

Overview and Scrutiny Committee Thursday, 6th March, 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.

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

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

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

1. WEBCASTING INTRODUCTION

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

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

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

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

2. APOLOGIES FOR ABSENCE

3. SUBSTITUTE MEMBERS

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

4. DECLARATIONS OF INTEREST

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

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

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

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

5. MINUTES (Pages 7 - 14)

Decisions required:

To confirm the minutes of the meetings of the Committee held on 31 January 2008.

6. SCRUTINY OF ESSEX POLICE - UPDATE ON THE DISTRICT

(Deputy Chief Executive) From time to time the OSC invites in Essex Police to discuss local policing issues. The last liaison took place on 13 December 2006 and focused on the Neighbourhood Policing Initiative.

As part of these arrangements, Superintendent Stuart Aston has been invited to the Committee to update Members on current work and issues and answer Members questions.

7. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 - LOCAL AUTHORITY EXECUTIVES (Pages 15 - 18)

(Assistant to the Chief Executive) To receive a report from the Constitution and Members Services Standing Scrutiny Panel.

8. LOCAL GOVERNMENT REGULATIONS - DRAFT STRATEGY 2008 - 2011.

(Chairman of the Environmental and Planning Standing Panel, Councillor Mrs P Smith). The next meeting of the Panel, to be held on 28 February 2008, will be invited to formulate a response to the above draft strategy which is currently subject to consultation .

Their response will be sent out as a late report for consideration and endorsement by the Committee for submission to the consultation.

9. DRAFT 2007/08 OVERVIEW AND SCRUTINY ANNUAL REPORT. (Pages 19 - 44)

To consider the attached report.

The Committee is asked to consider whether they are happy with the draft report (attached) and to make amendments where necessary. Any comments should be submitted to Democratic Services by Thursday, 20 March 2008 for inclusion in the final version.

The final report will be submitted to the next meeting on 10 April 2008 for endorsement.

10. WORK PROGRAMME MONITORING (Pages 45 - 50)

To consider the attached programme.

2008/09 - Annual Review of the OS Programme.

It is intended that the next meeting of the Committee will carry out the above review with the aim of preparing its programme for next year.

Therefore the Committee is asked to give initial consideration to items for inclusion in the new plan and submit their ideas by completing the form for such requests which can be found at the back of this weeks Bulletin.

11. TO APPOINT A MEMBER TO THE PROVISION OF VALUE FOR MONEY WITHIN PLANNING SERVICES TASK AND FINISH PANEL

The Committee is asked to appoint a new member to the 'Provision of Value for Money within Planning Services Task and Finish Scrutiny Panel'. This vacancy follows on from the recent resignation of Councillor Peter McMillan from this Panel.

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 10 March 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.

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EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee:	Overview and Scrutiny Committee	Date:	Thursday, 31 January 2008
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 9.15 pm
Members Present:	Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman) D Bateman, R Church, M Colling, Mrs A Haigh, Mrs H Harding, J Hart, D Kelly, G Mohindra, Mrs P Richardson and K Chana		
Other Councillors:	Councillors Mrs D Collins, Mrs A Grigg, J Knapman, Mrs M Sartin, Mrs P Smith, C Whitbread, Mrs J H Whitehouse and J M Whitehouse		
Apologies:	Councillors R D'Souza		
Officers Present:	D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), R Palmer (Director of Finance and ICT), B Land (Assistant Head of Planning and Economic Development), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer), P Tredgett (Information Assistant), M Jenkins (Democratic Services Assistant) and Z Folley (Democratic Services Assistant)		

58. WEBCASTING INTRODUCTION

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

59. SUBSTITUTE MEMBERS

It was reported that Councillor K Chana was substituting for Councillor R D'Souza.

60. DECLARATIONS OF INTEREST

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

61. MINUTES

RESOLVED:

That the minutes of the meeting held on the 13 December 2007 be taken as read and signed by the Chairman as a correct record.

62. DRAFT PORTFOLIO HOLDER BUDGETS

The Committee considered the recommendations of the Finance and Performance Management Cabinet Committee on the Council budgets for 2008/09. The Committee also received the recommendations of the Finance and Performance Management Scrutiny Panel on the proposals.

The Director of Finance and ICT and the Finance, Performance Management and Corporate Support Services Portfolio Holder, Councillor Whitbread, introduced the budget proposals to the Committee.

The Committee noted that:

- 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.

Councillor Whitbread commended the budget to the Committee saying that the authority was now secure for the future. They were restructuring the Council and making savings of half a million pounds as well as investing in front line services. They were now in a fit position to keep Council Tax under control.

Councillor Mrs Haigh was concerned that the Committee had not had the complete breakdown for each Portfolio Holder. Councillor Mrs Whitehouse endorsed this concern. They were informed that this information had gone in full to the Finance and Performance Management Scrutiny Panel.

Councillor Knapman raised concerns that the size of the reserves were getting high, only two years ago they were worried that it was going to run out. Councillor Angold-Stephens said it was laudable that we had a low Council Tax, but have failed residents in delivering services. He said that he would not be supporting the budget and would like that recorded.

RESOLVED:

That the recommendations of the Finance and Performance Management Scrutiny Panel and the Finance and Performance Management Cabinet Committee be endorsed and reported to the Cabinet on 4 February 2008.

63. REVIEW OF FREQUENCY OF AREA PLANNING SUB-COMMITTEES

This report was deferred from the last meeting pending a more detailed report and to give Local Councils more time to consult their members on the proposals and submit comments.

The Assistant Head of Planning Services introduced the report pointing out that there was a full performance improvement plan and change to the three week cycle was just part of this initiative. He explained that there was a mixed response from the Town and Parish Councils and a three week cycle would not effect the first three weeks of the application period, when the Town and Parish Councils consider the applications. The change is designed to catch those applications that presently take 9 or 10 weeks to determine and decide them within 8 weeks.

Councillor Kelly believed the proposal had not been carefully thought through, it was for financial reasons and not for the community. This would put a time constriction on having site visits and on the Town and Parish Planning Committees. The Council is currently within government timescales, so why alter it. He did not accept it would be an advantage to our committees.

Councillor Mrs Haigh commented that we had met our obligations. This proposal may favour the developers but it would not enable the public to organise a proper defence against an application. Councillor Bateman said that there was no need for a three week cycle in our rural areas, but it may be needed in the more urban areas.

The Assistant Head of Planning Services said that the quality of analysis will not change at all. Applicants will not have to wait so long. Some applications go over the eight week target by having to wait to go to a planning sub-committee. This will not affect the professional and technical analysis of an application but will reduce time spent waiting for a committee to make a decision.

Councillor Mrs Richardson remarked that it was dependent on the number of applications received, and there might be a higher cost a for a three week cycle, also would not diarising the applications earlier help? The Assistant Head of Planning Services agreed with her and pointed out that item two of the performance improvement plan covered this. But it was not the sole answer.

Councillor Colling was surprised of the number of councillors who would settle for second best. Who were they to hold the officers back in supplying a quicker service. Councillor Mrs Collins said they should congratulate officers for trying to improve the Council's service. She noted that out of the 209 application that were outside target, 150 were applications determined by committee and only 59 under delegated powers. That was where the hold up was.

