



# Uttlesford District Council

Chief Executive: Dawn French

## Cabinet

**Date:** Wednesday, 26 October 2016  
**Time:** 19:00  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors H Rolfe (Leader and Chairman), S Barker, S Howell, J Redfern and L Wells

**Other attendees:** Councillors A Dean (Liberal Democrat Group Leader and Chairman of Scrutiny Committee), J Lodge (Residents for Uttlesford Group Leader) and E Oliver (Chairman of Performance and Audit Committee)

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest**  
To receive any apologies for absence and declarations of interest.
- 2 Questions or statements from non executive members of the council**  
To receive questions or statements from non-executive members on matters included on the agenda

- 3 Matters referred to the Executive (standing item)**  
To consider matters referred to the Executive in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules
- 4 Reports from Performance and Audit and Scrutiny Committees (standing item)**  
To consider any reports from Performance and Audit and Scrutiny Committee
- 5 Refugee Working Group**  
To receive a report from the Refugee Working Group (standing item)
- 6 Local Plan consultation (to follow)**  
To consider the Local Plan consultation.
- 7 Scrutiny enforcement review** 5 - 20  
To consider the Scrutiny enforcement review.
- 8 Station Road Wendens Ambo** 21 - 24  
To consider a report on Station Road, Wendens Ambo.
- 9 Frambury Lane Newport** 25 - 32  
To consider a report on Frambury Lane, Newport.
- 10 Scheme of Delegation** 33 - 36  
To consider a report on updating the Council's scheme of delegation.
- 11 Any other items which the Chairman considers to be urgent**  
To consider any items which the Chairman considers to be urgent.

## **MEETINGS AND THE PUBLIC**

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk). For background papers in relation to this meeting please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510433/369.

Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

### **Facilities for people with disabilities**

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510430/433 as soon as possible prior to the meeting.

### **Fire/emergency evacuation procedure**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

#### **For information about this meeting please contact Democratic Services**

Telephone: 01799 510433, 510369 or 510548

Email: [Committee@uttlesford.gov.uk](mailto:Committee@uttlesford.gov.uk)

#### **General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)



Extract from minutes of Scrutiny Committee meeting of 6 September 2016.

**SC20 ENFORCEMENT TASK GROUP REVIEW**

The Chairman invited Councillor Sell to present the report. Councillor Sell began by thanking the other Members of the Task Group, as well as the officers who had helped the Task Group with their research.

Members had noted that some information such as enforcement action taken in wards was no longer sent to them. He invited the other Members of the Committee to ask questions of the report.

The Director of Finance and Corporate Services highlighted to the Committee that the loss of the monthly enforcement action report had been highlighted for some time and the Administration had committed money to enable the back scanning of files and other changes to happen. Alongside this changes to operating practices would enable the report to be reintroduced.

Councillor Felton noted that the County Council logged reports. She asked whether the Council's software was capable of providing the same functionality. In response, the Director of Finance and Corporate Services said that the IDOX software used by the Council was capable of this, but this function had not been utilised. Staff had now been trained to do this and were in the process of back-scanning. He added that the structure of the Enforcement team had been reviewed. The changes to the officer structure would be complete by 1 October.

Councillor Oliver asked when parishes and ward members would start to receive updates regarding enforcement action. The Director of Finance and Corporate Services said he would check this information and email Members.

The Chairman noted that the trade considered that prosecutions have often been sought in the first instance, when other measures would have been sufficient. The taxi trade had also asked for greater education to be given about the conditions of licences.

Councillor Sell explained that Councillor Jones had been looking at the taxi trade as part of the Task Group's review and had some concerns about the way in which enforcement action was taken with regard to taxi drivers and operators. Councillor Sell added that the taxi trade felt that the dialogue between the Council and the trade was one-sided.

*Councillor Chambers declared a non-pecuniary interest as Chairman of the Licensing and Environmental Health Committee. Councillors Barker declared a non-pecuniary interest as member of the same committee.*

Councillor Chambers said that he didn't wholly agree with the findings of the report. The Licensing and Environmental Health Committee was a regulatory committee that dealt with drivers and operators who had broken the law or the Council's policies. He was aware that some had considered the now retired Assistant Chief Executive – Legal to be too harsh. However, when the Licensing Committee considered drivers' and operators' licences, the Committee decided whether to take action and the report did not make recommendations about the course of action.

It was often possible to tell when someone appeared before the Licensing Committee whether they had made a genuine mistake, but in most cases the law had been broken. He was not opposed to the idea of forums. Operators were aware of the conditions of their licences, as well as those of drivers, and it was their responsibility to ensure their drivers understood the conditions upon their licences.

The Council should not look to slacken its rules regarding licensing as doing so would put the public's safety at risk. The Assistant Chief Executive – Legal had always made himself available to advise operators and he was sure that the Interim Head of Legal Services would do the same.

Councillor Chambers informed the Committee that Licensing Committee meeting which had been scheduled to take place on 14 September had been cancelled due to lack of business. If there was minimal business the forums could take place during scheduled Licensing Committee meetings.

Councillor Sell said that there was never any intention of undermining the public's safety. Holding forums would be a way of allowing the Council to take a more backseat role.

Councillor Barker said that licensing fell outside of the remit of Cabinet. The Council was tasked with enforcing licensing as a statutory function and it was important that there was not any slack when the Council enforced its Licensing Policy.

The Interim Head of Legal Services said that if the Committee were minded to look at setting up a forum this responsibility could be given to the Licensing Committee.

Councillor Barker proposed that the Committee did not recommend to Cabinet that it looked to relaunch forums and instead asked the Licensing Committee to look at the matter. Members agreed with Councillor Barker's proposal.

In response to a question by the Chairman about the extent to which the Task Group had looked at the Environment Agency, Councillor Sell said the Task Group had focussed on Essex Highways rather than the Environment Agency. In reply, the Chairman asked that the Environment Agency were included within the scope of any further work related to the enforcement review.

Councillor Sell said that he had spoken to the Assistant Chief Executive – Legal, who had said that he felt the workload surrounding enforcement had increased and that one extra full time equivalent member of staff was required in order to adequately deal with the workload. In response, the Director of Finance and Corporate Services explained that the restructure of the enforcement department had effectively created an extra full time equivalent member of staff.

The Chairman invited Councillor Howell to speak as the Cabinet member responsible for enforcement. Councillor Howell began by stating that he welcomed the report, which he had found very useful. He was pleased that the reporting of enforcement action by ward would be returning as he had seen regaining it as a priority.

