
APPOINTMENT OF STANDING COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS 2000/01

1 SUMMARY

- 1.1 This report invites the Council to consider how it will discharge its business during the 2000/01 municipal year.

The Council is offered the option of continuing with the current arrangements of appointing Committees, Sub-Committees and Working Groups. Alternatively, and given the current political balance of the Authority, the Council may wish to consider whether now would be an appropriate time to reduce the number of Committees and Sub-Committees and instead undertake more of its business at meetings of the full Council.

In the event that Members wish to continue with the present arrangements, the Council is invited

to agree the allocation of seats to Committees, Sub-Committees and Working Groups in proportion to the number of seats that each political group holds on the Council

to constitute some Sub-Committees without reference to the proportionality of political groups on the Council

to agree the terms of reference of Committees, Sub-Committees and Working Groups

to appoint the membership in accordance with the wishes of political group leaders save for those seats allocated to non-group leaders which will be determined by the Council

to appoint Chairmen and Vice-Chairmen of Committees and Chairmen of Sub-Committees and Working Groups

to reaffirm the calendar of meetings for 2000/01

to appoint a Leader of the Council

- 1.2 There is no statutory requirement for the Council to discharge its business through Committees and Sub-Committees. However, in the event that Committees and Sub-Committees are constituted, the Council has a statutory duty to ensure that the appointments to these reflect the proportion of the total number of seats on the Council held by each political group unless otherwise agreed.

2 INTRODUCTION

- 2.1 In past years, the Council has decided to discharge most of its business through Committees and Sub-Committees. It has also appointed a number of Working Groups to enable full consideration and discussion to take place of specific issues. The Local Government Bill currently before Parliament will, if enacted, require the Council to consider alternative models. However, it is unlikely that the Council will be legally required to make changes in this municipal year with Central Government currently indicating an implementation date from 2002. Nevertheless, the number of seats held by each of the political groups on the Council following this year's elections may mean that the Members wish to consider an alternative arrangement at this stage.
- 2.2 Members may see merit in reducing the number of Committees and Sub-Committees and instead undertaking most Council business at meetings of the full Council. Although such an arrangement would not meet the Government's stated aim of separating the executive responsibilities of the Council from scrutiny and other activities, it may offer a pragmatic means of conducting business given that the Council has no overall political control. It may also provide a useful transitional stage in meeting the Government's modernising agenda.

3 THE DISCHARGE OF BUSINESS AT MEETINGS OF THE FULL COUNCIL

- 3.1 If Members are minded to conduct business at meetings of the full Council, it is suggested that it would prove necessary to hold meetings once every three weeks. The agenda for those meetings would be divided to reflect the principal service activities of the Council. To ensure that all service areas receive fair and proper consideration, the order of items on the agenda could be rotated over the course of the year. Members will no doubt wish to consider the full implications of the proposal and the arrangements necessary to ensure its success. It is therefore recommended that should Members wish to pursue this option a further meeting of the Council be convened at 7.30pm on Thursday 25 May 2000 specifically to determine how the Council might discharge its functions over the forthcoming year.

4 THE RETENTION OF COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS

- 4.1 If the Council is minded to retain a system of Committees, Sub-Committees and Working Groups similar to that which has existed in past years, the remainder of this report deals with the decisions that need to be taken at this meeting.
- 4.2 In past years, the Council has appointed its Committees at this meeting and those Committees have then held meetings to appoint their Sub-Committees. However, the Council also has power to appoint Sub-Committees and in order to avoid the need to convene special meetings of

service committees, the Council is commended also to make these appointments at this meeting. This change would have the advantage of allowing Council to take an over view on membership of the entire committee structure at this meeting.

- 4.3 Details of the proposed Committees and Sub-Committees for 2000/01 are shown in Appendix 1 to this report. These proposals replicate the decision making structure for 1999/2000 save for the proposed creation of a single Appeals Panel to determine all statutory appeals against decisions of the Council (see below). It is also proposed that the CCT Panel be renamed Contracts Panel to reflect the end of the compulsory competitive tendering regime and that the Mill Hall Working Party, which has now completed its work, be not constituted this year. The proposed terms of reference for each Committee and Sub-Committee are set out in Appendix 3 to this report. These terms of reference have been updated to take account of decisions taken by the Council during the last municipal year.
- 4.4 The Corporate Director (Law, Planning and Administration) and the Head of Administrative and Member Services have calculated the allocation of seats on Committees and Sub-Committees in accordance with the Local Government and Housing Act 1989. This sets down the following criteria which must be followed when appointing Members to Committees and Sub-Committees:
- (1) that not all the seats are held by Members of the same group;
 - (2) that if a group has a majority of the membership of the Council then that group has the majority of the seats;
 - (3) subject to principles (1) and (2) above, that the total number of seats each political group has on all ordinary Committees and Sub-Committees is in proportion to that group's share of the total Council elected membership; and
 - (4) subject to principles (1) (2) and (3) above, that each political group has the same proportion of seats as it holds on the Council as a whole.

