

REPORT TO COUNCIL 12 FEBRUARY 2002

Agenda Item No: 9

Title: Committee Timetable 2002/03

Author: Maggie Cox (01799) 510369

Summary

- 1 Attached is the draft timetable of meetings for 2002/03
- 2 The scrutiny committees have been put back a week from the relevant policy committees. The Resources Committee has also been put back a week to allow finance officers time to make budget adjustments resulting from decisions taken at the policy committees.
- 3 It will probably still be necessary to have an additional meeting of Health and Housing to deal with the rent setting. Also, an extra meeting of the Resources Committee on Monday 3 February might be required prior to the Council Tax setting meeting on 11 February 2003.

RECOMMENDED that the Committee Timetable 2002/03 be approved.

Agenda Item No: 10

Title: The Council's Constitution - Amendments

Author: Tony Farrow (01799) 510402

Summary

- 1 This report sets out the Constitution Task Group's recommendations that the Council's delegation scheme be amended so that
 - (a) in future, the Development Control and Licensing (DC&L) Committee will determine all planning applications without exception
 - (b) the relevant paragraph in the scheme states that all such decisions must be documented and clearly stated.
 - (c) other consequential amendments are made to the Council's constitution.

Background

- 2 When the Council formally approved its new constitution on 28 August 2001, it decided that the constitution should be reviewed annually and a member only meeting be held early in 2002 to consider how the new system had worked in its first few months. It also set up a Constitution Task Group to monitor the constitution's operation to help both the formal review process and the Member only meeting, which has now been fixed for 4 March.
- 3 The minutes of all the Task Group's meetings to date have been published and are in the current minute book. The Task Group took the view at the outset that the Council need take immediate action on only two matters. It intends to prepare the rest of its proposals in time for the meeting on 4 March and to submit its final recommendations to the council on 23 April.
- 4 The Council dealt with the first matter on 10 December 2001 when it amended its Employment Procedure Rules so that they complied with new regulations. The second matter concerns the handling of planning applications and is the subject of this report.

Planning Procedures

- 5 At present, the Council's constitution provides, as recommended by the former Organisation Joint Working Party, for the Environment and Transport (E&T) Committee to determine referred planning applications. However, consideration of a recent high profile planning application highlighted an anomaly in the wording of Note 2 of paragraph 16 of the terms of delegation to the DC&L Committee, which provides for an officer to request that "a matter be determined at the next highest level" in the event of a recommendation by him not being acceptable to the Committee. This wording was a relic of the previous delegation arrangements, but under the new

constitution in which all committees were of equal status, if followed literally, it meant that the full Council, and not the E&T Committee, should consider referred planning applications.

- 6 At the Council meeting on 16 October 2001, concern was expressed at the principle of referring planning applications to the E&T Committee, whose members had not received the detailed training which had been provided to members of the DC&L Committee. The Resources and Environment Scrutiny Committee considered the issue on 21 November 2001, and requested the Constitution Task Group to give the matter early consideration.

The Task Group's Conclusions

- 7 The Task Group considers that, because of the specialist expertise and the training which members of the DC&L Committee need to do their job, that committee is the appropriate committee to determine all planning applications. No applications should be referred to any other committee, or the full Council. This should also apply to licensing applications.
- 8 All decisions on planning applications have to be justified in accordance with planning policy, unless material considerations indicate otherwise. Decisions have to be clearly stated and documented. This is particularly important where members wish to refuse an application against officers' advice where there is no written explanation in a report. The principle applies, however, to all planning decisions, whether they be approvals, refusals, or deferrals, and needs to be reflected in the delegation scheme.
- 9 The Task Group therefore RECOMMENDS that
 - 1 references to the Environment and Transport Committee having authority to determine referred applications be deleted from paragraph i) of the summary constitution and "**POLICY COMMITTEES:OVERALL ROLE**" in the delegation scheme.
 - 2 item 13 in **THE ROLE OF THE FULL COUNCIL** in the delegation scheme be amended to read (changes shown in italics) "Also, any matter may be referred to the Council if that is the wish of the majority of Members of the relevant committee, *except for individual planning and licensing applications*".
 - 3 the first Term of Delegation to the Development Control and Licensing Committee be amended to read "The determination of planning applications, enforcement matters and other relevant matters . *The reasons for all planning decisions, whether approvals, refusals or deferrals, must be documented and clearly stated.*
 - 4 Note 2 be deleted from paragraph 16 of the Terms of Delegation to the Development Control and Licensing Committee

Background Papers: Council's constitution

Notes of the Constitution Task Group

Agenda Item No: 11

Title: Public Service Agreement with Essex County Council

Author: John Pares (01799) 510410

Summary

- 1 Essex County Council is proposing to enter into a Public Service Agreement (PSA) with the Government and has invited all districts in the county to join the agreement. The County is committing itself to achieving improved performance in key areas over a three year period. In return the Government will help toward the achievement of these targets with a pump priming grant of £2m and a performance reward grant of £26m on condition that the County achieves the targets.
- 2 This report outlines this Council's proposed involvement with the PSA in terms of what this Council would have to do and how it might benefit. It seeks approval of the action taken by the Chief Executive in conjunction with the Leader of the Council and confirmation of the Council's involvement with the PSA between Essex County Council and the Government.

