

Chief Executive: Dawn French

### **Scrutiny**

**Date:** Tuesday, 06 September 2016

**Time:** 19:30

**Venue:** Committee Room

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

Members: Councillors H Asker, G Barker, R Chambers, P Davies, A Dean

(Chairman), M Felton, , S Harris, B Light, E Oliver, G Sell

#### **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**

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- 3 Matters Arising
- 4 Consideration of any matter referred to the Committee in relation to call in of a decision
- 5 Responses of the Executive to reports of the Committee (standing item)

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# SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm on 16 JUNE 2016

Present: Councillor A Dean (Chairman)

Councillors G Barker, R Chambers, M Felton and G Sell

Officers in attendance: R Auty (Assistant Director Corporate Services), R

Harborough (Director of Public Services), M Perry (Assistant Chief

Executive - Legal) and A Rees (Democratic and Electoral

services Officer)

Also present: Councillors S Barker and N Hargreaves and Mr R Harrington.

#### **PUBLIC SPEAKING**

The Committee held a moments silence after the tragic death of Jo Cox MP.

The Chairman invited Mr Harrington to speak. Mr Harrington explained that he had been helping Saffron Walden Town Council research street names. He had compiled a list of twenty questions which had been circulated to officers prior to the meeting.

In response to the Chairman, the Director of Public Services said that officers had not yet had an opportunity to answer the questions.

Mr Harrington explained that in the past he had helped one of the previous town clerk Simon Lloyd research the history surrounding street names throughout the town. He had been asked to help with street naming research by the Town Council following the appointment of the new clerk. When the Policy was first implemented the town and parish councils had been consulted and the policy had worked well for the past few years.

He had come across the new policy by chance and said the Town Clerk was surprised as the Town Council had not been consulted about the changes.

The Chairman said that he felt the best way forward to put forward the points the Committee felt should be considered. The Committee then had to decide whether the matter should be referred either to Cabinet or Full Council.

Councillor S Barker said that the Committee could only discuss the reasons the matter was called in for. The Assistant Chief Executive – Legal clarified that the Committee could only decide whether to refer the matter to Cabinet or Full Council.

#### SC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Asker, Davies, Harris and Light, and the Director of Finance and Corporate Services.

Councillor G Barker declared a pecuniary interest in Item 2 as his wife was the Portfolio Holder. He had been given dispensation by the Assistant Chief Executive – Legal to consider the item.

### SC2 CALL IN OF A CABINET DECISION – STREET NAMING AND NUMBERING POLICY

Councillor Sell said that the main issue was the lack of consultation over the changes and urged then if the matter was referred back to Cabinet for consideration a consultation was undertaken. His concern with the policy was that it was too prescriptive. More opportunity was needed for town and parish councils to provide input into the street naming process.

In response to a question by the Chairman, the Assistant Chief Executive – Legal said he was not aware of any statutory duty to carry out a consultation, but there would be an expectation that one would be carried out this time if it had previously.

The Chairman invited Councillor Hargreaves to speak as he was the Member who had asked for the decision to be called in. Councillor Hargreaves explained that he had first been made aware of the changes after a proposed street name in Newport had been rejected and a less appropriate name had been adopted instead. The new policy was far too prescriptive and although Section 1.3 suggested that rules were not compulsory, Section 1.5 suggested that the list of names were compulsory. He had looked at a number of other authorities' policies and suggested that any problems with a less prescriptive policy could be overcome by giving the authority the power to reject any names deemed to be inappropriate. He requested that the matter was referred back to Cabinet.

The Chairman asked for the views of the Committee. Councillor G Barker said that he had attempted to look at the Guidance for the policy but it was not clear which elements were statutory and which were not.

Councillor Chambers said that a common sense approach was taken and proposed that matter was referred back to Cabinet. He had spoken to the Leader who had said he was happy for Cabinet to consider the policy again. Councillor Felton said that she agreed with the comments which had been made by other Members.

The Chairman suggested that a consultation needed to take place once the matter was referred back to Cabinet. Members agreed with this suggestion. The Chairman added that the degree of prescription in the policy needed to be reexamined.

The Chairman noted that the policy had been amended to incorporate the relevant ward member into the policy and said that he was pleased by the change.

Councillors Chambers said that he did not feel strongly about the inclusion of ward members in the policy. Street names should be decided by the relevant

town or parish council unless the names were considered inappropriate. Councillor Sell added that he felt the decision should be made at the lowest possible level. He agreed with Councillor Hargreaves addition of a backstop allowing the Council to reject inappropriate names.

The Assistant Director Corporate Services entered the meeting.

The Director of Public Services, in response to a question by the Chairman, said that he believed it was a statutory requirement for parish councils to hold a ballot for any name changes. He would check whether this was definitely the case.

In response to Members, the Assistant Chief Executive – Legal clarified that the whole policy would be referred back to Cabinet and not just Section 1.5.

Councillor G Barker asked that it was made clear which elements of the policy were statutory and which were not. The Chairman then asked that the questions from Mr Harrington were answered by officers.

Councillor S Barker said that she was happy for Cabinet to reconsider the policy and she would take on board the points raised by the Committee. She noted that the most likely objector was the Royal Mail who wanted to avoid similar street names being adopted.

RESOLVED that the matter was referred back to Cabinet for reconsideration.

The meeting ended at 8.05pm.

# SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm on 5 JULY 2016

Present: Councillor A Dean (Chairman)

Councillors H Asker, G Barker, R Chambers, M Felton, S Harris, B

Light, E Oliver and G Sell

Officers in attendance: R Auty (Assistant Director Corporate Services), L

Cleaver (Communications Manager), J Farnell (Building Control Team Leader), R Harborough (Director of Public Services), A Knight (Assistant Director Finance), A Rees (Democratic and Electoral Services Officer) and A Webb (Director of Finance and

Corporate Services)

Also Present: Councillors S Howell (Portfolio Holder for Finance and

Administration), V Ranger and J Redfern (Portfolio Holder for

Housing and Economic Development).

#### SC3 APOLOGIES FOR ASBENCE

Apologies for absence were received from Councillor Davies.

The Committee resolved to determine Item 12 after Matters Arising, followed by Item 9.

#### SC4 MINUTES OF THE MEETING HELD ON 3 MAY 2016

The minutes were received and signed by the Chairman as a correct record subject to the replacement of "parish councils" with "The Council's planning department" in penultimate paragraph of Minute SC56.

#### SC5 MATTERS ARISING

#### (i) Minute SC50 – Matters Arising

The Chairman suggested that if Members found an item of interest on the Forward Plan they conducted initial research. The Committee could then decide whether to pursue the matter further.