The only exception to these rules is any committees or sub-committees that the Council agrees may be constituted in some other manner. It is recommended that the Appointments Sub-Committee, the Budget Monitoring Group, the Group Leaders Panel and each of the Urgency Sub-Committees be not appointed in accordance with the rules of political proportionality. Instead it is proposed that these Sub-Committees be appointed as shown in Appendix 1 to this report.

5 APPEALS PANEL

- 5.1 At present, where Members determine appeals against Council decisions, these are dealt with by sub-committees set up by each parent committee. In

practice, the procedures for determining appeals are very similar. The appellant presents the details of their appeal, officers and/or members of the Council present the reasons for their original decision and why this should stand, Members then determine the appeal. Although it can be argued that the present arrangements allow Members to gain a body of knowledge to enable them to determine specific types of appeal, it should be borne in mind that instances of some types of appeal are few and far between. In addition, the purpose of Member determination of appeals is that they should not be technical experts but instead listen to the evidence of both parties and then take a reasoned decision based on the evidence that they have heard.

- 5.2 Many Councils now recognise that it is more important for Members to be versed in the procedures for determining appeals rather than in the subject matter of the appeal. Consequently, there is a trend to establish single, appeals panels to determine all appeals. It is recommended that the Council consider establishing a single Appeals Panel for this Authority.
- 5.3 Typically, Appeals Panels will have a maximum membership of which a minimum of three must be present at any single hearing. If Members are minded to agree a single Appeals Panel for this Council, it is recommended that the Membership be a total of 9 councillors.
- 5.4 As mentioned above, legislation before Parliament proposes that Councils separate their regulatory responsibilities from the executive decision making process. Whilst this legislation has yet to receive Royal Assent, it would seem sensible at this stage for the Council to consider establishing its Appeals Panel effectively as a committee of the Council. This would help demonstrate to appellants that appeals are heard separately from the decision making committees of the Authority, whose decisions may on occasion be the subject of the appeal.
- 5.5 The terms of reference of the Appeals Panel would be

To determine all appeals relating to

Council Tax, Council Tax benefits and Housing Benefit
 All licensing functions undertaken by the Council including Hackney
 Carriage and Taxi Licensing
 Housing and homelessness
 Staffing matters
 Tree Preservation Orders

6 MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES

- 6.1 Following the District Council elections on 4 May 2000, Group Membership of the Council is now as follows:

Conservative	19
Labour	9

In addition, there are three members who do not belong to any Group.

- 6.2 Subject to Council agreeing to continue with the existing committee structure, the proposed allocation of seats on Committees and Sub-Committees for each of these groups is as indicated at Appendix 1 of this report.
- 6.3 Each Group Leader has been asked to prepare a list of Members to serve on Committees and Sub-Committees and details received of proposed Membership will be laid on the table at the Council meeting. The Council is reminded that in appointing Members to Committees and Sub-Committees, it is obliged to give effect to the wishes of the Groups.
- 6.4 So far as the seats allocated to non-group members are concerned, it is for the Council to determine which members should be appointed to fill which seats.
- 6.5 Standing Orders also require the Council to appoint any non-voting members, assessors and advisers to serve on Committees and Sub-Committees. In 1999/2000, the following advisers were appointed:

Community Services Committee:	1 representing Rayleigh Association of Voluntary Services
Leisure Sub-Committee:	1 representing each of the following Rochford Sports Council; Rochford Arts Council; National Playing Fields Association; Rochford Hundred Association of Local Councils
Housing Management Sub-Committee:	1 representing each of the following Rochford and Stambridge Tenants Association; Rayleigh & Rawreth Tenants Association
Planning Policy Sub-Committee:	1 representing Rochford Hundred Association of Local Councils
Environmental Health Sub-Committee:	1 representing Rochford Hundred Association of Local Councils

The Council is asked to consider whether it wishes to appoint advisers to serve on Committees and Sub-Committees in 2000/01 and if so to nominate those it wishes to appoint. In considering the position of advisers, it is suggested that the current practice of inviting partner organisations to send representatives to meetings of the Community Safety Sub-Committee to take part in discussions relating to crime and disorder be continued.

7 WORKING GROUPS

7.1 Working Groups operate outside of the formal decision making processes of the Council and may include officers as full voting members. Proposed working groups for 2000/01 are set out in Appendix 2 to this report. With the exception of the proposed Town Centre Working Groups, the Working Groups are the same as those constituted during 1999/2000. The proposed Rayleigh Town Centre Working Group will combine the Rayleigh Town Centre Monitoring Group and the Websters Way Working Party and operate with an expanded brief to consider proposals for the enhancement and regeneration of Rayleigh. The new Hockley Town Centre Working Group addresses the motion put forward at the meeting of the Council held on 18 April this year. Local ward members and the Chairman of the appropriate Service Committee could be co-opted onto each Working Group as appropriate.