Councillor Mrs Whitehouse asked why we were pulling out all stops to do this when 82% of our customers were satisfied with the service they received. The small improvements already made have made a difference, so she suggested that we put all the other improvements into operation and hold back on the three week cycle.

Councillor Knapman relayed Chigwell's response to the proposed three-week cycle. They pointed out that they have five dual hated Councillors that utilised the 'fallow' week to attend more meetings and therefore be more effective. This loss to the

Parish Council is considered to be far greater than the small gain by the Planning Services in achieving targets. Since there is no funding gain to the District Council for achieving top quartile status, there seems little point in imposing more difficulties on the Parish Council. The Parish Council was now investigating taking over as the Planning Sub-committee for Chigwell given it's Quality Council Status.

Councillor Mrs Grigg, the Portfolio Holder for Planning and Economic Development, said that applicants who were satisfied now would be more delighted if decisions were quicker. We were missing the target by a minor amount at present, as other Councils were always improving and we were in danger of falling behind.

Councillor Angold-Stephens accepted that the Town and Parish Councils will have the same amount of time as at present to consider applications, but was concerned about the residents who needed time to organise and respond. They were told that plans and maps would soon be available on our website and that the information would be out earlier. But it was premature to do this now and we should revisit this at a later date.

Councillor Mrs Harding said she strongly believed that we should work with the Parish Councils, but we should also go forward with this improvement, as we need to constantly fine tune the services we offer.

Councillor Kelly thought we should find other means to go forward other than by going to a three week cycle. There were problems with residents who wished to communicate with each other in the rural areas. We currently have a good system, so lets put in the other improvements but not alter the current four week cycle that we have.

Councillor Whitbread, Portfolio Holder for Finance, Performance Management and Corporate Support Services observed that it was important to note that that the consultation period remained the same. The Council wants to be the best and achieve top quartile.

RESOLVED:

That a report be submitted to the Council recommending that with effect from 2008/09, provision be made in the Council calendar of meetings for a meeting of each Area Plans Sub-committee every three weeks.

64. WHOLE COUNCIL ELECTIONS

The Chairman of the Constitution and Members Services Standing Scrutiny Panel, Councillor Church introduced the report covering provisions relating to elections.

The Committee noted that:

- The 2007 Local Government and Public Involvement in Health Act give the Council the choice as to whether to change from election by thirds to whole Council elections every four years;
- The Panel had consulted members of the Council about this change and there did not seem to be any great support for the idea;
- The Returning Officer has also expressed some reservations about staffing as he believes that a four year cycle might make it more difficult to maintain a pool of experienced presiding officers;
- Although the Panel could see an argument that one election every 4 years may create a higher public profile in London boroughs for instance, they felt

that in this area the cycle of Parish and County Council elections tended to dilute this effect;

- The Panel could not find any strong arguments for change and have thus recommend that the matter be not pursued unless a strong body of opinion in favour emerges at this meeting and the Council.
- As the proposals within the report will affect the policy framework of the Council, if the Committee are minded to recommend that full council elections are not to be pursued, a further recommendation be added to the report that 'a report be made to Council recommending accordingly'.

Councillor Mrs Harding asked if there was any way the Council could inform it's electorate about the elections. The Assistant to the Chief Executive replied that Returning Officers had been struggling with this for a long time. They are now obliged to increase the information that they put out and they are actively considering how they can do this. This is easy for high profile elections in London (say for the Mayor of London) but things are a bit more confusing in Essex, with County District and Parish and Town elections.

RESOLVED:

- 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) the ability for the District Council to change the Parish/Town Council electoral cycle by negotiation;
 - b) the ability to initiate electoral reviews to achieve only one Councillor for each district ward;
 - c) the exercise of a new discretion to change the names of electoral wards without the consent of the Secretary of State; and
 - d) the new procedures for creating, amalgamating and grouping parish councils.
- 3) That none of the above listed under recommendation 2 should be the subject of further reports from the Constitution and Members Services Standing Scrutiny Panel.
- 4) That a report be made to Council recommending accordingly.

65. WASTE MANAGEMENT BOARD - APPOINTMENT OF MEMBER

RESOLVED:

That Councillor R Morgan be appointed to the Waste Management Partnership Board as the Overview and Scrutiny Committee nominee.

66. CLEAN NEIGHBOURHOODS AND ROGERS REVIEW - REPORT OF THE ENVIRONMENTAL AND PLANNING SERVICES STANDING PANEL.

The Director of Environment and Street Scene introduced the report of the Environment and Planning Scrutiny Panel sub-group on Cleaner Neighbourhoods and the Rogers Review. Peter Rogers (Chief Executive of the London Borough of Westminster) was commissioned by the Government to investigate local authorities' enforcement roles and how they established priorities. This 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.

It was noted that crime and disorder was not considered by the Rogers Review, but the sub-group thought it was important and that the report on the web site should be read.

The Council could enter into a partnership to other organisations to eliminate fly posting and are close to completing their first partnership agreement with Virgin Media.

Councillor Mrs Smith added that the group visited two other local authorities and saw their street wardens in action. They decided not to pursue that option as they wanted a wider spread of measures for our council. The Rogers Review left out local environmental quality which we thought was a high priority and so included them.

Councillor Bateman asked if we could force supermarkets to charge for their shopping trolleys or to fine the stores for retrieving them from us when we pick the up off the streets. He was told that the Council did not have the power to force shops to charge for their trolleys, but that we do charge the supermarkets to retrieve their abandoned trolleys from us.

Councillor Mrs Harding remarked that it was an amazing wish list identified by the sub-committee, but how realistic was it?

Councillor Colling commented that there was a similar report going to the cabinet, could we not amalgamate the two and fund it that way. The Director for Environment and Street Scene agreed they were similar and that the cabinet would be looking at the budget. It should be noted that a lot of these things are being done routinely by the council anyway and are already budgeted for.

Councillor Jon Whitehouse asked for more clarity from the report, such as defining what is not a priority, what is the timescale and how do we know when we have achieved it.

Councillor Angold-Stephens noted that there was no mention of the Police under the unregistered transportation of waste. The Director for Environment and Street Scene clarified that we had no powers to stop vehicles, only over vehicles already stopped or that were flytipping. This was a high risk operation and they needed the police there. As for the issue of priorities, they had debated it, but a lot of these are statutory local functions that has to be carried out. We will target these functions as priorities. However the Committee may want to monitor how we take this forward. The Deputy Chief Executive pointed out that new national indicators were coming in and would be going to the 11th February Finance and Performance Management Scrutiny meeting.

Councillor Mrs Collins commented that these had been handed down from the Government but gave us no money for it. She proposed that the Committee just noted the recommendations of the report and that the restructuring was explained to Cabinet at their next meeting.

Councillor Jon Whitehouse said there were important things on this report and it was important that the Overview and Scrutiny Committee actively recommend this report to the Cabinet rather than just noting it.

