015, the results of which were the election of a Member of Parliament for the Epping Forest Constituency, one Councillor was returned for each of eighteen District Council wards and ten Parish Council elections took place with six contested wards.

This election followed the first year when the Council was required to implement Individual Electoral Registration (IER). Work undertaken to encourage further

registration had prompted some 5,000 changes to the IER register, published in 2014.

All of the election papers were printed by the Council's Reprographics Section, which, as before, provided an excellent service. The proofs of all District Council and Parish Council ballot papers were scrutinised carefully and all ballot papers were printed correctly.

It was advised that nationally, there was an issue regarding a late change made to the logo of the Green Party. The Electoral Commission had agreed the change but had not transmitted this information effectively to Returning Officers.

Due to the number of ballot papers required for the Parliamentary election it was necessary to engage an external printer for the 75,000 ballot papers. The split between internal printing for local elections and external for national ones worked well, it was recommended to continue with this for the 2016 Police and Crime Commissioner election where 100,000 ballots would be required.

The issue of postal votes for Epping Forest went smoothly. Nearly 10,000 postal voting packs were sent out, the most ever. Although there was no evidence of any postal vote fraud, 150 postal votes were rejected for various reasons.

All polling stations opened on time with no access issues. This year, four polling stations were changed due to unavailability of previous locations, no issues were raised in connection with these stations.

Verification and counting of parliamentary ballot papers took place at Debden Park High School enabling a larger number of count staff to be employed. Counting started as soon as the polling finished, the process going smoothly. The final declaration of the Parliamentary seat was made at around 3.45p.m.

Discussions were held with Essex Police prior to the election. Polling stations received visits during the day and there were no instances requiring immediate police presence outside of the regular visits. Police support was also provided at the Count Centres on both Thursday evening and on Friday at Theydon Bois.

**(ii) Consultation Register 2014/15 and 2015/16** - The Committee noted that the District Council carried out a wide variety of consultations, both externally for public participation and internally for staff opinions. A list of these were compiled and published as a register on the Council's website, they set out the issues on which individual services would be consulting on or engaging with residents and customers during the year. They summarised the purpose, start and completion dates, service area administering the surveys, location of results and key findings. The register also set out the overall objective for consultation exercises yet to be undertaken.

Amongst the larger surveys carried out by the Council in the last 12 months were the Car Parking Review and the Tenant Participation Survey.

Human Resources would be carrying out further employee "Pulse" consultation to compare and measure staff attitudes against previous survey results.

**(iii) Key performance Indicators 2014/15 – Quarter 4 (Outturn) Performance** - Six of the KPIs for 2014/15 fell within the Governance Select Committee's area of responsibility. The overall position with regard to the achievement of target performance at the end of the year for these six indicators was as follows:

- (i) Three (50%) indicators achieved the cumulative end of year target;
- (ii) Three (50%) indicators did not achieve the cumulative end of year target;  
and
- (iii) One (17%) of these KPIs performed within the agreed tolerance for the indicator.

**(iii) Equality Objectives 2012-2016 – Quarter 4 progress for 2014/15** - The Equality Act 2010 placed a number of responsibilities on the Council in having regard to equality in the exercise of its functions, this included a Public Sector Equality Day (PSED). It aimed to eliminate discrimination, advance equality of opportunity and foster good relations between persons sharing relevant characteristics and those who did not. Further specific responsibilities required the adoption of objectives for improving equality for service users and employees.

In March 2012, the Cabinet agreed four equality objectives for the four years from 2012-16, designed to assist the Council meeting the needs of the PSED. The objectives supported by an Action Plan, focused on key areas where improvement in relation to equality had been identified.

Members received a schedule detailing progress against individual actions, the reporting progress followed status indicators applied to individual actions.

**(iv) Section 106 agreements – monitoring report 2014/15** – In October 2015 the Committee received a report setting out all Section 106 Agreements entered into during 2014/15, and details of the benefits realised throughout the year from previous agreements, including monies received where development had commenced.

Members noted that Section 106 Agreements acted as the main instrument for placing restrictions on development, often requiring the mitigation of site specific impacts. Agreements could be sought in situations where planning conditions were inappropriate to ensure or enhance the quality of development and to enable proposals that might otherwise have been refused planning permission to proceed in a sustainable manner. The Committee were reminded that Section 106 Agreements must always be relevant to and proportionate to the scale and kind of related development and could be used to deliver: a) affordable housing; (b) necessary highway works; (c) public open space; (d) the restoration of listed buildings; and (e) off-site infrastructure.

Several members expressed the view that effective scrutiny of Section 106 arrangements required an overview and understanding of how and where monies arising from agreements were intended to be spent and appropriate timescales for the collection of relevant monies and the realisation of the associated benefits.

**(v) Key Performance Indicators 2015/16 - Quarterly Progress** – the Committee reviewed the Key Performance Indicators relevant to their Select Committee on a quarterly basis.

