

Overview and Scrutiny Committee Thursday, 13th December, 2007

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

Time: 7.30 pm

Democratic Services Officer: Simon Hill, Senior Democratic Services Officer
email: shill@eppingforestdc.gov.uk Tel: 01992 564249

Members:

Councillors R Morgan (Chairman), K Angold-Stephens (Vice-Chairman), D Bateman, R Church, M Colling, R D'Souza, Mrs A Haigh, Mrs H Harding, J Hart, D Kelly, G Mohindra and Mrs P Richardson

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those who request it..

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.
2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

2. APOLOGIES FOR ABSENCE

3. SUBSTITUTE MEMBERS

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

4. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

5. MINUTES (Pages 7 - 14)

Decisions required:

To confirm the minutes of the meeting of the Committee held on 8 November 2007.

6. FOUNDATION TRUST STATUS APPLICATION: THE PRINCESS ALEXANDRA HOSPITAL NHS TRUST

Recommendation:

To received a presentation from Princess Alexandra Hospital on their bid for Foundation Status.

(Deputy Chief Executive) Mr Robert Powell of Princess Alexandra Hospital (PAH) will be attending this meeting to report on their intention to bid for Foundation Trust status.

Aidan Thomas, Chairman of the West Essex PCT alongside John Carr, of the West Essex PPI and Local County Councillors will also be presenting their views on the application.

Members are invited to consider the case and submit their views accordingly.

A copy of the consultation document has been sent to all Members for information.

7. AREA PLANS SUB-COMMITTEE - THREE WEEK CYCLE (Pages 15 - 18)

(Assistant to the Chief Executive) to consider the attached report.

This item was raised with the Local Councils Liaison Committee on 28 November, who asked that they be given more time to consider this report as they could not possibly consult their members in the short time between their meeting and the Overview and Scrutiny Committee scheduled for 13 December 2007. They would like this item deferred and brought to the next Overview and Scrutiny Committee at the end of January 2008.

8. ACCESS TO COMMUNICATION AND INFORMATION ARRANGEMENTS (Pages 19 - 24)

(Assistant to the Chief Executive). To consider the attached report.

9. WORK PROGRAMME MONITORING (Pages 25 - 28)

(a) Work Plan Monitoring

To consider the attached revised work plan.

At its last meeting, the Committee considered recommendations made by the OS review seminar held on 18 September 2007.

During which they decided that their full work plan should not be submitted to every meeting as this often resulted in lengthy repetitive discussions and duplicated other parts of the agenda. Instead it should focus on monitoring the most pressing deadlines and current work to ensure better use of time.

As a result, officers have formulated the attached for consideration. The plan simply specifies which reports should be ready for reporting to this Committee and flags up areas of slippage against these deadlines.

The Committee also decided that their full work plan should be submitted to the OSC on a quarterly basis for review.

(b) Reports of Panel Chairmen

Progress reports are expected from the Chairmen of the following meetings:

Constitution and Member Services Standing Panel – 20 November/11 December 2007
(Councillor R Church)

Finance and Performance Management Standing Panel - 13 November 2007

(Councillor J M Whitehouse)

Provision of Value for Money Task and Finish Panel - 3 December 2007
(Councillor Mrs L Wagland)

Environmental and Planning Services Standing Panel – 6 December 2007
(Councillor Mrs Mrs P Smith)

Aside from this, Panel Chairmen are reminded to report on an exception basis

10. CABINET REVIEW

Recommendations:

(1) To review the Cabinet agenda and indicate matters of concern/comment for the Chairman to discuss with the Cabinet; and

(2) To raise any further matters to be discussed with the Cabinet at their next meeting on 17 December 2007.

The Executive Procedural Rules (Rule 2.2 (iii) and (v) provide an opportunity at Cabinet meetings for Members of this Committee to raise any matters for consideration by the Cabinet (Overview and Scrutiny Rule 16). This items provides an opportunity to raise such matters either in relation to proposed Cabinet items or other matters of concern.

