

## **EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES**

|                           |  |              |                            |
|---------------------------|--|--------------|----------------------------|
| <b>Committee:</b>         | Overview and Scrutiny Committee  | <b>Date:</b> | Thursday, 1 September 2005 |
| <b>Place:</b>             | Civic Offices, High Street, Epping   | <b>Time:</b> | 7.30 - 10.50 pm            |
| <b>Members Present:</b>   | Councillors Mrs D Collins (Chairman) Mrs J H Whitehouse (Vice-Chairman) Mrs D Borton, M Colling, K Faulkner, Mrs A Grigg, F Maclaine, D Stallan and Ms S Stavrou   |              |                            |
| <b>Other Councillors:</b> | Councillors K Angold-Stephens, D Jacobs, J Knapman, A Lee, P McMillan, R Morgan, S Murray, C Whitbread and J M Whitehouse  |              |                            |
| <b>Apologies:</b>         | Councillors P Gode and M Woollard  |              |                            |
| <b>Officers Present:</b>  | J Scott (Joint Chief Executive), J Gilbert (Head of Environmental Services), A Scott (Head of Information, Communications and Technology), V Evans (Customer Services Manager, ICT), T Tidey (Head of Human Resources and Performance Management), I Willett (Head of Research and Democratic Services), W MacLeod (Elections Officer) and S G Hill (Senior Democratic Services Officer) |              |                            |

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### **33. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 7 July 2005 be taken as read and signed by the Chairman as a correct record.

### **34. SUBSTITUTE MEMBERS**

It was noted that Councillor Ms S Stravou was substituting for Councillor Mrs M Sartin at the meeting.

### **35. DECLARATIONS OF INTEREST**

No declarations of interest were made pursuant to the Council Code of Member Conduct.

### **36. PURCHASE OF RECYCLING BOXES - CALL IN**

The Committee was asked to consider the call-in of a portfolio holder decision (numbered EN/001/2005-06) made by the Portfolio Holder for Environmental Protection on 24 June 2005. It was noted that five members had requested that the decision should be called in during the call –in period and the Chairman of the Overview and Scrutiny Committee had determined that the consideration of the call-in should stand referred to this meeting of the Committee.

The decision called in related to the seeking of tenders for the purchase of recycling boxes via the Yorkshire Purchasing Consortium. The committee had before them the original portfolio holder decision and the written notification of call-in.

In accordance with the Overview and Scrutiny Procedure rules the representative of the Councillors calling in the decision (Councillor Mrs J H Whitehouse) outlined their concerns which were summarised on the call – in notification those being:

- (i) The wish for a discussion as to whether lidded bins were appropriate; and
- (ii) To enable greater discussion about recyclable collection.

It was noted by the Committee and those calling in the decision that a further report of the Portfolio Holder had been made to the Cabinet on 5 September 2005 which proposed new arrangements for including plastic recycling as part of the new collection arrangements.

Mrs Whitehouse welcomed the further report to the Cabinet and reiterated her wish for a discussion on the recycling arrangements. The Councillor further queried the cost and practical considerations of using reusable containers for green waste; how the glass recycling pilot would be evaluated; whether the new arrangements would include foil; and arrangements for dry recyclables, whether it was intended to use more than one sack. Mrs Whitehouse further encouraged the use of members' seminars on important issues.

In response the Portfolio Holder, Councillor D Jacobs stated that the decision as to recycling had been taken by the Cabinet on 20 December 2004 at which time the Cabinet had decided to implement option 5 which had referred to recycling boxes being used. At that time recycling boxes had been one of the cheapest options available to the Council.

As the Cabinet had now decided to collect plastic, boxes were now considered to be inappropriate as the greater recycling volume created further cut down on the amount of residual waste. The recycling created could not be contained in a lidded box. The report to cabinet now sought to use clear plastic sacks.

The portfolio holder reported that in relation to splitting recycling further, they had visited Braintree District Council who used split containers collected separately from the kerbside. The contract in this instance had been let in-house. This Council's contract however left the contractor to decide on the scheme in consultation with the Council.

It was further noted that the matter of using alternatives to the green waste sacks or aluminium foil had yet to be pursued. In relation to glass collection it was noted that the pilot scheme, funded by DEFRA until December 2005, would only continue if the Council made the decision to fund it further. The cost of the glass scheme was thought to be in the region of £130,000 per annum depending on the performance of the scheme.

The committee, having debated the issue and made note of the change in position of the Executive since the call-in, supported the view that the Cabinet should now implement clear waste sacks rather than lidded boxes and requested the Chairman of the Committee to advise the Cabinet accordingly at their meeting.

