

Supplementary Committee Agenda



Overview and Scrutiny Committee Tuesday, 9th April, 2013

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Committee Secretary: Simon Hill, Senior Democratic Services Officer, The Office of the Chief Executive
email:democraticservices@eppingforestdc.gov.uk Tel: 01992 564249

12. DRAFT ANNUAL O&S REPORT (Pages 3 - 62)

The Committee is asked to consider whether they are happy with the draft report (attached) and to make amendments where necessary. Any comments should be submitted to Democratic Services by Monday, 29 April 2013 for inclusion in the final version.

The final report will be submitted to the next meeting on 4 June 2013 for endorsement.

12.a Housing Appeals and Review Panel - Terms of Reference (Pages 63 - 68)

To consider the attached report.

The Chairman of the Committee has agreed to this item being considered as a matter of urgency so that it may be considered by the full Council in April.

12.b Localism Act 2011 - Executive Consultation (Pages 69 - 76)

To consider the attached report.

The Chairman of the Committee has agreed to this item being considered as a matter of urgency so that it may be considered by the full Council in April.

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Overview and Scrutiny Annual Report 2012-2013



Epping Forest District Council

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OVERVIEW AND SCRUTINY ANNUAL REPORT: MUNICIPAL YEAR 2012/2013

Introduction and Welcome from the Chairman

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Cllr Richard Morgan
Chairman, Overview and Scrutiny

What is Scrutiny?

- Scrutiny in local government is the mechanism by which public accountability is exercised.
- The purpose of scrutiny in practice is to examine, question and evaluate in order to achieve improvement.
- The value of scrutiny is in the use of research and questioning techniques to make recommendations based on evidence.
- Scrutiny enables issues of public concerns to be examined.
- At the heart of all the work is consideration of what impact the Cabinet's plans will have on the local community.
- However, the overview and scrutiny function is not meant to be confrontational or seen as deliberately set up to form an opposition to the Cabinet. Rather the two aspects should be regarded as 'different sides of the same coin'. The two should compliment each other and work in tandem to contribute to the development of the authority.

Alongside its role to challenge, the scrutiny function has also continued to engage positively with the Cabinet and there continues to be cross party co-operation between members on all panels.

Scrutiny has continued to provide valuable contributions to the Council and the Cabinet remained receptive to ideas put forward by Scrutiny throughout the year.

The rules of the Overview and Scrutiny Committee also allow members of the public have the opportunity to address the Committee on any agenda item.

The Overview and Scrutiny Committee

The Committee coordinated with the Cabinet and pre scrutinised their agenda and reports at its meetings the week before Cabinet would meet. This acted as a troubleshooting exercise, unearthing problems before they arose.

The Committee also engaged with external bodies in order to scrutinise parts of their work that encroached on the District and its people.

Two call-ins were received this year (for details, see Scrutinising and Monitoring Cabinet Work on page ?). One was on the Asset Management and Economic Development Portfolio Holder's decision on the outline planning application for the

redevelopment of Pyrles Lane Nursery for residential use. The second was the Local Plan Cabinet Committee decision on the Statement on Community Development.

Standing Scrutiny Panels

A Lead Officer was appointed to each panel to facilitate its process. The Overview and Scrutiny Committee agreed the terms of reference for each of the Panels on the basis of a rolling programme. The Standing Panels have a 'rolling programme' to consider ongoing and cyclical issues. Five Standing Scrutiny Panels were established, dealing with:

- i. Housing
- ii. Constitution and Member Services
- iii. Finance and Performance Management
- iv. Safer Cleaner Greener.
- v. Planning Services

Standing Panels reported regularly to the Overview and Scrutiny Committee on progress with the work they were carrying out.

Task and Finish Panels

The Task and Finish reviews are restricted to dealing with activities which are issue based, time limited, non-cyclical with clearly defined objectives on which they would report responses and set a deadline to report to the Overview and Scrutiny Committee. Three Task and Finish Panels were established during the year; they were the Overview and Scrutiny Review Task and Finish Panel; the Review of Chief Executive Appointment Task and Finish Panel and the Review of Licensing Services Task and Finish Panel.

OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee consisted of the following members:

Councillor R Morgan (Chairman)
Councillor K Angold-Stephens (Vice Chairman)
Councillors K Channa, R Gadsby, L Girling, D Jacobs, H Kane, P Keska, A Lion, M McEwen, S Murray, J Philip, M Sartin, P Smith and D Wixley.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

The Overview and Scrutiny Committee's main functions are to monitor and scrutinise the work of the executive and its forward plan, external bodies linked to the District Council and the Council's financial performance. It is tasked with the consideration of call-ins, policy development, performance monitoring and reviewing corporate strategies.

The Committee's workload over the past year can be broken down as follows:

(a) Scrutinising and monitoring Cabinet work

The Committee has a proactive role in this area through carrying out pre-scrutiny work. This involved receiving and considering the Cabinet agenda a week prior to the Cabinet meeting.

(b) Call-ins

The call-in received at the end of the previous municipal year was on the Cabinet decision (C-067-2011/12) on Fire Safety in Flat Blocks. The members who called this in generally agreed with the decision, but not with all aspects. As this was received very late in the 2011/12 municipal year it was referred to the first meeting of the Housing Scrutiny Standing Panel in the new-year (2012/13) as they had previously discussed the matter in detail.

At a special meeting held on 31 May 2012 the Housing Scrutiny Standing Panel met to consider the call-in in depth. On disusing the merits of the call-in the new Housing Portfolio Holder re-affirmed that currently there was no money in the budget for replacing the carpets and officers were aiming to complete this work within 4 months. He advised that almost all local authorities had adopted a zero tolerance policy on fire safety in flat blocks, unlike the District Council which was a managed policy.

In the end the Panel decided that the Cabinet Decision on Fire Safety in Flat Blocks C/067/2011-12 be upheld.

The Committee received two call-ins this year. Both Call-in's were considered at the July 2012 meeting. The first was on the Asset Management and Economic Development Portfolio Holders decision (AMED-002-2012/13) on the outline planning application for the redevelopment of Pyrles Lane Nursery for residential use. The call-in was concerned about the apparent lack of consultation with ward members; they also had concerns about road safety issues for both vehicles and pedestrians going to and from the site; they noted that approximately two thirds of the site was

designated as urban open space on the current Local Plan so the proposal would pre-empt consultation on the new Local Plan; and they wanted to know if there had been a cost benefit analysis done on the future of the nursery.

On consideration the Overview and Scrutiny Committee confirmed the original decision of the Portfolio Holder on the report regarding the Pyles Lane Nursery, Loughton.

The second Call-in was also considered at the Overview and Scrutiny Committee's meeting held in July 2012. The Committee considered the call-in of a decision of the Local Plan Cabinet Committee regarding the Statement on Community Involvement. This related to the Committee's decision that the Statement of Community Involvement be consulted on for a period of 8 weeks from 30 July to 21 September 2012. The call-in was concerned that a significant part of the consultation was during August when most residents were away; that this was only two weeks extra to the statutory minimum for this consultation; that the timescale for road-shows did not permit sufficient time for informed responses from the residents; and lastly that changes of the committee's Terms of Reference meant that councillors would not be aware that the committee had decision making powers.

The Committee on consideration of the merits of the call-in, decided that the decision be referred back to the Portfolio Holder and Local Plan Cabinet Committee for further consideration and that the consultation period for the 'Statement of Community Involvement - Issues and Options' was recommended to be extended to 12 October 2012. This was because August was a holiday month and it would also allow more time for road shows and enable more debate. They also agreed that all Local Plan Cabinet Committee meetings should be webcast.

(c) Standing Panels work programme monitoring

The Committee received regular updates from the Chairmen of the various Scrutiny Panels reporting on the progress made on their current work programme. This allowed the Committee to monitor their performance and when necessary adjust their work plans to take into account new proposals and urgent items.

(d) Items considered by the committee this year

This year the Overview and Scrutiny Committee received various presentations and considered a range of diverse topics.

Presentations:

(i) City of London Corporation - The Committee at their meeting in September 2012 received a presentation from Mr P Thompson, Superintendent of Epping Forest of the City of London Corporation, on the management of the forest.

It was London's biggest open space, was amongst the oldest forests in the country and had been a royal forest. The forest was currently administered by a committee of 16 members of whom 12 came from the City of London. The Corporation of London had invested £6.8 million in the forest of which £1.5 million had been spent on a visitor centre in Chingford to complement the Queen Elizabeth Hunting Lodge.

The forest received 4.3 million visitors per year. It protected rare habitats and hosted a wide range of recreational activities including walking, dog walking, cycling, riding, golf courses, cricket pitches, running events and football. The corporation had implemented a new grazing strategy with invisible electronic fencing to control cattle, had invested £400,000 on Butler's Retreat, Chingford (a refreshment kiosk), a new 40mph speed limit had been imposed in the forest and there was a major volunteer programme with 20,000 hours of volunteer time.

The meeting was opened out to a question and answer session from the committee and other members present.

(ii) London Underground Limited - At their meeting in October, they received a presentation from Peter Tollington and Michael Graves from London Underground Limited (LUL). Mr Tollington was the General Manager of the Central and Waterloo and City Line; Mr Graves was the Group Station Manager with responsibility for all the stations within the Epping Forest District.

Mr Tollington commented that the summer Olympic Games had been a very enjoyable experience; LUL had helped a lot of customers and visitors to the games and there had been more of a party mood on the system.

LUL would be enhancing their services in the new year for the Central Line. They were upgrading their power supply for their lines and this should provide improvements to the service. The trains were currently used to their maximum capacity in the rush hours. LUL were building up their infrastructure, working towards 2018 and relying on 'Crossrail' to make a big difference once completed.

The meeting was then opened up to questions from all those present. Questions ranged from asking about LUL's response to EFDC's Local Plan to disabled access at the Epping Station.

(iii) Youth Council - At their meeting in November 2012, the Committee received a lively and confident presentation from five members of the Youth Council, who gave an outline of the work they had undertaken over the last year.

Members of the Epping Forest Youth Council attend this meeting not only to update Committee members on their recent and future work, but to request that £12,000 District Development Funding for the coming year be added to the Council's draft budget. The funding was to cover the running costs of the Youth Council, such as elections in schools, training, transport and equipment costs.

It was noted that over time they have formed relationships and have met with representatives from other neighbouring youth councils and with the local MPs.

They would like to have the opportunity to become more imbedded in the Council's decision making process. They also use social network sites to inform and update the local youths and could be followed on 'Twitter'.

In the end the Committee agreed to recommend the £12,000 for inclusion in the new budget and formally recommend this bid be transferred to the Continuing Service Budget so that the Youth Council need not make an annual bid. However, the Committee would still like the Youth Council to attend a meeting on an annual basis to update them on their work and achievements.

(v) Presentation on Broadband connectivity from BT - At their January 2013 meeting, the Committee received a presentation from Officers from BT on the outlook for broadband connectivity for our district.

The Committee noted that there was £2.5 billion to be invested up until 2014 on 'Next Generation Access'. Part of this was in what was called Fibre to the Cabinet (FTTC) service. It will reach two thirds of the UK by the end of spring 2014. Their other project was 'Fibre to Premises' available on demand to anyone in an FTTC area. They also deliver a service known as 'Ethernet' delivering speeds up to 10Gbps, this already runs to every business in every UK city.

As far as Essex was concerned, Essex County Council has had £6.46 million pledged by government as long as they match fund this amount and went to tender within the next few months. This money will only be able to be used for areas where commercial operators were not going. Essex County Council would determine an 'intervention area' where this was likely.

(vi) County Highways - In March 2013 the Committee received a presentation from Peter Massie, Head of Highways Commissioning at Essex County Council. He told the meeting that Essex County Council (ECC) in wanting to contract out it's highway services and wanting continuous improvement, chose to go into partnership with 'Ringway Jacobs' to enable them to provide highways services and keep within the budget they were allocated. He acknowledged that they had some delays during the past year while trying to maintain a level of service and still achieve efficiency savings. Each of their areas now has as part of their yearly plan, efficiencies and targets that they must meet.

As for individual contacts they now focus everything into their Customer Teams. They do not have the same officer contacts that they used to have for councillors. The Customer Teams are now tasked to go to the different service areas to get an appropriate response. They had looked at their staffing levels and how they delivered their service and have restructured to have a centralised Contact Office in Colchester. They had set up Customer Teams to answer queries by doing research on your behalf and get the response needed.

The meeting was opened out to a question and answer session from the committee and other members present.

Other topics considered:

(i) In June 2012 the Committee received the Key Objectives Outturn report for 2011/12. The key objectives were intended to provide a clear statement of the Council's overall intentions for each year, containing specific actions and desired outcomes.

The Committee was requested to consider outturn performance against the Key Objectives adopted for 2011/12. This report was also considered by the Cabinet.

(ii) In July the Committee noted that the Council had requested that Overview and Scrutiny conduct a review on the processes adopted in respect of the recruitment of a new Chief Executive. It was emphasised that they were not seeking a review of the outcome of the recruitment exercise but the processes adopted to achieve an appointment. The Committee thought that it would be appropriate that the original panel on the senior management appointments panel be asked to carry out this review and set up a Task and Finish Panel for this purpose.

(iii) In September the Committee received a report from the Constitution and Member Services Scrutiny Standing Panel regarding the Terms of Reference of the Audit and Governance Committee. Previously the Constitution and Member Services Scrutiny Standing Panel had looked at the question of whether Portfolio Holder Assistants should be able to serve as members of the Audit and Governance Committee. The Committee also indicated that Article 11 should be reviewed.

They agreed that removal of the requirement for the three seats for councillors on the Committee to be allocated according to pro rata rules and that the three Councillors concerned should be appointed on the basis of experience, aptitude and interest on the recommendation of the Council's Appointments Panel.

(iv) They also looked at the Member Complaints Panel (CP) which was responsible for considering complaints at Step 4 of the Council's complaints procedure. Certain types of complaints fell outside the jurisdiction of the Panel and could not therefore be considered at Step 4. They agreed that that revisions to the limits of jurisdiction of the Complaints Panel be approved.

(v) In October the Committee received a report from the Constitution and Member Services Standing Panel. It dealt with the terms of reference of the Staff Appeals Panel and proposed changes in relation to its jurisdiction in respect of appeals by staff. In respect of regarding appeals, these proposals derive from a recent review of the Council's job evaluation scheme (by which salaries applicable to staff posts or groups of posts are determined) and in particular the question of a staff member's right of appeal.

It was noted that the Staff Appeals Panel was not an appropriate forum to hear such appeals since Members were not trained in or hold expertise in the Job Evaluation process, and a second avenue of appeal against job evaluation decisions was not required.

