

Overview and Scrutiny Committee Thursday, 29th January, 2009

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

Time: 7.30 pm

Democratic Services Officer: Simon Hill, Senior Democratic Services Officer, The Office of the Chief Executive
email: shill@eppingforestdc.gov.uk Tel: 01992 564249

Members:

Councillors R Morgan (Chairman), K Angold-Stephens (Vice-Chairman), M Colling, A Green, J Hart, D Jacobs, G Mohindra, Mrs P Richardson, B Rolfe, Mrs L Wagland and Mrs J H Whitehouse

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. MINUTES (Pages 9 - 40)

Decisions required:

To confirm the minutes of the meetings of the Committee held on 11 December 2008 (attached).

5. 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.

6. RURAL TRANSPORT SERVICES (Pages 41 - 42)

To receive a presentation from the County Portfolio Holder, Councillor Norman Hume, on rural transport and the bus service.

This item links in with the recent Epping District Transport Survey carried out last summer.

7. PROPOSED MEETING WITH IAIN WRIGHT MP (Pages 43 - 48)

This item stems from the 16 December 2008 Council meeting:

• **The following motion moved by Councillor Stallan and seconded by Councillor Whitbread was adopted -**

- (1) "That this Council notes the high level of interest by our residents in the consultation document on Development Plan Provision for Gypsies and Travellers in the Epping Forest District;
- (2) That to enable members and our residents to be better informed on the reasons for such provision in the Epping Forest District an invitation be sent to Mr Iain Wright M.P. Parliamentary Under-Secretary of State at the Department for Communities and Local Government for him to attend the next meeting of the Council's Overview and Scrutiny Committee on 29 January 2009; and
- (3) That the three local Members of Parliament be advised of our invitation"

The Assistant to the Chief Executive had sent an invitation to Iain Wright MP inviting him to attend the Overview and Scrutiny Committee in January 2009. However, officers have not received a reply to this invitation at the time of going to print.

8. REVIEW OF CIVIC CEREMONIAL ARRANGEMENTS (Pages 49 - 58)

(Chairman of the Panel – Councillor Mrs M McEwen) To consider the attached report.

9. BUDGET REPORT (Pages 59 - 124)

(Director of Finance and ICT) to consider the draft Portfolio Holder Budgets report. The full draft budgets were considered in detail at the Finance and Performance Management Scrutiny Standing Panel on 13 January 2009 and at the Finance and Performance Management Cabinet Committee on 26 January 2009.

Report to follow.

10. ANNUAL REVIEW OF CONTRACT STANDING ORDERS (Pages 125 - 130)

(Chairman of the Constitution and Member Services Standing Panel) To consider a report of the Constitution & Member Services SSP (**to follow**).

11. ANNUAL REVIEW OF FINANCIAL REGULATIONS (Pages 131 - 132)

(Chairman of the Constitution and Member Services Standing Panel) To consider the attached report of the Constitution & Member Services SSP (**to follow**).

12. CONSULTATION ON PUBLIC RELATIONS (Pages 133 - 138)

(Deputy Chief Executive) To consider the attached report.

13. REVIEW OF EXECUTIVE CONSTITUTION - REPORT OF CONSTITUTION &

MEMBER SERVICES SSP (Pages 139 - 246)

(Chairman of the Constitution and Member Services Standing Panel) To consider the attached report of the Constitution and Member Services Standing Panel regarding changes to the Executive Constitution as a result of the Local Government Act 2007.

The attached report has been circulated in full to the Cabinet and was considered at its meeting on 15 December 2008. The Cabinet endorsed the report and, in relation to recommendation (1) (e) agreed with the proposal that the three outside bodies listed should be included in the Council approval list (Appendix 10) rather than in the list for Leader approval (Appendix 9) . If this committee agrees, the schedule will be changed prior to submission to the Council.

- 13 .1 **Essex County Council - Forest Transport Consultation** (Pages 247 - 248)
(Chairman of the Safer Cleaner Greener Standing Panel) to consider the attached report of the Safer Cleaner Greener Standing Panel.

14. WORK PROGRAMME MONITORING (Pages 249 - 254)**(a) Updated Schedule**

The Committee are asked to note the updated schedule. This reflects the work programme proposed by each Panel. Any changes made under preceding items will be amended in the programme accordingly

(b) Reserve Programme

A reserve list of scrutiny topics is required to ensure that the work flow of OSC is continuous.

OSC will 'pull out' items from the list and allocate them accordingly once space becomes available in the work plan following the completion of existing reviews.

Members can put forward any further suggestions for inclusion in the reserve list either during the meeting or at a later date.

Existing review items will be dealt with first, and then time will be allocated to the items contained in the reserve work plan.

Any space within the work plan is filled on an ongoing basis.

(c) Item from the 16 December 2008 Full Council meeting.

At their last meeting the Council asked that the following be presented to the next Overview and Scrutiny Committee meeting for their consideration:

The following motion moved by Councillor Mrs Haigh and seconded by Councillor J M Whitehouse was adopted -

That this Council notes:

- (a) the growing economic crisis and the impact it is having on individuals in the

district;

(b) the increasing number of people struggling with mortgage repayments and the record levels of personal debt;

(c) the initiatives of the current administration in trying to alleviate the impact of the growing financial crisis on our residents;

(d) the increasing demand placed on the Council's Benefits Section and on local organisations such as the Citizens' Advice Bureaux; and resolves to:

(i) ask the Overview and Scrutiny Committee to work with relevant local public and voluntary sector bodies to undertake a review of current debt and the money advice service provision; and

(ii) ask the Cabinet to review the support that the District Council offers the Citizens' Advice Bureau and similar services and consider whether this support should be extended, and to incorporate the outcome of the review into the budget process.

The Council's Constitution notes that:

"Motions at Council Meetings

Any motion adopted by the Council following due notice from a Member of the Council and which relates to the responsibilities of the Overview and Scrutiny shall, on adoption, stand referred to the Overview and Scrutiny Committee for consideration. In determining how to respond to the motion, the Overview and Scrutiny Committee shall consider whether the proposal should be incorporated in the work programme or held for future consideration in accordance with the procedures outlined in paragraph 4 and 5 above. The Committee shall also advise the Council, via the Member's Information Bulletin, of the action taken on such motions."

RECOMMENDATION:

(1) That (d)(i) (above) be considered to either be added to the committee's work plan or held for future consideration.

(2) The Committee can ask that:

- a) A Task and Finish Panel be established to consider this item; or
- b) Allocate it to an existing Standing Panel; or
- c) Add it to their own work programme; or
- d) Establish a sub group of members to research the item and report back to the full committee with their recommendations.

15. CABINET REVIEW

RECOMMENDATION:

To consider any items to be raised by the Chairman at the Cabinet meeting on 2nd February 2009.

(Assistant to the Chief Executive). Under the Overview and Scrutiny rules the Committee is required to scrutinise proposed decisions of the Executive. The Chairman is also required to report on such discussions to the Cabinet.

The Committee is asked to consider the 2 February 2009 Cabinet agenda (previously circulated) to see whether there are any items that they wished to be raised at the Cabinet meeting.

16. PRESENTATION AT NEXT MEETING.

To discuss any presentations to go to the next meeting. At present a presentation from the Local Strategic Partnership is indicated in the work programme.

17. 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.