**RESOLVED:**

That the Cabinet be advised that the Overview and Scrutiny Committee supports the call-in insofar as it relates to the introduction of clear waste sacks rather than lidded boxes.

**37. WORK PROGRAMME MONITORING****(a) Work Programme and Support**

The Chairman requested that Chairman and Lead Officers of the un-supported Task and Finish Panels keep their sections of the programme up to date.

**(b) Additional Items for the Programme – PCT Review**

The Chairman raised a further issue for inclusion within the programme. A review of arrangements of the Primary Care Trusts in Essex was underway. Proposed changes would have a major impact upon care provision within the district and comments from the Strategic Health Authority were being sought by early October 2005.

It was agreed that the consultation document should be circulated to all members to advise them of the proposals; that the Joint Chief Executive make a holding response to the consultation, pending further discussion at the next meeting with Aiden Thomas, Chief Executive of the Epping Forest PCT.

It was also agreed that the proposed presentation by London Underground Limited (LUL) be deferred to a later meeting given that representatives of LUL would be meeting the Joint Chief Executives in September 2005.

**RESOLVED:**

- (1) That the proposals for changes to the PCT's in Essex be copied to all members for information;
- (2) That the Joint Chief Executive make a holding response to the consultation pending discussion at the next meeting;
- (3) That the Chief Executive of the Epping Forest PCT be invited to the next meeting to discuss the proposals and the PCT reaction to them;
- (4) That the matter be added to the work programme accordingly; and
- (5) That the proposed presentation by London Underground Limited be deferred to a later meeting.

(Councillor Mrs D Collins declared a personal interest in the matter relating to the PCT on the grounds that she was chairman of the Epping Forest PCT. The Councillor remained in the meeting during the discussion of the item)

**(c) Progress Reports – Standing and Task and Finish Panels****(i) Finance and Performance Management**

Councillor J M Whitehouse reported on the work of the Finance and Performance Management Standing Panel. The Councillor tabled a written report on the activities of the Panel attached as Annex 1 to these minutes. In summary, the Panel had met on 2 August 2005 and had considered proposals for 37 'Core' Performance Indicators to be monitored during the year. At their next meeting they would begin work on considering budget parameters and would begin work on the Council Plan during the autumn.

**(ii) Housing**

The Committee considered and agreed a proposal to co-opt a representative of the Tenant and Leaseholders Federation onto the Housing Panel in a no-voting capacity.

The Chairman of the Panel, Councillor S Murray updated members on the meeting of the Panel held in July 2005. At that meeting the Housing Service Strategies on Older People and Housing Management had been reviewed as had a review of housing applicants by ethnic origin. It was noted that 4 monthly meetings were planned. The next meeting of the Panel would be held on 15 September 2005.

**RESOLVED:**

That the Tenants and Leaseholders Federation be asked to appoint a non-voting co-opted member onto the Housing Panel

**(iii) Planning and Environment**

The Committee considered and agreed a request to vary the Terms of Reference of the Planning and Environment to amend the reporting timescale on the East of England Plan to November 2005. Noted that the Panel were concerned at arrangements for receiving representations at inquiry by Parishes and that Parishes had been invited to the next Panel meeting to discuss these matters. Noted that the Panel had asked to see the Business Plan of the West Essex Waste Management Committee prior to it being submitted to DEFRA.

**RESOLVED:**

That the Terms of Reference of the Planning and Environment be amended to reflect a revised reporting timescale on the East of England Plan to November 2005

**(iv) ICT and E Government**

The Chairman of the Panel, Councillor F Maclaine reported that the Panel had met on two occasions. At their first meeting they had reviewed the E-government Strategy and IEG return. At the second meeting they had received a presentation on the scoping study for the Contact Centre, a matter which would be considered by Cabinet and Council. The Panel had asked for the Portfolio Holder to reflect their wish that the effect on staff be considered at an early stage within his report.

**(v) Constitutional Affairs**

The Chairman of the Panel reported that they had looked at the Elections process. Additionally they had also reviewed the Council Questions and Motions Procedure. The reports of these items would be considered later in the meeting.

**(vi) Leisure**

The Chairman of the Panel, Mrs Grigg reported that a meeting had been held on 30 August 2005 at which members had received an update on the Leisure Management Contract. At the next meeting in September SLM would be giving a presentation to members. In relation to Youth Provision it was proposed to liaise with the County Youth Service and undertake direct consultation with young people.

