

## Scrutiny Standing Panel Agenda



### **Constitution and Members Services Scrutiny Standing Panel Tuesday, 20th November, 2007**

**Place:** Committee Room 1

**Time:** 7.30 pm

**Democratic Services Officer:** Zoe Folley, Research and Democratic Services  
Tel: 01992 564532 Email: zfolley@eppingforestdc.gov.uk

#### **Members:**

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

**A BRIEFING WILL BE HELD FOR THE CHAIRMAN OF THE  
PANEL AT 6.45PM ON THE DAY OF THE MEETING**

#### **1. APOLOGIES FOR ABSENCE**

#### **2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

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

#### **3. DECLARATION OF INTERESTS**

(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.

**4. NOTES OF THE LAST MEETING - 11 OCTOBER 2007 (Pages 3 - 8)**

Attached.

**5. WORK PROGRAMME (Pages 9 - 10)**

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed a Work Programme for this Panel. This is attached. The Panel are asked at each meeting to review this document.

**6. REVIEW OF MEETING CYCLE OF AREA PLANS SUB COMMITTEES (Pages 11 - 12)**

To review the frequency of area Plans Sub Committees as part of an initiative of improving the time taken to determine planning applications.

**7. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2000 - (A) EXECUTIVE ARRANGEMENTS FOR ENGLAND (B) LOCAL AREA AGREEMENTS AND COMMUNITY STRATEGIES (Pages 13 - 20)**

To consider the attached reports.

**8. ACCESS TO COMMUNICATION AND INFORMATION ARRANGEMENTS (Pages 21 - 24)**

To consider the attached report.

**9. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

**10. FUTURE MEETINGS**

The next programmed meeting of the Panel will be held on 6 June 2006 at 7.30 in Committee Room 1 and then on:

7 August 2006  
10 October 2006  
04 December 2006  
8 February 2007  
2 April 2007

**EPPING FOREST DISTRICT COUNCIL**  
**NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY**  
**STANDING PANEL**  
**HELD ON THURSDAY, 11 OCTOBER 2007**  
**IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING**  
**AT 7.30 - 9.45 PM**

**Members Present:** R Church (Chairman), J Demetriou, R D'Souza, D Jacobs, Mrs M McEwen, T Richardson, B Rolfe, D Stallan and Mrs J H Whitehouse

**Other members present:** Mrs D Collins and Mrs P Smith

**Apologies for Absence:** R Morgan, Mrs P Brooks and J Markham

**Officers Present** I Willett (Assistant to the Chief Executive), S G Hill (Senior Democratic Services Officer), C Overend (Policy & Research Officer), W MacLeod (Elections Officer) and Z Folley (Democratic Services Assistant)

**11. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

Noted that Councillor D Jacobs was attending the meeting as a substitute for Councillor Mrs P Brooks.

**12. DECLARATION OF INTERESTS**

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M McEwen declared a personal interest in agenda item 7 (Review of Polling Stations). The Councillor declared that her interest was not prejudicial and indicated that she would stay in the meeting during the consideration of the item.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Demetriou declared a personal interest in agenda item 9 (Constitutional Changes - Determination of Members' Planning Applications/Cabinet Committees). The Councillor declared that his interest was not prejudicial and indicated that he would stay in the meeting during the consideration of the item.

**13. NOTES OF THE LAST MEETING**

Noted.

**14. TERMS OF REFERENCE / WORK PROGRAMME**

Noted.

It was noted that Councillor Mrs Cooper had expressed a number of concerns regarding access to information arrangements. It was noted that the OSC had referred these concerns to the Panel for consideration.

It was requested that a report on the issues be submitted to the November meeting and agreed that Councillor Mrs Cooper be informed of these arrangements to enable her to present her concerns to the Panel.

#### **15. PROTOCOL ON PARTNERSHIP AND OTHER EXTERNAL ORGANISATIONS**

It was reported that the protocol had been amended to incorporate the comments made by the Panel at its last meeting on 30 July 2007.

It was reported that the new Deputy Chief Executive would be considering plans for developing an overarching policy for all of the Council's partnership working arrangements. It was possible that the findings of this review would be affect the current protocol in the future. The Panel supported the revised Protocol for submission to the next OSC for endorsement.

