

## ***Overview and Scrutiny Committee Tuesday, 29th November, 2011***

**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:democraticservices@eppingforestdc.gov.uk Tel: 01992 564249

**Members:**

Councillors R Bassett (Chairman), D Wixley (Vice-Chairman), Ms R Brookes, K Chana, D Jacobs, D C Johnson, Mrs S Jones, S Murray, Mrs M Sartin, D Stallan and G Waller

**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.

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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:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

**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 7 - 16)**

**Decisions required:**

To confirm the minutes of the meetings of the Committee held on 18 October 2011.

**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. PRESENTATION FROM THE YOUTH COUNCIL (Pages 17 - 18)**

**Recommendation:**

**That the Committee consider whether to recommend the inclusion of a bid for £12,000 DDF funding in the Council’s draft budget for 2012-13 to the Cabinet and Council.**

1. (Youth Councillors) In 2008/09 the Cabinet had requested the Overview and Scrutiny Committee receive an annual presentation from the Youth Council giving an update on the developing Youth Council programme and to present their request for

funding for the year ahead.

2. Members of the Youth Council will attend the meeting to outline:

- (i) achievements from the last year;
- (ii) the plans for the Youth Council for the coming year; and
- (iii) new youth engagement and volunteer initiatives for 2012-13.

3. Attached is a summary budget breakdown for the Youth Councillors which will be referred to in the presentation.

**7. CALL-IN OF CABINET REPORT ON OLYMPIC GAMES "LOOK AND FEEL" AND TICKET ALLOCATION (Pages 19 - 38)**

To consider a call-in of the Cabinet's Decision on 'Olympic Games "Look and Feel" and Ticket Allocation' (C-032-2011/12). Call-in papers and report are attached.

**8. GOVERNMENT CONSULTATION ON TECHNICAL REFORMS OF COUNCIL TAX (Pages 39 - 50)**

(Director of Finance and ICT) To consider the attached report.

**9. KEY OBJECTIVES 2011/12 - PROGRESS REPORT (Pages 51 - 114)**

(Acting Chief Executive) To consider the attached report.

**10. OVERVIEW AND SCRUTINY - SIX MONTHLY REVIEW (Pages 115 - 138)**

To consider the attached report.

**11. AUDIT AND GOVERNANCE COMMITTEE - APPOINTMENT OF PORTFOLIO HOLDER ASSISTANT (Pages 139 - 142)**

(Assistant to the Chief Executive) To consider the attached report.

**12. REPORTING BY SCRUTINY PANEL CHAIRMEN AT COUNCIL MEETINGS (Pages 143 - 146)**

(Assistant to the Chief Executive) To consider the attached report.

**13. REVIEW OF MEMBERS DISPATCH ARRANGEMENTS (Pages 147 - 150)**

(Assistant to the Chief Executive) To consider the attached report.

**14. SENIOR RECRUITMENT TASK AND FINISH PANEL - TERMS OF REFERENCE (Pages 151 - 152)**

**Recommendation:**

To endorse the terms of reference for the Senior Recruitment Task and Finish Panel.

The Committee is asked to consider and endorse the terms of references for the new Senior Recruitment Task and Finish Panel, considered at their first meeting.

**15. UPCOMING PRESENTATION FROM THE LOCAL STRATEGIC PARTNERSHIP**

For the Committee to discuss the form of presentation wanted and the type of questions to be asked of the manager of the Local Strategic Partnership. Officers are hoping to get him to attend the January 2012 meeting of this Committee.

Members are asked to identify any specific topics they may wish to discuss with the representative from the LSP.

**16. OVERVIEW AND SCRUTINY - JOINT TRAINING INITIATIVE WITH HARLOW DISTRICT COUNCIL (Pages 153 - 154)**

**Recommendation:**

That proposals for joint scrutiny training sessions with Harlow District Council be noted.

1. (Assistant to the Chief Executive) At a meeting of Scrutiny Chairmen from across Essex, convened as part of the Essex Scrutiny Officers Group, the Chairman of the Overview and Scrutiny Committee discussed the potential for joint initiatives with his counterpart in Harlow. One item that was flagged for further discussion was training.

2. Subsequent to the meeting officers have sourced a CfPS (Centre for Public Scrutiny) Associated Trainer, Tim Young, agreed the content of sessions with the trainer and HDC. Following a meeting with HDC officers it was considered that, at least this year, the proposed training should be delivered after the budget considerations have been completed by both authorities.

3. Two dates have been identified for the sessions, **15 and 29 March 2012 both starting at 6.30 p.m.** The first session will be held at Epping, the second at Harlow's Civic Centre. Details of the sessions are attached and has taken its themes from issues raised by members, namely the role of O & S and current issues, evidence gathering and questioning skills. Costs have been jointly met.

4. It is hoped that as many members can attend as possible. The event will also give the opportunity of networking with members from our immediate neighbour. The training events will be supported by Democratic Services staff.

5. If you would like to attend please contact Kim Partridge on ext 4443 or by email [kpartridge@eppingforestdc.gov.uk](mailto:kpartridge@eppingforestdc.gov.uk) .

**17. CABINET REVIEW**

**RECOMMENDATION:**

To consider any items to be raised by the Chairman at the Cabinet meeting on 05 December 2011.

(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 5 December 2011 Cabinet agenda (previously circulated) to see whether there are any items that they wished to be raised at the Cabinet meeting.

**18. 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.

## EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

**Committee:** Overview and Scrutiny Committee      **Date:** Tuesday, 18 October 2011

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.49 pm

**Members Present:** Councillors R Bassett (Chairman) D Wixley (Vice-Chairman) K Angold-Stephens, K Chana, D Jacobs, D C Johnson, Mrs S Jones, S Murray, Mrs M Sartin, D Stallan and G Waller

**Other Councillors:** Councillors Mrs D Collins, Ms J Hart, Mrs M McEwen, J Philip, Mrs P Smith, Mrs L Wagland, C Whitbread and Mrs J H Whitehouse

**Apologies:** Councillors Ms R Brookes

**Officers Present:** D Macnab (Acting Chief Executive), I Willett (Assistant to the Chief Executive), J Chandler (Assistant Director (Community Services and Customer Relations)), 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:** G Mangan (Education Delivery Group)

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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 K Angold-Stephens had substituted for Councillor Mrs R Brookes.

### 37. MINUTES

#### RESOLVED:

That the minutes of the last meeting of the Committee held on 6 September 2011 be agreed.

The Chairman noted that following the meeting of the Essex Overview and Scrutiny Chairmen in July, the Chairman of the Essex Overview and Scrutiny Committee had visited EFDC to view our webcasting facilities.

It was also noted that joint Scrutiny training had been arranged with Harlow Council to share the cost. Two provisional dates had been identified in March 2012, with two evening courses being developed. One would be held at Harlow and the other at Epping.

**38. DECLARATIONS OF INTEREST**

Councillor S Murray declared a personal interest in agenda item 6 as he was a teacher in Roding Valley High school.

Councillor D Collins declared a personal interest in agenda item 6 as she was the Chairman at Epping Forest College.

**39. REVIEW OF SECONDARY AND PRIMARY EDUCATION IN THE DISTRICT**

The Chairman welcomed Geoff Mangan, the Epping Forest Schools 14-19 Co-ordinator for Epping Forest Secondary Schools and also the West Essex Secondary Schools Facilitator with the West Children's Commissioning and Delivery Board for Essex County Council.

Mr Mangan said that many people were misinformed about what schools did and was here to give his (informed) personal opinion after a long career in the education system and as the ex head of Roding Valley High School.

He wanted to talk about the impact of any Epping Forest schools changing status; if they were in danger of falling below the "floor targets"; how well did they deal with the vulnerable pupils and how they would be affected by the funding changes; and, was there appropriate progression for every Epping Forest learner to post 16 study.

The Committee noted that there were 35 Primary Schools, 6 Secondary Schools and 1 College in the district. The district itself was very diverse with small pockets of deprivation spread out. This meant that it tended to lose out on Government money as they were not concentrated in one identifiable area. It was hoped that these areas would eventually receive some funding in the future.

A lot of schools were in the process of, or thinking about, changing their status to Academy Schools, which are having money thrown at them. Government policy was looking to get outstanding schools to become academies, putting them in direct competition with the lower achieving schools. Schools would have to start working together as Local Education Authorities were practically non-existent nowadays. As the 14-19 co-ordinator Mr Mangan linked the 6 secondary schools helping them to collaborate services etc. schools are now sharing good practice, such as that on attendance, which successfully improved all their attendance records. To help this, the Local Development Group (LDG) holds money in a central pot to help tie schools together and have been very successful in this. Other groups have also been established to help, such as the Area Planning Group (14-19) and the Association of Secondary Heads in Essex, who meet every half term. It was all a bit confusing.

Education was a political football and in order to improve it you had to measure it first. Schools had to respond to the changes to keep their funding. It was all part of a process of continuous changes. The Government had set 'floor targets' for schools. 'Floor targets' being a generic term for targets set by the government for minimum standards for disadvantaged groups or areas. The floor target for primary schools was currently 60%, rising to 65% of children to reach level 4 in English and Maths. The target for Secondary schools was for 35% of students to reach 5 A to C grades in English and Maths (rising to 50% by 2015). Schools were getting enough results at grade 'C' to enable them to keep (or get) their money and improve their standing on the league tables. However, he stated this was not very good for the Children as 'C' grades were not good enough to enable them to study at 'A' level. Pupils were not being sustainably coached at English and Maths, but intensively coached to pass the



exams; but they could not sustain the knowledge. Schools categorised as 'Outstanding' were being sustained by their English and Maths results only, although 'outstanding' was an unclear and ill defined term. They seemed to be moving towards measuring a narrow range of intelligence, where as society needed people who could move around and had a wide range of intelligence.

Mr Mangan went on to define his meaning of vulnerable pupils as children who were falling out of the education system.

Fortunately Epping Forest had the best "Not in Education, Employment or Training" (NEET) figures in the County. EFDC schools were good at keeping children inside the system and it was important that was done, as once outside the educational system they seldom made it back.

He was concerned that if, or when, schools became academies or stand alone schools they would lose sight of these vulnerable pupils as they would only be interested in improving their results.

Presently there was support for vulnerable pupils up to age 16; however they were looking at mentoring students from year 7 up to college age. There were more challenges ahead for schools and students since the loss of Connexions, the Work Experience Placement Scheme and the EMA. The EMA was used to finance travel to and from school/college and to pay for text books. The Work Experience Scheme was also a major loss as most employers favoured someone with work experience. Schools were trying to plug this hole by using their own resources.

The rebirth of the Epping Forest College was a significant change for the better for this district; it has made a big difference over the last three years. The retention of pupils was up from 82% to 93% since 2007; with course completion up from 50% to 85% since 2007; the recruitment from three local schools had also increased for 2011-12 along with the 'A' level success rate, up from 67% to 75% during 2007-10.

On the whole Epping Forest was doing well by its children, although it was struggling with government changes; the best thing it could do was to keep the kids at school increasing their knowledge base.

The meeting was then opened out for questions.

**Q.** How significant was the role of the family and parenting for children and the part it played in poor schooling.

**A.** A lot of parents want to care but do not know how to. Parental support was crucial and this was an issue across all types of families and not just those financially disadvantaged.

**Q.** Part of the problem was that people coming straight from school were not ready for the work environment.

**A.** We need to decide what education was for; businesses want people who can learn and are adaptable and creative. However, there also needs to be a big push on English and Maths.

**Q.** We were promised that front line services would not be cut, but we have lost Connexions and the EMA. What was the impact of these losses? Secondary schools have lost about £300,000 each in the financial year, what would this mean to them?

**A.** When financial constraints occur this tends to impact on the vulnerable children first. However, in the end schools will have to take only the best pupils and

lose the vulnerable ones as they will not have the finances to provide the support that is needed. It was all about commissioning by the schools nowadays.

**Q.** I get the impression that you do not think that Maths and English was the right way to go in education. However, businesses want this. Also, how was the funding crisis affecting the gifted and talented children, as we need them to go progress as well.

**A.** English and maths are very important subjects to get, but most schools just tend to stop at grade 'C' level; it must be a sustainable knowledge set. As for gifted and talented children, they do not really require extra funding, just a lot of activities to stretch them.

**Q.** We must start improving reading and writing at Primary Schools, it was too late at age 11. The College helps children who are not suited to go on to 'A' levels, by doing a lot of apprenticeships. We should use IT to help vulnerable children; this must be the way forward. I would like to note that the College has not had so much of a problem with the loss of the EMA as yet.

**A.** Primary schools now work very hard on English and Maths and teach it well and intensively; and all kids have very good IT knowledge. However some children don't try, mainly because they do not want to fail. The biggest influence on children is genetics and their family.

**Q.** It was generally thought there should be more family support workers; was this a financial problem?

**A.** There used to be a lot of work with families. A lot of low level, early intervention family support was needed, it was not however expensive and Mr Mangan hoped it would be developed further.

**Q.** A recent West Essex Alliance meeting identified problems for the skill sets for the semi skilled. We provide a lot of the high end skills and are able to meet the lower end skill sets; the problem was in the middle area such as lab technicians or warehouse managers. A lot of future employment will come into those categories; do the schools have any thought of what they could contribute to this level.

**A.** There was no easy answer to this; there needed to be a lot more employment engagement. Apprenticeships are set at level 2; however we can cater to pre-apprenticeships and some kind of work experience to supply a lot more of what local businesses want.

The Chairman thanked Mr Mangan for his interesting talk, giving members a better understanding of the issues facing the education establishment.

