

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee: Overview and Scrutiny Committee **Date:** Thursday, 6 October 2005

Place: Civic Offices, High Street, Epping **Time:** 7.30 - 10.30 pm

Members Present: Councillors Mrs D Collins (Chairman) Mrs D Borton, M Colling, K Faulkner, P Gode, Mrs A Grigg, F Maclaine, Mrs M Sartin, D Stallan and M Woollard

Other Councillors: Councillors Mrs P Brooks, K Angold-Stephens, J M Whitehouse, D Jacobs, A Lee, P McMillan, S Murray, Mrs P K Rush and Mrs C Pond

Apologies: Councillors Mrs J H Whitehouse

Officers Present: J Scott (Joint Chief Executive), J Gilbert (Head of Environmental Services), A Scott (Head of Information, Communications and Technology), J Akerman (Chief Internal Auditor), I Willett (Head of Research and Democratic Services), W MacLeod (Elections Officer), R Barwell (Public Relations and Internet Officer), S G Hill (Senior Democratic Services Officer) and Z Folley (Democratic Services Assistant)

By Invitation: Aidan Thomas, Epping Forest Primary Care Trust

43. APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING

In view of Mrs J Whitehouse's apologies for the meeting, the Committee were asked to appoint a Vice Chairman for the meeting.

RESOLVED:

That Councillor F Maclaine be appointed Vice – Chairman for the meeting.

44. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 1 September 2005 be taken as read and signed by the Chairman as a correct record subject to the inclusion of Councillor Mrs M Sartin in the apologies for absence for the meeting.

45. SUBSTITUTE MEMBERS

It was noted that Councillor Mrs P Brooks was substituting for Councillor Mrs J Whitehouse at the meeting.

46. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in agenda item 5 (Commissioning a Patient - led NHS - Consultation exercise) by virtue of being the Chairman of the Epping Forest Primary Care Trust. She declared that her interest was prejudicial and that she would vacate

her position as Chairman for the meeting during the consideration and voting on the item.

47. COMMISSIONING A PATIENT - LED NHS - CONSULTATION EXERCISE

(Councillor F Maclaine acted as Chairman for this item)

The Chairman reported that the 'Commissioning a Patient Led NHS' exercise had placed a requirement on Strategic Health Authorities (SHAs) to lead a process to review the pattern of Primary Care Trusts (PCTs). He introduced and welcomed Aidan Thomas the Chief Executive of the Epping Forest Primary Care Trust to the meeting who was in attendance to discuss a number of options in relation to the process and help formulate any District response.

Mr Thomas stated that the exercise was designed to implement two main aims of the government which were to reduce management costs following the introduction of new payment arrangements for acute services and create a change in the way that services were delivered to reflect patient choice. He reported that the proposals sought fewer PCTs and SHAs, changes in responsibility for certain services provided by the NHS, practice based commissioning and attempted to secure improvements in health care, reduce inequality in services, and identify and meet local needs. He reported that SHAs had been tasked with the process and would be submitting views to the Department of Health by the deadline of 15 October 2005. This would be followed by a formal consultation to start in December 2005.

He asked the Committee to consider the following three main options for PCT configuration:

Option 1: one PCT covering the whole of the Essex County Council, Southend on Sea and Thurrock Unitary Authority areas; or

Option2: two PCTs, one covering North Essex and one covering South Essex; or

Option3: five PCTs each covering the catchment area of one of the Essex District General Hospitals:

- North East: Colchester and Tendring
- Mid: Braintree, Chelmsford & Maldon
- West: Epping Forest, Harlow and Uttlesford
- South West:: Basildon, Brentwood and Thurrock
- South East: Castle Point Rochford and Southend.

He reported the likely outcome of options for SHAs and various other permutations under consideration for PCT reconfiguration including the 'M11 options' and the Hertfordshire Borders which had regard to housing proposals for the area.

Mr Thomas answered a series of questions. He stated that under the options, trusts would not be as local to patients. This could impact on patients ability to influence the decision making process. He advised that existing user and patient involvement forums would still be required but would cover larger areas. He reminded the Committee that improvements to St Margarets Hospital in Epping were funded by the Private Finance Initiative and therefore would not be affected by the reorganisation. He stated that the proposals indicated that certain services might be provided by a range of different providers to include the private sector. He advised that services should not be affected in the short term and that he had yet to identify the implications for services in Ongar.