##### **Resolved:**

That the Protocol on Outside Bodies and Organisations be submitted to the next OSC for endorsement.

#### **16. REVIEW OF POLLING STATIONS**

The Panel considered the report.

It was 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 report explained the consultation process for this review with the responses to this attached to the report. It was noted that as part of this views were sought on the polling districts (Loughton Way (AB) Barfields (AT) Whitehills and Sewardstone (BM)). There was also general agreement to a suggestion from the Returning officer for the Brentwood that the parish of Stanford rivers be treated as a single polling district rather than divided in two

It was noted that the Acting Returning Officer for the Brentwood and Ongar parliamentary constituency had also suggested that the polling stations in the Lambourne Parish Voting rooms be removed with all electors in the Lambourne Parish voting in Abridge Village Hall. The ward Member for Lambourne End advised that the Parish Council had been contacted about this proposal and was strongly against it. He pointed out that the Parish Room was accessible for all voters and much closer to the Lambourne End electors than the Abridge Village Hall. Given this, the removal of the Polling Station would be a disincentive to vote and could discourage turn out especially amongst the elderly.

The Panel also noted the appeals process for this review, a schedule of the proposals and the reasons for the proposed polling district and places.

##### **RECOMMENDED TO THE COUNCIL:**

**That a report be submitted to the Council recommending:**

**(a) that the proposals for polling districts and places as set out in the Appendix to the report be approved; and**

**(b) that the proposals be published and copies made available for**

inspection by the public at the Civic Offices, in at least one place in each parliamentary constituency and on the Council's website.

## 17. CABINET OPERATIONS IN EMERGENCY SITUATIONS

The protocol was designed to cover two situations: Local Emergencies and National Emergency situations declared by the Government.

The protocol very much focused on the role of the Leader under 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 applied for when and how they could be revoked.

It was noted that the provisions of the Emergency Local Plan set out a definition of a Local Emergency and this determined whether one needed to be called. Reference was made to a recent emergency situation in Loughton where there was problems regarding water mains. The Panel felt that the reaction by the Emergency response Team to this was very effective and demonstrated that they already had the ability to deal with such circumstances very well.

### (a) Local Emergency Situations

It was noted that the protocol provided for decision making during the above situations.

It was agreed that such arrangements should be subject to 4 weekly reviews ('four weekly renewals') during the duration of the emergency. This should continue at such frequencies until such a time when the normal decision business making process was able to resume – (ie when the Council recovered its quorum)

### (b) National Emergency Situations

It was anticipated that under these situations, Central Government would put into effect plans for dealing with the situation.

Noted that under these circumstances, it would be necessary to follow the Government's plans and that this protocol should specify this intention as well as providing for regular reviews as mentioned above.

Officer reported their intention to give further consideration to the provisions on the role of the Key Officers in emergency situations.

**Agreed** that the Protocol with the Panel's comments be submitted to the next meeting of the OSC in November 2007.

## 18. CONSTITUTIONAL CHANGES - DETERMINATION OF MEMBERS' PLANNING APPLICATIONS/CABINET COMMITTEES

The Panel considered the report.

### (a) Planning Applications – Decisions on Applications by Councillors

It was noted that the Constitution provided for any planning application submitted by a Member to be determined by members and not under delegated Authority. Under

this rules, applications made by Councillors were normally submitted to an Area Plans Sub – Committee for determination.

As Area Plans Sub – Committees comprised members representing only those wards in the particular area, prejudicial interests were more likely to arise than in the case of a Committee drawn from Councillors from across the whole District eg District Development Control Committee. The number of prejudicial interests declared as a result of these issues could often result in there no longer being a quorum and considerable delays in the process.

In view of these issues it was recommended that the terms of reference of Area Plans Sub-Committees and the District Development Control Committee be amended to provide that any planning application submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) was submitted to the District Development Control Committee for consideration and not to an Area Plans Sub-Committee.

**(b) Cabinet Committees**

It was noted that as the Cabinet currently comprised only one party, representation on the Cabinet Committee from more than one group was no longer possible. The Panel were asked to update the Constitution to reflect this new situation.

