



Rochford District  
Council

## REPORT OF THE OVERVIEW & SCRUTINY COMMITTEE

### 1 OVERVIEW & SCRUTINY COMMITTEE ANNUAL REPORT 2022/23

1.1 This item of business was referred by the Overview & Scrutiny Committee on 5 July 2023 to Council, recommending to note the contents of the O&S Annual Report 2022/23. The O&S Annual Report 2022/23 is attached at Appendix 1.

1.2 It is recommended that Council **RESOLVES**

To note the Overview & Scrutiny Committee Annual Report for the 2022/23 Municipal Year.



# Overview & Scrutiny Committee Annual Report 2022/23

**Rochford District  
Council**

Website:

[www.rochford.gov.uk](http://www.rochford.gov.uk)

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# CHAIRMAN'S FOREWORD

The Overview & Scrutiny Committee is pleased to present our Annual Report for 2022-23. This report gives an overview of the work that we have undertaken during this Municipal Year. It also provides information on the Overview & Scrutiny function at Rochford District Council.

The Overview & Scrutiny Committee is committed to shaping Council policy, advocating community wellbeing, as well as holding the Council to account as part of the Committee's effective review process. The Committee's strengths lie within efficient scrutiny of key decision documents, Council services and policies, as well as thorough scrutiny of the work of the Executive. The Overview & Scrutiny Committee makes crucial recommendations as necessary in line with the work done by the Executive to hold decision and policy makers accountable for the benefit of the district's community.

Our Work Plan derives from areas that we, as a Committee, feel that we can improve and provide a wider benefit to our local community. We always ensure that the voices and concerns of the public are heard, whilst ensuring that key decisions have been made with the best interest of our residents as the main focus of our debates and review processes.

During the past year, we have received valuable support from various officers, such as the Corporate Leadership Team and Democratic Services Team, as well as officers from various service areas. By working together with our Council's officers, the Overview & Scrutiny Committee is consistently supported and therefore is able to support the proper functioning of Rochford District Council. We hope that this unity and collaborative working between the Overview & Scrutiny Committee and officers will continue to strengthen in future.

This year we have undertaken invaluable training delivered by the Centre for Governance and Scrutiny (CfGS), which has empowered us to work efficiently with the Council and Executive to ensure robust accountability for decision-making. I hope that the skills we have learned will continue to be applied in future and that training is undertaken annually to ensure that the Committee is able to work as effectively as practicable.

We have, during the course of the year, received regular reports on progress with the #One Team Transformation Programme - Strategic Partnership with Brentwood Borough Council which has given the Committee an opportunity to scrutinise key matters underpinning the work of the Council going forward.

The Overview & Scrutiny Committee is and will always be committed to providing apolitical, neutral and objective advice focusing on issues that are integral to our local communities. We will always make recommendations that aim to improve our services, and as a result, improve our district.

I would like to express thanks to my fellow Overview & Scrutiny Committee Members for their continued hard work and commitment to making this Committee work exactly as it should.

*Cllr Stuart Wilson, Chairman of the Overview & Scrutiny Committee*

# INTRODUCTION

The Local Government Act 2000 requires local authorities to constitute a committee that carries out overview and scrutiny functions.

Scrutiny committees carry out a supportive and investigative role, overseeing and scrutinising the work of the Executive as well as other Committees and the Council as a whole. The Overview & Scrutiny Committee is a fundamental pillar in ensuring that proper governance is always implemented.

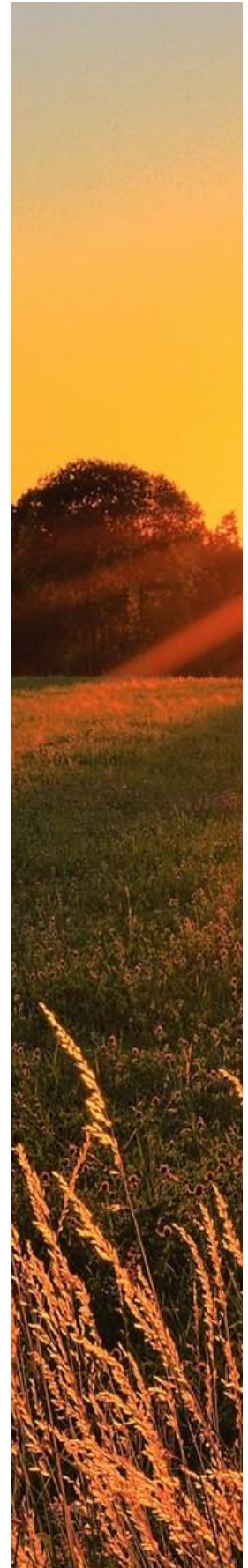
Councillors appointed to the Overview & Scrutiny Committee are expected to adopt a deliberative, investigative and evidence-based approach while casting aside pre-determinations. Scrutiny should work in an open, transparent, inclusive and accountable manner whilst remaining open-minded and objective.

