

EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee: Overview and Scrutiny Committee **Date:** Monday, 12 July 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.35 pm

Members Present: Councillors R Morgan (Chairman) K Angold-Stephens (Vice Chairman of Council) (Vice-Chairman) R Barrett, W Breare-Hall, Ms R Brookes, Mrs A Grigg, D Jacobs, D C Johnson, Mrs S Jones, Mrs M McEwen, J Philip and J M Whitehouse

Other Councillors: Councillors R Bassett, Mrs P Brooks, Mrs D Collins, Ms J Hart, B Rolfe, Mrs P Smith, Mrs M Sartin, D Stallan, Ms S Stavrou, Mrs E Webster, C Whitbread, Mrs J H Whitehouse and D Wixley

Apologies: Councillors Mrs R Gadsby and G Mohindra

Officers Present: D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), C O'Boyle (Director of Corporate Support Services), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), S Devine (Environmental Health Officer), C Overend (Policy & Research Officer), T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

By Invitation: S Mcmillan (Essex Fire and Rescue)

14. 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.

15. SUBSTITUTE MEMBERS

It was noted that Councillor Mrs S Jones had substituted for Councillor Mrs R Gadsby and Councillor Mrs McEwen for Councillor G Mohindra.

16. MINUTES

RESOLVED:

That the minutes of the last meeting of the Committee held on 1 June 2010 be agreed.

17. DECLARATIONS OF INTEREST

(i) Councillor D Stallan declared a personal interest in agenda item 6 as he was a member of the Cabinet and the Portfolio Holder for this item. However, he had determined that his interest was not prejudicial as he was attending the meeting to

present the original decision and to answer questions as he was required to do under the Council's rules for call-in of executive decisions. There were no mobile home sites in his ward and he had no other interests in this item.

(ii) Councillors Ms S Stavrou, Mrs M Sartin and B Rolfe declared a prejudicial interest in agenda item 6 as a member of the Cabinet and because they were present for part of the debate on this item at the Cabinet meeting. They intend to exercise their right under paragraph 12(2) to make representations and give evidence on this matter before withdrawing. They had no other personal or prejudicial interest in this matter.

(iii) Councillor Mrs P Brooks declared a personal interest in agenda item 6 as she was a resident of a mobile home park and the Chairman of the residents association.

(iv) Councillors Mrs P Smith, R Bassett, C Whitbread and Mrs D Collins declared personal interests in agenda item 6 as they were members of the Cabinet. However, they had determined that their interests were not prejudicial. They had no other interests in this item.

(v) Councillor Mrs L Webster declared a personal interest in agenda item 6 as her sister owned a mobile home park in the area. However she was representing her residents in this matter.

(vi) Councillor J M Whitehouse declared a personal interest in agenda item 6 as he knew someone who lived in a mobile home park.

(vii) Councillor D Johnson declared a personal interest in agenda item 6 as he was one of the members who had signed the call-in.

(viii) Councillor Mrs Whitehouse declared a personal interest in agenda item 8 as she was a members of Essex Savers.

18. CALL-IN - CABINET DECISION ON ADOPTION OF STANDARD CARAVAN SITE LICENCE CONDITIONS

The Committee considered the call-in of a decision by the Cabinet of a Housing Portfolio report of the adoption of the Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest. The call-in referred to the consultation process and the proposed limiting to 1 metre of the height of fences and hedges between park homes.

The lead member of the call-in Councillor Mrs Webster was asked to open the discussion. She started by saying she was concerned by the impact of the Cabinet's proposed decision would have on local mobile home parks. She had visited each park in Waltham Abbey and Abridge. The homes were owned by the residents; they paid their Council Tax and had the same rights as the rest of the population. The residents took great pride keeping their homes well tended.

She had attended the Cabinet meeting and asked for further consideration of this decision; there was a need to consult all park home owners as insufficient consideration had been taken of the residents need for privacy. Also if their gardens were reduced in size they would make the homes less attractive and harder to sell. Insufficient time had been given to consider the new rules and in hindsight the decision should have been deferred.