The Panel felt that all Groups with representation on the Cabinet should be given the opportunity to appoint representatives to serve on the Cabinet Committees. The Panel recommended that the proposals be amended to enable this.

**RECOMMENDED TO THE COUNCIL:**

**That, subject to approval of the Overview and Scrutiny Committee, the Panel be authorised to report direct to the Council on proposed changes to the Constitution providing for:**

**(a) exclusion from the Terms of Reference of Area Plans Sub-Committees and inclusion within the Terms of Reference of the District Development Control Committee of consideration of any planning application submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner); and**

**(b) references in the Terms of Reference of Cabinet Committees to any political Group with a seat on the Cabinet but not having representation on the Committee by virtue of one of the named Cabinet Portfolios being able to nominate a member to serve on the Committee be retained**

**19. OS REVIEW SEMINAR - 18 SEPTEMBER 2007**

The Panel received the notes of the OS review seminar held on 18 September 2007. It was reported that the seminar explored a number of aspects of the OS system and suggested the following ideas for improvement.

**Work Plan** – The work plan monitoring should focus on deadline monitoring. The Work plan should be scaled down to enable this and the Chairman should report on an exception basis. Any recommendations for change should be supported by a written report.

**Scrutiny of Executive work** – it was noted that the rules provided for the Chairman of the OSC to scrutinise the Cabinet agenda and enabled the Chairman to report on any issues raised to the next Cabinet agenda. It was requested that this item for this on the agenda be revised to clarify this provision and explain it clearly.

**External Presentations** –the Seminar agreed that the amount of time devoted at OSCs to this should not be reduced and should only be reduced following a request for this from members.

**Review of Sub – Groups** - The lack of appetite for these reviews amongst Member was noted. This could be attributed to the timing of these reviews.

Some items were currently being held in abeyance as they were awaiting the passage of legislation. It was suggested that these Panels should embark on new reviews on more pressing issues. Members could submit new bids for the plan for consideration at any point in the year. However so far this year, few requests had been submitted for inclusion in the plan.

**Agreed** that that the Call in page in the Members Bulletin be updated.

**Agreed** that a further OS review seminar be arranged for January 2009.

**Recommended:**

That the recommendations of the OS review seminar be submitted to the OSC on 8 November 2007 for endorsement and consideration.

**20. LOCAL GOVERNMENT WHITE PAPER - ELECTORAL CYCLES AND OVERVIEW AND SCRUTINY**

**(a) Electoral Cycles**

The Panel noted that the Bill would enable Councils to review their electoral scheme and make changes to the frequency of their electoral cycle. The Panel considered a summary of the options identified in the Bill and indicative figures on the likely cost implications of each of them. It was likely that the Bill would receive Royal Assent in January 2008. Thus, the final shape of the legislation was not yet known and could differ from what was before members.

The paper outlined the merits of whole Council and elections by thirds and also considered the merits of Single Member Wards. Reference was made to the difficulties the task of supporting whole Council elections could present both to the Returning Officer and the political parties.

**Agreed** that a meeting be arranged between EFDC Members and Members of Authorities with Single Member Wards and Whole Council Elections to consider the merits of these options;

**Agreed:** The Local Government Information Unit be asked to facilitate this event

**(b) Overview and Scrutiny Committees.**

The Policy and Research Officer reported that the Bill identified a number of ideas regarding O&S. The paper provided for the process known as the 'Community Call for Action, enabled Overview and Scrutiny Committees to require Members and representatives from relevant outside bodies to appear before them. The paper provided OSCs with new powers to require information from Partner Authorities and give notice of their reports and recommendations to these authorities.

The Panel noted the report and that further reports on the new Bill would be submitted to future meetings of this Panel.

**21. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

Protocol on Partnership and other external organisations  
OS Review Seminar - 18 September 2007  
Cabinet Operations in Emergency Situations

**22. FUTURE MEETINGS**

Noted that the next meeting of the Panel would be held on 20 November at 7.30 p.m in CR1.