## The Overview & Committee in 2022/23

This Annual Report provides an outline of the work conducted by the Overview & Scrutiny Committee in the 2022/23 Municipal Year.

Rochford District Council's Overview & Scrutiny Committee is comprised of 15 Members of the Council who collectively possess vital knowledge and expertise and come from various political backgrounds. This diversity within the Committee ensures that the process of overview and scrutiny is conducted objectively with varying opinions igniting valuable debates and questions.

As a Council, we are proud that our Overview & Scrutiny Committee Members come together to scrutinise and review matters and offer their expertise to formulate recommendations based on carefully analysed evidence.





# MEMBERS OF THE OVERVIEW & SCRUTINY COMMITTEE



Cllr Stuart Wilson  
Chairman



Cllr Mrs Jo McPherson  
Vice-Chairman



Cllr Roger Constable



Cllr Adrian Eves



Cllr Mrs Eileen Gadsdon



Cllr James Gooding



Cllr Mrs Julie Gooding



Cllr Richard Lambourne



Cllr John Mason



Cllr Bob Milne



Cllr Gary Myers



Cllr James Newport



Cllr Lisa Newport



Cllr David Sharp



Cllr Mike Wilkinson

# WORK PLAN – 2022/23

6 July 2022	<ul style="list-style-type: none"> <li>• #OneTeam Transformation Programme - Strategic Partnership with Brentwood Borough Council</li> <li>• Litter Strategy 2022-25</li> <li>• Treasury Management Annual Review</li> </ul>
4 October 2022	<ul style="list-style-type: none"> <li>• #One Team Transformation Programme - Strategic Partnership with Brentwood Borough Council - Q3 Update</li> <li>• Health Check Review of Asset Delivery Programme</li> </ul>
8 November 2022	<ul style="list-style-type: none"> <li>• Report on the Review of Rochford District Council Planning Activity</li> </ul>
1 December 2022	<ul style="list-style-type: none"> <li>• Treasury Management 2022/2023 Mid-Year Review</li> <li>• Regulation of Investigatory Powers Act 2000 (RIPA)</li> <li>• Terms of Reference for Council's Flood Forum</li> </ul>
10 January 2023	<ul style="list-style-type: none"> <li>• Sustainability Strategy</li> </ul>
1 February 2023	<ul style="list-style-type: none"> <li>• Mill Arts and Events Centre - Outcome of Community Expression of Interest Process and Future Operating Costs</li> <li>• Community Investment Plan</li> <li>• Treasury Management Strategy</li> </ul>
1 March 2023	<ul style="list-style-type: none"> <li>• Update on Gypsy and Travellers</li> <li>• Community Safety Partnership</li> <li>• #OneTeam Transformation Programme - Strategic Partnership with Brentwood Borough Council - Quarter 4 Update</li> <li>• Review of Improvements within the Development Management</li> </ul>
4 April 2023	<ul style="list-style-type: none"> <li>• Free Three-Hour Parking for Blue Badge Holders</li> <li>• Rochford District Council Volunteer Policy</li> <li>• Information Bulletin - Freight House and Office Accommodation for Rochford District Council Staff</li> </ul>

# TREASURY MANAGEMENT

The Council is required to receive and approve, as a minimum, three main treasury related reports each year. These reports must incorporate a vast array of policies, estimates and actuals. The reports are required to be adequately scrutinised before being recommended to Full Council.

## The Capital and Treasury Management Strategy:

This covers:

- the capital plans (including prudential indicators);
- a minimum revenue provision (MRP) policy - how residual capital expenditure is charged to revenue over time;
- the treasury management strategy - how investments and borrowings are to be organised, including treasury indicators, and;
- an investment strategy - the parameters on how investments are to be managed.

