

## EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

<b>Committee:</b>	Overview and Scrutiny Committee	<b>Date:</b>	Thursday, 8 December 2005
<b>Place:</b>	Civic Offices, High Street, Epping	<b>Time:</b>	7.30 - 9.07 pm
<b>Members Present:</b>	Councillors Mrs D Collins (Chairman) Mrs J H Whitehouse (Vice-Chairman) M Colling, K Faulkner, Mrs A Grigg, F Maclaine, Mrs M Sartin and D Stallan		
<b>Other Councillors:</b>	Councillors K Angold-Stephens, M Heavens, D Jacobs, R Morgan, S Murray and K Wright		
<b>Apologies:</b>	Councillors Mrs D Borton and M Woollard		
<b>Officers Present:</b>	J Scott (Joint Chief Executive), I Willett (Head of Research and Democratic Services), J Gilbert (Head of Environmental Services), D Macnab (Head of Leisure Services), A Scott (Head of Information, Communications and Technology), R Wilson (Assistant Head of Housing Services (Operations)), J Akerman (Chief Internal Auditor), R Barwell (Public Relations and Internet Officer), S G Hill (Senior Democratic Services Officer) and Z Folley (Democratic Services Assistant)		
<b>By Invitation:</b>	(none)		

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### 64. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Committee held on 10 November 2005 be taken as read and signed by the Chairman as a correct record.

### 65. SUBSTITUTE MEMBERS

No substitute Members were appointed for the meeting.

### 66. DECLARATIONS OF INTEREST

There were no declarations of interest reported pursuant to the Council's Code of Member Conduct.

### 67. WORK PROGRAMME MONITORING

Member received reports on the work undertaken by the Panels since the last meeting of the Committee on 10 November 2005.

#### (a) Standing Panels

##### (i) Housing

Councillor Murray stated that the Panel had last met on 7 December 2005. At that meeting, the Panel considered the progress made with the Housing Revenue Account Business Plan for 2005 and the development of a strategy for empty

properties in the private sector which was due to be submitted to the Panel in January 2006. The Panel had also considered a progress report on the Epping Forest Local Supporting People Strategy. The Chairman reported that the bid for £96,000 which had been submitted to the ODPM by a consortium led by the Council for the Choice Based Letting Scheme had been successful and details would be published in the Members Bulletin. The Panel had agreed to pursue the proposal made by the OSC on 10 November 2005 requesting that the Panel considered ways by which affordable housing in the District could be increased. A full report on the issues was due to be submitted to the Panel in March 2006. The Panel considered changes to the Witness Protection Scheme and had indicated a preferred option. This had subsequently been supported by the Portfolio Holder and was to be submitted to the Cabinet for consideration.

## **(ii) Environmental and Planning Services**

The Chairman of the Panel Councillor Stallan reported that the item in the Panels work plan on the re-use of agricultural buildings in the Green Belt would not be completed by the timescale identified in the plan. He therefore requested a new reporting deadline for the item. It was agreed that the Panel would determine this at a future meeting. At its last two meetings on the 16 November 2005 and 1 December 2005 the Panel had focused on responding to the Clean Neighbourhoods and Environment Act 2005. This response had been circulated and was the subject of a separate item elsewhere on the agenda.

## **(iii) E Government and ICT**

Councillor Maclaine the Chairman of the Panel, referred the task of reporting on the work of the Panel to the Head of ICT who was the lead officer for the Panel. He stated that the last meeting of the Panel had focused on the ICT Strategy Review which had now been submitted to the Cabinet. The Panel discussed the Member Connectivity Scheme. The Senior Democratic Services Officer reported that the bulk of Members had now signed up to the scheme and as a result it was being rolled out. He asked those Members who had not yet returned their contracts issued for the project to do so. Training would be provided in the new year.

The Head of ICT reported that the Panel would consider a report on the Customer Contact Centre at its next meeting. A new Project Board would be set up to oversee the project. The board would be chaired by the Portfolio Holder and also comprise the Chairman of the ICT Panel Councillor Maclaine and the Leader of the Council, Councillor Knapman. The board would brief the consultants on the programme plan. This would be prepared by the new year and should be subject to scrutiny review.