<b>Constitution and Member Services Standing Panel –November 2007</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(1) Review of May 2007 Elections	21 June 2007	<b>Completed</b> on 21 June 2007	20 November 2007
(2) Review of Protocol on Outside Organisations	11 October 2007	<b>Completed</b> - on 11 October 2007	11 Dec 2007
(3) Cabinet operations in Emergency Situations	11 October 2007	<b>Completed</b> - on 11 October 2007	15 January 2008 (Provisional)
(4) Review of Polling Stations	11 October 2007	<b>Completed</b> on 11 October 2007	12 February 2008
(5) Local Government White Paper: Changes to OS (including Community Call for Action) Electoral Cycle Local Strategic Partnerships Executive Functions		Discussion Paper on Executive Functions/ LAAs to be considered by the Panel on 20 November 2007.	28 April 2008  <b>Provisional dates for extra meetings requested at meeting on 21 June 07</b>
(6) OS Review Seminar - 18 September 2007	11 October 2007	<b>Completed</b> - on 11 October 2007	
(7) Determination of Members' Planning Applications	11 October 2007	<b>Completed</b> - on 11 October 2007 Report to be submitted to Full Council in December 2007	
(8) Cabinet Committees	11 October 2007	<b>Completed</b> - on 11 October 2007 Report to be submitted to Full Council in December 2007	
(9) Communications and access to information both within this Council and between other Authorities.	November 2007	Request to be considered by the Panel on 20 November 2007	
(10) Review of meeting cycle of Area Plans Sub Committees ( <b>NEW ITEM</b> )	20 November 2007	To review the frequency of area Plans sub Committees as part of an initiative of improving the time taken to determine planning applications	
(11) Member Training Review	12 February 2008		
(12) Annual Review of Contract Standing Orders/Financial Delegation	28 April 2008		



## **Report to the Constitutional Affairs and Member Services Standing Scrutiny Panel**

**Date of meeting: 20 November 2007**

SCRUTINY



**Report of:** Assistant to the Chief Executive/Deputy Director  
of Planning and Economic Development

**Subject:** Area Plans Sub - Cycle of Meetings

**Officer contact for further information:** I Willett (01992 564243)  
B Land (01992 564110)

**Democratic Services Assistant:** Z Folley (01992 564532)

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### **Recommendations:**

- (1) To consider whether the cycle of Area Plans Sub-Committee meetings should be revised so that there is one meeting of each Area Plans Sub-Committee every three weeks;**
  - (2) To consider a date for implementing this change; and**
  - (3) To consider the need for any consultation on this proposed change.**
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### **Report:**

1. The Council has set challenging targets with the goal of improving turnaround times for planning applications. Currently, most applications which are determined by Area Plans Sub-Committees exceed the target time for determination. This is because at the present time once an application is ready for decision it then has to wait for its appropriate Sub-Committee and this can be a wait between two weeks and six weeks before being determined.
2. The overall target time for routine applications is eight weeks in total and the Panel will appreciate that this waiting period adversely affects the Council's ability to achieve the eight-week timescale.
3. The Constitutional Affairs Panel will be receiving a report later in the year on officer delegation which will make some minor suggestions which may assist the Council in improving its performance. However, such changes will not produce a "step-change" in turnaround times on their own but the combined impact of each action will assist in improving performance.
4. Currently the cycle of Area Plans Sub meetings is a monthly one. As a result of the Council's earlier decision to combine two Area Plans Sub Committees there is currently a "fallow" week when there is no meeting. The proposal for consideration is to change the cycle to three weeks by dispensing with the fallow week. This will increase the number of Area Plans Sub-Committees held during the year but may result in each agenda being shorter than at present.

## **Consultation**

5. The Panel may wish to consider what manner of consultation needs to be conducted regarding this change.

## **Date for Implementation**

6. The Panel would need to report to the full Council regarding this change of procedure before any changes could be made. It may be preferable to introduce these changes with effect from the next Council year (i.e. May 2008) as to do so at an earlier stage may well conflict with existing meetings and create difficulties with booking the local venue used for Area Plans South.

## **Officer Support Arrangements**

7. The increased number of Area Plans Sub-Committees will not have an impact on the staffing requirement from Democratic Services, other than printing, the cost of having the external venue, Committee attendance allowances, travelling expenses etc.
8. In terms of Planning and Economic Development, the Planning Officers are confident that a three weekly cycle can be managed effectively from the point of view of report preparation etc. Indeed, it is their view that it is in the Council's interest to improve the throughput of applications for the reasons stated.