She compared the Government's Model Rules to the proposed EFDC rules. The Model Rules state that that new sites should consider the appropriateness of the new rules. Hedges and fences were an integral part of each home and should be maintained. She felt that this new rule should only apply to new or replacement homes.

Councillor Mrs Webster comments that according to the national body for park homes, there was a lack of clarity about who was responsible for enforcing the conditions on fire, it was not with the local authority; London authorities have nothing about fire conditions in their licences.

Councillor Johnson, a signatory of the call-in, added that he was concerned about the decision. He had read the Building Research Establishment Paper and noticed that they had no evidence that sheds create a hazard to life. It also did not exclude non-combustible fences or sheds. The parks should come under the 2005 fire reform act, so why did EFDC park residents have to conform to these extra rules as well.

The responsible Portfolio Holder, Councillor Stallan was then asked to make his opening statement. He started by saying that the Council was legally obliged to consult with the site owners and specific third parties. All members of the Council had been notified via the Council Bulletin in November 2009 of the consultation exercise and invited to contact officers for further information. A report also went to the Cabinet on 16 November 2009 asking for further staff resources to implement the new licence conditions once agreed and this agenda had been circulated to all members. The licence conditions had not been updated for 30 years and the height of fences and hedges had not been included in the conditions at that time. Officers had consulted various bodies about this and in response they had recommended only picket fences should be allowed.

It was stated in the Model Conditions that local authorities should have regard to the advice received from the Fire Authority and the local authority would have to have some compelling reasons to deviate from this. He then asked the attending Fire Officer, Assistant Divisional Officer Stewart McMillan, for his view. Mr McMillan said that Essex Fire Authority supported the model standards and as far as he was concerned it was all about public safety. In his experience, he had noted that fires in park homes did not behave in the same way as brick built buildings.

Councillor Stallan added that they had to have regard to advice given, but that the Cabinet had proposed that residents would have three years to reduce the height of their fences and six months to reduce the height of hedges. He also proposed that, following advice received fences could be 2 metres high if they were of a non-combustible material.

The Chairman then asked the five lead petitioners in turn to make a statement.

Peter Baines, of the Abridge Park Residents Association spoke first. He said that 35% of the properties could not comply with the proposed requirements that park homes should be at least 3 metres from a boundary. What was the point of a rule that was unenforceable. He noted that:

- There was a proposal to enable each resident to spend £300 each on replacing existing sheds with metal ones;
- There had only been one minor kitchen fire in five years;
- There were no legal requirement for fire or smoke detectors to be installed in properties; and
- BBQ's and bonfires were not allowed.

The local authority should have more regard to the benefit of residents, and he asked that the 3 metre rule was not applied and that the rules were not applied retrospectively.

Next to speak was Paul Burling, from The Elms Mobile Home Park. He agreed with what had just been said. The rules should apply to new or redeveloped sites. The condition about the 3 metre rule to the boundary site cannot be complied with. The fire risk had been overstated but they had already installed additional fire points. The retrospective conditions were unfair and unjust. The authority should come to the same conclusion as North Lincolnshire that only new sites or homes should comply with the new rules.

Peter Macmillan, representing the Owl Caravan Park spoke next. He said that the homes had been in the same position since the opening of the site 19 years ago and they could not be moved as there was no space, so they could not comply with retrospective rules. He asked that all established homes be made exempt. They never had a fire on their park and there was no evidence to suggest that fences and sheds create a hazard to life. It seems that the authority was cherry picking the bits that it wanted, treat park home residents the same as house owners and should not impose retrospective conditions.

The next speaker was Estelle Martin, representing the Ludgate House Mobile Home Site. She said she was devastated and angered by the decision. It would take away the residents' life style and was not appropriate for her site. This would result in depreciation of the value of their properties.