**(vii) Parking/Register of Development Issues**

Noted that this Panel had divided into two groups, one looking at Parking led by Councillor Angold-Stephens and the other looking at the register issues.

The register issue would be reported to the next meeting of the Committee as this aspect had been concluded. The parking review had sought views from Councillors and had undertaken site visits. Members were currently formulating a list of questions by email and would discuss these at their next meeting. It was hoped that this aspect would be reported back formally at the November 2005 meeting of the Committee.

#### **(viii) Member Training**

The Head of Research and Democratic Services reported that this Panel were looking at the skill set required for scrutiny and had consulted members on the main elements which should form a training programme. These included:

Principles of Scrutiny and effective methods;  
Financial scrutiny;  
Planning/ scoping investigations;  
Questioning; and  
Gathering/Evaluating Evidence

It was noted that officer were now looking to find a single provider to deliver these modules. The Panel would be asked to consider selection of the provider from competitive quotations.

The Panel were also looking at a training programme for 2006/7. It was planned to hold formal induction and welcome sessions and mandatory training courses. Dates of these courses would be notified to all candidates for the May 2006 elections. It was noted that the Panel had asked officers to compile information on previous member attendance at training courses.

It was noted that the Panel would be reviewing experience of the new Scrutiny system prior to the new Council year. It was agreed that the Panel consider whether services for members should form part of their terms of reference.

#### **(ix) Travellers**

It was noted that a meeting and a tour of sites had been undertaken. Most discussion had centred around proposals for Paynes Lane and the proposed report to the Cabinet on the issue. It had been recommended that urgent works to that site be undertaken and the need for the longer term future of the site to be considered. At the next meeting residents of Paynes Lane would be attending the panel meeting. Progress with action on Birchfield and Hamlet Hill sites had been reported. Members of the Panel were to attend a conference on traveller issues on 19 September 2005.. The Panel would also be looking at policy in relation to tolerated sites at its next meeting.

#### **(x) Forward Programme**

The committee considered whether a Task and Finish Panel should be established to review highways issues in Epping following outline consent being granted for a replacement school in St Johns Road. Officer advice on potential conflicts of interest was noted and it was agreed that this matter should be discussed with officers before being formally put forward.

(Pursuant to the code of member conduct, Councillor D Stallan declared a personal interest in this matter by virtue (i) his son was due to attend the school in September 2005; and (ii) that he was a governor of a feeder school (St Andrews Primary School), the Head Teacher of which had expressed support for the scheme. The Councillor indicated that he had not been involved in the decision of the school to support the scheme. The Councillor had therefore determined his interests were not prejudicial and indicated that he would remain in the meeting during the consideration and voting on that item.)

**38. REVIEW OF ALLOCATION OF PANEL PLACES (COUNCIL MINUTE 33 - 28 JULY 2005)**

The Committee noted the alteration to the membership of the Committee following review by the Council at its last meeting.

It was agreed that no changes be made to Panel memberships pending the review of the work programme due at the next meeting.

**RESOLVED:**

That no alteration be made to allocation of places on or membership of Standing and Task and Finish Panels

**39. CABINET REVIEW**

It was agreed that the following matters would be raised by the Chairman at the Cabinet meeting.

- (a) Views of the Committee on the proposed arrangements for plastics recycling (call-in item referred);
- (b) Support for the Contact Centre Scoping Study report including members wishes for a HR strategy for staff;
- (c) Support for the Cabinet report on the E-Government Strategy; and
- (d) Support for the report on the Paynes Lane, former traveller site.

**40. ELECTIONS 2005**

The Committee received a report following discussions at the Constitutional Affairs Panel with the Election Returning Officer regarding matters that had arisen at the last election and proposals for future elections particularly regarding: issuing two poll cards when combined elections were undertaken; arrangements for reminding postal/absent voters; proposals for multiple count centres for next year; and proposed changes to ballot paper book covers to make sure that Presiding Officers received the correct ballots for issuing.

The committee noted the report and requested the Panel be asked to give further consideration to the proposals for multiple count centres.

**RESOLVED:**

- (1) That the report be noted; and

- (2) That the Constitutional Affairs Panel be requested to give further consideration to the proposals for multiple count centres.

#### **41. COUNCIL MEETINGS - QUESTIONS AND MOTIONS**

The Committee received and agreed a report of the Constitutional Affairs Panel regarding Motions and Questions at Council meetings. It was noted that a report would be made to the next Council meeting seeking the requisite changes to the constitution.