The Committee noted that Epping Forest PCT had responded to the consultation to express their concerns. The response stated that the Trust were of the view that option 3 (5 PCTs) was the best identified option in terms of financial allocations as it linked the District with areas to the West.

The Joint Chief Executive (Community) reported that the East of England Regional Assembly had formulated a response. They had stated that PCTs should be based on County areas. He reported that most District Councils and the Local Strategic Partnership supported option 3 (five PCTs). He drew attention to a letter of Councillor Heavens in which he had responded on behalf of the partnership giving the reasons for their preference. The letter indicated that the other options were too remote from the public and local agencies. Overall, the letter expressed reservations about any of the proposed changes and drew attention to past experience with large organisations.

The Committee considered these views. It was noted that there could be significant housing development in Harlow and suggested that it would make sense if this was linked in to the catchment area covered by West Essex in option 3. It was suggested that these boundary issues be addressed.

The Committee took into account the information reported at the meeting and supported the arguments put forward for Option 3 (5 PCTs) and recommended accordingly. The Committee however tempered this by stating that none of the identified options were desirable and that ideally there should be no changes to the existing arrangements. The Committee were of the view that proposals would have a negative impact on local services and be remote from patients and existing services.

RESOLVED:

- (1) That Mr Aidan Thomas be thanked for his presentation on the Commissioning a Patient Led NHS Consultation exercise and;
- (2) That the Essex Strategic Health Authority be informed of the recommendations of the Committee set out below:
 - That there be no changes to the existing structure of Primary Care Trusts.
 - That of the three identified options, option 3 is the least worst option as it will entail that PCTs will still be relatively close to local services and residents and reflect the catchment area of the District general hospitals which will support work already undertaken.

48. PRESS AND PUBLIC - ATTENDANCE AT STANDING AND TASK AND FINISH PANELS

The Senior Democratic Services Officers reported that at the 7 July 2005 meeting of the Panel, preliminary consideration had been given to the policy to be adopted in relation to press and public attendance at Scrutiny Panels. Legal requirements stated that Panel's need not be subject to access to information procedure rules as they were not decision making bodies. This did not preclude open meetings but provided a legal basis for excluding public access if that was the view of Members.

The Committee considered four options:

- (a) Option 1 - no attendance by press and public

- (b) Option 2 - all meetings open except where confidentiality must be preserved
- (c) Option 3 - presumption that press and public will not attend unless Chairman determines otherwise.
- (d) Option 4 - regular press briefings on OS/Panel work, subject to resources

The view was expressed that Panels' would need to engage in policy formation in private. Discussions might be speculative in character and possibly misleading. In support, Members were reminded of the objective under the new arrangements to encourage public involvement in scrutiny. If Members wished to pursue this, open meetings could assist. Most supported this view.

To accommodate these comments, the Committee agreed that option (c) be pursued however varied to indicate that there should be a presumption that the press and public would attend meetings unless the Chairman in accordance with procedural rules, and officer advise determined otherwise.

RESOLVED:

That there be a presumption that press and public be allowed to attend Overview and Scrutiny Panel meetings unless Chairman determines otherwise and published accordingly.

49. WORK PROGRAMME REVIEW

(a) 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 Standing Panel. The Panel had considered the draft Budget and issues paper. The Panel were of the view that the proposed target for next years Council tax increase could be achieved. However, there were a number of uncertainties that would need to be resolved before a firm view could be taken on the matter. The Panel would be examining fees and charges and monitoring the effects of the removal of the Highways Agency The Panel had considered the emerging new Council Plan and would further consideration to a framework at a future meeting. The Panel had focused on Planning Performance and asked appropriate officers and the Portfolio Holder to respond on this. Members were invited to submit questions for this exercise.

(ii) Housing

The Chairman of the Panel, Councillor S Murray updated members on the meeting of the Panel held in September 2005. Two housing briefings had been held and had been well attended. The final session would take place on 17 October at 6.00 p. m in Committee Room 1. He invited Members to attend. The Councillor summarised the items considered by the Panel in which he focused on the Choice Based Lettings and Housing allocations scheme.

