

Overview and Scrutiny Committee Thursday, 31st January, 2008

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.

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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 5 - 32)

Decisions required:

To confirm the minutes of the meetings of the Committee held on 13 December 2007.

6. DRAFT PORTFOLIO HOLDER BUDGETS (Pages 33 - 38)

(Director of Finance and ICT) to consider the draft Portfolio Holder Budgets report. The full draft budgets were considered in detail at the Finance and Performance Management Scrutiny Standing Panel on 14 January 2008 and at the Finance and Performance Management Cabinet Committee on 28 January 2008.

7. REVIEW OF FREQUENCY OF AREA PLANNING SUB-COMMITTEES (Pages 39 - 48)

(Director of Planning and Economic Development) this item was deferred from the last meeting to enable more information to be added to the report and to enable any late comments from the Parish and Town Councils to be reported back.

Attached is the updated report and all of the of views received from Town and Parish Councils.

8. WHOLE COUNCIL ELECTIONS (Pages 49 - 68)

To consider the report of the Constitution and Member Services Standing Panel (attached).

9. WASTE MANAGEMENT BOARD - APPOINTMENT OF MEMBER (Pages 69 - 70)

For the Committee to nominate a member to the Waste Management Partnership Board (a copy of the report that went to Council on 18 December 2007 is attached, recommendation 2b applies).

10. CLEAN NEIGHBOURHOODS AND ROGERS REVIEW - REPORT OF THE ENVIRONMENTAL AND PLANNING SERVICES STANDING PANEL. (Pages 71 - 78)

(Chairman of the Environmental and Planning Services Standing Panel). To consider the attached report. Please note changes to the report made by members at their meeting are highlighted.

11. WORK PROGRAMME MONITORING (Pages 79 - 84)

To consider the updated work plan for this cycle of meetings.

12. 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 4 February 2008.

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.

13. 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.

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee:	Overview and Scrutiny Committee	Date:	Thursday, 13 December 2007
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 9.35 pm
Members Present:	Councillors R Morgan (Chairman) D Bateman, R Church, K Chana, M Colling, R D'Souza, Mrs H Harding, D Kelly, G Mohindra and Mrs J H Whitehouse		
Other Councillors:	Councillors Mrs D Collins, Mrs A Cooper, R Frankel, T Frankland, Mrs A Grigg, Mrs P Smith, Ms S Stavrou and C Whitbread		
Apologies:	Councillors K Angold-Stephens, Mrs A Haigh, J Hart and Mrs P Richardson		
Officers Present:	D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), N Richardson (Principal Planning Officer), J Gilbert (Director of Environment and Street Scene), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer) and Z Folley (Democratic Services Assistant)		
By Invitation:	R Powell (Princess Alexandra Hospital), J Day (Princess Alexandra Hospital), A Thomas (West Essex Primary Care Trust) and J Carr (West Essex Patient and Public Involvement Forum)		

48. 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 Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

49. SUBSTITUTE MEMBERS

It was reported that Councillor K Chana was substituting for Councillor J Hart and Councillor Mrs J Whitehouse was substituting for Councillor Mrs A Haigh.

50. DECLARATIONS OF INTEREST

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

51. APPOINTMENT OF VICE - CHAIRMAN

RESOLVED:

That Councillor Mrs H Harding be appointed as the Vice – Chairman for the duration of the meeting.

52. MINUTES**RESOLVED:**

That the minutes of the meeting held on the 8 November 2007 be taken as read and signed by the Chairman as a correct record.

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

The Chairman welcomed to the meeting Mr R Powell and Mr J Day of the Princess Alexandra Hospital (PAH) who was in attendance to report on their application for Foundation Trust Status. Also in attendance was Aidan Thomas, the Chief Executive of the West Essex PCT and Mr John Carr of the West Essex Public Involvement Forum who reported the views of their respective organisations on the proposals.

It was noted that NHS Foundation Trusts were 'not for profit', public benefit corporations which were still part of the NHS 'family' (a copy of the PAH presentation is attached). He advised on the key features of the applications which provided for the hospital to:

- exercise more say in how the hospital was run and financed;
- consolidate and enhance their role as the local hospital of choice;
- enable staff and members of the public to be more involved in decision making and the planning of services;

He reported on the consultation process for the plans for trust status involving the provision of information, a newsletter, events for feedback and opportunities to elect representatives and stand for elections on the Council of Governors for the Trust. A Public meeting would be held in each constituency. The deadline for responses to the plans was 13 January 2008.

- **Governance Arrangements**

Mr Powell advised that the plans provided for PAH to be governed by an elected Board of Directors, a Council of Governors chaired by the Chair of the Trust and a membership drawn from staff, local people and partners.

The Board and Governors would be accountable to the membership who would have the choice of being actively involved in the Trust. The Electoral Reform Society had undertaken to run the elections and provide information on ways of voting.

It was planned that the Board of Directors would meet on a monthly basis and the Council of Governors on a quarterly basis. It was suggested that the meetings should be webcast to open them up to the public. A Member questioned the Boards ability to hold the Trust to account given they shared the same Chairman? It was clarified that this element of the structure was determined by government legislation. The hospital would continue to be monitored by the Healthcare Commission.

- **Membership**

The Trust aimed to have a membership of 7,500 by the summer of 2008. There was no upper age limit on membership but the minimum age was 14.

The Committee noted that the hospital was encouraging both Council Members and staff to take up membership of the Trust to enable them to report the views of the local constituents and scrutinise performance. It was recommended that steps should be taken to encourage such involvement.

- **Funding**

The proposals would enable the PAH to exercise more control over their budget, invest surplus funding into their own services and borrow money for services. However, they would still have to achieve balanced budgets.

The plans would also enable the hospital greater freedoms to run their services. The Strategic Health Authority would set a Performance Framework for the Foundation Trust.

A Member asked about the funding spent on administrative staff? Mr Powell stressed the need for such staff as they enabled the clinical staff to perform their roles rather than administrative duties. He was also of the view that there was a shortage of administrative staff at the hospital.

- **Response by PCT and PPI**

Aidan Thomas of the PCT reported the views of the PCT. He reminded members that the PCT commissioned services from the PAH and carried out work with the hospital to develop Accident & Emergency Services and improve performance. The PCT had expressed support for the application but still felt a number of issues required further consideration. These related to the 'patient experience' and the problem of MRSA.

He advised that there were plans to cut health services in Hertfordshire and increase housing numbers in the region. He stated that this was expected to place additional pressure on PAH services and increase dependence on the service. Given these challenges, he stressed the need for continued close working between the PCT and PAH. He felt that the proposals would facilitate the services required for dealing with these pressures.

He reminded Members that Trust status would provide opportunities for public and PCT involvement in the running of the hospital. There was also uncertainty over the future of PAH should Trust Status not be granted.

John Carr of the Patient and Public Forum (PPI) reported the views of his organisation. The PPI broadly shared the views of the PCT. All of their Members had received an opportunity to comment on the proposals. He reported on concerns surrounding the hospitals Breast Screening Service. He reported that the government had reduced the minimum age for mandatory breast screening from 56 to 47 placing additional pressures on the service and a backlog. There were also concerns around the hospitals discharge procedures.

Mr Thomas clarified that the PCT did not have the capacity to solve the backlog as the problems related to issues outside of their control. A recent Audit inspection suggested that the options identified for dealing with this were unsafe.

Mr Powell agreed to look into these issues. He asked for specific details of the problems.

- **A&E Services**

It was noted that demand on A&E was increasing. There was a need to increase the capacity of these services. The Committee were reassured that these services would not be placed at risk. There were plans to increase investments in these services to expand capacity.

Having considered the application, the Committee expressed the Councils full support for the application and agreed that the Council should nominate a Partner Governor to the Trust once it has been agreed by the Secretary of State.

RESOLVED:

- (1) That the Council expresses its full support for the application by Princess Alexandra Trust for Foundation Trust Status
- (2) That the Council nominate a Partner Governor to the Trust once it had been agreed by the Secretary

54. AREA PLANS SUB-COMMITTEE - THREE WEEK CYCLE

The Chairman of the Constitution and Member Services Standing Panel, Councillor R Church, invited the Committee to consider and the Panels recommendations on their review of the frequency of Area Plans Sub – Committees.

The Panel had been asked by the Director of Planning and Economic Development to review arrangements for the frequency of Area Plans Sub – Committee. The Panel noted that it was his view that changes in the frequency of meeting would assist in achieving top quartile performance in dealing with planning applications.

The report recommended that with effect from 2008/09 provision be made in the Council's calendar of meetings for a meeting of each Area Plans Sub Committee every three weeks.

The Committee noted that the Local Town and Parish Council had been invited to respond to the proposals. The Committee received written responses from a number of Local Councils – (North Weald, Loughton TC) and comments from Councillor Mrs C Pond. A key concern was that the proposed changes did not allow them sufficient time to respond. They were also of the view that a three weekly cycle could restrict their ability to properly consider cases and submit comments in time for inclusion on the Area Sub agenda.

The Committee heard that assessments had been carried out to identify the accommodation, staffing and printing costs of the additional meeting. The proposals would require an additional 14 meetings of Area Plans South and officer support from Planning and Democratic Services for each of the additional meetings, together with rent and printing costs.

The Committee felt that the Council should aim to deliver a first class services to its residents. However in order to enable them to carry out a proper cost/benefit assessment of the options, they agreed that a further report on the following points needed to be prepared:

- costs of moving to a three weekly cycle;
- implications of using the 'fallow week' in the calendar (where there was no meeting of the Area Plans Sub – Committees) for extra meetings of Area Plans South;

- implications of the plans to provide extra April/May meetings of the Sub – Committees during the Electoral period. It was suggested that the Council should test out this step before considering the need for a three weekly cycle;
- referring the matter to the Task and Finish Panel for the Provision of Value for Money in Planning Services who were currently reviewing the Development Control Service.
- revising the delegated powers scheme to enable more cases to be dealt with under such powers;

It was also suggested that the reports should cover:

- customer views on performance;
- the numbers of applications deferred at meetings;
- the Planning Services Improvement Plan – measures and indicators for improving performance;

The Committee also expressed a wish to give Local Council's more time to consult their Members on the proposals and submit comments.

In view of these issues, the Committee agreed to defer the item for consideration at their next meeting on 31 January 2008 to allow for a report on the outstanding issues to be prepared.

They also noted the need to approve any changes before April 2008 at the latest to give officers time to finalise the calendar of meetings for 2008/09 and arrange the accommodation required for a three weekly cycle.

RESOLVED:

- (1) That the recommendations of the Constitution and Member Services Panel arising from their review of the frequency of Area Plans Sub – Committee meeting be deferred for consideration at the 31 January 2008 OSC;
- (2) That a further reported on the outstanding issues identified by the meeting be submitted to that meeting.

55. ACCESS TO COMMUNICATION AND INFORMATION ARRANGEMENTS

It was reported that 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 Panels proposals indicated a pragmatic approach to the issues raised. Recommendations (1) and (6) would require further reports to members. The other recommendations could be programmed and/or actioned as appropriate. There were no Constitutional issues.

The Committee supported the proposals.

RESOLVED:

- (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.

56. WORK PROGRAMME MONITORING

The Committee reviewed and noted the work programme for the Overview and Scrutiny Committee and its standing panels.