## **(b) Task and Finish Panels**

## **(iv) Member Services**

The Chairman of the Panel Councillor Mrs Sartin reported that the meeting arranged for the 15 December 2005 had been cancelled. It was noted that the Panel had taken steps to appoint an external trainer to provide the new training brief for Members. As a result five expressions of interest had been received.

**68. ORDER OF BUSINESS****RESOLVED:**

That agenda item 9 (Parking in Residential Areas – Report of Task and Finish Panel on Register of Development Proposals) be taken as the next item of business.

**69. PARKING IN RESIDENTIAL AREAS - REPORT OF TASK AND FINISH PANEL ON REGISTER OF DEVELOPMENT PROPOSALS**

Councillor Angold – Stephens, the Vice Chairman of the Task and Finish Panel on the Register of Development Proposals presented a report on its review on parking issues in residential areas. The report was divided into five main parts. These were the transfer of highways responsibilities to the County; the Highways Local Service Agreement (LSA); residential parking schemes in the District; vehicle crossovers and enforcement action.

Councillor Angold – Stephens reported that the review aimed to address the current issues created by the increase in car ownership in the District and considered how they should be dealt with in view of the new arrangements for highways and the importance of parking matters to residents.

The Panel had focused on the changes which had resulted from the loss of the Highways Agency to the County and assurances given by the West Essex Area Manager. The Panel noted the concern that the new LSA could result in a loss of local focus and knowledge. As a result, it had proposed that the Council retained involvement in the arrangements to secure improvements and that it be monitored by the OSC. The Panel highlighted areas which required further clarification.

In response to these recommendations, the Head of Environmental Services explained that the LSA was a strategic document, and it was unlikely that there would be provision for particular amendments at this stage. There was a section to allow negotiation on local customisation. Recommendations specific to the District could be added to this.

Councillor Angold – Stephens reported that the review had considered the current position on parking reviews. It proposed that the schemes in the District be progressed as a matter of urgency. He advised of the proposed liaison/ review arrangements between Housing Services and Highways for work on Housing land. He stated that the proposals requested that a data base be maintained for non housing land and a local forum should manage and prioritise issues. In relation to these points, the Portfolio Holder for Environmental Protection advised that recent changes in planning and government guidance had affected issues. The Portfolio Holder for Housing referred to the Buckhurst Hill Parking Review. He stated that the associated problems which had delayed works had now been overcome. He also outlined the consultation process which enabled Tenants and Leaseholders to express views to Housing Services. He outlined the process for forwarding, prioritising and undertaking reviews of local schemes.

The Committee considered the proposals for vehicle crossovers. The Committee noted that concerns had been expressed about current policy at the Housing Appeals Panel. It was clarified that the Panel had proposed that the current maximum length for crossovers should remain at 6 metres. The Panel had also proposed that surfacing for crossovers be porous to allow drainage. The Head of Leisure Services

recommended that such surfacing should be bound as it was likely that loose materials would adversely affect the work of the Grounds Maintenance Team. It was agreed that recommendation 12 be amended to reflect the change. It was also agreed that the wording at the end of recommendation 13 on the amount of on street parking lost when a new crossover was provided be removed. This was undertaken to balance the evidence as there was no reference to the off - street spaces that could be created by a new provision.

The Committee agreed that it should be proposed that the progress made with the proposals be reviewed on a regular basis by the Portfolio Holder. It was proposed that the Portfolio Holder report back to the OSC and that an item be added to the work programme accordingly.

Councillor Angold - Stephens stated that he would highlight the discussions of the Committee when presenting the report to the Cabinet.

