

## **EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES**

**Committee:** Overview and Scrutiny Committee      **Date:** Thursday, 8 October 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.37 pm

**Members Present:** Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman) M Colling, A Green, Mrs A Grigg, Mrs A Haigh, D Jacobs, J Knapman, J Philip and Mrs L Wagland

**Other Councillors:** Councillors R Bassett, Mrs D Collins, Mrs A Cooper, Mrs M McEwen, B Rolfe, Mrs M Sartin, D Stallan and C Whitbread

**Apologies:** Councillors G Mohindra

**Officers Present:** D Macnab (Deputy Chief Executive), J Gilbert (Director of Environment and Street Scene), K Durrani (Assistant Director (Engineering Services)), P Maddock (Assistant Director (Accountancy)), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer), S Mitchell (PR Website Editor) and M Jenkins (Democratic Services Assistant)

**By Invitation:** R Skinner (Essex Fire and Rescue Service)

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### **35. WEBCASTING INTRODUCTION**

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **36. SUBSTITUTE MEMBERS**

It was noted that Councillor J Philip had substituted for Councillor G Mohindra.

### **37. DECLARATIONS OF INTEREST**

Councillor J Knapman declared a personal interest in items 6 and 7 of the agenda by virtue of being a member of the Essex Fire Authority.

### **38. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 3 September 2009 be taken as read and signed by the Chairman as a correct record subject to the following amendments:

Third paragraph of item 27 'Call-in – The Broadway, Loughton – Rent deferment Scheme' the following sentences to be changed:

- Change the second sentence to read – “He noted that the LRA had supported the decision made by the Cabinet affecting the plight of the traders and that supporting a rent deferment scheme was untenable.”
- Change the eight sentence to read – “It would be helpful if their business rate had been reduced by 20% or 25% and backdated.”
- Change the tenth sentence to read – “According to his calculations it would cost the council from about £28k to a maximum of £38k for a modest rent rebate.”

### **39. PRESENTATION FROM ESSEX FIRE AND RESCUE SERVICES**

The Committee received a short presentation from Ray Skinner, the Community Commander of the Essex Fire and Rescue Services. He started by saying the basic tenet of the service was to protect and save life, property and the environment. The service covers a population of 1.6 million people in Essex and had recently moved to new Head Quarters at Kelvedon Park, Witham, Essex.

The Panel noted that:

- They had 1,441 fire fighters, of which 923 were ‘whole time’ and 518 were retained (not their full time job);
- They have 52 fire stations in Essex with some 128 appliances and an annual budget of around 72 million pounds;
- They have community command based at Harlow that reports back to Kelvedon Park;
- They have an average of 24,490 call outs a year;
- The service tends to concentrate more on protection and prevention and also runs an intervention programme for youngsters;
- They hold regular young fire fighters courses to help young people with their self confidence and life skills; they will also follow up on these students after the course has finished;
- The service will carry out home safety visits free of charge;
- They are involved in trying to reduce to the number of killed and seriously injured incidents on the roads, which are now on their way down;
- The Essex Fire Authority has the task of overlooking their service;
- The current issue facing the service was the move to Regional Control Centres, they would eventually be moving to nine control centres. Currently there was a national controversy about this and the outcome of the next General Election may result in changes to the current proposals;
- As part of the public sector they were considered to be very good value for money;
- They were having growing demands placed on them due to increased flooding and terrorist issues;
- As for industrial disputes, there was no threat of a strike at present. There was currently a ‘goodwill’ ban on such things as overtime or acting up to the next rank. It would also be fair to say that no member of the public would be put at risk. They were currently awaiting the outcome of negotiations.

The chairman then opened the meeting to take any questions from the members present.

Councillor Angold-Stephens raised concerns about the Regional Control Centres as it could cause problems, as experienced with the police. There would inevitably be a settling down period, which may cause confusion and he was concerned about this

period. Mr Skinner said there were some concerns at national and regional levels. A lot of the smaller services wanted this to happen. It would be going live in 2012; if it was too close to the Olympics then it may have to be moved back to 2013 so that it would not interfere with the plans. A lot of resources were going into this and hopefully it would work. At present there was some confusion on border areas, but regional centres would manage this better.

Councillor Knapman asked where the regional control centre would be located. Mr Skinner said it would be outside Cambridge. Councillor Knapman continued that he had little faith in these centres as they were located too far away. There were also questions on computer compatibility, are they working? Mr Skinner replied that he did not have that information, but there was concern some over the IT and it would not go live until they were sure of it working.

Councillor Mrs Grigg asked how they monitored response times to life risk responses. Mr Skinner said that they have a performance team monitoring monthly and quarterly response times and making sure that the attendance was appropriate for each region and to monitor our standards.