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## LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

### Discussion Paper 3 - Executive Arrangements for England

#### 1. Introduction

- 1.1 Part 3 and Schedules 2-4 of the Act introduce new executive models and build on local authority governance arrangements for England which were first introduced by the Local Government Act 2000.
- 1.2 The Local Government Act 2000 put in place a new decision-making framework in which there is a separation of the decision-making and scrutiny roles of local authorities. It required the majority of local authorities to determine, following consultation, executive arrangements involving the creation and operation of one of three different forms of executive. For certain small district councils a further option, not involving a separate executive, was made available.
- 1.3 These clauses offer local authorities a different choice of executive governance models.

#### 2. Executive Arrangements

- 2.1 Clause 39 modifies the provisions in the Local Government Act 2000 in respect of the forms of executive which local authorities may operate. It requires any council in England which operates executive arrangements to operate one of the following models:
  - Leader and Cabinet executive (England);
  - Mayor and Cabinet executive;
  - Elected executive.
- 2.2 The key features of each executive model are as follows:
  - Leader and Cabinet executive (England) - a councillor elected as leader for either a 4 year term, in the case of a local authority operating whole council elections, or until his or her term of office as councillor expires, where the local authority instead operates elections by halves or thirds, and two or more councillors of the authority are appointed to the executive by the executive leader;
  - Mayor and Cabinet executive - a directly elected mayor who appoints two or more councillors to the executive;
  - Elected executive - A leader and cabinet who are all directly elected to the council's executive.

#### 3. Discharge of Functions

- 3.1 Clause 40 amends the provisions of the Local Government Act 2000 to provide for the Leader in a Leader and Cabinet executive (England), and in an elected

executive, to make arrangements for the discharge of functions in the same way as a Mayor and Cabinet executive.

#### **4. Changing Governance Arrangements**

- 4.1 There is provision within Clause 41 allowing a local authority to change its executive arrangements, including the replacement of its existing form of executive with a different form of executive as permitted under Section 11 of the Local Government Act 2000, or where alternative arrangements are operating, its replacement of those arrangements with executive arrangements in accordance with this clause.
- 4.2 The clause sets out the way local authorities in England can vary their executive arrangements; move from alternative arrangements to executive arrangements; draw up proposals for changing their governance arrangements; resolve and publicise their decision to vary or change their governance arrangements; and sets out the timetable for implementing new or varied governance arrangements.
- 4.3 Where local authorities are proposing to adopt a new form of executive or are moving to executive arrangements, there is provision regarding what details must be set out in the proposals; the need to hold a further referendum if the current governance arrangements were originally approved in a referendum; and the consultation requirements for proposals which aim to move from a governance model involving direct election to the executive which was originally adopted without the need for a prior referendum.
- 4.4 There is also provision regarding pre-commencement consultation; the procedures that will apply should a council operating alternative arrangements fail to adopt executive arrangements, within the permitted time allowed for by the legislation; the meaning of certain terms used within this clause; and the permitted periods in which local authorities can resolve to change their governance arrangements.

#### **5. Referendum following Petition**

- 5.1 The provisions in Section 34 of the Local Government Act 2000 to extend the ability of local people to petition their local authority to hold referendum on a directly elected mayor are to be amended, to enable them to petition for a referendum on a directly elected executive.

#### **6. Elected executives; other elected executive members; meaning of "elected executive member"; Time of elections etc; and Voting at elections of elected executives.**

- 6.1 Clauses 44, 45, 46, 47 and 48 make provision with respect to elected executives. Elected executive members are elected by the local government electors for the local authority area. For this model, there will be an election of a single "slate" consisting of a team of between 2-9 candidates to be members of the proposed executive, plus one candidate to be Leader of the proposed executive if the "slate" is elected.
- 6.2 Clause 44 allows members of the elected executive to be treated as councillors for the purposes of some enactments, such as those relating to voting rights, conduct and remuneration of councillors. This mirrors the existing provision for elected mayors in the Local Government Act 2000. It permits a person to stand as both a councillor and on a "slate" as an elected executive member and also makes provision as to what should happen in the event of a councillor of the authority being returned as a member of a directly elected executive. In such a case, a vacancy will arise in

the office of councillor. Where the "slate" of candidates is formed of 9 or 10 existing councillors, a consequence of this could be a large number of by-elections immediately after the election should that "slate" be comprised of existing councillors.