RESOLVED:

- (1) That the Committee received the report of the Cleaner Neighbourhoods and Rogers Review sub group; and

- (2) Endorsed 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.

67. WORK PROGRAMME MONITORING

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

It was noted that:

- the next meeting of the Overview and Scrutiny Committee would be dealing with the annual report and would be taking bids in March and April for next years work plan.
- the Police would be addressing the committee in March, with London Underground and the County Highways people coming in April.

68. CABINET REVIEW

The Committee noted that the proposed Calendar on the Cabinet agenda was now contrary to what was agreed at this meeting.

The Committee commended the proposals contained at item 13 that proposed a change of status of the Cottis Lane and Bakers Lane Car Parks. The Committee were of the view that the change to a combined tariff and the Cottis Lane Car Park within the free Saturday car-parking regime is to be welcomed within the town.

CHAIRMAN

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Report to the Overview and Scrutiny Committee



Date of meeting: 6 March 2008

Portfolio: Leader

Subject: Local Government and Public and Public Involvement in Health Act 2007 - Local Authority Executives

**Report of: Constitution and Member Services Standing Scrutiny Panel
(Chairman: Councillor R Church)**

Officer contact for further information: Ian Willett (01992 56 4243)

Democratic Services Officer: Adrian Hendry (01992 56 4246)

Recommendations:

- (1) That a report be submitted to the Council recommending as follows:**
 - (a) that this Council continue to operate a Leader and Cabinet Executive and rejects the option contained in the 2007 Act for an Elected Mayor and Cabinet Executive;**
 - (b) that the existing Executive Constitution be varied in accordance with statutory requirements and reviewed at a later stage once Government regulations have been published so that a public statement regarding changes to the Executive Constitution can be prepared, a timetable set and transitional arrangements agreed;**
 - (c) that the existing provisions of the Executive Constitution regarding the removal of the Leader of the Council by resolution of the Council be continued as part of any variations in the Constitution subject to further consideration of Government regulations once published.**

Report

Introduction

1. We have considered the newly published Local Government and Public Involvement in Health Act 2007 in relation to new requirements for Local Authority Executives.

Forms of Executive

2. The Act provides for two types of Executive:

(a) an elected mayor and Cabinet of two or more Councillors appointed by the mayor; and

(b) a Councillor elected by the authority as Leader with two or more Councillors appointed to the Executive by the Leader.

3. The number of members on an Executive remains limited to ten whilst further provisions in the Act create new arrangements for the carrying out of Executive functions and the period of office of the Leader of Council. Under Section 14 of the Act the Leaders of the Council or the Elected Mayor may decide to discharge any of the Executive functions themselves, or arrange for them to be carried out by the Executive (i.e. the Cabinet) by another member of the Executive, by a Committee of the Executive or by an officer of the authority.

4. Those functions to be carried out by the Executive (Cabinet) may also be delegated to a Committee of the Executive or an officer. However, the previous restrictions on Cabinet decision making remain in place. These restrictions include those matters which are reserved to the Council (eg budget) or not within the powers of the Executive (eg planning) and the role of Overview and Scrutiny (eg call in).

Choice of Executive for Epping Forest District Council

5. As the Committee can see, there are now two choices open to the Council. The Council could opt to move towards an Elected Mayor and Cabinet Executive which would involve a referendum and widespread consultation. The Council would also have to publish a document which demonstrates how a new form of Cabinet would assist with continuous improvement in the Council's performance. Alternatively, the Council could opt to continue with the Leader and Cabinet Executive.

6. We have considered the position and feel that the Council would be best advised to continue with the Leader and Cabinet option. In reaching this conclusion we have taken note of the fact that adjusting the Executive Constitution to the new requirements of the Act will be a less time consuming process than seeking an Elected Mayor. We also have not seen anything which convinces us that an Elected Mayor is more likely to enable continuous improvement than the present executive. We are also not aware of any proposal from the community or elsewhere in favour of the Elected Mayor option and would draw attention to the fact that when the Local Government Act 2000 came into being the Council conducted statutory consultation which provided very little support from the community for this idea.

7. We feel that the Council shall take the opportunity to review the operation of the Cabinet and to make changes where this is considered appropriate. This procedure is called "Variation of Executive Arrangements" and is discussed below.

Variation of Executive Arrangements

8. The Act permits Councils to vary their Executive arrangements provided that these still provide the same form of Executive. The nature of the changes seem to be a matter for the Council but the Act makes certain stipulations as follows:

(a) that proposals are drawn up including a timetable;

(b) any transitional arrangements are included; and

(c) a Council resolution is adopted to make those changes.

9. The various requirements needed to make the change to Elected Mayor and Cabinet do not appear to be necessary if the Council decides merely to vary its existing Leader and Cabinet Executive. The Act requires however that a timetable must be published and followed. There is also no statutory timescale for passing the resolution.

10. Having proposed that the Council should stay with the Leader and Cabinet Executive, we are recommending that once the relevant government regulations are published the Council should embark on a review of its Constitution along the lines specified by the Act. One of the principle elements will be to review the Delegation of Executive Powers to the Leader, the Cabinet, Cabinet Committees, Portfolio Holders and Officers. There is also an opportunity to review other aspects of the operation of the Executive which has not been done since the 2000 Act came into force. This would cover the changes which are necessary as a result of the change in the law.

Leader of Council

11. Section 44 of the Act specifies the requirements for electing a Leader. This appointment will take place at the Annual Council meeting following whole Council Elections (every four years) or at the relevant Annual Council if a system of election by thirds is in operation. Under election by thirds the Leader's appointment begins when elected by the Council and ends on the day of the Annual Council meeting after his or her retirement/re-election. The Committee will note that the appointment as a Leader will last up to four years depending on re-election/retirement timescale.

12. The Act allows Councils to make provision in their Constitutions for the removal from office of a Leader by means of a resolution passed by the authority. This seems to be a discretionary provision but we have been advised that the Council has this in the Constitution. We are therefore proposing that this should continue, notwithstanding any other changes that the Council may wish to make to the Executive at a later date.

Government Regulations

13. Although the Act gives a broad outline of the new statutory requirements for Executives, this is not the whole story. We have been advised that the Government intends to issue further regulations and advice on a number of issues including:

- (a) date/years in which Leaders and Cabinets are to be elected;
- (b) intervals between Elections of Leaders and Cabinets;
- (c) term of office for Leaders and Cabinets; and
- (d) filling of vacancies in the office of Leader.

14. We are being advised that it is planned by the Government that the Regulations would be in force in May 2009. It is thus difficult to embark on a review of the Executive at this stage until we have all that information. Our purpose in bringing this matter forward now is to deal with the question of choice of Executive which is now available and to alert the Council to the need for a review of the Executive once those Regulations have been published.

Reference to Council

15. We are recommending as set out at the commencement of this report and that those recommendations be submitted to the next Council meeting as the decision on choice of Executive is reserved to that body.