#### **40. SCRUTINY OF CABINET FORWARD PLAN**

The Committee considered the Cabinet's Forward Plan for the period covering 1 October 2011 to 31 January 2012. they went through the Portfolio Holders' work programmes one by one, making the following comments.

**Planning and Technology** - this work programme was thought to be a little light, there was a need to look at houses in the greenbelt, greenhouses and affordable housing and the rules governing developers. The Planning and Technology Portfolio Holder, Councillor Philips, said that all that would be contained within the Local Plan. They were looking at an infrastructure levy and getting their core strategies right, and to speed up the production of the Local Plan. This work programme was only up to 31 January 2012. After all, all matters that relate to planning relate to the Local Plan. The Cabinet was also determined to improve the S106 agreements for local residents.

**Finance and Economic Development** – the Committee wanted to know when would a rent increase be considered? They were told early in the next calendar year. The Committee wanted it noted that frontline services should be safeguarded.

**Environment** - the Committee asked what was the new review for the Waste Management Depot for? They were told that they were looking at various possibilities, such as North Weald Airfield or the T11 site; they were in further discussion with Essex CC and would report back on this. Councillor Stallan asked if the Portfolio Holder could make a statement to the next Council meeting to update the situation, and was told a statement would be forthcoming.

**Housing** – has there been an updating report on Leader Lodge (North Weald) from Hastoe. The Portfolio Holder said that there had been no reports so far and she would inform the council when there was one.

**Leisure and Wellbeing** – was the Lowewood Museum proposal, to enter into an agreement with Broxbourne BC, theirs or ours? Broxbourne BC approached us, asking if we would be interested in running their museum as they would be losing their two key staff to retirement. They asked us to run it on a joint management, service level basis; initially for a three year period. There will be a Cabinet report.

**Safer, Greener and Highways** – if the Community Transport Scheme was no longer to be funded by EFDC, how would it be funded. The Portfolio Holder said that this was a change in arrangements with the Community Transport people. Customers would not notice any change in the service. It was a move from Voluntary Action Epping Forest, to a trust operated by Essex CC. The funding was guaranteed for this year. Any matters affecting their finance would be brought to the Cabinet. Councillor Bassett was a trustee for this new organisation and said they had their first meeting a few weeks ago. A report would be coming forward shortly.

The Committee noted that the work on Car Washes and other businesses in Council Car Parks had been deferred pending the Price Waterhouse review.

Off Street Parking enforcement take over by NEPP - could the Portfolio Holder provide a report on how Councillors could communicate with them, as there seems to be some difficulty in doing so. The Portfolio Holder said that her next report to Council had some information on this and that we would not transfer complete responsibility on enforcement until September next year.

**RESOLVED:**

That the Cabinet's priorities for the year ahead and their forward work programme for 2011/12 were noted.

**41. PROPOSED MERGER OF BARTS AND THE LONDON, WHIPPS CROSS AND NEWHAM NHS TRUSTS**

Councillor Chana spoke to his written report in the agenda on his attendance at a recent presentation on the proposed merger of Barts and the London NHS trust, Whipps Cross and Newham NHS Trusts. He reported that this was going forward and would soon become a reality. They would become a super hospital, with the three hospitals sharing services. Each hospital would specialise in one clinical area. He noted that there was to be a second meeting in two days time about financing and he would be attending. A third event in a couple of weeks time would focus on the

clinical aspects. However he would not be able to attend this event. Any background papers would be made available in the Members Room.

Councillor Murray noted that this merger would be better for highly technical procedures but how about the routine operations; where would people go for these? Councillor Chana replied that the routine services would stay where they were. However, each hospital would specialise in one aspect of medicine. Just what these would be, have yet to be decided.

Councillor Angold-Stephens asked if the A&E services at Whipps Cross would still continue. He was told that they would be unaffected.

Councillor Wixley said that someone should attend the proposed meeting in a couple of weeks time. He would speak to Councillor Chana after the meeting about attending this meeting.

#### **42. CHILDREN'S SERVICES TASK AND FINISH PANEL**

The Committee received a report resulting from the recent Children Service's Task and Finish Review Panel. The Panel investigated the effectiveness of children's and young people's services and safeguarding arrangements, provided through Essex County Council (ECC) and EFDC's own services and partners. In the end the Panel identified 10 key recommendations, half of which related directly to ECC and these were forwarded directly to the Director of Children's Services Commissioning (Wendi Ogle-Welbourn) at Essex County Council for their comments. This report set out their response.

The Committee thought Essex County Council's response was quite vague and noted that Wendi Ogle-Welbourn was due to attend an O&S meeting in the new year, when the Committee could question her more closely about the response made. The Committee also asked that the relevant county Portfolio Holder be invited to the same meeting.

**AGREED:** that the Portfolio Holder also be invited along with Wendi Ogle-Welbourn.

Councillor Angold-Stephens said that a lot of jargon was used, which was not helpful. At a recent meeting he had attended, a lot of complaints had been made about the withdrawal of various mental health services; an area which EFDC would like some answers. The Acting Chief Executive said this would be possible if the question concerned only the young people of the district but if it affected adults as well, it would be better to add a separate item to the Work Programme to consider this.

**AGREED:** that a separate item be added to the Work Programme to consider the state of Mental Health Services in the District.

#### **RESOLVED:**

- (1) That the Committee noted the Essex County Council response to the recommendations of the Children's Services Task and Finish Panel;
- (2) That the relevant County Portfolio Holder be asked to attend the meeting with Wendi Ogle-Welbourn; and
- (3) A separate item be added to the O&S work programme to consider the state of mental health services in the district.

#### **43. REPORT OF DISTRICT REMUNERATION PANEL**

Councillor Stellan the Chairman of the Constitution and Member Services Scrutiny Standing Panel introduced their report on the recent report of the Remuneration Panel on members' allowances. The only substantive recommendation was recommendation 1, which was inline with the officer scheme for reimbursement of rail fares and that in the current climate; the option for first class rail should not be available to members.

Recommendation 2 reflected other matters discussed which they would like to be considered as part of their next review. Recommendation 2(a) was to be altered to delete the word 'recent' and replace it with 'proposed'.

It was noted that Councillors had been very prudent in their allowances and had only taken the 2002 allowance recommendation.

**RESOLVED:**

(1) That the following recommendation (numbered (11) in the report of the Remuneration Panel) be adopted and submitted to the Council for approval:

"That the reference to first class rail return fare in the current scheme in relation to travel to meetings outside the District or by members resident outside the District be removed from the scheme"; and

(2) That for the purposes of the next review of member remuneration, the Panel be requested to review the following:

(a) the SRA payable to the Chairman of the Overview and Scrutiny Committee in the light of proposed changes to reporting at Council meetings;

(b) the IT Connectivity Allowance: eligibility and payment levels; and

(c) review of wording in respect of an assessment of hours worked by Councillors as a basis for calculating the Basic Allowance by reference to the national minimum wage.

**44. REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS**

Councillor Stellan the Chairman of the Constitution and Member Services Scrutiny Standing Panel introduced their report on the review of Polling Districts, Polling Places and Polling Stations. The District had a duty to review all polling places at least every four years. A review had to be completed by the end of 2011 and approved by full Council.

A polling district is the area created by the division of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors. A polling place is the building or area to which polling stations will be selected by the Returning Officer. A polling station is the room or building chosen by the Returning Officer where the poll takes place.

Local authorities are required to divide their area into polling districts for the purposes of parliamentary elections, designate polling places for these polling districts and keep these under review. Polling districts and places for local government elections are not automatically part of the review. However, the polling districts and places for parliamentary and local government elections should always be the same.

As part of the review a consultation exercise was undertaken between May 25 and June 25, 2011. Members, local MPs, agents, interest groups and the public were consulted.

**RESOLVED:**

That a report be submitted to the Council recommending that:

- (a) the proposals for polling districts and places as set out in the Appendix to the report be approved; and
- (b) 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 covering the Epping Forest District and on the Council's website.

**45. WORK PROGRAMME MONITORING**

**a) Work Programme**

**(i) Overview and Scrutiny Committee**

Item 15, review of the PCT/West Essex Health Service. The Parliamentary Bill was still going through Parliament and the Lords. This item to be moved back to the next calendar year once the details of the Bill are finalised.

To add a new item to the work programme to consider the state of Mental Health Services in the District.

**b) Standing Panels**

**(i) Housing Standing Panel**

Noted that there would be a meeting on the HRA at the end of November. The members of the Finance and Performance Management Scrutiny Panel to be specially invited to attend this meeting.

**(ii) Constitution and Member Services Standing Panel**

Noted that item 18 'Report of the External Auditor' – was to be deleted from the programme.

Items 19 and 20 – 'Housing Appeal Review Panel' - Order of business and Council accommodation banding were agreed by the O&S Committee as new items to be added to the work programme.

**(iii) Safer Cleaner Greener Standing Panel**

Noted that the Panel had just completed a special meeting looking at the Environmental Agency Consultation on managing flood risk in the Roding catchment area; when they agreed to object to the proposals.

To add to the work programme the scrutiny of the new SITA contact and to receive an updating report on wider implications, once known, of the Environmental agency strategy on flood management in the Roding catchment area.

**(iv) Planning Services Standing Panel**

Noted that the proposals for the new terms of reference should be brought to the December 2011 meeting of the Panel.

**(v) Finance and Performance Management Standing Panel**

The Chairman reported that they had just reviewed the first quarter KPI results, not all were up to their target figures.

**c) Task and Finish Panel**

**(i) Senior Recruitment Task and Finish Panel**

Noted that the first meeting of the Panel was scheduled for 10 November 2011. They were hoping to have it finished by the end of this municipal year or earlier.

**46. CABINET REVIEW**

The Committee reviewed the Cabinet agenda for their 24 October meeting but there were no specific items that they wanted to be brought to the Cabinet's attention, except to note their concern about the unnecessary expense to be incurred by holding separate elections, in November 2012, for the Police and Crime Commissioner.

**CHAIRMAN**

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## EPPING FOREST YOUTH COUNCIL FINANCE - SECOND COHORT

### OPERATIONAL BUDGET - DDF

**COST CENTRE CODE CD 112** £12,000

**2010-2011 - ACTUALS** £

TRAINING, DEVELOPMENT & EVENTS	1,786.00
TRANSPORT & TRAVEL	7,406.65
STATIONERY & PUBLICITY	2,894.59
	<b>12,087.24</b>

**2011-2012 - PROBABLE OUTTURN** £

TRAINING, DEVELOPMENT & EVENTS	1,690.00
TRANSPORT & TRAVEL	5,095.00
STATIONERY & PUBLICITY - inc elections	5,215.00
	<b>12,000.00</b>

**2012-2013- ORIGINAL ESTIMATES** £

TRAINING, DEVELOPMENT & EVENTS	3,700.00
TRANSPORT & TRAVEL	5,500.00
STATIONERY & PUBLICITY	2,800.00
	<b>12,000.00</b>

### EXTERNAL FUNDING SECURED

**2010-2012 - EXTERNAL INCOME**

YOUTH OPPORTUNITY FUND	8,439.96
JACK PETCHEY GRANT	600.00
O2 THINK BIG FUND	900.00
TOTAL INCOME	<b>9,939.96</b>

**2010-2012 - PROJECT EXPENDITURE** £

HOW SAFE ARE YOU?	8,400.00
W FESTIVAL	25.00
JACK PETCHEY EVENTS	400.00
INTERGENERATIONAL & 'PLAY IN FOREST'	600.00
TOTAL EXPENDITURE	<b>9,425.00</b>
BALANCE REMAINING	<b>514.96</b>

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## **Report to Overview & Scrutiny Committee**

**Date of meeting: 29 November 2011**

**Portfolio:** Leisure and Wellbeing

**Subject:** Call in – Olympic Games “Look and Feel” and Ticket Allocation



**Officer contact for further information:** Adrian Hendry / John Gilbert

**Committee Secretary:** Adrian Hendry – Ext 4246

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### **Recommendations/Decisions Required:**

**To consider the call-in of Cabinet decision C-032-2011/12 regarding the Olympic Games “Look and Feel” and ticket allocations.**

### **Report:**

1. In accordance with rule 20 of the Overview and Scrutiny Rules, 5 members have called in the Cabinet’s decision, taken on 24 October 2011 and published on 01 November 2011. This decision relates to the Cabinet’s decision that a bid for £35,000 of the District Development Fund expenditure in 2012/13 for the funding of community Olympic “Look and Feel” schemes and that a bid for £3,000 for Olympic and Paralympic Tickets to be allocated as described in the report.
2. The Chairman of the Overview and Scrutiny Committee determined that consideration of the call-in should be referred to this meeting of the Overview and Scrutiny Committee.
3. Attached to this report are:
  - (a) Copies of all documentation submitted to the Cabinet on which the decision was based;
  - (b) A copy of the notification of the call in including the names of the relevant Councillors who requested the call in and their grounds for so doing; and
  - (c) A copy of an extract of the Council’s procedures for dealing with call-ins.

### **Consideration of the Call – in**

4. In accordance with the Council’s Protocol (attached) the consideration of call-ins by the Committee should be considered in the following manner:
  - (a) the representative of the Councillors calling in the decision shall describe their concerns;
  - (b) the Portfolio Holder shall then respond;

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately; or
  - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns; or
  - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's / Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

5. If, having considered the decision, the Overview and Scrutiny Committee or delegated Panel is still concerned about it, then it may, subject to the procedures outlined in Rule 16(a) or (b) in attached, refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.

6. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.

7. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

8. The Committee are asked to consider the decision taken by the Cabinet and report accordingly.

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**EPPING FOREST DISTRICT COUNCIL**

**Notification of Call – In Of Cabinet Or Portfolio Holder Decision Under Rule 20  
(8) (Page J13 of the Constitution) Of The Overview And Scrutiny Rules**

*This form must be signed and completed and the original returned to the proper officer in person no later than 10.00 a.m. on the 5<sup>th</sup> working day following publication of the decision*

<b>Decision to be called-in: OLYMPIC GAMES “Look and Feel” and Ticket Allocation</b>
<b>Decision reference: C-032-2011/12</b>
<b>Portfolio: Leisure and Wellbeing</b>
<b>Description of Decision:</b> <p>(1) That a bid for £35,000 of District Development Fund (DDF) expenditure in 2012/13 for the funding of community Olympic “Look and Feel” schemes be approved;</p> <p>(2) That the local Town and Parish Councils be given the opportunity to request “Look and Feel” pound for pound match funding to assist their local communities in celebrating the 2012 Olympic Games;</p> <p>(3) That a bid for £3,000 of DDF expenditure be agreed in 2012/13 to purchase the Olympic and Paralympic Tickets awarded to the District Council;</p> <p>(4) That the Olympic and Paralympic Tickets awarded to the Council be allocated as follows:</p> <p>(a) 2 x £150 Olympic Opening Ceremony tickets to the Citizen of the year 2012/13;</p> <p>(b) 2 x £150 Olympic Closing Ceremony tickets to the Young Citizen of the Year 2012/13;</p> <p>(c) 2 x £35 Olympic Canoe Slalom tickets to the Citizen of the Year Runner-Up 2012/13;</p> <p>(d) 2 x £35 Olympic Canoe Slalom tickets to the Young Citizen of the Year Runner-Up 2012/13;</p> <p>(e) 5 x £35 Olympic Canoe Slalom tickets to a person resident in the District and their family in the care of St Clare Hospice;</p> <p>(f) 5 x £35 Olympic Canoe Slalom tickets to a young person resident in the District and their family participating at Chigwell Riding Trust for Special Needs;</p> <p>(g) 5 x £35 Olympic Canoe Slalom tickets to a young person resident in the District and their family attending Oakview School in Loughton;</p> <p>(h) 6 (3 pairs) x £35 Olympic Canoe Slalom tickets to residents of the District nominated by members of the public;</p> <p>(i) 11 x £20 Olympic Canoe Slalom tickets for nine pupils and two teachers at King Harold School in Waltham Abbey;</p> <p>(j) 14 (7 pairs) x £20 Olympic Canoe Slalom tickets to residents of the District nominated by members of the public;</p> <p>(k) the estimated allocation of 6 (3 pairs) x £75 Paralympic Opening Ceremony tickets to residents of the District nominated by members of the public; and</p>

- (l) the estimated allocation of 6 (3 pairs) x £75 Paralympic Closing Ceremony tickets to residents of the District nominated by members of the public;
- (5) That the allocation of the tickets nominated by members of the public be determined by a panel consisting of:
- (a) the Chairman of the Council;
  - (b) the Leisure & Wellbeing Portfolio Holder; and
  - (c) the Council's Olympic Champion; and
- (6) That neither Epping Forest District Councillors nor Epping Forest District Council Employees be nominators for, or recipients of, any publicly nominated tickets.

**Reason for Call – in**

1. That no consideration was given by the Portfolio Holder to information supplied that “Look and Feel” material is to be returned at the end of the 2012 games.
2. That no consideration was given by the Portfolio Holder to fund the bid from of £38,000 from savings within the DDF budget.
3. No other sources of funding had been sought for funding this decision.
4. No consideration was given by the Portfolio Holder for other ways of allocating tickets purchased.

**Members requesting call – in (3 members of the Overview and Scrutiny Committee or 5 other members)**

<b>Members Name:</b>	<b>Signed:</b>
<b>Lead member: David Stallan</b>	
<b>Will Breare-Hall</b>	
<b>Di Collins</b>	
<b>Chris Whitbread</b>	
<b>Ann Grigg</b>	
Office Use Only: Date Received: <i>07 November 2011</i>	



## **Report to the Cabinet**

**Report reference:** C-032-2011/12  
**Date of meeting:** 24 October 2011



**Portfolio:** Leisure & Wellbeing  
**Subject:** Olympic Games “Look and Feel” and Ticket Allocation  
**Responsible Officer:** John Gilbert (01992 564062)  
**Democratic Services Officer:** Gary Woodhall (01992 564470)

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### **Recommendations/Decisions Required:**

- (1) To seek approval for a bid for £35,000 of DDF for 2012/13 the funding of community “Look and Feel” schemes on the basis that this may well be offset from match funding from local Town and Parish Councils;**
- (2) Subject to recommendation (1), local Town and Parish Councils are given the opportunity to request “Look and Feel” pound for pound match funding to assist their local communities in celebrating the 2012 Olympic Games; and**
- (3) That a bid for £3,000 DDF be agreed for 2012/13 to purchase the Olympic and Paralympic Tickets awarded to the District Council and that they be allocated in accordance with the criteria outlined in paragraph 15 of the report.**

### **Executive Summary:**

The Olympic Games takes place in July and August 2012. The white water events (canoe and kayak) take place at the White Water Centre located just across the border from Waltham Abbey in the Borough of Broxbourne. The transport hub and taxi hub are both located adjacent to the venue within this District, and one of the two park and ride facilities is to operate from North Weald Airfield.

A key element of the Olympic celebration is the decoration of the venue and the surrounding area. This is known as “Look and Feel”. “Look and Feel” includes items such as lamp column banners, flags, bunting and barrier covers. £270,000 has been provided to Broxbourne for the decoration of the area around the White Water Centre. Of this sum, a significant proportion will be utilised within this district in dressing Waltham Abbey, parts of the route to the venue, the transport hub and the park and ride at North Weald Airfield.

However, it is important that the whole community of the District are able to join in the Olympic celebration. It is therefore proposed that a fund be established whereby local Town and Parish Councils can bid for “Look and Feel” dressing, with the costs being jointly met by the District Council on a match funding basis. Broxbourne Borough Council has recently considered this issue and has resolved to allocate an additional budget of £50,000 for “Look and Feel” in its Borough away from the main venue area.

### **Reasons for Proposed Decision:**

To enable all local Town and Parish Councils within the Epping Forest District to celebrate the Olympic Games.

To purchase and allocate tickets for the Olympic games to worthy District residents.

### **Other Options for Action:**

The other options are:

- (a) make the “Look and Feel” dressing available to Town and Parish Councils, but for the District Council to offer no match funding;
- (b) for the District Council to meet all of the costs for communities; or
- (c) exclude all local Town and Parish Councils apart from Waltham Abbey from the “Look and Feel” exercise; or
- (d) not to acquire all/some of the Olympic tickets which have been allocated to the Council.

### **Report:**

#### Olympic “Look and Feel”

1. The Olympic Games take place in July and August 2012. The white water events (canoe and kayak) take place at the White Water Centre located just across the border from Waltham Abbey in the Borough of Broxbourne. There are five days of competition at the Centre from 29 July to 2 August inclusive. Whilst the main venue is in the Borough of Broxbourne, the transport hub and taxi hub are both located adjacent to the venue within this District, and one of the two park and ride facilities is to operate from North Weald Airfield

2. A key element of the Olympic celebration is the dressing of the venue and the surrounding area. This is known as “Look and Feel”. “Look and Feel” includes items such as lamp column banners, barrier covers, flagpoles, flags and bunting. There are also bespoke items, such as the Olympic Rings seen at St. Pancras International Station in London. It is also possible to dress the areas with flowers and other plants in the official Olympic colour schemes.

3. The Local Government Association (LGA) has provided funding to all host authorities to enable them to dress their districts and Olympic venues. For the White Water Centre the host authority is the Borough of Broxbourne and they have been granted £270,000 for the venue area including significant parts of Waltham Abbey, the town nearest to the venue, as well as the park and ride at North Weald Airfield and parts of the route to and from the venue which pass through the district. Full details of the complete “Look and Feel” for the venue area will be made available at a later date.

4. However, it is important that all communities within the district are able to join in the Olympic celebration and it is therefore proposed that a fund be established whereby local councils not in receipt of centrally funded “Look and Feel” funding can bid for “Look and Feel” materials, with the costs being jointly met by pound for pound match funding from the District

Council.

5. It is important that this decision is made now, because the overall “Look and Feel” for the venue has to be submitted to LOCOG in early November, and the deadline for ordering all “Look and Feel” materials is early December. Whilst it will be possible to order “Look and Feel” materials after that date, it is likely that the costs will rise.

6. At this time the “Look Book” itself remains a confidential document, since the Olympic Games organisers want the appearance of venues and localities to be a surprise and part of the excitement in the immediate lead up to the opening of the Games. However, in order to enable local Town and Parish Councils to form a view as to what might be available, it is suggested that a community “Look and Feel” package be made available, consisting of the following items:

- (i) a pack of 12 lamp column banners;
- (ii) two packs of 5 barrier/fencing jackets; and
- (iii) one 100 metre roll of bunting.

The “Look Book” value of this package is £3,500 (including installation costs where relevant).

7. It is recognised that not all local Town and Parish Councils will be able to make use of all the contents of the pack, especially the lamp column banners, and it is suggested that smaller ones may wish to share a pack or parts of a pack depending upon their requirements. A preliminary letter has been sent to all local Town and Parish Councils seeking their initial views on the acceptability of such an approach and their appetite for participation. It is also proposed to place an item on the forthcoming Local Council’s Liaison Committee in order to provide an opportunity to discuss the proposals.

8. There are still some issues to be resolved around obtaining the consent of Essex County Council highways in respect of the use of lamp columns and street railings etc. Discussions with County are underway regarding their approach. However, despite this unresolved issue, there is a need to press ahead with Look and Feel preparations in order to meet LOCOG deadlines for approval of the “Look and Feel” plan and ordering materials.

9. As set out previously in the report, the GLA has provided Broxbourne Borough Council, as a venue host, with £270,000 for “Look and Feel”. This allocation will be shared with this Council to enable a consistent approach and in recognition that whilst the venue is in Broxbourne, the transport hub, taxi hub, one park and ride and significant parts of the Olympic Route Network are within this District. This allocation will be spent in an around the venue itself, the core access routes and the supporting infrastructure. This will include parts of Waltham Abbey.

10. None of this allocation will be available for other locations within either Broxbourne or this District. At a recent meeting of Broxbourne’s Olympic Committee, it was resolved to provide an additional budget of £50,000 to enable other parts of their Borough to be dressed. It is suggested that this District take a slightly different approach whereby it seeks bids from local councils for “Look and Feel” dressing, but that pound for pound match funding will be required. The proposed Community Pack has a value of £3,500 and therefore the suggested DDF allocation of £35,000 will make up to 10 packs available. However, subject to the response of the local councils to the offer of match funding, the final actual expenditure could reduce to £17.5K if all the packs were jointly purchased. If uptake was limited, the District

Council would have to decide how they wished to utilise the surplus material. If Councils wished to purchase more items, this could be facilitated by the District Council at the individual Council's expense.

Olympic tickets

11. In November 2010 the District Council, (on the basis that the Council has been active in supporting the Olympic Canoe Slalom Venue at the Lea Valley White Water Centre), was approached by the Government Olympic Executive, to bid for tickets for the Opening and Closing Ceremonies, of both the Olympic and Paralympic Games, as well as for tickets for the Canoe Slalom Events.

12. As a result the Council bid for two tickets at the lowest price band for both the Olympic Opening Ceremony and the Olympic Closing Ceremony. Moreover on the basis that it is understood that the Paralympic Ceremonies will be cheaper, a bid has also been made for six tickets for each of the Paralympic Opening and Closing Ceremonies. In addition, the Council also bid for up to 50 tickets at the lowest price bands for the Canoe Slalom events for the heats and semi-final/finals.

13. The Council has now been offered the opportunity to purchase the full allocation as detailed below:

2 x £150 Olympics Opening Ceremony	=	£300
2 x £150 Olympics Closing Ceremony	=	£300
6 x £75 (Estimated) Paralympic Opening Ceremony	=	£450
6 x £75 (Estimated) Paralympic Closing Ceremony	=	£450
50 Tickets for Canoe Slalom 25 x £20	=	£500
25 x £35	=	<u>£875</u>
 TOTAL		 £2,875

14. It should be noted that these are the only tickets that the Council has bid for and it did not participate in the public ticket allocation process. None of the tickets allocated will be used by staff. Individual officers of the Council may have made personal applications for which they will bear the full costs and, if successful, will be required to take annual leave. Any leave authority would take on board the need to keep services running to their full level.

15. Similarly, it is suggested that the tickets that the Council have been allocated will not be made available to Councillors but rather be allocated to local residents who have contributed in some significant way to community life/citizenship in the district or have overcome adversity. It is proposed that this is in accordance with the following criteria:

- Olympic Opening Ceremony: Two tickets for the Citizen of the Year 2012/13
- Olympic Closing Ceremony: Two tickets for the Young Citizen of the Year 2012/13

£35.00 tickets for the Canoe Slalom

- Two tickets for the Citizen of the Year 2012/13 runner up
- Two tickets for the Young Citizen of the Year 2012/13 runner up
- Five tickets to a district resident in the care of St Clare Hospice and their family.
- Five tickets to a district resident young person and their family participating at

Chigwell Riding Trust for Special Needs.

- Five tickets to a district resident child and family at Oakview School, Loughton.
- Three pairs of tickets to residents of Epping Forest district nominated by Members of the Public.