## The Mid-Year Treasury Management Report:

This report provides Members with an update on the progress of the capital position, amending prudential indicators as necessary and also considers whether the Treasury Strategy is delivering its objectives. It will also consider whether there are any policies requiring revision. Additionally, the Executive will be in receipt of quarterly updates of the capital programme position.

## The Annual Strategy:

The Annual Strategy Report provides details of actual performance as opposed to estimates.

The Review Committee considered these reports in July 2022, December 2022 and February 2023.





# #ONETEAM TRANSFORMATION PROGRAMME – Strategic Partnership with Brentwood Borough Council

At an Extraordinary meeting of the Council on 25 January 2022 and an Extraordinary meeting of Brentwood Borough Council

(BBC) on 26 January 2022, it was resolved that a Strategic Partnership between Rochford District Council (RDC) and BBC would be implemented alongside the appointment of Jonathan Stephenson as the Joint Chief Executive across the two authorities. The Strategic Partnership became known as 'The One Team'.

The One Team Strategic Partnership was built upon the following synergies which were consistent with other Local Authorities within the area:-

- Both Councils are located in South Essex, therefore, they have a shared set of strategic interests;
- Both Councils are second tier Councils which means that there is parity in their local government status;
- Both Councils possess similar net revenue budgets, meaning that there is equality of bargaining power and both have experienced similar financial pressures;
- Both Councils have similar socio-economic make up and demographics, therefore, there is a significant amount of commonality in residents' interests, scale and dynamics by population – BBC c.77k and RDC c.87k;
- Both Councils have a mixed economy of in-sourced and out-sourced services which means that there is no dogma or overriding philosophy that could have a negative impact on creativity;
- There are no joining administrative boundaries – this means that there is no legal ability to merge the two authorities into one Council.

At a meeting on 6 July 2022 the Committee pre-scrutinised the draft s113 Agreement and sought confirmation that the Agreement contained financial protocols that would cover any disparity in cost sharing between the two councils. It was confirmed that the starting point for cost sharing between the two authorities was 50:50. The Committee questioned risks to the Council, the cost of redundancies and risk around the potential for increased workloads for staff working across both organisations and noted that there would be quarterly risk register reporting on the OneTeam Programme to the Committee and the Executive, as well as an annual report to Council

On 4 October 2022 the Committee received a further update report on the OneTeam Transformation Programme which provided details of progress relating to the adoption of a new Pay Policy Statement which covered staff in Tiers 1 to 3; on the restructure of the Council's senior leadership structure' on service reviews; joint working initiatives; ICT and business cases for joint working. The Committee asked that an opportunity be created for Members to meet members of the new Corporate Leadership Team and this was subsequently actioned. The Committee asked questions relating to practical challenges arising from joint working across the two councils and around the necessary skills to deliver the Programme objectives and noted that service reviews would identify any potential issues; IT reviews based on the work carried out by the IT teams across both Councils would further address any such challenges. The Committee sought additional clarity around budget spend for the Programme and around whether the Programme was on schedule and received confirmation that there was no slippage half way through the first year of the Programme although a cost pressure was anticipated due to the delay in recruiting to the Tier 3 leadership positions. The Committee recommended to the Executive that the potential for upskilling existing staff to take on the outstanding leadership roles should be explored and that appropriate methodology should be adopted to log and track issues that posed risks to the Council within the Programme.

On 1 March 2023 the Committee received a further quarterly update covering progress on service reviews; joint working initiatives and benefits; and on the budget for the Programme. The Committee questioned what proportion of staff across both councils had attended face to face staff meetings in December and the timescale for approval of service review business cases. An additional risk for the Programme was identified relating to ICT.

# REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

The Regulation of Investigatory Powers Act 2000 – RIPA - sets out the authorisation requirements for all covert surveillance done by public authorities where that surveillance is likely to result in obtaining private information about a person. The surveillance includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications.

The Committee met on 1 December 2022 and reviewed the annual statistics of the Council's use of RIPA between 17 September 2021 and 17 September 2022. Members noted that Council had not exercised its use of RIPA since 2011 but it was important to have an appropriate policy and procedure in place.