The additional financial information about the building control partnership, and the notes of the previous meeting had now been circulated.

#### SC6 ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

The Committee considered the Cabinet Forward Plan and Scrutiny Work Programme. The Chairman said that he had requested that all future versions of the Forward Plan were dated.

In response to questions by Councillor Dean about Aspire, the Director of Finance and Corporate Services explained that Aspire was no longer being considered by Cabinet in July. A workshop was still being planned and would be organised once more progress had been made on Aspire.

The Chairman informed the Committee of one change to the Work Programme, as the Enforcement Review would now be considered in September.

Councillor Harris asked about the timescale of the LGA peer review. In reply, the Director of Finance and Corporate Services said the review would be for a week and would either take place on the week commencing 7 November, or the week commencing 14 November and the report from the LGA would be ready before Christmas. In response to questions by Councillor Sell, the Director of Finance and Corporate Services explained that the review would look at the relationship between officers and members in its entirety.

It was agreed that an updated version of the Work Programme would be circulated.

The Cabinet Forward Plan and the Scrutiny Work Programme were noted.

#### SC7 ESSEX HIGHWAYS – VERBAL REPORT

The Chairman said that at the meeting on 3 May the Committee looked at the scope of the review. Following this meeting Councillor Ranger had attended a highways briefing. He invited Councillor Ranger to present a verbal report on the briefing.

Councillor Asker entered the meeting.

Councillor Ranger said that the briefing provided an introduction to the ECC Highways team and Ringway Jacobs, who were Essex County Council's preferred contractor. The briefing focussed on the bigger picture and included the total budget, and focussed on larger new schemes. Colchester was featured heavily in the work programme and Uttlesford appeared to be somewhat under the radar.

On the planning application side, Highways had 21 days to respond. Speculative applications were seen as a nuisance to them. All applications in Uttlesford were speculative without the adoption of a new local plan so this may be why Highways were perceived as not fully considering applications in the district.

The way in which works were prioritised was also explained at the briefing. Due to the rural nature of Uttlesford's road network, works were often not a priority. Inspections on roads within the district would be quarterly at best, but annual in most instances.

Councillor Ranger explained the coloured markings around identified areas. If an issue was marked with either red or orange repairs would take place. If the markings were purple the issue was low priority.

Councillor Light said that the pothole repair service offered by Essex Highways was not satisfactory as even potholes which were marked as not going to be repaired were in need of work. The smart cities concept would not apply to Uttlesford.

Councillor Ranger agreed that the smart cities concept would not really apply to Uttlesford, but was not of much concern at the moment as it seemed to be a long way off. Highways had to prioritise the work they completed due to a limited budget. Highways had presented sound reasoning for their risk assessments. There was a possibility that pothole repair would be pushed down to local highways panels, although the budgets for highways panels were also being cut.

Councillor Oliver said that it was clear that Uttlesford was under the radar of Essex Highways. Often there was a lack of information and communication about closures. Councillor Barker explained he had a different experience and had found that works were often rescheduled to fit the concerns of residents.

Councillor Sell noted there was a time limit for the use of funding obtained through Section 106 Obligations. The number of reorganisations within Highways had made it difficult to know who to contact in order to ensure that Section 106 funding was used within the time limit.

The report was noted.

Councillor Ranger left the meeting.

#### SC8 LCTS 2017/18 SCHEME

The Chairman said the purpose of the report was to allow the Committee to provide advice to Cabinet before they took a decision about the LCTS Scheme. The report was taken as read.

Councillor Barker noted that most of the concepts in the report were the same as before, but asked whether the changes to Housing Benefit and Universal Credit Reforms were imposed by the Government. In response, the Assistant Director Finance said that changes were mandatory for Housing Benefit and Universal Credit but not all the changes had been implemented at this point in time. They were not currently required as part of the LCTS scheme.

Councillor Barker said that this appeared to be a fundamental change to the way in which benefits were calculated. If the changes were in line with statutory guidance then the report should be explicit in stating this.

In response to a question by Councillor Sell about the Parish Grants, the Director of Finance and Corporate Services said that Council could only consult

on the proposals for the next financial year, although it was the administrations intention to phase out the subsidy in its entirety. If the administration was minded to it could include as a note during the consultation.

Councillor Light said that she applauded Councillor Barker's comments. She asked that mitigation for possible impacts was included in the report to Cabinet.

Councillor Chambers spoke in reply to the comments made by Councillors Barker and Light. He noted that Uttlesford was comparatively the most generous authority in Essex and that the Council was doing all it could within the financial constraints it faced.

The Chairman said that he was pleased that most of the report went along with the views expressed by the Committee previously. He suggested that officers liaised with other authorities about necessity of consulting on what was essentially the same scheme every year. If appropriate, the Government could be lobbied so the requirement to carry out annual consultations could be removed.

Councillor Howell responded to points made by Members. Cabinet always tried to take into account the views of Members, although this was not always possible. He was pleased, however, that the report broadly reflected the comments made previously by the Committee.

As the current portfolio holder it was his intention to phase out Parish Grants over a two year period. He appreciated that for some town and parish councils this would require significant budgetary adjustments. It was his understanding that the changes to Housing Benefit and Universal Credit were made by the Government last week. He would look to provide more information when Cabinet considered the report next week.

In a response to a suggestion by the Chairman, the Assistant Director Finance said the Essex Chief Finance Officers group already monitor the LCTS as part of the Essex Sharing Agreement on a quarterly basis and discuss the LCTS scheme at their meetings.

The Chairman said that he supported the main points in the scheme and asked Members whether they would accept the changes to Housing Benefit and Universal Credit outlined in paragraph 25, 26 and 27 of the report.

Councillor Felton said she was not happy with the changes in paragraphs 25, 26 and 27. Councillor Sell added to the comments made by Councillor Felton. He found it difficult to recommend something for approval when there was not enough information to make an informed decision. Councillor Barker echoed the concerns of Councillors Felton and Sell. He asked that Cabinet was provided with more information when it considered the report on 14 July.

Members asked questions of the consultation process. The Director of Finance and Corporate Services said that the way in which the consultation was carried out had been changed and had resulted in around 1,200 responses. This was one of the largest response rate the Council had ever received for a non-

planning matter. The Assistant Director Corporate Services said that the consultation process did not fit in with the Committee's timetable.