(vi) In 2010 the Council started an ePetition scheme with the aid of some Government money and the Council's current Committee Managements system. However, in December 2010 the Government gave notice that provisions of the Localism Act would remove any duty to provide such a system.

Members had asked for a periodic review of the operation of the system to assess its effectiveness, which had been undertaken.

At their October meeting, the Committee noted that people, in general, still petition the Council in the traditional way. During the period January 2011 to August 2012 the Council received 12 formal petitions on paper. Correspondingly, during the same period 2 electronic petitions were received and completed. One relating to provision of places at Epping Forest College (referred to the College for response – 13 electronic signatures but supported by a paper petition) and the other was regarding the St Johns Road Development Brief (during a formal consultation period – 72 electronic signatures).

Having reviewed the scheme the Committee were of the view that it should continue and the current thresholds were still appropriate. However, they were also of the view that the scheme document on the website could be made shorter and more user friendly.

(vii) The Committee noted that in November 2011 they had asked the Constitution and Member Services Standing Panel to: examine how agendas were sent to members; how new technology might be used to distribute papers; seek Counsel's opinion on whether using new distribution technology was lawful given current legislative constraints; and for a review of officer agenda distribution arrangements to take place.

It was noted that members had received training on the use of the Council's Virtual Private Network (VPN) system giving them access to all meeting papers supporting the democratic process. From a position where not many members had email and computers at home, virtually no members remained digitally disconnected. The emphasis was now on connectivity on the move. They also noted that Members would not lawfully opt out of hard copy deliveries.

(viii) The Committee received a report on the investigation into the feasibility of providing Broadband connectivity to rural areas currently suffering from slow or no broadband access. It was noted that we did not have any influence over the major suppliers. However, recently, as part of a Disaster Recovery project for EFDC officers asked for a quote for the supply of a separate wireless broadband link into the EFDC area which would deliver Super-fast Broadband to residents and businesses through radio links rather than old fashioned copper phone lines.

The contract was awarded to Buzcom and their system was now live with coverage over most of the district, but not all of it. Coverage maps could be viewed by going to the Buzcom website, www.fibrewifi.com and clicking on the Epping Forest District button.

(ix) In November the Committee received a report on the Corporate Plan for 2011-15 and Key Objectives for 2012/13. The Committee noted the progress made on the Key Objectives for the first six months of this year. The report had already gone to the Finance and Performance Management Standing Panel and Cabinet Committee.

(x) At their January 2013 meeting the Chairman of the Constitution and Member Services Standing Panel, introduced their report on whether a Portfolio Holder Assistant could serve as one of the members on the Audit and Governance Committee (AGC).

The Panel had reviewed the position as requested. They noted that one Portfolio Holder Assistant had served on the AGC until the last Annual Council meeting in 2012, but subsequently the Leader of the Council decided not to create such positions for the current financial year. The AGC members had been consulted and had stated that there had not been any difficulties and indeed, the benefits of having a Portfolio Holder Assistant had been emphasised by showing the importance of its Councillor members having knowledge, expertise or interest in the Audit function.

(xi) In September 2012, the Government brought into force new regulations concerning access to information/meetings for Local Authority Executives. The Constitution and Member Services Standing Panel reviewed the impact of these regulations on the Access to Information Rules in the Council's Constitution and reported their findings to the main Committee.

They noted that the 2012 Regulations was a long and complex document which made changes to the access to information arrangements for local authority executives whilst consolidating existing provisions in other regulations made over the

years.

Most of the provisions were already followed by this Council and it was noted that officers already had been briefed on the importance now attached to the 28 day period of notice in respect of decisions.

(xii) The Constitution and Member Services Standing Panel had been asked by Management Board to review the deadlines for submission of questions by members of the public and Councillors at Council and Cabinet meetings. This was because there had been concern that it was becoming increasingly difficult to compile answers for Portfolio Holders at these meetings in the time between the meeting and the deadline for questions being submitted.

The Panel and the Committee agreed to alter the period to four working days before a meeting.

(xiii) The Committee also considered the report of the Constitution and Member Services Standing Panel, on their further review of the Appointments Panel process prior to Annual Council. It had been requested that this system be reviewed after a year. This was the second such review.

They were of the view that the Panel had operated successfully for two years and should be permanently established and that a further annual review and treating the Panel as a temporary measure was no longer necessary.

(xiv) The Committee considered a planning report on extending the range of pre-planning application charging. The report recommended that further charges be introduced by the Council to cover the costs of providing advice to many informal requests for planning advice received each week. Giving this advice drew significantly on officer's time and although not a statutory duty, was often seen as an integral part of the planning process.

It was difficult to predict what such charges were likely to bring in a full year, but a modest income of about £40,000 was expected.

(xv) In March 2013, the Committee considered the report from the Leader of Council on the Corporate Plan 2011-2015 and Key objectives 2013/14.

They noted that the annual identification of key objectives provided an opportunity for the Council to focus specific attention on how areas for improvement were to be addressed, opportunities exploited and better outcomes delivered over the coming year. The key objectives were intended to provide a clear statement of the Council's overall intentions for each year, containing specific actions to achieve desired outcomes.

The Corporate Plan for 2011 to 2015 included an annual supplement reflecting the Council's key objectives for each of the four years to 2014/15.

(xvi) ...

(e) Case Study: Presentation on Broadband Connectivity from BT

The Committee received a presentation from British Telecom on the latest situation on Broadband connectivity in our area. The speaker was Annette Thorpe, the

Regional Partnership Director, East of England and accompanying her was David Leigh the BT Accounts Manager for EFDC. Their presentation is attached to these minutes.

They had £2.5 billion to be invested up until 2014 on 'Next Generation Access'. Part of this was in what was called Fibre to the Cabinet (FTTC) service, delivering speeds up to 80Mbps downstream and 20Mbps upstream. It would reach two thirds of the UK by the end of spring 2014. Their other project was 'Fibre to Premises' with speeds of 300Mbps downstream and 30Mbps upstream available on demand to anyone in an FTTC area this spring. They also deliver a service known as 'Ethernet' delivering speeds up to 10Gbps, this already runs to every business in every UK city.

Nine counties had run a procurement project to buy services and uplift rural broadband. In the east of the country Norfolk and Suffolk have contracted out, with Essex County Council going out to tender for their procurement activities in the not to distant future.

Twenty exchanges serve the EFDC area, with nine having superfast broadband speeds, some were in our area and some outside it geographically, although some would connect to bits of this district. Of the nine exchanges, eight deliver a service called 'wholesale broadband connect', which offers up to 20Mbps for multiple operators. Each of the exchanges has access to a basic 8Mbps. However, having said that, they acknowledged that there were areas of slow speed across the district and they needed to be improved.

The Government has made available just over £500million for counties across the UK for them to come up with a local broadband plan citing how the general economic area would be improved by using this investment. Essex County Council (ECC) has had £6.46 million pledged by government as long as they match fund this amount and went to tender within the next few months. This money will only be able to be used for areas where commercial operators were not going. Essex County Council would determine an 'intervention area' where this was likely.

STANDING PANELS

1. HOUSING SCRUTINY STANDING PANEL

The Housing Scrutiny Standing Panel consisted of the following members:

Councillor S Murray (Chairman)
Councillor Mrs A Mitchell MBE (Vice Chairman)
Councillors K Avey, K Chana, Ms J Hart, Mrs S Jones, H Kane, L Leonard, Ms G Shiell, Mrs J Whitehouse and N Wright

The Lead Officer was Alan Hall, Director of Housing. The Panel also appreciated the Housing Portfolio Holder, Councillor D Stallan, attending the meetings to help them with their deliberations.

Wyn Marshall represented the Tenants and Leaseholder Federation, attending the meetings as a non-voting co-opted member to provide the views of residents and stakeholders.

Terms of Reference

The Housing Scrutiny Standing Panel is tasked to undertake reviews of a number of the Council's public and private sector housing policies and to make recommendations arising from such reviews to the Housing Portfolio Holder, Overview and Scrutiny Committee or Cabinet as appropriate. They also undertake specific projects related to public and private sector housing issues, as directed by the Overview and Scrutiny Committee.

The Panel scrutinised a number of important issues over the last year, which included:

(i) Call-In Cabinet Decision on Fire Safety in Flat Blocks – In May 2012 the Panel considered the call-in of a decision by the Cabinet of a Housing Portfolio Holder report (C/067/2011/12) regarding Fire Safety in Flat Blocks made on 12 March 2012. This had been referred to them from last year as it had come in late in the year.

On consideration of the arguments put forward the Panel decided that the Cabinet Decision on Fire Safety in Flat Blocks be upheld.

(ii) New Site Licence Conditions for Park Homes Sites - On 18 April 2011, the Cabinet agreed to the adoption of the "Standard Park Home Licence Conditions for Permanent Residential Sites in Epping Forest District Council." The agreed conditions included some variations to the Model Standards 2008 and also allowed for certain contraventions to remain provided they were in existence on the date the new site licence was issued. In June 2013 after inspections of the sites and considerable consultation, with officers holding a meeting with Park Home Site Owners and representatives of each of the site residents associations to gauge their views the panel considered the new conditions. They agreed that the agreed interpretations to the Standard Licence Conditions for Permanent Residential Park Home Sites in Epping Forest District be recommended to the Cabinet.

(iii) Review of Homelessness Strategy - Under the Homelessness Act 2002, Local Authorities had a duty to review and publish their Homelessness Strategy on, at least, a 5 yearly basis. As this area of work changed regularly, it was agreed that the Council's Strategy would be reviewed every 3 years and in July 2012, the Panel once again reviewed the strategy and recommended it for approval, noting that the strategy linked with other Council strategies and schemes. It set out achievements since 2009 and incorporated the needs and demands on the service and an Action Plan for the coming three years.

(iv) HomeOption Choice based letting scheme and Ethnic Monitoring progress reports – in July the Panel considered the progress reports on these two items and considered the progress made by the Council during the past year. The Panel noted that, following the 2011 National Census, an updated breakdown of the ethnicity of the population of the District would be available and reported next year.

(v) Council response to CLG consultation paper - "High Income Social Tenants Pay to Stay" - The Panel was invited to consider the proposed Council response and whether any different, or additional comments should be included on the DCLG Consultation Paper "High Income Social Tenants Pay to Stay". They agreed that the proposed Council response to the consultation be forwarded to the Government.

(vi) West Essex Tenancy Strategy – Draft Consultation - Under the Localism Act 2011, all local authorities must produce a Tenancy Strategy which set out the District's expectations of the types of tenancies that all Registered Providers (RPs) of Housing in their district would provide. All RPs must have regard to the District's Tenancy Strategy when setting their own Tenancy Policy. Since the Council had its own housing stock, it must have regard to the Tenancy Strategy itself when formulating the Council's own Tenancy Policy. In January 2012, the former Housing Portfolio Holder agreed that the Council should work with Harlow District Council and Uttlesford District Council to produce a Joint West Essex Tenancy Strategy.

Following the production of a Consultant's Brief by EFDC's Director of Housing, and a subsequent tender exercise, the three local authorities had appointed a small consultancy, Jenkinsduval, to produce a draft West Essex Tenancy Strategy on their behalf.

Following consultation Jenkinsduval produced a Consultation Draft which:

- Was not too prescriptive, providing a broad, overarching approach;
- Enabled local flexibility in the three local areas, and amongst different RPs;
- Enabled social landlords to provide fixed term tenancies or lifetime tenancies, as appropriate;
- Expected minimum 5 year terms, if fixed term tenancies were provided;
- Set out the expectations of the criteria used for reviews and renewals of tenancies; and
- Emphasised the importance of good timely advice at the review period.

This draft was welcomed by the Panel who made no further comments.

(vii) Repairs Management Contract Presentation, One year on – In August 2012 the Panel received a presentation from the Assistant Director of Housing

(Property) and the Housing Repairs Manager, representing Mears regarding the Repairs Management Contract.

In May 2011, following an EU procurement exercise, the Council let an innovative “In-Sourcing” contract with Mears, as the External Repairs Management Company, whereby Mears manage the Council’s own in-house Housing Repairs Service with the intention of delivering a step-change in performance and service for tenants.

The presentation concerned the improvement of management and services being delivered to tenants, delivery of 5 Key Deliverables, improvements in Key Performance Indicators and Value for Money achievements over the first year of operation.

(viii) Housing Service Standards – Performance Report 2011/12 and Review -

In 2007, following consultation with the Panel and the Tenants and Leaseholders Federation, the Housing Portfolio Holder agreed a range of Housing Service Standards and an updated Housing Charter. Subsequently a leaflet was issued to all the Council’s tenants, setting out the agreed Housing Service Standards. It was also agreed that the Housing Directorate’s performance against the Housing Service Standards should be considered annually.

The Director of Housing had reviewed the Housing Service Standards with regard to performance in 2011/12, a number of changes were proposed including some new Service Standards. A number of the proposed changes resulted from the introduction of the Repairs Management Contract with Mears and the improvements that Mears and officers had already made to the Housing Repairs Service, particularly due to the introduction of Mears’ own Repairs IT System.

The Panel endorsed the proposed changes and additions to the Housing Portfolio Holder. It was also recommended that relevant leaflets should be updated at the appropriate time. It was suggested that performance against the service Standards was reviewed again in July/August 2013.

(ix) Housing Strategy 2009-12 - The Panel noted that around 3-4 years earlier, it had approved for consultation a “Consultation Draft” Housing Strategy and a major Consultation exercise was undertaken with the Council’s partners, key stakeholders and the public over a 3 month period. The exercise included a one day Housing Strategy Conference, to which all the consultees were invited. At its meeting in September 2009, the Council’s Cabinet adopted the Housing Strategy 2009 – 2012.

Although there was no legal or policy requirement, it was originally anticipated that the Housing Strategy would be updated during 2012, covering the following three years. However, following a recommendation from the Panel, in May 2012, the former Housing Portfolio Holder agreed that the production of the next Housing Strategy should be deferred for one year, and produced in 2013/14. This was because it was identified and acknowledged that there were a number of important issues that would be concluded by the Council over the following year, which would have a significant impact on the Housing Strategy. These issues included:

- (a) A refresh of the Council’s Strategic Housing Market Assessment (SHMA);
- (b) The production of the Council’s Strategic Housing Land Assessment (SHLA);
- (c) The production of the Council’s Draft Local Plan, which would set out the Council’s proposed plans on the number and proposed location of new homes in the District; and
- (d) The Council’s decisions on housing issues relating to the Localism Act.

The Panel therefore reviewed the 12 Month Progress Report on the Housing Strategy's Key Action Plan 2011/12, and considered a Draft Housing Strategy Key Action Plan 2012/13 for recommendation to the Cabinet.