He was conscious that almost everyone abided by the rules and that there were only a few cases where the Council needed to use its statutory powers. There was a need to understand what was meant by expediency and to accept that in some instances planning enforcement cases had to be closed on those grounds. He accepted the first three recommendations as set out in the report.

**The Chairman proposed that the first four actions as outlined in the report were recommended to Cabinet with reference to the Environment Agency also included in any further work associated with the review.**

**RESOLVED that the Committee recommended to Cabinet the following four actions:**

- 1. Following the re-engineering of the Council's IDOX Software System, from 1 April 2017; the Corporate Enforcement Team introduce monthly Parish/Town Council and District Council updates on Planning Enforcement Cases (including status and numbers); and introduce a quarterly report to Planning Committee.**
- 2. Introduction of a Customer Charter with standards for updating complainants on the**

**progress of all enforcement activities in all areas of activity before 1 April 2017.**

- 3. Review the Council's Enforcement Strategy; and the Review/Introduction of Enforcement Policies for all principal enforcement areas before 1 April 2017.**
- 4. Introduction of Memorandum of Understanding between Essex Highways and Uttlesford District Council on Highway Enforcement Matters.**



<b>Committee:</b>	<b>Scrutiny Committee</b>	<b>Agenda Item</b>
<b>Date:</b>	<b>6 September 2016</b>	
<b>Title:</b>	<b>Enforcement Task Group Review</b>	
<b>Author:</b>	Councillor Asker; Councillor Jones & Councillor Sell	Item for decision

---

## Summary

At Scrutiny Committee on 17 November 2015 it was agreed to establish a Task and Finish Group to consider the functioning of Enforcement within the Council.

The Task and Finish Group had the following terms of reference:

- Understanding of the structure of Enforcement within the council.
- To review how decisions are reached as to when it is appropriate to take action.
- To review the resourcing of the service.
- To understand the limitations in law in relation to enforcement, such as the test of expediency.
- To understand the processes and priorities of the different elements of Enforcement, including planning, licensing and environmental matters.
- To understand how Enforcement works in its wider sense, for example which other agencies are responsible for elements of enforcement.
- To understand what service agreements/protocols are in place with regard to delivery by outside agencies?

Following various meetings of the group and associated activities, supported by the Development Manager, the following recommendation is made.

## RECOMMENDATION

**Scrutiny Committee recommends to Cabinet the following five actions:**

- A. Following the re-engineering of the Council's IDOX Software System, from 1 April 2017; the Corporate Enforcement Team introduce monthly Parish/Town Council and District Council updates on Planning Enforcement Cases (including status and numbers); and introduce a quarterly report to Planning Committee.**

- B. Introduction of a Customer Charter with standards for updating complainants on the progress of all enforcement activities in all areas of activity before 1 April 2017.**
- C. Review the Council's Enforcement Strategy; and the Review/Introduction of Enforcement Policies for all principal enforcement areas before 1 April 2017.**
- D. Introduction of Memorandum of Understanding between Essex Highways and Uttlesford District Council on Highway Enforcement Matters.**
- E. Relaunch Forums for Taxi Drivers/Operators and other Non-Planning Enforcement Areas where appropriate before 1 April 2017.**

### **Financial Implications**

1. There are likely costs with respect of recommendation A with respect of the re-engineering of the IDOX and the existing data associated with the recommendation.

### **Background Papers**

### **Impact**

- 1.

Communication/Consultation	Improved customer service and communication with stakeholders including, members, parish/town councils and Regulatory Committees
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None

Workforce/Workplace	None
---------------------	------

## Situation

1. Members will recall from Scrutiny Committee on 17 November 2015 that it was agreed to establish a Task and Finish Group to consider the functioning of Enforcement within the Council.
  
2. The Task and Finish Group had the following terms of reference:
  - Understanding of the structure of Enforcement within the council.
  - To review how decisions are reached as to when it is appropriate to take action.
  - To review the resourcing of the service.
  - To understand the limitations in law in relation to enforcement, such as the test of expediency.
  - To understand the processes and priorities of the different elements of Enforcement, including planning, licensing and environmental matters.
  - To understand how Enforcement works in its wider sense, for example which other agencies are responsible for elements of enforcement.
  - To understand what service agreements/protocols are in place with regard to delivery by outside agencies?

## Actions

3. In response to this the group (or parts of the group) carried out the following actions, supported by the Development Manager,
  - Received a presentation from the Enforcement Team Leader regarding the structure of the team. This included an overview of the variety of enforcement functions carried out; with some indication of how workload was distributed amongst the team.
  - Received clarification from the Enforcement Team Leader of the levels and types of cross agency relationships on enforcement issues.
  - Discussed with the Enforcement Team Leader matters related to the reporting of live caseloads to Town and Parish Councils as well as Ward Councillors and Regulatory Committees.
  - Considered the decision making process on all types of Enforcement Area.
  - The Development Manager outlined the specific considerations around Planning Enforcement including the various outcomes from planning enforcement, including matters around expediency.

- Met with representatives of taxi drivers and their experiences with the Corporate Enforcement Team.
- Visited the premises of one of the larger taxi operators.
- Carried out a quick survey of the Town & larger Parish Councils seeking their views and experiences of dealing with Enforcement Issues at the Council (including reference to agencies other than UDC).

## **Understanding the Structure of Enforcement within the Council**

4. For the purposes of this review the group confined its work to the activities of the Corporate Enforcement Team. The Corporate Enforcement Team consists of four officers including the Team Leader. The team carries out investigations into the following areas:
  - Fly Tipping
  - Littering
  - Unauthorised Waste Carriers/Transfer of Waste
  - Lack of trade waste agreements
  - Dog Fouling
  - Smoking in Public Buildings/Vehicles
  - Failure to display no smoking signs in smoke free premises or vehicle
  - Untaxed and abandoned vehicles
  - Graffiti
  - Licensed Vehicles
  - Licensed Premises
  - Gambling
  - Planning
  - Housing Tenancy Fraud
  - Fly Posting
  - Scrap Metal
5. The Enforcement Team Leader has indicated the following levels of casework in 2015;
  - 541 files opened for investigation into possible breaches of planning control
  - 167 referrals for abandoned and untaxed vehicles
  - 64 fixed penalty notices paid totalling £8,200
6. Within the first four months the team had had seven successful prosecutions against taxi drivers on specific breaches of licenses
7. In addition there has been work around prosecutions for traders failing to have trade waste licenses.