The Committee noted that RIPA would not be used in order to investigate fraudulent use of Council housing. The legislation was such that surveillance could only be granted for the prevention and detection of crimes that could result in a minimum imprisonment of 6 months; the regime was very restrictive. Fraudulent use of housing would be followed by way of interviews

with residents, checks of the family situation, etc. The Department for Work & Pensions was responsible for investigating potential fraud relating to housing benefit or Universal Credit.

Community intelligence was the key to tackling certain issues, including, for example, fly tipping and graffiti, rather than relaying on the use of CCTV. Fly tipping during 2021/22 had been lower in the District than other areas. As part of the #OneTeam service reviews that would be undertaken there would be a review of community safety which would look at staffing as part of the review.



# FLOOD FORUM

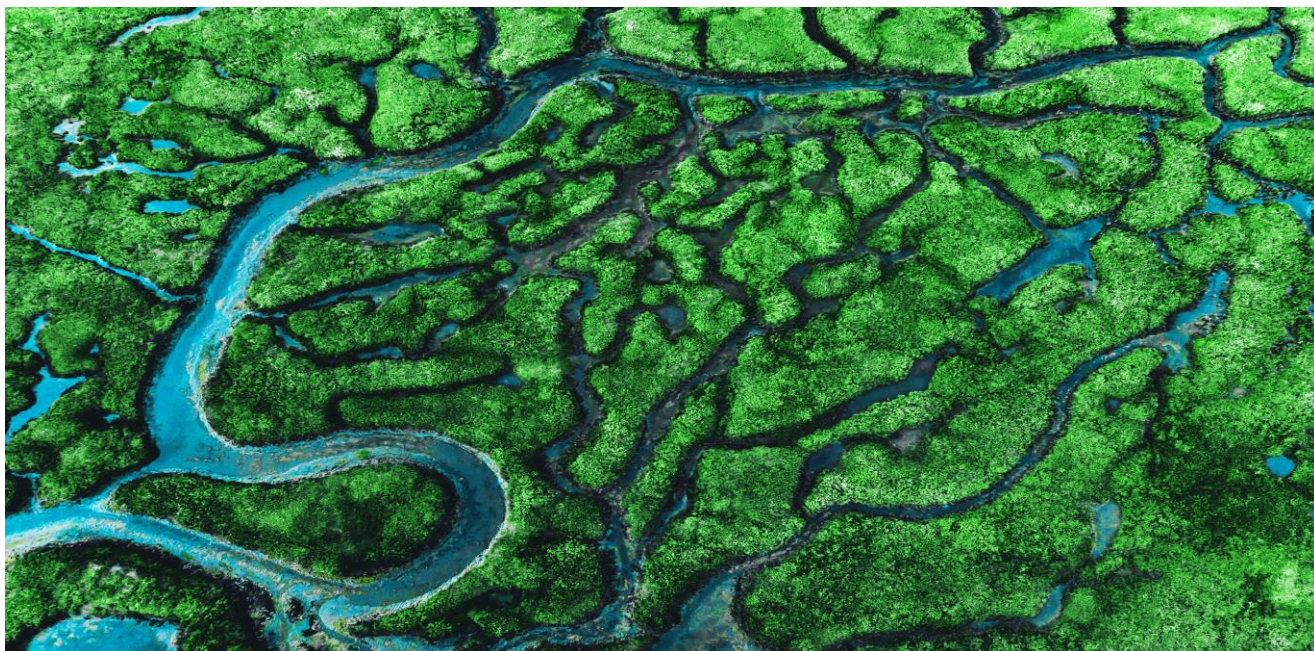
On 1 December 2022 the Committee received a verbal update from the Task & Finish Group on its work in respect of reviewing the terms of reference of the Council's Flood Forum.

The Task & Finish Group met on 15 November and was asked to look at key areas relating to flood management and whether there was proactivity and resilience in dealing with flood management. The group also examined the Council's relationships with the statutory bodies, as it was noted that the Flood Forum brings together all relevant statutory authorities, including Essex County Highways, Essex County Council as the Flood Authority, the Environment Agency, Anglian Water and British Waterways Board.

The Task & Finish Group was advised that at a meeting on 10 November it had been agreed to put forward a case for the appointment of a new member of staff who would lead on drainage and flood prevention issues.