The Chairman of the Committee will report accordingly to the Cabinet at its next meeting.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

(1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.

- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee:	Overview and Scrutiny Committee	Date:	Thursday, 8 November 2007
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 9.15 pm
Members Present:	Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman) R Church, M Colling, Mrs A Haigh, Mrs H Harding, J Hart, D Kelly, G Mohindra, K Chana and B Rolfe		
Other Councillors:	Councillors P House, J Markham, S Murray, Mrs C Pond, D Stallan, Ms S Stavrou, Mrs L Wagland, C Whitbread and Mrs J H Whitehouse		
Apologies:	Councillors D Bateman, R D'Souza and Mrs P Richardson		
Officers Present:	D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), A Mitchell (Assistant Head of Legal, Administration and Estates (Legal)), A Hendry (Democratic Services Officer), P Tredgett (Information Assistant) and Z Folley (Democratic Services Assistant)		

36. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Committee noted the Council's Protocol for Webcasting of Council and other meetings.

37. SUBSTITUTE MEMBERS

It was reported that Councillor K Chana was substituting for Councillor D Bateman and Councillor B Rolfe was substituting for Councillor R D'Souza.

38. DECLARATIONS OF INTEREST

No declarations of interest were reported pursuant to the Councils Code of Conduct.

39. MINUTES

RESOLVED:

That the minutes of the meeting held on the 4 October 2007 be taken as read and signed by the Chairman as a correct record.

40. RELEASE OF RESTRICTIVE COVENANT - LOUGHTON HALL, EPPING FOREST COLLEGE, LOUGHTON - CALL-IN

The Committee were asked to consider the call-in of a cabinet decision of 8 October 2007 (C/059/2007-08) regarding the release of a restrictive covenant to enable a provisionally arranged sale of Loughton Hall for use as a residential care home to proceed and that Council would not exercise its right of pre-emption to purchase Loughton Hall and/or the library site adjoining Epping Forest College. The Cabinet approved the College's application and agreed that the restrictive covenant affecting Loughton Hall, within the grounds of Epping Forest College, be released and new covenants be imposed.

In accordance with the Overview and Scrutiny Procedure rules, the representative of the Councillors calling-in the decision, Councillor P House, outlined their concerns, which were summarised in the call-in notification. He pointed that there was an alternative option for a Music Academy; that the hall had been in community use for some time; that it was not the most tranquil place for elderly people and that the Music Academy would bring a cultural uplift to the local community. He also added that he had been barred from contacting the governors of the college.

The Portfolio Holder for Finance, Performance Management and Corporate Support Services, Councillor C Whitbread in reply noted that it would be unlikely that the Council could defend themselves legally in regards to the covenant. He pointed out that the residential care home would be a private enterprise scheme, as would the Music Academy, both have equal merit. The residential home had been considered and passed by the then Area Plans Sub-committee 'A'. He thought that it was a sensible recommendation from the Cabinet as it tried to maintain some sort public access.

The Assistant Head of Legal Services informed the committee on the history and nature of the covenant in question. She indicated that it could be discharged by the Lands Tribunal. On advice from counsel it was noted that the covenant could be discharged on the grounds of it being obsolete or impedes some reasonable use of the land.

The meeting was then opened up for a general discussion on the call-in.

Councillor Kelly was not aware that a covenant could become obsolete. The Assistant Head of Legal Services replied that a covenant could become obsolete because of changes to the area and its needs. Over time these needs could be met from elsewhere. Councillor Kelly said that was to do with education, the education establishment had changed over time but there was an absence of musical education in the area. This academy would be a cultural asset to the area.

Councillor Whitbread replied that the college had originally received an offer from the nursing home. The offer from the musical academy came later. These offers are a process for the College to deal with. They came to us to about the covenant. It is not in our remit to deal with the offers made.