(x) Tenant Satisfaction Survey 2012 - Under the Government's previous Best Value Performance Indicator (BVPI) and National Indicator (NI) regime, it was a requirement for all registered providers of housing to undertake a Tenant Satisfaction Survey every two years and then submit headline data to the Government through the BVPIs and NIs. All registered providers used a standard STATUS Survey Form, ensuring that they all asked the same questions to aid benchmarking.

Although there was no longer a requirement to undertake such surveys, or to be benchmarked with other landlords, members and officers considered it very important to understand the views of the Council's tenants.

Housing had been a member of 'Housemark', a national housing benchmarking club, for many years. Housemark had devised a new standard tenant Satisfaction Survey Form, called 'STAR', for its members to use, in order to continue measuring tenant satisfaction and benchmark with other registered providers if they wished.

The overall response was very high at 49%, with 1,093 questionnaires returned from the 2,215 sent out, representing around 17% of all tenants.

The vast majority of the District Council tenants were satisfied with the services provided by the Council, and the overall rating was amongst the highest in the survey at 88%.

(xi) Housing Revenue Account Business Plan and Repairs/Maintenance Business Plans 2012/13 - In March 2012, the Council's latest Housing Revenue Account (HRA) Business Plan 2012/13 was produced, incorporating the Repairs and Maintenance Business Plan. This document set out the Council's objectives, strategies and plans as landlord, in relation to the management and maintenance of its own housing stock.

An important section of the HRA Business Plan was the Key Action Plan, which set out the proposed actions the Council would be taking over the next year. It was good practice that the progress made with the stated actions was monitored.

Members noted and commented on the progress report on the plan.

(xii) Progress Report on the work of the Technical Officer dealing with empty properties and Park Home sites - In October the Panel received a report from the Private Housing Manager (Technical), regarding the progress of work of the Technical Officer dealing with Empty Properties and Park Home Sites within the Private Sector Housing (Technical) Team Key Action Plan.

A systematic procedure had been established for dealing with empty properties in the private sector beginning with tracing and communicating with property owners or other interested parties establishing why a property was empty. Following this the Technical Officer's role was to determine how best the owner could be assisted in bringing the property back into use.

The Council could offer financial incentives for bringing properties up to the Decent Homes Standard and providing affordable accommodation for tenants or owner occupiers. The PLACE (Private Lease Agreements Converting Empties) Scheme was one form of financial assistance, the scheme ran at no cost to the Council other than the administration process by the Technical Officer. It currently offered high level grants of up to £50,000 to an owner in return for leasing the property for 3 years to the Consortium's preferred partner, Genesis, during which time the owner received no rental income.

The Council attached conditions requiring all grants to be repaid when the recipient sold the property. The Empty Homes Repayable Assistance was effectively an interest free loan up to £10,000 repayable on the sale of the property and available to owners wanting to live in the property themselves.

Park Homes - The existing site licence conditions for park home sites in Epping Forest District had not been reviewed for many years. New proposed standard park home site licence conditions for permanent residential sites were produced to ensure conditions were relevant, consistent and would adequately protect the health and safety of people residing at, or visiting, sites within the District.

It was anticipated that new site licences with standard site licence conditions would be issued to all site owners by November 2012. It would then be necessary to monitor them to ensure compliance with the site licence conditions and deal with any matters from residents or site owners relating to the licence or management of the site.

(xiii) Housing Improvements and Service Enhancements Fund 2013/14 – In January 2013 the Panel received a report from the Director of Housing regarding the Housing Improvements and Service Enhancements Fund 2013/14.

In December 2011 the Cabinet approved the strategic approach to the new 30 Year HRA Financial Plan in readiness for the introduction of self financing for the HRA from April 2012. The approach agreed was to plan the repayment of the required loans to the Public Works Loan Board to be taken out to fund the CLG's required debt settlement – over a 30 year period. This enabled the Council to maintain the housing stock and implement a new Council Housebuilding Programme, and allow a lower rent increase in April 2012 (6%) than assumed by the Government. It also funded an additional £770,000 per annum of housing improvements and service improvements.

The estimated amount available to the Housing Improvements and Service Improvements Budget each year was, in effect, a balancing figure for the Housing Revenue Account (HRA) as a whole, over the 30 year period of the HRA Financial Plan.

The Cabinet agreed the Panel's recommendation that 14 housing improvements and service enhancements be undertaken in 2012/13. Since this list was not approved by the Cabinet until after the commencement of the current financial year, very good progress had been made with all of the projects over the remaining period of the year. The following summarised the budget position for the overall 2012/13 programme:

- (a) Original budget 2012/13 - £770,000;
- (b) Latest anticipated expenditure forecast - £674,000; and

- (c) Savings/slippage carried forward to 2013/14 - £96,000

The main slippage carried forward was £85,000 for the acceleration of the mains powered smoke detector installation programme, which was mainly due to the amount of installations required and the late approval of the expenditure for 2012/13 by the Cabinet.

It should be noted that, even utilising all of the resources available to the fund in 2013/14, there would still be a further £64,000 and £77,000 available to spend in 2014/15 respectively, based on current forecasts.

- (xiv) ...

Case Study: Housing Improvements and Service Enhancements Fund

On 28 January 2013, the Housing Scrutiny Standing Panel considered the Housing Improvements and Service Enhancements Fund 2013/14.

In December 2011, the Cabinet approved the strategic approach to the new 30 Year HRA Financial Plan in readiness for the introduction of self financing for the HRA from April 2012. The approach was to plan the repayment of the required loans from the Public Works Loan Board to be taken out to fund the CLG's required debt settlement over a 30 year period, enabling the housing stock to be maintained to a full modern standard and also implement a new Council House building programme and allow a lower average rent increase in April 2012. It also funded an additional £770,000 per annum of housing improvements and service improvements. The estimated amount available to the Housing Improvements and Service Enhancements Budget each year was, in effect, a balancing figure for the Housing Revenue Account (HRA) as a whole, over the 30 year period of the HRA Financial Plan.

Since housing related income and expenditure were ring fenced to the HRA, any annual HRA surpluses that were not required for any specific purpose needed to be spent, otherwise they resulted in increased HRA balances, which was why the Housing Improvements and Service Enhancements Budget had been introduced from 2012/13. However, since the amount available each year would vary, it was suggested that the budget should be operated as a Housing Improvements and Service Enhancements Fund.

The Cabinet agreed the Panel's recommendation that 14 housing improvements and service enhancements be undertaken in 2012/13. The following summarised the budget position for this overall 2012/13 programme:

- (a) Original budget 2012/13 - £770,000;
- (b) Latest anticipated expenditure forecast - £674,000; and
- (c) Savings/slippage carried forward to 2013/14 - £96,000

The main slippage carried forward was £85,000 for the acceleration of the mains powered smoke detector installation programme.

When the HRA Financial Plan was produced in March 2012, it identified that an additional £750,000 per annum should become available for improvements/enhancements from April 2013, on top of the £770,000 per annum from April 2012. However, the latest iteration of the HRA Financial Plan had identified that it was no longer possible to fund an additional £750,000 per annum from April 2013. This was mainly due to:

- (i) Rental income to the HRA were less than previously forecast;
- (ii) The requirement to repay part of the loan portfolio (£31.2m) in 2021/22;
- (iii) A higher capital expenditure requirement; and
- (iv) A higher debt provision being required, due to the effects of the welfare reforms.

Nevertheless, since many of the improvement/enhancement projects agreed for 2012/13 were one off projects, there was still some substantial funding available for new projects from April 2013/14.

Although £580,000 per annum was available for new projects from 2013/14, the Cabinet had already agreed that one off and on going revenue expenditure of £163,000 to deliver the following projects within the Cabinet's Welfare Reform Mitigation Action Plan should be met from the fund in 2013/14:

- Additional two Housing Management officers – Annual - £56,000
- Increase in budget provision for financial incentives for downsizing – Annual - £22,000
- Grant to CAB to employ two Debt Advisors for 18 months – 2 years - £67,000
- Direct Debit Marketing Campaign – One Off - £10,000
- Census of Tenants – One Off - £5,000
- Purchase of Welfare Reform Personal Calculators – One Off - £3,000

Therefore, this left £407,000 available to spend on further new housing improvements and service enhancements in 2013/14. Following consultation with the Housing Management Team and all the Housing Managers, new projects for 2013/14 were put forward for recommendation to the Cabinet.

They were:

- Appointment of Senior Cleaner
- Renewal of lounge chairs at communal lounges of sheltered housing schemes
- In-Year Housing Improvements and Enhancements Fund
- Major Capital Housing Project Reserve

It should be noted that, even utilising all of the resources available to the fund in 2013/14, there would still be a further £640,000 and £770,000 available to spend in 2014/15 respectively.

The Panel made recommendations to the Cabinet for its meeting on 11 March.

2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

The Constitution and Member Services Standing Panel consisted of the following members:

Councillor M Sartin (Chairman)
Councillor A Watts (Vice Chairman)
Councillors K Angold-Stephens, K Chana, R Cohen, J Markham, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, J H Whitehouse and G Waller.

The Lead Officer was Ian Willett, Assistant to the Chief Executive.

Terms of Reference

To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee and to report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of issues over the last year, which included:

(i) Local Elections (May 2012) – In July 2012 the Panel considered a report on the recent local elections.

There were 22 District Council Wards and 9 Parish/Town Council Wards contested on 3 May. In each of the District wards contested except for Epping Lindsey and Thornwood Common, one Councillor was due to be elected. In Epping Lindsey and Thornwood Common, two Councillors were due to be elected, one to fill the scheduled vacancy, and another to fill a casual vacancy resulting from a resignation. An election was not scheduled for the Hastingwood, Matching and Sheering Village Ward, but was necessary following a boundary change. Turn out in the district wards varied between 39.06% in the Theydon Bois ward and 18.64% in the Waltham Abbey South West Ward.

In the Parish and Town Council Wards, the number of candidates per ward varied from 14 in Buckhurst Hill East to 4 in Loughton St. John's. The turnout ranged from 38.43% in Loughton Forest to 24.14% in Loughton Fairmead.

A project plan and a risk register for the elections was prepared in December 2011 and updated regularly. Returns were submitted to the Electoral Commission at intervals, regarding compliance with their guidance and actions in the Project Plan.

Members thanked staff for their hard work during the election period.

(ii) Member Complaints Panel – Limits of Jurisdiction - The Member Complaints Panel (CP) was responsible for considering complaints at Step 4 in the Council's complaints procedure. Some complaints fell outside the Panel's jurisdiction, and could not be considered. These exclusions were:

(a) a complaint about a situation which arose more than 12 months before it was brought to the attention of the Council; (b) where an alternative and formal right of appeal existed, and for which the complainant failed to exercise his/her right to appeal within the specified timescale, or had not yet appealed, or had already made such an appeal; (c) matters dealt best by the courts; (d) matters which would affect the majority of the people in the District; (e) complaints for which a resolution could only be achieved through a change in law, or a change on other policies; (f) complaints about policies currently subject to a review, or about matters for which it had already been agreed that a policy needed reviewing or formulating; (g) complaints about the frequency of delivery, or the level of a service which was subject to contract conditions; (h) where the customer elected to pursue legal action as a means of determining their complaint; (i) if the complainant, at Steps 1, 2 or 3, had already been offered the maximum remedy that the Complaints Panel was empowered to offer; (j) when there was no evidence that the complainant had suffered any harm or injustice even if there had been administrative fault by the Council; (k) if the complainant had already accepted the proposed remedy and had formally confirmed that they had done so in full and final settlement of all of their complaints; (l) if, by going to Step 4, the complainant would then be left with insufficient time to subsequently submit a complaint to the Local Government Ombudsman within the 12 month time limit; and (m) if the complaint had already been determined by the Local Government Ombudsman.

In the light of some complaints that were considered during 2011-12. It was recommended that the following further exclusions be applied:

(i) Where a complainant's claim for financial compensation or reimbursement had already been considered but rejected by an independent body which had the legal authority to determine such claims.

(ii) Where the complainant disagreed with a decision made by the Council but had neither suggested nor provided any evidence that there was any administrative fault in the way that decision was made.

(iii) Where the only remedy requested by the complainant was financial by nature and the amount requested was less than £150.00.

(iii) Substitutions at Meetings - review after one year- Following a request from the Overview and Scrutiny Committee on 11 April 2011, this Panel in June 2011 discussed the process of making substitutions for the Overview and Scrutiny Committees and the District Development Control Committee. The Panel recommended that the procedure was amended to allow for substitutions to be made up until 30 minutes before the commencement of the meeting concerned. However, at the Overview and Scrutiny Committee on 12 July 2011, members amended the report for substitutions to be made until 60 minutes before the meeting which was subsequently adopted by the Council on 26 July 2011. This Panel recommended that a review of this process take place in a year's time.

Officers advised that the generic email "Democratic Services," for Group representatives to notify officers at Democratic Services of substitutions was not always being used. Otherwise, from officer's perspective, the process appeared to have worked efficiently.

(iv) Staff Appeals Panel – In September the Panel received a report from the Head of Human Resources, regarding the Staff Appeals Panel's Terms of Reference. Also in attendance was the UNISON Branch Secretary.

The report proposed changes in relation to the Staff Appeals Panel's jurisdiction in respect of appeals by staff. In regard to re-grading appeals, these proposals derived from a recent review of the Council's job evaluation scheme, and particularly the issue of a staff member's right of appeal. The report included proposals for removing from the Panel's responsibilities some other staff appeals for which it was currently responsible, these resulted from advice sought from Counsel. The proposals had been agreed by the Cabinet which had asked the Panel to review the Terms of Reference of the Staff Appeals Panel, to ensure that they accorded with the new policy.

The opinion of the UNISON Regional Organiser was that job evaluation appeals should not be submitted to a Member Staff Appeals Panel.

Counsel's opinion on job evaluation could be summarised as follows:

- (a) the original job evaluation scheme precluded any appeal to the Staff Appeals Panel;
- (b) job evaluation reviews which were not part of the original process could be referred to the Staff Appeals Panel; and
- (c) notwithstanding (b) above, the Staff Appeals Panel was not an appropriate forum to hear such appeals since Members were not trained in or hold expertise in the Job Evaluation process, and a second avenue of appeal against job evaluation decisions was not required.

Counsel advised that the suggestion that the remit of the Panel should be further limited, to appeals against decisions which only involved dismissals, had merit as it eased workload on member panels and focused on the most serious of cases leaving less disciplinary matters to be dealt with by those with managerial authority and experience.

In considering the question of grievance appeals the Panel felt that there would be better dealt with at Director level.

(v) Review of Petitions Scheme - On 14 December 2010 the Council approved a new Petitions Scheme required by the Government. The legislation, and subsequent statutory guidance, had placed a requirement on the Council to have a scheme which would include introduction of an ePetitions facility through the Council's website by 15 December that year.