(iii) Environmental and Planning Services

The Committee considered and agreed to add to the terms of reference of the Panel the formulation of a response to the DEFRA Cleaner Neighbourhoods consultation document. Noted that this addition would cover those points raised in Councillor Mrs Whitehouse's request on the reserve list on the provision of uniformed neighbourhood wardens as part of wider considerations.

The Chairman of the Panel, Councillor D Stallan reported that the Panel had met on 13 September 2005. At that meeting it was reported that the Panel would receive a copy of the Outline Business Plan for the Joint Waste Procurement Process before the end of the year. It was noted that representatives of local interests groups who might be affected by the East of England Plan who had not yet been invited to participate in the examination in the public attended the meeting to express their views about this. It was reported that the Panel requested sight of future submissions of the Council to the examination. The Panel considered the Local Plan and scheme and would give further consideration to the plan at its next meeting on 20 October 2005. The review of the re-use of agricultural buildings in the Green Belt was underway but was awaiting the completion of a traffic count.

RESOLVED:

That the Terms of Reference for the Environmental and Planning Services Scrutiny Standing Panel be amended to include consideration of the DEFRA Cleaner Neighbourhoods Consultation document.

(iv) ICT and E Government

The Chairman of the Panel, Councillor F Maclaine reported that proposals on the ICT strategy would be submitted to the next meeting of the Panel in November 2005.

(v) Constitutional Affairs

The Chairman of the Panel reported that the Panel had agreed to undertake a series of visits to observe Council meetings at other Local Authorities in support of the Panel's review on enhancing Council debate. The Head of Research and Democratic Services asked the Committee to consider whether the formulation of a response to the Periodic Elections Review which had been proposed for the reserve list should be added to the Panels work load or whether he should draft the reply himself and submit it to the next meeting of the panel for consideration. Members agreed this latter option. The Head of Research and Democratic Services undertook to take the necessary action. It was agreed that a full copy of the review document be also submitted to that meeting.

(vi) Leisure

The Chairman, Councillor Mrs Grigg reported a change to the programme. She stated that the presentation which was programmed for the September 2005 meeting from the new managers of the Council's Leisure facilities had been deferred to 20 October 2005. The review on monitoring arrangements was on target. The last meeting on 28 September 2005 had concentrated on youth provision and the Panel had visited Youth Projects in Waltham Abbey. The next meeting would consider a response to the government Green Paper on youth provision. The County Youth Service had written to the Panel about the future of the vacant Youth Officer post.

(vii) Parking/Register of Development Proposals

Councillor Maclaine, the Chairman of the Panel reported that a report on the establishment of a register for local interests was being formulated for consideration at the next meeting on 18 October 2005. Councillor Angold – Stephens who was leading the Panel's review of residential parking circulated a report on the review. It was noted that the Panel would be considering the Council motion made in 2002 about the introduction of residential parking permits. Noted that the Area Highways Manager would be attending the Panel's next meeting and that Councillor Mrs Grigg was seeking questions for the forthcoming presentation to this Committee on the Highways Local Service Agreement.

(viii) Member Training

The Chairman Councillor Mrs Sartin reported that the Panel had not meet since the last meeting of this Committee. A Training Portfolio on Scrutiny to involve external trainers was being prepared and would be considered at the Panel's next meeting on 1 November 2005. The Head of Research and Democratic Services reported that a survey had been undertaken on Member attendance at mandatory training courses. Group Leader had been spoken to about attendance at some courses.

(ix) Traveller issues

The Chairman reported that the Cabinet had agreed a report on Paynes Lane , Nazeing including the Panel's recommendations about the clean up of the site and securing compulsory purchase orders. The Panel had spoken to residents and considered access arrangements to the site. The encampments at Birchfield, Stapleford Tawney were still present and a planning application to Area Plans Sub – Committee 'C' which had been refused. Travellers had left the site at Hamlett Hill, Roydon and submitted another application to Area Plans Sub – Committee 'D'. The Panel had attended a conference about government policies on travellers issues. Information on the number of pitches the District might be expected to accommodate was being collated. A full report would be made to the next meeting of the Panel on 22 November 2005. In relation to reporting timescales the Chairman advised that the first three items of the Panel's terms of reference could be completed on target. Following this there could be a delay as residual reviews were awaiting information from the Commission for Racial Equality.