#### £20.00 tickets for the Canoe Slalom

- Eleven tickets (two adult, nine children) for the King Harold School, Waltham Abbey
- Seven pairs of tickets to residents of Epping Forest district nominated by Members of the Public

16. With respect to the public nominations it is proposed that they be sought for individuals who have made a major contribution to the local community or have overcome exceptional personal challenges, the main stipulation being that the nominee must be a resident of the District. It is suggested that neither they nor the nominator can be an Epping Forest District Council Employee or a District Councillor. A Panel composing of the Chairman of Council, Leisure and Wellbeing Portfolio Holder and the Council's Olympic Champion is proposed to decide on the successful nominations.

17. Although the Council are yet to receive formal confirmation of the allocation of the 12 Paralympic Tickets, it is proposed that budget provision is made in anticipation. With respect to the allocation of these tickets, it is suggested that the same Panel and process is utilised as for the publically nominated Canoe Slalom Tickets.

#### **Resource Implications:**

There is currently no budget provision for this expenditure and therefore it is suggested that a bid for £35,000 DDF funding be approved for 2012/1013. It should be noted that the "Look and Feel" materials have to be ordered by early December and that once ordered the expenditure would effectively be committed. However, the costs could be integrated by any match funding from Local Councils.

In addition to the £35,000 DDF sought from "Look and Feel" it is recommended that a bid of £3,000 DDF be sought for 2012/13 to purchase the Olympic and Paralympic full allocation (given that the costs of the Paralympic Tickets are currently only estimates).

#### **Legal and Governance Implications:**

The main issue revolves around the required consent of the highway authority (Essex County Council) for installing banners and related dressing onto street furniture. To date the County Council has not provided any clear guidance as to how these applications will be managed and decided.

A formal arrangement will be required between this Council and Broxbourne BC in respect of the allocation of the money provided to Broxbourne being spent in this district.

#### **Safer, Cleaner and Greener Implications:**

There are no significant implications other than those related to damage, theft etc of the Olympic "Look and Feel" materials (see risk implications)

**Consultation Undertaken:**

None at this stage although there will need to be discussions between this Council and those local councils who wish to take up the proposed funding offer.

**Background Papers:**

None at this stage (LOCOG “Look Book” remains confidential)

**Impact Assessments:**

Risk Management

The main risks are:

(a) purchasing “Look and Feel” materials and then not being able to use it due to Essex County Council’s restrictions and/or failure to give consent;

(b) loss, damage etc to “Look and Feel” materials once in place. There will need to be contingency arrangements in place to replace materials subject to damage and/or theft

Equality and Diversity

*Did the initial assessment of the proposals contained in this report for relevance to the Council’s general equality duties, reveal any potentially adverse equality implications?* No

*Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?* No

*What equality implications were identified through the Equality Impact Assessment process?*  
N/A.

*How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?*  
N/A.

**EXTRACT FROM CABINET DECISION SHEET FOR CABINET MEETING  
HELD ON 24 OCTOBER 2011 - PUBLISHED ON 1 NOVEMBER 2011**

**Cabinet Report : Olympic Games - "Look & Feel" and Ticket Allocation (C-032-2011/12)**

**Decision:**

**(1)** That a bid for £35,000 of District Development Fund (DDF) expenditure in 2012/13 for the funding of community Olympic "Look and Feel" schemes be approved;

**(2)** That the local Town and Parish Councils be given the opportunity to request "Look and Feel" pound for pound match funding to assist their local communities in celebrating the 2012 Olympic Games;

**(3)** That a bid for £3,000 of DDF expenditure be agreed in 2012/13 to purchase the Olympic and Paralympic Tickets awarded to the District Council;

**(4)** That the Olympic and Paralympic Tickets awarded to the Council be allocated as follows:

(a) 2 x £150 Olympic Opening Ceremony tickets to the Citizen of the year 2012/13;

(b) 2 x £150 Olympic Closing Ceremony tickets to the Young Citizen of the Year 2012/13;

(c) 2 x £35 Olympic Canoe Slalom tickets to the Citizen of the Year Runner-Up 2012/13;

(d) 2 x £35 Olympic Canoe Slalom tickets to the Young Citizen of the Year Runner-Up 2012/13;

(e) 5 x £35 Olympic Canoe Slalom tickets to a person resident in the District and their family in the care of St Clare Hospice;

(f) 5 x £35 Olympic Canoe Slalom tickets to a young person resident in the District and their family participating at Chigwell Riding Trust for Special Needs;

(g) 5 x £35 Olympic Canoe Slalom tickets to a young person resident in the District and their family attending Oakview School in Loughton;

(h) 6 (3 pairs) x £35 Olympic Canoe Slalom tickets to residents of the District nominated by members of the public;

(i) 11 x £20 Olympic Canoe Slalom tickets for nine pupils and two teachers at King Harold School in Waltham Abbey;

(j) 14 (7 pairs) x £20 Olympic Canoe Slalom tickets to residents of the District nominated by members of the public;

(k) the estimated allocation of 6 (3 pairs) x £75 Paralympic Opening Ceremony tickets to residents of the District nominated by members of the public; and

(l) the estimated allocation of 6 (3 pairs) x £75 Paralympic Closing Ceremony tickets to residents of the District nominated by members of the public;

**(5)** That the allocation of the tickets nominated by members of the public be determined by a panel consisting of:

- (a) the Chairman of the Council;
- (b) the Leisure & Wellbeing Portfolio Holder; and
- (c) the Council's Olympic Champion.

**(6)** That neither Epping Forest District Councillors nor Epping Forest District Council Employees be nominators for, or recipients of, any publicly nominated tickets.



**PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS  
CALLED IN BY OVERVIEW AND SCRUTINY****1. Purpose of Protocol**

- (a) To codify how the Overview and Scrutiny Committee or delegated Panel should deal with "call in" items.
- (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

**2. Validation of "Call In"**

- 2.1 All "call in" requests shall be made in writing in accordance with the Council's constitution. "Call in" requests shall only be made by members of the Council who are not members of the Executive. The "call in" shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of the constitution.

**3. Consideration of "Call In" Items by Overview and Scrutiny Committee**

- 3.1 Consideration of Call-ins shall be the responsibility of the Overview and Scrutiny Committee which will decide whether to consider the issue itself or direct a Panel to undertake it and report back to the decision maker. "Call in" items shall be referred to the next available date for the Overview and Scrutiny Committee or delegated Panel. The provisions of the Overview and Scrutiny Rules in the Council's constitution will apply to "call in" requests which need to be dealt with more quickly.
- 3.2 At its meeting, the Overview and Scrutiny Committee or delegated Panel will receive:
  - (a) copies of all documentation submitted to the Executive on which the decision was based;
  - (b) a copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
  - (c) any other relevant documentation.
- 3.3 The relevant Executive Portfolio Holder and at least one of the members who activated the "call in" and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee or delegated Panel meeting.
- 3.4 The "call in" decision shall be considered in the following manner:
  - (a) the representative of the Councillors calling in the decision shall describe their concerns;
  - (b) the Portfolio Holder shall then respond

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately, or
  - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
  - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

#### **4. Consideration of Reports on "Call In" Items by the Executive**

- 4.1 The report of an Overview and Scrutiny Committee or delegated Panel will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.
- 4.2 If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, he or she shall consider the written proposals of the Overview and Scrutiny Committee or delegated Panel, must consult the Overview and Scrutiny Committee and delegated Panel Chairmen if he or she is minded to accept or reject them. In doing so the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.
- 4.3 If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee or delegated Panel and refer them, with his or her written response, to the decision making body concerned.
- 4.4 At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:
- (a) the agreed report of the Overview and Scrutiny Committee or delegated Panel and any other supporting documents considered by it;
  - (b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee or delegated Panel, indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and
  - (c) any other information.
- 4.5 The Executive or Committee of the Executive shall consider the matter as follows:
- (a) the Chairman of the Overview and Scrutiny Committee or delegated Panel shall present the views and recommendations of the Committee/Panel based on the report of the relevant OSC meeting and respond to questions, make general comments and respond to new proposals as appropriate;
  - (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee or delegated Panel;
  - (c) the Executive (or Committee thereof) shall then consider the original decision, the views of the Overview and Scrutiny Committee or delegated Panel and any proposals by the Portfolio Holder; and
  - (d) the Executive (or Executive Committee) will then make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.
- 4.6 Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

## **5. Implementation of Decisions When Cabinet Control or Membership Changes**

- 5.1 Notwithstanding the provisions of paragraphs 3.4(g) and (h) above, where political control of the Cabinet or Cabinet membership changes following the Annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee or delegated Panel following a "call-in" but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

## **6. Consideration of "Call In" Reports of Overview and Scrutiny Committees made to the Full Council**

- 6.1 In some circumstances, the Overview and Scrutiny Committee or delegated Panel may choose to refer the results of their consideration of "call in" items to the full Council, rather than the Executive in those instances set out in paragraph 3.4 (d) (iii) above and 6.2 below. With any necessary modification the "call in" shall be dealt with at the Council meeting in accordance with paragraphs 4.1 - 4.5 above.
- 6.2 In considering whether to report to the full Council, the Overview and Scrutiny Committee or delegated Panel shall take account of the advice of the proper officer on:
- (a) whether the Council may properly determine the matter if the function is delegated to the Executive;
  - (b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;
  - (c) whether the Executive decision relates to a matter which either reserved to the full Council by the constitution or by resolution; and
  - (d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.

## **7. Restriction on "Call In"**

- 7.1 The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to "call in".
- 7.2 The "call in" procedure shall also not apply to any recommendation by the Cabinet to the full Council.

## **8. Definitions**

8.1 For the purpose of this Protocol, the following definitions shall apply:

### **(a) "Executive"**

This term should be interpreted as referring to the Cabinet, a Cabinet Committee or an individual Portfolio Holder acting under delegated powers.

### **(b) "Decision"**

Denotes a decision on an Executive function by the Cabinet, a Committee of the Cabinet or of an individual Portfolio Holder.

### **(c) "Decision Taker"**

This means the Cabinet, a Cabinet Committee or an individual Portfolio Holder who made the original decision.

## **9. Review of Protocol**

9.1 This Protocol will be reviewed by the Council as part of its constitution as and when appropriate.

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## **Report to Overview & Scrutiny Committee**

**Date of meeting: 29 November 2011**

**Portfolio: Finance & Economic Development**

**Subject: Consultation – Technical reforms of Council  
Tax**

**Officer contact for further information: Rob Pavey**

**Committee Secretary: Simon Hill**

# SCRUTINY



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### **Recommendations/Decisions Required:**

- (1) That the report on the proposed changes to Council Tax is noted; and**
- (2) That the proposed responses to the Consultation set out in Appendix 1 be agreed.**

### **Report:**

On Monday 31 October the Department for Communities and Local Government published its *Technical reforms of council tax* consultation. The consultation will last for 8 weeks and will close on the 29th December.

The Government proposes that reforms to the council tax system from 2013-14 will:

- Give billing authorities power to levy up to full council tax on second homes
- Replace existing Class A and C exemptions for vacant homes with discounts of up to 100%, the amount of which it would be for billing authorities to determine
- Abolish the Class L exemption, and make mortgagees in possession of empty dwellings liable to council tax in respect of them
- Allow billing authorities to levy an 'empty homes premium' over and above full council tax liability in respect of dwellings which have been left empty for two years or more
- Set a default assumption that payment of council tax be by instalments over 12 months rather than 10 as is currently the case.
- Allowing authorities to publish online the 'information to be supplied with demand notices'
- Changes to eliminate potential tax complications from arrangements involving third party suppliers where solar panels are placed on the roof of dwellings without coming into the control of the resident.

### **Discounts from council tax bills**

Since council tax was introduced in 1993, taxpayers have in certain circumstances been entitled to pay an amount of council tax which is reduced by a discount. In particular, different discounts are available where:

- only one adult occupies a chargeable dwelling as their sole or main residence
- no adult occupies a chargeable dwelling as their sole or main residence.

The rules on discounts where no adult occupies a dwelling as their sole or main residence have evolved since council tax was introduced in 1993. Originally, the discount was set at 50

per cent but, over the years, that has changed so that, now, four contexts are recognised in practice, as follows.

- (a) A furnished dwelling which is not the sole or main residence of any individual (known collectively as 'second homes') attracts a discount which billing authorities can set at between 10 and 50 per cent (but see (c) below)
- (b) Any dwelling which consists of a pitch occupied by a caravan, or a mooring occupied by a boat attracts a discount of 50 per cent when unoccupied
- (c) A furnished dwelling which is not the sole or main residence of a council taxpayer attracts a discount of 50 per cent if the person liable for council tax necessarily occupies it and another dwelling, and one or other of the occupations is job related
- (d) A dwelling which is unoccupied and substantially unfurnished attracts a discount which the billing authority can set at between 0 and 50 per cent, once any period of exemption has passed. Such dwellings are known collectively as 'long term empties'.

### **Exempt dwellings**

In a wide variety of circumstances, dwellings are exempt from council tax either for a period of time, or indefinitely while conditions are met. This consultation addresses possible changes to three of these exemptions: Classes A, C and L.

- Class A exemption is currently available for up to 12 months in respect of a vacant property which requires, is undergoing, or has recently undergone major repair work to render it habitable, or structural alteration
- Class C exemption is currently available for up to six months after a dwelling becomes vacant
- The practical effect of Class L exemption is to release mortgagors who have had their homes re-possessed by a bank or building society from any liability to pay council tax.

### **Proposals on second homes**

On second homes, Government is minded to extend the range of discount available to billing authorities to allow them to levy up to full council tax on second homes, thereby placing them on the same basis as normal homes. A second home owner is taking up a unit of the local housing stock; and the original purpose of giving local authorities discretion over second homes discount was to give them a tool they could use to encourage or discourage second home ownership in their areas. The Government's present proposal will make that tool somewhat more powerful. Moreover, authorities with a high level of second home ownership will be able to levy tax from a base which is not 'damaged' by that fact – they will, if they wish, be levying tax on the same base as an authority for which second home ownership is not a significant issue.