Councillor Hart asked Councillor House for more details of the investor bidding for the musical academy. Councillor House said that he was one of the residents in his ward and went on to give details of his background. Near retirement, he wishes to spend the rest of his life in a philanthropic role and teach music. He has undertaken to top the best bid and refurbish the hall back to it original condition.

Councillor Hart replied that the Hall was in dreadful state of repair, it was not known how much it would cost to put right. Was Councillor House certain that he would make good his offer of refurbishment? Councillor House replied that he had toured the building with an architect to establish the approximate cost for the refurbishment.

Councillor Mrs Haigh said that we needed to keep this facility for the use of the people – there is a need for a music academy.

The Assistant Head of Legal Services said there were some concerns about allowing the sale to take place with the covenant in place. Therefore whoever buys it can apply to the Lands Tribunal to have the current one disbanded and thus sidestep the council altogether.

Councillor Angold-Stephens commented that it was stated that the land should be used for education and/or health. This would have meant at the time the covenant was set up that it should be used for state education or the national health service, neither of which would have any interest in the hall today. It would be appropriate to have a new covenant that would prohibit use of the hall other than for leisure, health or education purposes, and to prohibit the use as a residence other than for a caretaker. The Assistant Head of Legal Services explained that the only way to change a covenant would be with the agreement of the College and if the Council withholds its consent the Lands Tribunal could award costs against the Council.

Councillor Harding was not convinced that an elite music school would be used. If a philanthropist wanted to support music there are many other ways to do this. The district needs to make provisions for its elderly population. Any use of the building would mean it would have to be changed to meet the needs of that establishment.

Councillor Murray observed that the building played an important role in the community over the years. The College has neglected the upkeep of the hall, it used to be one of the hubs of the community. We need a stronger covenant and should be in the driving seat. He was disturbed to hear that Councillor House was not allowed direct access to the College governors. Sometimes we have to stand up and bear the costs for things we take responsibility for.

Councillor Mrs Whitehouse noted that members seemed to be agreed that the covenant be updated, this proposed use does not meet the original intentions of the covenant. We need a new covenant for educational and health purposes.

Councillor Mrs Wagland confirmed that covenants could be removed but it would take a long time to do so, she had recently done one that took in the order of three and a half years to complete.

Councillor House commented that the refurbishment for a nursing home would necessarily take more invasive refurbishment than a music academy. There is a degree of trust involved if the hall was bought with the current covenant intact the investor would come back to the Council to agree a new covenant.

Councillor Kelly said that Councillor Angold–Stephen put forward a proposition, and that he seconded it. The College has been very remiss in looking after Loughton Hall.

Councillor Hart said that Area Planning Committee ‘A’ considered this application a year ago and that Councillors Angold-Stephens and Markham voted for it – he was now confused. Councillor Markham agreed that they had voted for it but it was the only offer that was to be had at that time, things change. Councillor Angold-Stephens agreed. He added that he had spoken to Mr Butler and to E15 acting school – both agreed that the principal of having a music school there was a brilliant idea and they could all work together. The Music Academy would also offer the E15 acting school some space in the hall.

The lead member responsible for the call-in (Councillor House) and the Portfolio Holder (Councillor Whitbread) were then asked to sum up the debate.

Councillor House summed up his position by saying that it was a responsibility that sat heavily on him to get this hall back into community use. It is complicated legally and we have had advice about this. We should leave it to the college and see if they take it to the wire and let it be their responsibility.

Councillor Whitbread summed up saying this was not a money tree for the college; the money will go towards improving the educational facilities locally. The planning application has been passed for an elderly residential home. Both proposed schemes are for private use, both are to make money. A challenge is likely to be successful and the covenant removed.

The Music Academy offered to equal the price after the event, but the nursing home has already gone through a bidding process.

It would cost millions to refurbish the hall. However, this is what we can do now, without living in the past.