## **Cross Agency Activity**

8. The team liaise with a number of agencies on many issues. Namely:

### **8.1 Essex County Council**

- **Place Services Ecology & Archaeology-** where there are concerns about protected species, habitats, developments involving archaeology conditions; and general information. Planning & Building Control have a Service Level Agreement for Place Services.
- **Highways-** although the only form of contact is through the ECC call centre or by the online complaint form.
- **Planning-** if there are reports of unauthorised waste or matters around minerals which are county planning matters.
- **Rights of Way-** if we are aware of works being carried out on public footpath or bridleway. We also notify the department if UDC are aware of damage to footpath signage.
- **Business Services-** related to the licensing of the sales of fireworks
- **Drainage-** relates to blocking of ditches adjacent to highways
- **Fulfilment-** relates to blue badge fraud.

### **8.2 Essex County Traveller Unit**

Regarding unauthorised encampments on public land

### **8.3 Forestry Commission**

Shared information related to unauthorised felling in the district.

### **8.4 DVLA**

Share information related to untaxed and abandoned vehicles. The team have access to the DVLA database of all registered vehicles in the country and in order to maintain the access they have to submit twice yearly audits to the DVLA. The database must be accessed through a stand-alone computer which links via a BT telephone line.

### **8.5 HM Revenues & Customs**

The team provide them with information on businesses we find, where it is believed records are not being kept correctly.

#### **8.6 Health & Safety Executive**

When visiting building sites or premises the public have access to the team report any health and safety issues occurring which it believes are dangerous.

#### **8.7 Environment Agency**

Reporting of pollution concerns and working with them to resolve problems.

#### **8.8 Parking Partnership**

Provide us with information on illegally parked vehicles in the district. Also report vehicles where it is aware there is no road tax.

#### **8.9 Stansted Airport**

Liaise with the airport on multiple issues including car parking, retail units and public transport issues.

#### **8.10 Traffic Commissioners**

Licence vehicles to carry over 8 people. Sharing information

#### **8.11 Police**

General intelligence sharing

### **Reporting of live caseloads to Town and Parish Councils as well as Ward Councillors and Regulatory Committees**

9. The group were aware that previously town and parish councils did receive monthly reports of ongoing caseloads and that this had ceased following UDC's change to the use of the IDOX Corporate Software in 2012. This raised concerns within the group as it was considered paramount that local councils were aware of new cases and the progress of current cases in their areas. This was a concern highlighted by the two town/parish councils that had responded to the quick survey with the larger town and parishes.

10. Members of the group were also concerned that District Councillors were unaware of cases within their own wards.
11. The group were also mindful that the current management of the IDOX system did not allow for the regulatory Committees (i.e. Planning and Licensing) to be updated accurately on the volume of cases and their progress outcomes.
12. The Development Manager did advise that with regards Planning Enforcement through the appropriate management of the IDOX system, it is possible that the Access Reports to interrogate the system to allow a more meaningful reporting of cases and their status. Appropriate Ward/Parish and date filtering could also provide monthly/quarterly reporting. This could only be achieved through a re-engineering of the IDOX set up.

## **The Decision Making Process**

### **Planning Enforcement**

13. Powers for taking Planning Enforcement are delegated jointly to the Assistant Director Planning and the Assistant Chief Executive Legal. The Assistant Director Planning's powers are primarily exercised by the Development Manager. Any formal decision to take action has to be formally agreed from planning and legal viewpoint. Decisions to close enforcement cases are confirmed by the Development Manager following a weekly meeting with the Enforcement Team. The decision to close cases can be for a number of reasons:
  - Where no breach is detected
  - The breach is time barred from formal action
  - Compliance is achieved either through reversal or authorisation (possibly following formal action)
  - It is considered not expedient to take action.
14. The group did state clear angst where cases are closed for reasons of expediency. The question of expediency is somewhat unique to planning. Being a discretionary function the Local Planning Authority does not have a duty to enforce, only a duty to investigate. There is no finite test of expediency and the issue is almost always a matter of judgement for officers.
15. The reasoning to establish whether something is expedient is a need to demonstrate harm from the breach. Such harm would have to be demonstrated and evidenced by the Local Planning Authority to defend any appeal against any formal action taken.

16. The question of expediency is covered within the Council's Enforcement Strategy (dated June 2011) in Paragraph 1.06. In essence enforcement action should not be taken merely to rectify a breach or to seek retribution. Action should only be taken if the nature of breach in itself causes material harm of a planning nature. Expediency can cover a number of issues
- The breach may be so minor (e.g. a very small amount above permitted development rights)
  - The breach can be considered only a technical breach not worth pursuing.
  - Even if the breach is more than a technical breach then a decision must be taken as to whether planning permission would have been granted for the breach.
17. Although in circumstances where permission would likely have been accepted, a planning application would be invited. If one is not submitted, then unless particular conditions would need to be attached to any permission, formal action should not be pursued and the matter is closed for lack of expediency.
18. Concerns were raised by the group that when a case is closed for reasons of expediency the primary reasons behind this decision are not properly explained to the complainant. These concerns could be addressed by extending the reason when the case is closed.
19. Additionally, concerns were raised that even where formal action is considered the complainant is not updated or provided with the likely timeframe of such action. Currently the Enforcement Team have a policy of not updating complainants during a case; this policy has to be revisited. Customer updates can be achieved through the IDOX system in very much the same way as neighbour notifications within Development Management.
20. With respect to prosecution the Development Manager can recommend an action but as with all prosecution matters the ultimate decision rests with the Assistant Chief Executive-Legal who decides whether to prosecute, based upon the public interest test

### **Other Non-Planning Matters**

21. Enforcement decisions regarding other non-planning enforcement matters rests with the Assistant Chief Executive- Legal. As with all prosecution matters he decides whether to prosecute based upon the public interest test. As the Head of Service for licensing and general enforcement the Assistant Chief Executive-Legal exercises his delegated powers directly, with reference to Licensing Committee where decisions lie outside of his delegated powers.



22. All areas outside of planning enforcement are not discretionary functions and some action has to be taken where a breach is detected. The nature of action may be from a warning through to prosecution. This decision is made within the delegated powers of the Assistant Director/Licensing Committee.

### **Meeting with Representatives of Taxi Drivers**

23. On 9 June 2016 Cllr. Jones and the Development Manager met with representatives of the taxi drivers within UDC.

24. The drivers introduced the Council's Licensing Policy for UDC. Within the detailed policy it clearly stated areas related to matters around licensing including:

- Licensing of Drivers
- Licensing of Operators
- Licensing of Vehicles
- Enforcement

25. Clear information within the policy covers matters including cleanliness, behaviour, display of badges etc. and bookkeeping.