7.2 Traditionally, the Council has appointed Members to serve on Working Groups in a manner that reflects the political balance of the Council. In anticipation that the Council will wish to continue this practice, Group Leaders have been asked to submit nominations to fill the seats allocated. Details of these will be laid on the table.

8 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN AND THE LEADER OF THE COUNCIL

8.1 The Council is invited to appoint the Chairmen and Vice Chairmen of Committees and the Chairmen of Sub-Committees and Working Groups. The Council is further invited to appoint a Member to act as Leader of the Council and principal spokesperson. Traditionally, the Chairman of the Finance and General Purposes Committee has held this office.

9 CALENDAR OF MEETINGS

9.1 The Council is invited to reaffirm the calendar of meetings shown at Appendix 4 to this report. This calendar was previously agreed at the meeting of Council held on 18 April 2000. Meetings of Committees and Sub-Committees not shown on this calendar will be convened when the business requires.

10 ENVIRONMENTAL IMPLICATIONS

10.1 If the Council was minded to suspend the current system of Committees and Sub-Committees, there would be a reduction in the number of meetings and a reduction in the number of journeys made to the Civic Suite at Rayleigh by Members and Officers.

11 RESOURCE IMPLICATIONS

11.1 If the Council was minded to suspend the current system of Committees and Sub-Committees, savings would accrue in both Member and Officer allowances. The number of staff required to service meetings would also need to be reconsidered. The full resource implications would be addressed

in the report to the proposed further meeting of the Council.

12 LEGAL IMPLICATIONS

12.1 None other than set out in the report.

13 RECOMMENDATION

13.1 It is proposed that the Council **RESOLVES**

- (1) whether it wishes to reduce the current number of Committees and Sub-Committees and instead discharge most business at full meetings of the Council and, if so, to convene a further meeting of the Council on Thursday 25 May 2000 specifically to consider the proposal further.
- (2) in the event that it wishes to retain the present system of Committees, Sub-Committees and Working Groups
 - a. to constitute these as shown at Appendices 1 and 2 to this report with the terms of reference shown at Appendix 3.
 - b. to appoint the Members nominated by the Group Leaders to serve on these Committees, Sub-Committees and Working Groups for the following municipal year.
 - c. to appoint Members that do not belong to a political group to fill the seats allocated to these individuals.
 - d. to decide whether it wishes to appoint advisers to serve on committees and sub-committees and, if so, to identify the committees and sub-committees and those it wishes to appoint.
 - e. to appoint Chairmen and Vice-Chairmen of Committees and Chairmen of Sub-Committees and Working Groups.
 - f. to reaffirm the calendar of meetings for 2000/01 as shown at Appendix 4.
 - g. to appoint a Leader of the Council (HAMS)

Paul Warren
Chief Executive

Background Papers:

None

For further information please contact Andrew Smith on (01702) 318135

APPENDIX 1

COMMITTEE AND SUB-COMMITTEE ALLOCATIONS - 2000/01

COMMITTEE ALLOCATIONS

Committee	No. of seats	Conservative	Labour	Liberal Democrat	Non-Group
Appeals Panel	9	4	2	2	1
Audit Services	11	5	2	2	2
Community Services Committee	20	9	5	4	2
Finance and General Purposes	20	10	5	5	0
Planning Services	40	19	9	9	3
Transportation and Environmental Services	20	10	4	5	1

SUB-COMMITTEE ALLOCATIONS

Sub-Committee	No. of seats	Conservative	Labour	Liberal Democrat	Non-Group
FINANCE AND GENERAL PURPOSES COMMITTEE					
Contracts Panel	6	3	1	2	0
Corporate Resources Sub-Committee	12	6	3	3	0
Partnership Sub-Committee	7	3	2	1	1
Structural & Procedural Review Working Group	8	4	2	2	0
COMMUNITY SERVICES COMMITTEE					
Community Safety Sub-Committee	13	6	3	3	1
Housing Management Sub-Committee	12	6	3	2	1
Leisure Sub-Committee	12	6	2	3	1
Street Trading Panel	5	2	1	1	1
TRANSPORTATION AND					

ENVIRONMENTAL SERVICES COMMITTEE					
Environmental Health Sub-Committee	12	6	2	3	1
Planning Policy Sub-Committee	12	5	3	3	1
Transportation Sub-Committee	12	6	3	2	1