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Report to Overview and Scrutiny Committee

Date of meeting: 6 March 2008

Subject: Overview and Scrutiny Annual Report for 2006/07

Officer contact for further information:

Adrian Hendry, Ext (4246)

Committee Secretary: A Hendry (ext 4246)



Recommendations/Decision Required:

- (1) To consider and comment upon the attached draft Annual Overview and Scrutiny Report for 2007-08; and**
- (2) That the final report incorporating any amendments made at the meeting be given final approval at the next meeting.**

Introduction:

1. This report is produced in accordance with Overview and Scrutiny procedure Rule 24 of the Constitution that requires an annual report to be submitted to the Council in April each year. The draft is attached.
2. This is the seventh annual report to the Council, and the third under the new scrutiny regime instituted by the Council in April 2005, incorporating the Standing and the Task and Finish Panels.
3. The Committee is invited to comment on the draft. Officers will then make the necessary amendments to the report with a view to its final approval at the next meeting.
4. If members have any substantive amendments to make, a written amendment would be appreciated. This should be handed in to Democratic Services no later than Thursday, 20 March 2008.

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OVERVIEW AND SCRUTINY ANNUAL REPORT: MUNICIPAL YEAR 2007/2008

Introduction

This is our third report of the new Overview and Scrutiny Structure as instituted by the Full Council in April 2005. The Committee is charged with reviewing Cabinet decisions, the Corporate Strategy, the Council's financial performance and also scrutinising the performance of the public bodies active in the District by inviting reports and presentations from them.

The Overview and Scrutiny Committee agreed to the setting up of four Standing Panels this year and four new Task and Finish Panels.

A review session was held for Overview and Scrutiny members in September 2007 in which they reviewed the current O&S arrangements. This has led to a more professional and comprehensive examination of the areas they were asked to scrutinise.

What is Scrutiny?

Scrutiny in local government is the mechanism by which public accountability is exercised. The purpose of scrutiny in practice is to examine, question and evaluate in order to achieve improvement. The value of scrutiny is in the use of research and questioning techniques to make recommendations based on evidence. Scrutiny enables issues of public concerns to be examined. At the heart of all the work is consideration of what impact the Cabinet's plans will have on the local community. However, the overview and scrutiny function is not meant to be confrontational or seen as deliberately set up to form an opposition to the Cabinet. Rather the two aspects should be regarded as 'different sides of the same coin'. The two should compliment each other and work in tandem to contribute to the development of the authority.

The 3 key principles of effective scrutiny in practice are:

- Scrutiny as "critical friendship" through constructive but robust internal challenge;
- Scrutiny as evidence based research and analysis using expert witnesses and public consultation;
- Scrutiny as a strategic programme investigating key council priorities and reflecting the concerns of the local community.

Scrutiny at Epping Forest utilises the 'PICK' system when setting its priorities. PICK stands for:

P = Public interest: the concerns of local people should influence the issues chosen;

I = Impact: issues that make the biggest difference to the social, economic and environmental wellbeing of the district;

C = Council Performance: areas in which the Council and other agencies are not performing well;

K = Keep in Context: need to avoid duplication and wasted effort in identifying issues.

Alongside its challenge role, the scrutiny function has also continued to engage positively with the Cabinet and there continues to be strong cross party political co-operation between members on all panels.

Scrutiny has continued to provide valuable contributions to the Council and the Cabinet remained receptive to ideas put forward by Scrutiny throughout the year.

At the first meeting of the Overview and Scrutiny Committee in June 2007 the committee reviewed their procedures and agreed the membership of panels.

Members were reminded that under the arrangements Scrutiny Standing and Task and Finish Panels had been established to undertake scrutiny reviews. The Committee had been tasked with agreeing the Membership of these panels, their terms of reference, work plans and reporting deadlines. Although the panels have no powers to make decisions they can put forward recommendations for consideration, either by the Overview and Scrutiny Committee or Cabinet or Council.

The Overview and Scrutiny Committee reviews the need for the continuation of Standing Panels prior to the end of the Council Year.

The Overview and Scrutiny Committee

The Committee coordinated with the Cabinet about their work plans for the year and pre scrutinised their reports at its meetings a week before Cabinet would meet. Liaisons with the Cabinet would take place to discuss the wider work programme that would be approved and reviewed annually. This acted as a troubleshooting exercise, finding out problems before they arose.

The Committee also engaged with external bodies in order to scrutinise parts of their work that encroached on the District and its people.

The Committee received one call-in this year (for details see Scrutinising and Monitoring cabinet Work on page x). This was on the Cabinet decision on the release of restrictive covenant, Loughton Hall.

The Overview and Scrutiny Committee membership consists of 12 Councillors who were appointed at the Annual Council meeting.

Standing Scrutiny Panels

A Lead Officer was appointed to each panel to facilitate its process. Members liaise on a regular basis with the relevant Chairman to agree terms of references of panels and priorities of reviews and their work plans.

The Overview and Scrutiny Committee agreed the work programme and terms of reference for each of the Panels on the basis of a rolling programme. The Standing Panels have a 'rolling programme' and would consider ongoing and cyclical issues. Four standing Scrutiny Panels were established, dealing with:

- i. Housing
- ii. Constitution and Member Services
- iii. Finance and Performance Management
- iv. Environmental and Planning.

Standing Panels reported regularly to the Overview and Scrutiny Committee on progress with the work they were carrying out.

Task and Finish Panels

The Task and Finish reviews are restricted to dealing with activities which are issue based, time limited, non-cyclical with clearly defined objectives on which they would report responses and set a deadline to report to the Overview and Scrutiny Committee. Five Task and Finish Panels were established during the year, they were:

- i. Leisure Task and Finish Panel;
- ii. Crime and Disorder Task and Finish Panel;
- iii. Town Centre and Car Parks Task and Finish Panel;
- iv. Provision of Value for money with Planning Services Task and Finish Panel.

The Task and Finish Panels on Crime and Disorder, Town Centre and Car Parks and Leisure that had begun during the municipal year 2006/07 carried on in this year.

Task and Finish Panels are required to regularly report to the Committee on progress with the work they are carrying out.

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OVERVIEW AND SCRUTINY COMMITTEE

Introduction by the Chairman:

"This is the third year of the Council's new scrutiny system, breaking down the topics being scrutinised into Standing and Task and Finish Panels and the main Overview and Scrutiny Committee, enabling a larger workload to be tackled and scrutinised. This way of working has proved to be a successful way of getting through the large amount of topics that a Council's Scrutiny structure is asked to consider over an average year.

As the Overview and Scrutiny Committee we have taken on numerous topics, including looking at the London Underground facilities in the area, the proposed application for Foundation Trust Status by the Princess Alexandra Hospital NHS Trusts. Also, a few days before each Cabinet meeting we meet to pre-scrutinise their agenda, enabling us to pre-empt any decisions and if need be, invite that member of the Cabinet to attend our meeting to answer any questions or concerns that we have about a particular report.

I would like to take this opportunity to give my personal thanks to all the people from outside organisations who visited our Committee and Panels during the last year and gave us the benefit of their expertise and answered our questions. We were very grateful that they took the time to help us out.

This year we had our long standing champion of Scrutiny, Joint Chief Executive, John Scott, retire after serving 29 years at the Council. I know the members of the Committee will miss him, his advice and his sense of humour.