Following the general election, the Government withdrew the statutory guidance and gave authorities more scope to define their own scheme. The Government also funded the Council a sum of just over £6,000 for the expense of introducing such an electronic facility. The Council's Committee Management System provider supplied an additional facility for no cost and the system was implemented by the statutory deadline.

During the period January 2011 to August 2012 the Council received 12 formal petitions on paper and during the same period 2 electronic petitions were received and completed. One related to provision of places at Epping Forest College and the other regarded the St. John's Road Development Brief. No petitions during this period met the threshold for debate at either Overview and Scrutiny or at Full Council.

The Panel recommended that the present petition scheme be kept subject to the following amendments:

- (a) exclusion from the scheme of petitions which are the subject to an open consultation exercise;
- (b) revised website content; and
- (c) new requirement for Portfolio Holder reports at Council meetings to include references to petitions received and action taken;

They also recommended that the public questions procedure at Council and Cabinet meetings be amended to include the presentation of petitions by the public at those meetings and that the Task and Finish Panel on the Overview and Scrutiny Review be asked to consider what is to be the role of Overview and Scrutiny in relation to monitoring petitions and any subsequent action taken by the Council.

(vi) Electronic Delivery of Agenda and other information - The District Council introduced its Committee Management System (CoMS) in April 2005, the system was a large database containing information presented via the website and internally, allowing for all of the Council's information to be stored automatically with some sensitive items being stored on an Intranet version.

The workflow handled by the system was:

- (1) 268 clerked meetings' agendas and minutes;
- (2) 50 Member's Bulletins; and
- (3) 21 Policy Bulletins

The Panel had been asked by the Overview and Scrutiny Committee to investigate the number of agendas sent to all members, the use of technology for agendas and meeting arrangements and the legal advice on the provisions of the Local Government Act 1972 concerning paper copies of agenda and whether electronic dispatch arrangements compromised the Council's responsibilities.

Counsel's opinion had confirmed that the Council's current procedures were lawful and compliant, wholly electronic notification and service would not be lawful, a Council member may not lawfully opt out of hard copy deliveries.

Counsel had suggested that the wording of Committee and Sub-Committee agenda should be more in line with that used for Council; this suggestion had already been implemented by officers as good practice.

(vii) Questions – Periods of Notice - The District Council's Management Board had requested that consideration should be given to amending the deadlines for submission of questions by the public and Councillors at the Cabinet and Council meetings. The request was made because it had become increasingly difficult to compile answers for Portfolio Holders in the time available.

Replies were given orally at the meeting concerned; in the case of Council meetings a copy of the reply was supplied shortly before the meeting to the questioner and tabled for other Councillors at the meeting. In the case of public questions, the reply was given orally and then communicated in writing to the questioner(s). Questions and replies were recorded in the minutes; the same procedure was used at the Cabinet.

On consideration the Panel recommended that questions to Cabinet and Council be made at least 4 working days before the date of the meeting in question.

(viii) Audit and Governance Committee (AGC) – Portfolio Holder Assistants -

The Council had adopted a recommendation whereby Portfolio Holder Assistants, provided they were not involved in any Portfolio dealing with the Council's finances, could be eligible for appointment to the AGC. It was directed that this arrangement should be reviewed after one year.

The Panel had now reviewed the position as requested. They noted that one Portfolio Holder Assistant had served on the AGC until the last Annual Council meeting in 2012, but subsequently the Leader of the Council decided not to create such positions for the current financial year. The AGC members had been consulted and had stated that there had not been any difficulties and indeed the benefits of having a Portfolio Holder Assistant had been emphasised by showing the importance of its Councillor members having knowledge, expertise or interest in the Audit function.

(ix) Access to Information Rules - On 10 September 2012, the Government brought into force new regulations concerning access to information/meetings for Local Authority Executives. The Panel reviewed the impact of these regulations on the Access to Information Rules in the Council's Constitution.

They noted that the 2012 Regulations were a long and complex document which made changes to the access to information arrangements for local authority executives whilst consolidating existing provisions in other regulations made over the years.

The Panel noted that most of the provisions were already followed by this Council and noted that officers already had been briefed on the importance now attached to the 28 day period of notice in respect of decisions.

(x) Police and Crime Commissioner Election - Legislation in 2011 had abolished police authorities in England and Wales (other than London), replacing them with a directly elected Police and Crime Commissioner in each police force area. The first election for commissioners was held on 15 November 2012. The Commissioner must issue a police and crime plan, set the budget and produce an annual report.

The election used the supplementary vote system. Essex had six candidates. It was found that, no candidate had achieved 50%+ of the votes cast and it was necessary to undertake the second stage of the count. In this district, of an electorate comprising 98,862, there were 1,221 ballot papers counted which included postal votes (10.34% turnout). The majority of polling stations in the district issued less than 100 ballot papers. For the whole of Essex it was 13.06%.

All of the Ballot papers were printed by the Council's Reprographics Section and as with previous elections they provided an excellent service bearing in mind the tight timescale for printing. Anecdotally, use of an in house print unit may have offered some cost advantages in comparison with councils using external printers.

Broadly there were no key issues arising for the Local Returning Officer at the elections.

(xi) Appointments at the Annual Council Meeting - Last year, the District Council operated the Appointments Panel for the second time. In 2012 the Panel met on 11 and 15 May and had managed to report fully on all matters, enabling a supplementary agenda to be circulated prior to Council on 22 May. It was

recommended that the Terms of Reference for the Panel be included into Part 3 of the Constitution.

The protocol on the Allocation of Chairmanships and Vice Chairmanships and Outside Organisations had been suspended for two years allowing the new system to operate.

The Panel were of the view that the Appointments Panel had operated successfully for two years and should be permanently established and that a further annual review and treating the Panel as a temporary measure was no longer necessary.

(xii) Review of Outside Organisations - At the Panel meeting on 20 February 2012, members asked for a scoping report on the Council's links with outside organisations. Members asked for consultation arrangements to form part of the review and it be completed during the current Council year. The protocol was not statutory in nature. The protocol sought to put the relationship between the Council and external organisations on a business-like basis and ensure the members were aware of their roles and possible risks.

The Panel had expressed concern about the submission of reports on external bodies. Over recent years some reports had either been requested by the Council or volunteered by representatives but the numbers were not large.

The question of trustee status continued to cause concern; accepting trustee status created conflicts of interest with members expected to act in the interest of the Trust. It had also proved difficult to obtain annual reports from these organisations, and likewise the annual agreement had proved a cumbersome procedure and had been viewed with concern by some organisations.

The Panel requested that a Working Group should be set up of Panel members to discuss the current list of Outside Bodies of which the Council had representatives and submit their recommendations back to the Panel.

(xiii) ...

Case Study: Electronic Delivery of Agenda

The District Council had introduced its Committee Management (COMS) in April 2005, a database containing information presented via the website and internally, the workflow handled was:

- (a) 268 clerked meetings' agendas and minutes;
- (b) 50 Member's Bulletins; and
- (c) 21 Policy Bulletins

This workflow amounted to 20,000 pages of agenda in 2011-12 a reduction from 294 meetings and 24,000 published pages the previous year. The Panel were asked by the Overview and Scrutiny Committee to investigate the number of agendas sent to all members, the use of technology for agendas and meeting arrangements and the legal advice on the provisions of the Local Government Act 1972 concerning paper

copies of agenda and whether electronic dispatch arrangements compromised the Council's responsibilities.

Printing Costs

All Council agenda printing was carried out by the in-house Print Unit. By April 2005 expenditure on agenda printing had reached £79,000 per annum. In 2011/12 printing expenditure was £33,700 on a budget of £49,900, some £16,000 under budget. The reduction was due to new printing machines, reduction in printed copy circulation, shorter agendas and moving to electronic distribution methods.

All Council meeting rooms were covered by a member WIFI network enabling access to the Internet and Council papers. Members had received training on the use of the Council's Virtual Private Network (VPN) system, giving them access to all meeting papers.

Legislative Position

The Local Government Act 1972, Schedule 12 Paragraph 4 provided that a summons to attend the meeting, specifying the business proposed for transaction shall be left at or sent by post to the usual place of residence of every member of the Council. This must be carried out five days before the relevant meeting, as a physical distribution.

Members requested a legal opinion on the Council's current arrangements complying with the requirements of the Local Government Act 1972. The opinion confirmed that the Council's current procedures were lawful and compliant, wholly electronic notification and service would not be lawful; a Councillor could not lawfully opt out of hard copy deliveries.

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3. FINANCE AND PERFORMANCE MANAGEMENT STANDING PANEL

The Finance and Performance Management Scrutiny Panel consisted of the following Members:

Councillor A Lion (Chairman)
Councillor S Watson (Vice Chairman)
Councillors G Chambers, T Church, C Finn, R Gadsby, J Hart, D Jacobs, H Kane, H Mann and G Mohindra.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

Performance Management

1. To review Key Performance Indicator (KPI) outturn results for the previous year, at the commencement of each municipal year;
2. To identify on an annual basis, subject to the concurrence of the Finance and Performance Management Cabinet Committee:
 - (a) a basket of KPIs important to the improvement of the Council's services and the achievement of its key objectives; and
 - (b) the performance targets and monitoring frequency of the KPIs for each year;
3. To review performance against the adopted KPIs on a quarterly basis throughout each year, and to make recommendations for corrective action in relation to areas of slippage or under performance;

Public Consultation and Engagement

4. To develop arrangements as required, for the Council to directly engage local communities in shaping the future direction of its services, to ensure that they are responsive to local need;
5. To annually review details of the consultation and engagement exercises undertaken by the Council over the previous year;

Finance

6. To consider the draft portfolio budgets for each year, and to evaluate and rank proposals for enhancing or reducing services where necessary, whilst ensuring consistency between policy objectives and financial demands;
7. To review key areas of income and expenditure for each portfolio on a quarterly basis throughout the year;

Information and Communications Technology

8. To monitor and review progress on the implementation of all major ICT systems;

Value For Money

9. To consider a regular analysis of the Council's comparative value for money 'performance', and to recommend as required to the Finance and Performance Management Cabinet Committee, in respect of areas where further detailed investigation may be required; and

Equality

10. To annually review the achievement of the Council's equality objectives for 2012/13 to 2015/16, and progress in relation to other equality issues and initiatives.

The Panel scrutinised a number of important issues over the last year, which included:

(i) **Key Performance Indicators – Performance Outturn 2011/12** – The Panel received an outturn report on the Council's outturn performance for 2011/12 in relation to the Key Performance Indicators (KPI) adopted for the year. The Panel noted that 66.6% of the performance targets had been achieved for 2011/12; the target was 70%. Detailed outturn (1 April 2011 to 31 March 2012) performance reports in respect of each of the KPIs for 2011/12 were attached to the report for information.

The Panel noted that it had been previously agreed that no further changes would be made to the KPIs for 2012/13. Members were advised that following the adoption of the Council's equality objectives for 2012/13 to 2015/16, it was planned that equality progress would in future be monitored and reported in line with the achievement of the objectives.

(ii) **Equality and Diversity – Progress Report 2011/13** - The Performance Improvement Manager, Mr S Tautz, introduced a report on the Council's progress in relation to a range of equality requirements and initiatives during 2011/12.

Members noted that the introduction of the Equality Act 2010 had placed a general duty on the Council to consider a range of people characteristics when planning and delivering services. The characteristics are referred to as 'protected characteristics' and are:

- Age;
- Civil Partnership;
- Disability;
- Faith or belief;
- Gender;
- Gender reassignment;
- Pregnancy and maternity;
- Race; and
- Sexual orientation.

In March 2011, the Cabinet agreed an Equality Scheme for the four years from 2012/13 to 2015/16, which set out the Council's responsibilities under the Equality Act together with its equality plans and information.

The Equality Objectives had been the subject of public consultation in January 2012 and would form the focus of the Council's equality related work for the next four years when a new set of equality objectives are required to be set. The Equality Objectives were:

- (a) To develop existing customer and employee intelligence gathering systems and the use of the intelligence gathered in service planning;
- (b) To ensure ownership of equality by those in a position to shape services e.g. Members and Managers;
- (c) To develop engagement across all the protected equality groups; and
- (d) To ensure a culture, systems and working practices which allow for the development of a senior management profile representative of the Council workforce as a whole.

In January 2012, the Council produced and published on its website, an Equality Information Report providing an illustration of what the Council has achieved in recent years, including projects, activities and achievements across all of its service areas. This report was to be updated annually from January 2013. During the last year, the Council had undertaken a range of engagement opportunities to increase awareness of equality issues, and to inform the development of the equality objectives.

(iii) Consultation Plan 2012/13 and Register 2011/12 – The Panel noted the report on the Consultation Plan 2012/13 and Register 2011/12.

The Panel noted that the duty to involve was repealed by the Coalition Government in 2011. This duty provided that local authorities sought to ensure local people had greater opportunities to influence decision making and provided for consultation and involvement of representatives of local people across all council functions. In its stead, the Government introduced minimal, light touch Best Value statutory guidance.

It was noted that in order to meet the general duty and traditionally to follow best practice, every year a list of all consultation planned and carried out by the Council was published on the website and brought to the attention of this Scrutiny Panel.

All consultation and engagement exercises undertaken by and on behalf of the Council were required to comply with the provisions of the Council's Public Consultation and Engagement Strategy.

The Panel noted the Consultation Plan for 2012/13 and that a list of planned consultation exercises was also available on the Council's website.

(iv) Sickness Absences - The Panel noted that the Council had met their target for last year; the target was 7.75 days per employee and the actual figure achieved was 7.58. This target has now been reduced to 7.5 days for this year.

The Panel commented that 65.8% of staff had had no sick absence at all in the last 12 months and that this was worthy of notice.

(v) Provisional Capital Outturn 2011/12 – The Panel received the report on Provisional Capital Outturn 2011/12 in terms of expenditure and financing and comparing the provisional outturn figures with the revised estimates.

The Panel noted that the overall position in 2011/12 was that a total of £9,563,000 was spent on capital schemes, compared to a revised estimate of £12,329,000. This represents an underspend of £2,766,000 or 22% of the Council's revised capital budget. Expenditure on General Fund projects totalled £3,943,000, which was £1,360,000 or 26% less than anticipated, and expenditure on the Housing Revenue Account (HRA) totalled £5,620,000, which was £1,406,000 or 20% less than anticipated.

Members were also requested to retrospectively approve the brought forwards of £45,000 and £103,000 on the General Fund and HRA respectively. These were retrospective because they could only be identified after the event.