No of Committee Seats - **120**
No of Sub-Committee Seats - **111**

Total Number of Seats - **231**

SUB-COMMITTEES PROPOSED AS NOT SUBJECT TO POLITICAL PROPORTIONALITY

Sub-Committee	No. of seats	Membership
AUDIT SERVICES COMMITTEE		
Audit Committee Urgency Sub-Committee	3	Chairman and Vice Chairman of the Audit Committee; 1 other member
FINANCE AND GENERAL PURPOSES COMMITTEE		
Appointments Panel	7	Leaders of the Conservative, Labour and Liberal Democrat Groups; Chairman of the Corporate Resources Committee; Chairman of Finance and General Purposes, Community Services and Transportation and Environmental Services Committee (NB of the three committee chairman, only the chairman of the committee within whose remit the appointment to be made falls will attend the appointment meeting)
Leaders' Panel	3	Leaders of the Conservative, Labour and Liberal Democrat Groups
Finance and General Purposes Urgency Sub-Committee	3	Chairman and Vice Chairman of the Finance and General Purposes Committee; 1 other member
Member Budget Monitoring Group	4	Leaders of the Conservative, Labour and Liberal Democrat Groups; Chairman of the Corporate Resources Sub-Committee

COMMUNITY SERVICES COMMITTEE		
Community Services Urgency Sub-Committee	3	Chairman and Vice Chairman of the Community Services Committee; 1 other member
PLANNING SERVICES COMMITTEE		
Planning Services Urgency Sub-Committee	3	Chairman and Vice Chairman of the Planning Services Committee; 1 other member
TRANSPORTATION AND ENVIRONMENTAL SERVICES COMMITTEE		
Transportation and Environmental Services Urgency Sub-Committee	3	Chairman and Vice Chairman of the Transportation and Environmental Services Committee; 1 other member

Notes
Substitute Members may be appointed for all Committees and Sub-Committees with the exception of the Appeals Panel and the Planning Services Committee.

Ex-Officio Members. The Chairman and Vice Chairman of the Council serve as ex-officio members of all Committees save for the Appeals Panel and may speak but not vote unless appointed as a voting member in their own right. The Chairman and Vice Chairman of each Committee may serve as ex-officio members of the Sub-Committees that report to their Committee and may speak but not vote unless appointed as a voting member in their own right.

APPENDIX 2

WORKING GROUP ALLOCATIONS 2000/01

Working Group	No. of seats	Conservative	Labour	Liberal Democrat	Non-Group	Officers
FINANCE AND GENERAL PURPOSES COMMITTEE						
Cherry Orchard Country Park Working Group	7	4	2	1	0	
Electoral Review Working Group	7	1	1	1	1	CEX CD(LPA) HAMS
Park School Working Group	7	4	1	2	0	
COMMUNITY SERVICES COMMITTEE						
Tenant Involvement Steering Group	7	3	2	1	1	
TRANSPORTATION AND ENVIRONMENTAL SERVICES						

COMMITTEE						
Foulness Working Group	7	3	2	1	1	
Stambridge Sewage Treatment Works Working Group*	7	3	1	2	1	
Rayleigh Town Centre Working Group	7	4	1	2	0	
Rochford Town Centre Working Group	7	3	2	2	0	
Hockley Town Centre Working Group	7	4	1	1	1	

Total Number of Seats

60

* **Advisers** representing the following are also appointed to this Working Group in a non-voting capacity – 1 from each of Sludge Watch; Friends of the Earth; Stambridge Parish Council; National Farmers Union

TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

APPEALS PANEL

To determine all appeals relating to

Council Tax, Council Tax benefits and Housing Benefit
All licensing functions undertaken by the Council including Hackney Carriage
and Taxi Licensing
Housing and homelessness
Staff
Tree Preservation Orders

AUDIT SERVICES COMMITTEE

1. To consider (and make recommendations to Council where appropriate or required by law on) the following: -
 - a) all matters concerning the Council's affairs referred to it by the Council, the External Auditor or the Council's Officers;
 - b) any internal or external audit report including any report initiated by this Committee;
 - c) the effectiveness of all the Council's work and the standard and levels of service provided;
 - d) the need for new services and the necessity for existing ones;
 - e) the organisation and management processes of the Council to ensure they are designed to make the most effective contribution to the achievement of the Council's objectives making recommendations as necessary for change in either the Committee or departmental structure, and/or the distribution of functions and responsibilities;
 - f) the supervision of any Contract performed by any firm in which a Member or an Officer has any interest;
 - g) the Council's programme of value-for-money studies, including issues arising from best value process reviews, and to meet with the External Auditor as necessary;
 - h) matters relating to sustainable development and Local Agenda 21 within the purview of this Committee;
 - i) any Ombudsman report relating to the Council.

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2. To appoint representatives to outside bodies associated with the functions of the Committee.
 3. Responsibility for the above matters subject to those reserved to Council by legislation and the provisions of the Council's Standing Orders and power to delegate these matters to any sub-committee.

Audit Services Urgency Sub-Committee

To determine all matters delegated to the Committee where urgency exists.