(i) Finance and Performance Management Standing Panel

The Chairman of the Panel, Councillor J M Whitehouse, reported that the Panel had considered figures for KPIs performance during the first six months of this year. He advised that the target set by the Cabinet of achieving 75% in the top quartile was ambitious. The Panel had undertaken to review the targets next year. The Panel had also considered proposals for next years Fee and Charges and referred these to the Finance and Performance Management Cabinet Committee. The Panel also considered a report on the Land Assessts Review and agreed to keep a watching brief over the emerging plans.

(ii) Environmental and Planning Services Standing Panel

The Chairman of the Panel, Councillor, Mrs P Smith, reported that the Panel had last met on 6 December 2007. The meeting was held to consider the findings of their sub group on the Cleaner Neighbourhoods Act 2005 and the Rogers Review of Enforcement Priorities. It was noted that the Panel had made some changes to their recommendations to clarify the aims of the review. They would be submitting their formal report to the next meeting on 31 January 2008.

(iii) Crime and Disorder Task and Finish Panel

The Panel was currently being held in abeyance as it was awaiting to receive directions from government. The Committee expressed concern at this and asked that its Terms of Reference be reviewed at the annual review of the plan in March 2008.

57. CABINET REVIEW

The Committee considered the Cabinet agenda for its meeting on 12 November 2007. No further issues were raised for consideration by the Cabinet.

CHAIRMAN

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Why we want to become an
NHS Foundation Trust

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building a healthy future together



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Overview

- What is an NHS Foundation Trust?
- What are the benefits for the local community and for our staff?
- Proposals for the new structure of the NHS Foundation Trust
- Examples from other Foundation Trusts
- How you can get involved
- Timescale for the consultation process and beyond
- Listening to your views

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What is a Foundation Trust?

- NHS Foundation Trusts are organisations which are better able to develop services to suit the needs of the communities they serve
- As not for profit, public benefit corporations, they are still part of the National Health Service ‘family’
- Most importantly, Foundation Trusts are accountable to staff and local people through their membership and an elected Governor Council of Governors which will work closely with the Trust’s Board of Directors to influence decision making and planning

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What Foundation Trusts are...

- Hospitals are still firmly part of the NHS
- Offering treatment free at the 'point of access'
- Still have to achieve national quality of care performance standards
- A public benefit corporation
- Continue to be monitored by the Healthcare Commission
- Still have to achieve balanced budgets
- Continue to work with key partners
- Provide greater accountability to local people and staff
- Have greater freedoms to invest in services and respond to changing needs of the local population

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What Foundation Trusts aren't...

Busting the Myths...FTs are NOT...

- Private hospitals
- 'Closed' organisations
- Organisations with no accountability to their local people and staff
- Organisations which are not accountable to Parliament
- Organisations which are no longer subject to NHS quality standards, performance ratings and inspections

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Why we want to be an NHS Foundation Trust

We want to deliver our vision for the future

Our vision is: to enhance our position as the local hospital of choice by ensuring that all services are innovative, high quality and patient centred. This will be supported by our service ethos which promotes reliability, safety and effectiveness.

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Benefits for local community

You can....

- Find out more about the work of the hospital and Trust through events and updates and a Members' newsletter
- Give your views on services and the Trust's plans for the future both in informal discussion and through surveys and formal consultation events
- Join and participate in special interest groups and take part in seminars and workshops on health issues
- Learn more about how to improve your own health and take part in health promotion campaigns in the community
- Become more informed of the work of the Trust and promote the work of the Trust in the local community
- Elect representatives from the Trust membership to the Council of Governors
- Stand for election on to the Council of Governors

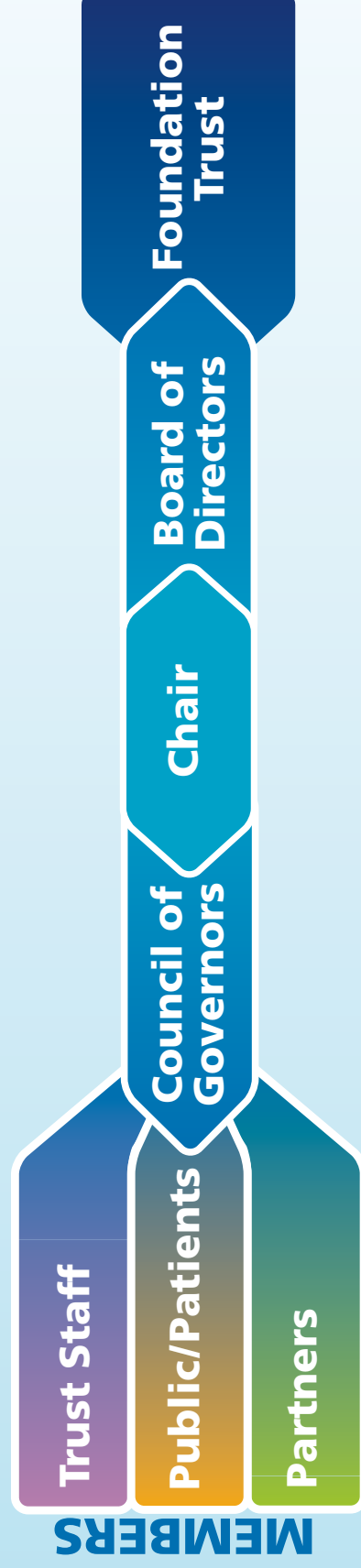
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Proposals for the new structure

Foundation Trusts are organised and governed differently

- Members
- Council of Governors
- A Board of Directors



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Members

- Aiming for a membership of 6,000 plus by January 2008 and 7,500 by the summer of 2008
- Comprising:
 - public (including patients)
 - staff
 - partners (local councils, PCTs)

Membership is free – but means participation and responsibility

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Public Members (including Patients)

Who can be one?

- Open to anyone who is resident in the local authority districts of
 - Broxbourne
 - East Hertfordshire
 - Epping Forest
 - Harlow
 - Uttlesford

Staff members

Intention to have an opt out scheme for staff

Eligibility:

- have a contract of employment that does not have a fixed term, or
- have a contract of employment with a fixed term of at least 12 months, or
- have been continuously employed for at least 12 months, or
- hold an honorary contract for no fixed term for at least 12 months, or
- be registered with the hospital Staff Bank (requirements as above), or
- be employed by another organisation that is providing services to the Trust under an ongoing service contract in excess of 12 months,
- be a volunteer working in the Trust in excess of 12 months

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Other members

- Nominated from organisations such as West Essex Primary Care Trust, GPs, local authorities, voluntary and community organisations

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Members will:

- Have the choice of being involved in a range of activities at the hospital
- Be kept up to date with what's going on at the hospital
- Work with hospital staff to improve the patient experience of our services
- Influence proposed changes to services and future developments
- Vote to elect Governors or stand for election on the Council of Governors

Council of Governors

Members of the Council of Governors

- Will act as 'critical friends' to the Foundation Trust
- Will be led by the Chair of the Foundation Trust
- Must be elected from the body of the membership
- Will represent a particular constituency either: - professional group in the case of staff, - geographical area for the public member, or - a particular partner organisation in the case of nominated members
- Represent the views of the Trust's membership
- Work alongside the Board of Directors
- Share local responsibility for the success of the Trust
- Promote public health within the activities and services provided by the Trust
- Act as guardians in ensuring the Trust operates within its terms of authorisation
- Act as ambassadors for the Trust

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Governors' formal responsibilities

- Appoint the Chair and Non-Executives Directors of the Foundation Trust
- Approve the appointment of the Chief Executive Officer
- Appoint the Trust's Auditors
- Make recommendations for the revision of the Trust's constitution
- Elected to serve for three years – training provided for all Governors

Governors are NOT responsible for day to day management of hospital services

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Proposal for Council of Governors



The Chair of the Trust presides over the Council of Governors

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Board of Directors...

...will be responsible for the day to day management and accountability of the Foundation Trust.

Made up of:

- six Non-Executive Directors, one of whom is the Chair
- five Executive Directors, one of whom is the Chief Executive Officer and another the Chief Financial Officer, plus a registered medical or dental practitioner and a registered nurse or midwife

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How you can get more involved

- Give us your views and feedback on this consultation – complete the consultation questionnaire
- Tell us what you think about the proposals for the governance structure, in particular your views on the constituency breakdown
- Tell others about this exciting opportunity
- We will use your comments and feedback in our submission to the Secretary of State for Health

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Timescale

- 22 October 2007
- 13 January 2008

We welcome invitations from groups and organisations to come and talk to you.

Public meetings will be held in each constituency:

Constituency	Date	Venue	Time
Uttlesford	Monday 5 November 2007	Uttlesford Council Offices, Committee Room, High Street	
		Dunmow CM6 1AN	7.30 – 8.30pm
Epping	Monday 12 November 2007	Epping Town Council Offices, Epping Hall, St John's Road,	
		Epping CM16 5JU	7.30 – 8.30pm
Harlow	Thursday 15 November 2007	Harlow District Council, Civic Centre, The Water Gardens,	
		The High, Harlow CM20 1WG	7.30 – 8.30pm
Harlow	Tuesday 20 November 2007	Princess Alexandra Hospital, Social Club, Hamstel Road	
		Harlow, Essex CM20 1QX	7.30 – 8.30pm
Broxbourne	Tuesday 27 November 2007	Borough Offices, Bishop's College, Beaufort Suite	
		Churchgate, Cheshunt, Waltham Cross, Hertfordshire EN8 9XQ	7.30 – 8.30pm (note: can also use rear car park)
East Herts	Wednesday 5 December 2007	Rhodes Art Complex, Cedar Room	
		South Road, Bishop's Stortford, Hertfordshire CM23 3JG	7.30 – 8.30pm

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We want to hear from you!

Questions???

Thank you for listening

- Website: www.pah.nhs.uk
- Email: ft@pah.nhs.uk
- FREEPHONE: 0800 032 9006

Report to Overview & Scrutiny Committee



Date of meeting: 31 January 2008

Subject: Council Budgets 2008/09

Officer contact for further information: Bob Palmer (01992-564279)

Democratic Services Officer: Adrian Hendry (01992-564246)

Recommendation:

That Overview and Scrutiny Committee consider the recommendations of the Finance and Performance Management Cabinet Committee and the Finance and Performance Management Scrutiny Panel and recommend them, as amended if necessary, to the Cabinet.

Report:

1. This is the third set of budget proposals to be considered under the revised Overview and Scrutiny arrangements. Prior to 2006/07 the detailed proposals were taken to the relevant Overview and Scrutiny Committee and Overview and Scrutiny Committee 3 then considered the budget as a whole and made recommendations to Cabinet.