#### RESOLVED that:

- The Committee recommends to Cabinet that it approves that: a consultation process be carried out on the following draft proposals:
  - The 2017/18 LCTS scheme is set on the same basis as the 2016/17 scheme and therefore the contribution rate is frozen for the third consecutive year.
  - Parish Grants for town & parish councils to be reduced by 50% in 2017/18.
- Cabinet is provided with more information about the Housing Benefit and Universal Credit reforms detailed in paragraphs 25, 26 and 27 of the report.

#### SC9 **ENFORCEMENT REVIEW**

The Chairman informed the Committee that the Enforcement Review would now be considered at the meeting in September instead.

#### SC10 QUIET LANES

The Chairman said that there would be more opportunity to discuss quiet lanes in September. He thanked the Communications Manager for producing an interesting and useful report. He noted that a quiet lane had been designated in Felsted and asked that the parish council were contacted about its effectiveness.

Councillor Felton said she would contact Felsted Parish Council about the scheme.

The Communications Manager explained that the Felsted scheme had been implemented in 2004. In 2015 Essex Highways had asked parish councils to put forward suggestions for quiet lanes and Littlebury Parish Council had suggested two roads. These were considered by the Highways Panel but were not considered a priority and as a result were not funded. From speaking to Rissa Long, who was the Highways Liaison Officer at Essex Highways, it appeared that parish councils were not that keen on quiet lanes, mainly due to the increased levels of signage required. Quiet lane schemes could still be submitted to the Highways Panel for consideration.

Councillor Sell suggested that previously there may not have been a great deal of understanding about what a quiet lane was.

The Chairman asked whether the report could be circulated to parish councils to find out whether they would be interested in pursuing this further. Members agreed with this approach.

Councillors Asker and Oliver both said Quiet Lanes were not a priority. Councillor Oliver added that most parish councils would be more concerned about green lanes.

The Assistant Director Corporate Services said that the report was brought before the Committee at its request. So far only Rissa Long at Essex Highways had been contacted about the Quiet Lanes scheme.

The Chairman said that in addition to writing to parish councils a note could be included in the Members' Bulletin.

The report was noted.

#### SC11 **GRANTS**

The Assistant Director Corporate Services presented his report, which he explained had come before the Committee for comment. This report was the first part of a review into grants and was primarily concerned with ensuring that the governance arrangements surrounding grants were tightened.

In response to questions, the Assistant Director Corporate Services said that although the formal delegation would be to the Director of Finance and Corporate Services, this would be further delegated to other officers.

Councillor Harris said that she had been told about software which allowed Members to see which grants were available. In response to this, the Director of Finance and Corporate Services said that he believed Councillor Harris was referring to IDOX's grant finder software. This required an officer to search on behalf of applicants.

The Director of Finance and Corporate Services explained that internal audit would be looking at the grants process. Then in response to a point by Councillor Barker, the Assistant Director Corporate Services said there were already upper limits for individual grants. These were set out in the report. He added that any future reports on grants would come before the Committee before they were sent to Cabinet.

In response to questions by Councillor Light, the Assistant Director Corporate Services said that changing the administration of Voluntary Support Grants to a two year rolling period enabled the Council to more effectively budget for the grants it administered. Charities would be given more time to apply for funding. The Director of Finance and Corporate Services added that by operating on a two year programme rather than a three year programme the Council gave itself more flexibility to respond to the changing needs of the district.

The report was noted.

#### SC12 **EXCLUSION OF THE PUBLIC**

RESOLVED that under section 100I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

#### SC13 BUILDING CONTROL PARTNERSHIP

Members considered the report on the proposed partnership between authorities in Essex for a shared building control service. The Director of Public Services then highlighted the parts of the report which considered the points raised by the Committee when they previously considered the proposal. He said that the issue of joining the shared service had been approached in the context this potential proposal being the first of a series of such shared services. This would enable the council to reduce its management, professional and other internal costs such as IT and accommodation to meet the challenges identified in its MTFS.

Members discussed the financial implications of entering into a shared service and the viability of the other options presented. They then questioned officers about the current performance of the Council's Building Control Department and challenges faced by the Department in the future.

Members said that the current arrangement appeared to be working well and the lack of resilience did not appear to be as great of an issue as suggested in the report. There was a lack of evidence in the business case for the proposed partnership. There was also a need to look at the other options in greater detail.

The Director of Finance and Corporate Services explained that Cabinet could not refer the decision to Full Council in the first instance. The Committee could call-in the decision if they felt it necessary. The Committee could then either refer the matter back to Cabinet, or refer it to Full Council.

RESOLVED that the Committee recommends to Cabinet that the Council does not proceed with the Building Control Partnership.

The meeting finished at 10.05pm.

# UTTLESFORD DISTRICT COUNCIL FORWARD PLAN

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Q1 Budget Monitoring 2016/17	Cabinet	15 Sept		N	N	Clir Howell	Angela Knight – Assistant Director Finance <a href="mailto:aknight@uttlesford.gov.uk">aknight@uttlesford.gov.uk</a>
Braintree Local Plan	Cabinet	15 Sept	To consider the council's response to the consultation	N	N	Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov. uk
Aspire rentals	Cabinet	ТВС	To consider initial proposals	Z		Clir Howell	Adrian Webb – Director of Finance and Corporate Services  awebb@uttlesford.gov.uk
Great Dunmow Neighbourhood Plan	Cabinet	15 Sept	To approve the Neighbourhood Plan for a local Referendum	Y	N	Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov. uk
Equalities Scheme	Cabinet	15 Sept		N		Cllr Rolfe	Roger Harborough – Director

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
							of Public Services  rharborough@uttlesford.gov. uk
Air Quality Action Plan	Cabinet	15 Sept/18 Oct	To approve the Saffron Walden Air Quality Action Plan (AQAP) – UDC is required to develop and publish an AQAP outlining measures to improve air quality within the Air Quality Management Area of Saffron Walden. Following consultation of the AQMP earlier this year, the draft AQAP has been amended.	Y	N	Cllr Barker	Roz Millership – Assistant Director Housing and Environmental Services rmillership@uttlesford.gov.uk
Car Parking Incentives	Cabinet	15 Sept		N	N	Cllr Barker	Gordon Glenday – Assistant Director Planning gglenday@uttlesford.gov.uk
Write Offs	Cabinet	15 Sept		N	Y	Cllr Howell	Angela Knight – Assistant Director Finance <u>aknight@uttlesford.gov.uk</u>
Scrap Metal Dealers Act 2013	Cabinet	15 Sept	To update members on the implementation of the Act and Page 18	N	N	Cllr Barker	rharborough@uttlesford.gov.