The Group had also considered the Flood and Water Management Act 2010 and discussed flood and coastal erosion risks due to the District's close proximity to the coastline and an array of river estuaries within it. The Group also looked at flood risk management within the context of the National Planning Policy Framework to be consistent with the work undertaken by other key departments within the Council.

The Task & Finish Group concluded it was important that an accurate actions log be kept of all issues raised at Flood Forum meetings and with actions included on agendas to ensure that actions were followed up on. The Group was working on a range of recommendations that had to be feasible and affordable and a written report would come back to the Committee, once finalised.





# SUSTAINABILITY STRATEGY

The Committee considered an updated version of the draft Sustainability Strategy at a meeting on 10 January 2023. The Council had two clear targets: to reach carbon zero by 2030; and for the District to reach carbon zero by 2040. The Council's target should be easier to deliver as it was within the Council's own operation and control. However, to deliver carbon neutrality for the district was far more difficult as it requires buy in and commitment from groups over which the Council has no direct control and only some limited influence over. The Sustainability Strategy had been prepared to help the Council tackle these issues by identifying key actions and to commit to its target of becoming carbon neutral by 2040.



The aim of the strategy was to help identify actions needed to achieve the Council's targets. Key themes of the strategy include transport, air quality, built environment, natural environment, waste, energy, and partnerships. The strategy shows what the council is doing to reduce its environmental impacts including reduction of greenhouse gas emissions from its own buildings and in delivering council services. It also sets out ways the council can facilitate and encourage individuals and organisations to reduce their own environmental impact so that everyone can help and contribute to becoming carbon neutral. A survey questionnaire was undertaken during July – August 2022 seeking opinion on the general subject of climate change and specifically the Sustainability Strategy. 1339 responses were received. In addition, a series of workshops based around the specific themes were held with key stakeholders to discuss the Strategy and any key improvements they wished to see within its content.

It was recognised that to ensure support for the delivery of the existing Strategy's action plan and to develop a wider more ambitious plan to seek to reduce the district carbon footprint as a whole, rather than limited to the Council, a dedicated resource had to be secured. The Council was sharing with Brentwood Borough Council a Climate & Sustainability Officer post on a trial basis; however, it was proposed that the temporary post of Climate and Sustainability Officer be made permanent.

The Committee noted that budget resources would permit officers to consider whether the Sustainability Strategy Officer post would be a shared post across Rochford District Council (RDC) and Brentwood Borough Council (BBC). It was also noted that RDC had targets that differentiated from BBC that could have an impact on the effectiveness of a shared post should it be considered.

Officers confirmed that electric vehicle charging points for those who do not have off street parking would be explored going forward and that private and public charging points would be explored in partnership with Essex County Council Highways.

The Portfolio Holder for Finance, Economy & Climate advised that national planning policy was not currently aligned with what the Strategy was proposing, i.e., maximising opportunities across the District to be renewable. It was also noted that most local authorities were facing similar issues in terms of planning policy lagging behind the transforming issues across the country.

The Committee queried governance arrangements for the proposed Committee and it was confirmed that the Committee would make recommendations to the Executive, which would make any necessary decisions.

- The Committee would be cross-Party and would be constituted on a pro rata basis; with the Chairman determined by the Committee.
- All political parties within RDC wanted a Committee that addressed climate issues across the District;
- The composition of the Committee would be decided upon by the Executive; however, recommendations from the Overview & Scrutiny Committee would be taken into consideration.

The Committee noted that that the Council was in liaison with other organisations and further workshops are also planned. There would be a significant number of opportunities emerging out of the Strategy and the Council was already in talks with organisations, including Net0; Essex County Council; and Climate Action.



# COMMUNITY SAFETY PARTNERSHIP

This report was presented to the Overview & Scrutiny Committee on 1 March 2023 with an update on the delivery of the joint Castle Point and Rochford Community Safety Partnership priorities and actions.

The priority areas for action for 2022/2023 were identified as:-

- Domestic Abuse
- Violence against women and girls
- Anti-Social Behaviour
- Violence (including knife crime)
- Hate Crime



Grant funding for 2022/23 from the Police, Fire & Crime Commissioner totalled £12,337 for the district with all allocated funds spent during the year. The Partnership continued its support for Bar “N” Bus with the provision of funding to assist with the purchase of equipment for the newly acquired Bar N Bus mobile unit, to support outreach and detached sessional work across the District, and a contribution towards on-going costs of a Youth Development worker.