For second homes, the rules governing the calculation of an authority's council tax base for formula grant purposes currently require an arbitrary assumption that a discount of 50 per cent is given in all cases. The tax base used for the calculation of council tax in each area, on the other hand, reflects the actual rates of discount that authorities have chosen to adopt. The effect is that any extra council tax revenue which an authority generates by giving a discount of less than 50 per cent on second homes is not set off by any reduction in its formula grant.

When the rules on discounts for second homes were revised by the Local Government Act 2003, the minimum 10 per cent discount was retained so that second home owners would still have an incentive to identify their properties as second homes. Without this, it was felt, that there would be no way to identify the additional resources generated by second homes and allow the intended retention of the extra revenue by local authorities. The Government recognises that if authorities choose, as it proposes they might, not to offer a discount on



second homes, it will become more difficult in practice to distinguish second homes from other dwellings.

The council tax base, as used for the Government's CTB1 return at the start of October, included 247 dwellings currently classified as second homes and receiving a 10% discount. The removal of the 10% discount could increase income to the Council by approximately £4,000 per annum.

### **Empty Homes**

The Coalition Government's Programme for Government committed it to exploring a range of measures to bring empty homes into use. Empty homes are often a blight on the local community, harming the local amenity of neighbouring properties. They are wasted assets, so putting empty homes more quickly back into productive use would increase housing supply. The Government is therefore proposing to give councils more flexibility to adjust or, if they think it appropriate, deny relief from council tax in some circumstances which currently entitle owners to short term exemptions. Councils will continue to be able to use their existing powers to apply discretionary discounts in cases where homes are empty due to special circumstances – e.g. hardship, fire, flooding. Councils which removed the empty discount will be encouraged to have an explicit policy on such hardship cases.

There are other circumstances in which it would be quite wrong to deny exemption. Several exemptions relate to unoccupied dwellings, but reflect circumstances which fully justify continuing exemption. For example, it would be wrong to interfere with exemption Class F which applies due to the death of the owner of a property, and the Government has no intention of doing so. Similarly, exemption classes E, I and J will all remain intact (they relate to dwellings left empty because the residents have moved into hospital, or to give or receive care).

The council tax base currently includes 248 dwellings receiving a 50% discount (down from 282 last year), although some of these dwellings will be in the protected categories, and 460 receiving no discount (up from 398 last year). The removal of the 50% discount could increase income to the Council by approximately £20,000 per annum.

### **Proposals on Class A exemption**

It is reasonable that council tax payers should get some relief in respect of vacant dwellings that are, for a time, uninhabitable for one good reason or another. When council tax was introduced, the system provided for an open-ended period of exemption in such circumstances. It continued while the state of the dwelling warranted it. However, in 2000 the law was changed to limit the period of exemption to a maximum of one year, after which the dwelling (if still vacant) is to be treated as a long term empty property. Billing authorities' discretion over the rate of discount then applies, so such properties do not necessarily attract any discount at all.

This limitation has generally encouraged owners to bring dwellings back into use in a reasonable time; and that remains the Government's aim. It is, however, a central prescription. There is no scope for billing authorities to use discretion about what is reasonable in terms of foregoing council tax in respect of such properties. In pursuit of the broader goals of localism, Government is therefore minded to abolish the exemption, but replace it with a discount which billing authorities have discretion to set at 100 per cent, or any lower percentage which seems reasonable to them having regard to local circumstances.

If authorities choose to levy council tax in circumstances in which, under the current rules, they could not, Government would wish them to be able to retain the additional revenue locally. Under the present system, in the calculation of council tax bases for formula grant purposes, a discount of 100 per cent would therefore be assumed (following the approach

taken to second homes in this context). The Government acknowledges that proposals discussed in the concurrent consultation *Local Government Resource Review: Proposals for Business Rates Retention* may have a bearing on how this objective will be achieved in practice.

### **Proposals on Class C exemption**

In parallel with the abolition of Class A exemption, in the spirit of localism, Government is minded to:

- abolish Class C exemption, replacing it with a discount which billing authorities have discretion to set at 100 per cent, or any lower percentage which seems reasonable to them having regard to local circumstances
- make provision to ensure that any extra revenue generated if billing authorities set a discount of less than 100 per cent is retained and does not affect the distribution of central government grant.

Class C exemption, of course, applies for a shorter time than Class A, and in different circumstances. Government is aware that the potential impact of converting it into a discount will fall on people who have moved home without selling or letting their properties; and, possibly, on developers who have vacant new properties on their books.

At the moment, taxpayers are entirely relieved of liability for six months, and (in areas where long term empties attract zero discount) then have to pay the tax in full. There is no compelling reason why the first six months should be treated so generously.

### **Class L exemption**

The Government's position on Class L exemption is somewhat different from that on Classes A and C. There would be no point in amending the law to provide that owners of dwellings who have had them repossessed by a mortgagee – a bank or building society – should nevertheless be liable for council tax. The tax would very probably be uncollectable. However, these are units of accommodation which, in other hands, would usually generate council tax.

One way forward would be to amend council tax legislation so that, in the 'hierarchy of liability', mortgagees in possession rank higher than 'owner' but lower than 'resident' of any description.

If such a change were made, Class L exemption would not then be needed. The institutions which have taken possession of such dwellings would become liable for council tax while the properties are empty. This seems fair, since they effectively have control of the properties until they are sold or let, and there is no good reason why other taxpayers should have to make up the shortfall in council tax revenue suffered by the local authorities when properties are repossessed.

### **Empty Homes Premium**

At present, billing authorities have discretion to reduce the discount they give when a nonexempt dwelling is unoccupied and substantially unfurnished, or indeed to determine that there shall be no discount at all. If authorities do not exercise their discretion, the discount applicable is 50 per cent. This measure was introduced via the Local Government Act 2003, and affected tax liabilities from 1 April 2004 onwards. The policy aim was to encourage owners to bring empty properties back into use more quickly.

However, it remains the case that a distressing number of dwellings are being left empty, at a time when there is an overall housing shortage. There are over 300,000 long-term empty

homes across England. As well as being an unused resource when 1.7 million people are on social housing waiting lists, long-term empty properties attract squatters, vandalism and anti-social behaviour, and are a blight on the local community.

Government is therefore seeking views on whether the billing authorities should be given the option to levy an 'empty homes premium' on the council tax payable in respect of dwellings that have been left empty for a long time (two years or more, for example). In areas where authorities have already resolved not to discount the council tax payable in respect of empty dwellings, this might mean that they could levy substantially more than 100 per cent of the council tax which would be payable if a dwelling were occupied.

There would obviously be concerns that would have to be very carefully addressed before such a change in the council tax regime were implemented. It must be seen to operate fairly, for example, and must make sense in the context of broader local strategies for dealing with empty homes. Issues of collectability, and avoidance, would need to be considered.

### **Other technical changes to council tax**

#### The definition of 'relevant person'

Government is also considering legislation to close a loophole in the provisions of sections 66(2B)(a) and (b), which provide that, if a 'relevant person' intends to let a building or part of a building for short periods totalling 140 day or more per year, it should be subject to non-domestic rates. It achieves this objective by reference to the intentions of the 'relevant person' who is defined by subsection (2C). The loophole arises because the legislation defines a 'relevant person' in terms which fail to cover the case where a freeholder retains part of a building for such purposes.

In the Curzon Berkeley case, the Claimant's argument was that they could not be the 'relevant person' in respect of self contained parts of a building where Curzon Berkeley were the freeholders and which they operated as Service Apartments. Accordingly, they did not fall to be assessed to non-domestic rates. In his judgement, James Goudie QC found that this was a plain case of a drafting mistake (there being no explanation as to why, in the circumstances of this case, a long leaseholder was defined as a 'relevant person' but a freeholder was not).

The Government now proposes that section 66(2C)(a) should be amended along the following lines:—

'Where the property in question is a building or a self contained part of a building and is not subject as a whole to a relevant leasehold interest, the person having the freehold in the whole of the building or self contained part'.

#### Payment by instalments

A council tax bill can be paid through a lump sum or through instalments. The number of instalments is normally 10, and the majority of the 22 million council tax bills issued each year are paid by this method. Local billing authorities may however agree with the taxpayer to payment in some other manner.

The Government believes that council taxpayers should be entitled to pay by 12 month instalments without having to enter into an agreement with the billing authority. However, the current position where payments over 12 months can be offered as a concession where payment by direct debit is agreed is a very useful collection tool. It is a significant concern that making the statutory scheme one of 12 instalments will not only impact on cashflow but is also likely to reduce overall collection rates.

### Information to be supplied with demand notices

Council tax demand notices are normally printed and issued on paper. Matters to be contained in demand notices are set out in Regulations, requiring lengthy explanatory notes to form part of the demand notice. The Government does not propose changes to this, but notes that powers already exist for electronic billing and payment by agreement between the taxpayer and the billing authority, and that councils can give a discount if they wish to encourage taxpayers to adopt this approach, to reflect the reduced administration costs.

This information is costly to publish on an individual household basis. With the exception of the last item (for which different provision would have to be made), Government is minded to allow billing authorities to publish the information to be published online, but with a duty to provide hard copy for free to any resident who requests it. The demand notice should include a weblink to the online publication and provide details of how a hard copy can be obtained. Relieving authorities of the duty to provide the information in hardcopy may help encourage the take-up of electronic billing, as all parts of the process can be paper-less if the taxpayer so chooses.

### 'Rent a Roof' solar photovoltaic installations on domestic properties

Currently, domestic scale solar photovoltaic installations on domestic properties – generally the roofs of homes – are treated by the Valuation Office Agency as part of the dwelling and reflected in the council tax band. The Valuation Office Agency considers that these installations have no material impact on value: so they do not lead to any change in council tax bands. Moreover, the council tax system ensures that material improvements to a home never result in any banding re-assessment, unless the home is sold. This ensures that council tax is not a home improvement tax.

An alternative practice is now emerging in the renewables industry, under which third party providers take part possession of the roof of homes and install solar photovoltaic at their own cost. The provider receives payments under the Feed-in Tariffs scheme for the electricity generated and the home owner receives the benefit of free electricity generated by the installation. These arrangements are known as 'rent a roof' schemes. However, given the recent reduction in the Feed in Tariff it appears that solar photovoltaic installations on domestic properties will become far less attractive.

### Annexes to dwellings

Generally, if parts of a building are in separate occupations, each part is a separate hereditament; and each is a dwelling liable to council tax (unless its use is non-domestic). It will receive its own banding in the normal way. Where one occupier has paramount control of the whole, which makes the property a single hereditament, self-contained units of accommodation within the property must each be treated as separate dwellings for council tax purposes. The test for a 'self-contained unit' is whether a part is physically constructed or adapted for use as separate living accommodation. This relates entirely to the physical state of the building – not to the intentions of the owner, nor to the actual use to which the accommodation is put. It is not an issue over which the Valuation Office Agency, or the billing authority, has discretion: it all turns on the facts of the case.

These rules are applied frequently to define separately banded dwellings in hostels, flatlet houses etc., and the Government has no intention of changing their general application. However, representations have been made that the outcome might be unfair in some circumstances. An example is where part of a house has been physically adapted as a 'granny annexe', and been separately banded for council tax purposes as a consequence, but is no longer occupied as a separate unit of accommodation. The law requires that it

should continue to be separately banded for council tax until such time as the physical adaptations are undone.

**Reason for decision:**

To take the opportunity provided to respond to proposed alterations to the council tax.

**Options considered and rejected:**

The Authority could choose not to respond to the consultation document.

**Consultation undertaken:**

None.

**Resource implications:**

Budget provision: Some of the changes are likely to have a positive impact on budgets although these may be considerably outweighed by the negative impact of moving to 12 instalments.

Personnel: If the basis for instalments is changed to 12 payments additional staff may be required to maintain existing collection rates.

Land: N/A

Community Plan/BVPP reference: N/A

Relevant statutory powers: As set out in the report.

Background papers: DCLG Consultation Paper – Technical reforms of council tax

Environmental/Human Rights Act/Crime and Disorder Act Implications: None.

Key Decision reference: N/A

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## Questions for consultation

### Proposals on second homes

Question 1	Do you agree with the Government's proposal to extend the range of discount available to billing authorities in respect of second homes to 0 to 50 per cent?
Response	The Council welcomes the proposal to extend the range of discount available to billing authorities in respect of second homes from 0% to 50%, because it would extend further democratically-elected councils' discretion about their relationship with their local taxpayers. However, it may be difficult to identify and bill such properties appropriately as some home owners will inevitably try to avoid the charge. This may lead to additional costs in collection and means that approximate calculations of increased revenue cannot be relied upon.
Question 2	How might authorities choosing not to offer any discount on second homes identify them in order to report second homes as necessary for formula grant purposes?
Response	The Government would need to legislate to require the owners of second homes to register them. This may be less important going forward dependant on the outcomes of the Local Government Resource Review and the future means of grant allocation.

### Proposals on Class A exemption

Question 3	Do you agree with the Government's proposal to abolish Class A exemption and replace it with a discount which billing authorities may set in the range 0 to 100 per cent?
Response	The Council welcomes the proposal to abolish Class A and C exemptions for vacant homes and replace these with a discount which billing authorities may choose to set between 0% and 100%, because it would extend further democratically-elected councils' discretion about their relationship with their local taxpayers. There are currently less than 50 properties with a Class A exemption in this district so any financial gain will be limited.
Question 4	If Class A exemption is replaced by a discount, for what period should the new discount apply before such properties are treated as long term empties? Should the one-year time limit continue to apply, or should billing authorities have any discretion about it?
Response	Given current market conditions the one-year time limit is reasonable.
Question 5	If Class A exemption is replaced by a discount, should billing authorities be empowered to give different levels of discount for different cases?
Response	This would introduce unnecessary complexity and bureaucracy in the administration of the system.