(vi) Analysis of the Audit Commission's Value for Money Profiles – The Panel received a report analysing Value for Money as a one-stop point of reference for much of the data contained in the 2010/11 version of the Audit Commission's Value for Money Profile Tool. Its primary purpose thereafter is to allow officers and members to identify any Value For Money (VFM) indicators or issues which they consider appropriate for further in-depth consideration and review. Despite a number of concerns around the comparability of all the data it was a useful pointer as to how the Council compares with its geographical and statistical neighbours and allows the Council to focus its value for money work on particular areas of concern. The report contained a mass of figures broken down into various sections, to enable members to identify appropriate VFM issues, enabling them to see how they compare to the national picture, to identify councils facing similar challenges and to learn from the approach of other councils.

They commented that there had been a number of years of not comparing like with like, what was needed were better and more comparisons and noted that the 'family group' contained two unitary authorities, not really comparable to us.

The Panel was complementary of EFDC's spend on homelessness, being the third lowest in Essex. They noted that it was down to the low usage of Bed and Breakfast places, with most of the clients being put up in Norway House; and partly down to the good work of the Council's homeless prevention service.

(vii) Key Performance Indicators 2012/13 – Quarter Performance Monitoring - As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives are adopted each year. Performance against the majority of KPIs is monitored on a quarterly basis, and has previously been an inspection theme in external judgements of the overall performance of the authority. As always the Panel monitored the KPI's on a quarterly basis throughout the year.

(viii) Quarterly Financial Monitoring Report - The Principal Accountant, introduced the quarterly financial monitoring figures. This provided a comparison of the original estimate for the period ended 30 June 2012 and the actual expenditure or income as applicable. Generally speaking the emerging pattern was in line with expectations. It was noted that:

- The Housing Repairs Fund showed an underspend of £442,000; but things could change and it was being constantly monitored;

- The salary underspend for quarter 1 was due mainly to vacancies;
- Income was mostly on target; however, there were fewer major building works at present so there was less income there;
- Investment interest levels in 2012/13 were slightly below expectations at quarter 1, and significantly below the prior year;
- Development Control income at Month 3 was £13,000 below expectations;
- Building Control income was also down, but by £18,000 as activity in the building industry was at a low level;
- Licensing income was in line with expectations;
- Income from MOT's was below expectations. There were some difficulties whilst a new ramp was installed; and
- Capital Accounts were on target overall, but the trend would be very variable over the year.

(ix) Value for Money and Data Quality Strategies – 2012-13 – Progress Report - It was noted that the Council was required to make arrangements to secure continuous improvement in the way its functions and services were exercised, having regard to a combination of economy, efficiency and effectiveness (Value for Money). Most of the actions in the plans were weighted towards the first year. The Value for Money Strategy set out the Council's overall approach to ensuring the provision of value for money services. The Data Quality Strategy set out the Council's management arrangements to secure the quality of the data used to manage its functions and services.

The Panel noted that both strategies needed to be reviewed and updated soon. There was still the problem that they could not compare like with like; what was VFM in a local council context; what or who, do we compare ourselves with. But they noted that these strategies did give a general direction of travel allowing the Council to see where they were going.

(x) Fees and Charges 2013/14 – In November 2012 they were taken through the Fees and Charges Report for 2013/14. There were a number of areas where the Council had discretion on the level of fees and charges that it set. It was noted that any general increase would be based on the September Retail Prices Index increase of 2.6%.

It was noted that:

- Although the Council has held fees where they could and put up others by the minimum they could, they still had to identify £250k of savings for next year;
- Development Control fee levels were controlled by Central Government who have announced that an increase of 15% was proposed in recognition of the inflation experienced since 2008 when fees were last increased. It was not clear when this charge would be implemented;
- It was proposed that licensing fees for Hackney Carriages and Vehicle Licences be frozen at current levels;
- Some forms of licensing fees are proscribed by the 2003 Licensing Act while others are under the Council's discretion and these would be increased where appropriate; and
- Although the Council did not pick up trade waste they had to set a fee just in case, and this had been negotiated in conjunction with SITA.

(xi) At their March 2013 meeting the Panel set up a sub-panel of three members to look at the re-charging policy and mechanics and to report back so that it could be included in their next year work programme.

Case Study – Consultation Plan 2012/13 and Register 2011/12

The Panel received a report on the Council's progress in relation to a range of equality requirements and initiatives during 2011/12.

Members noted that the introduction of the Equality Act 2010 had placed a general duty on the Council to consider a range of people characteristics when planning and delivering services. The characteristics are referred to as 'protected characteristics' and are:

- Age;
- Civil Partnership;
- Disability;
- Faith or belief;
- Gender;
- Gender reassignment;
- Pregnancy and maternity;
- Race; and
- Sexual orientation.

The Council's general duty, also known as the Public Sector Equality Duty, requires 'due regard' to be taken when exercising Council functions. 'Due regard' means consciously thinking about the need to do the things set out in the general equality duty as an integral part of the provision of services.

Officers were developing an action plan for the achievement of these objectives. However, there were difficulties in interpreting what was wanted by government.

To help the Council, the Corporate Equality Working Group was established in May 2009, to provide input and support to develop and implement the Council's approach to equality. A review of the operation of the Working Group was undertaken in January 2011, in light of almost two years experience, and a number of matters have been taken forward to focus the work of the Working Group, including the development of an annual work programme.

In March 2011, the Cabinet agreed an Equality Scheme for the four years from 2012/13 to 2015/16, which set out the Council's responsibilities under the Equality Act together with its equality plans and information.

The Equality Scheme included a set of Equality Objectives selected to help the Council meet one or more aims of the general duty and help bring about positive improvements to the Council's service design and delivery. The Equality Objectives had been the subject of public consultation in January 2012 and formed the focus of the Council's equality related work for the next four years when a new set of equality objectives were required to be set. The Equality Objectives were:

- (e) To develop existing customer and employee intelligence gathering systems and the use of the intelligence gathered in service planning;
- (f) To ensure ownership of equality by those in a position to shape services e.g. Members and Managers;
- (g) To develop engagement across all the protected equality groups; and

- (h) To ensure a culture, systems and working practices which allow for the development of a senior management profile representative of the Council workforce as a whole.

An action plan for the achievement of the equality objectives was currently being developed by the Corporate Equality Working Group.

The Public Sector Equality Duty also required the Council to publish information to show how it was complying with its equality duties and the progress it has made with its equality work. In January 2012, the Council produced and published on its website, an Equality Information Report providing an illustration of what the Council has achieved in recent years, including projects, activities and achievements across all of its service areas. This report was to be updated annually from January 2013.

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4. SAFER CLEANER GREENER STANDING PANEL

The Safer, Cleaner Greener Standing Panel consisted of the following members:

Councillor J Lea (Chairman)
Councillor M Sartin (Vice Chairman)
Councillors K Avey, H Brady, T Cochrane, L Girling, Y Knight, G Mohindra, S Murray, P Smith and P Spencer

The Lead officer was John Gilbert, Director of Environment and Street Scene.

Terms of Reference

1. To approve and keep under review the “Safer, Cleaner, Greener” initiative development programme.

(Note: this development programme will encompass the three main issues and will therefore include matters such as:

- (i) environmental enforcement activity*
- (ii) safer communities activities*
- (iii) waste management activities (in addition to WMPB information))*

2. To keep under review the activity and decisions of the Waste Partnership Member Board and the Inter Authority Member Working Group.
3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract
4. To monitor and keep under review the ‘Climate Local Agreement’ and the Council’s progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council’s Climate Change Strategy from the Green Working Group
5. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Nature Reserve (former Landfill site) Liaison Group.
6. To act as the Council’s Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership and:
 - That at least two meeting a year be dedicated as Community Safety Committee meetings.
7. To monitor and review the new Local Highways Panel.
8. To receive the minutes of the North Essex Parking Partnership (NEPP) for the purposes of monitoring the work and progress of the partnership.

The Panel scrutinised a number of important issues over the last year, which included:

(i) Flooding Events in April 2012 – The Panel received a report outlining the events of April 2012. It was noted that April was the wettest month on record since 1961 for the Roding (North London) and since 1920 for the Lower Lee. This caused river flows to rise dramatically during the third week of the month. Unfortunately, this resulted in significant internal flooding to eight properties in Ongar Road, Abridge. The very heavy rain also resulted in flash flooding and overwhelmed some drainage infrastructure in a number of locations across the district.

It was noted that we did not have the resources to offer help on a large scale. But had done our best and avoided flooding in some areas and helped in areas where it had.

Since April the amount of rain had caused a different sort of problem from just that of rising/overflowing river and drainage ditches. The rain has caused a lot of surface water run-off to flow off the land and onto roads and overflowing drains which can't then carry the surplus water away.

Recently Thames Water, as the local water company, has been given responsibilities over the local sewerage infrastructure. So far, they have not proved to be as responsive as we were.

Members of the Panel agreed that they like to have an update in the winter on the rainfall experienced this year and to update the panel on the current arrangements.

(ii) Essex Flood Risk Management Strategy Consultation - The Panel noted that Essex County Council had been made a Lead Local Flood Authority by the Flood and Water Management Act 2010. They have to produce a Local Flood Risk Management Strategy explaining the nature of flood risk, the roles of the different stakeholders involved, including householders and the county-wide actions taken to improve knowledge, awareness and decision making about flood risk in Essex.

Using information available from the EA (e.g. map of surface water flooding) and historical flood evidence, the document had attempted to prioritise areas of locally important flood risk. This is to enable efficient use of resources for areas at greater risk of flooding.

The document had identified 18 areas within Essex that have been classified as locally important flood risk areas (all Tier 1 and 2). Loughton (Tier 1) and Waltham Abbey (Tier 2) are included in the list of locally important flood risk areas. The document did not indicate what actions would be undertaken for these important areas but it implied that the 18 areas will be prioritised for further investigation in the future.

The Panel then reviewed the draft response from EFDC officers to the consultation document. The Panel wanted it noted that the response to the consultation was excellent and reflected the level of expertise in our District. They hoped that County would take them to heart and answer our points.

(iii) Progress on Introduction of Recycling in Flats - The Panel noted the report updating them on the progress made on the introduction of recycling in flats. They noted that there were a total of 420 blocks of flats in the district. All residents of flats are able to take part in the dry recycling services offered by the Council by presenting their recycling in clear sacks. The Council has also implemented a programme of 'bespoke' waste and recycling facilities in flats, involving surveying a block of flats for suitability of placing communal containers for collection and reaching

an agreement with the managing agents. So far, 302 have already benefited from the installation of individual recycling services. Wheeled bins were on order for another 7 blocks and final agreements are being signed up with the managing agents for a further 30 blocks of flats, following which, containers would be installed. This would take the total number of flats recycling up to 339.

The Panel noted that some blocks of flats have a high level of contamination levels, caused by some residents not using the containers correctly. This could end up being put into landfill sites which costs the council and was not good for the environment. Staff always tried to explain the reasons for proper use of the recycling containers so that they did not have to escalate to more draconian methods of enforcement.

(iv) CCTV 5 Year Action Plan – The Panel were taken through the CCTV Delivery plan. They noted that within the last two years they had brought all the council CCTV in the district together.

They also noted that:

- There was an update tabled for Debden once the final works were completed;
- When this had gone live maybe members would like to see it in action;
- The Epping High Road system had been successfully commissioned over the last few months;
- The system helped monitor activity for the police in matters of major drug crimes;
- It had been used to monitor public disorder in the high street;
- It had helped find a missing person;
- The system is not monitored continuously, but everything was recorded; and
- The Police now had 24 hour access to the monitoring suit.

(v) Essex Police – In October 2012 at one of the Panel's two Crime and Disorder meeting the Panel received a presentation from Essex Police.

The Panel welcomed Acting Chief Superintendant Luke Collison of the West Local Policing Area. The Panel noted that ACS Collison has been in charge of neighbourhood policing for the last six months and that the crime as well as the anti social behaviour figures had continued to fall. The Police were still able to respond well to the public's needs and that have a functional model of policing that works.

They were now reviewing their Policing Blueprint, looking at the investigations of crimes and at neighbourhood policing. These two policing areas will be joined to make a larger team, who would help raise our performance in the investigations of crime. Another change would be the re-joining of the two parts of the CID teams which would be based at Loughton Police Station.

Police Community Support Officers (PCSO) numbers were to remain unchanged at present but are charged to a government grant for 2013/14, but this will not be ring-fenced around the PCSOs only.

Asked what priorities were attached to traffic policing. He was told that they were governed by KSI statistics (Killed or Seriously Injured) and were deployed to these identified hotspots. The Traffic Police were also there to fight crime and not just for traffic offences. They also carry out a road safety educational programme across Essex.

(vi) Community Safety Partnership - The Panel was briefed on the work of the Community Safety Partnership (CSP). The Panel noted that the CSP brought

together various key partner organisations with the district to deal with crime and disorder matters within the district. The partnership consists of the following organisations:

Epping Forest District Council;
Essex County Council;
Essex Police Service;
Essex Fire and Rescue Service;
NHS West Essex;
Essex Probation Service;
Voluntary Action Epping Forest.

The CSP produced an annual assessment of its area in February, looked at its strategy and if it had met its targets once the statistics were known. The CSP also has statutory responsibilities one of which was to do with reoffending. They had a remit to deal this as well as the Police. They also have a statutory responsibility for undertaking domestic homicide review taking place, looking at death in domestic situations. The CSP's role was to go back to basics, talk to all organisations involved to find out why this had occurred, should things have been picked up, should things have been done differently etc. But, the CSP have to fund these reviews.

(vii) Police Resources and the Olympic Games – Also in October, the Panel received a report on the recent Olympic Games and the police resources used. In the run up to the Games members had expressed concern that Police resources would be drawn away from the District, resulting in reduced resources and the possibility of extra crime. The Panel noted that in the event that there were no adverse effects to policing matters during the course of the Games. It proved to be a successful period, with no cause for concerns and policing matters around the District were unaffected.

(viii) Thames Water Utilities Presentation - The Panel welcomed officers from Thames Water Utilities to give an overview of their work and responsibilities especially now that they have taken over responsibility for most private sector sewers.

The officers were Paul Volk the North London Waste Repair and Maintenance Manager, Don Ridgers their Senior Technical Lead, Mark Dickinson the Planning Manager for Thames Water and Monica Kumah their Local and Regional Government Liaison officer.

EFDC's Drainage Manager, in introducing Thames Water noted that in October 2011 most private sector sewers had transferred to Thames Water. Many of the sewers on the larger estates, built in the 1960s and 1970s, were constructed using pitch fibre pipe, which only had a life span of about 30 years. This had created problems that were previously dealt with by the Council's Drainage Team by the way of the service statutory notices. Also, because of the recent wet weather there were also concerns about surface water flooding in our area. She also cited recent problems, since the transfer, with poor communication between EFDC and Thames Water. EFDC was looking for service delivery improvement; wanted to know how Thames Water operated on a daily basis; what their repair and replacement strategy was and what were their future plans.