26. Concerns were raised with respect of some disproportionate action with prosecution often seen as the default form of enforcement, with little regard to lighter approaches like warnings.

27. The drivers raised concerns around the lack of any meaningful forum, to educate drivers and operators on certain issues. This has led to a serious lack of engagement between operators and the UDC to avoid potential breaches of the policy.

28. The drivers also raised some concerns over ambiguities in the policy and highlighted that there were at least three different undated versions of the policy circulating. The Assistant Chief Executive- Legal has already taken steps to inform the Trade which is the current version of the policy, and introduced 'copy controls'.

### **Conclusions & Recommendations**

29. This task and finish review had a very wide remit and for reasons of timing was confined to the operations of the Corporate Enforcement Team rather than enforcement activities within service areas. It is noted that there is considerable and effective enforcement activity within Environmental Health

(Commercial and Environmental Protection), and within Council Tax and Housing.

30. The outcomes leading to recommendations can be based on five key areas:

- A. Better Reporting of Caseloads (in terms of numbers and outcomes) to District Councillors and Town/Parish Councils
- B. Improved Customer Service
- C. Review of Council's Enforcement Policy with an Introduction of Policies in each enforcement area; and reviewing polices where they exist.
- D. Improved Cross Agency Working, using good experiences from some areas, in areas with a poor relationship.
- E. Better use of Forums and General Education in Non-Planning Enforcement Areas.

**A. Better Reporting of Caseloads (in terms of numbers and outcomes) to District Councillors and Town/Parish Councils**

- A.1 It is considered that a better management of the Council's IDOX system will improve the ability to interrogate the system, filter information; and report Planning Enforcement caseloads and their status to Town/Parish Councils, District Councillors and Regulatory Committees.
- A.2 In order to achieve this some consideration of re-engineering of the IDOX system will be required, and it is recommended that this is put in place before 1 April 2017.

**B. Improved Customer Service**

- B.1 Through activities above regarding the re-engineering of the IDOX system there will be a better opportunity to update complainants on the status and timeframes of Planning Enforcement Cases.
- B.2 The introduction of specific customer standards for all the enforcement activities within the Enforcement Team.

**C. Review of Council's Enforcement Strategy with an Introduction of Policies in each enforcement area; and reviewing polices where they exist**

- C.1 The Council's Enforcement Strategy dated June 2011; is required to be reviewed, and updated to provide a better emphasis upon customer service and education/prevention on all areas.
- C.2 The Council's Licensing Policy (Related to taxis) needs to be reviewed in consultation with service users and providers.
- C.3 Enforcement Policies need to be introduced for all principal enforcement activity areas namely Planning and Licensed Premises.

**D. Improved Cross Agency Working, using good experiences from some areas in areas with a poor relationship**

- D.1 The Council can demonstrate a good working relationship with some agencies. UDC's relationships with Place Services (ECC), The North Essex Parking Partnership and the Essex County Travellers Unit have been successful based upon a working Service Level Agreement and/or Partnership Agreements.
- D.2 Other cross agency working with other parties such as the police and County Planning have been successful based upon mutual exchange of information. These relationships do not need to be formalised.
- D.3 The Council has a particularly poor relationship with Essex Highways on enforcement activities. It is recommended that a formalised relationship with Essex Highways be established on enforcement activities.

**E. Better use of Forums and General Education in Non-Planning Enforcement Areas.**

- E.1 The priority on non-enforcement issues such as licensing and trade waste must be on education and prevention rather than defaulting to enforcement.
- E.2 Whilst still retaining enforcement focus where required, it is essential that more emphasis be given to prevention through specific forum and education events aimed at the prevention of enforcement issues.

- E.3 It is recommended that the forum for Taxi Drivers/Operators and other non-planning enforcement areas be relaunched.

## Risk Analysis

2.

Risk	Likelihood	Impact	Mitigating actions
Problems with existing IDOX data including address data resulting in delay in re-engineering IDOX system	2	2	Early engagement with IDOX/ICT may need some temporary administration resources.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Committee: Cabinet**

**Agenda Item**

**Date: 26<sup>th</sup> October 2016**

**8**

**Title: Station Road, Wendens Ambo**

**Portfolio Holder: Cllr Julie Redfern**

**Key decision: Yes**

---

### **Summary**

1. This report was presented to Housing Board on the 7<sup>th</sup> June 2016. The report provides details relating to the proposed sale of a development plot located at Station Road, Wendens Ambo, which has the benefit of Outline Planning Permission.
2. Housing Board made the recommendation to be taken forward to Cabinet that the site is sold on the open market by way of tender and/or sealed bids, with a guide price for offers as advised by the selling agent. The guide price will be set to maximise competitiveness and interest in the plot.

### **Recommendations**

3. That the Cabinet ratifies the recommendation made by Housing Board on 7<sup>th</sup> June 2016.

### **Financial Implications**

4. Financial implications are detailed in the report.

### **Background Papers**

5. None

### **Impact**

- 6.

Communication/Consultation	Parish Council
Community Safety	N/A
Equalities	N/A
Health and Safety	The development will be undertaken with full compliance to Health and Safety Regulations
Human Rights/Legal Implications	The Planning Application was subject to the statutory consultation period, and the application was heard and approved by

	UDC's Planning Committee
Sustainability	N/A
Ward-specific impacts	Wendens Ambo
Workforce/Workplace	Housing Development

## Situation

7. The site at Station Road was identified following garden reductions undertaken on two Council tenancies relating to No.'s 2 and 4 Station Road, Wendens Ambo.
8. Outline Planning Permission was granted at Planning Committee on the 10<sup>th</sup> February 2016 for the construction of a single two bedroom bungalow, including associated external works and parking. Access and layout is approved with all other matters reserved. The site layout plan is attached to this report for information.
9. Development of this single plot for affordable Council housing would be expensive, and not financially viable. However, due to the location of the site, with its close proximity to Audley End Station, Saffron Walden and other amenities, it should attract a lot of interest as a development site for a private dwelling.
10. The sales proceeds from the sale of the site would be ring-fenced within the HRA for the development of further financially viable Council house development sites.
11. Members visited site on the 10<sup>th</sup> May 2016 to assess whether there are wider development opportunities for the area by incorporating the garage area to the rear of the existing dwellings.
12. Due to the number of rights of way across the garage area, in favour of the Right to Buy dwellings, it was agreed that further residential development of this site would be impractical.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Not achieving guide price, or above guide	1 Strong demand for housing in the locality	2 Accept a lower offer, or re-advertise to encourage greater competition/demand	Ensure site is widely advertised both in the press and on-line using the usual websites

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

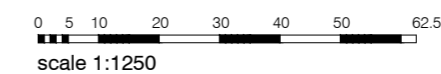
4 = Near certainty of risk occurring, catastrophic effect or failure of project.