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
			to consider the revised fee structure				<u>uk</u>
Finance Update	Cabinet	15 Sept		N	N	Cllr Howell	awebb@uttlesford.gov.uk
Four year Funding Settlement	Cabinet	12 Oct	To agree the efficiency statement associated with a 4 year funding settlement	N	N	Clir Howell	awebb@uttlesford.gov.uk
NEPP review	Cabinet	12 Oct	To review the extension to the NEPP agreement	N	N	Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov. uk
Devolution Update	Council	18 Oct				Cllr Rolfe	Dawn French – Chief Executive dfrench@uttlesford.gov.uk
Appointment of Monitoring Officer	Council	18 Oct				Cllr Rolfe	Dawn French – Chief Executive dfrench@uttlesford.gov.uk
Receive report from working group for	Council	18 Oct				Cllr Rolfe	Dawn French – Chief Executive

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
engagement with residents including young people							dfrench@uttlesford.gov.uk
Constitutional amendments from CWG	Council	18 Oct				Cllr Rolfe	Dawn French – Chief Executive dfrench@uttlesford.gov.uk
2017/18 Budget Strategy	Cabinet	26 Oct		N	N	Cllr Howell	Angela Knight – Assistant Director Finance <u>aknight@uttlesford.gov.uk</u>
Station Road Wendens Ambo	Cabinet	26 Oct	Sale of Council owned land	Y	N	Cllr Redfern	Roz Millership – Assistant Director Housing and Environmental Services rmillership@uttlesford.gov.uk
Local Plan	Cabinet	26 Oct	To approve the Local Plan consultation document	N	N	Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov. uk
Local Plan	Council	TBC -1 Nov?	To approve the Local Plan consultation document			Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov. uk

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Q2 Budget Monitoring 2016/17	Cabinet	30 Nov		N	N	Clir Howell	Angela Knight – Assistant Director Finance <a href="mailto:aknight@uttlesford.gov.uk">aknight@uttlesford.gov.uk</a>
Museum Forward Plan	Cabinet	30 Nov	To consider the future development and direction of the museum service as required under the museum accreditation guidance	N	N	Clir Wells	Richard Auty – Assistant Director Public Services rauty@uttlesford.gov.uk
Final LCTS Scheme 2017/18	Cabinet	30 Nov	To recommend to Council final LCTS scheme 2017/18	N	N	Clir Howell	Adrian Webb – Director of Finance and Corporate Services  awebb@uttlesford.gov.uk
External Auditor appointment 2018/19	Cabinet	30 Nov		N	N	Clir Howell	Adrian Webb – Director of Finance and Corporate Services  awebb@uttlesford.gov.uk
Final LCTS Scheme 2017/18	Council	8 Dec	To approve final LCTS scheme 2017/18	N	N	Clir Howell	Adrian Webb – Director of Finance and Corporate Services  awebb@uttlesford.gov.uk

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Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
2018 Review of Parliamentary Boundaries	Council	TBC	To receive recommendations from the Electoral Working Group to the proposals of the Boundary Commission for England to new Parliamentary constituencies	Z	N	Clir Howell	dfrench@uttlesford.gov.uk
2016/17 Community Governance Reviews	Council	TBC	To receive recommendations from the Electoral Working Group for community governance reviews	Υ	N	Clir Howell	dfrench@uttlesford.gov.uk
Local Plan			Further decisions will be required regarding the local plan but the timing may not align to existing meetings and may therefore necessitate additional meetings of Cabinet and Council			Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov. uk
Devolution (provisional item)	Scrutiny Cabinet and Council	tbc	There may arise a need to take to Cabinet and Council proposals relating to a devolution deal with the Government, which would necessitate the establishment of a combined authority.			Clir Rolfe	Dawn French- Chief Executive dfrench@uttlesford.gov.uk

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## **OTHER MEETINGS**

Non-Key Decision	To be taken in private?	Decision maker	Date	Brief information about the item and details of any documents submitted for consideration	Portfolio Holder	Contact officer from where the documents can be obtained
Local plan		PPWG	13 September	To receive initial recommendations on site allocations	Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov.uk
External Auditor appointment 2018/19	N	P&A	15 November		Cllr Howell	Adrian Webb – Director of Finance and Corporate Services awebb@uttlesford.gov.uk
Local Plan consultation		PPWG	26 October	To receive the local plan consultation document	Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov.uk
Review of NEPP		NEPP	26 September TBC	To consider the extension of the NEPP agreement	Cllr Barker	Roger Harborough – Director of Public Services  rharborough@uttlesford.gov.uk

### Work Programme 2016/17

Date	06 September 2016	26 September 2016	22 November 2016
	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in
Cto in do ind	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee
Standard agenda	Invited Reports from the Executive	Invited Reports from the Executive	Invited Reports from the Executive
items	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan
	Scrutiny Work Programme	Scrutiny Work Programme	Scrutiny Work Programme
	Call-in procedure (verbal item)	North Essex Parking Partnership Presentation and discussion	LCTS 2017/18 Final Scheme Report to Cabinet
Agenda	Enforcement Review Final Report		Budget Strategy Officer report
items	Equality Scheme Report to Cabinet		Essex Highways Update
	Quiet Lanes Further report		
	Essex Highways Update		
	North Essex Parking Partnership Scoping document		

Committee: Scrutiny Agenda Item

Date: 6 September 2016

9

Title: Call-in Procedure

Author: Adrian Webb, Director of Finance and

**Corporate Services** 

Item for decision

#### Summary

1. Following a decision taken at Cabinet in respect of Street Naming and Numbering a Scrutiny call-in request was made.

- 2. The Portfolio Holder recognised that the person who had requested the call-in had made valid points that could improve the decision and agreed to take a revised policy back to Cabinet. However, the council constitution does not currently have a process in place which allows discussion to take place prior to a call-in meeting being held. Other councils including Essex County Council do have such a process in place.
- 3. The Constitution Working Group (CWG), at its meeting on 21 July 2016 was asked to consider such a process. The minute of this item from that meeting is attached at Appendix One.
- 4. The relevant section of Essex County Council's Scrutiny Handbook is attached as Appendix Two for members' information.
- 5. Further discussion of this item will take place at the CWG meeting to be held on 27 September 2016 prior to it going forward to Council in October.

#### Recommendations

6. Members consider the decision taken by CWG and either confirm support for the proposed process or request consideration of alternatives either by CWG or Council.

#### **Financial Implications**

7. None

#### **Background Papers**

8. None

#### **Impact**

9.