Councillor Angold-Stephens proposed altering recommendation 3(i) and (ii). This was earlier seconded by Councillor Kelly. The altered recommendations to read:

“The cabinet approves the College’s application and agrees that the restrictive covenant affecting Loughton Hall, within the grounds of Epping Forest College, be released and new covenants be imposed:

- (i) prohibiting the use of the Hall for any purpose other than community, education, leisure or health purposes; and
- (ii) specifically prohibiting the use for any residential purpose other than for a live-in caretaker or manager.”

The call-in with the proposed changes as noted above was then put to the vote.

RESOLVED:

That the Call-in regarding Cabinet decision C/059/2007-08 not be pursued and the decision be implemented with immediate effect.

41. TERMS OF REFERENCE - PROVISION OF VALUE FOR MONEY IN PLANNING SERVICES TASK AND FINISH PANEL

The Committee considered the draft terms of reference for the Provision of Value for Money in Planning Services Task and Finish.

RESOLVED:

That the terms of reference for the Provision of Value for Money in Planning Services Task and Finish Panel be endorsed by the Committee.

42. OVERVIEW AND SCRUTINY REVIEW SEMINAR - 18 SEPTEMBER 2007

The Chairman of the Constitution and Member Services Scrutiny Panel introduced the report resulting from the recent informal review session reviewing current Overview and Scrutiny arrangements.

The Committee also discussed current arrangements for the call-in procedure and agreed that before a call-in meeting the Chairman and officers of the Overview and Scrutiny Committee should meet with the lead Councillor on the call-in and the relevant Portfolio Holder to discuss the order of proceedings to be followed at the meeting.

RESOLVED:

(1) That the following proposals from the Overview and Scrutiny Review Seminar on 18 September 2007 be adopted:

(a) Panel Chairmen Briefings

Written copies of Chairmen's briefings should, where necessary, be circulated with the agenda to give all members advance notice of the issues to be discussed and to enable non-members of the Committee to receive the information;

(b) External Attendees

The Overview and Scrutiny Committee should request the presentations by the Directors/key officer for the service under scrutiny so that the officers present would have the knowledge necessary to answer questions and provide full answers to questions at meetings.

(c) Written Replies

Deadlines be agreed in advance in respect of any written replies sought as a result of presentations at a meeting of Overview and Scrutiny Committee;

(d) Visiting Speakers - Introductions

The Chairman of the Committee to ensure that all speakers are introduced to the Committee before presentations are given; and

(2) That a further review session on Overview and Scrutiny be held in January 2009 at a date to be agreed.

43. REVIEW OF PROTOCOL ON OUTSIDE ORGANISATIONS

The Chairman of the Constitution and Member Services Scrutiny Panel introduced the report resulting from the recent review carried out by the Panel session reviewing the current protocol on outside bodies. The protocol was introduced about two years ago to give guidance on a range of issues which can arise for members who serve as the Council's representative on outside bodies and partnerships. The Panel sought to bring this document up to date in relation to the new Code of Conduct, to tidy up the wording and to deal with representatives who are not Councillors.

The Panel also made recommendations on how to make better use of the information the Council receives on these bodies, including providing copies of details of the organisation to new members and supplying copies of reports from representatives and organisations to political groups to assist them at Annual Council time.

RESOLVED:

That a report be submitted to the Council recommending the revisions to the protocol on partnerships and other external organisations to be approved as part of the Constitution.

44. DECISION MAKING IN EMERGENCIES

The Chairman of the Constitution and Member Services Scrutiny Panel introduced the report resulting from the recent review carried out by the Panel on decision making in emergencies. The Panel undertook the task of making provision in the Council's constitution for emergencies where there could be many members and officers unavailable through illness etc. This arose from an emergency planning seminar held earlier in the year on how the district would cope with Pandemic flu or a similar event. There appears to be very few examples of this kind of document elsewhere so it may be that the Council is breaking new ground.

The new rules deal with two kinds of situations:

- a) a national emergency (like Pandemic flu) in which the decision making must focus on following Government guidance; and
- b) local situations where involvement by Councillors is appropriate.