Councillor Bassett asked about Guy Fawkes' night, what would the fire service be doing. Mr Skinner said that they had a multi-agency approach in Harlow using local fire stations to educate the public. The multi agency programme uses the Anti Social Behaviour Teams, the Police and the Fire Services to deliver educational messages.

Councillor Bassett said that there were major airports nearby, are there plans in place to deal with major emergencies and do they link in with each airport. Mr Skinner replied that they did have pre-planned strategies and they held exercises throughout the year.

Councillor Morgan asked if there was to be a strike, would the army still be available to cover and do they have the proper equipment. Mr Skinner said that they had contingency plans and they would not rely on the army and their green goddesses.

Councillor Mrs Wagland asked if there were any causes of fire that had increased or dropped away in recent years. Mr Skinner replied that the causes of fires remained fairly constant through the years, although there had been an increase in flooding in recent years.

Councillor Morgan asked if straw fires were on the increase. Mr Skinner said there had been some fires recently but he was not aware of any increase generally.

Councillor Colling made an observation about the manning of stations. He said that 518 staff operate out of main stations and 918 out of lesser stations, why the imbalance? Mr Skinner answered that staffing levels reflected the different modes of operation between full time stations where shift patterns existed and retained stations where there may be a high number of retained staff only some of which are able to respond to an incident.

Councillor Mrs Sartin asked if there was a fire on the border with Harlow, who would be called out, a Harlow fire appliance or an Epping one. Mr Skinner responded that each area had a predetermined appliances assigned to that address. If they were busy they would call the next nearest one. At certain stations if an appliance went out on call another one would come to replace it at that station.

Councillor Morgan said that Old Harlow used to be manned by temporary firemen how was it manned now? Mr Skinner said it was still the same. They have to work

within five minutes of the station. There was talk to extending this time in rural areas to get more people in.

Councillor Green asked if they were fully manned at present and if there was a waiting list for people wanting to join the service. Mr Skinner said there was always a waiting list for the full time service, but they did not have one for part time officers.

The Chairman thanked Mr Skinner for coming to speak to the Committee and answering their questions. He expressed the wish that he would come back from time to time to keep them informed of the latest developments in the Fire and Rescue Service.

#### **40. REPORT ON THE BIRCHWOOD FIRE**

The Director of Environment and Street Scene, John Gilbert, introduced the report on the fires at Birchwood, Hoe Lane, Nazeing. The meeting noted that notes of a multi agency meeting held on 17 September 2009 had been tabled for information.

This report came to the Committee following the consideration by the Planning Services Scrutiny Panel and the Safer Cleaner Greener Scrutiny Panel of the circumstances surrounding two fires at the Birchwood site, Nazeing.

The fires took place in early January and late May 2009 and involved the burning of large amounts of stored waste timber and timber products. The scale of the fires meant in both cases that the Fire & Rescue Service did not seek to extinguish them but instead adopted a control and contain approach. This was partly due to the difficulties in getting water to this site and the need to manage potential environmental damage of water run off into local water courses and the local water table.

The outcome of this approach was that in both incidents, the fires remained alight for many days and local residents and businesses were inconvenience by the effects of the fire (smoke, grit and ash).

Councillor Mrs Wagland asked if a water bowser was now on site. Mr Gilbert did not know but said he would find out and let her know. Councillor Mrs Wagland added that it was good to follow up on deadlines. After the last Planning Scrutiny meeting she had asked for a barrister's view on these fires.

Councillor Colling asked whether tyre bailing was a likely alternative use at the site. Mr Gilbert said that it was one of a number of options that had been discussed as an alternative use for the site.

Councillor Mrs Cooper asked if the fire officer, Mr Skinner, had brought in the fire reports from the January and May fires as she had asked for. Mr Skinner said that the reports were not in the public domain, but he could get the public relations report.

Councillor Mrs Cooper expressed her concerns that:

- There may still be a risk on the site.
- She had asked if there had been a comprehensive risk assessment undertaken of the waste establishment.
- The report did not say that the petition was in excess of 700 people.
- The local health authority did not see a problem in the area, perhaps the Hertfordshire Health Services should be asked.

- The health profile of the district said that there were no problems but there were issues with dust and ash. There was a risk to children through damage to their lungs.
- Did the council have its own air monitoring equipment?
- There were reports of a lot of dead fish reported in Broxbourne area, was this due to leaching?

Mr Gilbert said that Mrs Cooper asked about the Health and Safety Assessment of the waste establishment, but since this was not a designated waste establishment different requirements pertained. With respect to nuisance, local residents had not filled in their dairies over the allotted time period and without this evidence it was difficult for the council to build up a case for legal action. As for the petition, the absence of the number of signatories in the report had not been intended to diminish its importance, and all petitions are treated equally this one had been dealt with under normal Council procedures. With respect to local effects upon health, the Council had taken advice from the West Essex Primary Care Trust (PCT) but officers had also written to the North and East Herts PCT and were awaiting their information. With respect to air monitoring during the fires, that undertaken during the first fire had not resulted in any breach of national air quality standards. The Council had not purchased air monitoring equipment, but had this equipment loaned to them during the January fire. As for the dead fish this had nothing to do with the fire but with algae bloom and local conditions.