**RESOLVED:**

That the following recommendations be put to the Cabinet:

**Loss of Highways Agency**

- (1) That, although highways issues are now a matter for ECC Highways, parking is such an important issue and is likely to get worse , the District Council retain an interest in securing the improvements for residents;
- (2) That the operation of the Highways Local Service Agreement be routinely monitored by the Overview and Scrutiny Committee;
- (3) That consideration be given to the establishment of a local forum to discuss highways issues and managing a database of priorities, particularly parking schemes, within the District;
- (4) That the Highways schedules of works in the District be published in the Members' Bulletin so that all members can keep abreast of planned works in their area;

**The terms of the LSA**

- (5) That the Portfolio Holder for Civil Engineering and Maintenance discuss the non specific nature of the LSA with the Head of Environmental Services and Highways in order to decide whether the following points should be raised in the local customisation section:
  - (a) Paragraph 4.1 *County Routes* - The need for an additional sentence to read 'In particular the Highways Authority will consult with the District Council on major roads when up-grading or re-surfacing works are to be carried out so that the issue of on-street parking may be considered with a view to improving the flow of traffic, providing safe provision for pedestrians, and protecting the environment';
  - (b) Paragraph 4.2 *Local Roads* - The need for an additional sentence after '.....respective Councils' to read 'This includes considering changes to the road lay-out to improve on-street parking provision if thought desirable by the District Council';

(c) Paragraph 4.3 the last bullet point referring to items not included in the LSA merely says 'On street parking'. The need for clarification e.g. On street parking management and enforcement regulations';

(d) The need to address Highways approach to enforcement in the LSA e.g. where residents are crossing pavements illegally to park on their front drives;

### **Residents Parking Schemes**

(6) That the Residents Parking Schemes in Epping, Loughton and Buckhurst Hill, approved by the Cabinet in 2003, be progressed as a matter of urgency and should take priority over traffic calming measures except when it may be more cost-effective as part of a traffic management scheme which includes parking considerations;

(7) That wider parking reviews and residential parking schemes be funded and carried out systematically across the District in response to concerns expressed by residents and Councillors, especially in roads close to areas where approved parking schemes are being implemented;

(8) That Housing Services liaise with Highways to progress parking schemes on Housing land as soon as possible and up-date their database accordingly;

(9) That Housing Services review with Highways the sequence of decisions leading to highways improvements on Housing land, in particular, at what stage residents should be consulted;

(10) That the annual budget for District funded traffic and parking schemes (currently £200,000pa) be maintained until the funding division between ECC and EFDC for such improvements becomes clearer;

(11) That a database and recommendations be maintained by Environmental Services on non-housing land with priorities set along the lines of those for Housing land, and that the Portfolio Holder for Civil Engineering and Maintenance decide the priorities in liaison with the Head of Environmental Services;

### **Cross-overs**

(12) That the maximum length of a cross over remain at 6 metres

(13) That the specification for cross-overs on Housing land should include a requirement for surfacing to be porous and bound, but not shingle, so that surface water will not drain onto the road or, the drains and any remaining open area to be landscaped to minimise the impact on the street scene;

(14) That Housing Services guidelines include a statement that when cross-overs are considered the overall impact on the street scene will be considered;

(15) That Highways be encouraged by negotiation through the Joint Member Panel to adopt the proposals outlined in (12) and (13) above;

### Enforcement

(16) That Highways and the District Council should be more pro-active in enforcing parking regimes and cross-overs to avoid damage to kerbs, pavements, statutory undertakings, verges and greenswards preferably through persuasion rather than legal proceedings or physical barriers, which should only be used as a last resort; and

(17) That the relevant Portfolio Holders monitor the progress made with the recommendations and report on a regular basis to the Overview and Scrutiny Committee.

## 70. REPORT OF TASK AND FINISH PANEL ON THE LOCAL AREA AGREEMENT FOR ESSEX

The Chairman of the Task and Finish Panel, Councillor Faulkner, presented a report of the Panel on the Local Area Agreement (LAA) Priorities. The Overview and Scrutiny Committee had established the Panel to review proposals by the County Council for a new LAA for Essex. The Panel met on 28 November 2005.

The LAA was a contract between Local and Central government which was intended to secure improvements across a number of key areas for a three year period. The scheme was first published in June 2004 and had the second stage of which involved Essex.

Essex had made an initial bid to participate to GO East at the end of September 2005. The government had confirmed that they were satisfied with the thirteen LAA priorities set out in this bid which centred around four blocks.

The Panel had considered the 13 priorities to select which ones, if any, were most relevant to the local situation and should be supported by the Council.