### Proposals on Class C exemption

Question 6	Do you agree with the Government's proposal to abolish Class C exemption and replace it with a discount which billing authorities may set in the range 0 to 100 per cent?
Response	See response to question 3 above.

Question 7	If Class C exemption is replaced by a discount, for what period should the new discount apply before such properties are treated as long term empties? Should the six month time limit continue to apply or should billing authorities have any discretion about it?
Response	The six month time limit should continue to apply.
Question 8	If Class C exemption is replaced by a discount, should billing authorities be empowered to give different levels of discount for different cases?
Response	This would introduce unnecessary complexity and bureaucracy in the administration of the system.

### Class L exemption

Question 9	Should Government seek to make mortgagees in possession of empty dwellings liable to Council Tax?
Response	The Council welcomes the proposal to make mortgagees in possession of empty dwellings liable to council tax.

### Long Term Empty Dwellings

Question 10	Would enabling local authorities to levy an empty homes premium on council tax have a significant impact on the number of homes being left empty?
Response	The ability to levy a premium will be effective in some cases, it is not possible to predict whether the overall impact will be significant. There are likely to be issues with collectability and avoidance.
Question 11	In terms of a percentage of normal council tax, what should the maximum permitted premium be?
Response	The decision on the level of premium should be left for individual billing authorities to determine and therefore no maximum should be set.
Question 12	How long should a dwelling have remained empty before the empty homes premium might be applied in respect of it?
Response	The suggestion of two years in the consultation paper seems reasonable.
Question 13	Should constraints be placed on the purposes to which the additional tax revenue generated from an empty homes premium may be devoted?
Response	This would introduce unnecessary complexity and bureaucracy in the administration of the system. Additional revenue should be treated in the same way as other council tax income and not be ring fenced in any way.
Question 14	What circumstances, if any, should be defined as being inappropriate for levying the empty homes premium and why?
Response	Discretion should be given to billing authorities to determine on a case by case basis.
Question 15	What practical issues would have to be addressed if the premium were to be implemented (for example in the consistent identification of empty homes) and how should they be resolved?
Response	The main practical issues are likely to be around collection and avoidance.



**The definition of 'relevant person'**

Question 16	Do you agree that Section 66(2C)(a) should be amended along the lines suggested?
Response	Yes, the amendment seems sensible.

**Payment by instalments**

Question 17	Do you agree that the default pattern of council tax bill instalments should be payment by 12 monthly instalments (with other arrangements to be reached by agreement between taxpayer and billing authority)?
Response	The Council is concerned that any proposal to see council tax collected over 12 months as the default option rather than 10 will have a significant cost to councils; this will be both through the impact on cash flow and through reduced collection rates. The Council does not believe that a localist government should prescribe to councils how council tax should be collected in their areas. Direct debit is the most efficient means of collection but moving the default to 12 months will remove the incentive that is currently offered for payment by direct debit.

**Information to be supplied with demand notices**

Question 18	Do you agree that billing authorities should be able to discharge their duty to provide the information that must currently be supplied with demand notices by publishing it online (with the exception of information relating to penalty charges, and subject to the right of any resident to require hard copy)?
Response	The Council welcomes the proposals to allow billing authorities to provide information in electronic format in the first instance. We believe that this will result in a small cost saving for billing authorities.

**'Rent a Roof' solar PV installations on domestic properties**

Question 19	Do you agree that domestic scale solar photovoltaic installed on dwellings should be treated as part of those properties?
Response	Yes, the issuing of a separate business rates assessment is not appropriate.
Question 20	Do you agree that domestic scale solar photovoltaic should be defined as installations having a maximum generating capacity of 10 kW?
Response	The setting of a maximum capacity again seems an unnecessary complication and overly bureaucratic.

**Annexes to dwellings**

Question 21	In what circumstances, if any, do the rules requiring the separate banding of self contained units of accommodation within a hereditament give rise to injustice?
Response	This is not felt to be a significant issue.
Question 22	Should the Government seek to make changes to these rules and if so, what changes?
Response	No changes are necessary.

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## **Report to the Overview and Scrutiny Committee**

**Date of meeting: 29 November 2011**



**Portfolio:** Finance and Economic Development (Councillor G Mohindra)

**Subject:** Key Objectives 2011/12 – Progress Report

**Responsible Officer:** S. Tautz (01992 564180)

**Democratic Services Officer:** A. Hendry (01992 564246)

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### **Recommendations/Decisions Required:**

**That the Committee consider progress in relation to the achievement of the Council's Key Objectives for 2011/12, for the first six months of the year.**

### **Executive Summary:**

1. The annual identification of specific Key Objectives provides an opportunity for the Council to focus attention on how areas for improvement will be addressed over the next year, and how opportunities will be exploited and better outcomes delivered for local people.
2. A range of Key Objectives for 2011/12 was adopted by the Cabinet at its meeting on 31 January 2011. Performance in relation to the Key Objectives for the year is reviewed by the Cabinet and the Overview and Scrutiny Committee on a six-monthly basis.

### **Reasons for Proposed Decision:**

3. It is important that relevant performance management processes are in place to review and monitor performance against the Council's Key Objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance. This report presents the six-month position against the Key Objectives for 2011/12.

### **Other Options for Action:**

4. No other options are appropriate in this respect. Failure to monitor and review performance against the Key Objectives, and to take corrective action where necessary, could have negative implications for the reputation of the Council and for judgements made about the authority.

### **Report:**

5. The Committee will be aware that the format and structure of the Corporate Plan for 2011/12 to 2014/15 includes an annually updated section reflecting the Council's Key Objectives for each year of the Plan. The Key Objectives are intended to reflect national and local priorities and specific service improvements, providing a clear statement of the Council's overall intentions for the year, with reference to specific targets and outcomes.

6. The Council's Key Objectives for 2011/12 were adopted by the Cabinet at its meeting on 31 January 2011. A schedule detailing current performance (at 30 September 2011) against each of the Key Objectives is attached as Appendix 1 to this report.
7. Progress against the Council's Key Objectives was an area of inspection focus in the Managing Performance element of the former Comprehensive Area Assessment (CAA) process introduced in April 2009. Managing Performance comprised the annual assessment of the progress the Council was making towards achieving improvement in the services it delivers to the public, and was intended to identify and reflect efforts to put in place plans to secure improvement. Whilst CAA has been abolished, it is nevertheless important to ensure that relevant performance management processes are in place to review and monitor performance against the authority's Key Objectives, and to agree proposals for corrective action in areas of slippage or under performance.
8. The Committee is requested to consider mid-year performance against the Key Objectives adopted for 2011/12. This report will also be considered by the Cabinet at its meeting on 5 December 2011, and any views of the Committee will be reported to the Cabinet meeting.
9. The Council has sought to align its business, budget, and workforce planning and development processes over recent years, and these arrangements have provided an opportunity for the Key Objectives for each year to be incorporated within annual Directorate Business Plans, thereby further linking the various elements of the Council's performance management framework. For 2011/12, the Key Objectives were set by the Cabinet alongside the setting of the budget for the year, representing significant improvement over previous arrangements where Key Objectives were not determined until early in each municipal year, after the budget for the year had been agreed.
10. In order to commence the business planning process for the next financial year, current progress against the Key Objectives for 2011/12 will be used as the starting point for the identification of appropriate objectives for 2012/13. Service directors have also been requested to identify any specific additional proposed Key Objectives for next year, in liaison with individual portfolio holders, and the draft Key Objectives will be subject to consultation with the Committee during early 2012.

#### **Resource Implications:**

Resource requirements for any proposals for corrective action in respect of areas of slippage or under-performance in relation to the Key Objectives for 2011/12, will be identified by the Acting Chief Executive or the responsible service director.

#### **Legal and Governance Implications:**

There are no legal implications or Human Rights Act issues arising from the recommendations in this report, which ensure that the Council monitors progress and reports against the achievement of its Key Objectives.

#### **Safer, Cleaner and Greener Implications:**

There are no implications arising from the recommendations in this report for the Council's commitment to the Nottingham Declaration for climate change, the corporate Safer, Cleaner and Greener initiative, or any Crime and Disorder issues within the district.

#### **Consultation Undertaken:**

Current progress against the Key Objectives for 2011/12 has been reported by the Acting Chief Executive and the responsible service directors. This report has been considered by Management Board and will also be considered by the Cabinet at its meeting on 5

December 2011. A copy of the report was provided to the Finance and Economic Development Portfolio Holder and Deputy Portfolio Holder (Performance Management) in advance of the publication of this agenda.

**Background Papers:**

None

**Impact Assessments:**

***Risk Management***

The content of this report has no specific risk management implications. However, the Acting Chief Executive or responsible service director will have identified any risk management issues arising from proposals for corrective action in respect of areas of slippage or under-performance in relation to the Key Objectives for 2011/12, as set out in this report.

***Equality and Diversity:***

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No. The content of this report has no specific equality implications. However, the Acting Chief Executive or responsible service director will have identified any equality issues arising from proposals for corrective action in respect of areas of slippage or under-performance in relation to the Key Objectives for 2011/12, as set out in this report.

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A - See comment above.

What equality implications were identified through the Equality Impact Assessment process? N/A - See comment above.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group? N/A - See comment above.

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**KEY OBJECTIVES 2011/12**

**PROGRESS REPORT**

**30 SEPTEMBER 2011**

## C01.a - Relocate existing services from the Langston Road depot to new depot sites

[Performance Management Home](#)  
[Click to Update](#)

### How we will measure our performance

Target date for completion

Status

Performance against next level actions C01.a (i), (ii), (iii), (iv), (v), (vi) and (vii)

(not specified)

(none)

### Progress

This is the high-level action for Key Objective C01.a. See progress against the specific next level actions C01.a(i) - C01.a(vii).

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### Next Level Actions

- C01.a - (i) Development of cost/benefit analysis & agreement of capital financing for new depot at Oakwood Hill
- C01.a - (ii) Determination of planning application for new depot at Oakwood Hill
- C01.a - (iii) The design and tender of the new depot at Oakwood Hill
- C01.a - (iv) Development of cost/benefit analysis & agreement of capital finance for new depot at North Weald Airfield
- C01.a - (v) Determination of planning application for new depot at North Weald Airfield
- C01.a - (vi) The design and tender of the new depot at North Weald Airfield
- C01.a - (vii) The relocation of the Council's services from Langston Road

### Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council



## C01.a - (i) Development of cost/benefit analysis & agreement of capital financing for new depot at Oakwood Hill

[Performance Management Home](#)  
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### How we will measure our performance

Target date for completion

Status

The development of a cost/benefit analysis and budgetary cost and the agreement of capital financing for the new depot at Oakwood Hill by 30 September 2011.

Fri-30-Sep-11

On Track

### Progress

(14/11/11) The final design for the new depot is currently being discussed with the Director of Planning and Economic Development, and the Highways Department of Essex County Council. Ernst & Young have examined the proposal as part of their recent strategic property review work, and have prepared a report for the Council's consideration.

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### Next Level Actions

Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

**C01.a - (ii) Determination of planning application for new depot at Oakwood Hill**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The determination of a planning application for the new depot at Oakwood Hill by 31 December 2011

**Progress**  Behind Schedule

(31/10/11) A planning application for the new depot at Oakwood Hill has not yet been submitted. The achievement of the target date for the determination of a planning application for the new depot will require the submission of an application at least eight weeks beforehand.

**Next Level Actions**

**Linked Cabinet Objective** C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

## C01.a - (iii) The design and tender of the new depot at Oakwood Hill

[Performance Management Home](#)

[Click to Update](#)

### How we will measure our performance

Target date for completion

Sun-30-Sep-12

Status

On Track

The design and tender of the new depot at Oakwood Hill by 30 September 2012

### Progress

(14/11/11) Norfolk Property Services are working on a design for the replacement depot facility at Oakwood Hill, in consultation with those services being considered for relocation, with the intention of submitting a planning application.

### Next Level Actions

### Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

## C01.a - (iv) Development of cost/benefit analysis & agreement of capital finance for new depot at North Weald Airfield

Performance Management Home  
Click to Update

### How we will measure our performance

Target date for completion

Status

The development of a cost/benefit analysis and budgetary cost and the agreement of capital financing for the new temporary depot at North Weald Airfield by 30 September 2011

Fri-30-Sep-11

Behind Schedule

### Progress

(15/11/11) The Cabinet has agreed core capital provision of £1.5 million for the relocation of the depot to North Weald Airfield (Cabinet 14/04/2011). Until all of the various components of the relocation process have been worked through in detail, it will not be possible to prepare a cost/benefit analysis.

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### Next Level Actions

Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

**C01.a - (v) Determination of planning application for new depot at North Weald Airfield**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The determination of a planning application for the new depot at North Weald Airfield by 31 December 2011

**Progress**

(06/10/11) Norfolk Property Services are working on a design for the replacement depot facility at North Weald Airfield, at a location adjoining the control tower, with the intention of submitting a planning application. It should be recognised however that the location is within the Metropolitan Green Belt and that significant planning hurdles will need to be overcome.

(31/10/11) The achievement of the target date for determination of a planning application would require the submission of an application at least thirteen weeks beforehand. As the application has not yet been submitted, the target date is not now achievable.