A Crucial Crew aimed at Year 6 pupils tackling issues relating to exploitation linked to County Lines drug supply was delivered to 15 Rochford District primary schools reaching approximately 550 pupils. A similar programme entitled “Prevention over Cure” focusing on issues of drugs, gangs and exploitation was delivered to 3 secondary schools within the District, reaching approximately 500 pupils with a similar programme focusing on issues of drugs, gangs and exploitation reaching around 3,300 pupils within the District across the Year 7 to 11 age range. All four secondary schools received visits from the “Resilience Voyage” educational double decker bus before the end of the financial year. Funding was also made available to support the domestic abuse, “Sanctuary Scheme” and for the purchase of crime prevention materials to support community engagement events.

Following on from a Motion agreed by the Council on 14 June 2022 Rochford District Council became an accredited White Ribbon supporter organisation and took part in two awareness raising events on national White Ribbon Day on 25 November 2022.

The work of the CP & R CSP was aligned to the Council’s Business Plan in relation to “Early Intervention”, promoting safeguarding and working with partners on prevention and increasing community confidence. Links to the CP & R CSP plan were included in the Council’s joint Health and Wellbeing Strategy work and the Sanctuary Housing Community Investment Plan.

# ROCHFORD DISTRICT COUNCIL

## VOLUNTEER POLICY

The Committee called-in a Portfolio Holder decision which had sought approval of a new Council volunteer policy, volunteer agreement and guide to managing volunteers.



The decision had been called-in by the Committee on the grounds that the policy did not provide clarity on how this would work with volunteers undertaking litter picks, that the eligibility criteria for this policy was unclear which raised a plethora of questions raised by voluntary sector and charity groups that were associated with the Council.

During questioning on the proposed policy, the Portfolio Holder for Environment confirmed that the policy had been developed following liaison with insurers, Travellers, the Council's HR Department and the Legal Unit. The experience of other councils had been drawn upon, as well as the expertise of officers.

The Committee were advised that volunteer groups not operating under the auspices of Rochford District Council would continue operating in the way that they currently operated. The Council would continue to work with them to support them, but if RDC instigated any volunteer activity this policy had to be in place to cover such activities.

The policy stipulated that if volunteers were undertaking voluntary work on behalf of the Council then the Council's underlying policies would apply and would ensure that they were covered by the Council's insurance while undertaking such voluntary work. This was an internal policy that would not apply to those working for voluntary groups but for volunteers specifically employed by the Council to undertake specified works.

It was agreed, in response to concerns and questions raised by the Committee at its meeting on 4 April 2023, that the policy would include a front page that would explicitly detail which volunteers would be covered by the policy. It was also noted that there would be no impact on the Council's insurance and that volunteers employed by the Council would be inducted, with appropriate risk assessments undertaken and DBS checks undertaken by the Council. Under 18's would not be excluded from working with voluntary groups but would have to do so under close adult supervision with appropriate risk assessments undertaken which would limit the activities under 18's could undertake. The policy would include appropriate wording to provide clarity around this aspect.

# HEALTH CHECK REVIEW OF THE ASSET DELIVERY PROGRAMME

On 4 October 2022 the Committee scrutinised the health check review of the Asset Delivery Programme following the commissioning of Local Partnerships to complete a health check of the ADP ahead of the decision to begin the construction phase of the programme, previously referred to by the Council as the 'stop/go decision'.

The health check review team invited a series of stakeholders to contribute to the review, including the Leader of the Council, the Portfolio Holder for Housing, Assets & Leisure, Group Leaders, GB Partnerships, as well as external advisers and stakeholders.



The Committee queried whether the review had taken into account the changes for the Mill Arts & Events Centre and the Freight House in respect of the carbon footprint caused by the refurbishments and were given assurances around the Council's prioritisation of its carbon neutrality objectives. The Committee recommended to the Executive that consideration be given of the impact of the Council's carbon footprint when buying in services and procuring goods.