Derek Macnab, the Deputy Chief Executive took on this difficult role and we wish him the very best and look forward to working with him in the years to come.

I would also like to express my thanks to my Vice-Chairman, Councillor Ken Angold-Stephens, the members of the O&S Committee, all the Chairmen of the Standing and Task and Finish Panels, the members of those panels and of course all the officers who support the Panels and my Committee."

Councillor Richard Morgan
April 2008

The Overview and Scrutiny Committee consisted of the following members:

Councillor R Morgan (Chairman)

Councillor K Angold-Stephens (Vice Chairman)
Councillors 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.

The Lead Officer was John Scott, Joint Chief Executive (Community Services), he retired in July 2007 and Derek Macnab, Deputy Chief Executive took over from August 2007.

Terms of Reference

The Overview and Scrutiny Committee's main functions are to monitor and scrutinise the work of the executive and its forward plan, external bodies linked to the District Council and the Council's financial performance. It is tasked with the consideration of call-ins, policy development, performance monitoring and reviewing corporate strategies.

The Committee's workload over the past year can be broken down as follows:

(a) Scrutinising and monitoring Cabinet work

The Committee reviewed and commented on the Cabinet's Forward Plan and work programme where they identified areas for further consideration. The Committee has a proactive role in this area through carrying out pre-scrutiny work. This involved receiving and considering the Cabinet agenda prior to the Cabinet itself.

The Committee considered one call-in this year; this was over a Cabinet decision on the release of a restrictive covenant on Loughton Hall, Epping Forest Collage, Loughton. The Committee was asked to consider this cabinet decision taken in October 2007 regarding the release of a restrictive covenant to enable a provisionally arranged sale at Loughton Hall for use as a residential care home to proceed and that the Council would not exercise its right of pre-emption to purchase Loughton Hall and/or the library site adjoining Epping Forest College. After a lengthy discussion, the Committee agreed with the Cabinet decision and did not support the call-in.

(b) Standing Panels work programme monitoring

The Committee received regular updates from the Chairmen of the various Scrutiny Panels to report on the progress made with their current work. This has allowed the Committee to monitor performance, prioritise work and when necessary adjust their work plans to take into account new proposals and urgent items.

(c) Items considered by the committee this year

This year the Overview and Scrutiny Committee received presentations on, and considered such topics as:

- i) A presentation from London Underground Limited who came in June 2007 to update the Committee on various topics that effect the District in relation to the various London Underground stations and car parks in the district. The Committee and members took the opportunity to question the representative on various related topics.

ii) In December 2007 the Committee received a presentation from the Chairman of the Princess Alexandra Hospital NHS Trust who reported on their application for Foundation Trust Status. Also in attendance were the Chairman of the West Essex PCT and the Vice-chairman of the west Essex Public Involvement Forum who gave their views on the proposal. After debating the matter fully, the Committee expressed its full support for the application by the Princess Alexandra Trust for Foundation Trust status.

iii) Police Presentation.

iv) Highways Presentation.

v) The Committee considered a report from the returning officer, which came to the Committee via the Constitution and Members Services Standing Panel reviewing the 2007 elections that took place in May.

vi) The Committee held a special meeting in August 2007 to consider the continuation of the Council's webcasting trial. The Committee received a report evaluating the webcasting pilot, when not only council meetings but, notable civic events were webcast. The Committee concluded that the continuation of webcasting should be endorsed and the webcasting of council meetings be made permanent.

vii) The Cabinet were invited to present their plans for the year ahead, the Committee considered the schedules with a view to selecting issues for pre-decision scrutiny.

viii) The Committee agreed in October 2007 that the Task and Finish Panel on Town Centre and Car Parks be disbanded. And any outstanding work be added to the Environmental and Planning Services Standing Scrutiny Panel.

ix) The Committee also reviewed the recommendations made by the 2006/07 Task and Finish Panels to check on how they had progressed since they had been disbanded.

x) They considered the outcomes from the Overview and Scrutiny review seminar held in September 2007. This Seminar made several small improvements in Overview and Scrutiny procedure that was endorsed by the Committee.

xi) In January 2008 the Committee scrutinised and endorsed the draft Portfolio Holders Budgets for 2008/09.

xii) The Committee also reviewed the need for an increase in the number of area planning sub-committee, increasing the frequency of the meetings from a four week cycle to a three week cycle. This was part of a package of measures designed to improve the planning performance. After fully debating this proposal the Committee agreed to recommend to Council that provision be made for a meeting of the Area Plans Sub-committee every three weeks.

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STANDING PANELS

1. HOUSING STANDING PANEL

Introduction by the Chairman:

"This is my third year as Chairman of the Housing Standing Panel and yet again we have had a busy year, carrying out the important role of scrutinising the Housing Services of Epping Forest District.

As always I would like to thank the members and officers who have put in time and energy to help make this Scrutiny Panel run smoothly. My special thanks to Mrs Molly Carter, the Chairman of the Tenants and Leaseholder Federation who also attends our meetings as a member of the Panel."

*Councillor Stephen Murray
April 2008*

The Housing Standing Panel consisted of the following members:

Councillor S Murray (Chairman)
Councillor Mrs R Gadsby (Vice Chairman)
Councillors K Angold-Stephens, Mrs P Brooks, K Chana, Mrs H Harding, Mrs J Lea, Mrs P Richardson, Mrs P K Rush and J Wyatt.

The Lead Officer was Alan Hall, Director of Housing Services. The Panel also appreciated the Housing Portfolio Holder, Councillor D Stallan, attending the meetings to help them with their deliberations.

Mrs Molly Carter, the Chairman of the Tenants and Leaseholder Federation, who attends the meetings as a non-voting co-opted member to provide the views of residents and stakeholders, assisted the Panel.

Terms of Reference

The Housing Standing Panel is tasked to undertake reviews of a number of the Council's public and private sector housing policies and to make recommendations arising from such reviews to the Housing Portfolio Holder or cabinet as appropriate. They also undertake specific projects related to public and private sector housing issues, as directed by the Overview and Scrutiny Committee.