The Committee noted that:

- the Leader of the Council is necessarily the focus of procedures;
- The Leader would be able to suspend or modify normal decision making dependant on the advice received;
- Procedures for declaration of emergencies, extending the period for special measures and for ending them had been included;
- Some Chief Officers held statutory designations (e.g. Head of Paid Services etc.). The Panel queried if there were deputies available and were advised that all Chief Officers and the statutory positions are covered by appointed deputies.

The Committee asked that the Chairman or Vice Chairman also be referred to in the review and the Assistant to the Chief Executive agreed to review the report before it went to full Council with this in mind.

RESOLVED:

- (1) That a report be submitted to the Council recommending that the draft appendix to the Executive Procedure Rules relating to Council decision-making in emergency situations be approved and published as part of the Council's Constitution;
- (2) That the Chief Executive consider resilience arrangements for statutory officers and Services Directors in the event of emergencies occurring; and
- (3) That the Chairman or Vice Chairman be included in the procedure rules where appropriate.

45. WORK PROGRAMME MONITORING

The Committee reviewed and noted the work programme for the Overview and Scrutiny Committee and it's standing panels.

The Committee agreed that the Constitution and Member's Service Standing Scrutiny Panel could add a review of the Area Planning Sub-Committees to their work programme.

The Chairman brought the attention of the Committee to the recent offer by the Princess Alexandra Hospital to attend a council meeting to give a presentation on their bid to achieve Foundation Trust status. The Committee agreed to invite the Hospital Trust to their next meeting (13 December 2007) to present their case. They also agreed to invite the PCT, the West Essex PPI and the local County Councillors to this meeting for the presentation.

46. MEMBERSHIP OF THE OS PANELS

The Committee noted that the Liberal Democrat Group have given notice of proposed changes to their membership of the OS Panels.

RESOLVED:

The Committee approved the following changes:

- (1) That Councillor Mrs P Brooks be replaced by Councillor Mrs A Haigh on the Housing Standing Panel;
- (2) That Councillor Mrs P Brooks be replaced by Councillor D Jacobs on the Constitution and Member Services Standing Panel; and
- (3) That Councillor Mrs P Brooks be taken off the Leisure Task and Finish Panel, because of having a full workload as a local Town Councillor.

47. CABINET REVIEW

The Committee considered the Cabinet agenda for its meeting on 12 November 2007.

The Vice Chairman (due to the unavailability of the Chairman on 12 November) undertook to report the following decisions to the Cabinet meeting:

- (a) the consideration and result of the call-in on the Cabinet's decision to release the restrictive covenant on Loughton Hall, Epping Forest College; and
- (b) to accept a presentation from the Chairman of the Princess Alexandra Hospital on their bid for Foundation Status.

CHAIRMAN

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Report to Overview and Scrutiny Committee

Date of meeting: 13 December 2007

Report of : Constitutional Affairs and Members' Services
Standing Scrutiny Panel

Subject: Area Plans Sub Committee - Three Week Cycle

Officer contact for further information: Ian Willett

Committee Secretary: Adrian Hendry, ext.4246



Recommendations:

That a report be submitted to the Council recommending that with effect from 2008/9, provision be made in the Council calendar of meetings for a meeting of each Area Plans Sub Committee every three weeks.

Report:

1. We were asked by the Director of Planning and Economic Development to review arrangements for Area Plans Sub Committee meetings. We noted that it was his view that changes in the frequency of meetings would assist the Council in achieving top quartile performance in development control against the Government targets.

Current Situation

2. The Council currently has three Area Sub Committees, having reduced from four about a year ago. When the reduction was made, the Council decided to retain the four week cycle. This had the effect of leaving one week in every four free. It is in this area that it was suggested that the processing of planning applications can be improved.

Performance Data

3. Over the past five years the Government required local authorities to improve their performance in the speed of determining planning applications. They did this by setting targets, 'naming and shaming' those authorities that were 'failing' and by providing incentives in the form of additional grants to those authorities that were 'succeeding'.