This is being led by the Constitution Working Group and will go forward to Council for all Members to consider
Council for all Members to consider

Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	This would be an amendment to the constitution of the council
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

#### **Appendix One**

#### CWG7 PROCEDURE FOR CANCELLING SCRUTINY CALL-INS

At the invitation of the Chief Executive, members discussed the procedure for call-ins in circumstances where the Leader or relevant executive member agrees to take a Cabinet decision back for re-consideration. The present procedure did not allow for call-in meetings to be cancelled in these circumstances.

Councillor Parry confirmed that the recent call-in relating to street naming policy had required the Scrutiny Committee to go ahead in spite of the fact that the executive member had agreed to take the matter back for reconsideration.

Councillor Dean commented the meeting had to proceed as a member of the public had attended to listen to the discussion about street naming.

The Assistant Chief Executive – Legal said the aim of the agenda item brought to members was to avoid the need for an unnecessary meeting if the executive member had already agreed to the item being reconsidered and the Scrutiny Committee Chairman agreed to cancel the meeting.

The Chairman considered the matter to be straightforward on the basis of complete agreement that the matter the subject of the call-in process would be reconsidered by the Cabinet.

Councillor Chambers said he was concerned there could be room for misinterpretation of a private conversation and there might be a consequent need for an officer witness to any such conversation.

Councillor Dean then said there was no proper process to take decisions of the Scrutiny Committee to Cabinet. For example, the Committee's decision to recommend the Building Control Partnership should not proceed had not been formally reported back to the Cabinet. If there was nothing in writing to explain the reasons for the proposal on the agenda he could not support it.

The Democratic and Electoral Services Manager said that there was a procedure for reporting back to the Cabinet the findings of the Scrutiny Committee. He also confirmed that the call-in procedure remained available to the Scrutiny Committee in the normal way following the reconsideration of a matter by the Cabinet.

The Chief Executive gave reassurance to members that the change to the call-in procedure was not intended to undermine the role of the Scrutiny Committee as a counterbalance to the role of the Executive. There was presently no procedure in place for cancelling meetings and she considered this amounted to an inappropriate use of resources. There was a danger of the Council being brought into disrepute in these circumstances.

Councillor Dean proposed a discussion on the call-in procedure with the Chairman and Vice-Chairman of the Scrutiny Committee before any decisions were taken.

The Chairman then put the proposal on the agenda to the vote and it was approved by four votes to two.

RECOMMENDED to Council that wording (to be drafted) be added to the Call-in procedure part of the Overview and Scrutiny Procedure Rules to enable Scrutiny Committee meetings to be cancelled, with the agreement of the lead officer and Chairman of the Scrutiny Committee, when the Executive had agreed to take a decision back for reconsideration.

#### **Appendix Two**

Extract from Essex County Council's Scrutiny Handbook

- (v) During the period specified in (iv) above, the proper officer shall call in the decision for scrutiny by the relevant Overview and Scrutiny Committee , if so requested in writing by a member of that Committee. The member will set out in writing the reasons for calling in the decision. The proper officer shall then call a meeting of the Committee on such date as he decides (where possible after consultation with the Chairman of the Committee) and in any case within ten clear working days of the request to call in.
- (vi) On receipt of a notice of call-in the Governance Officer will:
  - (a) arrange for the notice to be acknowledged in writing;
  - (b) for the decision taker to be formally notified in writing of the receipt of a notice of call-in; and
  - (c) for the Chairman of the Overview and Scrutiny Committee to be informed where the Chairman is not a party to the call-in.
- (vii) Prior to the meeting of the Committee arranged under (v) above, the Chairman may, with the agreement of the Member calling the matter in, arrange an informal meeting between him, the Member calling in the decision and the decision taker to discuss the issue.
- (viii) Where the call-in has been made as the result of representations from a Member who is not a member of the Committee, that Member will be invited to attend the informal meeting. The Governance Officer will attend the informal meeting and will within 24 hours produce a note for circulation to all parties to the meeting for approval.
- (ix) Where at the informal meeting stage assurances are given by, or agreements reached with Cabinet Members, then those assurances or agreements must subsequently be confirmed in writing.
- (x) A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the Agenda for the next meeting of the Committee

Committee: Scrutiny Committee Agenda Item

Date: 6 September 2016

Title: Enforcement Task Group Review

Author: Councillor Asker; Councillor Jones & Item for decision

Councillor Sell

#### **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**

 There are likely costs with respect of recommendation A with respect of the reengineering 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
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#### Situation

- 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.

#### 84 **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 lead 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**

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.

<sup>1 =</sup> Little or no risk or impact

<sup>2 =</sup> Some risk or impact – action may be necessary.

<sup>3 =</sup> Significant risk or impact – action required

<sup>4 =</sup> Near certainty of risk occurring, catastrophic effect or failure of project.

Committee: Scrutiny Agenda Item

Date: 6 September 2016

Title: Equality Scheme

Author: Richard Auty, Assistant Director, Corporate Item for decision

**Services** 

## Summary

1. Cabinet is being asked to consider a new set of equality objectives and related actions to replace those agreed in 2012. The report, which will go to Cabinet on 12 October, follows this covering note.

2. The lead officer for equalities within the council is Roger Harborough, Director of Public Services. The Cabinet Member with responsibility is Cllr Lesley Wells.

#### Recommendations

3. Scrutiny Committee is asked to endorse and/or provide feedback on the draft scheme at paragraph 11 of the following report.

Committee: Cabinet Agenda Item

**Date:** September 2016

Title: Equality Scheme

Portfolio Holder:

Cllr Lesley Wells

Key decision: Yes

## **Summary**

1. This report considers a new set of objectives and related actions to replace those agreed in 2012.

#### Recommendations

2. The draft revised Equality Scheme is approved for the purposes of consultation, and use on an interim basis.

## **Financial Implications**

3. The objectives and actions are intended to inform how the council prioritises its budget, and does not necessarily imply a requirement for additional resources.

## **Background Papers**

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

#### **Impact**

Communication/Consultation	See body of the report
Community Safety	
Equalities	See body of the report
Health and Safety	
Human Rights/Legal Implications	
Sustainability	
Ward-specific impacts	All

One of the draft revised objectives relates specifically to the council's workforce

#### Situation

#### **Development of Uttlesford District Council's Equality Scheme**

- 6. As part of the Equality Duty, Uttlesford District Council compiled and published a wide variety of equality related data on the 31 January 2012. This is an annual requirement and the data has subsequently been refreshed annually, most recently on 29 January 2016.
- 7. The Equality Information and the Equality Duty was updated on 31 January 2014. The Public Sector Equality Duty is made up of a general equality duty which is supported by specific duties. Under the terms of the specific duty, the Council had to:
  - Prepare and publish one or more objectives by the 6 April 2012 that will support the council in meeting the requirements of the general Equality Duty
  - Ensure that those objectives are specific and measurable
  - Publish those objectives in such a manner that they are accessible to the public
- 8. Having consulted on the Single Equality Duty, and having had regard to the aims of the Corporate Plan and the themes of the Local Strategic Partnership the Council identified two objectives as its Local Equality Scheme 2012 to 2015.

