



# **Epping Forest District Council**

## ***SCRUTINY PANELS REVIEW TASK AND FINISH PANEL Thursday, 15th January, 2015***

You are invited to attend the next meeting of **Scrutiny Panels Review Task and Finish Panel**, which will be held at:

**Committee Room 2, Civic Offices, High Street, Epping  
on Thursday, 15th January, 2015  
at 7.00 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

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### **Members:**

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

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### **5. OVERVIEW & SCRUTINY PANEL FRAMEWORK REVIEW - RECOMMENDATIONS (Pages 3 - 10)**

(Director of Governance) To consider the attached additional consultation responses omitted from the agenda for the meeting, or which have been submitted since the publication of the agenda.

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# Consultation feedback – OS Select Committee Structure

## 1. Do you agree the proposed new structure is appropriate?

**Alan Hall (Director of Communities):** My view is that it would be wrong to spoil the neat, clearly demarcated, 4-directorate proposal for Scrutiny Panels - by including the scrutiny of issues relating to community services and community safety, both of which are the responsibility of the Communities Directorate, within the Environment Select Committee, which is predominantly relating to services provided by the Neighbourhoods Directorate. I am aware that the current Housing Scrutiny Panel is busy, and that members and the current Chairman are concerned about increasing the workload of this Panel. However, I would make the following key points which I hope members will consider:

Historically, the workload on the scrutiny of Community Services and Community Safety has been very low. One of the reasons for this is that a lot of Community Safety work and scrutiny is undertaken by the multi-agency Community Safety Partnership, which EFDC leads and is a major player;

Accepting that there may be a small increased workload to that undertaken by the current Housing Scrutiny Panel, I would suggest that, if necessary, this could easily be dealt with by having 5 meetings per annum instead of 4 per annum.

**Peter Maddock (Assistant Director (Accountancy):** I see the proposed structure better reflects the current Directorate Structure which should make it easier to manage from an officer point of view. Some of the Communities responsibilities fall to the Environment Select Panel which should probably work fine as Housing is a big area and any panel that included the Museum and arts as well might be difficult to manage.

Overall seems a reasonable proposal.

**Glenn Chip (Chief Executive):** Ok by me

**Councillor Janet Whitehouse:** My comments are as follows - I agree that there should be 4 scrutiny panels. Aligning them with the directorates makes it clear to members and staff which scrutiny panel will be dealing with which topics so I think this is the better arrangement.

**Simon Hill (Assistant Director (Governance & Performance Management):** Thank you for the opportunity of commenting further. The proposals as amended do seem to be workable. It brings forward elements of the original proposals from February 2014 but takes account of the views of most members that the Housing Panel works effectively and has a heavy work programme.

The proposals will bring forward a small saving of one SRA.

**Councillor Gavin Chambers:** I agree with the majority of the new proposed structure

**Nigel Richardson (Assistant Director (Development Management):** I do agree to the new structure, so that answers question 1. I think though you should change the Governance Select Committee part that reads "...elections reviews and consultation and

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engagement, building control and planning enforcement...” to read as elections reviews and consultation and engagement, development management including conservation, trees and landscaping and delete “control, building control and planning enforcement”

**Councillor Caroline Pond:** Thanks for the consultation; I would prefer the structure to be a select committee for each of the 4 Directorships. It can then cover all departments and responsibilities. In my view that is clearer than the existing structure and then the other option. I do welcome 4 committees instead of 5.

**Councillor David Stallan:** I support the proposed structure of the new select committee and believe it to be appropriate.

**Brian Bassington (Chief Internal Auditor):** I have no comments on the proposed structure for O&S.

**Councillor Chris Pond:** Following the comments at Full Council yesterday, here are my comments on the proposed O&S structure: I think there should be as few as possible standing panels. These should shadow the work of each Director, with finance being scrutinised by an enhanced audit and finance committee. This latter should always be chaired by a non-administration councillor.

**Councillor David Wixley:** I suggest trying the new proposals subject to a review after one year.

**Councillor Brian Surtees:** Having now seen the structure chart, I would like to respond as follows,

The proposed structure is appropriate, but depends on carefully worked out protocols and flexibility to enable proper scrutiny and accountability to be maintained while deploying less strait jacketed and costly ways of working.

**Councillor Anne Grigg:** I confirm that I support the Overview & Scrutiny Select Committee Structure p17 of the Bulletin 19th December.