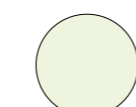
Site Plan 1:200



Location Plan 1:1250



**SOFT LANDSCAPING:**



**Rear Garden**  
Rear Gardens to be turfed



**Front Garden**  
Front garden to be turfed.



**Soft Landscaping / Planting**  
Existing hedge planting to remain and cut back with new opening formed with approval of Local Authority.

DO NOT SCALE FROM THIS DRAWING  
THE GENERAL CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE SUPERVISING OFFICER.  
ALL DIMENSIONS ARE SHOWN IN 'mm' UNLESS OTHERWISE STATED.

NOTES:

**The Design Partnership**  
The Design Partnership (Ely) Ltd  
Claremont House,  
10 Station Road,  
Chatteris  
Cambridgeshire PE16 6AG  
Tel: 01354 693111

Job Title  
**Proposed New Bungalow  
Land rear of 2-4 Station Road Wendens Ambo for  
Uttlesford District Council**

Drawing Title  
**Outline Planning Application  
Indicative Site Plan**

Date	Scale	Drwn	Dwg. No.	Rev.
Jan 16	as shown	aw	UDC-704-OUT	





**Committee: Cabinet**

**Agenda Item**

**Date: 26<sup>th</sup> October 2016**

**9**

**Title: Development Site – Frambury Lane,  
Newport**

**Portfolio Holder: Cllr Julie Redfern**

Key decision: No

---

## **Summary**

1. This report was presented to Housing Board on the 6<sup>th</sup> October 2016. The report provides details relating to the proposed development of the site at Frambury Lane, Newport for new Council owned homes.
2. Aspire have considered the option of developing this site for private rented sector homes. This would require the transfer of the site to Aspire, with the HRA being compensated the market value of the site (with the benefit of planning permission). This option has been considered, but has been found to be commercially unviable. Hence the proposal to develop it for Council owned homes.
3. Housing Board made the recommendation to be taken forward to Cabinet that the site is progressed through the planning application stage, having regard to the estimated costs associated with this work, as detailed in this report.

## **Recommendations**

That the Cabinet ratifies the recommendation made by Housing Board on the 6<sup>th</sup> October 2016.

## **Financial Implications**

4. Financial provision for the development of new Council owned homes is included within the Housing Revenue Account. The development of this site will also enable the use of Right to Buy capital receipts.
5. The Indicative cost for the scheme has been calculated by our consultant Quantity Surveyor having regard to site constraints and the prevailing market conditions. These indicative costs should be regarded as an estimate at this stage, and could be subject to change as further survey work is carried out, and the detailed designs are finalised. The final cost will only be known following the tender process for the selection of a building contractor.

## **Background Papers**

6. None.

## Impact

Communication/Consultation	Existing tenants, local residents, Parish Council and external agencies
Community Safety	Appropriate precautions would be taken during works
Equalities	Equality and diversity is a key issue for the Council with regards to housing provision
Health and Safety	During the management of the project all risks will be constantly reviewed, revised and managed
Human Rights/Legal Implications	Legal team have been consulted
Sustainability	An opportunity to construct new thermally efficient homes for people in housing need.
Ward-specific impacts	Newport
Workforce/Workplace	There are sufficient resources in the housing team to manage the project

## Situation

7. The site consists of a large former garage site located to the North of existing Council owned bungalows on Frambury Lane and to the South of privately owned dwellings off Cherry Garden Lane. The land is predominantly an area of scrub, with the garages being demolished some years ago. Part of site is used as adhoc car parking, although the site is not specifically designated for this purpose.
8. The site has excellent access directly onto Frambury Lane.
9. Our appointed architects, The Design Partnership, have designed a scheme consisting of 5 No. two bed 4 person houses. The layout of the scheme is attached to this report, and takes into account parking and garden size requirements, as well as dealing with issues relating to overlooking. Access to the existing electricity sub-station also needs to be maintained as part of the site layout. Indicative house type layouts are also attached to this report.
10. A Planning Pre-Application has been made and a favourable response received. The key issues that need to be considered are access, overlooking of adjacent dwellings and the loss of car parking. This will all be dealt with as part of the Design and Access Statement.