2. The timetable for the approval of the 2008/09 budgets is as follows:

Finance & Performance Management Scrutiny Panel	14 January 2008
Finance & Performance Management Cabinet Committee	28 January 2008
Overview & Scrutiny Committee	31 January 2008
Cabinet	4 February 2008
Full Council	19 February 2008

3. At the 28 January meeting of the Finance and Performance Management Cabinet Committee an updated medium term financial strategy was considered and this is attached as Annex 1a and 1b. The key assumptions in the forecast are set out below:

- a) CSB Growth – net savings for 2008/09 have been included at a total of £344,000. For 2009/10 growth items of £144,000 have currently been identified. In common with the earlier version of the strategy, target CSB savings of £200,000 per annum are included for the period 2009/10 to 2011/12. Having successfully exceeded the savings targets for 2007/08 and 2008/09, the search for the further savings needed in subsequent periods will continue throughout 2008/09.
- b) DDF – all of the known items for the four-year period have been included and at the end of the period a balance of only £69,000 is still available. This is after revising the estimates for the inclusion of the Local Development Framework (LDF), which uses up £1.3m of DDF resource over the forecast period. It is hoped that the replacement for Planning Delivery Grant will provide some funds that can be used for the LDF but these will only be included in the estimates when the amounts to be received are certain.
- c) Grant Funding – the provisional settlement figures have been included for the Comprehensive Spending Review period of 2008/09 to 2010/11. Once provisional figures have been announced it is unusual for them to change significantly. For 2011/12 it has been assumed that there will be a 1% increase in the base grant

but that there will be no floor support, this gives a net increase of 0.6%.

- d) Council Tax Increase – Members have confirmed they wish to keep rises below the rate of increase in the Retail Prices Index and so an increase of 2.5% has been included for 2008/09. It is anticipated that growth in the retail prices index will reduce from the current level of 4.0% to 2.5% in subsequent years and so 2.5% has been used for future increases.

4. This revised medium term financial strategy has deficits in the final three years of the period, although these are clearly affordable. The predicted revenue balance at the end of the period is £6.1m, which represents 34% of the Net Budget Requirement and thus comfortably exceeds the target of 25%. The strategy will be monitored during the year and updated for the September 2008 meeting of the Finance and Performance Management Cabinet Committee.

5. An oral update will be given on the recommendations of the 14 January meeting of the Finance and Performance Management Scrutiny Panel on the detailed draft budgets for each Portfolio. Any comments or amendments suggested will also be reported orally to this Committee, as will the views of the Finance and Performance Management Cabinet Committee being held on 28 January.

6. The Overview and Scrutiny Committee is now asked to consider the recommendations of the Finance and Performance Management Cabinet Committee and the Finance and Performance Management Scrutiny Panel and approve the updated medium term financial strategy.

GENERAL FUND MEDIUM TERM FINANCIAL STRATEGY 2007/08 - 2011/12

	REVISED				
	FORECAST	FORECAST	FORECAST	FORECAST	FORECAST
	2007/08	2008/09	2009/10	2010/11	2011/12
NET REVENUE EXPENDITURE	£'000	£'000	£'000	£'000	£'000
Continuing Services Budget	16,706	17,172	17,571	18,008	18,367
CSB - Growth Items	-163	-344	144	113	0
Target saving	0	0	-200	-200	-200
Total C.S.B	16,543	16,828	17,515	17,921	18,167
One - off Expenditure	2,031	1,165	270	648	153
Total Net Operating Expenditure	18,574	17,993	17,785	18,569	18,320
Contribution to/from (-) DDF Balances	-2,031	-1,165	-270	-648	-153
Contribution to/from (-) Balances	116	219	-228	-387	-371
Net Budget Requirement	16,659	17,047	17,287	17,534	17,796
FINANCING					
Government Support (NNDR+RSG)	9,350	9,020	9,195	9,379	9,473
RSG Floor Gains/(-Losses)	-189	302	173	36	0
Total External Funding	9,161	9,322	9,368	9,415	9,473
District Precept	7,498	7,725	7,919	8,119	8,323
Collection Fund Adjustment	0	0	0	0	0
To be met from Government Grants and Local Tax Payers	16,659	17,047	17,287	17,534	17,796
Band D Council Tax	139.50	143.01	146.61	150.30	154.08
Percentage Increase %		2.5	2.5	2.5	2.5

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GENERAL FUND MEDIUM TERM FINANCIAL STRATEGY 2007/08 - 2011/12

	REVISED FORECAST 2007/08	FORECAST 2008/09	FORECAST 2009/10	FORECAST 2010/11	FORECAST 2011/12
REVENUE BALANCES	£'000	£'000	£'000	£'000	£'000
Balance B/forward	6,761	6,877	7,096	6,868	6,481
Surplus/Deficit(-) for year	116	219	-228	-387	-371
Balance C/Forward	6,877	7,096	6,868	6,481	6,110
DISTRICT DEVELOPMENT FUND					
Balance B/forward	3,181	2,218	1,140	870	222
Income	1,068	87	0	0	0
Transfer Out	-2,031	-1,165	-270	-648	-153
Balance C/Forward	2,218	1,140	870	222	69
CAPITAL FUND (inc Cap Receipts)					
Balance B/forward	26,425	25,877	20,476	18,241	17,767
New Usable Receipts	7,032	831	819	817	725
CR Used to Fund Capital Expenditure					
- Transitional Relief Receipts	-1,000	0	0	0	0
- Other Capital Receipts	-6,580	-6,232	-3,054	-1,291	-1,172
Balance C/Forward	25,877	20,476	18,241	17,767	17,320
TOTAL BALANCES	34,972	28,712	25,979	24,470	23,499

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SCRUTINY



Report to Overview and Scrutiny Committee

Date of meeting: 31 January 2008

Subject: Area Plans Sub-Committees – 3-Week Cycle

Officer contact for further information: Barry Land, ext 4110

Committee Secretary: Adrian Hendry, ext.4246

Recommendation:

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.

**Note that consultation replies from Town and Parish Councils are attached.*

Background

1. Over the past 5 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 grant to those authorities that were 'succeeding'.

2. The Government began separating the planning application performance into 3 categories and set a target for each:

Major applications (large commercial schemes and residential schemes over 10 units)60% in 13 weeks

Minor applications (smaller commercial and residential schemes)..... 65% in 8 weeks

Other applications (mostly householder applications for extensions, etc, changes of use, adverts and other minor applications) 80% in 8 weeks.

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

Major26%

Minor55%

Other78% all three below the Government's targets.

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

Major67%

Minor73%

Other90% all three exceeding the Government's targets.

3. 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 in the BVPP for 2007/08:

Major74.75%

Minor80.39%

Other91.61%

Current Performance

4. For the first 9 months of the current year (April-December 2007) the performance has been:

Major73.33%
Minor80.53%
Other89.21%

5. Of the 1,649 planning decisions taken during this period, 1,440 were within the target periods and 209 outside of their targets. These comprised 8 out of 30 Major applications, 59 out of 303 Minor applications and 142 out of 1316 Other applications.

6. Of the 209 outside target, 150 were applications determined by committee and 59 under delegated powers.

Customer Satisfaction

7. The latest Customer Satisfaction Survey was carried out deriving from decisions made between April and September 2006 asking applicants and agents a series of questions in accordance with a centrally designed form (so that comparisons could be made nationally). The results were that 82% of customers were very or fairly satisfied with the service they received from Epping Forest Development Control service, which was the highest in Essex and exceeded the national, top-quartile performance (80%).

Performance Improvement Plan

8. In September 2007 a revised performance improvement plan was adopted setting out a number of initiatives to be explored in order to further improve performance. The plan included:

- i) complete implementation of various e-government initiatives including introduction of 1APP the national planning application form – *in fact the Government has set back this initiative until April 2008. Other ICT initiatives are progressing and are leading to some efficiencies relating to professional officers time rather than statistical improvements;*
- ii) enhanced monitoring of application progress by senior staff;
- iii) fill a long-vacant establishment post that had been covered on a part-time, working-from-home basis – *position filled from 02/01/2008;*
- iv) secure application plans on the web site for public access – *this would enable some efficiency savings. This is now to be a priority within ICT;*
- v) eliminate the break in committee cycle over the election period each year; - *this has been secured from May 2008;*
- vi) seek 'tweaks' to officer delegation – *it is recognised that there is little appetite amongst members for enhancing officer delegation but there are one or two tweaks that may avoid a few simple matters taking up committee time;*
- vii) seek change from 4-week to 3-week cycle of Area Plans subcommittees; and
- viii) increase staff resources.

9. It is appropriate to add that none of these measures on their own are likely to lead to a significant change in performance, but each measure will assist in the push to improve

performance.

10. Clearly, since September only points (i) and (ii) have had any impact upon performance and it is relevant to note that during the last quarter only 11.5% of decisions were made outside target, whereas for the first two quarters of the year the figure was 13.2% and yet, because the figures are so volatile, the last quarter has seen the Major performance figure dip just under the target whereas the Minor figure now exceeds the target.

11. The Overview and Scrutiny Committee Task and Finish Panel looking into Value for Money in Planning is looking at both financial and staff resourcing in Planning and this report is seeking only consideration of the change from a 4-week cycle to a 3-week cycle.

Three or Four-Week Cycle

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 decided at committee. An analysis of decisions during April to December 2007 reveals that 18 committee decisions slipped over target by less than one week such that all those would have been within their target times if the committees operated on a 3-week cycle. This would have resulted in current performance of:

Major76.66%
Minor82.17%
Other90.12%

13. If this occurred together with the avoidance of the break in committees over the election period, performance would have been:

Major76.66%
Minor83.16%
Other90.34%

14. It can be added that a small, but unknown, number of other applications might have met their target if the case officer was confident that a more regular meeting of the appropriate committee would have enabled the target to be met.

15. Generally speaking there would be no follow on effect on the calendar of meetings, in losing the current, fourth fallow week. The Civic Offices will still have the Council Chamber available every third week as Area Plans South would be held at Roding Valley School. This would mean that other meetings that use the Council Chamber on Wednesdays, such as the Local Councils Liaison meetings, would still have a venue

16. The suggestion has been made that the revised timetable over the election period be trialled before altering the committee cycle and the committee may feel this is a sufficient step. However, it must be appreciated that it is considered that not one of the improvement measures on their own will lead to a significant change in performance but rather together they will aid achievement of targets.

Local Councils

17. Local Councils need not be concerned that this change would affect their ability to make considered comments on applications. Local Councils are consulted on applications within 7 days of their receipt and are required to make comment within 3 weeks. The change in committee cycle is aimed at catching those applications that presently take 9 or 10 weeks to determine and deciding them within 8 weeks. This has no impact upon the first 3 weeks of consideration, the time during which local councils make their comments.

18. The practice of, exceptionally, completing a report on an application before the consultation period has finished will not change as a result of this proposal. Any comments

received after printing an agenda are read out in full at the committee, which gives them a higher profile than simply typing them in a report and is accepted practice satisfying, for example, the Ombudsman.

Costs

19. In terms of additional costs, these fall into three categories:

- (1) Rents - applies to Plans South
- (2) Staffing costs
- (3) Printing costs

(1) Rents

Plans South would increase from 12 to 17 meetings - each additional meeting would cost £104 in rent to the school - this is a variable cost not budgeted for.

(2) Staffing

It can be assumed for the purposes of each meeting that there would be three staff there as a minimum - one planner, one committee officer and one webcasting operator. Assuming that meetings generally finish before 10pm then an additional cost of £56.50 x 3 would be incurred. These costs come from planning services (for the planner) and RDS for the Committee Officer and the webcast operator – the RDS budget for this has been overspent to date this year but contained within salary budgets as a whole for RDS. Revised estimates have been made for this budget and these should carry through to next years budget.

(3) Printing costs

Each planning agenda cost between £100 and £150 - the printing budget was not increased for inflation this year (when we also reduced the number of planning meetings) and we are currently showing an underspend on this budget (partly because we are not having these meetings). Even taking into account the additional meetings it is not anticipated that members would be asked for even an inflationary increase in the budget again next year. The printing budget has decreased significantly over the last three-four years since the introduction of the Committee Management System from a peak of about £80k to under £50k currently.