##### **RESOLVED:**

- (1) That a report be submitted to the Council recommending that the deadline for submission of written notice of motions and questions by Members of the Council be set at 7 working days prior to the meeting;
- (2) That questions and motions continue to be excluded from the Agenda for Extraordinary Council meetings;
- (3) That a report be submitted to the Council recommending that the Council Procedure Rules be amended to require that any adopted motion:
  - (a) stands referred for consideration by the Cabinet if it relates to executive functions; and
  - (b) is subject to consideration and report back to the Council if it involves questions relating to the Policy or Budget Framework, the Constitution or any other matter requiring Council consent; and
- (4) That a report be submitted to the Council recommending that existing practices in relation to questions and answers at Council meetings be amended to provide for copies of reply to be circulated to all members of the Council at the Council meeting in order that questions and answers can be taken as read unless the questioner requires the reply to be given orally.

#### **42. PRESS AND PUBLIC - ATTENDANCE AT STANDING AND TASK AND FINISH PANELS**

This item was deferred to the next meeting of the Committee

**CHAIRMAN**

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## FINANCE AND PERFORMANCE MANAGEMENT PANEL

The panel met for the first time on 2 August 2005.

### 1. PERFORMANCE INDICATOR MONITORING

1.1. Performance Indicators provide a way for councillors and others to monitor the level of service/performance the council provides in selected areas and to measure improvement.

1.2. The council currently monitors **82 Best Value Performance Indicators** (BVPIs – set by government) and **41 Local Performance Indicators** (LPIs – set by the council). For the last few years this data has been presented to members of Overview & Scrutiny Committee 3. The volume of information presented meant it was difficult for members and officers to absorb the detail, pull out key themes or make recommendations about priorities. Members questioned the value of some of the data especially when it lacked context or was without relevant comparative information.

1.3. In line with views expressed by Overview and Scrutiny 3 and the Scrutiny Review Panel, our panel agreed that we should look at **fewer indicators in greater depth**. We considered the current list of BVPIs and LPIs and selected **37 Core Indicators** (see Appendix One). Most of these measure key services where poor performance would have a very detrimental effect on our customers, or where the failure to meet targets could affect income to the authority.

1.4. We will receive regular reports on each of these Core Indicators (annually or quarterly depending on the indicator) which as well as giving the base data will include additional relevant information such as trends and action being undertaken to reach targets.

1.5. **'Non-core' BVPI and LPI data** (see Appendix Two) will be placed in the members' room each quarter and advertised in the *Members' Bulletin*. The panel will draw on this data when it wishes to scrutinise an area in more depth. If members have queries or concerns about particular non-core indicators they can contact the relevant Head of Service and/or ask the panel to consider the issue (via the Chair or the Head of Human Resources and Performance Management). Obviously non-core BVPIs will continue to be included in the annual Best Value Performance Plan.

1.6. When we wish to scrutinise plans for improvement in more detail we will ask the relevant portfolio holder to attend the panel with appropriate officers and explain what they are doing. We have asked the Planning and Economic Development Portfolio Holder to come along to our next meeting to explain how the supplementary estimate recently agreed by full council and the Planning Delivery Grant are being used to lift current bottom quartile performance (BV109) and meet the services other targets.

1.7. Overall the core indicators cover all services and all portfolios although we recognise that within individual service areas some significant functions are not covered notably parking and the majority of leisure services. We understand that local performance indicators for **parking** are being developed and that following the transfer of **leisure management** to SLM the ad hoc Leisure Management Group will monitor the leisure management Key Performance Indicators. The Overview and Scrutiny Committee itself is due to scrutinise **highways issues**.

### 2. FUTURE WORK PROGRAMME

2.1. At our next meeting (26 September 2005) we will begin our work on Finance issues by considering the **budget parameters**. We will also scope our review of the **Council Plan**.

2.2. We await a report from the Audit Commission on 'User Focus' (how the council engages with the community) before beginning our investigation into **Public Consultation**. I hope we can begin work on this in 8 November.

2.3. Further meetings are scheduled for 16 January 2006, 7 February and 25 April.

## CORE INDICATORS

*Community Wellbeing (3)*

|                  |   |  |
|------------------|---|--|
| <b>BV2b (A)</b>  | The quality of our Race Equality Scheme and the improvements resulting from its application                                       |  |
| <b>BV156 (A)</b> | The percentage of our buildings open to the public in which all public areas are suitable for, and accessible to, disabled people |  |
| <b>LIC1 (Q)</b>  | The percentage of license applications processed within the statutory period  |  |