**Next Level Actions**

<b>Linked Cabinet Objective</b>	C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council
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**C01.a - (vi) The design and tender of the new depot at North Weald Airfield**

How we will measure our performance

Target date for completion	Status
Sun-30-Sep-12	<span style="background-color: yellow;">■</span> Under Control

The design and tender of the new depot at North Weald Airfield by 30 September 2012

**Progress**

(06/10/11) Norfolk Property Services are working on a design for the replacement depot facility at North Weald Airfield, with the intention of submitting a planning application. It should be recognised however, that the location is within the Metropolitan Green Belt and that significant planning hurdles will need to be overcome. Until the initial design is approved and the planning considerations have been resolved, tenders will not be sought.

**Next Level Actions**

**Linked Cabinet Objective**

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

**C01.a - (vii) The relocation of the Council's services from Langston Road**

**How we will measure our performance**

**Target date for completion**  
 Sun-31-Mar-13

**Status**  
 On Track

The relocation of the council's services by 31 March 2013

**Progress**

(14/11/11) The WRVS have relocated from Langston Road. A design for a new depot at Oakwood Hill, Loughton to accommodate Grounds Maintenance and Fleet Services is being progressed. 148 Brooker Road, Waltham Abbey has been acquired for the Museum Service store, but premises adjoining the museum in Sun Street, Waltham Abbey are also being considered and agents are negotiating terms.

**Next Level Actions**

**Linked Cabinet Objective**

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

## C01.b - To relocate the Museum Store to the Brooker Road Industrial Estate

Performance Management Home

[Click to Update](#)

How we will measure our performance

Target date for completion

Status

The relocation of the museum store by 31 March 2012

Sat-31-Mar-12

Behind Schedule

Progress

(25/10/11) Work is currently being undertaken on recording, packing and disposing of certain items of the museum collection, many of which have not been uncovered in the last 10-15 years. Museum staff are being assisted in this process by a team of volunteers. However due to the cost of prohibitive estimates quoted for renovation of the Brooker Road premises to provide adequate storage facilities, officers have considered alternative options and have found that there is a possibility of securing the building adjacent to the Museum at 37 Sun Street. This option would enable up to 95% of the collection to be on 'display' as opposed to 'stored' and provide a wide range of developmental opportunities. In light of this, officers are currently working on a bid to the Heritage Lottery Fund to secure up to £500,000 funding towards the purchase price of the adjoining property. A report containing the full details of this proposal will be presented to the Cabinet on 5 December 2011.

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Next Level Actions

Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council



### C01.c - Develop a strategy for the redevelopment of the Langston Road depot site when vacant

How we will measure our performance

Target date for completion

Status

Sun-31-Mar-13

On Track

The development of a strategy for the redevelopment of the vacant Langston Road sites by 31 March 2013

#### Progress

(14/11/11) It is expected that a date will shortly be fixed for the District Development Control Committee to consider the planning application for the redevelopment of the site for a fashion led retail park.

#### Next Level Actions

Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

## C01.d - Determine a planning application for the redevelopment of the Langston Road depot site

[Performance Management Home](#)  
[Click to Update](#)

How we will measure our performance

Target date for completion

Status

The determination of the planning application for the redevelopment of the Langston Road depot site, by 30 April 2011

Sat-30-Apr-11

Behind Schedule

### Progress

(31/10/11) Planning application EPF/2580/10 was submitted on 8 December 2010. The application has raised important issues in respect of traffic impacts which have taken time to be negotiated to the satisfaction of Essex County Council as the Highway Authority, and this has meant that the application has not yet been determined.

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### Next Level Actions

Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

## C01.e - Development of a strategy for the future use of North Weald Airfield

[Performance Management Home](#)  
[Click to Update](#)

### How we will measure our performance

Target date for completion

Status

The development of a strategy for the future use of North Weald Airfield, in conjunction with relevant partners, by 31 March 2012

Sat-31-Mar-12

Under Control

### Progress

(06/10/11) A review of the Halcrow report and options for the next stage of the assessment is being undertaken as part of the ongoing Ernst and Young review. Ernst and Young are due to report in late October/early November 2011, with guidance on how best to take the second stage of the airfield assessment forward.

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### Next Level Actions

Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

## C01.f - Consult on the development brief for the St. John's Road area of Epping

[Performance Management Home](#)  
[Click to Update](#)


How we will measure our performance

Target date for completion

Status

The agreement of the Development Brief by 30 September 2011

Fri-30-Sep-11

 Behind Schedule

### Progress

(31/10/11) Responsibility for managing this project was transferred to the Director of Corporate Support Services in May 2011. It was already clear that up to date term-time traffic data and consequent modelling was required over and above that undertaken originally. The work was ordered and delivered in term-time in the Autumn, and modelling is underway. Only on completion of the modelling can options be presented for public consultation and a development brief agreed.

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### Next Level Actions

Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

## C01.g - Determine the Council's approach to the use of its assets at Broadway area of Loughton

[Performance Management Home](#)  
[Click to Update](#)

### How we will measure our performance

Target date for completion

Status

The submission of planning applications for the redevelopment of part of the Broadway area, that accord with the Design and Development Brief

(not specified)

Pending

### Progress

(14/11/11) The Council continues to consider these assets through the Asset Co-ordination Group and a sub-committee has been set up to look at the Broadway, under the chairmanship of the Director of Housing.

(31/10/11) The Director of Housing has considered a number of sites, although planning applications have been delayed because the viability of some schemes is not clear cut in the economic climate. More recently, Transport for London have begun actively working up proposals for land in their ownership.

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### Next Level Actions

### Linked Cabinet Objective

C01 To review the Council's commercial landholdings in order to coordinate competing land use proposals, fulfil operational requirements, achieve value for money, and produce additional capital and revenue income to the Council

## C02.a - Encourage participation and consultation in development of budget & service priorities

[Performance Management Home](#)  
[Click to Update](#)


### How we will measure our performance

Target date for completion

Status

The consideration by Cabinet of options for undertaking priority setting and participatory budgeting consultation exercises for 2012/13 and future years by 30 September 2011

Fri-30-Sep-11

 Under Control

### Progress

(6/10/11) (See also Key Objective C02.b) Funding was obtained from Improvement East to undertake a public consultation exercise in July 2011 around priority services for local residents, against a backdrop of diminishing resources. A consultation exercise and supporting documents were developed for the proposed consultation for 2012/13, however, members took the decision to postpone the consultation exercise until the 2013/14 budget process, as the majority of savings required had already been identified in the Medium-Term Financial Forecast for 2012/13. It is intended to now conduct the consultation exercise in Summer 2012. On 26 September 2011 the Finance and Performance Management Cabinet Committee agreed that the key points from the updated Medium-Term Financial Strategy should be shared with stakeholders, and these were summarised in briefings to staff by the Acting Chief Executive and issued in the 'District Lines' staff newsletter.

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### Next Level Actions

Linked Cabinet Objective

C02

To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services

**C02.b - Improve local understanding of statutory & discretionary roles and responsibilities of the Council**

How we will measure our performance

Target date for completion: Thu-31-Mar-11  
 Status: ■ Under Control

Subject to Key Objective C02.a, the provision of opportunities for the participation of local residents, staff and partners in the Council's priority and budget setting process for 2012.13 and future years

**Progress**

(7/11/11) (see Key Objective C02.a) This action was to be achieved as part of the public consultation exercise in respect of the development of budget and service priorities for 2012/13, intended to be undertaken during July 2011. Funding was obtained from Improvement East to undertake a public consultation exercise around priority services for local residents against a backdrop of diminishing resources. As part of this exercise, the intention was to demonstrate the various responsibilities of the respective tiers of local government in Essex and the statutory/discretionary nature of services, and a draft special edition of 'The Forester' was prepared. However, members took the decision to postpone the consultation exercise until the 2013/14 budget process, as the majority of savings required had already been identified in the Medium-Term Financial Forecast for 2012/13. It is intended to now conduct the consultation exercise in Summer 2012.

**Next Level Actions**

**Linked Cabinet Objective**  
 C02 To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services

## C02.c - Establish closer partnerships with voluntary sector and local communities to build community capacity

[Performance Management Home](#)  
[Click to Update](#)

How we will measure our performance

Target date for completion

Status

Fri-30-Sep-11

On Track

The commencement of the delivery of key measures from the Big Society Action Plan, from September 2011

### Progress

(25/10/11) Community Services have established residents groups in Super Output Areas to work with the voluntary sector and local communities to build community cohesion and capacity. Work has further been developed with existing community groups to enhance skills and develop wider membership from communities. The Local Strategic Partnership's 'Big Society Task and Finish Group' has met on three occasions, with the final meeting due to be held in November 2011.

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### Next Level Actions

Linked Cabinet Objective

C02 To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services



## C02.d - Work with partners and local community groups to support, train and mentor local people

Performance Management Home  
Click to Update

### How we will measure our performance

Target date for completion

Status

(not specified)

On Track

Performance against next level actions C02.d.(i), (ii) and (iii)

### Progress

(25/10/11) Community Services have developed a series of training workshops that have been provided for local voluntary groups and local councils. These have been held in Loughton and Waltham Abbey utilising Town Council facilities that have been provided free of charge. The workshops have included 'Create', a workshop to support people in becoming volunteers; advice on setting up groups with a constitution etc and advice on how to secure external funding; and 'Celebrate', designed particularly to advise communities on planning and organising celebratory events including street parties etc. for the forthcoming Diamond Jubilee and London 2012 Olympics. In addition, advice has been provided on how to consult within communities. Feedback from these workshops has been excellent and it is planned to provide further sessions in other areas of the district and during evenings and possibly weekends, to enable access for working people.

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### Next Level Actions

C02.d - (i) Securing of external funding to support capacity building projects

C02.d - (ii) Train and support local residents in leadership development

C02.d - (iii) Support peer mentors to achieve improved life and health outcomes

### Linked Cabinet Objective

C02 To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services

**C02.d - (i) Securing of external funding to support capacity building projects**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The securing of external funding to support capacity building projects in local communities and the report of funding received to the External Funding Working Party, by 31 March 2012

On Track

**Progress**

(25/10/11) Through targeted work within Super Output Areas, Community Services has supported local community groups in securing a range of funding to support community capacity building and community cohesion. In Ninefields, Waltham Abbey, a Community Development Worker supported a residents panel in developing an application to Awards For All which enabled them to secure £9,830 towards local initiatives. In Limes Farm, Chigwell, the Older People's Group was supported by the Estate Community Development Worker in an application to Awards For All and was successful in securing £5,869 towards the expansion of the group and new equipment and activities to attract new members. A local sports club in Waltham Abbey was assisted by the Council's Sports Development Officer in a successful bid to Awards For All for £9,780, which will enable the development of a new programme of activities for women and girls through provision of improved facilities.

**Next Level Actions**

<b>Linked Cabinet Objective</b>	C02 To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services
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**C02.d - (ii) Train and support local residents in leadership development**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The achievement of local residents trained and supported in leadership development through the establishment of two Community Leads for each of the five areas of the district by 31 March 2012

**Progress**

(25/10/11) (See Key Objective C0 2.d-(i)). A range of training workshops have been provided which meet the requirements of this objective. In addition, Community Services staff have been working with key individuals identified from within communities to support and mentor them in developing skills and knowledge. This has included working with young people involved in community sports programmes in disadvantaged areas to develop them from participants to leaders and then on to trained and qualified coaches. All of these youngsters have gone on to become coaches with Tottenham Hotspur Community Foundation and are now providing coaching and mentoring to other young people in the district and further afield in London Boroughs. Other similar programmes have operated within dance development, where mothers of children participating in dance classes provided by the Council's Arts Team have been trained and mentored to become leaders and subsequently to take over the organisation of the session. Through the HealthWorks programme, young volunteers have been mentored to undertake a leadership role within the programme and a young dancer is currently being trained to take over the delivery of a street dance class in Waltham Abbey.

**Next Level Actions**

<b>Linked Cabinet Objective</b>	C02 To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services
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**C02.d - (iii) Support peer mentors to achieve improved life and health outcomes**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The achievement of peer mentors to support improved life and health outcomes, through the establishment of one Health Improvement Lead for each of the five areas of the district with the highest levels of health inequality by March 2012

**Progress**

(25/10/11) This objective is being met directly via a range of initiatives including the Council's Active Health programme, the New Horizons Scheme, Lifewalks and the HealthWorks programme for young people in Waltham Abbey. In addition, a series of Health Festivals have been delivered across the district including Ongar, Loughton and Limes Farm (scheduled for January 2012) which focus on empowering local residents to feel confident about making positive health choices. Within the directly provided initiatives, peer mentor programmes are included as part of the activities provided and volunteer leaders are actively supporting led walks, assisting with seated exercise programmes and organising various sports activities.

**Next Level Actions**

<b>Linked Cabinet Objective</b>	C02 To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services
---------------------------------	--

## C02.e - Develop the Healthworks programme for young people in Waltham Abbey

[Performance Management Home](#)  
[Click to Update](#)

### How we will measure our performance

Target date for completion

The commencement of the the delivery of key measures from the 'Healthworks' Action Plan, monitored by the Steering Group consisting of representatives from Harlow Health Centres trust, the Council and NHS West Essex by 30 September 2011

Fri-30-Sep-11

Status

On Track

### Progress

(25/10/11) The HealthWorks programme is successfully being developed in Waltham Abbey and is meeting and ahead of many of its business plan actions. Over 600 young people have been involved in the project in 2011 and a range of activities chosen by young people have been provided including street dance, boxercise, trampolining and fitness gym sessions which have been extremely popular. Staff have conducted outreach work across Waltham Abbey and met with young people where they 'hang out' and many of these have been encouraged to join in activities available. Following a withdrawal of Youth Service support to Waltham Abbey Youth 2000 (WAY 2000), HealthWorks is now providing a drop in session at the WAY 2000 Centre in Brooker Road for young people, in partnership with primary healthcare advisors. Work is currently underway to train a selection of individuals who have become peer leaders with the programme, in delivering activity classes including street dance.