20. Other factors have not been costed for, such as travel for members, lighting, heat etc for each of these meetings.

Constitution and Members Services Scrutiny Standing Panel

21. The Constitution and Members Service Scrutiny Panel considered this on 20 November 2007, when they recommended that the council agree a three-week cycle for Area Planning Sub-committees, with a start date of May 2008. But that prior to this the proposals should be put to all members and Local Councils to seek their views. This was subsequently done via the Local Council Liaison Meeting and the Overview and Scrutiny Committee, both of whom requested extra time for consideration.

Local Councils Liaison Meeting

22. There was some disquiet amongst Local Council's at their meeting on 28 November that the proposed timescale did not give them time enough to respond.

Summary

23. Changing the committee cycle from 4 weeks to 3 weeks cannot be regarded as a panacea solving all ills and providing a step-change in performance. However, it is one of a series of measures that together with others will assist in securing an improvement in performance.

24. Planning Delivery Grant was dependant upon achieving the government targets. The basis upon which PDG is now to be calculated no longer includes development control performance (other than a penalty if government targets are not met). There is, then, no additional funding from government for hitting top-quartile targets but the Council desires to provide its residents with the best service possible and speed of decision-making is one simple measure by which comparison with others can be readily be made to indicate the quality of service delivery.

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Area Plans Sub-Committee – Three Week Cycle
Responses from Town and Parish Councils

1. Response from North Weald Bassett Parish Council:

The above matter was discussed at the Parish Council Planning Meeting yesterday evening where the following comments were made:

North Weald Bassett Parish Council would have no objection to the changes to the committee system for plans to be on a 3 week cycle, providing that all Parish and Town Councils are able to have their views read by Councillors who are Members of the relevant Planning Committee. We would prefer all Parish Council views and comments be placed within an Agenda, however we are aware that these views may have to be circulated on a Yellow Supplementary Agenda. Providing that this could be circulated in time for it to be read by the Members of the relevant Planning Committees we would have no objection. However we feel that the District Council should be 'lenient' when there are additional gaps between Parish Council meetings such as the summer recess and Christmas/New Year Period, and allow an extension of time for comments to be submitted. Subject to these matters being adhered to we would have no objection.

2. Response from Loughton Town Council:

As the district council are already within the government targets for the turn around of applications, there would seem no real need for this proposal to be adopted. If it were adopted it could restrict the ability of town councils to properly consider planning applications. It could also mean that local councillors would not have as much opportunity to attend subcommittee meetings, as there would inevitably be more clashes.

3. Councillor Caroline Pond: this is a personal view as a planning councillor:

Our officers are to be congratulated on the way that performance last year way exceeded the Government targets, and is similar at this stage.

It almost reached the council's own targets so it is premature to change the cycle. With the extra meeting in May/ June it may improve.

The spare week is useful for parishes to hold their own meetings (often held on Wednesdays), thereby avoiding some clashes for dual-hatted councillors, and for parishes wishing to speak at Area Plans.

It can also be useful for extra non-planning District meetings.

More information is required on the costs of holding an extra meeting. More information is also needed on how this will effect consultation by the public, and the parish councils. It is not acceptable for views to be given on the night, and not included in the agenda.

Cllr. Caroline Pond

4. Response from Roydon Parish Council:

Roydon Parish Council considered the suggestion of a 3 week cycle to committee meetings recently and has concerns that this will not give Parish Councils like Roydon sufficient time to comment on applications particularly major ones.

Roydon PC considers the majority of planning applications at its regular monthly meetings. Very occasionally we hold a planning meeting in-between times but generally this has not been necessary as the current arrangement, with some flexibility asked for and usually agreed with individual planning officers, has sufficed.

Our concerns are that holding a second regular monthly meeting (to ensure that our comments are included for a 3 week cycle sub-committee meeting) will mean more of a time commitment from members and the Clerk as well as hall costs - historically it has always been more difficult to ensure quorum attendance at ad-hoc planning meetings.

We trust that our comments will assist in the decision making process.

5. Response from Stapleford Abbots Parish Council:

Their members believe that a three-week cycle would incur extra costs to Parish and Town Councils because additional planning meetings would be required. At

the present time the Sub-Committee meetings are on a specific day each month and are easy to diarize; three-weekly meetings would lead to confusion.

It is understood that the proposal would assist the Planning Department to meet Government guidelines but the Council would suggest that other avenues be explored to meet these guidelines rather than put Parish and Town Councils under pressure.

6. Response from Nazeing Parish Council:

Members of the Nazeing Parish Council would object to Plans Sub Committee meetings being held on a three-weekly cycle.

Members consider that it is not necessary because Planning Services already meet government targets and that an extra week in the monthly cycle could be put to better use within the Parish Council, Town Council and District Council.

The present meetings are not always well attended by sub committee members and therefore there would be doubt if this would improve attendance if asked to attend more meetings.

The cost has also got to be considered, and Members ask that the costing issue be dealt with and circulated before any decisions are made.

The Council has already changed the dates for Planning Committee meetings to accommodate turn around times and would ask that this matter be seriously reconsidered.

7. Response from Ongar Town Council:

Councillors would wish there to be a demonstrable reason for this change as they are concerned that this may result in extra meetings (and therefore an increase in costs) for Parish and Town Councils and a difficulty in meeting the required deadlines.

Members would also like to see a return to the practice of holding these meetings at various locations throughout the District and not only in the Civic Offices, Epping. Members believe this would result in a greater public attendance at these meetings.

8. Response from Epping Town Council:

The following is an extract from the Council's minutes, indicating their view on this matter:

Council considered a letter and report on the District Council's proposals to move the Planning Sub-committee cycle from four weeks to three weeks. The Clerk advised the Council that the Council's decision will be little affected by the change but exceptionally, single applications are received outside the normal weekly list arrangements and these may be troublesome under the current delegations.

Council RESOLVED to direct the Clerk to write to EFDC Planning Section advising them of Council's general approval of the three-week cycle for Planning Sub-committees; provided the 'weekly list' arrangements are strictly adhered to. Council also resolved to delegate authority to the Clerk acting in consultation with the Chairman of Planning and General Purposes Committee to: either respond to any applications which, due to time of receipt, cannot be placed before an ordinary meeting of Committee (advising the next available Committee of any decisions); or to call an extraordinary meeting of Committee.

Report to Overview and Scrutiny Committee

Date of meeting: 31 January 2008

SCRUTINY



Report of: Constitution and Members' Services Standing Scrutiny Panel

Subject: Local Government and Public Involvement in Health Act 2007 - Provisions Relating to Elections

Officer contact for further information: I Willett, (01992 564243)

Democratic Services Officer: Z Folley, (01992 564532)

Recommendations:

- (1) That the option of changing to whole Council district elections every four years be not pursued;
- (2) That the following provisions in the Act be noted:
 - (a) ability for the District Council to change the Parish/Town Council electoral cycle by negotiation;
 - (b) ability to initiate electoral reviews to achieve only one Councillor for each district ward;
 - (c) exercise of a new discretion to change the names of electoral wards without the consent of the Secretary of State; and
 - (d) new procedures for creating, amalgamating and grouping parish councils.
- (3) That consideration be given by the Committee as to whether any of the items listed under recommendation (2) above should be the subject of further reports from the Constitution and Members' Services Standing Scrutiny Panel.

Report

1. Introduction

1.1 We were asked, as part of our work programme for the current year, to review the contents of the Local Government and Public Involvement in Health Act 2007. This is an important piece of legislation, which affects the Council's Constitution, its governance arrangements, and the role of Councillors including electoral matters, local authority executives, Overview and Scrutiny and other changes to constitutional arrangements.

1.2 This report deals with the electoral provisions in the Act and we will submit further reports on other aspects over the coming months.

2. 2007 Act - Electoral Provisions

2.1 The main electoral matters covered in the 2007 Act relate to the items set out under recommendations (1) and (2) of our report. This report deals mainly the District Council's own electoral cycle as we are aware that there was some interest in changing from elections by thirds to whole Council elections every four years. The remaining matters listed are referred to in this report but have not been examined in detail. The Committee will note from recommendation (2) that we are asking the Committee to indicate whether the Panel is to carry out further work on any of those topics, should so indicate at this meeting.

3. Changing the Electoral Cycle

3.1 Part 2 of the Act deals with new powers for district councils to change their electoral schemes. Ministerial approval is no longer required.

3.2 This Council currently operates a system of election by thirds so that District Councillors are re-elected in three years out of every four. This system has been in operation since 1976 and was reaffirmed in 2002 as part of the district electoral review at that time.

3.3 The procedure for changing to whole Council elections requires:

- (a) reasonable steps to be taken to consult such persons as the Authority thinks appropriate;
- (b) approval by means of a Council resolution to be passed at a meeting specially convened for the purpose with a majority of at least two thirds of the members voting;
- (c) the resolution being passed within the period prescribed in the Act (either the period ending on 31 December 2010 or the period starting with the Council's annual meeting in 2014 and ending on 31 December of that year or in any fourth year subsequently).

3.4 This resolution would mean that the Council would be subject to a new electoral scheme providing for election of all Councillors in 2011 and every four years thereafter. Under this arrangement all sitting Councillors would retire four days after election day on 2011 and those elected (or re-elected) would come into office for a four year term.

3.5 The Council is required by the Act to publicise this resolution and produce an explanatory document explaining the effect of the resolution and to give notice of the resolution to the Electoral Commission.

3.6 The Act also allows Councils to change back to election by thirds if they have previously operated that system in the period since 1974. Similar conditions regarding the passing of that resolution to that effect, consultation, and public notice apply. However changing back requires that a notice of the adoption of that resolution must be served on the Electoral Commission who then have to decide whether to ask the Boundary Committee for England to conduct an electoral review and to consider making an order for election by thirds whether the Boundary Committee for England has conducted a review.

4 Investigation of Arguments For and Against Changing to Whole Council Elections

4.1 Now that the Council has more freedom to make this change, we have considered the arguments for and against adopting a whole Council election cycle. These arguments can be grouped together under the following headings:

- (a) Local Democracy;
- (b) Political Management of the Council; and

(c) Resources and Costs.

4.2 Our first step was to obtain details of other local authorities that had made the change to whole Council elections so that we could examine their reports arguing the advantages and disadvantages of that policy. Three local authorities: Broadlands District Council (Norfolk), Eastbourne Borough Council (Hampshire), and Castle Point District Council (Essex).

4.3 Castle Point District Council was of interest to us because it was an authority which had changed in the reverse direction (i.e., from whole Council elections to election by thirds).

4.4 The two Councils (Eastbourne and Broadlands) who changed to whole Council elections were clearly strongly influenced by research documents produced by the Electoral Commission and the Government in 2004/5 on this subject. Extracts from these two reports are set out in Appendices 1 and 2 to this report.

...

Electoral Commission Findings

4.5 We think it is worth quoting a section of the Electoral Commission report from 2004 in relation to electoral cycles:

"The Commission recommends that each local authority in England should hold whole Council elections with all Councillors elected simultaneously every four years.