This gives Housing a Select Panel dealing with housing matters only. Housing Scrutiny is currently a busy Committee, which works efficiently and very well. This would mean that community and cultural services and community safety would be included in the Environment Select Panel – this ties in with previous model Safer Cleaner Greener and provides continuity from that aspect.

Task and Finish Panels can be set up as required/appropriate from these Select Panels.

I do not support the commissioning model.

In addition I support Constitution continuing as a Task and Finish Panel.

**Councillor Gary Waller:** I consider that the proposed structure broadly based on the new Council Directorates should work well. It will ensure that there are no Council functions which are not subject to the scrutiny process, as seen under the current structure.

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I support the proposed departure from a strict adherence to the Directorate structure. The present Housing Panel seems to work well, and if a new Communities panel were to be created, it could not cover Housing as effectively. Furthermore, those members who have an interest in Housing do not necessarily follow Community Safety issues closely, and vice versa. Therefore, I believe a new panel should be set up to cover Neighbourhoods and Community Safety, while the present Housing panel remains unchanged. The 4 new panels will therefore be: Governance, Neighbourhoods and Community Safety, Housing and Resources. The Neighbourhoods and Community Safety panel will have a remit not dissimilar to that of the existing Safer, Cleaner, Greener panel. This is a sensibly pragmatic way of performing the scrutiny function on the Council.

I am in favour of calling the new panels Select Committees, as already discussed - a change which may give them increased status and, one hopes, see increased willingness on the part of members to serve on them. A decision has already been made that they should no longer be referred to as Standing Panels.

**Derek Macnab (Deputy Chief Executive and Director of Neighbourhoods):** Whilst I understand how the proposed new structure has been reached, I still believe that there is an imbalance between the Select Committees. Whilst the Housing Select Committee retains a focus on one service area and albeit the Governance and Resources Committees have a slightly broader reach, it appears that the Environment Committee has been, in effect, a “catch all”. It combines the previous two Scrutiny Panels of Safer Cleaner Greener and a significant component of the Planning Scrutiny Panel, i.e. the Local Plan and then adds in Leisure Management and Cultural Services.

### 2. Do you foresee any issues with this proposed new structure?

**Alan Hall (Director of Communities):** Quite rightly, the Neighbourhoods Scrutiny Panel would be dominated by issues relating to the Neighbourhoods Directorate – with which the Panel would build up a relationship and knowledge base – yet would only occasionally consider the odd Community Services/Safety issue to scrutinise, which is covered by another Directorate.

It doesn't appear right or appropriate that, unlike the approach taken for all other Directorates, where each directorate would be sensibly aligned with one scrutiny panel (which is the whole basis of the approach), the Communities Directorate would be aligned with two scrutiny panels.

I'm not sure how definitive the Task and Finish Panel's views/decisions on this are, but I would be grateful if you could draw the above comments to the attention of the Task and Finish Panel's Chairman and other members.

**Peter Maddock (Assistant Director (Accountancy):** I note HRA financial monitoring is under housing? Presumably the remainder under Resources? Could you clarify please?

**Glenn Chip (Chief Executive):** Ok by me

**Councillor Janet Whitehouse:** At the Scrutiny Panels Review Task and Finish Panel on 25 November concern was expressed that Housing needs to be a separate scrutiny panel as there would be too much if all the Community Directorate was included. However, in his

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evidence, the Director of Communities was confident he could manage this and I think that due regard should be given to his response. Also, in proposing the non-directorate based structure no proper analysis of the work areas that were moved from one scrutiny panel to another was done.

**Simon Hill (Assistant Director (Governance & Performance Management)):** I think that part of the final proposals should be to have a review of this say after 18 months of operation just to check it is fit for purpose. Minor changes to the wording of the OS Rules in the Constitution will be needed but this can be picked up subsequently.

**Councillor Gavin Chambers:** No comments

**Nigel Richardson (Assistant Director (Development Management)):** In answer to question 2, my only concern is whether we will have Councillors sitting on these Committees with sufficient knowledge or interest over what could be a wide range of issues.

**Councillor Caroline Pond:** No comments.

**Councillor David Stallan:** In regard to the new structure, I foresee no issues and if the attendance of the Directors is an issue, maybe the Asst Directors could attend more.

**Brian Bassington (Chief Internal Auditor):** I have no comments on the proposed structure for O&S.

**Councillor Chris Pond:** The idea of themed committees, as in the organisation chart in the Bulletin, seems to me to be less desirable. It gives too much prominence to housing as a council activity; should this be proceeded with, governance and resources could be merged.