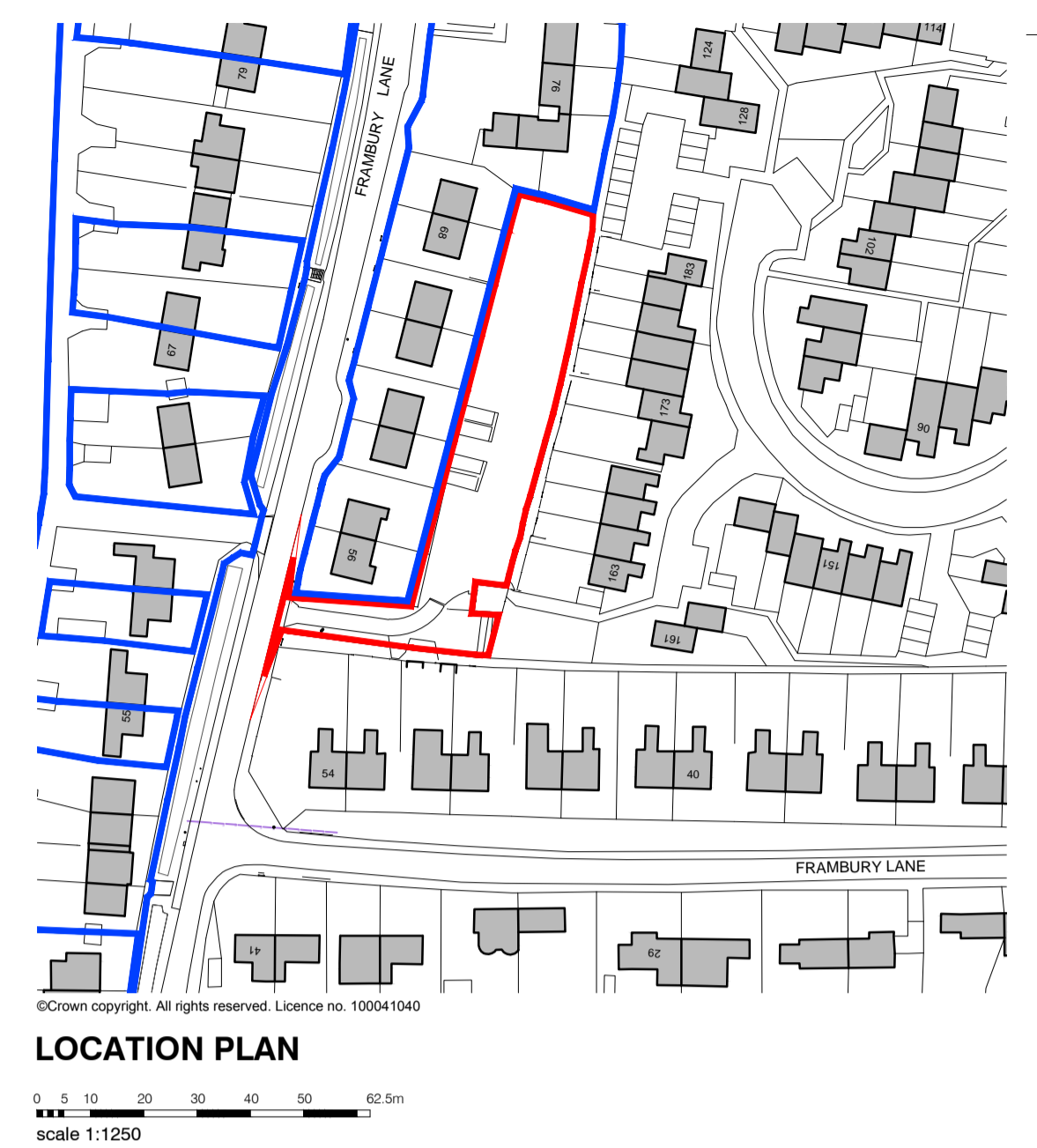
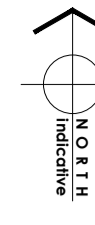
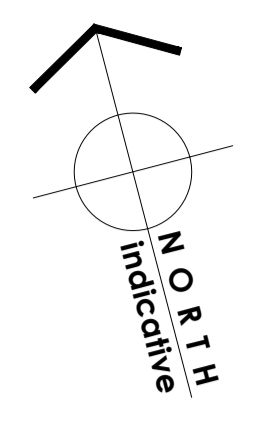
11. Topographical, Soil Investigation, drainage and Ecology surveys have already been undertaken. Other services enquiries have also been made. The results of these surveys are all positive in terms of these proposals.
12. The construction costs for this development have been estimated at **£860,000 (£172,000 per dwelling)**. Whilst this sum does appear higher than expected, given the 'Abnormal Costs' attributed to this scheme, it is not perceived to be unreasonable, and clearly the contract will also be competitively tendered. Total fees for the scheme are currently estimated at **£27,000**, including planning fees.
13. The abnormal costs include the extended length of the estate roadway, site clearance and breaking out of the remaining concrete slabs and the detached nature of three of the proposed dwellings. A 10% contingency has also been included because of the early stage of this scheme. The estimate will therefore be updated as more detailed information is available, and the designs developed in more detail.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Not achieving planning permission	1 Planners supportive	4 Development not possible	Pre-planning discussions with planners
Underground services identified	2 Further investigations to be carried out	3 Diversions possible but cost implications	Further investigations to be undertaken at the earliest stage
Further "abnormal costs" identified.	2. Surveys being undertaken	3 Potential cost implications	Contingency already included with cost estimate

- 1 = Little or no risk or impact  
 2 = Some risk or impact – action may be necessary.  
 3 = Significant risk or impact – action required  
 4 = Near certainty of risk occurring, catastrophic effect or failure of project.





DO NOT SCALE FROM THIS DRAWING  
THE GENERAL CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE SUPERVISING OFFICER.  
ALL DIMENSIONS ARE SHOWN IN 'mm' UNLESS OTHERWISE STATED.

- NOTES:**
- SURFACING:**
- Adoptable Access**  
5m wide new tarmac access to be designed and constructed to approval of Highway Authority.
  - Private Drive**  
4.2m wide block paved private drive to approval of Local Authority.
  - Footpaths**  
New footpaths to be formed with 450 x 450mm slabs to approval of Local Authority.
  - Private Parking**  
Where indicated drives and parking spaces to be block paved to approval of Local Authority.
  - Visibility Splay**  
2.4 x 20m visibility splay. Any planting that falls within the splay to be low rise (max. 600mm).

- SOFT LANDSCAPING:**
- Rear Gardens**
  - Front Gardens**  
Front gardens to be turfed where shrub planting not shown.
  - New Trees**  
Indicative locations of new trees to be agreed with Local Authority.
  - Existing Trees**  
Indicative locations of existing trees.
  - Soft Landscaping / Planting**  
Location of proposed planting. Planting scheme to be agreed with Local Authority.
  - Existing Hedge**  
Location of existing hedges to be trimmed and maintained.

- BOUNDARY TREATMENTS:**
- 1m Hooped Metal Railings**  
Black painted hooped metal railings to approval of Local Authority.
  - 1.8m Close Boarded Fence**  
1.8m high close boarded timber fence.

**Development Summary:**

House	2 bedroom	4 person	79m <sup>2</sup>	5	Plots 1-5	
					<b>TOTAL</b>	<b>5 Dwellings</b>

Site Area approx. 0.17Ha  
Development density = 29 dwellings per hectare  
10 parking spaces

**The Design Partnership**  
The Design Partnership (Ely) Ltd  
Clarendon House,  
10 Station Road,  
Chatteris  
Cambridgeshire PE16 6AG  
Tel: 01354 693111

Job Title  
Proposed New Residential Development at Frambury lane, Newport for Uttlesborough Council  
**DRAFT FOR COMMENT**  
Drawing Title  
PLANNING SUBMISSION  
Site Plan and Landscape Plan