The Commission recommends that all local government electors in England should elect members of their District, Metropolitan Borough, London Borough or Unitary Council simultaneously once every four years. Two years later, in the mid point of the electoral cycle, electors in areas with county councils, citywide authorities or any future sub national government should elect representatives to those bodies."

4.6 Other points which arise from the Electoral Commission study are as follows:

(a) Understanding among the Electorate - the Commission points out that a mixed pattern of electoral cycles is "unclear and inconsistent" and may explain the number of electors who appear in the Commission's Public Consultation Exercise to be unaware of when the elections will be held in their area;

(b) Equity between Electors - the Commission concludes that it is unfair that, in systems of election by thirds, some electors "may have fewer opportunities to vote and influence the political composition of the same local authority than their neighbours in a different ward". Greater equity, it is concluded, would be achieved by all electors voting every four years;

(c) Leadership Stability - the Commission explores the arguments for elections by thirds or whole Council elections to establish which can provide a more stable political environment. The Commission points out that election by thirds may mean "less potential for abrupt changes of political control and switches in policy" but could imply that "important but controversial decisions may be postponed for political reasons until after an election". Other views are expressed about the ability of the electorate to change political control under the two systems. The Commission concludes that "whole Council elections do provide a degree of inherent stability providing an administration with a clear, four year mandate to implement its policies". It does acknowledge however that the election by thirds system does provide an annual opportunity by which political management of the Authority could be changed.

(d) Voter Participation and Turnout - the Commission's view was that on the basis of its research, more frequent elections dilute public interest and reduce turnout. London Borough elections are put forward as an example of how the four year cycle results in higher turnout.

"Vibrant Local Leadership" - ODPM Policy Paper (February 2005)

4.7 This Government document picks up many of the points raised in the Electoral Commission report indicated above. In summary, the Government saw a higher level of public understanding about the system of elections through whole Council cycles. It supports the argument that equity between electors is better achieved through whole Council elections and endorses the arguments of the Electoral Commission regarding stability of political management. On participation and turnout the Government accepted that "less frequent elections do reduce the number of separate opportunities for people to stand as local representatives or become involved in the local political process". However, the Government also commented that frequent elections may dilute public interest in the Council especially in the case of election by thirds which are "often unlikely to offer a clear opportunity for a locality-wide judgement on the overall performance of a Council and the prospect of a clear shift in control where local people felt that this was merited".

Experience within the three other Councils

4.8 We feel it may be useful to outline in brief terms the information we have obtained about the experience of the other three authorities mentioned above.

Broadlands District Council

4.9 The report of Broadlands Council refers to cost savings as a result of economies of scale which arise from all seats being elected at the same time. The Council had clearly consulted the public on making this change but the matter had stalled pending the Government's response to the Electoral Commission report. What can be seen now is that the 2007 Act is the Government's response to the Electoral Commission's proposal. Other than tying the change in electoral cycle to the previous Electoral Commission and Government Policy Papers, there is not a great deal of argument about the pros and cons of making the change.

4.10 It would be fair to say that cost arguments seemed to be a high priority for Broadlands District Council at the time. For the information of the Committee, Broadlands District Council has 47 members and has had a majority party for many years.

Eastbourne Borough Council

4.11 The reports we have seen from Eastbourne Borough Council are also clearly tied to the Electoral Commission report to which we have referred. Statistics were produced showing the electoral cycles operated by Borough and District Councils in England at the time. 82 held elections by thirds and 149 by whole Council cycles. Seven other councils held elections by halves. The Council had convened a Members' Seminar which had resulted in the following summary of arguments for and against this change:

"Advantages of Whole Council Elections

- (a) long term stability and enhanced stability to plan long-term;
- (b) reduction in the occasions when normal Council activities have to be curtailed because of an election period;
- (c) likely to improve electoral turnout;
- (d) reduction in confusion in the minds of voters and greater clarity in the election process;
- (e) cost savings;

Disadvantages of whole Council Elections

- (f) Council could be perceived as being less accountable when not subject to annual

elections;

(g) potential for reduction in local political activity in non election years and loss of contact between Councillors and residents;

(h) voter confusion in the face of a ballot paper offering up to three votes instead of the more familiar one;

(i) potential for loss of cross-party co-operation when elections are seen as being "all or nothing".

4.12 Eastbourne Borough Council is a relatively compact authority and has 28 Councillors. The political make-up of the Council involves only two parties with a small majority.

Castle Point District Council

4.13 This Authority changed from whole Council elections to election by thirds. Relevant reports and discussions with electoral staff did not reveal any clear arguments being put forward for this change of policy. The impression is that the controlling political group of the time were convinced of the need for this change and went ahead with that proposal.

Review of Evidence

4.14 We decided to obtain further information on cost comparisons between whole Council and election by thirds and also recent turnout figures for Epping Forest District in order to test the arguments put forward by the Electoral Commission and the Government about whole Council elections improving turnouts.

4.15 The main elements of the cost of elections are as follows:

(a) staffing costs;

(b) printing costs;

(c) cost of hiring polling stations and count centre; and

(d) travel and other miscellaneous costs.

Cost Comparison

4.16 The Returning Officer has prepared the financial appraisal set out at Appendix 3 to this report. We would like to draw attention to two specific items:

4.17 Training for members which in the first year of the new electoral cycle (2011/12) is set at £10,000. This is to reflect the fact that a larger than normal intake of new members might be experienced at that time. The Committee should note that for the remaining three years of the electoral cycle the figure reverts to the current level.

Public Consultation

4.18 It was clear from Eastbourne Borough Council, that public consultation had been undertaken on this change. The Returning Officer has included in the financial appraisal a sum of £10,000 for consultation with the public on electoral cycles. However, it now seems that the Council has some discretion about the extent of the consultation to be carried out. The Returning Officer has told us that the figure of £10,000 should be regarded as an upper limit, sufficient to carry out a sophisticated public consultation exercise if that was the Council's preference. Any more limited consultation would reduce that cost but it should be borne in mind that some funding might still be required as there is no other available budget at the present time. Thus, the less sophisticated the public consultation, the greater is the

cost advantage of pursuing whole Council elections.

Electoral Turnout

4.19 In 1999 a review of the electoral cycle was undertaken by the Council. This was as part of the periodic electoral review which came into operation in 2002 with a whole Council election on new electoral boundary. As part of that review, the Council could have opted for whole Council elections but in a report by the Executive Committee in December 2007 the conclusion was: "That the existing arrangements served the District well and should therefore be continued".

4.20 We asked the Returning Officer to produce for this report some information on turnout figures for District Council elections since 2002. These are summarised below:

Year	Type of Election	Percentage turnout
2002	Whole District Council Election	32.7%
2003	One Third District Council	29.3%
2004	District/Parish/European Parliament Election	37.6%
2005	County Council	N/A
2006	District and Parish Council	42%
2007	District and Parish Council	34%

4.21 We would ask the Committee to review those turnout figures in relation to the comments by the Electoral Commission and the ODPM in relation to higher turnouts for whole Council elections.

The Electoral Cycle

... 4.22 Appendix 4 to this report sets out an electoral cycle over the period 2007-2014. The Committee will note that the change to whole Council election would take place in 2011 with Parish, European and County Council elections continuing on the same timetable. The only uncertainty is the date for Parliamentary elections.

5. Summary of Arguments

5.1 We have referred to a number of the arguments for and against change to whole Council elections. It may be helpful to summarise these and others which we have been discussing.

(a) Political Management

5.2 It is clear to us that a majority party with a four year mandate may find it easier to plan and deliver its policy programme than if the majority is "at risk" as a result of annual elections. However, by the same token, whole Council elections could perpetuate a "balanced" Council for a period of four years. If the majority party maintains its position throughout the four year period on elections by thirds, it could be argued that it would still be in a position to deliver its policy programme.

(b) Voter Engagement - Electoral "Overload"

5.3 We have carefully considered the argument that whole Council elections would reduce electoral overload for the voters and result in higher turnout. Although we can see merit of this in

some situations (e.g. inner cities), it seems to us that in a County area with Parish and Town Councils the number of different elections is still considerable and, in our view, undermines the case for change. In the case cited by the Electoral Commission's report (London Boroughs) the only elections held are whole Council London Boroughs. There are now Mayoral and London Assembly elections which have a high public profile.

(c) Voter Engagement - Turnout Figures

5.4 Our assessment of turnout figures since 2002 seems to indicate that in this area at least election by thirds has not adversely affected voter turnout. It is possible that turnouts are not as high as might be wished but if a comparison is made between 2002 and 2006, the argument may not be as strong as implied by the Electoral Commission and by the Government in 2004/5.

(d) Electoral Costs

5.5 We have reviewed the cost comparison prepared by the Returning Officer. It is clear that there would be a saving on the whole Council option which would be approximately £10,000 per annum and could be increased if the estimate of consultation is reduced. There would be economies of scale in mounting elections on a whole Council basis. For instance, polling stations would only need to be hired on one occasion and similarly staff will be required in that Ward only once in the four-year period.

5.6 On the other hand, we noted that it will be necessary to take account of four years' inflation with whole Council elections. Similarly if the predictions about the number of bye-elections is correct, some of the "whole Council" economies of scale may be lost over the four-year period.

(e) Staffing

5.7 The Returning Officer has commented that staffing a whole Council election is a major undertaking. It will be necessary for him to engage approximately 70 Presiding Officers, compared with approximately the 40 necessary for each election by thirds. The four-year cycle, in his view, will place greater emphasis on succession planning and the maintenance of the skills and knowledge of Presiding Officers. The process of maintaining a pool of experienced staff will become more difficult and greater training will be necessary to avoid "rustiness".

5.8 This needs to be balanced against the cost arguments for whole Council elections. The Returning Officer has said to us that it will be easier to refresh the skills of Presiding Officers and secure replacements if the system of election by thirds continues.

(f) Political Implications

5.9 We have also discussed the implications for political parties arising from whole Council elections. Some political groups will find it easier to secure candidates if they are contesting a restricted number of wards. However, it may be more difficult for parties committed to field candidates in all or a large number of wards to find a number of candidates required every four years. Our discussions indicated that it can sometimes be difficult to find candidates for District Council seats and we took this as being an important negative factor in this argument.

(g) The Demand for Change

5.10 In our discussions, we asked ourselves the question whether there was a strong desire within the Council to make the change to whole Council elections. There has been consultation with Members through the Members' Information Bulletin and this attracted very little support for the idea. We accept that there has been no consultation with the public on this idea and it may be that the community at large will be more persuaded to change to whole Council elections having heard some of the arguments which are in this report.

5.11 We had considered convening a Member Seminar, possibly involving an external facilitator and representatives of the local authorities we have mentioned, in order to explore these matters more informally. However, we have concluded that before the Council can launch into an internal debate or indeed public consultation, there needs to be some clarity as to whether there is clear support for the idea. The purpose of this report therefore is to ask the Committee (and the Council) to explore the principle of whether further work should be undertaken on whole Council elections. There will be a cost to this process which will need to be met and we are anxious as a Panel to avoid unnecessary expenditure if there is no deep conviction about making the change. We recommend accordingly.

6. OTHER ELECTORAL MATTERS

6.1 The other provisions in the 2007 Act relating to elections are as follows:

(a) Changing the Parish/Town Council Electoral Cycle

There is now an opportunity for the Council to make an Order to change the electoral cycle for Parish and Town Councils. This can only be done where it achieves a situation where Parish and Town Council elections are held in the years which coincide with the year of ordinary elections in a Ward situated in any part of the Parish. This provision is designed to ensure that Parish and Town Council elections are synchronised with the District election. However, it will be necessary to consult with all the Parish and Town Councils about whether they wish to change from the current regime to a regime where all were re-elected in the same year.