## The 2012 Equality Objectives

a. To develop an improved level of understanding of Uttlesford's community and its needs through data gathering, research and community mapping

Specific Action: Create an Equalities monitoring system that ensures equalities is included in customer service questionnaires and service user surveys, building on the information accessed from the Census and engaging with our community to inform them as to why this information is required.

b. To continue to work to improve access to and take-up of Council Services by developing engagement across all the protected equality groups.

Specific Action: Continue to support and organise events and projects that promote and celebrate equalities such as the Tenant Forum, Citizens Panel, Disability Forum, Ageing Well Forum, International Day for Older People, LGBT History month, Disability History Month, Community Partnership work around Age, Community Safety, Domestic violence, Hate Crime

- 9. The council committed to engage with members of the public, voluntary organisations, staff and Trade Unions to demonstrate that their earlier input had informed the objectives, particularly in a community that was recognised to be changing.
- 10. Under its Equalities Scheme 2012-2015, the council created a monitoring system collecting equalities information from service users, and organised and supported

promotional events and projects. The Tenant Forum, Citizen's Panel, Disability Forum and community partnership work on the themes of community safety, domestic violence and hate crime continue to be a focus.

11. The Council has acknowledged that it needs to sustain and build on the achievements to date whilst recognising the need to review and refresh its approach having regard to the new assessment framework and the new legislation which came in to existence in 2014, the Equality Standard for Local Government for Local Government. The Council is actively working towards the Achieving level of the Equality Framework for Local Government

#### **Revised draft Scheme**

1. We will seek to ensure that we have an awareness of diversity in the community and the particular needs and priorities of minority groups, and take into account the equality impacts in preparing, reviewing and implementing policies and programmes and seek to mitigate any adverse impacts

#### Specific action

- we will review our local tax support scheme annually;
- we will support tenants to cope will welfare reform by providing advice, information and financial information;
- we will use equalities impact assessments
- we will address needs and gaps indicated by reviewing service user information
- we will use toolbox talks and training.

2. We will ensure that equality is central to our thinking as we deliver our corporate plan

#### Specific actions

- we will prepare a health and wellbeing strategy with elements that particularly focus on vulnerable groups;
- we will support those in sheltered housing to maintain good health by increasing physical activity sessions;
- we will keep our HRA capital programme and its resourcing under review, including delivery of a £3.5m planned maintenance programme of investment in the council's housing stock;
- we will seek to obtain more resources for disabled facilities and home repair assistance grants by developing new approach using a revolving fund.
- we will develop a voluntary sector support strategy
- we will carry out an equal pay review
- 3. We will seek to ensure when consulting with our community that we will endeavour to improve participation and representation of all its constituent elements, having regard to the legally protected characteristics under the Equality Act

#### Specific actions –

- we will launch a new council tenant engagement initiative "Get involved"
- we will seek to monitor equalities information when people respond to key consultations

4. We will identify, and where possible address, the root causes of disadvantage and discrimination.

### Specific actions –

- we will develop a vulnerable persons strategy based on evidence of need;
- we will ensure that we meet our safeguarding responsibilities.
- we will deal with relevant casework in accordance with our housing, homelessness and housing options and housing allocations policies and strategies.
- we will develop an action plan to address issues of poor quality housing, fuel poverty and slips and falls prevention in private sector rented housing.
- we will complete our programme of licensed caravan site inspections.
- we will ensure that the needs of the gypsy and traveller community are met through our new local plan
- 5. We will foster good relations between different groups and communities. Specific actions
  - we will develop a strategy for developing sustainable tenancies and neighbourhoods;
  - we will monitor new anti-social behaviour policies and report progress to the Housing Board
  - we will participate in the Syrian refugees voluntary resettlement programme.

We will need to consult on this revised draft scheme before confirming its objectives and actions. We will need to coordinate this around other consultation plans.

#### **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
Failure to adopt an up to date scheme could result in challenge to a decision of the council	2 More significant risk from failing to take account of an EQuIA in making a decision that did have significant equalities impacts	3	

<sup>1 =</sup> Little or no risk or impact

<sup>2 =</sup> Some risk or impact – action may be necessary.

- 3 = Significant risk or impact action required4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Committee: Scrutiny Agenda Item

Date: 6 September 2016 12

Title: Quiet Lanes - update

Author: Lisa Cleaver, Communications Manager, Item for information

01799 510368

## **Summary**

1. This report provides an update on the Quiet Lanes initiative following the review and discussion of the Quiet Lanes report which was presented at the Scrutiny Committee meeting on 5 July 2016.

#### Recommendations

2. The report is for information.

## **Financial Implications**

3. None directly relating to this report.

## **Background Papers**

4. None

## **Impact**

Communication/Consultation	
Community Safety	Quiet Lanes can lead to improved community safety
Equalities	
Health and Safety	Minor roads designated as a Quiet Lanes can improve safety of road users
Human Rights/Legal Implications	
Sustainability	

Ward-specific impacts	There is currently a network of Quiet Lanes in Felsted
Workforce/Workplace	

#### Situation

- 6. Following the review and discussion of the Quiet Lanes report at the Scrutiny Committee meeting on 5 July 2016, the chairman requested that Felsted parish council should be contacted directly to ask them about the effectiveness and general use of the scheme in their area. At present, the Quiet Lanes in Felsted are the only Quiet Lanes that exist in Uttlesford.
- 7. An email was sent to the Felsted parish clerk on 12 July 2016 and followed up on 1 August 2016.
- 8. The Clerk of Felsted Parish Council emailed on 17 August with feedback from parish councillors following discussion at a meeting. The feedback is as follows:

"Felsted Parish Council were very supportive of the original Quiet Lanes Scheme when it was suggested. They applauded the concept and felt that it could be an effective way of 'developing' rural roads to ensure that cars travelled more slowly and shared the roadways with walkers, cyclists and horseriders. "Share with care" was the original slogan.