She thought that this was a breach to their rights of home and family life and the proposed standards did not provide any benefits to them. There had never been a fire on her site.

Also the proposed loan of £250 was too small and an insult that would not compensate for the loss. There was emotional and financial stress involved as this was an unreasonable and inhuman act and they would take legal action if the council persisted.

Lastly the representative from Woodbine Park Caravan Site, Bernard Leverett spoke. He said that there were 209 homes at Woodbine Park, many with elderly residents who were hoping for a quieter life after their retirement. Although meant with good intent, people need privacy from their neighbours. These new rules should be introduced for new homes only and it should have been done by discussion. The fire authorities have always been satisfied with our site. His residents felt victimised.

The Chairman then asked the three Cabinet members who declared a prejudicial interest to make their statements before they left the meeting.

Councillor B Rolfe had come to support the Abridge residents and wanted to expand on the question of the distance between plots, but as this was not covered in the call-in notice, it was ruled out of order. Councillor Rolfe then left the meeting.

Councillor Mrs Sartin had also come to speak for her local residents at Roydon Hill. This was a well established, well maintained site. She was concerned about the loss of privacy and the costs that were to be incurred. She believed that the consultation letter was sent to the wrong person, as the association chairman said that he had not received one. She noted that the park homes were raised above ground level and a 1 metre fence would afford no privacy. Also the homes were built from fire retardant materials. There had been only one fire in the last 30 years.

There should have no restrictions on fences of a non-combustible nature. Also the area has a high water table, which the hedges help to take up and also act as a haven for wild life.

Surely there was room for common sense here. Councillor Mrs Sartin then left the meeting.

Councillor Ms Stavrou said that she had received many emails from residents on the four sites within her ward. They were concerned that this decision would adversely affect their lives. Unfortunately this call-in limited a wider debate to the points raised tonight. The 1 metre fence is impracticable and home owners should have been consulted individually. Although she understood the need for updating the fire regulations, this should be done without having to make life too severe for the people who live in park homes. Councillor Ms Stavrou then left the meeting.

Councillor Barrett commented that people were living like this for a long time and suddenly the rules were changed. The fire regulations were common sense and people have a lot of common sense. The people in park homes live together and look after their homes and each other.

Councillor Mrs Grigg quoted from the model standards and asked for legal advice on the points raised. Councillor Stallan said they had looked at the evidence and came to the conclusion that the new rules should apply. They also had to listen to the advice given by the fire service. The Director of Housing said that the licensing conditions had not been reviewed for some time and the new Model Standards had been introduced after national consultation. By law, the Council had to have regard to the Model Standard and the advice received.

Councillor Breare-Hall commented that the intention was sound but any evidence of a problem was not that clear. Other authorities have adopted other ways to deal with this and we should do the same.

Councillor Jon Whitehouse added that imposing new rules and regulations should apply to new builds and not to existing ones. Existing sites should not have retrospective rules imposed. More information on current fire risks assessments was needed.

Councillor Stallan said he would refer to the Council Solicitor the view that the Council could not make retrospective changes. He added that the members were now talking about the whole set of conditions and not just the call-in. He had come to the conclusion that there needed to be a wider debate and would suggest that the Housing Scrutiny Panel be asked to look into this in detail.

The Solicitor to the Council, Colleen O'Boyle explained that the legislation was not retrospective. What could be acted upon was that if the asked for action had not been completed within a given future timetable. This would be the same as the high hedges legislation that was not retrospective but came into force from the time of the legislation.

Councillor Philip said that nothing in the report addressed a risk assessment about the difference between a 1 or 2 metre fence and this made him uncomfortable. The consultation had not worked very well and the full impact on the residents was not looked at.

Councillor Jacobs commented that other councils had got it right; these new rules should be applied only to new or redeveloped sites.

Councillor Mrs P Brooks said that was like taking a sledgehammer to crack a nut. She had lived in a park home for 15 years, where there had only been one fire, and since 1962 there had only been three fires. All the homes have safety certificates; fire hazards compare vary favourably with brick build houses. She noted that the upheaval for elderly residents was unacceptable; and dog owners needed high fences. We needed to look at what other councils had done.