It follows that I do not favour the suggested structure.

**Councillor David Wixley:** No comments

**Councillor Brian Surtees:** Clear understanding of role and purpose needs to be communicated to Cabinet members, Councillors and the public. Issues can be avoided by careful implementation and training for all Councillors which (IMHO) should be mandatory.

**Councillor Anne Grigg:** No comments

**Councillor Gary Waller:** This new structure has the disadvantage that officers in the Communities Directorate will have to report to two scrutiny panels (Select Committees). However, apart from the Director himself, different officers will be involved in each case, so this should not be a major issue. On the other hand, accountability should apply at least as rigorously to portfolio holders, and the proposed structure takes account of the fact that the Cabinet pattern of portfolios does not currently match the Directorates structure.

**Derek Macnab (Deputy Chief Executive and Director of Neighbourhoods):** My fear is that the result is too broad and there will be insufficient time/capacity to look at items with sufficient focus. This is my main concern but would also like to point out that the Governance, Resources and Housing Select Committees largely align with one Directorate, whereas the Environment Committee straddles at least two. Not insurmountable, but less efficient than the original proposals.

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### 3. Do you have any possible views about the combination of the Audit and Governance Committee with the Standards Committee?

**Alan Hall (Director of Communities):** No comments

**Peter Maddock (Assistant Director (Accountancy):** No comments

**Glenn Chip (Chief Executive):** Ok by me

**Councillor Janet Whitehouse:** With regard to combining the Audit and Standards Committees more work needs to be done so that members can make an informed decision. The Standards regime has changed a lot since the Standards Committee was established so that a separate Standards Committee may not have much to do. Therefore joining with Audit seems sensible in order to reduce the number of committees.

**Simon Hill (Assistant Director (Governance & Performance Management):** I think that the idea that Audit and Governance Committee coming under the auspices of Overview and Scrutiny is not favoured by the members of that committee. In any event the Council will need to look further at its Committee structure in a critical fashion in order that all members are engaged.

**Councillor Gavin Chambers:** However the audit and governance and standards board should remain very separate. They have very different terms of references and are of course very different meetings. I think the Independent person/s should also be asked their views. We will not be sending a very good message to the public by merging these committees.

**Nigel Richardson (Assistant Director (Development Management):** I do not have any strong views on 3 other than this seems to be a good idea.

**Councillor Caroline Pond:** No to 1 panel for A and G, and Standards. They are looking at different things. Both need special training but not the same training and do not attract the same interests of councillors and independent members.

**Councillor David Stallan:** I would like to see Audit & Governance and Standards Committee to remain in existence in their current form as I believe these committees should be and be seen to be independent of either the executive and O&S. In fact, I did not believe they should have been part of the review.

I hope this is useful

**Brian Bassington (Chief Internal Auditor):** I have no comments on the proposed structure for O&S.

**Councillor Chris Pond:** The Standards Committee, which is specialised, should not be merged with any other committee.

**Councillor David Wixley:** No comments

**Councillor Brian Surtees:** I am strongly against amalgamating the Audit and Governance Committee with the Standards Committee. Although there is a superficial congruence between the two committees their function is widely different. To combine the two would be

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to risk a melding of the narrower remit of Audit and Governance with the much wider one of the Standards Committee. This could lead to role confusion or possibly (and worse) a clouding of the clear parameters needed for both audit/governance and standards functions to be effective.

**Councillor Anne Grigg:** Generally, I support the Scrutiny Task and Finish Panel recommendations at their meeting of 25th November for the reasons given in the minutes, apart from their view on Audit and Standards.

Having looked at a number of examples of a combined Audit and Standards Committee/Panel, details of which were submitted to the workshop on 22nd November and the discussion that took place at that meeting, I support a combined Audit and Standards Panel.

**Councillor Gary Waller:** I support the merger of Audit & Governance and Standards to form an Audit & Standards Committee. Governance issues can more appropriately be considered by the new Governance Select Committee. The Standards Committee will have fewer cases to consider in the future, and many local authorities have merged Audit and Standards. I do not believe that the audit function would suffer as a result. It will also be much easier to find sufficient members willing to serve than if two separate committees remain in existence.