6.2 As part of this process the District Council would have to make transitional provisions regarding the retirement date for existing Parish Councillors. We have not explored this option in detail although in discussion the point has been made to us that this change might achieve greater economies of scale and reduce costs for mounting elections.

(b) Single Member Wards

6.3 Councillors may ask the Electoral Commission to direct the Boundary Commission to review the District and for the Boundary Committee for England to make recommendations on single member wards for each electoral area. This procedure only applies where:

- (i) not all Wards have a single Councillor;
- (ii) the Council is subject to a scheme of whole Council elections.

6.4 Furthermore, the Electoral Commission is not obliged to grant such a request and it would be for the Boundary Committee to make proposals for how those single member wards were to be established.

(c) Names of Electoral Areas

6.5 Under the Act, Councils are now able to change the name of electoral areas by passing a resolution at a meeting convened for the purpose with notice of the subject matter. This no longer requires prior consent from the Secretary of State.

(d) Community Governance Reviews

6.6 This Council may initiate a Community Governance Review of its District or any part thereof. By petition, local communities can also request that such a review be carried out. Such reviews can result in the creation of new Parish Councils, the disbandment of Parish Councils, the grouping of Parish Councils and the creation of individual Parish Councils currently grouped together. There is reference in the Act to further guidance on this process which has not as yet been received.

6.7 We have not discussed any of these matters in detail. Our purpose in raising them as part of this report is to establish whether the Committee wishes us to look further into these matters and report back.

6.8 We recommend as set out at the commencement of this report.

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Vibrant Local Leadership – ODPM Policy Paper February 2005

Extract:

The Cycle of Local Elections

49. The current cycle of local elections in England means that councils are elected through a number of different cycles. More than half of all councils hold whole council elections every four years, but others hold elections in two or three years out of four for proportions of the council's seats. This situation is felt by many to be confusing for the public and the Electoral Commission has responded to the Government's invitation to look at this issue by recommending that whole elections are held every four years for all councils, together with a recommendation on how this might be implemented.

50. The Government has carefully considered the Electoral Commission's recommendations and is minded to agree with the principal recommendation to move to whole elections for all English councils, although not necessarily on the same day. Whilst the Government acknowledges the arguments for local.

51. There are several, detailed arguments about how such a system of whole council elections could be introduced. There are, for example, arguments about whether these should be spread over one, two or more separate election days during a four yearly period and whether these would be differentiated by types of authority, or more randomly. The Government plans to hold further discussions with the Electoral Commission and representatives of local government about the desirability and feasibility of any such changes.

The potential benefits of whole elections

The Government sees a number of benefits accruing from such a move:

- A higher level of public understanding about the system that would, in itself, be an aid to supporting the clarity and visibility of local leadership;
- Equity between electors. Some electors within the same authority area can, at present, have fewer opportunities to vote and influence the overall composition of their council than do their neighbours in a different ward. In areas with partial elections, but no uniform pattern of members per ward, electors may become disaffected when control of the council changes in elections where they have no opportunity to participate;
- Stability. As discussed previously when dealing with the mayoral model, whole elections every four years provide an inherent stability that allows policies to be developed and implemented over a reasonable period that the local electorate can form a judgement on;

- Participation and turnout. The Government accepts that less frequent elections do reduce the number of separate opportunities for people to stand as local representatives or become involved in the local political process. Equally, more frequent elections may tend to dilute public interest in the council. This is particularly the case as election by thirds is often unlikely to offer a clear opportunity for a locality wide judgement on the overall performance of a council and the prospect of a clear shift in control where local people felt that was merited.

Electoral Commission findings and factors affecting electoral cycles

The electorate's understanding of local government elections

A1. The Electoral Commission concluded that the current pattern of local electoral cycles in England is unclear and inconsistent, both within and between local authorities and it is unnecessarily complicated and confusing in that many electors do not know when or why local elections are held in their area. More worryingly, it allows electors to be unclear about which body they are voting for on a given day. The Commission is concerned that whilst the current complexity of English local government elections is not an issue in itself, the complexity might not encourage understanding of the democratic opportunities across England, which is a significant matter.

A2. The Commission also noted the variation in the proportion of the local government electorate that has been eligible to vote over the years. For example, in 1999 and 2003 80 per cent of the total local government electorate in England were eligible but in 1996 and 2000 less than half were eligible to vote. This pattern of elections, mitigates against continuing interest and encouraging higher participation in elections.

A3. A study by MORI on behalf of the Commission in 2003 showed that one-in-six people in areas where elections were due to be held were unaware of it. The year before, MORI had found this to be a quarter of the electorate. Younger people and respondents from black and minority ethnic groups were three times more likely to be uninformed. Disturbingly, one-in-five respondents did not know which authority they would be voting for in 2003. To outline this, MORI found that in unitary authority areas 21 per cent of respondents thought they would be voting in a county council election.

A4. The Commission has concerns that the varied pattern of electoral cycles across England may have a particular effect on the levels of awareness and understanding of the electorate. 30 per cent of respondents conceded that they did not know how often elections were held in their area and only 16 per cent were actually able to correctly identify the actual cycle of local elections. A higher proportion of respondents where elections were held once every four years were most likely to correctly identify the cycle of local elections in their area, around one-third of correct responses. Only 5 per cent of respondents facing elections in three or two out of four years could correctly identify the cycle. These respondents were much more likely to think that local elections took place every year, which is not the case.

A5. Respondents to the Commission's consultation paper on electoral cycles were divided on the merits and desirability for change to a more uniform pattern of elections. Many accepted the benefits of increased voter awareness; others resented interference from the centre in what they saw as a matter for local choice.

(Interestingly, whilst respondents felt that electors did understand the cycle of local elections the Commission's research suggests otherwise.)

A6. The majority of respondents accepted that a more uniform pattern of local elections would be beneficial: a clearer more predictable pattern would help electors to understand when elections take place. Some noted the importance of consistency both within and across local authorities, ensuring all electors have the same rights and opportunities. Others noted that consistency across England may develop a 'national voting habit' which could promote local democratic renewal and civic responsibility.

A7. There is some opposition among local government stakeholders on the idea of imposition of change. Some consider that what works well for some authorities will not work for others. They argue that local choice is important and that local elected representatives are best placed to determine which pattern is most suitable for their area, responding to local need and circumstances but only shire district/borough and unitary authorities have local choice under our current arrangements.

A8. On balance, the Commission felt that locally determined arrangements would merely suit those with established interests. Well-informed electors are better placed to hold their local representatives to account. Removing confusion on the cycle of elections was an important step forward and outweighs the potential costs of change.

Equity between electors

A9. The Electoral Commission is clear that opportunities for access to the local democratic process should be equitable. In its view it is unfair and unacceptable that within an individual local authority some local electors may have fewer opportunities to vote and influence the political composition of the *same local authority* than their neighbours in a different ward. (Many authorities that elect by thirds, outside metropolitan borough areas, do not have a uniform pattern of three-member wards. In these areas, some electors may have three opportunities to vote for their local authority in a four-year period while others can only vote once in the same period.) In areas with partial elections but no uniform pattern of members per wards, electors may become disaffected if control of the council changed as the result of an election in which they were not able to participate.

A10. A strong theme that came from respondents to the Commission's consultation paper was the importance of ensuring the equity and fairness in electoral arrangements, in line with the Widdicombe Committee's thinking. Respondents felt that all electors within each individual local authority should have the same opportunities to influence the outcome of local elections and the policies of the authority. This is clearly not the case at present.

A11. An alternative way of achieving equity for electors in each individual local authority would be to require a uniform number of members per ward within the authority. However, the Boundary Committee for England has noted that the requirement to recommend a uniform pattern of three-member wards in all 36 metropolitan borough areas caused specific difficulties when attempting to reflect community identities in some authorities. They note that the flexibility to recommend single, two or three-member wards enables the Committee to more easily reflect

local communities' identity while continuing to provide good levels of electoral equality.

A12. A pattern of whole council elections would not require authorities to be restricted to any particular size of ward, yet there would be equity for electors in that the whole electorate would be eligible to vote together once every four years. It is worth reiterating at this point, over half of all principal authorities in England already operate on this basis.

Leadership stability within councils

A13. Local government stakeholders value the role of stability and leadership in enabling the effective management of authorities. However, there is no clear evidence directly linking the electoral cycle of an authority with its CPA score.

A14. Stability means different things to different people:

- For some supporting elections by thirds, stability means less potential for abrupt changes of political control and switches of policy. They would also tend to suggest that important but controversial decisions may be postponed for political reasons until after an election, giving electors no opportunity for democratic protest for four years where whole elections are held;
- On the other hand, those favouring whole elections point to importance of consistency of policies and representatives through a defined period of office, without the interruption and diversion of intervening elections. Whole elections provide a degree of inherent stability with a clear mandate to representatives for a programme of policies during a four-year period, allowing time for the administration to carry its policies through before being held to account by the whole electorate on its record, its success or its failures.

A15. Equally, some commentators will note that where the balance of power within an authority is on a knife-edge, political control could change frequently where the authority elects by thirds, with significant instability as a result. Others note that where authorities elect by thirds and have strong single-party control where the will of the electorate means that the ruling party loses all seats in a given year, overall political control may not change because too few seats are contested at that election and therefore has the desired outcome of leading to greater stability. In short, elections by thirds can lead to greater stability to those areas where one party tends to dominate, but to reduce stability where support for the parties is more evenly balanced.

A16. We would tend to the view that whole elections do provide a degree of inherent stability, providing an administration with a clear four-year mandate to implement its policies on which it can clearly be judged. Indeed, this is one aspect of the mayoral model, which makes Directly Elected Mayors attractive.

Participation and turnout

A17. Another area of conflicting views relates to participation and turnout. Annual or biennial elections hold the potential for more frequent opportunities for participation

by electors. Equally, more frequent elections may tend to dilute public interest in elections and electors may, in practice, tire of passing judgement on their representatives annually.

A18. Good levels of turnout are important to ensure the continued relevance and legitimacy of local government. Continued low turnout may undermine the authority of local government to speak and act on behalf of the communities it represents. Turnout could clearly be affected by the electors' weak understanding of electoral matters, driven in part by confusion over electoral cycles. Equally, electors may perceive a disincentive to vote where they feel they cannot change a council because too few seats are up for grabs at a given election. However, the Commission have drawn upon some research by the LGC Elections Centre at the University of Plymouth.

A19. The Centre's research gives some weight to the notion that more frequent elections may dilute public interest and reduce turnout. They found that over the last 30 years, the four-yearly elected London boroughs generally have had a higher electoral turnout than the metropolitan boroughs, which elect by thirds. Furthermore, turnout in London has been between two and ten percentage points higher than in metropolitan boroughs in all years, except 2002, when both types of authority held elections. Similar differences were present for shire districts. The centre's findings also show that turnout would fall if authorities who normally had whole elections moved to elections by thirds and a rise in turnout could be achieved by moving to whole elections for those operating on thirds or halves.

APPEN DIX 3

Estimated cost of holding elections by thirds and by whole Council, every four years.