- 6.3 Provision is made through Clause 45 with respect to the term of office of a member of an elected executive who is not an elected mayor or a member of an elected executive; Section 11(5) of the Local Government Act 2000 allows the Secretary of State to prescribe forms of executive which are additional to those set out in Section 11.
- 6.4 Clause 46 provides that "elected executive member" means an individual elected to an authority's executive by the electors of the area.
- 6.5 Clause 47 and 48 and Schedule 2 amend the Local Government Act 2000 by extending the supplementary vote (SV) system used for election of elected mayors to the election of elected executives.
- 6.6 In relation to the election of an elected executive, under the supplementary vote system, the elector has two votes - a first preference vote cast for the elector's preferred "slate", and a second vote cast for the elector's second preference from among the remaining "slates". Schedule 2 specifies the procedure for returning a directly elected executive where there are three or more slates. Ordinarily, the "slate" which receives more than half of the first preference votes cast will be elected. If none of the candidates receive more than half of all of the first preference votes, the election remains in contest. It is at this point that the second preference votes are counted for those candidates that remain in the context. The executive returned is the one with the greatest total number of preference votes (both first and second). Schedule 2 also provides procedures for dealing with an equality of votes at any stage of the process.

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# LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

## Discussion Paper 5 - Local Area Agreements and Community Strategies

### 1. Duty to Prepare and Submit Draft Local Area Agreement

- 1.1 When directed by the Secretary of State, a responsible local authority must prepare and submit a draft Local Area Agreement specifying:
- local improvement targets;
  - in relation to each local improvement target, the persons to whom the target is to relate; and
  - the period for which the Local Area Agreement is to have effect.
- 1.2 In preparing the draft Local Area Agreement, the responsible local authority must -
- consult each partner authority; and such other persons as appear to it to be appropriate;
  - co-operate with each partner authority in determining the local improvement targets relating to the partner authority which are to be specified in the draft Local Area Agreement; and
  - have regard to its community strategy prepared under Section 4 of the Local Government Act 2000 (c.22) (strategies for promoting well-being); and any guidance issued by the Secretary of State.
- 1.3 In determining the local improvement targets relating to it which are to be specified in the draft Local Area Agreement, each partner authority must -
- (a) co-operate with the responsible local authority; and
- (b) have regard to any guidance issued by the Secretary of State.
- 1.4 In terms of the Local Area Agreement in so far as it relates to the Epping Forest District, the County Council is the responsible authority, and the District Council is a partner authority.
- 1.5 "Local improvement target" means a target for improvement in the economic, social or environmental well-being of the responsible local authority's area which relates to any or all of the following -
- the responsible local authority;
  - one or more partner authorities; and
  - one or more other persons acting, or having functions exercisable, in the area of the responsible local authority.
- 1.6 A target specified in a Local Area Agreement relates to the responsible local authority if the exercise by the authority of any of its functions, or anything done by the authority, could contribute to the attainment of the target.

- 1.7 A target specified in a Local Area Agreement relates to a person other than the responsible local authority if -
- the exercise by the person of any of his functions, or anything done by the person, could contribute to the attainment of the target; and
  - the person has consented to the target being specified in the Local Area Agreement.

## **2. Approval of Draft Local Area Agreement by Secretary of State**

- 2.1 Where a draft of a Local Area Agreement has been submitted to him, the Secretary of State may, by notice in writing to the responsible local authority, approve the draft; or require the responsible local authority to modify the draft and resubmit it.
- 2.2 Where the Secretary of State approves a Local Area Agreement it has effect for the area of the responsible local authority for the period specified in the agreement.

## **3. Duty to have regard to Local Improvement Targets**

- 3.1 The responsible local authority, and each partner authority must, in exercising their functions, have regard to every local improvement target specified in the Local Area Agreement which relates to them.