4. The Government began separating the planning application performance into three categories and set a target for each:

(a) **Major applications** (large commercial schemes and residential schemes over ten units) - 60% in 13 weeks;

(b) **Minor applications** (smaller commercial and residential schemes) - 65% in eight weeks;

(c) **Other applications** (mostly householder applications for extensions, etc., changes of use, adverts and other minor applications) - 80% in eight weeks.

5. Five years ago (2002/03) this Council's performance was:

Major	26%
Minor	55%
Other	78%all three below the Government's targets.

Last year (2006/07), the performance had improved to:

Major	67%
Minor	73%
Other	90% all three exceeding the Government's targets.

6. However, bearing in mind the investment the Council has made in Planning in recent years and a desire to provide a first class service to its residents, the Council's objective is to achieve top quartile performance for these three key indicators, and has thus adopted the following targets:

Major	74.75%
Minor	80.39%
Other	91.61%

Current Performance

7. An Improvement Plan for these Indicators was adopted at the beginning of the year and for the first six months (April-September 2007) the performance has been:

Major	80%
Minor	79.1%
Other	88.6%

8. Of the 1,111 planning decisions taken during this period, 964 were within the target periods and 147 exceeding targets. These comprised four out of 20 Major applications, 41 out of 196 Minor applications and 102 out of 895 Other applications.

9. Of the 147 that exceeded the targets, 101 were applications determined by committee rather than under delegated powers.

Proposal

10. We are recommending that Area Sub Committees should meet on a three-weekly basis. This would remove the vacant week and provide more meetings. The principle of more Area sub Committees has, we feel, already been established because extra meetings are being arranged for April and early May 2008 in order to speed up the process.

Conclusions on Three or Four Week Cycles

11. Without altering the delegation agreement or the time available for consultation and reply and thus without any impact upon local democracy in planning decisions, assistance in improving performance can be made by holding each Area Sub Committee on a more regular basis, i.e., every three weeks rather than every four weeks as at present.

12. It can be appreciated that losing one week in the committee cycle, at its very simplest, would save one week in the time taken to determine applications.

13. An analysis of the decisions during April-September 2007 reveals that a number of applications missed their target because of the lack of any committees through April/May around the election period and members will have noted that this has been addressed with an additional meeting being arranged for next April and May for each Sub Committee. However, in addition, it is noted that one Major application, three Minor applications and five

Other applications determined by committee slipped over target by less than 7 days. These would have been in target had the committees operated on a three week cycle and would have resulted in performance of:

Major	85%
Minor	80.6%
Other	89.2%

14. However, it is anticipated that an unknown, though small, number of additional applications might have met their target if the case officer were confident that a more regular meeting of the appropriate committee would have enabled the target to be met.

Other Options

15. We considered a suggestion that the 'fallow' week in the current cycle could be used only for Area South. It is true that the highest number of applications originate in that area. However, this would not deal with 'waiting times' in the other areas. We also think that it will be clearer for the public if the cycle is the same for all three Sub Committees.

16. We have not considered officer delegation as part of this review. However, we have been informed that in the New Year there will be some minor changes brought forward which could assist further.

Consultation

17. We have consulted all members of the Council via the Council Information Bulletin. A summary of performance data was included. The Local Councils' Liaison Committee is also being consulted at its meeting on 28 November 2007. Any views expressed will be reported at the meeting.

Resources

18. We have been assured that support for the increased frequency of meetings can be met from existing resources in Planning and Economic Development. Additional costs will however be incurred in booking the external venue for Area Plans South and officer attendance allowances and Councillor travel/subsistence costs. The printing requirement for agenda will also increase.