COMMUNITY SERVICES COMMITTEE

1. To exercise the Council's functions in relation to Recreation, Leisure, Public Health, Housing Policy and Homelessness including the formulation of the Council's future policies and their co-ordination and implementation with particular reference to the functions of the Environmental Health, Housing and Community Care, Leisure and Client Services Departments and Housing Contractor Unit, except where those functions are the responsibility of another Committee.
2. Responsibility for the financial resources made available to the Committee and the relevant parts of the Council's Revenue Budget, and for ensuring effective financial control and achievement of value for money.
3. Responsibility for matters relating to the achievement of the Council's Corporate Plan objectives and best value performance plan targets within the terms of reference of the Committee.
4. Responsibility for the provision of links between the relevant external/consultative agencies and Voluntary Organisations and the Council by means of developing programmes/structures to facilitate a partnership culture.
5. To appoint representatives to outside bodies associated with the functions of the Committee.
6. Responsibility for the above matters subject to those reserved to Council by legislation and the provisions of the Council's Standing Orders and power to delegate these matters to any sub-committee.

Community Safety Sub-Committee

1. To consider and report on –
 - a) all matters connected with the Council's Community Safety Strategy;
 - b) matters relating to sustainable development and Local Agenda 21 within the purview of this Sub-Committee.

2. To formulate the District Emergency Plan and to act on the Council's behalf in times of civil emergency or disaster.

Housing Management Sub-Committee

1. The Terms of Reference of this Sub-Committee (as the managing body of the Housing Contractor Unit) are held direct from the Council and cannot be altered or amended by the parent Committee except at the direction of the Council.
2. To exercise the functions of the Council in respect of the management and monitoring of the Housing Contractor Unit to ensure compliance with the Council's policies, budgets and relevant legislation.
3. To exercise authority in respect of all non-strategic matters relating to Housing including in the functions of the Housing Contractor Unit except where those functions are the responsibility of a Committee including (but not limited to) power and duties under the Housing Acts.
4. To appoint representatives to Outside Bodies associated with the functions of the Sub-Committee.
5. To submit reports to the Community Services Committee concerning service issues where appropriate or when requested to do so.
6. To consider and report on matters relating to sustainable development and Local Agenda 21 within the purview of this Sub-Committee.

Leisure Sub-Committee

1. To consider and report on –
 - a) all matters connected with the contract monitoring Leisure and Grounds Maintenance and including administrative arrangements and to be responsible for lettings policies and charges, development and publicity;
 - b) on all matters connected with the development and implementation of the Council's Leisure Strategy;
 - c) matters relating to sustainable development and Local Agenda 21 within the purview of this Sub-Committee;
 - d) Matters relating to the renewal of the leisure contract.

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2. To meet with other interested recreation and leisure orientated agencies.
 3. To hear and determine any opposed application for the grant or renewal of a Public Entertainment Licence or Certificate of Suitability or any proposal to revoke the same.

Street Trading Panel

To determine all applications for street trading consents

Community Services Urgency Sub-Committee

To determine all matters delegated to the Committee where urgency exists.

FINANCE & GENERAL PURPOSES COMMITTEE

1. To consider (and make recommendations to Council where appropriate or required by law on) the following –
 - a) major changes to Council Policy;
 - b) the level of Council Tax to be levied, the Council's borrowing allocation and the allocation of resources (both Capital & Revenue) to each Committee or for any other purpose;
 - c) the development of the Best Value Performance Plan and the Corporate Plan;
 - d) constitutional matters of strategic character;
 - e) arrangements for the promotion of legislation and in conjunction with Service Committees as appropriate, the implications of major legislative proposals and consultation documents relating to local government and any representations to the Government, the Local Government Association or other bodies where they are significant to more than one Committee.
2. To exercise the Council's functions in relation to strategic services including Personnel, Corporate Resources and Finance, the formulation of the Council's future policies and their co-ordination and implementation of services included in the functions.
3. To maintain a Council-wide overview on all matters related to corporate image and performance review.
4. Responsibility for all matters not within the terms of reference of any other Committee or Sub-Committee and to determine cases of conflict between Committees.
5. To approve strategic Council policies in respect of its relationship with other bodies and responsibility for their co-ordination and implementation including the award of grants.

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6. Responsibility for the strategic aspects of the regulation and control of the Council's finances and superannuation matters.
 7. Responsibility with respect to corporate issues for the provision of links between relevant external/consultative agencies and the Council by means of developing programmes/structures to facilitate a partnership culture.
 8. Responsibility for staffing and human resource strategic policies.
 9. To maintain a Council wide overview of "Best Value" and competitively tendered services and the awarding of contracts.
 10. To appoint representatives to outside bodies associated with the functions of the Committee.
 11. Responsibility for the above matters subject to those reserved to Council by legislation and the provisions of the Council's Standing Orders and power to delegate these matters to any sub-committee.

Appointments Panel

To shortlist, interview and appoint candidates to the posts of Chief Executive, Corporate Director and Head of Service and to agree the terms and conditions of appointment.

Contracts Panel

To consider and make recommendations on all contracts for the provision of key services by the Council to the Council with a gross value of £250,000 or greater.