Elections to be Held 2007 2008 2009 2010 2011 2012 2013 2014 Totals

Present System

	£	£	£	£	£	£	£	£	£
District by thirds	81000	74000	0	75000					230000
Member Training	7500	7500	7500	7500					30000
BY-Elections	5000	5000	5000	5000					20000
Total	93500	86500	12500	87500	0	0	0	0	280000

New System

District Whole Council					179000				179000
Member Training					10000	7500	7500	7500	32500
BY-Elections					0	16000	17000	17000	50000
Consultation					10000				10000
Total					199000	23500	24500	24500	271500

Notes

- 1 Estimates are shown at November 2007 prices, and do not include inflation
- 2 Comparisons show current system of thirds and one Whole Council election.
- 3 No Parish/Town Council costs are included
- 4 Higher staffing levels have been assumed for Whole Council election because of higher polling turnout
- 5 New training budgets are included based on Government guidelines for Parliamentary elections
- 6 Additional member training included for Whole Council election
- 7 An allowance for 10 by-elections is included for Whole Council election over the 4 year cycle.
- 8 A one off consultation cost is included for the Whole Council election.
- 9 Additional costs for printing of ballot papers and count fees are included for Whole Council election.
- 10 The current year budget for elections is £94,470 plus £4,400 supplementary for By-elections, with a recharge for Parish elections of £22,500.
This budget will be reviewed as part of the current estimate process.

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ELECTORAL CYCLE

Year	Elections to be held	
2007	District (1/3)	Parish (1/2 of Councils))
2008	District (1/3)	Parish (1/2 of Councils)) Election by Thirds
2009	County	European) Present System
2010	District (1/3)	-)

2011	District (Whole Council)	Parish (1/2 of Councils))
2012	-	Parish (1/2 of Councils)) Whole Council
2013	County	-) New System
2014	European	-)

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Report to the Council

Committee: Cabinet

Date: 18 December 2007

Portfolio Holder: Councillor Mrs M Sartin

Item: 11(d)

1. WASTE MANAGEMENT PARTNERSHIP BOARD

Recommending:

(1) That, in accordance with the terms of the new waste management contract, the establishment of the Waste Management Partnership Board be approved, with a membership of eight split equally between the Council and the waste management contractor, SITA;

(2) That the Council's membership of the Waste Management Partnership Board be as follows:

- (a) the Environmental Protection Portfolio Holder (to be Chairman);**
- (b) the member nominated by the Overview and Scrutiny Committee;**
- (c) the Director of Environment and Street Scene; and**
- (d) the Council's representative under the contract;**

(3) That the meetings of the Board be held on a quarterly basis with one meeting designated as the Annual General meeting;

(4) That the following key functions of the Board be approved:

- (a) to monitor service performance;**
- (b) to encourage innovation and to monitor the Innovation Forums;**
- (c) to manage the contract pro-actively;**
- (d) to encourage partnership working;**
- (e) to resolve differences;**
- (f) to review the Partnership; and**
- (g) to report to the Cabinet on an annual basis.**

Background

- 1.1** The new waste management contract contains within it provision for the establishment of a Partnership Board and a Partnership Charter.

- 1.2 The Partnership Board is a key component of the new waste management contract. The new contract is designed to be non-confrontational, relying on "guaranteed" payment for base operational costs but with profit and overheads being dependent upon the contractor performing to key performance indicators.
- 1.3 The Board will have a key role in setting the key performance indicators and then monitoring them over the life of the contract. The Board will be a strategic body and will not be involved in day-to-day operational issues.
- 1.4 We have agreed that initially the partnering arrangements be based on those that exist between SITA and the Royal Borough of Kensington and Chelsea, since these have been in place for a number of years and the process is working well for both parties.
- 1.5 However, the Royal Borough of Kensington and Chelsea Board does not have provision for routine member involvement. The previous Epping Forest District Council Partnership Board did have routine member involvement, being chaired by the Portfolio Holder and having a member nominated by the Overview and Scrutiny Committee. We are recommending that a similar membership should be established for the new Partnership Board and that in addition the Board should also have two officers as members, the Service Director and the officer overseeing the contract. In order to reflect parity on the Board it is intended that SITA will also nominate four persons to sit on the Board.
- 1.6 It is intended that the Board will undertake a review of the Kensington model charter at an early stage and make recommendations for changes to reflect local circumstances.
- 1.7 We are proposing that meetings of the Board be held on a quarterly basis with one meeting designated as the Annual General meeting.
- 1.8 We recommend as set out at the commencement of this report.

Report to Environment & Planning Scrutiny Panel

SCRUTINY



Date of meeting: 6 December 2007

Subject: Cleaner Neighbourhoods etc

Officer contact for further information: J Gilbert / J Nolan (Environment & Street Scene)

Committee Secretary: Ms Z Folley

Recommendation:

- (1) To receive the report of the Cleaner Neighbourhoods and Rogers Review sub group; and
- (2) To consider the recommendations of the sub group as follows:
 - (a) **that the most important enforcement functions** for the Council be agreed as set out in the table in paragraph 6 and that in the context of street scene services Crime & Disorder matters should also be included **as a most important function**;
 - (b) that enforcement activities falling outside of these **categories** and/or outside of the Rogers Review terms of reference be further reviewed;
 - (c) that the general findings of the Encams Local Environmental Quality report be **noted**;
 - (d) that existing partnerships be reviewed and where appropriate new ones established to enable the full suite of Cleaner Neighbourhoods powers to be utilised;
 - (e) that the use of fixed penalty notices be endorsed as part of a revised enforcement strategy, including the use of the Essex Police Community Safety Accreditation Scheme for enforcement officers; and
 - (f) that the existing corporate enforcement policy be reviewed in the light of the Rogers Review recommendations

Report

Background

1. The Panel at a meeting earlier in the year resolved to establish a sub group of Members to consider the implications and best use of the Cleaner Neighbourhoods & Environment Act 2005. That group comprised of Cllrs Mrs Smith, Mrs Sartin, Mrs Whitehouse and Angold-Stephens and met for the first time on the 18th of October. Officers present were J Gilbert (Director of Environment & Street Scene) and J Nolan (Environmental Health Manager).

2. At that first meeting the sub group considered:

- (i) the Rogers Review of enforcement priorities;
- (ii) an outline of the Cleaner Neighbourhoods legislation and where it sat in relation to the Rogers Review priorities; and
- (iii) delivery of appropriate services.

Copies of the supporting papers are attached as appendices to this report.

The Rogers Review

3. Peter Rogers is the Chief Executive of the London Borough of Westminster and he

was commissioned by the government to investigate local authorities' enforcement roles and how they established priorities. The commissioning of this report was welcomed by councils who were becoming increasingly concerned about additional regulatory burdens being placed upon them at a time of increasing downward pressure on resources.

4. Rogers produced a report earlier this year, the conclusions of which were presented to and discussed in part by the Panel at its meeting earlier this year. Rogers undertook an evidence based review of enforcement priorities in order to establish national and local priorities, as well as setting out those issues which he considered to be low priority. It should be noted that some of the low priority issues are statutory functions, but the degree to which they are undertaken can be determined by the individual authorities. The then Minister for the Cabinet Office, Hilary Armstrong stated in a letter to local authorities dated 2 May 2007:

“This report should not be used as a justification for reducing budgets or resource allocations to services, but rather for improving local authorities’ effectiveness. The evidence gathered by this Review on a range of regulatory policy areas will be enormously helpful to local authorities when considering what their local priorities should be for regulatory services.”

The diagram setting out the Rogers Review enforcement priorities is attached to this report.

5. The Group carefully considered the outcome of the Roger’s Review and concluded that it agreed with most of the outcomes it considered that a number of the lower priorities in the Review were in fact important to the District, especially matters such as litter, taxi licensing and fly-tipping. The Group thought that these could sensibly be considered as part of “Local Environmental Quality” which was a category in the local priorities section.

6. It was noted by the Group that a number of other local authority enforcement issues had not been included in the review and therefore not considered above. This is because the Roger’s Review only dealt with the enforcement functions of Environmental Health & Trading Standards services and therefore excluded topics such as crime & disorder and planning enforcement. That is not to say that these are not equally important and should continue to be delivered, especially in the context of local environmental quality. In particular the Group took the view that although excluded from the Rogers Review, Crime & Disorder was a key local enforcement issue and should therefore be included within the Council’s overall enforcement priorities. This overall consideration resulted in the following being suggested as enforcement priorities for the district:

Enforcement function	Rogers Report priority	Proposed priority	Present status
Air quality	National priority	National priority	Routine service provision
Health in the workplace	National priority	National priority	Routine service provision
Alcohol licensing (to include entertainment licensing)	National priority for alcohol)	National priority for alcohol, a most important function for entertainment	Routine service provision
Hygiene in food businesses	National priority	National priority	Routine service provision
Local environmental quality	Local priority	Local priority extended to include non priority areas (see ** below)	Some components as a routine but significant parts of CNE Act agenda not yet undertaken
Contaminated land	Local priority	A most important local function	Routine service provision
Noise nuisances	Local priority	A most important local function	Routine service provision (including 24/7 call out arrangements)
Housing health & safety rating scheme	Local priority	A most important local function	Routine service provision
Accidents in the workplace	Local priority	A most important local function	Routine service provision
Licensing of houses in	Local priority	A most important	New service provision

Enforcement function	Rogers Report priority	Proposed priority	Present status
multiple occupation		local function	
Litter, fly-tipping, dog fouling, statutory nuisances, stray dogs	Non priority	A most important local function (**)	Some components as a routine but significant parts of CNE Act agenda not yet undertaken
Crime & Disorder	Not included in review	A most important local function	Routine service provision but resources currently limited
Animal related licensing	Non priority	A most important local function	Routine service provision
Private water supplies	Non priority	A most important local function	Routine service provision
Private sewers & drains	Non priority	A most important local function	Routine service provision (although not wholly statutorily required)
Unauthorised encampments	Non priority	A most important local function	Routine on 'as and when required' basis
Land drainage	Non priority	A most important local function	Routine service provision including call-out arrangements
Other licensing matters	Non-priority	A most important local function	Routine service provision
Various	Non-priority	To be further considered	Routine service provision

7. The table above includes a number of enforcement areas which were categorised as non priority by Rogers. The Review does not however suggest that Councils cease to provide these **services**; indeed in many cases they are statutorily required. It is suggested that these are considered as part of a further stage in the review process. The Group has not considered enforcement activities, such as planning enforcement, building control contraventions etc which were not part of the Rogers Review terms of reference. However, as part of the suggested further review process the Council ought to consider all enforcement activities and prioritise accordingly.

The Cleaner Neighbourhoods legislation

8. Having considered enforcement priorities the Group went on to discuss the powers made available through the Clean Neighbourhoods & Environment Act (CNEA) 2005, the Environmental Protection Act (EPA)1990 and other associated legislation. In so doing the Group also took into account guidance issued by Defra on "Clean Neighbourhoods"

9. The Group were provided with a paper setting out the powers provided by the CNEA. That paper is attached. The Group went through the list in detail and agreed in principle that all were important street scene/neighbourhood issues. The Group were particularly concerned to ensure that a range of officers were empowered to use the legislation including for example employees of a range of the Council's partners, such as PCSOs, local council staff, LVRPA staff, Corporation of London staff etc. It was explained that in some cases these arrangements were already in place, especially in respect of matters such as dog fouling.