The Panel scrutinised a number of important issues over the last year, which included:

- i) The Choice Based Letting Scheme – the Panel were kept abreast of the latest developments in this scheme during the year.
- ii) The Panel received a presentation on the implementation and action plans of private sector housing and empty property strategies.

iii) The Panel reviewed the Housing Service Strategy on Rent Arrears. The Panel considered this strategy on the Council's approach to the recovery of rent arrears. The control of rent arrears is considered by the Housing Services as one of the key elements of its performance. This strategy sets out how this element of the service is delivered. The Panel asked that the proposed three day notification period be reconsidered and extended appropriately; with this comment the Panel endorsed the strategy.

iv) The Panel considered and endorsed the Housing Service Strategy on Anti-Social Behaviour. This set out the Council's approach to the policies and procedures in relation to anti-social behaviour on housing estates. The strategy sets out how this element of the service is delivered by Housing Services and includes links with other services both internally and externally by Housing Services and includes links with other services both internally and externally.

v) Housing Service Strategy on Energy Efficiency – the Panel considered and endorsed the strategy on energy efficiency. They noted that the government is committed to energy efficiency in housing and so is the Council and that Council homes must meet the thermal comfort and heating criteria in the Decent Homes Standards by 2010. Currently the Council is focusing on the following improvements: low energy lights; increase in loft insulation; cavity wall insulation; boilers changed to Grade 'A' rated ones and to install double glazing for all windows.

vi) Housing Strategies on Tenant Participation and Housing Information – the Panel reviewed and agreed these strategies. These replaced the existing strategies and would take the Council to 2010.

vii) The Panel reviewed and agreed the Housing Service Standards for 2007/08 – this brought together for the first time all the Housing Service Standards relating to the service it provides to its customers (tenants, leaseholders and housing applicants).

viii) Review of the Allocations Scheme – the Panel noted that the Council is legally required to have an allocations scheme, setting out the procedures for allocating its housing accommodation and making nominations to Registered Social Landlords. The Panel endorsed the scheme but requested that the scheme be expanded to enable it to be offered to anyone who wished to downsize to any size property, providing the downsized property is in accordance with their needs.

2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

Introduction by the Chairman:

"This is my first year as Chairman of this Panel and a most interesting and enjoyable year it has been.

During the year we looked at a variety of topics including reviewing the Council's ability to make decisions in emergency situations, how a member's planning application should be decided by a planning committee and whether the Planning Sub-committees should go from a four-week cycle to a three-week cycle. We also examined the ramifications of the new Local Government and Public Involvement in Health Act, which will affect many aspects of Local Authority activities.

I would like to express my thanks to my Vice Chairman, Councillor Richard Morgan for his valuable support over the year and of course, to the members and officers of the panel for their important contributions."

Councillor Robert Church
April 2008

The Constitution and Member Services Standing Panel consisted of the following members:

Councillor R Church (Chairman)
Councillor R Morgan (Vice Chairman)
Councillors J Demetriou, R D'Souza, D Jacobs, J Markham, Mrs M McEwen, T Richardson, B Rolfe, D Stallan and Mrs J H Whitehouse.

The Lead Officer was Ian Willett, Head of Research and Democratic Services.

Terms of Reference

To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee and to report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of important issues over the last year, which included:

(i) Review of May 2007 Elections – The Panel reviewed the May 2007 elections and feedback their findings and views to the Returning Officer and the main Overview and Scrutiny Committee. They made several suggestions on the running of elections and the count generally for consideration by the Returning Officer, some of which were taken up.

(ii) Council Business - Arrangements for Emergency Situations – the Panel considered a report on Council decision making in emergency situations and

changes to cover such circumstances where a large proportion of the Cabinet, Regulatory Committees or the Council itself are unable to take part in decision making by virtue of illness, death or other extreme circumstances. These issues stemmed from an Emergency Planning exercise on Pandemic 'flu and the Civil Contingencies Act 2004 which placed a duty on the Council to improve resilience to allow the continuation of services during emergencies.

iii) Protocol on Partnerships and other External Organisations – the Panel was asked to review this protocol and was designed to regulate the relations between the Council and external partnerships and other outside bodies. They considered and revised the Protocol and submitted their recommendations to the Overview and Scrutiny Committee for approval.

iv) Review of Polling Stations – The Panel noted that the Electoral Administration Act 2006 placed a duty for all Polling Districts and Places to be reviewed by the end of 2007. The Panel reviewed the polling districts and submitted their recommendations straight to Council.

v) Cabinet Operations in Emergency Situations – this protocol was designed. To cover two situations: Local Emergencies and National Emergencies situations declared by the Government. It was focused on the role of the Leader in such circumstances and provided a definition of both types of emergencies, explained the circumstances in which one should be declared, who would be tasked with doing this, the emergency procedures available for dealing with such situations, how long such rules could be for when and how they could be revoked.

The Panel's comments were submitted to the Overview and Scrutiny Committee for endorsement.

vi) Determination of Members Planning Applications – the Panel considered constitutional changes to enable a planning application submitted by a member to be determined by members and not under delegated authority. These would normally be considered by a Planning Sub-committee. However this could often result in a number of prejudicial interests being declared and as a result the Sub-committee might not be in quorum and considerably delay the process. In view of these issues it was recommended that the terms of reference of Area Plans Sub-committee and the District Development Control Committee be amended so that any planning applications submitted by, or on behalf of a Councillor be submitted to the District Development Control Committee for consideration and not to the Area Planning Sub-committee.

vii) Review of Meeting Cycles of Area Plans Sub-committees – The Panel considered whether the cycle of Area Plans Sub-committees should be revised so that there was one meeting of each Area Planning Sub-committee every three weeks. On consideration of the report the Panel recommended that a three weekly cycle for the Area Planning Sub-committees to the main Overview and Scrutiny Committee but only after Local Town and Parish Councils and all members had been consulted.

viii) Local Government and Public Investment in Health Act 2000 – the Panel considered a report on the Local Area Agreements and Community Strategies. They also considered the possible new executive arrangements that an authority could operate when the new act came into force. After consideration the Panel recommended that the option of Leader and Executive be endorsed for this Authority.

3. FINANCE AND PERFORMANCE MANAGEMENT STANDING PANEL

Introduction by Chairman:

"This Panel's task is to keep a watchful eye on the Council's finances and its performance. We have also found our workload heavily influenced by the need to tick Audit Commission boxes. The Panel has also taken over some of the residual work left over by the Customer Services and ICT Standing Panel that was dissolved at the beginning of the year, which has led to some heavy agendas.

This year we have had some of our meeting webcast which has brought our work to a wider audience.

I would like to thank my vice Chairman Gagan Mohindra for the support he provided during the year and, of course, the lead officers for their invaluable help and advice."

*Councillor Jon Whitehouse
April 2008*

The Finance and Performance Management Scrutiny Panel consisted of the following Members:

Councillor J M Whitehouse (Chairman)
Councillor G Mohindra (Vice Chairman)
Councillors R Bassett, J Hart, M Colling, D Jacobs, R Morgan, Mrs Richardson, Mrs P Smith and A Watts.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

To review Best Value Performance Indicator (BVPI) and Local Performance Indicator (LPI) outturns for the previous year at the commencement of each municipal year, and to determine the following on an annual basis:

- (a) The criteria for deciding which BVPIs and LPIs should be formally monitored by the Panel throughout the remainder of the year, based upon the 'traffic light' system of performance reporting, Comprehensive Performance Assessment improvements, and existing council and member priorities;
- (b) A 'basket' of priority BVPIs and LPIs, performance against which will be reported to the Panel throughout the year;
- (c) The monitoring frequency of those priority BVPIs and LPIs identified by the Panel;

- (d) Arrangements for the wider member reporting and monitoring of performance against those BVPIs and LPIs that are not contained in the Panel's 'basket' of high priority indicators;

To consider proposals and make recommendations for corrective action in relation to poorly performing BVPIs and LPIs;

To consider and make recommendations as appropriate on the format and content of the Council's annual Best Value Performance Plan;

To undertake a full review of the existing Council Plan and to make recommendations to the Cabinet on the overall strategic vision to be adopted, within the context of how the authority intends to prioritise resources and develop services in the medium term;

To develop arrangements to directly engage the community in commenting on and shaping the future direction of services to make them more responsive to local needs, including the development of proposals for effective consultation through an annual community conference;

To annually review the consultation exercise undertaken by the council over the previous year;

To consider draft budgets for each portfolio and in so doing to evaluate and rank proposals for either enhancing or reducing services. Members will need to ensure consistency between wider policy objectives and financial demands;

To consider financial monitoring reports on key areas of income and expenditure for each portfolio;

The Panel to consider feedback from the Customers Services Working Group to ensure that the Panel is kept up to date on current customer service activities across all service areas; and

To monitor and review progress on the implementation of all major ICT systems.