The Committee noted during its questioning that the Council was committed to working at pace with the programme. Factors including the increasing rate of inflation, the strategic partnership with Brentwood Borough Council and Covid-related factors all further strengthened the strategic case. The recast outline business case would include indicative costings; the main focus would be that of reviewing strategic factors of the case for change. There were ongoing discussions relating to the future of the Freight House and how the space could be utilised in the future. The recast outline business case would consider the efficiencies, costs and risks of not going ahead with the programme in the light of the challenging economic climate and central government cuts on spending. Efficiencies would be reviewed, including the costs of continuing to operate the Council buildings, increased building costs and building materials. The original aim of the Programme was to deliver regeneration, transformation and financial efficiencies, which had not changed.

The Committee requested that the Programme risk register/issues log be circulated to Committee Members and further recommended that the Executive ensured that the Programme continued to be vision-led and that options be evaluated irrespective of whether they were included within the original outline business case.





# COMMUNITY INVESTMENT PLAN (CIP)

The Committee scrutinised the Community Investment Plan at a meeting on 1 February 2023. In March 2022 the Council had agreed a new Deed of Variation with Sanctuary Housing Association (SHA). SHA provided £1,000,000 of funding to support the ongoing place shaping across the district; it was provided for the Council to use in relation to community investment programmes, projects and initiatives. The monies were held by the Council to be spent in accordance with the CIP objectives. The three key CIP objectives are:-



- To promote and deliver regeneration opportunities that support our residents, businesses and visitors and provide a positive impact on their lives;
- To support the development of sustainable homes and communities while prioritising those residents with the greatest needs.
- To promote and support opportunities that focus on improving the health and wellbeing of our residents.

The Plan included costed proposals for utilising the funding allocated against the CIP to begin to deliver the objectives including funding for capital investment for community assets, and in particular the Mill Arts & Events Centre, for developing a business case around the sustainability of the Mill and to improve the offering to the community.

The Committee noted, during questioning that the lease for the Mill Arts & Events Centre had been varied in December 2020 due to the impact of the pandemic; the building was removed from the Asset Delivery Programme.



It was clarified that there would be market research; the CIP also took into account the overall improvement of leisure, economic growth, housing and place aspects of the District for the future.

The Committee made a number of recommendations to the Executive on the CIP, including: that the community engagement exercise should include meaningful market

research to achieve the best outcome for the Mill Arts and Events Centre; that the regeneration strategy should be aligned with the new Local Plan; that the Council should look to work in partnership with charitable organisations and others that can access grants; that the delegated spending authority be limited to £100,000 and that any decisions in excess of that should be referred to the full Executive for decision.

# FREE THREE-HOUR PARKING FOR BLUE BADGE HOLDERS

The Committee called in a Portfolio Holder decision offering three hours of parking free for Blue Badge holders within Council owned car parks in order that due diligence of the proposed scheme could be undertaken, together with scrutiny of any budgetary implications.



A benchmarking exercise had been conducted of Blue Badge parking in off street car parks around the county, which highlighted that a number of councils offered either 3 hours free parking or free all day parking with a Blue Badge displayed in vehicles. Out of 13 authorities only 2 councils applied normal parking tariffs to Blue Badge holders, one of which was Rochford District Council. Five authorities offered 3 hours of free parking with the remainder offering free

all day parking. The decision to offer 3 hours of free parking to Blue Badge holders was considered preferable to offering free all day parking which would result in a higher loss of car parking income.

The Committee asked a number of questions relating to the amount of Blue Badge holders within the district, the number of disabled parking bays within Council owned car parks and whether Blue Badge holders had been surveyed around usage of car parks. It was, however, emphasised that the number of Blue Badge holders within the district was unknown; anyone displaying a badge was able to park within the Council car parks, including those living outside the district. It was not practical to count the numbers of badges displayed in RDC car parks. It was considered that the policy proposed was a reasonable compromise aligning with practice in a number of neighbouring authorities that would not result in the blocking of parking bays, which could be the case if free all day parking was introduced. Any decision on the introduction of unlimited free parking for Blue Badge holders would have to be taken by Council, given the potential impact on the budget.

The Committee requested that a full report with other options be taken to Council for further consideration.



# REVIEW OF PLANNING ENFORCEMENT ACTIVITY

Following a task and finish review of planning enforcement activity seeking to identify any possibilities to improve this area of Council business for the benefit of residents within the district, a report was considered at a meeting of the Committee on 8 November 2022.