"ECC put up the signage on 10 Quiet Lanes in Felsted and promised that this would be followed up with media publicity, local events to publicise the scheme and visits to local schools. Car stickers were printed in anticipation of these events. ECC also intended to "ruralise" the roads to encourage drivers to travel more slowly (by leaving uncut verges and overhanging trees, creating deliberate pinch points and allowing grass to grow along the centre line).

"Unfortunately none of this follow up work was undertaken and within a few months the 2 girls responsible for the day to day running of the scheme at ECC both left their jobs and were never replaced.

"In the intervening years the scheme has never received any publicity or development and Felsted has been left with Quiet Lanes that no-one understands. Many of the signs have fallen down and I currently have 4 of them sitting in my office (where local people have retrieved them from ditches etc.). The Quiet Lanes designation has carried no weight and planning permissions have subsequently been granted for large scale storage businesses actually on the Quiet Lanes. These permissions have ensured that the volume of HGV traffic in certain areas has increased substantially which is clearly completely against the concept of a Quiet Lane.

"If there is a commitment to support the new Quiet Lanes Scheme long term (both financially and in terms of public consultation and publicity) then the Parish Council would once again be in favour of its introduction but without sufficient support there is no point in simply putting up signs and hoping people will take notice of them and that it will make a difference."

- 9. The Chairman also asked for the report to be circulated to parish councils to find out whether they would be interested in pursuing this scheme further in their area.
- 10. An email was sent to all parish councils on 22 July 2016. Twelve parish councils responded indicating their interest in pursuing this scheme and noted that they would add this as an agenda item at their next parish council meeting. The list is as follows:
  - Great Canfield
  - High Easter
  - The Sampfords
  - Broxted
  - Great Dunmow
  - Little Bardfield
  - Chrishall
  - White Roding
  - Hatfield Broad Oak
  - Widdington
  - Quendon & Rickling
  - Stansted
- 11. A second email was sent in response to those councils who had expressed interest, which provided them information on how to take this initiative forward and included the CPRE Guide to Quiet Lanes, the request form from Essex Highways and the contact details for Rissa Long, the Essex Highways Liaison officer for Uttlesford.
- 12. An email was also sent to Rissa Long the Essex Highways Liaison officer to update her on the review and to make her aware that some Uttlesford parish councils may make contact with her in the near future.
- 13. The Chairman also asked for the report to be shared with all members via the Members Bulletin. This was circulated on 25<sup>th</sup> August 2016.

#### **Risk Analysis**

There are no risks associated with this report

Committee: Scrutiny Agenda Item

Date: 5 July 2016 **10** 

Title: Quiet Lanes

Author: Lisa Cleaver, Communications Manager, Item for information

01799 510368

#### **Summary**

1. This report provides an overview of the Quiet Lanes initiative, the criteria for designating a road as a Quiet Lane and the role of the county, district and parish councils.

#### Recommendations

2. The report is for information.

#### **Financial Implications**

3. None directly relating to this report, although adoption of a Quiet Lane in the district does have funding implications for the purchase and maintenance of street furniture, potential traffic calming measures and any impact analysis work that may be required.

#### **Background Papers**

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

CPRE's Guide to Quiet Lanes - Campaign to Protect Rural England

The Quiet Lanes and Home Zones (England) Regulations 2006

Highways Practice Note 027 Essex Quiet Lanes

### **Impact**

Communication/Consultation	
Community Safety	Quiet Lanes can lead to improved community safety
Equalities	
Health and Safety	Minor roads designated as a Quiet Lanes can improve safety of road users
Human Rights/Legal Implications	
Sustainability	

Ward-specific impacts	There is currently a network of Quiet Lanes in Felsted
Workforce/Workplace	

#### **General Overview of Quiet Lanes**

- 6. Quiet Lanes are minor rural roads, typically designated "C" class or "unclassified" road appropriate for shared use by walkers, cyclists, horse riders and other vehicles. They can form part of a network of minor rural roads.
- 7. The aim of Quiet Lanes is to maintain the character of minor rural roads by seeking to contain rising traffic growth that is widespread in rural areas. They are designated by the local highways authority under the Transport Act 2000 in the case of Uttlesford this designation would come from Essex Highways.
- 8. Cars are not banned from Quiet Lanes; however vehicle speeds should be kept to low levels, below 35mph. Traffic calming and traffic management measures may be required to achieve these conditions and these should be designed in keeping with the local environment whilst still being effective.
- Quiet Lanes should be designed to protect and enhance the local character and distinctiveness of the countryside. Signs should, therefore, be discrete whilst indicating clearly to road users that they are in a Quiet Lane. Signs should neither detract from, nor clutter, the countryside.
- 10. A national Quiet Lane sign has been developed to identify entry into and exit from a Quiet Lane. See Appendix A for examples of these.
- 11. Designation as a Quiet Lane neither provides the road with any additional legal protection, nor does it alter local authorities' other powers and responsibilities, for example when implementing traffic calming measures.
- 12. Appropriate designation enables the local traffic authority to make "use orders" and "speed orders" which will set out authorised uses for the road, a specified speed and the measures to be implemented to control vehicle speed.

#### Criteria for proposing a route as a Quiet Lane:

- 13. The following criteria exists for proposing a Quiet Lane:
  - Less than 1,000 motor vehicles per day
  - Vehicle speeds should be kept to levels appropriate to the mix of uses and activities expected to take place, usually below 35 mph.
  - "C" class road
  - Narrow single-track is preferred
  - Be rural in character, though they do not necessarily have to be in a rural area
  - Single roads can be designated under the Act, the aim of creating a coherent network of routes for non-motorised users should remain.
  - Traffic calming and traffic management measures may be required to achieve these conditions; these should be designed to be in keeping with the local environment but must still be effective.

#### **Essex County Council's current position**

- 14. Essex Highways facilitates the designation of certain roads as Quiet Lanes. The purpose of the designation is:
  - to produce a network of lanes designed to protect and enhance the local character and distinctiveness of the countryside;
  - to protect the amenity of such local rural routes;
  - to enhance/encourage recreational use of those routes;
  - to ensure that the maintenance of the route is appropriate and does not widen/urbanise the route; and
  - to dissuade HGVs and other unsuitable vehicles from using the route.