Corporate Resources Sub-Committee

1. To consider and report on –
 - a) all matters relating to the corporate resources of the Council;
 - b) setting priorities in the Council's development programme of all new projects taking into account policy objectives, financial implications and all other relevant factors;
 - c) reviewing progress of Council projects by reference to contract progress reports to the appropriate service Committee;
 - d) the operation of all Council Services in accordance with policy, service level agreements and performance review procedures, advising service Committees on their performance;

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- e) the provision, control and sale of all land and buildings held by the Council except in relation to the Council's housing functions;
 - f) the provision and control of offices, furniture, equipment and motor vehicles;
 - g) matters relating to sustainable development and Local Agenda 21 within the purview of this Sub-Committee.
2. To keep under review and make recommendation on the Council's use of Information Technology and to review the IS/IT strategy once a year.
 3. To be the forum for joint consultation with the workforce under Health and Safety legislation.
 4. Responsibility for the Council's Performance and Development Review Scheme and training programmes for staff and councillors.
 5. To carry out the performance review of the Chief Executive and to monitor the performance of Corporate Directors and Heads of Service.
 6. To appoint delegates to attend conferences on matters within the purview of this Sub-Committee.
 7. To deal with all applications for grants or financial assistance.
 8. To consider all matters affecting the conditions of service of the Council's workforce, its manpower policies and the structure of the Council's Departments.
 9. To deal with any negotiations, consultations and discussions with the staff representatives on matters concerning the Council's manpower levels, policies and working arrangements.
 10. To consider initiatives for economic and employment generation including the availability of advice about setting up and maintaining business in Town Centres.
 11. To consult with persons or bodies representative of persons in the District subject to Non-Domestic Rates about proposals for expenditure.
 12. To consider and report on all matters connected with Town Centre policies, including Vision Statements and regeneration strategies.

Leaders' Panel

To act as a forum of liaison on issues facing the Council and to make recommendations as appropriate.

Member Budget Monitoring Group

To monitor the Council's capital and revenue programmes and to make recommendations as appropriate.

Partnership Sub-Committee

1. To consider and make reports on –
 - a) all matters related to the strategy for better Community focus in the District, including initiatives affecting Youth, the Elderly etc., the Council;
 - b) all matters connected to the Council's three-tier partnership initiative – Essex County/Parish Link;
 - c) matters relating to sustainable development and Local Agenda 21 within the purview of this Sub-Committee.
2. To liaise with all Parish Councils in the District on matters of common interest and/or concern.
3. To be a focus for promoting the interests of Local Government within the Rochford District within the County and regional context, and for discussing the means of optimising the use of Local Government resources, either by acting together as Local Authorities or in partnership with others, for the benefit of the people of Essex.

Structural and Procedural Review Working Group

To review the structure, procedures and working practices of the Council and to make recommendations as appropriate.

Finance and General Purposes Committee Urgency Sub-Committee

To determine all matters delegated to the Committee where urgency exists.

PLANNING SERVICES COMMITTEE

1. To excise the Council's functions in relation to Town and Country Planning and Building Control and Regulation with particular reference to the functions of the Planning Services Department except where those functions are the responsibility of another Committee.
2. Responsibility for matters connected with dangerous, neglected or derelict buildings or sites.

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3. To appoint representatives to outside bodies associated with the functions of the Committee.
 4. Responsibility for the above matters subject to those reserved to Council by legislation and the provisions of the Council's Standing Orders and power to delegate these matters to any sub-committee.

Planning Services Urgency Sub-Committee

To determine all matters delegated to the Committee where urgency exists.

TRANSPORTATION AND ENVIRONMENTAL SERVICES COMMITTEE

1. To exercise the Council's functions in relation to Transportation, the Environment, Planning Policy (including the formulation of the Council's future policies and their co-ordination and implementation) with particular reference to the functions of the Housing, Health and Community Care, Leisure and Client Services and Environmental Policy and Initiatives Departments, except where those functions are the responsibility of another Committee.
2. Responsibility for the financial resources made available to the Committee and the relevant parts of the Council's Revenue Budget, and for ensuring effective financial control and achievement of value for money.
3. Responsibility for matters related to the achievement of the Council's Corporate Plan objectives and best value performance plan targets within the terms of reference to the Committee.
4. Responsibility for the provision of links between the relevant external/consultative agencies and Voluntary Organisations and the Council by means of developing programmes/structures to facilitate a partnership culture.
5. To appoint representatives to outside bodies associated with the functions of the Committee.
6. Responsibility for the above matters subject to those reserved to Council by legislation and the provisions of the Council's Standing Orders and power to delegate these matters to any sub-committee.

Environmental Health Sub Committee

To consider and report on –

- a) all aspects of recycling and waste disposal;
- b) all matters connected with house refuse and salvage collection and the cleansing contract;
- c) matters relating to sustainable development and Local Agenda 21 within the purview of this Committee;

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- d) all environmental matters connected with noise.