The Panel scrutinised a number of important issues over the last year, which included:

i) The Key Performance Indicators for 2007/08. The panel scrutinised 52 Key Performance Indicators (KPIs) for 2007/08, suggesting that 75% of these KPIs achieve top quartile as the previous target of 50% was met last year. The Panel kept these indicators under review on a quarterly basis throughout the year;

ii) A Value for Money Sub-group was established and suggested that a special Task and Finish Panel be set up to carry out a detailed service review. The Service chosen was Planning and Economic Development. Following this recommendation a Task and Finish Panel was set up by the main Overview and Scrutiny Committee to do just this;

iii) The Panel received a report arising from the Best Value Review of Leisure Management. This report reviewed Leisure services for the District detailing whether their key objectives had been met and value for money achieved. The Panel

concluded that the Council's aims and objectives had been met and that Leisure Services were to be congratulated for this success story;

iv) The Panel reviewed the Council Plan for 2006-2010 Annual Review. The Panel received the Council Plan monitoring report, the Local Area Agreement for Essex monitoring report and the Comprehensive Performance Assessment Improvement Plan monitoring report;

v) The Panel received a report on the Council's Consultation Plan for 2007/08. The Consultation Plan resulted from an Audit Commission suggestion on improving our approach to Public Consultation, particularly in respect of ensuring engagement with minority communities and other hard to reach groups. The Consultation Plan was to be developed as part of the annual business planning process from 2006/07 onwards;

vi) The Panel considered the Performance monitoring report on the Local Area Agreement and the Comprehensive Performance Assessment Improvement Plan, keeping a check on the objectives and the Council's ability to meet them. An update would go to the Panel on a six month basis;

vii) The Panel also considered (on a quarterly basis) the quarterly Financial Monitoring report, keeping them up to date on the key areas of income and expenditure for each portfolio.;

viii) The Panel considered the annual report on Fees and Charges as part of the budget setting process. The levels of fees and charges are considered for the forthcoming financial year. The Panel expressed concerns that the charges were rising dramatically for people on limited income and asked that the Finance and Performance Management Cabinet Committee to be given a fuller explanation on the background to this increase;

ix) The Panel received a report from the Principal Valuer and estate Surveyor on Land and Property assets Review. The Council has an above average portfolio of property. A large sale had just been successfully completed and the future use and occupation of all four depots were currently under review;

x) An entire meeting was devoted to the draft detailed Portfolio Budgets, containing the breakdown of individual Portfolio Holders budgets for 2008/09. The Panel's recommendations would go to their parent overview and Scrutiny Committee and then on to the cabinet with their comments on the budget. The cabinet would then recommend a budget and Council Tax to Council for approval;

xi) reviewing the Use of Resources Assessment – Auditor Judgement 2007 report the Panel noted that the Council had made good improvements having improved from an adequate level 2 to a good level 3; and

xii) The Panel noted the new National Outcome and Indicator Set to be introduced from April 2008. This was introduced by the Department for Communities and Local Government as a set of new national indicators to replace all other performance indicators including Best Value Performance Indicators (BVPIs). The Panel also considered which, if any, of the Council's current BVPIs should be carried forward into the new regime as they may prove to be useful. Several were chosen to be carried on into the new regime.

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4. ENVIRONMENTAL AND PLANNING SERVICES STANDING PANEL

Introduction by Chairman:

"As we scrutinised the Environment and Planning issues for the Council, we shaped policy on some of the most significant issues facing the local community. We considered the Nottingham Declaration and recommended that the Council sign up to it. We focused on one small area of the District, Nazeing, and produced, along with outside partners, an action plan for the area.

I would like to thank my Vice Chairman (Councillor Bateman) for all his help during the year and of course the Lead Officers for this Panel. I would also like to thank all the representatives from outside agencies, local interest groups, the Local Councils and members of the public who attended our meetings and contributed to the discussions"

*Councillor Mrs Penny Smith
April 2008*

The Environmental and Planning Services Panel consisted of the following members:

Councillor Mrs P Smith (Chairman)
Councillor D Bateman (Vice Chairman)
Councillors Mrs A Cooper, R Bassett, R Frankel, P House, J Knapman, G Pritchard, Mrs P Richardson, H Ulkun, Mrs L Wagland and M Woollard.

The Lead officers were John Gilbert, Director of Environment and Street Scene and John Preston, Director of Planning and Economic Development

Terms of Reference

1. To keep under review the activity and decisions of the West Essex Joint Waste Committee.
2. To consider what changes are practical and desirable to Council policies concerning the reuse of redundant and other buildings in the Metropolitan Green Belt.
3. To consider the arrangements by which the new Local Development Scheme is being brought into operation.
4. To consider matters which arise through the process that the Government is driving to bring in an East Of England Plan.
5. In the context of the DERA 'Cleaner Neighbourhoods Consultation document' to consider the viability of employing uniformed wardens, the formulation of a response to the document and the financial consequences of these matters.

6. In relation to Traveller issues to consider and monitor:
- (a) the measures previously agreed by the Council to secure the clearance of the top level of the sites at Paynes Lane and the actions agreed for Birchfield;
 - (b) the position regarding tolerated sites and;
 - (c) the management of travellers who enter onto land within the district with a view to unauthorised encampments;
 - (d) Government's guidance on the needs of travellers in the context of the Council's review of its District Local Plan and the Essex Housing Needs Assessment;
 - (e) the results of the Commission for Racial Equality's study on traveller issues once published;
 - (f) That the draft list of current and past sites within the District produced by Planning Services be completed and updated and made available to the Environmental and Panel Services Standing Panel.