The Panel had suggested that the Council was in a position to influence three priorities. The three highlighted areas were based on the statutory responsibilities of the Authority, therefore were areas in which the Council could make a positive change.

### RESOLVED:

(1) That the Cabinet be recommended to pursue the following LAA Priorities for sign up by the Council namely:

Priority 3 – Ensure development is designed to promote healthier living in the built environment and provide decent and affordable housing;

Priority 10 – Reduce crime and the fear of crime; and

Priority 11 - Actively manage our environment;

(2) That once finalised performance targets are known members be kept informed of the proposals as they relate to these targets;

(3) That the Cabinet be recommended to consider whether to delegate decisions on details of the proposed performance targets and associated action plans to Heads of Service in consultation with Portfolio Holders and the

Management Board; and

- (4) That Overview and Scrutiny be involved in any local monitoring arrangements of the finalised LAA performance targets.

#### **71. MONITORING ARRANGEMENTS FOR THE LEISURE MANAGEMENT CONTRACT - REPORT OF TASK AND FINISH PANEL ON EXTERNALLY FUNDED LEISURE SERVICES AND YOUTH PROVISION**

The Chairman of the Task and Finish Panel presented the proposed monitoring arrangements for the Leisure Management Contract formulated by the Panel at recent meetings.

The Head of Leisure Services reported that the Contract Monitoring Arrangements had been defined within the Contract against which contactors tendered. SLM, the preferred external partner had submitted a Method Statement as to how they would achieve the identified performance targets. This had been evaluated as satisfactory. SLM also had a number of internal mechanisms to ensure self monitoring and that a Quality Service was delivered.

The Panel considered the Council's ongoing requirements in respect of TUPE and Best Value requirements in relation to staff. The Panel noted that the level of investment from SLM, was guaranteed and would be checked.

It had been agreed that the Contractor would be expected to attend monthly meetings with client officers of the Council to review the arrangements. It had also been proposed that a higher level strategic Contract Monitoring Board be established to monitor performance and consider any proposed variations to the contract and improvements. This was not a decision making body.

The Head of Leisure Services reported that it was envisaged that the Monitoring Board might operate along the same lines to the Direct Services Board and comprised 5 Members of the Council and the Portfolio Holder. This might also include 4 representatives from the Contractor. It was recognised that a good working relationship with the Contractor might be more readily achieved with a smaller number of Members.

The Committee supported the report and agreed that the proposed Membership size, for the board should be pursued. The Committee also agreed that the proposals should ensure cross party representation on the Board and that for the interim meeting in March 2006, the Council be represented by five cross party Members to include the Portfolio Holder nominated by Group Leaders.

#### **RESOLVED:**

- (1) That Cabinet be asked to confirm the proposed Contract Monitoring Arrangements for the Leisure Management Contract,
- (2) That Council be asked to appoint the Membership of the Leisure Management Contract Board each year at its Annual General Meeting;
- (3) That the Contract Monitoring Board report to the Overview and Scrutiny Committee, to consider issues and report to Cabinet as necessary;
- (4) That, in order to assist with the formation of an effective working relationship with SLM, Membership of the Monitoring Board is at a number

less than the strict pro-rata of 10 Members (5 cross party Members as per the previous Direct Services Board, to include the Leisure Portfolio Holder);

(5) That the following option for the initial Board meeting be reported to the Council for approval:

Council represented by 5 cross party Members nominated by Group Leaders to include the Leisure Portfolio Holder

## **72. REVIEW OF CONTRACT STANDING ORDERS - REPORT OF STANDING PANEL ON CONSTITUTIONAL AFFAIRS**

The Chairman of the Constitutional Affairs Standing Panel, Councillor R Morgan presented the Panels report on their review of Contract Standing Orders. The review sought to bring the current document up to date and clarify certain points. The majority of changes had arisen from changes in legislation, the top management structure of the Council and the Executive Constitution.