Paul Volk noted that part of the problem was that Thames Water had a wide geographical remit in the South East. In order to improve communications they had appointed Nigel Fuller as a specific contact for this district. He admitted that for the last 3 to 6 months they had not been giving a full service, but they were keen to build

a better working relationship with the district. They have a 24/7 helpline that primarily dealt with blockages and were dealing with about 80,000 calls per year. Quick action on their part usually resolved most issues raised and they always checked the state of the pipes when they unblocked them.

As for the flooding of sewers, these incidents are recorded separately and had its own database. They use CCTV and specialist vehicles to cope with this problem and also have a risk register which was reviewed every few months to identify the 'hotspots'.

As for the recent private drain transfer, they used to only be responsible for the main services but on 1st October 2011 they adopted all private sewers and drains on third party land. These must also drain into a public sewer. In all they had inherited about an extra 40,000 kilometres of sewers.

(ix) The Police and Crime Commissioner – In February 2013, the Panel received a presentation from newly elected Police and Crime Commissioner (PCC) for Essex, Nick Alston. He was there to give a short presentation on his first few months in, and his aspirations for, his term in office and to answer any question from Panel members. Accompanying him was Chief Superintendent Andy Prophet and Chief Inspector Ed Wells.

He stated his intention to:

- a) make sure we had policing across Essex that met local priorities;
- b) make sure that the Police Service was as prompt and professional as it could be;
- c) encourage/require partnerships in crime reduction; and
- d) to commit to be a visible and influential leader and make a difference.

He said that he did not want to reinvent the wheel but just to make things work better.

The meeting was then opened out to questions from all those present.

(x) ...

Case Study: The Police and Crime Commissioner

In February 2013 an entire meeting was devoted to one topic. The Panel welcomed the newly elected Police and Crime Commissioner for Essex, Nick Alston. He was there to give a short presentation on his first few months in, and his aspirations for, his term in office. Accompanying him was Chief Superintendent Andy Prophet and Chief Inspector Ed Wells.

Mr Alston thanked all those present for turning out to see him. He told them that he was presently engaged in a two day selection process for appointing a Chief Constable for Essex.

The Panel noted that his father had been a Deputy Chief Constable and he grew up in a police household. He had a science background and had worked in the Ministry of Defence, and then with an investment Bank as their global Head of Security. He had retired two years ago.

He commented that this was an opportunity for a newly elected PCC to make a difference.

He noted that this district had a very good partnership working history; with the District's Safer Communities Team being one of the best and most active SCP he had seen.

Top of his responsibilities as a PCC was holding the Chief Constable to account on our behalf. He also had to set and update the four year Police and Crime Plan; set the budget precepts for policing; engage with the public and communities; and allocate grants and commission services. He was also responsible for giving the victims of crime a stronger voice.

He stated his intention to:

- a) make sure we had policing across Essex that met local priorities;
- b) make sure that the Police Service was as prompt and professional as it could be;
- c) encourage/require partnerships in crime reduction; and
- d) to commit to be a visible and influential leader and make a difference,

He promised that he would try and visit each district in Essex twice a year and have a meeting like this one. It would give us the opportunity to hear from the district commander, afford the opportunity to pass on concerns to the police and vice-versa. He would be coming back to the District on 23 May 2013 to hold a public meeting.

He had noted that:

- Rural communities felt disenfranchised (although most crime happened in urban areas), so he had set up a rural forum;
- Businesses also felt disenfranchised and business prosperity was crucial for the area, and so he had also set up a business forum;
- In order to give voice to victims, a victims forum had been established to enable them to liaise with various charities;
- There were still a lot of people either killed or seriously injured on Essex roads and he had therefore set up a roads forum.

His proposed plans were on his website for consultation. He hoped that members had a chance to see it and noted that so far he has had very good feedback. Once he had proposed his plan he needed to think how to fund it. It had been a hard decision to ask for an increase in the Council Tax policing precept. His instinct was to say no to an increase, but the reality was that everyone cared about policing and crime and was worried about what they might lose. He decided that if he was to take a responsible position he must ask for more money.

Central Government funding was being cut by £42 million over a four year period and there was nothing he could do about that. He discovered that Essex paid the least for policing (via the precept) than any other county. If Essex paid the average amount for its policing, then it could afford an extra 470 police officers. This has forced Essex police to be very efficient, but it had now become very difficult and he saw officers working very hard to keep up. He thought it would be prudent and responsible to put up the precept to nearly the maximum that he was allowed to, but he was only allowed to put it up by 2%. He asked the Home Secretary who agreed that those counties in the bottom 25% (of expenditure) could put up their precept by £5 a year, without the requirement for a referendum. He asked and it was agreed by the Police and Crime Panel, after a vigorous discussion, that it be put up by £4.77 a year on average.

His plan had only one mention of a county wide target which was unusual for a PCC manifesto. About 49% of all reported Common Assault was domestic violence in this area. There were 25,000 incidents a year, or 85 calls a day, but the Home Office said that the real figure was nearer 44,000. About 25% of police effort went into domestic abuse cases. Not only that, but there have been a number of murders resulting from domestic abuse. Because of the scale of the problem he had decided to focus on Domestic Abuse.

He noted that there were four things that concerned the residents of Epping Forest and they were:

- 1) reducing Anti Social Behaviour;
- 2) Domestic Abuse;
- 3) Dwelling burglary; and
- 4) Theft from motor vehicles.

This was what we had indicated were our local priorities. He will tell the Chief Constable of our concerns and that we wanted them prioritised where possible.

He would also like to reduce youth offending as youngsters tend to get caught up in crime and the criminal system when young and this risked establishing the pattern for the rest of their lives.

There was also a need to tackle drugs, alcohol and mental illness problems. Also, it used to be that about ½% of the police budget was spent on crime prevention. Mr Alston wanted to increase that to 1%.

He spoke every week to the Chief Constable. Once a month they had a performance review. Once a month they held a financial review. Once a month they reviewed current topics of concern and once a month they did a future visioning, looking at what would need to be different in the future.

With these four main meetings a month they were getting ready to publish the outcomes of the meetings and these would be put on his website. These are private meetings but with a public note of their outcomes.

He was looking for increased efficiency and collaboration where ever he could. He praised the system we have here with our Town Centre CCTV, which was exactly what towns should be doing; enabling communities to gather data so policing could be carefully targeted.

As for collaborative working he noted that Kent and Essex Police had joint management and IT facilities that saved both of them millions.

In conclusion he said that he did not want to reinvent the wheel but just to make things work better.

The meeting was then opened out to questions from all those present. Asked to sum up how he would judge the success of his term of office, he replied that there should be less crime and fewer victims.

The Chairman thanked Mr Alston, Chief Superintendant Prophet and Chief Inspector Wells for attending the meeting and giving up their valuable time.

Mr Alston thanked the meeting and reminded them that they could either email or write to him if they had any more questions.

5. PLANNING SERVICES STANDING PANEL

The Planning Services Panel consisted of the following members:

Councillor J Wyatt (Chairman)
Councillor P Keska (Vice Chairman)
Councillors K Angold-Stephens, A Boyce, G Chambers, K Chana, R Gadsby, H Kane, C Pond, B Sandler and J M Whitehouse.

The Lead officer was John Preston, Director of Planning and Economic Development.

Terms of Reference

1. To consider and review Measures taken to Improve Performance within the Directorate concerning;
 - a) Performance standards and monitoring,
 - b) Benchmarking of Services
 - c) Other Reviews
2. To consider and review Business Processes, Value for Money and Staffing arrangements for the Directorate focusing on;
 - a) Development Control, Appeals and Enforcement.
 - b) Forward Planning, Economic Development, Conservation and Trees and Landscape
 - c) Building Control and the Planning Support Team
3. To monitor and receive reports/updates on the delivery of the Local Plan
4. To monitor and receive reports/updates on the Planning Electronic Document Management System. To provide information regarding the progress and availability of planning information held on i-Plan.
5. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;
6. To report to the Overview and Scrutiny Committee at appropriate intervals on the above. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of important issues over the last year, which included:

(i) Probity in Planning – October 2011 to March 2012 – In June 2012 the Panel received a report regarding Probity in Planning – Appeal Decisions October 2011 – March 2012.

In compliance with the recommendation of the District Auditor, the report was designed to advise the decision making committees of the results of all successful

appeals, in particular those refused by committee contrary to officer recommendation. The purpose being to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal was found to be unsupportable on planning grounds, an award of costs could be made against the Council.

Over the six month period between October and March 2012, the Council received 51 decisions on appeals (44 of which were planning related appeals, the other 7 were enforcement related). Out of this 44, 11 were allowed (25%). For the year end, both targets for KPI 54 and KPI 55 had been achieved. However, between October 2011 and March 2012 in respect of KPI 54 6 out of 35 were allowed (17%) and for KPI 55, 5 out of 9 were allowed (55%).

Out of the 9 planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6 month period, the Council was not successful in sustaining the committees' objection in 5 cases, two each for Plans South and East, and one for Plans West. Out of 7 enforcement notice appeals decided, one was allowed and one part allowed/part dismissed, although in the latter case the greater part of the appeal was dismissed. During this period, there was one successful finalised award of costs made against the Council

Whilst performance in defending appeals had improved, particularly in respect of committee reversals, members were reminded that in refusing planning permission there needed to be justified reasons that in each case must be relevant, necessary, but also sound and defensible.

(ii) Section 106 Agreements - Members requested an annual report on planning obligations showing where money had been raised and spent. Section 106 of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally binding agreement or planning obligation with a land owner/developer over a related issue.

Section 106 Agreements acted as an instrument for placing restrictions on developers, requiring them to minimise the impact of their development on the local community and carry out tasks providing community benefits. Such conditions were often sought when planning conditions were inappropriate and ensured the quality of development and enabled proposals to take place in a sustainable manner.

The S106 benefits negotiated through the year 2010/11 and concluded between April 2011 and March 2012 totalled £1,296,650 received into the public purse. Benefits actually realised through the same year had provided a total of £411,574 received into the public purse which included 35 affordable housing units.

The use of Section 106 Agreements was overshadowed by the emergence of the Community Infrastructure Levy (CIL), which was a tax on developers' profit and would replace much of the traditional S106 benefits. From April 2014, it would not be possible to use S106 agreements for delivery of such infrastructure items.

(iii) Northern Gateway Access Package proposed by London Borough of Enfield - The Panel received a report from the Director of Planning and Economic Development regarding the Northern Gateway Access Package (NGAP) proposed by London Borough of Enfield within its consultation on the North East Enfield Area Action Plan.

The Northern Gateway Access Package was included within a consultation by London Borough of Enfield (LBE), the package included a scheme which was previously called the Northern Gateway Access Road (NGAR), and had been considered at a major public inquiry ten years ago, where it was rejected.

LBE had aspired to a direct or indirect route using the North South Road (A1055) Mollison Avenue to the M25 for many years. The North South Road served many employment sites and activities within the northern part of Enfield and allowed access to a variety of residential communities.

The Panel were advised that the document contained many proposals of merit, for example in seeking to improve the public realm around many shopping parades or centres, or increasing the green links between the area covered by the plan and adjacent areas including those within Epping Forest district.

The Director of Planning and Economic Development felt that NGAR was a fundamentally flawed proposal and it was not understood how these flaws could be resolved, for example:

- (a) The proposal was still within the Green Belt,
- (b) The proposal was still within the Regional Park,
- (c) There was no new traffic model to overcome all the previous points; and
- (d) The proposal would still disgorge Enfield traffic into parts of Waltham Abbey before that traffic could reach the M25 at Junction 26.

Its basic purpose was unchanged, and its disadvantages were not overcome with the passage of time.

Whilst the aspiration for NGAR or NGAP had been mentioned at the regular meetings of the Enfield Essex Hertfordshire Border Liaison Group, there had been no meaningful and specific discussion about it, or other options that had involved the District Council. Had there been, it might have been expected that EFDC would have included a specific reference to this in our Issues and Options consultation on the new EFDC Local Plan, and that the residents of Meridian Park, Waltham Abbey in particular would have been made aware of its resurrection. Businesses in Waltham Abbey should also be aware of this. It was unclear as to how they would be aware unless LBE had undertaken a specific exercise to draw their attention to where this had now reached.

Members were concerned about Junction 26 which was frequently congested, on nearby Woodriden Hill there were queues of traffic, almost as long as the road itself, in both directions. It was also stated that an insufficient presentation had been made to the Enfield Essex Hertfordshire Border Liaison Group concerning the consultation.

The Panel requested that a letter, signed by the Leader and Planning Portfolio Holder, should be sent to the London Borough of Enfield outlining the District Council's concerns regarding the consultation.

(iv) CLG Consultation – Extending Permitted Development Rights for Homeowners and Businesses - The Coalition Government planned making a number of changes to the planning regime to reduce bureaucracy, speed up processes, reduce costs and contribute to driving growth as part of its concerted economic stimulation package. One of these was a proposed change to the permitted development regime, these were a deregulatory tool set by the Government and used a general impacts based approach to grant automatic

planning permission for development that complied with limitations and conditions set out in the Town and Country Planning Order 1995. The proposals were announced with the publication in November 2012 of a technical consultation "Extending Permitted Development Rights for Homeowners and Businesses." A consultation period was running until 24 December 2012 on these proposals.

The proposed changes were thought to provide the following benefits:

- (a) The large majority of homeowner applications were uncontroversial and almost 90 per cent were approved, in almost all cases at officer level. By cutting out this application process it would reduce costs and delays.
- (b) Up to 40,000 families a year wishing to build straightforward home extensions would benefit and each family would save up to £2,500 in planning and professional fees.
- (c) Extending further permitted development rights would promote growth, allowing homeowners and businesses to meet their aspirations for improvement.
- (d) It would bring extra work for local construction companies and small traders.
- (e) The telecommunication changes would contribute towards the Government's ambition for the UK to have the best superfast broadband network in Europe in 2015.

The Panel commented on, amended and largely agreed with the officers responses to the CLG Consultation and agree that it should be submitted to the CLG.

(v) Extending the Range of Pre-Planning Application Charging - The Local Government Act 2003 allowed local authorities to charge customers for holding discussions prior to the submission of planning applications.

Originally all services offered in connection with development control were free to users. Planning fees were introduced in the 1980s for those making planning applications with the intention of them paying a contribution to the costs of providing the service. Fee generating applications made up only half the overall costs of development control. The fees were compulsory and set nationally. They had just increased by 15%, few issues of non payment had arisen. The Council's fee income was estimated to be £550,000 in this financial year.