(x) Completion dates for reviews

The Chairman of the Committee asked Panel Chairman to report to the next meeting expected completion dates for current work plan items.

(b) Review of Work Programme

The Committee reviewed its work programme for May – October 2005.

The Senior Democratic Services Officer reminded Members that earlier on in the year, Members had decided to pursue all requests put forward for this programme. Concerns had been raised about the implications of this on officer resources which had proved to be well founded . There were worries about the ability of some of the staff to keep up with current work. In particular, there were concerns about secretarial support as Democratic Services staff had only been able to cover this Committee and Standing Panels. As a result, administrative support for Task and Finish Panels had fallen to Lead Officers. He stated that two additional requests had been forwarded for inclusion in the programme. If these were to be pursued, Members would need to have regard to the workload of the Panels they wished to add these to in order to ensure they had the capacity required to take on additional work.

The Senior Democratic Services Officer reminded the Committee that it was the responsibility of this Committee to ensure that requests for the work plan matched the resources available to support it. Given the concerns about staffing support raised, the Committee might wish to increase resources for scrutiny to achieve this or lock in the current programme.

The Senior Democratic Services Officer also reminded Members that a post of Scrutiny Support Officer had been added to the establishment following the OS review. The post had gone out to advert with a closing date of 7 October 2005. He advised that none of the applications received to date met the personal specification.

In response, it was proposed that in the event that the scrutiny role could not be appointed to and in light of concerns expressed at the meeting, additional staffing support should still be sought for the programme. It was suggested that this could be achieved by requesting that the expenditure identified for the Scrutiny Support role be used to fund the post of Democratic Services Officer which was currently being held vacant pending a review of Central Support Costs following the removal of the Highways Agency. This would ensure that the vacancy could be recruited to with immediate effect and additional secretarial support provided. The Committee agreed this and the Chairman undertook to recommend accordingly to the Cabinet.

RESOLVED:

That the Chairman of the Committee put the following proposals to the next meeting of the Cabinet on 10 October 2005:

- (a) That the current position regarding the recruitment of a Scrutiny Support Officer and the concerns raised about the ability of officers to keep up with current scrutiny commitments; be noted; and
- (b) That in the event that a suitable candidate cannot be identified for the post and to address concerns raised above, funding for the role be redirected to the post of Democratic Services Officer which is being held vacant pending a review of Central Support costs.

(c) Constitutional Affairs Standing Panel – Work Programme

The Committee was asked to consider a report of the Constitutional Affairs Standing Panel which sought changes to its current work plan.

RESOLVED:

- (1) That the following changes to the Work Programme for the Constitutional Affairs Standing Panel be agreed:

- (a) Council Meetings - Review of Future Role

That the deadline for submission of this report be put back to April 2006.

- (b) Relationships with External Organisations and Partnerships

That the deadline for submission of this report to Council be deferred to December 2005.

(c) Protocol and the Use of Services by Members/Contract Standing Orders Review

That the deadline for submission of a new protocol be deferred to the December 2005 meeting of the Council.

(2) That the Committee notes the Protocol on Member Services and the Review of Contract Standing Orders will be submitted to the next meeting of the Standing Panel on 3 November 2005 for consideration.

(3) That the formulation of a response to a new Electoral Commission consultation paper on periodic electoral reviews be added to the current work plan; and

(4) That the Committee notes that there have been no further developments in relation to the review of parliamentary constituencies, on the question of future electoral pilots and new arrangements for postal voting at the present time but that these should remain in the Work Programme for consideration later in the year.

50. COUNTY WASTE PROCUREMENT

It was reported that, at the meeting of the Environmental and Planning Services Standing Panel on 13 September, the Panel requested that this report be submitted to this meeting for comments prior to its consideration by the Cabinet on 10 October 2005.

The Head of Environmental Services advised that before the West Essex Waste Partnership and the West Essex Joint Management Committee could continue with the procurement process they needed to be assured that constituent councils remained committed to the fundamental principles of Joint working. The changes that had been recently made to the process gave Members the opportunity to review and reconsider the position. He reported that it was the view of the Portfolio Holder and officers that partnership working should remain central to the process.

The Portfolio Holder stated that this was a strategic decision at this stage. Members would be able to comment on detailed operation issues at appropriate stages in the process.