Councillor Mrs McEwen said that the Council had a duty of care for all its residents and if anything happened people would look to blame us.

Councillor Sue Jones agreed that it was a sledgehammer to crack a nut and there had been insufficient consultation. We needed to look to our moral requirements on the need for consultation and to consult with individual residents.

Councillor Johnson wanted to see this decision go back to the Cabinet for further consideration.

Councillor Webster in her closing remarks said she understood the position of the local authority, but this was not just a matter of updating an existing document, but it has ramifications. This decision needs to be referred back to the Cabinet. It all hinges around paragraph 3 of the Model rules.

The Park home sites should be looked at individually as each site is individual. There was also a need to obtain a fire record of any incidents, to consult with the national body and to look at what other local authorities and fire authorities do.

Councillor Stallan in his closing speech said the call-in was only based on two points. He had heard what had been said here tonight about consultation. The Council was not legally required to consult with resident associations, but it chose to. The resident associations that had been consulted with were listed in the report and it could be seen that the Council had gone beyond what they were legally obliged to do. They had also consulted with all members of the Council as far back as February 2009. The documents are there for members to read. The Cabinet report was circulated to all members of Council, but the report did not refer to non-combustibles materials but he would accept that fences up to 2 metres would be acceptable.

Based on advice from the fire service the Council was obliged to consider the safety of all its residents.

RESOLVED:

- (1) That the decision be referred back to the Cabinet for further consideration; and
- (2) Before the Cabinet reconsider the report that the Housing Scrutiny Panel be asked to consider the relevant issues in depth and make suitable recommendation to the Cabinet.

19. REVIEW OF THE LOCAL STRATEGIC PARTNERSHIP

The Chairman of One Epping Forest, Councillor Mrs D Collins introduced the annual review of the Epping Forest Local Strategic Partnership (LSP). They have had a good year, doing some good partnership working in the District and had secured

external resources to support various schemes. The Epping Forest LSP was also working in concert with the Harlow and Uttlesford LSP.

There was, as always, a need to spend money wisely, especially as half of their funding had been cut and County wanted more than half of their funding back, it was coming up to a time of real financial difficulties. She then handed over to the LSP Manager John Huston.

Mr Houston started by saying that most of the information given tonight could be found in their first annual review of the year 2009/10. He then went on to define the role of the LSP. It brought together all the key public agencies, voluntary and private sector; identified common problems and developed joined up solutions. They wanted this district to be a better place to live in, increase the quality of life and add value to any work being done. Their key role was to act as ambassadors for the District. This last year they streamlined the organisation of the LSP and set up three Task and Finish Panels so that they could move more quickly on certain topics. These were: the credit crunch; improving communications; and developing a new 'sustainable communities' strategy'.

An independent review of the effectiveness of the partnership was commissioned and carried out by the East of England Regional Assembly resulting in positive conclusions for the Partnership.

They have also over the year:

- set up a new website;
- changed their logo;
- developed an electronic newsletter;
- have webcast board meetings;
- hosted major consultation events and have also sponsored events;
- they held a seminar on jobs and what was needed locally;
- produced an introductory leaflet explaining the role and composition of the Board; and
- had put quarterly articles in 'Fair's Fair'.

They were also required to produce a Community Strategy, which is currently out on consultation. This document would set out the big issues for the district and how the partnership could work together to tackle them.

They were looking forward to meeting the challenges of the public sector deficit, help agencies work better together and make efficiency savings.

The Chairman then opened the meeting up to questions.

- Q. What opportunities were there to report back to other partner bodies
- A. We do attend other partners meetings and countrywide meetings of the authorities. They also issue a newsletter.
- Q. By looking at the data analysis, what was conclusion had been arrived about job opportunities?
- A. We are crating a coalition along the M11 corridor to help create jobs. We have the best performance in Essex in training, but have more people claiming job seekers allowance. A lot of what we do is to ask questions which was what the M11 corridor group was doing.
- Q. How do you engage businesses when you do not have a lot of time to do so?