10. The Group also considered the Encams Local Environmental Quality report, issued in May 2007. 'Encams' is the former "Keep Britain Tidy" organisation. It undertakes a lot of environmental campaign work and also national research for Defra and DCLG. Encams produces an annual national environmental quality report (LEQ) but Defra also commissioned it to provide local LEQ reports for each local authority.

11. The LEQ report presents its information from the standpoint of an average person living in or visiting the district. The Encams inspectors looked at issues such as:

- litter and detritus
- highway infrastructure
- street furniture
- signing & lining

and compared their condition against national benchmarks established from the national reporting system. Where relevant the standard used was a best value indicator, such as BV199 (litter, detritus, fly tipping and fly-posting).

12. The report paints a rather mixed picture of the condition of the district, but it raises particular concerns in respect of:

- (a) the quality of street cleansing;
- (b) highway infrastructure; and
- (c) the condition of street furniture

Whilst for example, highway infrastructure is not this Council's direct responsibility, the LEQ report takes the view that it is this Council's task to ensure that the local environment is protected and to ensure that other agencies play their part in achieving high standards. This Council's (and other) LEQ reports can be found on the Encams website www.encams.org/leqreports and members are encouraged to read it.

13 The report is useful in presenting information in a different way, thus enabling councils to think about their local environment priorities. The report sets out its findings based upon BVPI measures where appropriate and also provides a comparison against national standards. Although it is considered that the report paints perhaps a somewhat over gloomy picture of the district, it does clearly establish those issues which are important to the local community and are also capable of being dealt with, in many instances, through the cleaner neighbourhoods legislative regimes.

Enforcement activity

14. The second meeting of the group was held on the 6th of November. All Members and officers were present save for Councillor Mrs Sartin. The Members reviewed the outcome of the previous meeting and the notes above reflect that consideration.

15. The Group considered the powers available to the Council within the Cleaner Neighbourhoods legislation, with particular reference to issues such as the use and issue of fixed penalty notices. The following matters were discussed:

(a) Information

It was agreed that the key to delivering local street environmental improvements was the ability of the Council to gather information about problems and then acting upon that information. The general principle that all members, officers and the public should be encouraged to report issues was accepted and that the Council should find a way of enabling this. The following were identified as key factors:

- providing mechanisms whereby reporting of problems can be made easy (e.g. 'freefone' numbers, environmental 'hot lines' etc)
- officers being visible through a 'branding' exercise
- encouraging the public to act as the eyes of the council, including seeking interested residents to be environmental ambassadors, to be trained in awareness and reporting
- making use of all other agencies whose staff are out and about in the district to report problems
- training of all involved to encourage (and later require) officers and members to also adopt this ambassador role
- being able to provide rapid solutions to identified problems (e.g. mobile response unit)

(b) Enforcement processes

Officers set out the Council's general approach to enforcement, making reference to the adopted Cabinet Office "Enforcement Concordat" and the Council's own adopted enforcement policy. Both are attached to these notes. The Council generally has a light touch to enforcement, seeking always to deal with matters informally in the first instance (for example through meetings & correspondence) and only resorting to more formal action (such as service of notice or prosecution) when these informal approaches have failed to provide the required outcomes. There will of course always be circumstances where the use of formal powers immediately is appropriate. Once enforcement priorities are adopted, it would then be appropriate to review the Council's corporate enforcement policy.

(c) Partnerships

There are parts of the CNEA powers which can only be utilised following the establishment of partnerships with groups such as local traders. A good example of this is the use of Defacement Removal Notices, which can be used to require the removal of graffiti from buildings etc. Such action can only be taken once a partnership has been established but the partnership arrangement has not resulted in the desired outcomes.

Other partnerships are also suggested, for example with fast food outlets in order to better manage the problems of the litter which is often associated with that type of operation. There are doubtless others, and the Council may need to consider the most appropriate mechanisms for establishing such partnerships either through new arrangements or modifications to existing arrangements such as the Town Centre Partnerships and liaison with parish and town councils.

(d) Fixed penalty notices

The CNEA provides for the extensive use of fixed penalty notices (FPN). The areas where these can be used are set out in the table below:

Statutory Power	Present Provision	Possible future provision
Nuisance Parking and Repair Some garages and businesses place cars for sale, for an extended period, on the street. This can cause a significant nuisance to local residents and takes up valuable car parking spaces. This is also true of vehicles that are repaired on the street, which can also look unsightly, can lead to damage of the local environment (for example when oil is spilled or leaked) and may also present a danger to passers by.	Street trading legislation used, vehicles stickered by licensing officers following a complaint, little follow up powers available.	Proactive enforcement, the use of fixed penalty notices.
Abandoned Vehicles For ease of reference the legislation is covered under the following headings: <ul style="list-style-type: none">• The offence of abandonment;• The removal and custody of abandoned vehicles;• The disposal of abandoned vehicles;• Recovery of costs connected with removed vehicles;• Powers of entry.	Vehicles stickered and then removed for storage and/or destruction.	As is, but with additional enforcement officers available.
Litter and Refuse This section provides guidance on litter legislation in sections 86–98 of, and Schedule 3A to, the Environmental Protection Act 1990, as amended by the Clean Neighbourhoods and Environment	Action taken by waste management officers on complaint.	Action taken by enforcement officers, authority given to PCSOs, adoption of the provisions relating to private land.

Statutory Power	Present Provision	Possible future provision
Act 2005. It deals with Litter Clearing Notices, street litter notices, litter abatement notices etc.		"Mobile Response Unit".
<u>Graffiti and Flyposting</u> This part enables a local authority to serve a defacement removal notice on the owners, occupiers, operators (such as telecommunication companies and outdoor advertising companies) of 'relevant surfaces' (including street furniture), statutory undertakers and educational institutions whose property is defaced with graffiti and / or fly-posting.	Action taken by Anti-Social Behaviour Co-Ordinator on complaint.	Action taken by enforcement officers, authority given to PCSOs, use of defacement removal notices. Links with ECC Trading Standards, the use of fixed penalty notices. "Mobile Response Unit".
<u>Waste</u> This part deals with the unregistered transportation of controlled waste and the deposit & disposal of such waste.	Presently we have no powers relating to the transport of waste. Flytipping is dealt with under the provisions of the Environmental Protection Act.	The setting up of vehicle checks. Action taken by enforcement officers, authority given to PCSOs, the use of fixed penalty notices. Adoption of powers to seize vehicles which have been involved in flytipping.
<u>Dog Control Orders</u> Provide for five offences which may be prescribed in a dog control order: <ul style="list-style-type: none"> • failing to remove dog faeces; • not keeping a dog on a lead; • not putting, and keeping, a dog on a lead when directed to do so by an authorised officer; • permitting a dog to enter land from which dogs are excluded; • taking more than a specified number of dogs onto land. 	EFDC has not made any dog control orders as yet. Dog fouling complaints are dealt with on an adhoc basis using existing legislation.	Action taken by enforcement officers. The power to make dog control orders, authority given to PCSOs, the use of fixed penalty notices.
<u>Noise</u> This provides powers to local authorities to deal with audible intruder alarms (which do not include fire alarms) in their areas and the annoyance they may cause. A local authority may designate its area as an alarm notification area. The occupier or the owner of any premises that are fitted with an audible intruder alarm in the designated area must nominate a key-holder for those premises and notify the local authority of the contact details of that key-holder.	Officers have already used the powers made available in the Act to disable nuisance alarms. No alarm notification areas have been made by EFDC.	Action taken by enforcement officers. The provision of alarm notification areas, the use of fixed penalty notices. "Mobile Response Unit".
<u>Abandoned Shopping Trolleys</u> This provides powers for dealing with abandoned shopping and luggage trolleys. It's aim is to remedy the problem of abandoned trolleys that have become a blight on the quality of the local environment.	Limited abandoned trolley collection.	Action taken by enforcement officers. Seizure and removal powers, recharge for collection. "Mobile Response Unit".
<u>Statutory Nuisance</u> This extends the statutory nuisance regime to include two new statutory nuisances: <ul style="list-style-type: none"> • statutory nuisance from insects; and • statutory nuisance from artificial light. 	These provisions are already being utilised.	Extend use to all enforcement officers.

16. The Group identified a number of issues associated with the use of fixed penalty

notices. These included:

- (a) training of officers;
- (b) safety of officers;
- (c) accreditation by the Police;
- (d) identification of officers;
- (e) the nature of offences for which FPNs might be appropriate;
- (f) publicity for the residents and general public; and
- (g) the need to review and amend the existing enforcement framework and protocols

17. All of the above are linked and reflect concerns as to the manner in which some people might react to the attempt to issue a FPN for a witnessed offence. The legal requirements are clear in that Councils may not utilise these powers without a comprehensive publicity campaign setting out the Council's intentions and rationale for the use of FPNs. This is required so that everyone who lives in, works in or is likely to visit the district is clearly aware that certain offences carry with them the possibility of the issue of a FPN. This in turn will require a review of existing enforcement policies and protocols (see earlier paragraphs).

18. The Group also considered it important that this review and the inclusion of the use of FPNs did not somehow present a false picture of the district. Whilst there are clearly concerns about crime and disorder (which must include environmental crime) and action contemplated must be seen as proportionate to the scale and nature of the problem.

19. Items (a), (b), (c) and (d) in paragraph 16 above are all encompassed within the Essex Police Community Safety Accreditation Scheme (see attached). This scheme enables the Chief Constable to confer certain powers upon accredited persons, but in so doing requires those persons to meet certain standards, be adequately trained and identifiable. The Group was of the view that officers empowered to use FPNs should also be subject to the accreditation regime. This provided training and relevant legal protection for officers empowered in this way. However, it must be recognised that the health, safety and welfare of officers engaged in these duties rests squarely with the Council as employer, and the Council will have to ensure that appropriate measures are in place to safeguard officers who are expected to use these powers.

20. Finally the Group recognised that FPN powers could be utilised to some extent without direct intervention, through for example the issue of FPNs for litter thrown from motor vehicles.

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Overview and Scrutiny Work Programme – 2007/08 – January 2008

Overview and Scrutiny Committee			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Review of Frequency of Area Plans Sub Committees	31 January 2008	Further report to be submitted to this OSC	31 January, 6 March, 10 April 2008

Standing Panels			
Constitution and Member Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Local Government and Public Involvement in Health Act	31 January OSC	Report on Whole Council Elections	12 February 28 April 2008
Housing Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
		No reports due to be submitted to this OSC	
Environmental and Planning Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Clean Neighbourhoods etc Rogers Review	31 January OSC	Final Report of Panel to be submitted to this January OSC	28 February 2008 23 April 2008

Finance and Performance Management Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Portfolio Budgets – 2008/09	31 January OSC	A Summary of budgets to be submitted to this OSC	11 February 2008

Task and Finish Panels			
Leisure Services			
Item	Report Deadline / Priority	Progress / Comments	Next Meeting TBA
No reports due to be submitted to this OSC			

Provision of Value for Money within Planning Services		
Item	Report Deadline / Priority	Progress / Comments
		Next Meeting 21 January 2008
No reports due to be submitted to this OSC		

Crime and Disorder Task and Finish Panel		
Item	Report Deadline / Priority	Progress Comment
		Next Meeting TBA
No reports due to be submitted to this OSC		

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