RESOLVED:

(1) That the position regarding the procurement process, and in particular the requirements of ODPM in respect of PFI funding for a fully integrated waste management solution be noted;

(2) That the Council continue to work in partnership with the County and District/Boroughs through the auspices of the Waste Management Advisory Board and the West Essex Joint Waste Committee; and

(3) That the Council remains open to all procurement options including joint collection arrangements within the West Essex Grouping of collection authorities and aligning collection arrangements with the County Council disposal contract.

51. CABINET REVIEW

It was agreed that the item 16 of the agenda on E-Procurement be raised by the Chairman at the next Cabinet meeting on 10 October 2005.

52. EXTERNAL ORGANISATION AND PARTNERSHIP - DRAFT PROTOCOL

The Committee considered a new protocol designed to regulate the Council's links with partnerships and external organisations with which the Authority was involved. The Head of Research and Democratic Services reported that the protocol derived from an Internal Audit Survey Study and subsequent decisions of the Epping Forest Business Awards and the Business Excellence Award held in 2002. The document set out the Council's policy on involvement in external partnership and organisations and policy, written agreement, reporting arrangements insurance and indemnities. The Chief Internal Auditor provided advise to the Committee on this latter aspect.

RESOLVED:

- (1) That the draft Protocol on the Council's relations with Partnerships and External Organisations covering member and officer liabilities, indemnities reporting back to the Council, annual reports and training be approved; and
- (2) That a report be submitted to the Council at its next meeting recommending adoption of the Protocol and publication in the Council's Constitution

53. REVIEW OF MAY 2006 ELECTIONS

The Head of Research and Democratic Services reported that at its last meeting on 1 September 2005, the Committee referred back to the Overview and Scrutiny Constitutional Affairs Standing Panel the question of counts following polling in the 2006 District Council Election.

At the last meeting of the Panel, the Returning Officer reported his concerns about convening the count on the night of polling in a centralised venue. He advised that based on rough calculations, the arrangement would mean that it was likely that the count could not be completed until the next morning. This would place an undue strain on count staff and had health and safety implications. The Returning Officer advised the Panel that his decision to hold the counts in three different centres would address these issues and speed up the process. It was acknowledged that a decision was needed now so that the planning of the election could commence.

The Committee supported these views and suggested that technology be made available in the centres to communicate the election results.

RESOLVED:

That decision by the Returning Officer to proceed in planning for the May 2006 District Council Elections on the basis of three separate counts all to be held on the evening of the Polling Day be noted

54. CONSULTATION ON THE STRUCTURE OF ESSEX POLICE

The Committee were asked to consider a consultation document issued by the Essex Police Authority and Essex Police in relation to a best value review currently being carried out in relation to Policing and force structure.

The Chairman agreed to this late report, in view of the timescale involved in the consultation exercise.

It was noted that the Police were seeking views of partnership organisations to identify considerations on which structure for the service represented the best for Essex. The Council had been invited to submit comments to the review which were due by 25 October 2005.

The Committee were asked to consider whether the Council should respond to the consultation and if supported determine whether a special meeting of this Committee be held to consider the matter or the appointment of members to be authorised to respond on behalf of the Council.

In considering this, attention was drawn to those Members who had been appointed to serve on the Police and Community Consultative Group. The Committee agreed that as these Members were experienced in the issues, they should be authorised to respond.

The Joint Chief Executive (Community) reported that the representatives would be attending a public debate on the proposals at the next meeting of the Police and Community Consultative Group to be held on 12 October 2005. It was agreed that those representatives who were also members of Area Plans Sub – Committee 'B' also to be held that night would be written to so that they were informed about the arrangements and given the opportunity to appoint a substitute for the public debate if that was their wish.

It was noted that this matter would be considered by a further meeting at which the reply to be sent by the Council could be agreed.

RESOLVED:

(1) That the following Members be authorised to respond to the consultation on behalf of the Council:

Councillors M Cohen, Mrs J Davis, P Gode, R Haines, J Hart, L Martin, Mrs S Perry, Mrs J Whitehouse

(2) That a letter be sent to Councillors Mrs S Perry and Mrs J Whitehouse to ask them whether they wish to appoint a substitute for the public debate

CHAIRMAN