- A. We went and spoke to the small business association, but we are not just a talking shop. We have supported and have appointed a Business Champion and are looking at what we need to do in Epping Forest.
- Q. Good to hear your plans, but what powers do you have to do anything.
- A. We have no powers but work by consensus; we sit people down and talk to them and bring organisations together to sort things out, such as looking at transport. There are all sort of different fleets out there doing the same thing for different organisations, so we need to look at what they do and if they can help each other out.
- Q. How effective is your main organisation and how will the future lack of funding affect you.
- A. This is a challenge we all face, how we bend the funding to meet local challenges. We have about 22 organisations represented that network really well and discuss their problems with each other. The key role of the LSP was to focus on a small number of things to do well.

The Chairman thanked Mr Houston for his presentation and for answering the questions put by members.

20. O&S REVIEW - VALUE FOR MONEY, EQUALITY AND DIVERSITY

The committee received a report requesting that they review where the Value for Money and Equality and Diversity issues were to be carried out. At present they are considered by the Finance and Performance Management Scrutiny Panel and members were asked to consider if they should go into the Overview and Scrutiny Committee work programme.

On consideration the Committee resolved that these topics should remain where they are, in the Finance and Performance Management Standing Panel.

RESOLVED:

That the Value for Money and Equality and Diversity issues are kept within the Finance and Performance Management Scrutiny Standing Panel work programme.

21. REVIEW OF DEBT AND MONEY ADVICE - PROGRESS ON IMPLEMENTATION

Chris Overend, the Policy and Research Officer introduced a report setting out progress on the recommendations agreed by the Committee in November 2009 consequent upon the findings of the debt management review sub group. At the same time the LSP were also looking at the effects of the 'Credit Crunch'. This report set out the various details of any progress to date identified by the two reviews.

Councillor Jon Whitehouse said it was helpful for this to come back to the Committee and to look at things in context.

Councillor Mrs Whitehouse spoke about Essex Savers of which she was a member. The Council had given no support to them; the LSP had given some help, but she was disappointed at so little practical help had been given.

Councillor Whitbread had taken aboard the comments and said that the Council had to be careful on how they allocated money.

Councillor Angold-Stephens asked why the outreach facilities at Limes Farm had not been mentioned. In response he was advised that the report in front of Members dealt specifically with the recommendations arising out of the two original reviews referred to and that the Limes Farm facilities would be dealt with in a separate report.

Councillor Breare-Hall asked if the banks and building societies were approached only once when asking about repossession cases. He was told that officers had only made one approach and did not get any response. Councillor Breare-Hall then requested that the banks/building societies are chased up.

RESOLVED:

- (1) That the progress on the implementation of actions agreed following the review of Debt Management Advice Provision and the LSP review on the 'Credit Crunch' be noted; and
- (2) That it be noted that a report was to be submitted to the Finance and Performance Management Scrutiny Panel on the take up of benefits in our district.

22. ELECTION REVIEW REPORT

The Chairman of the Constitution and Member Services Scrutiny Standing Panel introduced the review on the recent elections held in May 2010. This election consisted of a Parliamentary Constituency election together with 19 District ward elections.

It was noted that there were advantages of holding combined elections such as shared costs. However, it also created some difficulties such as the timetables were different, with different deadlines applying for nominations for local elections and parliamentary elections.

It was also noted that:

- there were no problems with the polling stations used;
- the total number of Parliamentary postal votes issued was 7,125, with approximately 85% being returned (26 being received after polling day);
- a dedicated policing team were in place on election day, with regular visits to all Polling Stations;
- there were no instances requiring an immediate Police presence;
- Epping Forest District Council had a successful liaison with Brentwood Borough Council and Harlow District Council as parts of their constituency were in our area;
- the count was carried out successfully, with the Parliamentary count being carried out on the night of Polling day and the District election count taking place on the next day;
- the Election agents were generally satisfied with the arrangements, though they would have liked each constituency candidate to be invited to the platform for the declaration of the Parliamentary result.