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Report to Overview & Scrutiny Committee

Date of meeting: 13 December 2007

**Subject: Communications and Access to Information
Arrangements within EFDC – Request for Review by
Councillor Cooper**



Officer contact for further information: Simon Hill Ext 4249

Committee Secretary: A Hendry, Ext 4246

Recommendations/Decisions Required:

- (1) That a review of the use of ward Councillors forms be undertaken and reported back to the Panel;**
- (2) That consideration be given to including a session within the Members Training Programme about how issues are considered by the Councils Committee and where to go for information about services;**
- (3) That a hierarchy chart of the Council staff and structure be provided for members on completion of the Senior Management review;**
- (4) That officers be reminded of the desirability of reports from meetings not attended by Members appearing in the Council Bulletin as and when appropriate;**
- (5) That a 'new documents' shelf be created in the Members Room together with work to remove old and obsolete materials to enable faster location of documents;**
- (6) That consideration be given to including a summary box on committee reports;**
- (7) That future planning training sessions cover the main aspects of the various local and national plans and related current issues; and**
- (8) That consideration is given to strengthening the advice to potential Councillors about the need for attending new Councillor induction sessions following their election.**

Report:

1. At their last meeting the Constitution and Members Services Panel considered a request submitted by Councillor Mrs Cooper for scrutiny of communication and access to information arrangements. This request had been referred to the Panel by this Committee. The Panel considered each concern and agreed the actions outlined above as a response to the initial request for review.

2. The responses indicate a pragmatic approach to the issues raised. Recommendations (1) and (6) will require further reports to members. The other recommendations can be programmed and/or actioned as appropriate. No constitutional issues have been raised.

3. Full details of the discussion are contained within the notes of the Panel on 20 November 2007. The original request is attached for reference.

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**Request by Member for Scrutiny Review
2007/08 Work Programme**



Please complete the form below to request consideration of your issue by the
Overview and Scrutiny Committee

Proposers Name: Antoinette Cooper	Date of Request 2 October 2007
Supporting Councillors (if any):	
<p>Summary of Issue you wish to be scrutinised:</p> <p>Communications and Access to Information within this Council and between this Council, Essex County Council and its partners and residents.</p> <p>To ensure Ward Members are included or at least made aware of issues that affect their Wards. This should equip them to be better able to deal/answer Residents questions & queries.</p> <p>On a basic level provide;</p> <p>A Hierarchy Chart of the Council's staff and structure</p> <p>A flow chart that plots the passage from start to finish of an issue through The Council's Committee system.</p> <p>Look at what else can be done to assist New Members to familiarize themselves with systems and protocols.</p> <p>All of the above should also help the public.</p> <p>How can Officers be more inclusive to ensure Ward Members are aware of the issues in their Wards. Many Officers sit on LAA's, LSP's. These are all partnerships which seem to exclude Members.</p> <p>To list all meetings to enable Councillors to be able to choose to sit in if they feel this would be helpful to them. The meeting with County Councillors, local MP's could help bridge the gap.</p> <p>Look at a system where members can review different meetings and their purpose to allow them to sign up to receive Agenda/Minutes if they wish.</p> <p>Consider publishing official diaries of Portfolio Holders.</p> <p>Look at a system for storing information in the Members room, organised more like a library ie whats in there, where is it, online on paper. When is it updated. One report for all Councillors to share is this adequate?</p> <p>An index for the Council Bulletin to assist Councillors to locate the issues they feel most relevant to them. Flag up need to know items ie cancelled meetings.</p>	

I have attended twice to find meeting cancelled. The other to sit waiting for others to attend.

Essex CC has a strong influence/directive as does the Government. How can we draw attention to those issues that will have an impact on some or all parts of the District, in particular those which are time sensitive eg Essex CC removing TPO's.

Lengthly reports could they have a précis sheet? We do not all speed read or understand the jargon. Financial reports are some in question. The reduction of members Connect allowance. I'm sure I was not the only person surprised by this.

Planning, all members can sit on an Area Plans Committee. How many are aware of the Structure Plan? Familiar with Local Plan Alterations or indeed the Local Development Scheme plans? Strategic roads etc.

How can these issues be addressed?