Mr Skinner the Fire & Rescue Services representative commented that there was no accidental cause found. They had found out that the fire had started at the edge of the wood pile and not as we would have expected near the centre. Wood chippings were not involved in the main fire. As the site is a place of work their main concern was the employees.

Councillor Mrs Cooper asked if a full fire risk had been undertaken on the current site. Mr Skinner responded that there was nothing there on the site to make a risk assessment off. Mrs Cooper also sought clarification on the notes of the meeting of the Planning Services Scrutiny Panel with regards to spontaneous combustion. Mrs Cooper's recollection was that the fire officer had stated that the stored wood on the site was capable of spontaneous combustion whereas the minutes state to the contrary. Mr Gilbert stated that his recollection agreed with the published notes and Mr Skinner stated that whilst it might be possible, it was, given the probable starting point of the fire, most unlikely. The Chairman of the Planning Services Scrutiny Panel, Councillor Mrs Wagland stated that she was content with the notes as published.

The Committee noted that because the site fell within a B2, general consent category, the County was unable to exercise any additional control. It was felt that in future the County Council should be involved at an early stage and to facilitate this, the County had produced a guidance note "Development Involving County Matters" which made suggestions and recommendations as to how a local planning authority should proceed in these circumstances. It was agreed that this should be referred to the District Development Committee.

It was also noted that the Council was likely to serve a pre-emptive abatement notice on the current operator seeking to ensure that the removal process of the remaining ash on site and consideration of the off site treatment and safe disposal is undertaken appropriately and with suitable protection measures in place to manage the dust which will arise from the process.

The Chairman thanked Mr Skinner for remaining to cover this item on the agenda.

**RESOLVED:**

- (1) That the minutes of the meetings of the Planning Services and Safer, Cleaner, Greener Standing Scrutiny Panels in respect of the Birchwood, Hoe Lane, Nazeing site, be noted;
- (2) That the present situation and the outcome of the most recent multi-agency meeting be noted;
- (3) To refer the County Council's guidance note "Development Involving County Matters" to the District Development Control Committee for its consideration; and
- (4) The intention of authorised officers of the Environment & Street Scene Directorate to serve pre-emptive abatement notices upon the present operators in order to effectively control any future activities on the site be noted.

**41. REPORT OF THE DEBT MANAGEMENT REVIEW SUB- GROUP**

The Committee noted that the report of the Debt Management Review Sub-group was not yet ready and would go to the next scheduled Overview and Scrutiny meeting in November.

**42. INTERIM REPORT FROM THE PITT REVIEW ON FLOODING TASK AND FINISH PANEL**

Councillor Mrs Grigg, the Chairman of the Pitt Review on Flooding Task and Finish Panel introduced their interim report seeking appropriate funding provision in next years budget. The report sought funding for the out of hours drainage standby service. This service provided a rapid local response to flooding incidents by ensuring the availability of trained drainage engineers outside normal working hours, including weekends and public holidays. This has been provided by the Council for a number of years; from April 2006 to October 2008 the costs were charged to the Environment Agency under a contractual arrangement. When this funding ceased the service had been funded through a DDF revenue allocation which will cease in March 2010. Given the ongoing risks of flooding within the district, and the expectation of affected residents that the council would be able to assist, it was recommended that the out of hours service be provided on an ongoing basis.

Councillor Green noted that with the amount of flooding in the district, the cost of this service was very reasonable and should be supported.

Councillor Philip asked if the amount asked for, £10,100, was for every year or was it a 'one off'. The Assistant Director Technical Services, Kim Durrani, replied that it would be a Continuing Service Budget allocation.

Councillor Angold-Stephens remarked that when there was flooding in Loughton only our service was able to help. It was good value for money.

Councillor Mrs Collins asked that officers in conjunction with the Portfolio Holder be left to decide if it should be a CSB or a DDF allocation.

Councillor Knapman said if it was set as DDF then every year we would have to decide if we were to continue with the service. Councillor Mrs Collins replied that the council had been paying for this out of DDF for the last couple of years without a problem, and repeated that the decision should be left up to officers and the portfolio holder.

Councillor Knapman proposed that the words "on an ongoing basis" be removed from the first recommendation. This was agreed by the Committee.