RESOLVED:

That the Committee noted the review of the elections held on 6 May 2010.

23. MEMBER ROLE ACCOUNTABILITY STATEMENTS

A request had been received from the Epping Forest Member's Remuneration Panel and Council on 20 April 2010, that the Overview and Scrutiny Committee be asked to refer the Member Role Accountability Statements to the Constitution and Member Services Scrutiny Standing Panel.

RESOLVED:

That the Member Role Accountability Statement be referred to the Constitution and Member Services Standing Panel for their consideration.

24. WORK PROGRAMME MONITORING

(a) Work Programme

Overview and Scrutiny Committee

Noted that item 3, the provision of Youth Services within the District, be referred to the new Task and Finish Panel on the provision of Children Services in the District.

Constitution and Member Services Standing Panel

Noted that:

- item 2, Planning/Landowner roles, be deferred until the September 2010 meeting; and
- item 3, E-petitions was also to be held back.

(b) Reserve Programme

There were no items to add to the reserve programme.

25. MEMBERSHIP OF THE FINANCE AND PERFORMANCE MANAGEMENT SCRUTINY STANDING PANEL

The Committee agreed that Councillor Jill Sutcliffe be appointed a member of the Finance and Performance Management Scrutiny Standing Panel.

RESOLVED:

That Councillor Jill Sutcliffe be appointed as a member of the Finance and Performance Management Scrutiny Standing Panel.

26. CCTV DELIVERY PLAN

The Director of Environment and Street Scene, John Gilbert, introduced the report from the Safer Cleaner Greener Standing Panel on the CCTV Service Delivery Plan. This plan was considered and agreed by the Standing Panel in February this year. It pulled together within the Safer Communities Unit, most of the Council's CCTV resources with the exception of that operated in the Civic Offices, which would be managed by the Corporate Support Services directorate.

There were both positive and negative aspects to the use of CCTV as in the use for crime reduction and concerns about excessive use and effects on civil liberties. This plan and its associated Code of Practice were intended to enable the Council to achieve a sensible balance between the two.

The plan looks to the next three years operationally and five years financially, with the operation stage being in two distinct phases:

- 1) Reviewing and consolidating existing CCTV systems; and
- 2) Developing and integrating systems to ensure compatibility, quality imaging and reviewing technologies.

The associated Code of Practice deals with the way data produced by the Council's system, is handled, including:

- a) How requests to view data is dealt with;
- b) Individual subject access requests;
- c) Disclosure of CCTV evidence;
- d) The protections, storage and cataloguing of data; and
- e) The evaluation, monitoring and audit of the systems.

Councillor Angold-Stephens said that there was some CCTV on private property – did the council have any on private property and do we pay for this. Mr Gilbert said that he suspected that the council did not have any, but if we did it would have some sort of agreement associated with it.

Councillor Bassett commented that some Town and Parishes have their own CCTV systems, would we start pulling these under our umbrella. Mr Gilbert said that officers would be happy to advise Town or Parish Councils, it would be sensible for all public owned CCTV to comply with the same standards.

Councillor Jon Whitehouse looking at the location of the CCTV cameras wondered what assessments were done to position the cameras. Mr Gilbert said they were placed near criminal activity or where the local population had concerns. There are strict criteria as to where CCTV cameras were put.

RESOLVED:

- (1) That the CCTV Delivery Plan and Code of Practice be noted along with the following key actions:
 - i. The resource implications;
 - ii. The bringing together the management and maintenance of all CCTV under the remit of the Safer Communities Unit; and
- (2) That the CCTV Delivery Plan is recommend to the Cabinet accordingly.

27. CABINET REVIEW

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

CHAIRMAN