Background

- 3 Essex County Council is currently negotiating a PSA with the Government. This is part of a national programme of Public Service Agreements being promoted by the Government to enhance local government performance. The County Council is making a commitment to achieve more demanding performance targets than it would have done without the PSA, over a three-year period. The twelve targets range from improving the image of Essex to good communications and improving the environment to improving educational attainment for young people (see Appendix 1), and will run from April 2002 to March 2005.
- 4 In return, the Government is committed to making certain statutory and regulatory changes to enable the County to achieve the targets more easily. For example, the County is asking the Government for the power to remove abandoned vehicles from strategic routes managed by the highways agency (A12 and A120) to enable the County to meet its PSA target of removing vehicles within 5 days.
- 5 The Government will pay Essex County Council a grant of £2,066,300 in the form of a pump priming grant to enable the County to achieve the targets. It will also pay a performance reward grant of £25,982,050 to Essex County Council at the end of the three-year programme, if all the enhanced targets are achieved by March 2005.
- 6 All district councils in the county have been invited to join the PSA and all districts have agreed. Timescales for the negotiation have been tight. The Leader and Chief Executive were therefore asked to write to Lord Hanningfield, Leader of the County Council, agreeing in principle to join the PSA at the beginning of January. This was done subject to the decision of the

Council. Detailed negotiations are still taking place between the Government, Essex County Council and the twelve districts on the exact wording of the PSA agreement, the targets and extent of assistance from each district. It is expected that the Government and Essex County Council will sign the main PSA at a date to be arranged before 31 March. At a later date, Essex County Council will sign side agreements with the twelve districts.

- 7 Districts have been asked to assist in up to four of Essex's targets. Officers are proposing that Uttlesford assists in the achievement of the following targets:

Improving the Image of Essex

E-Government through a community information network

Keeping strategic routes free of litter

Recycling waste

- 8 Officers are already involved in Essex wide strategic groups looking at these issues and have contributed to setting the PSA targets. Uttlesford will benefit from the pump priming grant paid in relation to the e-government and waste targets. For example pump-priming grant will be used to subsidise home composting bins, improve signage at amenity sites and produce a leaflet promoting recycling across the county. The higher targets will lead to improved service delivery.

- 9 There is evidence that negative stereotypes damage investment and possibly tourism and cultural life in Essex compared with neighbouring counties. The County Council believes that improving the image of Essex will reap benefits for the county and this is already an objective of the county Leisure and Cultural Strategy. The County Council and its partners will seek to improve perceptions of the county with a view to achieving three specific things: more investment; more tourism; and a stronger cultural reputation.

- 10 In addition to these specific areas all districts have been asked to identify areas for service improvement as part of the overall drive to improve performance. Officers have suggested that Uttlesford puts forward the following six cost effectiveness indicators:

Indicator	Description
	Planning
BV 109	Percentage of planning applications determined within 8 weeks
Local	Number of unemployed young adults with special needs taken on by New Deal project in the district
	Environment
BV 82a BV 82b	Total tonnage of waste arisings – percentage recycled plus percentage composted
Local	Keeping strategic routes free of litter Zone 6 – restored to Grade B within 2 weeks (clearing rubbish from A120 within 2 weeks)
	Leisure
BV 119	Percentage of residents satisfied with sports and leisure facilities
	Housing Benefit
BV 78a	Average time taken for processing new claims

- 11 The Council has not yet been asked to set detailed targets for improvement for these indicators. It is clear that the intention of the PSA is that Uttlesford's targets will need to be stretching – beyond what we would have aimed for without the PSA. It therefore gives focus to Uttlesford's priorities for service improvement and this will need to be reflected in the Best Value Performance Plan.
- 12 In return for all the targets being met all participating districts will receive a performance reward grant of up to 2.5% (maximum) of their net budget requirement for 2001/02. This equates to up to £160,000 for Uttlesford. This would be split into twelve parts – one-twelfth for each target in the PSA. Each district council would have the potential to attract its maximum grant, even if it did not directly support each and every target in the PSA. All that is needed for districts to qualify for inclusion in the PSA is an undertaking that this Council will support a reasonable number of targets - typically, four or five.
- 13 Within each target, Uttlesford's grant will depend on how much of the target is achieved throughout the county. To receive the maximum possible grant of 2.5% of our net budget requirement (£160,000) the county and all 12 districts would have to achieve 100% record with all twelve of the PSA stretch targets.

RECOMMENDED that Members confirm the Council's involvement with the Public Service Agreement between Essex County Council and the Government and delegate authority to the Chief Executive to sign the agreement between Essex County Council and Uttlesford District Council.

Background Papers: PSA file