How can members be included to look at the big picture? Ad hoc one off planning applications viewed in isolation are not helping support an economic viable District meeting the needs of residents and promoting quality of life for residents.

Review this Council's own Policies to ensure these are being met eg

General Principles of Conduct in Public Service – Q12

1. Selflessness, never improperly confer a disadvantage?
- 5 Openness – How do we do this if not privy to all the facts?
- 6 Personal Judgement – Do we have a conflict of interest here? ie political
- 7 Respect for others? Promote equality?

Article 3 – Do we actively promote this?

NOTE: ENTRIES BELOW RELATE TO ISSUE CATEGORIES OF THE PICK PROCESS. PLEASE REFER TO THE EXPLANATORY NOTES TO THIS FORM FOR FURTHER INFORMATION

Public Interest Justification:

To ensure open, responsive and accurate information is being provided to the public in line with its own policies and procedures in an efficient, timely

manner and thus protecting the integrity of the Council.

Impact on the social, economic and environmental well-being of the area:

Responsive and timely action on the part of the Council impacts on all these areas.

Failure to respond and take action could have a negative impact on all the above and could result in the Council facing legal action, a poor public image

Although Essex County Council is responsible for many services. The public still regard Epping Forest as their main contact and therefore need to have up to date and accurate information upon which to base decisions upon and respond to public enquires.

Council Performance in this area (if known: Red, Amber, Green):

Not Known

Keep in Context (are other reviews taking place in this area?)

Not known

Office Use:

Pick score:

Considered By OSCC:

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Overview and Scrutiny Work Programme – December 2007

Overview and Scrutiny Committee			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Princess Alexander Hospital: Foundation Trust (FT) Status Application – Presentation from Hospital and PCT	13 December 2007	On Target: Princess Alexander Hospital to attend meeting to report on their intention to bid for Foundation status. West Essex PCT also due to put their views to the meeting.	31 January, 6 March, 10 April 2008

Standing Panels			
Housing Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
No reports are due to be made to December OSC			
			22 January 2008 21 April

Constitution and Member Services Standing Panel –November 2007			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Local Government White Paper: Changes to OS (including Community Call for Action) Electoral Cycle Local Strategic Partnerships Executive Functions		Underway: Further reports to be made to the Panel. Discussion Paper on Electoral Cycle to be considered by the Panel on 13 December 2007.	15 January 2008 (Provisional) 12 February 2008 28 April 2008
(2) Communications and access to information both within this Council and between other Authorities.	20 November 2007	Completed: Report of the Panel attached to agenda	
(3) Review of meeting cycle of Area Plans Sub Committees	20 November 2007	Completed: Report of the Panel attached to agenda	

Environmental and Planning Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Re use of buildings in the Green Belt/Traffic Issues in the Roydon and Nazeing Areas.		Underway – Panel to receive presentations on 28 February 2008 from VOSA and Police.	6 December or 28 February 23 April 2008
(2) Clean Neighbourhoods and Environment Act 2005 – Implementation of provisions	December 2007	Underway - Sub - group of Members established to investigate the matters. Final report of the Sub – Group considered by the Panel on 6 December 2007 for submission to January 2008 OSC.	

Finance and Performance Management Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Key Performance Monitoring Indicators – Quarterly	13 November '07	Underway: Quarterly figures considered by the Panel on 13 November '07 meeting.	14 January, 2008 11 February
(2) Quarterly Financial Monitoring	13 November '07 meeting.	Underway Quarterly figures considered by the Panel on 13 November '07 meeting.	

Task and Finish Panels			
Leisure Services			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
	<i>No reports are due to be made to December OSC</i>		TBA

Provision of Value for Money within Planning Services – New Task and Finish Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
	<i>No reports are due to be made to December OSC</i>		TBA

Crime and Disorder Task and Finish Panel			
Item	Report Deadline / Priority	Progress Comment	Programme of Future Meetings
	<i>No reports are due to be made to December OSC</i>		TBA