It was advised that most Essex authorities and London Boroughs Redbridge, Havering and Waltham Forest made changes.

Not all inquiries would attract a fee, it was also suggested that free advice would continue to be provided only for advice prior to an application for:

- (a) Alterations or extensions to single dwellings and other householder applications;
- (b) Works to a listed building or works of demolition within a Conservation Area;
- (c) Works to trees covered by Tree Preservation Orders or located on Conservation Areas;
- (d) Advice to establish whether planning permission was required; and

(e) Advice to Parish Councils, community groups and other local authorities.

(vi) ...

Case Study: Extending the Range of Pre-Planning Application Charging

In December 2012 the Panel discussed a proposal to extend the range of pre-planning applications charging. There were between 25 to 30 informal requests for planning advice received by the Planning and Economic Development Directorate each week. Although not a statutory duty it was often seen as an integral part of the planning process for which a reasonable charge could be made. The Local Government Act 2003 allowed Local Authorities to charge customers for holding discussions prior to the submission of planning applications. Planning fees had been introduced in the 1980s for those making planning applications, it was advised that fee generating applications made up only about half the overall costs of development control. The applications were compulsory and set nationally. For the first time in 4 years, they increased by 15%. The Council's fee income was estimated to be £550,000 in the financial year.

Officers had a scheme of charging on major planning applications and used the DCLG definition of major as being proposals for 10 houses or more, or a residential scheme on a site of 0.5 hectares or more, or 1,000 sqm of commercial floorspace or a commercial scheme on a site of 1 hectare or more. A flat charge of £1,500 is charged. The income received on these had been £19,500.

The Panel recommended the following:

- (a) Major developments (creation of 100 and over new residential units, creation of commercial development or changes of use of 10,000 sq m and over) = £3,000 plus VAT;
- (b) Major developments (creation to 10 – 99 new residential units, creation of commercial development or changes of use between 1,000 – 9,999 sq) = £1,500 plus VAT;
- (c) Minor developments (creation of 2 – 9 new residential units, creation of commercial development or changes of use between 100 – 999 sqm) = £700.00 plus VAT; and
- (d) Minor developments (creation of 1 new or replacement residential unit, creation of commercial development or changes of use up to 100sqm) = £250.00 plus VAT.

At the January Overview and Scrutiny Committee, members endorsed the panel's recommendations and added a further one, that retrospective developments should receive double the respective planning application fee plus VAT.

However at the Cabinet meeting in March 2013, the suggested addition of pre-application charging for retrospective applications by the Overview and Scrutiny Committee was not recommended following advice from the Council's Senior Lawyer that this would be ultra vires and open to challenge. Furthermore, research of other council's pre-application charging schemes did not reveal any instances of charging for retrospective applications.

TASK AND FINISH PANEL

OVERVIEW AND SCRUTINY REVIEW TASK AND FINISH PANEL

Origin:

At its meeting on 7 April 2012 the Overview and Scrutiny Committee decided to establish a new Task and Finish Scrutiny Panel to review Overview and Scrutiny operations generally within the Council with particular reference to relations between the Cabinet and Overview and Scrutiny. This decision was made following attendance by a number of members at a joint training session on Overview and Scrutiny convened jointly with Harlow Council.

Aims and Objectives:

- (a) To report findings to the Overview and Scrutiny Committee and to submit any final reports in the proposed Corporate Format for consideration by O & S and Council by April 2013.
- (b) To gather evidence and information in relation to the topic through the receipt of data, presentations and by participation in fact finding visits if necessary;
- (c) To have due regard to the relevant legislation Council procedure rules.
- (d) To consult political groups and independent Councillors at the final stage of the review.

Term of Reference:

1. To scrutinise the current processes of Overview and Scrutiny and to what extent the functions could be improved.
2. To examine and review operational aspects of Overview and Scrutiny, in consideration of:
 - a) Chairmen and Vice-Chairmen of Overview and Scrutiny Committee:
 - Developing the relationship with the Leader;
 - Policy on appointment and political allegiance;
 - Leader / OSC liaison.
 - b) Cabinet Liaison:
 - Arrangements for pre-scrutiny of Cabinet business;
 - Meeting arrangements;
 - Questioning Portfolio Holders;
 - Annual Cabinet priorities.
 - c) Scrutiny Panels:
 - Membership / role of Standing and Task & Finish Panels;
 - Progress reporting and achieving outcomes from Panels;
 - Managing Scrutiny Panel business.

- d) Call-in procedures:
 - Presentation of Call-ins;
 - Responses by Portfolio Holders;
 - Briefing by Chairman of Overview and Scrutiny.

 - e) Scrutiny of External Organisations:
 - Engagement with the public;
 - Layout of the Chamber;
 - Selecting the right forum and topics for external scrutiny;
 - Following up on undertakings given;
 - Avoiding pre-prepared presentations;
 - Preparation: liaison with the public and other councillors;
 - Managing Questions / setting of objectives.

 - f) Budget Scrutiny:
 - Assessing the effectiveness of the present Finance and Performance Management Scrutiny Panel;
 - Determining the correct role of Overview and Scrutiny in budget preparation and monitoring;
 - Budget documentation for OSC;
 - Programming O&S involvement in budget making.

 - g) Public Profile of OSC:
 - Public awareness;
 - Determining the work plan each year (including the PICK system);
 - Questions from the public for Portfolio Holders / OS Committee.
3. To examine and review any other operational aspects of Overview and Scrutiny.

The Panel

The Committee appointed the following members to serve on the Panel:

Councillors K Angold-Stephens (Chairman), R Gadsby (Vice Chairman), A Grigg, M Sartin, D Stallan and J H Whitehouse

The Lead officer was Ian Willett, Assistant to the Chief Executive.

They had been charged with reviewing Overview and Scrutiny operations generally within the Council with particular reference to relations between the Cabinet and Overview and Scrutiny. This decision was made following attendance by a number of members at a joint training session on Overview and Scrutiny convened jointly with Harlow Council.

The Panel considered the scoping report for the Panel reviewing their terms of reference and the timescale for the completion of the review. They noted that:

- a) The rules on 'Questions from the public' were being reviewed at present and may well be changed by Cabinet and Council by next February;
- b) The members of the Panel discussed the possibility of Chairmen being given the discretion to allow more than the stipulated number of public speakers at any meeting;
- c) The Panel agreed that they should also look at how the Council Chamber should be laid out, especially when the O&S has a presentation. Should they all be on the same level so that the Committee did not have to look up to them?
- d) Should the Committee be introduced to visitors so that they knew who they were talking to and what wards they represented, or was it that the Councillors were there to represent the district as a whole;
- e) Should topics at presentations be limited in number so that they could be considered in more detail;
- f) They noted the comments made in the recent interviews with members that O&S needed to be reviewed as it lacked bite; and
 - that there were concerns on the appointment of the Chairman and Vice Chairman of the O&S Committee;
 - there were concerns over the whipping of members over O&S matters;
 - that the relationship between O&S and the Cabinet did not seem as good as it could be, they did not seem to be working well together;
- g) That the O&S Committee and the Cabinet meetings were too close together;
- h) Would it be better to use the forward plan to review the Cabinet's work over a three month period;
- i) Councillor Waller would like to address the Committee – this was agreed;
- j) For wider geographical topics such as public health, would joint scrutiny with an adjoining authority be more useful;
- k) There was a need to scrutinise how outside bodies were dealt with;
- l) How do you get members more involved in the process?
- m) The work of the Standing Panels be reviewed, are they in the right format?
- n) There were concerns raised over budget monitoring, with too much detailed figure work going to the scrutiny panel, that was really more for the Cabinet to deal with. It was thought that Scrutiny should look at the broader budget issues, and not the detailed figure work;
- o) The Panel would like a report on this from the Director of Finance brought to its next meeting, it would also be a good idea for the Chairman of the Finance Standing Panel to attend this meeting as well;
- p) Should the relevant KPIs go to the relevant Standing Panel to look at and not to the general Finance Panel;
- q) All Panel Chairmen should be consulted on what they think was right or wrong with the present system;
- r) That the present Call-in system worked well, but was a five day deadline long enough?
- s) Was there a procedure for "calling back a call-in" – if the lead member of a call-in, having met with the relevant Portfolio Holder and having come to a mutually agreeable solution, could a call-in be withdrawn? and
- t) That there was some concern over the arrangements on how call-ins were heard. The Portfolio Holder had to wait for the lead member of the call-in to speak and then had to wait for any other member of the call-in to add their comments, which was potentially five other speakers, who could speak before the Portfolio Holder had a chance to put their view across.

The Panel clearly have a lot to consider and review and would not be reporting back to the Overview and Scrutiny this municipal year.

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REVIEW OF LICENSING SERVICES TASK AND FINISH PANEL

Origin:

At the meeting of the Overview and Scrutiny Committee on 4th September 2012, Councillors J Hart and Mrs S Watson submitted a request that the committee set up a task and finish panel to review the Licensing sub-committees.

They expressed concerns that the current system was unsatisfactory given the size and diversity of the district. It was not unusual for Councillors from the rural areas to be called upon to decide upon licensing applications in the urban areas in the south of the district.

Many Councillors have full-time jobs and their working commitments' prevents them from joining day-time committees. This effectively dis-enfranchises working age Councillors from attending these meetings.

They would like Licensing applications to be considered in a similar way to Planning application, running the new system for a year's trial period.

Term of Reference:

1. To review the operation and effectiveness of the Licensing Sub-Committees structure.
2. To have regard of the Licensing Act 2003 on consultations.
3. To review the feasibility of moving some meetings to the evening.
4. To review the feasibility of creating a new Licensing Sub-Committee structure to enable local councillors and interested persons to have more input.
5. To review the most appropriate methods of informing people of their rights to make representations in respect of Licensing Applications and review hearings.

The Panel:

The Committee appointed the following members to serve on the Panel:

Councillor Mrs P Smith (Chairman), K Angold-Stephens, James Hart, R Morgan, J Philip, Mrs C Pond, D Stallan and Ms S Watson.

The Lead Officer was Alison Mitchell, Assistant Director (Legal).

Their primary objective was to undertake a review of the proposal that licensing applications were considered in a similar way to planning applications –

- (i) Move the meetings to the evening so that Councillors with full time jobs could join the committee;

(ii) Create south, east and west licensing sub-committees, so local councillors with local knowledge could decide the cases; and

(iii) In cases where nightclubs, pubs or shops applied for changes to the hours in which they were licensed to sell alcohol, the relevant parish/town, district and county councillors and the nearest 50 residential properties to the application premises should be informed by letter to make them aware that an application had been submitted.

The Panel met four times and submitted a final report to the April meeting of the Overview and Scrutiny Committee, sending a copy to Cabinet and to the full Licensing Committee also in April for their information and comments.

The Panel's final recommendations were:

Composition of Licensing Committees and sub-committees

- 1) That a Licensing Committee of 15 members continues as it is currently set up at present.
- 2) That one calendared meeting be included in a time table to be held during the day per month to consider applications relating to taxi licences.
- 3) That one calendared meeting be included in a time table to be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings) to consider all other applications regarding licences;
- 4) If there were more than one application relating to a premises licence a month additional meetings be organised for each application;
- 5) That these new procedures be reviewed after 12 months of operation;
- 6) That the Constitution and Member Services Standing Panel be asked to carry out the review;

Notification of Premises Applications

- 7) That notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of the application premises;
- 8) The envelopes should state that "Important – Notice of Licensing Consultation"
- 9) That the draft sample letter informing the occupiers of the application which was considered by the Panel and as annexed be used when

notifying residents provided that it is updated when required (similar letters will be prepared for other types of licences); and

- 10) An interim 6 month report be submitted to the full Licensing Sub Committee.

Financial Implications

- 11) That Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000. This is detailed in their final report.

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REVIEW OF CHIEF EXECUTIVE APPOINTMENT TASK AND FINISH PANEL

Origin:

In July 2012 the Overview and Scrutiny Committee noted that the Council had requested that O&S conduct a review on the processes adopted in respect of the recruitment of a new Chief Executive. It was emphasised that they were not seeking a review of the outcome of the recruitment exercise but the processes adopted to achieve an appointment.

This came from a review report submitted to the Council on 14 February 2012 by Overview and Scrutiny on senior level appointments within the Council. One of the recommendations of that review was that there should, after every such recruitment exercise, be an opportunity for Overview and Scrutiny to examine how the process was conducted and whether there were any learning points for the future. They should consider the recruitment pack, the recruitment advertisement, detail of the recruitment centre, the decision making process and the provision of external legal and external/internal HR Advice. Also to be considered would be feedback from members of the original Panel, applicants, the Council's recruitment consultant and any officers involved in supporting the process. They may also wish to consult all Members of the Council as the appointment of a Chief Executive was a matter reserved to the Council itself.

The Committee thought that it would be appropriate that the original panel on the senior management appointments panel be asked to carry out this review. The original members were Councillors K Angold-Stephens (Chairman), R Bassett, Mrs A Grigg, D Stallan and J M Whitehouse.

The Committee requested that the Panel report back no later than mid October. However, officers have had great difficulty in getting the final report and panel members together before the end of the municipal year to make any formal recommendations to the main O&S Committee.

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Report to the Overview and Scrutiny Committee

Date of meeting: 9 April 2013



Report of: Constitution and Member Services Standing Scrutiny Panel

Subject: Housing Appeals and Review Panel – Terms of Reference

Officer Contact for further information: Roger Wilson (01992 564419)/Graham Lunnun (01992 564244)

Committee Secretary: Adrian Hendry (01992 564246)

Recommendations:

Exclusion of Housing Applicants from the Housing Register

(1) That, subject to the Cabinet (i) adopting a revised Housing Allocations Scheme, and (ii) agreeing that the right of appeal to the Housing Appeals and Review Panel by housing applicants is excluded from the Housing Register be revoked, a report be submitted to the Council recommending:

(a) the removal of the following from the terms of reference of the Housing Appeals and Review Panel:

“(1)(c) – exclusion of housing applicants from the Housing Register”; and

(b) the consequential amendment of the Constitution;

Order of Presentation of Cases

(2) That a report be submitted to the Council recommending:

(a) that the normal order of presentation of cases at meetings of the Housing Appeals and Review Panel be changed to provide for the case officer presenting their case before the applicant/appellant; and

(b) that paragraphs (6) and (7) of the Terms of Reference of the Panel be amended as follows:

“(6) In relation to appeals or reviews at which the applicant's case is presented in person or by a representative, the hearing shall be conducted in the following order:

(a) Chairman's introductory remarks;

(b) Presentation of the Officer's case;

(c) Questioning by the applicant (or representative);

(d) Questioning by members of the Panel;

- (e) **Presentation of the applicant's case;**
- (f) **Questioning by the Officer;**
- (g) **Questioning by members of the Panel;**
- (h) **Summing up by the applicant;**
- (i) **Summing up by the Officer;**
- (j) **Panel considers its findings in the absence of the applicant and the Officer;**
- (k) **The decision of the Panel will be conveyed to the applicant and Officer in writing.**
- (l) **The Panel shall have discretion to reverse the order in which the cases of the applicant and the Council are presented, provided that both parties agree.**

(7) If requested by the appellant/applicant or their representative, the Chairman may agree to (6)(b)-(d) above taking place after (e)-(g) and to (h) and (i) being reversed”.