Planning Policy Sub-Committee

1. To consider and report on –
 - a) all planning policy matters affecting the District;
 - b) all matters connected with the County Development Plan, Structure Plan and local plans;
 - c) matters relating to sustainable development and Local Agenda 21 within the purview of this Committee;
2. Responsibility for all matters relating to Tree Preservation and Conservation Grants.

Transportation Sub-Committee

1. To consider and report on –
 - a) transportation issues relevant to the District;
 - b) all matters connected with the South East Essex Transport Strategy;
 - c) all matters connected with the provision and management of car parking facilities within the District;
 - d) matters relating to sustainable development and Local Agenda 21 within the purview of this Sub-Committee;
 - e) all matters relating to road safety planning;
 - f) the determination of Pavement Licences where objection has been lodged.
2. To decide all matters relating to –
 - a) Hackney Carriage and Private Hire Vehicle Licensing;
 - b) The determination of Traffic Regulation Orders to which an objection has been lodged.

Transportation and Environmental Services Urgency Sub-Committee

To determine all matters delegated to the Committee where urgency exists.

TERMS OF REFERENCE OF WORKING GROUPS

CHERRY ORCHARD COUNTRY PARK WORKING GROUP

To consider how the Council might secure for public usage land currently owned by Essex County Council at Blatches Farm and how this might be developed as a country park and to report to the Council on these.

ELECTORAL REVIEW WORKING GROUP

To consider all issues arising from the review of District Council electoral arrangements and to report to the Finance and General Purposes Committee on these.

FOULNESS WORKING GROUP

To meet with representatives of the Defence Evaluation Research Agency, to consider proposals for the development of the Shoebury ranges and to report to the Transportation and Environmental Services Committee

HOCKLEY TOWN CENTRE WORKING GROUP

To consider how the Town Centre of Hockley might be enhanced, regenerated and improved and to report to the Transportation and Environmental Services Committee as appropriate.

PARK SCHOOL WORKING GROUP

To consider the design and use relating to the Park School site currently owned by Essex County Council and to report to the Finance and General Purposes Committee as appropriate.

RAYLEIGH TOWN CENTRE WORKING GROUP

To consider how the Town Centre of Rayleigh might be enhanced, regenerated and improved and to report to the Transportation and Environmental Services Committee as appropriate.

ROCHFORD TOWN CENTRE WORKING GROUP

To consider how the Town Centre of Rochford might be enhanced, regenerated and improved and to report to the Transportation and Environmental Services Committee as appropriate.

STAMBRIDGE SEWAGE TREATMENT WORKS WORKING GROUP

To consider the various health and safety aspects of the N-Viro process at Stambridge Sewage Treatment Works including production, storage and transportation and to report to the Environmental Health Sub-Committee on these.

TENANT INVOLVEMENT STEERING GROUP

To devise a time table which will ensure the delivery of Tenants Compacts, to devise a training plan for Members, Officers and Tenant representatives, advise on consultation processes, oversee the creation of a tenants panel, consider the level of tenant participation, encourage the formation of new tenants groups and to ensure the growth of existing tenant associations, and to report to the Housing Management Sub-Committee.

Improving the Speed and Efficiency of the Enforcement Process

Issues Report

1.0 Introduction

- 1.1 At a recent meeting of the Town Planning Committee, Members of Castle Point Borough Council expressed their concern at the length of time which enforcement action takes. The slow speed of the process was considered to be a particular problem where on-going breaches of planning control affected the amenity of adjoining residents or businesses.
- 1.2 Members considered that the AEC should be requested to consider asking the Local Government Association to support a review of Enforcement powers to improve it's speed and effectiveness.
- 1.3 This report suggests a number of measures to secure such improvements. The proposals in this paper are intended to improve the enforcement service by increasing efficiency and reducing the cost and time taken to conclude enforcement procedures.
- 1.4 In proposing these measures it is recognised that it is vital to maintain a system which is fair and open and that all parties have the opportunity to put their case, resulting in quality decisions which are legally sound.

2.0 The Speed and Efficiency of the Enforcement Process

- 2.1 Examination of the Enforcement Policy and practice of Castle Point Borough Council has revealed that the majority of complaints and breaches of control are dealt with very quickly following an initial visit by the Enforcement Officer. Very few complaints generate a need for extensive or protracted investigation and the service of formal Enforcement Notices. The threat of service is usually sufficient to persuade individuals to remedy any breach of control.
- 2.2 However in a limited number of cases, and particularly in those cases where 'offenders' appeal against Enforcement Notices, unauthorised uses may continue on site for extended periods to the detriment of the character and amenity of the area and adjoining residents or businesses. It is in these cases where it is considered that action is required to improve the efficiency of the service to enable speedier resolution.