**(vi) Public Sector Equality Duty (PSED) – Equality Information Report 2015/16** - The broad purpose of the PSED required the Council to integrate the consideration of equality and good relations into its day-to-day business, positively contribute to the advancement of equality and fairness, and to reflect equality considerations into the design of policies and the delivery of services. The Senior Performance Improvement Officer reported that the review and monitoring of

performance against the equality duty helped the authority to comply with its legal requirement; and to provide inclusive services.

The Select Committee congratulated the Senior Performance Improvement Officer on the development of the equality information report for 2015/16, which set out the Council's many initiatives and achievements in a clear and extremely effective way. Members identified a number of areas for possible inclusion in the report going forward, including the provision of services for young people and individuals leaving local authority care. Several members also expressed support and encouragement for participation in the equality-related programmes offered to councillors as part of the annual member training and development programme.

**(vii) Equality Objectives 2012-2016 – Six Monthly Progress** – the Committee reviewed the Equality Objectives on a six monthly basis throughout the year.

**(viii) Chairman's Expenditure and Allowances** – At their December 2015 meeting, the Committee noted that the Chairman and Vice-Chairman of Council received special responsibility allowances in recognition of the particular expenses incurred by the Civic and Ceremonial role. It was advised that an anomaly in recompense for transport costs was addressed by the adoption of a motion at Full Council on 28 July 2015 that a review should be conducted into the current levels for the civic ceremonial budget by this select committee.

In addition to the Chairman's and Vice Chairman's individual allowances, "spending" budgets directly supported the work of the Chairman and Vice-Chairman amounted in total to £22,530. Officers conducted a survey of civic ceremonial expenditure by other Essex and neighbouring councils although differing budget structures made direct comparisons with the District Council difficult, there was a range of costs applied by different authorities, for example Chelmsford City spent £71,000 in total and Braintree District Council spent £17,340.

Officers informed members that the Chairman's spending never went over budget, in addition the Chairman's Secretary made strenuous efforts to reduce expenditure on events by obtaining a fairer bargain for the authority. It was also stated that there had been no inflationary increase in budget for the Chairman of Council in 10 years.

The Select Committee supported referring the Chairman's and Vice-Chairman's Allowances to the Member Remuneration Panel for more direct scrutiny.

**(ix) Planning Appeals Performance** – Appeal performance was reported every 6 months to the area planning committees using two Key Performance Indicators (KPIs), GOV007 which measured the percentage of planning applications recommended by planning officers for refusal, overturned and granted planning permission by appeal and GOV008 which measured the percentage of planning applications refused by Councillors against the recommendation of the planning officers and subsequently granted planning permission on appeal. Members sought clarity and understanding on why some appeals were dismissed and others were allowed, which in turn would help towards improving performance of these two KPIs as identified in their individual improvement plans.

Members were advised on the problems of attempting to successfully defend a decision to refuse at an appeal if there were no objections from the local Highways authority. However, they felt that the staff at Essex County Council Highways were not particularly pro-active in checking planning applications at the consultation stage for neighbour objections on highway grounds whereas Councillors felt, if they did,

then they could raise objections which would support their own views at the committee meeting.

*(See Case Study for full details)*

**(x) Development Management Pre-Application Advice** – The Committee noted that 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.

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.

**(xi) Development Management Chair And Vice Chair's Meeting** - Member's attention focussed on 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.

### ***Case Study: Planning Appeals Performance***

The Select Committee reviewed planning appeals performance at its meeting held in December 2015.

Applicants applying for planning permission through a planning authority could appeal to the Secretary of State any decision made whether it be refused, or granting with conditions. In these instances, all parties provided the evidence required and were normally determined by exchange of written statements or appearance at a hearing or inquiry. Appeal performance was reported every 6 months to the area planning committees using two Key Performance Indicators. The members of the select committee discussed six recent cases across the district which the Assistant Director (Development Management) had selected.

Members were advised on the problems of attempting to successfully defend a decision to refuse at an appeal if there were no objections from the local Highways authority. However members felt that the staff at Essex County Council Highways were not particularly pro-active in checking planning applications at the consultation stage for neighbour objections on highway grounds, they could raise objections which would support their own views at the committee meeting.

An option for area planning sub-committees was to defer items for a fuller Highways assessment of the application in question. The Governance and Development Management Portfolio Holder advised caution when objecting to planning applications against officer recommendation as good evidence was needed to justify a refusal in all reasons put forward.

Members noted that an officer from the Highways authority did visit the District Council and read current planning applications and also visited relevant sites.

However, there had only been one successful appeal this year where costs had been awarded against the authority.

The current method of analysing the appeals record from the area planning sub-committees was through the 'Probity in Planning' reports submitted to the committees every six months at the end of the meeting which tended to happen after a long agenda. Members supported putting a summary of appeal decisions regularly in the Bulletin and that further training on this topic was also needed.