**SITE PLAN - Proposed**  
0 2 4 6 8 10m  
scale 1:200

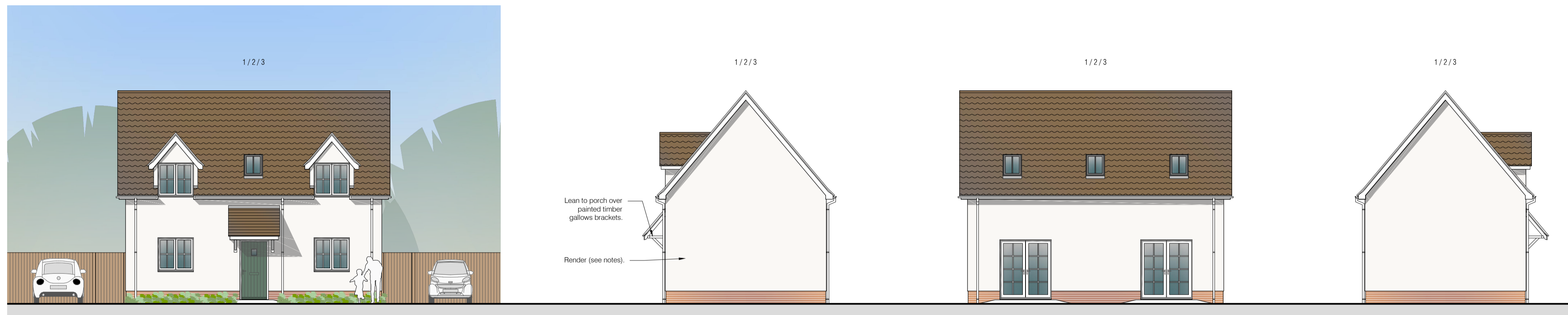
Date	Scale	Drawn	Dwg. No.	Rev.
Aug 16	Var @ A1	RW	UDC-703-P01	





DO NOT SCALE FROM THIS DRAWING  
 THE GENERAL CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE SUPERVISING OFFICER.  
 ALL DIMENSIONS ARE SHOWN IN mm UNLESS OTHERWISE STATED.

NOTES:



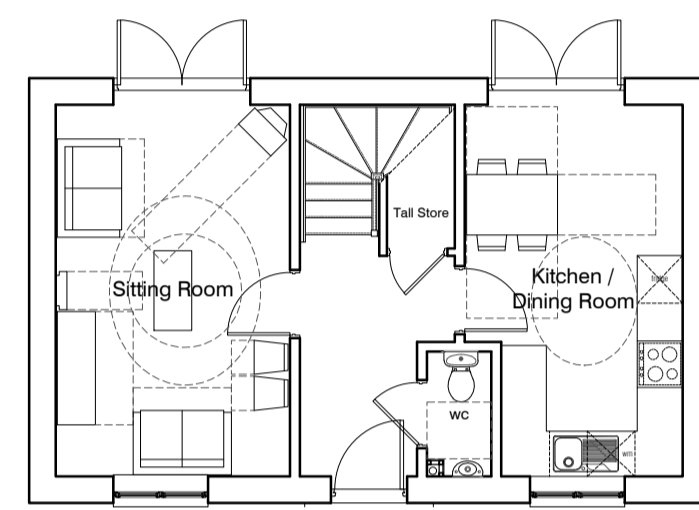
Front Elevation ~ Plots 1-3

Side Elevation ~ Plots 1-3

Rear Elevation ~ Plots 1-3

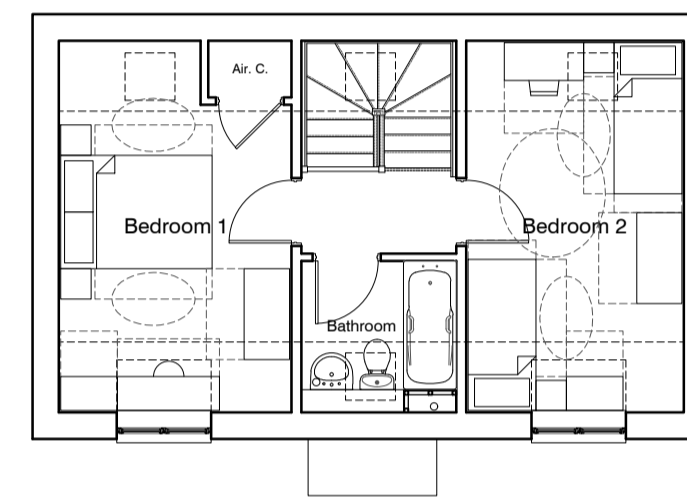
Side Elevation ~ Plots 1-3

0 1 2 3 4 5m  
 scale 1:100



Ground Floor ~ Plots 1-3

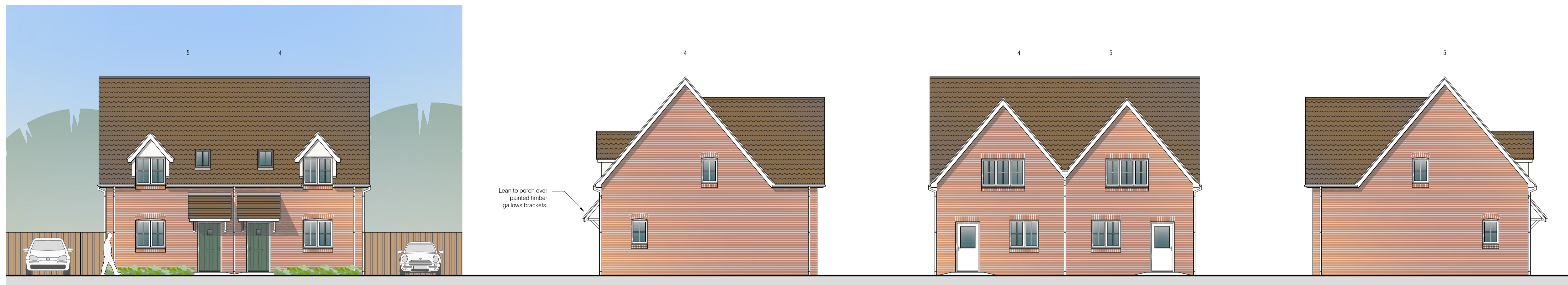
0 1 2 3 4 5m  
 scale 1:100



First Floor ~ Plots 1-3

**Materials Plots 1-3**

- Walls: Red facing brick to approval of Local Authority with through coloured render over.
- Roof: Brown concrete tile to approval of Local Authority.
- Windows: White uPVC set back to form 90mm reveal.
- Facias & Soffits: White uPVC
- Gutters & RWP's: White uPVC
- Doors: Composite door set with paint finish. Colour TBC.