3.0 Proposed Improvements to the Service

Revisions to the Stop Notice Procedure

- 3.1.1 The enforcement procedure is characterised by a wealth of opportunity for delay, and for those adversely affected by unauthorised development or activity, appears to be biased towards those persons engaged in unauthorised activity. The inability of the Planning Authority to take immediate and effective action against obvious breaches of planning control damages the credibility of the system as perceived by those adversely affected and can be a source of great frustration to the public and Planning Authorities alike.
- 3.1.2 In order to redress the apparent imbalance it is considered that stronger and simpler measures than those which currently exist should be introduced which would enable the Planning Authority to achieve immediate results.
- 3.1.3 It is considered that the current Stop Notice procedures are too complex and time consuming. Stop Notices cannot be served until an Enforcement Notice is served, thus providing the opportunity for unauthorised activity to continue until the appropriate authority and service of Notice, can be achieved. It is suggested that a simpler system which would allow the Authority to require the immediate cessation of the unauthorised activity or development could be introduced.

3.2 The Appeals Process

- 3.2.1** An area where it is believed that significant improvements to the speed of the system can be achieved is the appeals procedure. That improvements are required is recognised by the Government in its recent paper on Improving Enforcement Appeal Procedures. The Council considers that adherence to the procedures set out in the November 1999 paper will reduce delay and thus lead to speedier conclusions. The Council would therefore support these provisions in principle.
- 3.2.2** It has been noted that following appeals where the Notice has been upheld. Inspectors often extend the periods for compliance requested by the Planning Authority. It is considered that the practice of extending periods for compliance should be reviewed, and that the Inspectorate should be encouraged to limit the periods for compliance as far as possible in order to ensure the removal/cessation of unauthorised activity as soon as possible.

3.3 Imposition of Financial Penalties

- 3.2.1** At the present time the ability to impose fines on individuals found guilty of a contravention of planning control is limited to the Courts. Such fines are unlimited and must have regard to any financial benefit accrued or likely to be accrued as a result of the unauthorised activity but they can only be imposed by way of a prosecution through the Courts in respect of non-compliance with an Enforcement Notice. They cannot therefore have an impact on the unauthorised activity for some considerable period after the breach has occurred.
- 3.2.2** It is suggested that greater prominence should be given to these fines and that any fines imposed fully and fairly reflect the profitability of the offending activity. Experience has shown that in the past the Courts have tended to limit fines to relatively low levels, thus failing to provide the appropriate disincentive for unauthorised activity. A fine levied on the basis of a daily rate, with a start date of the date of the service of the upheld enforcement notice could dissuade continuing breaches of control.
- 3.2.3** In levying any fine, the Court is currently placed under the obligation of having to consider the financial circumstances of the defendant. In cases where the continuing unauthorised activities have a significant adverse impact on the amenity of the area, or adjoining residents or businesses, it is not considered that the financial circumstances of the defendant should be considered a significant or overriding factor.
- 3.2.4** The possibility of heavy fines could then provide a significant deterrent.
- 3.2.5** The fact that fines could be imposed merely for the establishment of a breach of control, which under the present system is free from any such penalty, may discourage some individuals from undertaking work or actions without consent.

3.3 The Use of Applications for Lawful Development Use Certificates

- 3.3.1** It is suggested that as an alternative to the service of Enforcement Notices, primary legislation be introduced to require the offender, on the discovery of an identified breach of planning control, to submit an application for a Lawful Development or Lawful Use Certificate. The requirement to make such an application could be served in the same manner as a PCN, within strictly prescribed time scales. Failure to submit such an application within the specified period would then allow the Local Planning Authority to prosecute the offender for non-compliance with the requirement.
- 3.3.2** On submission of the required Lawful Use/Development application the Local Planning Authority could deal with it in the normal manner. In the event of the Certificate being refused the applicant would retain the right of appeal to the Secretary of State.
- 3.3.3** It is considered that reliance on a system dependant on the submission of a lawful development/use certificate application would serve to remove some of the confusion and delay which can exist in the determination of the existence of a breach of control at an early stage, and would place the Planning Authority in a strong position to resolve matters quickly.

Recommendation

1. That the AEC be requested to seek the support of the Local Government Association to review enforcement powers through the introduction of the following measures:-
 - (i) A review of the practice of the Inspectorate to extend periods for compliance with enforcement notices and the encouragement of the Planning Inspectorate to limit the periods of compliance as far as possible.
 - (ii) The introduction of fines based on a daily rate for each day of the continuing offence, starting on the date of the service of notice.
 - (iii) That in levying fines, consideration of the financial circumstances of the offender not be considered an overriding or significant consideration.
 - (iv) That a new scale of fines be introduced, imposed by the Inspectorate, linked to the presence of a breach of control, in addition to the current system of fines imposed for non-compliance with an Enforcement Notice.
 - (v) That primary legislation be introduced which creates a requirement for offenders to submit an application for a Lawful Use/Development Certificate in respect of all identified breaches of control.

Footnote 1: This report has not been presented to the Town Planning Committee of Castle Point Borough Council.

Footnote 2: Legislation on Human Rights may have some implications for some of the recommendations made in this report.