(a) Exclusion of Housing Applicants from the Housing Register

Introduction

1. On 20 April 2010 the Council, amended the Terms of Reference of the Housing Appeals and Review Panel (HARP). Prior to this date, any client of the Housing Directorate could appeal against (or request a review of) any decision made by an officer from the Housing Directorate on any housing matter.

2. Under the amended Terms of Reference, housing clients could only appeal on specific issues from the 2010/2011 municipal year. One of the issues that continues to be considered by the HARP is an appeal by a housing applicant against exclusion from the Housing Register.

New Council Housing Allocations Policy

3. The Council is currently reviewing its Housing Allocations Scheme and consulting on a new Scheme. Under the new Government guidance “The Allocation of Accommodation: Guidance for Local Housing Authorities in England” (DCLG June 2012) authorities are given powers to decide locally how accommodation should be allocated based upon local priorities. Authorities are therefore empowered to allocate their accommodation in any way they see fit, provided schemes are both legal and rational.

4. The new draft Scheme was considered by the Housing Scrutiny Panel at its meeting on 17 December 2012. Under Section 14 of the proposed new Scheme, if an applicant does not meet the following Local Eligibility Criteria they will not qualify to either remain on or join the Housing Register:

(i) Residency

An applicant who has lived in the Epping Forest District for less than three continuous years immediately prior to their date of registration. It should be noted that applicants who were registered on the Housing Register on the day before the new Scheme comes into force, and who had lived in the District for at least 2 years and 6 months continuously immediately before this date will be allowed to remain on the Register.

(ii) Exceptions to the Residency Criteria – Armed Forces Regulations

Any member or former member of the Armed Forces applying within five years of discharge, or a bereaved spouse or civil partner of a member of the Armed Forces leaving services' family accommodation following the death their spouse or civil partner.

Any spouse or child (including step-children) of existing or former Armed Forces Personnel; if one of their "qualifying" family members has lived in the District for more than three continuous years immediately prior to their date of registration.

Any serving or former member of the Reserve Forces who needs to move because of serious injury, medical condition or disability sustained as a result of their service where the application is made within 5 years of discharge.

(iii) Other Criteria

An application must have a housing need as defined by at least one Banding criterion, must not have sufficient funds to enable them to meet their own housing costs under the limits set out under the Scheme, (amounts received as compensation for injury etc by members of the Armed Forces is discounted) and must not have been guilty of serious unacceptable behaviour as set out in the Scheme within the last three years.

Adoption of New Scheme

5. The draft Housing Allocations Scheme will be considered by the Cabinet at its meeting on 15 April 2013. There are currently around 6,840 homeseekers on the Council's Housing Register. If the draft scheme is agreed by the Cabinet, it is estimated that around 3,000 homeseekers will no longer qualify for inclusion and therefore be removed from the Register.

6. In law, every applicant has the statutory right to request a review of certain decisions on allocations and to be informed of the decision on review and the grounds for it. This includes exclusions from the Housing Register.

7. If the Local Eligibility criterion is agreed by the Cabinet, it is expected that a high number of the estimated 3,000 homeseekers who will not qualify to remain on the register, and non-qualifying new applicants in the future are likely to request their statutory right to review. It is anticipated that, unless the Terms of Reference of HARP are changed, the HARP and officers will be unable to cope with the numbers of appeals which, apart from anything else, will be unfair on appellants. It is also felt that the proposed new Eligibility and Other criteria are very clear, with little or no officer judgement required and it is likely that the HARP will have little or no scope to change officer decisions.

Next Steps

8. The Housing Scrutiny Panel is therefore recommending to the Cabinet on 15 April 2013 that the right of appeal to the Housing Appeals and Reviews Panel should be revoked in respect of applicants who have been excluded from the Housing Register with all statutory reviews being dealt with by senior officers who have not been involved with the original decision (in the same way other reviews are dealt with). This is planned to take effect from the Council meeting on 23 April 2013.

9. At a meeting on 13 February 2013 the Tenants and Leaseholders Federation supported the proposal.

10. If the Cabinet agree the recommendations of the Housing Scrutiny Panel, it will be necessary to revise the terms of reference of the HARP as set out at the commencement of this report.

(b) Order of Presentation of Cases

Background

11. At the request of HARP last year we considered altering the order of presentation of cases at HARP meetings.

12. At that time we were advised that a change in the order of presentation, with the Housing Officer presenting his/her case first, would have the following benefits:

- (i) the HARP would have the benefit of receiving the full facts of the case at the outset as these would be set out in the officer's report, and this would enable members to understand better the submissions made subsequently by the applicant/appellant; and
- (ii) the applicant/appellant would have time to settle in the meeting before being expected to address the Panel, and would have a better appreciation of the proceedings having witnessed the way in which the officer presents his/her case and answers questions on it.

13. We were advised that there was not a consensus of view of members of HARP but that the majority view expressed was in support of the proposed change.

14. Members of HARP supporting the proposals accepted the benefits set out in paragraph 12 above. Members not in agreement with a change felt that at present in many cases when the officer puts his/her case the expression on the applicant's/appellant's face is recognition that their grounds for review/appeal are a lot weaker than they thought. Those Members felt that for applicants/appellants to be given this realization before they have even started their case would be even more intimidating than coming in to the meeting and having their say first. They also commented that sometimes an applicant/appellant says something which causes a Panel member to want to question the officer about it and this opportunity could be missed under the new proposals.

15. In the event, we decided that the existing order of proceedings with the applicant/appellant presenting their case first should be retained but that provision should be made for the Chairman of the HARP to reverse the order if requested by the appellant/applicant or their representative. This decision was subsequently adopted by the Council and appropriate changes were made to the Constitution.

16. We also decided to review the matter during this year in the light of the experience of members attending meetings of the HARP since that decision.

Review

17. Since the matter was considered last year, the HARP has considered seven cases. In four of those cases the applicant/appellant presented their case first. Those applicants/appellants did not actively choose to go first but did not respond to the request to express their preference in relation to the order of presentation and went first in accordance with the default position. It is likely that some of those applicants/appellants did not express a view since they were unfamiliar with the process. In the other three cases the order of presentation was reversed at the request of the applicant/appellant.

18. In reviewing the matter we have taken account of the current views of the members and substitutes on HARP and also of two ward members who attended some of the meetings to support applicants/appellants. All of those members have now expressed a preference for the normal order of proceedings to be the Housing Officer presenting his/her case first.

19. We are recommending therefore that the normal order of presentation of cases be changed and the Terms of Reference of HARP be amended accordingly. Provision will remain for the order to be reversed if requested by the parties.

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Report to the Overview and Scrutiny Committee

Date of meeting: 9 April 2013



Report of: Constitution and Member Services Standing Scrutiny Panel

Subject: Localism Act 2011 – Executive Constitution

Officer Contact for further information: I Willett (01992 564243)
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Committee Secretary: Mark Jenkins (01992 564607)
Democratic Services Officer
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Recommendations:

That a report be submitted to the Council recommending that Article 7 (The Executive) of the Constitution be amended reflecting the requirements of the Localism Act 2011 as set out in the Appendix to this report.

Report

1. Introduction

1.1 The Localism Act 2011 consolidates a number of previous statutory provisions regarding Local Authority Executives (i.e., the Cabinet). Most of these provisions merely draw together previous Acts and Regulations which the Council already reflects in its Constitution. However, Article 7 of the Constitution dealing with the Executive has not been reviewed for some time and we found changes to be necessary.

2 Article 7 – Proposed Revisions

2.1 The Appendix to our report sets out in bold type and underlined the sections of Article 7 which we recommend should be altered to reflect the Act. Dealing with these in turn:

(a) Article 7.02 (Form and Composition of the Executive)

2.2 We have amended the wording to align more closely with the Act. The last sentence has been added to reflect the previous statutory position regarding the Chairman of Council who are not to be members of the Executive. The Localism Act has also introduced a new restriction on the Vice Chairman of Council.

(b) Article 7.03 (Leader of Council)

2.3 The main change in relation to this section is regarding disqualification from being a Councillor. Previously, it was possible under the standards arrangements for the Leader of Council to be subject to a complaint investigation which might lead to either suspension or disqualification as a Councillor. The Localism Act has removed these provisions and the only remaining disqualifications relate to bankruptcy and criminal proceedings leading to imprisonment. We have amended sub-paragraph (b) accordingly.

2.4 One feature of the Localism Act is a provision regarding the term of office of the Leader of the Council. The Leader must be appointed by the Authority and under previous regulations, once appointed, the Leader would serve until the conclusion of their term of office (i.e., the Annual Council meeting following their retirement as a Councillor). The only circumstances whereby Leaders may not continue were set out in paragraph 7.03. The Act introduces a new option for the Council, namely of specifying the term of office of the Leader. At one time, the Leader was appointed on an annual basis but from the advent of 2007 Act, this ceased and the Council was required to ensure that the member continues to the end of their term as a Councillor unless they resigned, became disqualified or are the subject of a negative vote at a Council meeting.

2.5 Article 7.03 has been amended to refer to a term for the Leader as decided by the Council. The Council can then determine how long the Leader was to serve including the current option of serving to the end of his or her term of office as a Councillor.

2.6 A footnote has been added to Article 7 in relation to the Leader of Council who remains a Councillor during the period of his/her appointment by the Council. The exception to this is where the person concerned resigns or becomes disqualified.

(c) Article 7.04 (Deputy Leader)

2.7 More detail is provided in the Localism Act concerning the role and responsibilities of the Deputy Leader. Previously, these positions were optional although they were common in practice. It is now mandatory for the Leader of Council to appoint a Deputy Leader and the Act goes on to deal with the question of removal of a Deputy Leader from office and the power of the Leader to appoint a replacement. These provisions have been added into this Article.

(d) Article 7.05 (Deputy Leader – Powers to Act)

2.8 Revisions have been made to reflect what the Act says should happen if the Leader of Council is unable to act or if that office is vacant. In those circumstances, the Deputy Leader would assume responsibility.

(e) Article 7.06 (Leader and Deputy Leader unable to Act)

2.9 We are proposing that a new section is added to reflect the Act's clarification of the situation where the Leader and Deputy Leader are unable to act or the office of Leader or Deputy Leader is vacant. In these circumstances, the Act says that the Executive itself must then step in and either carry out the Leader's functions collectively or appoint a member of the Executive to act in the Leader's place.

(f) Article 7.05 (Other Executive Members)

2.10 The same alterations have been made in this section in relation to disqualification as Councillors (sub-paragraph (b)) and in sub-paragraph (c), some clarification has been included regarding the appointment of Executive members, making it clear that these are to be made by Leader of Council and can be for more than one term of office.

(g) Article 7.08 (Responsibility for Functions)

2.11 A new sentence has been added to Article 7.08 to include the Localism Act requirement that any function which is the responsibility of the Executive may not be discharged by the full Council. This was understood to be the position previously but has now been set out in the new legislation. Some decisions will continue to be made only by the Council, whilst others may be considered by the Executive but are required to be confirmed by the Council.

3. Next Steps

3.1 The changes to Article 7 are part of the Constitution and we recommend that the Council be recommended to approve these changes prior to publication.

Z:/C/OVERVIEW AND SCRUTINY COMMITTEE/LOCALISM ACT 2011 – EXECUTIVE CONSTITUTION

7.01 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and Composition

The Executive will consist of between three and 10 Councillors and will include the Leader of the Council appointed by the Council. The other members of the Executive will be appointed by the Leader of the Council including a Deputy Leader. The Chairman and Vice Chairman of the Council shall not be members of the Executive.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:

(a) he/she resigns from the office or as a Councillor; or

(b) he/she is disqualified from being a Councillor;

(c) the next Annual Council meeting after completing his/her term of office as a Councillor **or until such other date as the Council may specify**; and

(d) he/she is removed from office by resolution of the Council.

(e) if removed from office by virtue of any regulations made pursuant to the Local Government Act 2000 **or the Localism Act 2011 (NB the regulations referred to had not been made as at 3.13).**

NB The person who is elected as Leader of the Council remains a member of the Council during the period that he or she is appointed as Leader of Council, except where the person ceases to be Councillor by virtue of resignation or disqualification.

7.04 Deputy Leader

The Leader will appoint a Deputy Leader of the Council from among those Councillors appointed to the Executive. **The person appointed as Deputy Leader shall, unless they resign as Deputy Leader, hold office until the end of any term of office of the Leader of the Council specified by the Council.**

The Deputy Leader may be removed from office by the Leader of the Council if the latter thinks fit and the Leader must then appoint another person to be Deputy Leader.

7.05 Deputy Leader – Powers to Act

If, for any reason, the Leader of Council is unable to act or that office is vacant, the Deputy Leader must act in the Leader of Council's place.

7.06 Leader and Deputy Leader Unable to Act

If, for any reason, the Leader of the Council is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Executive must act in the Leader's place or must arrange for a member of the Executive to act in the Leader's place until such time that the Council appoints a new Leader of Council.

7.05 Other Executive Members

Other executive members shall hold office until:

(a) they resign from office or as a Councillor; or

(b) they are disqualified as Councillors;

(c) until the next Annual Council meeting **but may be re-appointed the Leader of the Council for further terms of office;** and

(d) they are removed from office, either individually or collectively, by the Leader of the Council.

7.06 Portfolio Holder Assistants

The Leader of the Council shall also, at his or her discretion, appoint Portfolio Holder Assistants on an annual basis in accordance with the Executive Procedure Rules contained in the Constitution.

7.07 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.08 Responsibility for Functions

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions.

Any function which is the responsibility of the Executive may not be discharged by the Council.

7.09 Portfolio Holder Advisory Groups

For the purposes of carrying out any Executive function any member of the Executive may convene a Portfolio Holder Advisory Group. Details of the arrangements for such groups are set out in the Appendix to this Article.

7.10 Executive Committees

The Leader of the Council may appoint, from time to time, Committees of the Executive comprising solely members of the Cabinet. The membership and terms of reference are set out in Part 3 of this Constitution (Responsibility for Functions).