#### **Previous experience in Essex**

- 15. Essex County Council commenced a Quiet Lanes pilot scheme in Essex during 2004 to 2005. At the time, three key elements were defined for a scheme:
  - a. Community involvement to encourage a change in user behaviour.
  - b. Area-wide direction signing to discourage through traffic (this was to be replacement of existing signage rather than additional signage).
  - c. Entry signing to those entering the area to highlight that they may encounter a variety of road users.
- 16. It was also stated that Quiet Lanes would not be designated in order to:
  - a. Calm traffic on busy roads;
  - b. Reduce the number or speed of heavy vehicles;
  - c. Solve traffic problems on individual isolated roads:
  - d. Use urban traffic calming measures;
  - e. Attempt to deny access to motorised users or hinder residents, visitors and business from going about their daily lives; or
  - f. Manage development and diversification in the rural environment.
- 17. Two groups of pilot schemes were proposed:

Scheme one - Felsted & Farnham, Manuden and Ugley

Scheme two - Paglesham, Barling, Hawkwell and Crays Hill

18. At the time of the pilot, the Department for Transport approval was required for such schemes and approval for the Felsted scheme was given in 2007.

#### How Quiet Lanes can be introduced and the role of the district and town/parish councils

- 19. All proposals for Quiet Lane designation need to be made via the Local Highways Panel.
- 20. District, town or parish councils are welcome to submit their requests for roads to become Quiet Lanes via the Local Highways Panel scheme request process, whereby they complete a form and send it on to the relevant Essex County Council Highway Liaison Officer. The current Uttlesford Local Highways Panel Liaison Officer is Rissa Long.
- 21. Once requested sites are validated and meet the criteria, they are added to the potential schemes list for the Local Highways Panel to consider for funding. It is suggested that as any scheme needs to be developed with the full support of the community. Upon receipt of the request, the local highway authority may need to carry out public consultation for setting up a Quiet Lane.

22. It is generally preferred that requests are made directly by town or parish councils. This indicates that a collective and real need has been identified by the local community.

#### Analysis of its current application in Uttlesford

- 23. The Quiet Lanes originally designated in Felsted as part of the 2007 Pilot Scheme One are still in place today. At present, this remains the only designation of Quiet Lanes in Uttlesford.
- 24. In February 2015, Essex County Council launched a county-wide initiative that aimed to encourage a greater number of Quiet Lane designations on existing country lanes which met the Quiet Lane criteria. As part of this initiative, the County Council asked each of the county's 12 Local Highways Panels to identify and propose two roads to be considered Quiet Lanes. The Uttlesford Highways Panel met on 23 March 2015 and this was raised by the Highways Liaison Officer for Uttlesford. Members agreed at the meeting that identifying two roads and proposing the Quiet Lanes was a complex issue and that careful consideration was needed to decide where the lanes would be, if any. The Panel concluded that more information was needed although it is not clear from the minutes that anyone was tasked with preparing a proposal.
- 25. The meeting minutes from 22 June 2015 show no mention of the Quiet Lanes initiative, and the issue appears not to have been discussed further.
- 26. In the meeting minutes from 21 September 2015, it was noted that Littlebury Parish Council had put forward two sites to be considered as designated Quiet Lanes and that ECC was evaluating the proposals.
- 27. The Quiet Lanes proposals for Littlebury were not subsequently included on the list for funding and no reasons as to their exclusion were evident. In preparing this report, the Highways Liaison Officer for Uttlesford was spoken to, who confirmed that the Uttlesford Highways Panel had agreed not to proceed with the initiative and the Littlebury Parish Council proposals were taken off the scheme list for funding. It was decided that alternative local highways projects in the district were more of a priority at the time.
- 28. The Highways Liaison Officer for Uttlesford also provided a brief analysis as to why the scheme was not fully supported by other parish councils at the time explaining that despite the aims and benefits of Quiet Lanes, parishes were dissuaded by additional street signage and felt that this was not in keeping with either the character or appearance of the area. Parishes lost interest in pursuing the concept as it would mean installing street furniture in areas which are currently rural in nature.
- 29. There was also the consideration that anything installed on the highway becomes a maintenance liability. Since there is no legal stature for Quiet Lanes signage, it was considered likely that the replacement of damaged or stolen street furniture would not be considered a high priority.
- 30. The Highways Liaison Officer concluded that she was not aware if ECC reached a conclusion on the success of the original trial. In addition, analysis on a national level is inconclusive as to whether it is an effective concept for further application.
- 31. Quiet Lanes pilot schemes established in Norfolk and Kent were fully monitored. The main results, as listed in Highways Practice Note 027 Essex Quiet Lanes, show that:
  - There had been no change or a small decrease in measured traffic on Quiet Lanes
  - Little change had been measured vehicle speed on Quiet Lanes
  - Support had existed for the scheme locally, but a third of respondents in Norfolk and half of respondents in Kent said the schemes were not working.

- 32. The document also included the following further observations:
  - "Overall the quiet lanes pilot schemes should be viewed as a partial success. They have achieved some of their aims, but not the expectations of stakeholders."
  - "Quiet lanes are not intended as a traffic calming device and should not be used where traffic flow and/or speeds are already a problem"
  - "The concept is now intended to preserve the status quo on these lanes rather than to be a means of controlling speeds or traffic flows"

#### **Risk Analysis**

There are no risks associated with this report.

## **Scoping Report for Scrutiny Committee Review**

Review Topic	North East Parking Partnership (NEPP)			
Scoping Report to go to meeting on	6 September 2016			
Review to take place at meeting on	26 September	2016		
Review format required at meeting (tick as appropriate)	Written report (to be supplied at least five working days before the meeting)	TBC	Presentation	TBC
Portfolio Holder	Cllr Susan Barker			
Lead Officer	Roger Harborough			
Stakeholders	Uttlesford visitors, residents and businesses			

Suggested Terms of Reference	Understand the role of NEPP in respect of on-street and off-street parking enforcement
	<ul> <li>Understand the cost to UDC of being in the partnership.</li> </ul>
	To understand any changes to the proposed new partnership agreement
	At a strategic level; to discuss current service and performance standards and what could be expected in the future
	To understand what the process and timescale would be should the council decide to leave the partnership
	To understand the implications for

Suggested Purpose and/or Objective of the Review	the partnership of the decision by Epping Forest DC to leave the partnership  To understand how, should the council leave the partnership; it would be involved in decisions on on-street parking changes and enforcement.  The cost, if any, of Uttlesford leaving the partnership and the implications for the partnership should Uttlesford do so  The council is being asked to commit to the partnership for a further period of time. This review is to enable Scrutiny to understand and challenge the strategic
	aims and objectives of NEPP. In addition, Scrutiny needs to establish the implications of not remaining part of the partnership. Scrutiny should then form an opinion on whether or not to remain in the partnership and make a recommendation to Cabinet.
Methodology/Approach	Presentation and question and answer session with NEPP Group Manager
Attendees Required	Roger Harborough and Richard Walker (NEP Group Manager)