The task and finish group was provided with a considerable amount of data by the Planning Department with a year-on-year comparison made between August 2019 and August 2022. The number of allegations of planning enforcement received by the Council had increased during this period by 29%; however, no additional staff were employed to deal with this increase.

All allegations were followed up with a site visit within 30 days of receipt by a member of the Planning Enforcement team to ascertain if any breach of planning condition was apparent. As a result of the site visits there were instances where it was determined that no breaches had occurred. The case was then closed and the complainant informed.

For the most part identified planning breaches were dealt with by negotiation between the Council and the developer which might include making changes, ceasing activity, submitting necessary details for the discharge of conditions or the submission of a planning application. In some isolated cases when the developer did not listen to officers' advice and didn't make the necessary changes to development formal enforcement action was taken and an Enforcement Notice issued. In order to issue a Stop or Temporary Stop notice officers had to take care that the potential risk for the developer to make a claim for compensation had been appropriately assessed.

It was occasionally the case that planning conditions imposed by planning officers or the Development Committee could not be discharged or enforced due to not meeting the required tests for conditions. In such instances the Planning Enforcement team advised the developer that they could apply to vary the wording the relevant planning condition. The original planning decision was, however, never overruled by officers.

The Committee asked a number of questions relating to communication with landowners around enforcement notices that had been issued and around the maintaining of an enforcement register; and the capacity of the Planning Enforcement team. It was noted that landowners would be informed of the issue of enforcement notices against their land and would be kept updated via email or telephone. In the event of offenders undertaking an appeal process all parties were kept informed of progress. The Council maintained an enforcement register that was available on the Council's website; this was updated according to the date of compliance or any status reports. Increasingly there was a reliance on the public reporting of enforcement issues due to a lack of resource.

The Committee made a number of recommendations to the Executive including that of exploring options within the OneTeam Partnership to create additional planning enforcement capacity across both councils with the aim of creating one additional post supporting both councils; updating Member training to include inappropriate planning conditions being attached to planning consents and to provide Members with an overview of enforcement procedures and protocols; and to review the online reporting form to seek opportunities to improve the reporting process for residents.

# REVIEW OF IMPROVEMENTS WITHIN THE DEVELOPMENT MANAGEMENT TEAM

At a meeting on 1 March 2023 the Committee was provided with details of two reviews aimed at improving the service provided by the Development Management team. The Development Management team primarily deals with the processing of planning applications, discharge of planning conditions, Section 106 legal obligations and defence of planning appeals. The reviews addressed the potential for service improvements and resourcing capacity and delivery of the service to customers.

A number of actions had already been taken, including:-

- A review of application backlog of undetermined applications.
- Addressing the delay in the validation of applications
- Updating the Local Validation List
- Improving the process to produce the yellow Weekly List
- Ensuring that Line Managers monitored officer work demands, standards and performance
- A review of report templates
- The Scheme of Delegation was extended to senior officers
- Improving the interaction between officers and Members
- Improvements to the planning pages on the Council's website
- The production of several reports used for monitoring purposes.

The Committee highlighted ongoing issues with the Council website access to planning application information, which was taking too long to resolve. It was noted that the service was provided by a third party and that the IT team was seeking a resolution to the problem. In the interim the Council had created its own web page to which planning applications were uploaded each week. There was a link on the planning portal web page and it was possible to see applications by application number and address. It was agreed that Members should be provided with details of how to access this RDC web page.

The Committee specifically requested that, for large and controversial planning applications, officers should seek Ward Councillor comments on planning conditions, particularly if these varied from the planning application.

The Committee learned that the issue of some officers not being able to view plans or access Google Earth on site visits had been resolved.

It was agreed that Members should receive regular reports on planning enforcement breaches broken down by types of cases by ward, with detailed timelines of when breaches of conditions were reported and subsequently addressed.

A number of other recommendations were made to the Executive that included a follow

up review of the Development Management service by PAS; exploring further options within the OneTeam Partnership to create additional capacity across both councils; continuing work on improving the customer experience through online improvements and digital technology; the provision of a full pre-application service from April 2023 as a discretionary service; and implementing quarterly performance and monitoring reporting to Members.



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