*Environmental Protection (8)*

|                      |  |  |
|----------------------|--|--|
| <b>BV82a(i) (Q)</b>  | The percentage of household waste arisings which have been sent for recycling  |  |
| <b>BV82a(ii) (Q)</b> | The total tonnage of household waste arisings which have been for recycling  |  |
| <b>BV82b(i) (Q)</b>  | The percentage of household waste sent for composting or treatment by anaerobic digestion  |  |
| <b>BV82b(ii) (Q)</b> | The total tonnage of household waste sent for composting or treatment by anaerobic digestion   |  |
| <b>BV199a (Q)</b>    | The proportion of relevant land and highways that is assessed as having combined deposits of litter and detritus that fall below an acceptable level |  |
| <b>BV199b (Q)</b>    | The proportion of relevant land and highways of which unacceptable levels of graffiti are visible  |  |
| <b>BV199c (Q)</b>    | The proportion of relevant land and highways of which unacceptable levels of fly-posting are visible   |  |
| <b>BV199d (A)</b>    | The year-on-year reduction in total number of incidents and increase in total number of enforcement actions taken to deal with fly-tipping           |  |

*Finance and Performance Management (6)*

|                  |   |  |
|------------------|---|--|
| <b>BV8 (Q)</b>   | The percentage of invoices for commercial goods and services that were paid within 30 days of receipt or within the agreed payment terms  |  |
| <b>BV9 (Q)</b>   | The percentage of council tax collected in the year   |  |
| <b>BV10 (Q)</b>  | The percentage of non-domestic rates collected  |  |
| <b>BV78a (Q)</b> | The average time for processing new claims  |  |
| <b>BV78b (Q)</b> | The average time for processing notification of changes of circumstance   |  |
| <b>BV79c (Q)</b> | The percentage of cases for which the calculation of the amount of benefit due was correct on the basis of the information available for the decision for a sample of cases checked post-decision |  |

*Housing (5)*

|                   |  |  |
|-------------------|--|--|
| <b>BV64 (Q)</b>   | Number of non-local authority owned vacant dwellings returned to occupation or demolished during the financial year as a direct result of action by the local authority  |  |
| <b>BV66a (Q)</b>  | Rent collected as a proportion of rents owed on Housing Revenue Account dwellings  |  |
| <b>BV63 (A)</b>   | The average SAP rating of local authority owned dwellings  |  |
| <b>BV154 (A)</b>  | Does the authority follow the Commission for Racial Equality's code of practice in rented housing and the good practice standards for social landlords on tackling harassment including in <i>Tackling Racial Harassment</i> code of practice for social landlords |  |
| <b>BV184a (A)</b> | The proportion of local authority dwellings which were non-decent at the start of the financial year   |  |

*ICT and Corporate Support Services (8)*

|                  |  |  |
|------------------|--|--|
| <b>BV12 (Q)</b>  | The number of working days/shifts lost due to sickness absence   |  |
| <b>BV157 (Q)</b> | The number of types of interactions that are enabled for electronic delivery as a percentage of the types of interactions that are legally permissible for electronic delivery |  |
| <b>BV11a (A)</b> | The percentage of the top-paid five per cent of staff who are women  |  |
| <b>BV11b (A)</b> | The percentage of the top-paid five per cent of staff who are from an ethnic minority  |  |
| <b>BV11c (A)</b> | The percentage of the top-paid five per cent of staff who have a disability  |  |
| <b>BV14 (A)</b>  | The percentage of employees retiring early (excluding ill-health requirements) as a percentage of the total work force   |  |
| <b>BV16a (A)</b> | The percentage of employees with a disability  |  |
| <b>BV17a (A)</b> | The percentage of employees from ethnic minority communities   |  |

*Leisure (2)*

|                   |  |  |
|-------------------|--|--|
| <b>BV170a (A)</b> | The number of visits to/usages of local authority funded or part-funded museums and galleries in the area per 1,000 population |  |
| <b>BV170c (A)</b> | The number of pupils visiting museums and galleries in organised schools groups  |  |

*Planning and Economic Development (5)*

|                   |  |  |
|-------------------|--|--|
| <b>BV106 (A)</b>  | The percentage of new homes built on previously developed land   |  |
| <b>BV109a (Q)</b> | The percentage of major applications determined within 13 weeks  |  |
| <b>BV109b (Q)</b> | The percentage of minor applications determined within 13 weeks  |  |
| <b>BV109c (Q)</b> | The percentage of other applications determined within 8 weeks   |  |
| <b>BV204 (Q)</b>  | The number of planning appeal decisions allowed against the authority's decision to refuse planning applications as a percentage of the total number of planning appeals against refusals of planning applications |  |