The Head of Research and Democratic Services reported that more significant changes had been proposed for contracts not exceeding £20,000, and the receipt and Custody of Quotations and Tenders. He stated that on 14 November 2005, in considering the revisions, the Cabinet had recommended that they should enable the invitation of electronic tenders as well as electronic receipt. He reported that this method of invitation and receipt was achievable through the 'Essex Marketplace' IT system which would come into effect on 1 April 2006. The system would be used locally in the first instance to request quotations for goods and services up to the threshold of £50,000 beyond which tenders must be bought. It would not cover larger contracts. These would need to be subject to a full e - tendering system as part of the Council's procurement strategy. The Cabinet's recommendation on this specific requirement was circulated at the meeting. The Committee considered a schedule containing the revised contract standing orders.

The review had also proposed changes to the manner in which the Council should invite tenders and circulate tender documents to ensure documents would be traceable. It proposed amendments to the procedures for Contract Documentation, Standard Contract Terms, Final Account, Acquisition and Disposal of Land and Authority for Amendments.

### **RESOLVED:**

(1) That the proposed amendments to Contract Standing Orders be endorsed;

(2) That Standing Order C16(2) should make provision for the electronic invitation of tenders in addition to the proposed electronic receipt and read as follows:

"Invitations by the Council of tenders and quotations for the provision of goods or services shall only be permitted by electronic means in accordance with the Essex Marketplace Procurement System. Any tender or quotation for goods or services submitted to the Council by electronic means shall be disqualified from consideration unless submitted in accordance with the Essex Marketplace Procurement System and shall be dealt with by the appropriate Chief Officer in accordance with the procedure prescribed by Standing Order C18(b) for late tenders. "



(3) That the revised standing orders together with recommendation (2) above be reported to the Council for inclusion in the Constitution

(4) That further consideration be given to electronic submission and receipt of tenders which fall outside the "Essex Marketplace" request for quotations system as part of forthcoming consideration of a procurement strategy and a secure e-tendering system.

### **73. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - REPORT OF ENVIRONMENTAL AND PLANNING SERVICES STANDING PANEL**

The Chairman of the Environmental and Planning Services Standing Panel reported that at its last two meetings, the Panel gave consideration to the response to Defra in respect of the Consultation on the Clean Neighbourhoods and Environment Act 2005. He advised that the Panel answered and/or commented on the particular issues raised in the document and asked the Committee to agree their suggested response to the consultation which ended on 2 January 2006. The issues covered were crime and disorder, nuisance parking offences, abandoned vehicles, litter and refuse, graffiti, waste, fixed penalty notices and other issues. The full response, including the responses of officers to some technical questions, was tabled for consideration and endorsed.

#### **RESOLVED:**

That the response to Defra in respect of the Consultation on the Clean Neighbourhoods and Environment Act 2005 be noted and endorsed.

### **74. CABINET REVIEW**

The Cabinet agenda for the 19 December 2005 had not been produced in time for consideration at the meeting. As a result this item could not be fully considered.

Members noted the items that had been considered by this meeting and would be reported to the Cabinet and the Council.

### **75. ANY OTHER BUSINESS**

#### **Consultation on changes to the recycling credit scheme and performance standards – formulation of response**

The Committee noted that the Portfolio Holder for Environmental Protection and the Head of Environmental Services had attended a forum on waste management earlier on in the day. At the meeting, information on how credits for recycling might work and options for recycling credits was circulated. The information would be subject to a consultation period to seek comments from interested parties. The deadline for views on recycling credits was 23 December 2005. The consultation for comments on targets finished on 20 January 2006.

The Committee agreed that in view of the tight time scale involved, the Portfolio Holder, the Chairman of the Environmental and Planning Services Standing Panel, Councillor Stallan and officers be authorised to submit comments to the consultations on behalf of the Council. The Committee agreed that the response should be included in the Members Bulletin for comments and the outcome reported to the next meeting of the OSC in February 2006.

**RESOLVED:**

- (1) That the Portfolio Holder, the Chairman of the Environmental and Planning Services Standing Panel, Councillor Stallan and officers be authorised to respond on behalf of the Council to the consultation exercises on recycling targets and credits and;
- (2) That the response be placed in the Members Bulletin and the outcome reported to the next meeting of this Committee in February 2006.

**CHAIRMAN**