## **4. Designated Targets**

- 4.1 Where the Secretary of State approves a draft of a Local Area Agreement, he may, within one month beginning with the date on which he approved the draft, designate any local improvement target specified in the Local Area Agreement.
- 4.2 It is envisaged that the designated targets will be those which have been identified as priorities by the Secretary of State and which relate to the national indicator set for local government, as determined through Public Service Agreements. The effect of a designation is that the target may not be amended or removed except with the approval of the Secretary of State, following the submission of a revision proposal by the responsible authority.
- 4.3 Where the Secretary of State has approved a revision proposal to the Local Area Agreement he may designate any local improvement target that has been added by the revision proposal. This must be done within one month of the date the revision proposal was approved. (Targets may also be added by agreement between the responsible authority and each person to whom the target in question is to relate). But such targets, once added, may not be designated.

## **5. Designated Targets: Revision Proposals**

- 5.1 It is envisaged that a Local Area Agreement will last for a number of years. Within this time the responsible local authority may want to alter the designated targets in the Agreement. This will be done through a 'revision proposal'. The revision proposal may seek to add a target or delete or alter designated targets.
- 5.2 A 'revision proposal' is a document that proposes changes to designated targets within an approved Local Area Agreement. The Secretary of State may also direct a local

authority to prepare a 'revision proposal'. Where such a direction has been made, the responsible authority must prepare a revision proposal.

5.3 The revision proposal may include changes to, or removal of, designated targets from the Local Area Agreement. It may propose additional targets. Where a revision proposal changes a target or an additional target, it must also specify the persons to whom the target is to relate.

5.4 In preparing the revision proposal, the responsible local authority must:

- consult each partner authority and other persons as appear to it to be appropriate, including the voluntary and community sector and local businesses;
- co-operate with each partner authority in determining changes to designated targets, removal of designated targets or additional local improvement targets where these are relevant to the partner authority; and
- have regard to its community strategy and to any guidance issued by the Secretary of State.

5.5 Each partner authority must co-operate with the responsible local authority, and have regard to any guidance issued by the Secretary of State, in determining changes to designated targets, the removal of designated targets or additional local improvement targets, that are to be included in a 'revision proposal'.

5.6 Where the Secretary of State directs a responsible local authority to prepare and submit a revision proposal, a date by which this revision proposal must be submitted can be set.

## **6. Approval of Revision Proposal**

6.1 If the revision proposal was prepared in response to a direction by the Secretary of State may approve the revision proposal or require the responsible authority to modify it or reject it. Alternatively, if the responsible local authority has chosen to prepare and submit a revision proposal, the Secretary of State may either approve or reject the proposal. In this case he may not require the revision proposal to be modified.

## **7. Duty to Publish Information about Local Area Agreement**

7.1 The responsible local authority must publish a memorandum relating to the Local Area Agreement where:

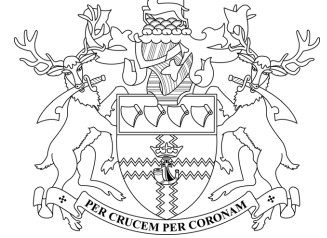
- the Secretary of State has designated a local improvement target or has revoked a designation;
- the approved Local Area Agreement has been amended by a revision proposal, that has been approved by the Secretary of State; and
- the approved Local Area Agreement has been amended by locally agreed alterations, additions or deletions of local priority targets.

## **8. Preparation of Community Strategy**

- 8.1 Responsible local authorities are required to consult and seek the participation of partner authorities in the development and subsequent modification of a community strategy. The partner authorities will be the same as those involved in the preparation of the Local Area Agreement. Local authorities will remain under a duty to also consult and seek the participation of such persons as they see fit when preparing their community strategies. This is intended to include the voluntary and community sector and local businesses.

# Agenda Item 8

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



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

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

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

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

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

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

How can these issues be addressed?

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

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

General Principles of Conduct in Public Service – Q12

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

Article 3 – Do we actively promote this?

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

**Public Interest Justification:**

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

**manner and thus protecting the integrity of the Council.**

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

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

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

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

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

**Not Known**

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

**Not known**

**Office Use:**

**Pick score:**

**Considered By OSCC:**