The Panel scrutinised a number of important issues over the last year, which included:

- i) The Panel considered a report on the Nottingham Declaration. This was designed specifically for local authorities to enable them to show their commitment to the issue of climate change. It set out a series of actions for the Council to pursue. About 200 local authorities have signed the declaration so far. The Panel recommended that the Council becomes a signatory to the declaration, and requested that the further actions of the Council be governed by awareness of climate change and acted on accordingly.
- ii) The Panel received a report on the Nazeing Focus Day which had been considered by a couple of sub-groups and whose combined efforts had produced an action plan. Outside groups had also been consulted on this plan, which was acknowledged as an evolving working document.
- iii) The Panel considered an interim report on street parking and the Highways Local Service Agreement. They resolved to ask the West Area Highways Manager to attend a future meeting to answer relevant questions on parking in the district. They noted that the district does not have any direct management control in respect of Highways maintenance since the Agency reverted back to County control in April 2005.
- iv) The Panel set up a sub-group to consider and report back on the Clean Neighbourhoods and Environment Act 2005 and the Rogers Review on Enforcement Priorities. They made recommendations on how they could be pursued. These recommendations eventually went to the parent Overview and Scrutiny Committee for their comments and agreement
- v) The Panel received on a regular basis the minutes of the West Area Joint Waste Committee. This was so that they could be kept up to date on the district's waste management issues.

vi) The Panel received a Highways Services Presentation from the Area Highways manager for West Essex. He reported on District Parking issues and then answered questions from members on local issues of concern.

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TASK AND FINISH PANELS

1. LEISURE TASK AND FINISH PANEL

This panel was set up to consider the four topics for Review as identified by Overview and Scrutiny Committee i.e.

- i) Future management of Waltham Abbey Sports Centre;*
- ii) Feasibility of alternative Arts Development and Delivery for the District;*
- iii) Evaluation of the Youth Initiatives Scheme; and*
- iv) Review of the opportunities presented by the London 2012 Olympic and Paralympic Games.*

Under the Chairmanship of Councillor Mrs Harding, they gathered evidence and information in relation to the four topics through the receipt of data, presentations and by participation in fact finding visits.

They consulted with Partners, Agencies, Stakeholders and Users of the services under review. They established key issues and future needs and evaluated all relevant facts in relation to the topics under review in an objective way and to produce recommendations for future action. They sought to establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process.

The Leisure Task & Finish Panel consisted of the following members:

Councillor Mrs H Harding (Chairman)
Councillor K Chana (Vice Chairman)
Councillors Mrs P Brooks, Mrs R Gadsby, Mrs A Haigh, Ms J Hedges, P House, S Murray, G Pritchard, B Rolfe Mrs P K Rush, P Turpin and H Ulkun

The Lead Officer was Derek Macnab, Deputy Chief Executive.

The Panel was a continuation from last year's leisure Task and Finish Panel. Two of their four topics for consideration this year were carried over from last year. They were the Future Management option for Waltham Abbey Sports Centre and the review of Future Arts Development in the District. There were two new topics added to their programme, one was to evaluate the success of the Council's Youth Initiative Scheme and to review the opportunities presented by the 2012 Olympic and Paralympic Games.

Presentations Received/ Consultation undertaken

1) The Panel received a presentation from the Council's Community and Cultural Services Manager on the proposed major collaborative projects to celebrate the Olympic Games in the District involving Children and Young people. The Panel agreed that there would be an annual programme within the existing leisure budget, plus two large spectator events at an estimated expenditure of £20k in year 1 for a launch event and £50k on year 5 for a mini Olympics;

- 2) The Panel received a presentation from the Policy and research officer on the Youth Initiative Scheme explaining that it was initially set up to reduce anti-social behaviour. The Panel noted that there was a need for indicators to measure the success of the policy;
- 3) The Panel received a short presentation from the Community and Cultural Services manager on the overview of the current work of the Council's Arts Service. This brought the Panel up to date with what the Council's Arts Service were currently engaged on and gave them the background for their review;
- 4) The Panel held one of its meetings at the Waltham Abbey Sports Centre and were also given a tour of the facilities by the General Manager of the Centre;
- 5) The Panel reviewed and commented on the proposed key objectives for the Arts Development Review. They wanted the objectives broadened to include such things as crime and disorder and health issues. The Panel also received a presentation on the future development of the arts in Epping Forest. They considered in detail the various avenues that the services could take in the future. Officers ran through the pros and cons for each option. They noted that arts will have a wider agenda that will include youth and health and that this could be brought into a central service under one service head. The Panel concluded that the Council currently got very good value from its arts services and was highly regarded by other authorities;
- 6) The Panel were updated on the latest developments in the Legacy Action plan for the 2012 Olympics.
- 7) The Lead Officer also met separately with the Head teacher and School Bursar of King Harold School to iron out details for the future management of the Waltham Abbey Sports Centre. They were keen to stress that no 'education expenditure' could be used to subsidise community use of the centre; and

Outcome

The Panel recommended to the Overview and Scrutiny Panel that a new dual use agreement is entered into with the King Harold School for the future management of Waltham Abbey Sports Centre.

For more information see the report produced by the Task and Finish Panel.

2. CRIME AND DISORDER TASK AND FINISH PANEL

This Panel had continued on from last year. A preliminary report was presented to the Overview and Scrutiny Committee in April 2007 detailing progress made on the Panel's work. The Committee acknowledged that the Panel's work could not complete its work until the government rolled out the changes it wanted. Unfortunately the government has not yet issued any guidance and therefore the Panel has not met this year.

3. TOWN CENTRE AND CAR PARKS TASK AND FINISH PANEL

This is another Panel that was carried over from the last year so that it could complete its work programme. However, work could not be progressed on its remaining topic. Therefore, this Panel was disbanded and the outstanding work on Anti-social Behaviour in car Parks added to the Environmental and Planning Services Standing Panel.

4. PROVISION OF VALUE FOR MONEY WITHIN PLANNING SERVICES TASK AND FINISH PANEL

This Panel started late in the year, its first meeting did not take place until October 2007 when they identified their terms of reference and work programme.

The Provision of Value for Money within Planning Services Task and Finish Panel consisted of the following members:

Councillor Mrs H Harding (Chairman)
Councillors R Bassett, M Colling, R Frankel, D Jacobs, P McMillan, G Mohindra, R Morgan, Mrs P Richardson and H Ulkun.

The Lead officer was Jon Preston, Director of Planning and Economic Development.

The Panel agreed to consider in detail the provision of value for money within the following planning services, focusing specifically on:

- Development Control (including Appeals)
- Forward Planning
- Building Control
- Enforcement
- Administration and Customer Support
- Economic Development
- Environment Team

The Panel is currently halfway through its evidence gathering phase.

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

Overview and Scrutiny Committee			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Scrutiny of Essex Police – Community Policing Initiative	6 March 2008	Chief Superintendent to report to this OSC on the initiative and general policing issues.	6 March, 10 April 2008
Items not yet allocated to a meeting			
North West Essex PCT – Proposal for Joint Scrutiny Review			
District Transport in Rural Areas		Responses to this survey have been submitted.	
Provision of Youth Services within the District		Lonica Vanclay (who is the local officer responsible for youth provision in the District) has offered to attend a meeting in new year to discuss this issue.	

Standing Panels			
Constitution and Member Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
Executive Arrangements - Report of Constitutional and Member Services Panel	March 2008	Report attached to agenda. Next meeting on 4 March to determine next years Member Training Programme.	4 March 2008 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
Local Government Regulations - Draft Strategy 2008 - 2011.	March 2008	Report attached to agenda.	28 February 2008 23 April 2008

Finance and Performance Management Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings 27 March 2008
No reports due to be submitted to this OSC			

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
No reports due to be submitted to this OSC			

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

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