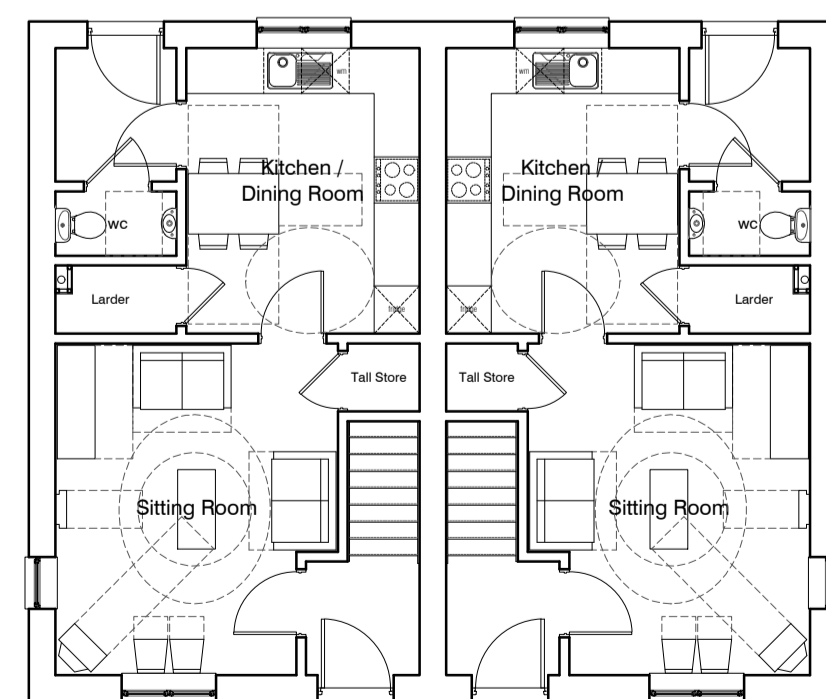
Front Elevation ~ Plots 4-5

Side Elevation ~ Plots 4-5

Rear Elevation ~ Plots 4-5

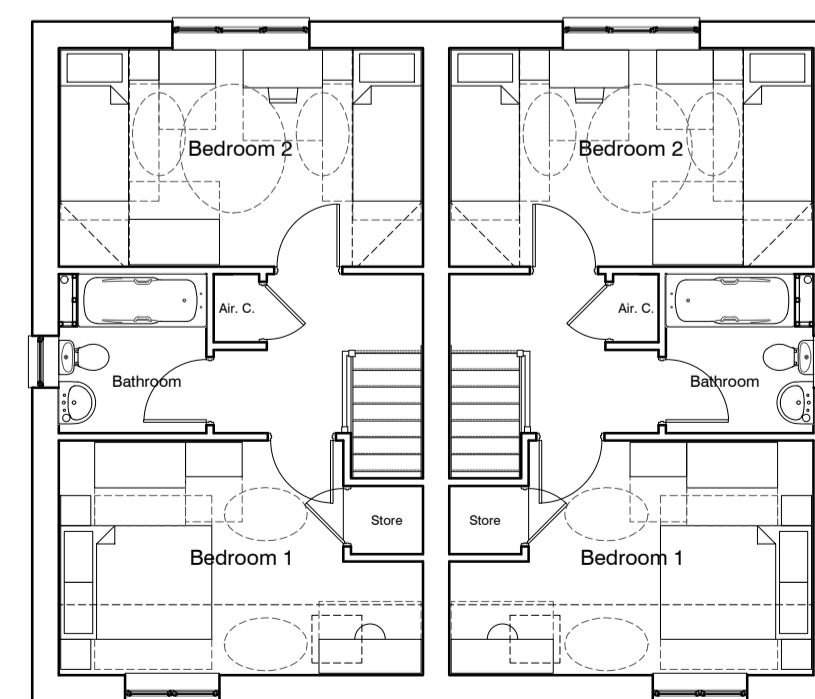
Side Elevation ~ Plots 4-5

0 1 2 3 4 5m  
 scale 1:100



Ground Floor ~ Plots 4-5

0 1 2 3 4 5m  
 scale 1:100



First Floor ~ Plots 4-5

**Materials Plots 4-5**

- Walls: Red facing brick to approval of Local Authority.
- Roof: Brown concrete tile to approval of Local Authority.
- Windows: White uPVC set back to form 90mm reveal.
- Facias & Soffits: White uPVC
- Gutters & RWP's: White uPVC
- Doors: Composite door set with paint finish. Colour TBC.



Job Title  
 Proposed New Residential Development at Frambury Lane, Newton for Utiles Brook Parish Council  
 Drawing Title  
 PLANNING SUBMISSION Floor Plan and Elevations  
**DRAFT FOR COMMENT**

Date	Scale	Drwn	Dwg. No.	Rev.
Aug 16	1:100 @ A1	RW	UDC-703-P02	





**Committee: Cabinet**

**Agenda Item**

**Date: 26 October 2016**

**10**

**Title: Updating the Council's Scheme of Delegation**

**Portfolio Holder: Leader and others**

**Key decision: No**

## **Summary**

1. Michael Perry retired as Assistant Chief Executive – Legal at the beginning of August 2016. Roles and responsibilities have changed since his departure. The purpose of this report is formally to update the Council's Scheme of Delegation to reflect the current position.

## **Recommendations**

2. That the Executive approves the amendments to its Scheme of Delegation annexed to this report.

## **Financial Implications**

3. None

## **Background Papers**

4. There are no background papers to this report.

## **Impact**

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

6. The Assistant Chief Executive retired at the beginning of August this year. The role involved responsibility for a range of services, including giving legal advice, acting as the Council's Monitoring Officer and responsibility for licensing and enforcement.
7. The legal aspects of the post are currently being covered by an Interim Head of Legal Services, with a view to recruiting someone to the post on a permanent basis. Responsibility for other aspects of the post has been assigned elsewhere within the Council. In particular, responsibility for licensing and enforcement (other than planning enforcement) now rests with the Assistant Director, Housing and Environment.
8. The Council's scheme of delegation is published in the Constitution. Some delegations are made by the Cabinet. This report asks the Cabinet to approve updating the published scheme of delegation in respect of these delegations. An updating report on other delegations will be put before the Council when it next meets.

## Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
That there is not transparency about responsibility for the exercise of delegated powers.	3. The Scheme of Delegation needs to be kept up to date.	2. There is some risk of legal challenge if there is not full clarity about responsibility for exercising delegated powers.	Publishing an updated version of the Scheme of Delegation,

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix:

▪ Power (Executive delegations)	▪ Responsibility
1. To authorise the institution, defence, participation in, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.	Head of Legal Services
2. To give necessary legal authorisation to officers of the Council to appear before any courts or tribunals	Head of Legal Services
3. To issue any statutory notices and certificates.	Head of Legal Services
4. To deal with the non-contentious applications under the Scrap metal dealers Act 2013	Assistant Director, Housing and Environment
5. The following functions under the Anti- Social Behaviour, Crime and Policing Act 2014:- <ul style="list-style-type: none"> <li>▪ Power to issue community protection notices under s.43 (2).</li> <li>▪ Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49(3)</li> <li>▪ Power to issue fixed penalty notices under ss.52 and 68</li> </ul>	Assistant Director, Housing and Environment