**Derek Macnab (Deputy Chief Executive and Director of Neighbourhoods):** No comments.

### **Miscellaneous Responses**

**Councillor Alan Lion:** Hi the meeting notes are not there and it's not clear on what structure is proposed so useful to include in the email so there is no doubt.

I agree audit and governance and standards could be combined

**Colleen O'Boyle (Director of Governance):**

In the environment one – what is the development plan – is it the Local plan or something else,

The governance one – too many 'ands' – can we put commas instead

And the Resources one – is there a wider term to pick up the finance aspects which aren't fees and charges



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**The following comments have been submitted by Councillor Ken Angold-Stephens (Chairman of the Task and Finish Panel):**

### **T & F Panel on O & S Structure**

I am minded that our brief is to reflect the preferred option of all Councillors but as I missed the last T & F committee meeting and workshop I thought I should summarise my understanding of the preferred arrangement and try to point a possible way forward for consideration and the next meeting of the T & F panel, conscious that our time is very limited.

I note the preference for a 4 panel structure but not necessarily completely aligned with the Directorate structure.

I am glad Members rejected the commissioning model for a variety of reasons.

I note the suggestion for more T & F panels and working groups which seems to be a better way of managing the larger range of responsibilities of each committee.

I note the strong objection to combining Audit and Governance with Standards although I also note they are combined elsewhere and I remain to be convinced by the conflict of interest argument; however in the interests of unanimity I suggest that Standards is set as a working group as it rarely meets anyway and could be convened as and when necessary. Audit and Governance is not a scrutiny committee and should probably be left as it is from a legal point of view.

Planning scrutiny has light agendas and are sometimes cancelled so could be a working group under the 'Communities' Scrutiny panel (although if we change the responsibilities of the scrutiny panels they should have different names or confusion will result). The Local Plan should be part of this working group's scrutiny agenda but should largely fall away once the plan has been adopted.

Community Safety should move from Housing to 'Communities' or whatever the new title is.

The way in which scrutiny panels work will have to change because of the increased responsibilities. They will have to be selective about what they scrutinise and give themselves time to drill down into the detail rather than try to cover everything. This will put a great deal of responsibility onto the chairmen. There will have to be liaison with PFH's and Directors at the beginning of the year to decide what issues the committee intends to scrutinise during the year but which can be up-dated as the year progresses. The relevant PFH and appropriate officers need to attend when a subject within their responsibility comes up. This does not necessarily need to be a Director. Committees should consider making greater use of working groups and T & F panels as long as these do not have the effect of adding yet more scrutiny panels which defeats the object of the exercise!

Housing needs to consider how to manage its long agendas more effectively. Does everything need scrutiny; can anything be devolved to a working group, or T & F panel etc?

The Constitution and Members Services Panel could become a working group to complete the review of the Constitution, thereafter to only meet as and when an issue arises

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Stronger emphasis on Scrutiny needs to be made during the training of new Councillors as this is their chance to get fully involved in shaping Council policies and gives them a good insight into how the Council functions, especially as it is likely to take some years before they rise to a decision making position in the Cabinet, if at all. There are many examples of Councillors becoming disillusioned early in their career because they feel they are unable to contribute to the policies of the Council. The non-partisan approach to scrutiny should be emphasised. For these reasons it is important that all members have the opportunity to become members of a scrutiny committee, ideally one covering a subject area in which they have a particular interest. Currently this would mean 4 scrutiny committees of 11 members and the main O & S committee having 14 members. No Cabinet members should be a member of the main O & S committee but could be members of a scrutiny committee in order to avoid conflict of interest or accusations of partisanship.

Information items not requiring discussion should be circulated to members for noting but not for discussion unless there is good reason. All Members can bring forward items for scrutiny as now through the PICK system. Holding PFH's and officers to account is important.

Scrutiny of ECC responsibilities when EFDC has an interest e.g. health and education needs to be clarified.

A list of the areas of responsibility for each committee needs to be drawn up and names given to each committee which should only be the same as the Directorate's name if the scrutiny area is identical. It should be emphasised that it should not be necessary to scrutinise everything which is working well but to take a more strategic approach to their areas of responsibility.

### Way forward

- To propose and decide the responsibilities of each of the 4 committees. A proposed list should be available for the next meeting of the T & F panel.
- To give each committee an appropriate name
- To put this proposal to Members and seek approval
- Once approved set up new training for all Members

I have no doubt this will not receive universal approval and I am sure some detail will have to be clarified but we need to at least get the basic structure in place.