**RESOLVED:**

(1) That the out of hours land drainage standby service be recommended to the Cabinet to be continued at an estimated cost of £10,100 per annum; and

(2) That Cabinet be requested to consider the allocation of financial resources in the 2010/11 budget to enable the assessment of compliance with the requirements of the Pitt Review and the anticipated enactment of the Flood and Water Management Bill.

**43. AFFORDABLE HOUSING SUB-GROUP**

The Committee noted that the Housing Scrutiny Standing Panel had established a sub-group following a discussion for the need for affordable housing and the current lack of supply within the District.

**RESOLVED:**

That the sub-group proposed by the Housing Scrutiny Standing Panel to consider the need for affordable housing within the District be noted.

**44. HOUSING SUBSIDY REPORT**

The Assistant Director Accountancy, Peter Maddock introduced the report on the Housing Subsidy Review. The government had been exploring possible changes to the Housing Finance System currently in operation. Part of the process was to invite authorities to pilot some of the proposals. This has now taken place and culminated in the issue of a consultation paper. They wish to change the system and propose that council's be given a proportion of the nations housing debt requiring councils to pay the interest on this debt. The initial estimate suggested that it may be a good thing for this council, as it may lower our annual payments to the government, but at this early stage they are still unsure.

Councillor Mrs Collins commented that a lot of the authorities who are not in debt were concerned about this proposal as local authorities in debt would not be paying much more. There was a need to see what other authorities not in debt are doing about this.

Councillor Knapman observed that local authorities were currently locked into a system that was established in the 1980's, Mr Maddock agreed.

Councillor Stallan said it was a matter of balance, would the EFDC be better off with the new suggested system?

**RESOLVED:**

That the submission of the draft response to the Department of Communities and Local Government Consultation Paper on the reform of the Council Housing Finance be approved by the Overview and Scrutiny Committee.

**45. WORK PROGRAMME MONITORING****O&S Work Programme**

The Senior Democratic Services Officer, Simon Hill, took the Committee through their work programme. The Committee noted that:

**Item 3:** Scrutiny of London Underground – due to the impending Olympics it was thought beneficial to widen out the invitation to Transport for London (TfL).

Councillor Mrs Haigh said it would be useful if the committee could decide upon their question before hand and work out some secondary questions as well. She would also like to discuss car parking with the TfL.

**Item 5:** West Essex PCT, joint scrutiny review – the Essex Health Overview and Scrutiny Committee were discussing how to enhance local scrutiny and they were looking to local meeting to help in this. We are still awaiting their detailed response.

**Item 6:** District Transport in Rural Areas – Officers had chased up county for a final report.

**New Item:** Mr Hill reported that he had recently received a letter from 'Health for North East London' who was looking to set up a scrutiny for health provision for north east London. They had proposed an initial meeting for 2 November. Normally this would go to full Council for them to nominate a member to sit on an outside body. However, there was not enough time for this to happen. He proposed that the Chairman in consultation with the Leader appoint a member to this meeting. It may also be that members would want a formal presentation on this so that we could have a more informed debate during the consultation period. Members agreed that they would welcome this.

Councillor Mrs Haigh commented that this would affect a lot of people who live in the south of the District who would naturally travel south for their health care.

Councillor Mrs Collins said that Councillor Sandler would be the ideal members to sit on this committee if he was available. Councillor Knapman added that if Councillor Sandler was not available then he would offer himself as a member.

**RESOLVED:**

(1) That Councillor Sandler or Councillor Knapman, if Councillor Sandler was not available, to be appointed as an EFDC member to go to the meeting of the Health for North East London committee to be held on 2 November 2009; and

(2) That officers liaise with the West Essex PCT and the ECC Health Overview and Scrutiny Committee with a view to further discussions of the



proposals at a meeting during the consultation period in order to formulate a formal response by the Council.

**Constitution and Members Service Standing Panel:**

The Chairman of this Panel, Councillor Mrs McEwen reported that they were looking at other councils and how they carried out their scrutiny work. They would then come back with their finding for the O&S review they were currently undertaking. They were also looking at interviews and electronic call-ins.

**Safer Cleaner Greener Standing Panel:**

John Gilbert informed the Committee that the next meeting of this Panel, on 27 October 2009 would be their first one dedicated to Crime and Disorder matters and he reminded members they were welcome to attend.

**Planning Services Standing Panel:**

Councillor Mrs Wagland, the Chairman of the Panel noted that a full work programme would be coming to the O&S Committee.

**46. SUSTAINABLE COMMUNITIES ACT 2007 - TASK AND FINISH PANEL**

The Deputy Chief Executive explained that the Sustainable Communities Task and Finish Panel established at their last meeting were still in need of members. They had to date only two members agreeing to sit on the panel and he was using this opportunity ask for more volunteers to nominate themselves.

**47. CABINET REVIEW**

It was noted that there was no business to report to the Cabinet.

**CHAIRMAN**