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### Next Level Actions

Linked Cabinet Objective

C02

To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services

## C02.f - Support the health services in addressing health inequalities across the district

[Performance Management Home](#)  
[Click to Update](#)

### How we will measure our performance

Target date for completion

Status

The commencement of the delivery of partnership measures to reduce key health inequalities in specific areas of the district over a five-year period by 30 November 2011

Wed-30-Nov-11

Under Control

### Progress

(25/10/11) Due to several reviews of the Primary Care Trust and changes in staff and local contacts, partnership working with the health services has been limited. Attendance at the Local Strategic Partnership (LSP) has also suffered from the ongoing re-organisation of local health services and this has resulted in the Council taking a lead role on the Healthy Communities Sub-Group of the LSP. Community Services have taken a proactive role in addressing local health inequalities in super output areas of the district through the introduction of Health Festivals, which include a range of physical activity sessions and classes, advice on healthy diet and nutrition, healthy cooking classes and family based health improvement.

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### Next Level Actions

Linked Cabinet Objective

C02 To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services

### C02.g - Seek external funding to deliver initiatives identified in the Joint Strategic Needs Assessment

Target date for completion  
Sat-31-Mar-12

Status  
Pending

How we will measure our performance  
The securing of external funding to support a range of health improvement project delivery and the report of funding received to the External Funding Working Party by 31 March 2012

Progress

(25/10/11) (See Key Objective C02.f). Owing to the issues associated with the re-organisation of local health services, this objective has been on hold pending completion of the latest review.

Next Level Actions

Linked Cabinet Objective  
C02 To utilise existing resources to support the Government's vision for the 'Big Society', where individuals and communities have power and responsibility to create better neighbourhoods and local services

**C03.a - Review corporate procedures for safeguarding children and young people**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The review and update of the Council's Child Protection Policy and individual service procedures in line with legislation by 30 June 2011

**Progress**  On Track

(25/10/11) Each of the services that have direct contact with children, young people and families have their own specific procedures for reporting and logging child protection issues. However, whereas records of incidents and concerns were previously held in a range of locations across the Council, an electronic database has now been set up as part of the Information At Work system, that centrally holds details of all child safeguarding concerns. This database is to be further expanded to include adult safeguarding. Additional work is to be undertaken to review written procedures in line with the refresh of the Council's Safeguarding Policy.

**Next Level Actions**

**Linked Cabinet Objective** C03 To work in partnership with Essex County Council and other statutory and voluntary agencies, to ensure the effectiveness of local arrangements and services to safeguard and promote the welfare of children and young people.



## C03.b - Provide member and officer training to develop confidence in dealing with safeguarding concerns

Performance Management Home  
Click to Update

How we will measure our performance

Target date for completion

Status

Fri-30-Sep-11

Under Control

The training of relevant members and officers in child protection procedures at an appropriate level by 30 September 2011

### Progress

(25/10/11) A series of in-house child protection training courses have been provided for staff and Members and it is anticipated that all of the Council's staff who work directly with children, young people and families have been trained or updated in their training. This has been through the in-house provision and via the online training available through Essex County Council. Of the remaining staff who have indirect contact or minimal contact with children, young people and families, it is estimated that 85% of these have been trained. As part of a support programme for other local organisations in the district, approximately ten colleagues from local schools and town/parish councils have also received training provided by the Council. However, only fifteen of the authority's fifty-eight Members have attended the courses that have been available. Therefore officers are currently looking to arrange a series of twilight sessions for this purpose.

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### Next Level Actions

Linked Cabinet Objective

C03 To work in partnership with Essex County Council and other statutory and voluntary agencies, to ensure the effectiveness of local arrangements and services to safeguard and promote the welfare of children and young people.

### C03.c - Review recruitment and selection processes for officers who work directly with children and young people

Performance Management Home  
[Click to Update](#)

How we will measure our performance

Target date for completion

Status

Sat-31-Dec-11

Pending

The development and introduction of appropriate recruitment and selection processes and induction arrangements by 31 December 2011

Progress

(25/10/11) A range of staff have been trained in safe recruitment and selection, including the Assistant Director (Community Services and Customer Relations) as the lead officer for corporate safeguarding, and several staff from Human Resources. However, due to the resignation of the Human Resources officer who was the lead on the programme and a subsequent lack of resources, further progress with this objective has been limited.

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Next Level Actions

Linked Cabinet Objective

C03

To work in partnership with Essex County Council and other statutory and voluntary agencies, to ensure the effectiveness of local arrangements and services to safeguard and promote the welfare of children and young people.

### C03.d - Develop a Safe Recruitment Policy

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

Sat-31-Dec-11 ■ On Track

The development and introduction of a Safe Recruitment Policy by 31 December 2011

#### Progress

(14/11/11) The development of the Council's Safe Recruitment Policy is being carried out jointly with Rochford District Council. A Human Resources consultant, jointly funded by the two councils is taking this work forward, and has so far produced draft policy documents for each authority to comment upon.

#### Next Level Actions

**Linked Cabinet Objective** C03 To work in partnership with Essex County Council and other statutory and voluntary agencies, to ensure the effectiveness of local arrangements and services to safeguard and promote the welfare of children and young people.

## C04.a - Achieve overall improvement in the Council's Key Performance Indicators

Performance Management Home

[Click to Update](#)

### How we will measure our performance

Target date for completion

Status

Sat-31-Mar-12

Under Control

The achievement of an agreed percentage improvement rate in respect of the Council's KPIs for 2011/12 by 31 March 2012

### Progress

(21/10/11) A range of thirty-eight Key Performance Indicators (KPIs) was originally adopted for 2011/12, comprising both former statutory indicators and locally determined indicators. The aim of the KPIs is to focus improvement on the Council's priorities and key objectives, and to enable regular evaluation of the success of particular services, functions or activities. Progress in achieving target performance in respect of the majority of KPIs is reported to the Finance and Performance Management Scrutiny Panel and the relevant Portfolio Holder at the conclusion of each quarter, although a number are designed to be reported annually at year-end only. An annual outturn report in respect of each of the KPIs is also made to the Finance and Performance Management Cabinet Committee.

A corporate target has been set for at least 70% of the KPIs for 2011/12 to achieve target performance by the end of the year.

Performance reports for each of the quarterly monitored (twenty-eight) KPIs for the period from 1 April to 30 June 2011 were submitted to the Scrutiny Panel at its meeting on 21 September 2011. The cumulative three-month position with regard to the achievement of target performance for the KPIs for 2011/12 was as follows:

- (a) 15 (53.57%) had achieved the first quarter performance target for 2011/12;
- (b) 12 (42.86%) had not achieved the first quarter performance target for 2011/12; and
- (c) 1 (3.57%) could not be reported for the first quarter of 2011/12, as relevant data was not available for the first three months of the year.

Performance reports for each of the quarterly monitored KPIs for the period from 1 April to 30 September 2011 were submitted to the Scrutiny Panel at its meeting on 15 November 2011. The cumulative six-month position with regard to the achievement of target performance for the KPIs for 2011/12 was as follows:

- (a) 14 (50.00%) had achieved the second quarter performance target for 2011/12; and
- (b) 14 (50.00%) had not achieved the second quarter performance target for 2011/12.

The Finance and Performance Management Scrutiny Panel has agreed (21 September 2011) the deletion of three KPIs for 2011/12 (KPI 57 - Local Development Scheme, KPI 58 - CO2 Reduction and KPI 59 - Fuel Poverty), in favour of other monitoring and reporting mechanisms. The total number of KPIs for 2011/12 is therefore now reduced to thirty-five.

The Scrutiny Panel has also reviewed the KPI improvement plans for each of the KPIs that have not achieved each quarterly performance target so far in 2011/12.

### Next Level Actions

Linked Cabinet Objective

C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The consideration by the Cabinet, by 31 March 2012 of the success of initiatives to improve value for money, service performance and responsiveness to the needs of communities, in partnership with other public, voluntary and private sector organisations across West Essex

Sat-31-Mar-12

On Track

**Progress**

(8/11/11) A Memorandum of Understanding has been signed between the three West Essex Authorities, which commits to looking to each other in the first instance with respect to shared services and joint procurement initiatives etc. Regular liaison meetings are held between the Chief Executives of the three authorities.

(14/10/11) The West Essex Housing Forum has been formed, comprising the Heads of Housing from the three local authorities. The Forum has:

- (a) Drafted the affordable housing elements of the West Essex Local Investment Plan (LIP)
- (b) Overseen the delivery of the LIP
- (c) Successfully bid for significant capital funding from the Government's Growth Area Fund including £90,000 and £50,000 for two affordable housing schemes on the Council's land at Millfield, High Ongar (straw houses) and Roundhills, Waltham Abbey respectively
- (d) Agreed in principle (subject to members' approval) to formulate a West Essex Strategic Tenancy Policy, as required by the Localism Bill, which will include joint presentations to members of the three local authorities

In addition, a Young Parent Scheme located in Ongar has been jointly commissioned with two neighbouring local authorities, one being Uttlesford District Council.

(24/10/11) The Council has now fully joined the North Essex Parking Partnership which includes the West Essex authorities (plus Colchester, Braintree & Tendring Councils). This should, over time, increase the efficiency of parking enforcement and related matters and generate further Continuing Services Budget savings.

**Next Level Actions**

Linked Cabinet Objective	C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure
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## C04.c - Continue to achieve high levels of revenue collection

[Performance Management Home](#)

[Click to Update](#)

### How we will measure our performance

Target date for completion

Status

Performance against next level actions C04.c.(i) and (ii)

(not specified)

(none)

### Progress

This is the high-level action for Key Objective C04.c. See progress against the specific next level actions C04.c.a(i) and C04.c(ii).

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### Next Level Actions

C04.c - (i) Continue to achieve high levels of Council Tax collection

C04.c - (ii) Continue to achieve high levels of National Non-Domestic Rates collection

Linked Cabinet Objective

C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

**C04.c - (i) Continue to achieve high levels of Council Tax collection**

How we will measure our performance

Collection of 97.9% of the Council Tax due for 2011/12 by 31 March 2012

Target date for completion  
 Sat-31-Mar-12

Status  
 On Track

**Progress**

(28/10/11) At the end of the second quarter of the year, the Council Tax collection rate was 52.70%, above the target of 52.40%. It is anticipated that the full-year target will be achieved.  
 (14.10.11) 98.1% of all current housing rents due and owed was collected in 2010/11, which was within the Council target and represents top quartile performance. Rent arrears in 2010/11 only represented 1.55% of the total rent due, again top quartile.

**Next Level Actions**

**Linked Cabinet Objective**  
 C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

### C04.c - (ii) Continue to achieve high levels of National Non-Domestic Rates collection

How we will measure our performance

Collection of 98.0% of the National Non-Domestic Rates due for 2011/12 by 31 March 2012

Progress

(28/10/11) The NNDR collection rate at the end of the second quarter of the year was 56.18%, marginally behind the target of 56.61%. However, this is ahead of the collection rate achieved at the same point in 2010/11 and so there is still a good chance that the target for the year will be achieved.

Next Level Actions

Linked Cabinet Objective  
C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure



## C04.d - Improve further the performance of the Benefits Service

[Performance Management Home](#)

[Click to Update](#)

### How we will measure our performance

Target date for completion

Status

Performance against next level actions C04.d.(i), (ii) and (iii)

Sat-31-Mar-12

(none)

### Progress

This is the high-level action for Key Objective C04.d. See progress against the specific next level actions C04.d(i) - C04.d(iii).

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### Next Level Actions

- C04.d - (i) Improve processing of new benefit claims for 2011-12
- C04.d - (ii) Improve processing of changes of circumstance for 2011-12
- C04.d - (iii) Complete the recommendations of Benefits Service Inspection

Linked Cabinet Objective

C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

### C04.d - (j) Improve processing of new benefit claims for 2011-12

How we will measure our performance

Processing of new benefit claims within an average of 23 days for 2011/12 by 31 March 2012

Progress

(28/10/11) At the end of the second quarter of the year, average performance is just under 27 days which is above the target of 23 days. Efforts will be made to improve performance in the second half of the year but it is unlikely that the target of 23 days will be achieved as the average for the whole year.

Next Level Actions

Linked Cabinet Objective

C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

### C04.d - (ii) Improve processing of changes of circumstance for 2011-12

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

Processing of changes of circumstance within an average of 8 days for 2011/12 by 31 March 2012

**Progress**

(28/10/11) At the end of the second quarter of the year, average performance was just under 9 days, which is above the target of 8 days. However, performance on this indicator is always strong in the final quarter and so it is still anticipated that the target of an average of 8 days will be achieved for the year as a whole.

**Next Level Actions**

**Linked Cabinet Objective** C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

### C04.d - (iii) Complete the recommendations of Benefits Service Inspection

#### How we will measure our performance

The completion, subject to consideration of proposals for the refurbishment of the Civic Offices Finance reception area, of the key recommendations of the January 2010 Benefits Service inspection, within the timescales agreed with the Audit Commission and Department for Work and Pensions

#### Progress

(6/10/11) Following a detailed feasibility study, Members decided not to refurbish the Finance reception area. Key recommendations arising from the Benefits Service Inspection not related to the reception area, have been progressed.

Target date for completion  
(not specified)

Status  
On Track

#### Next Level Actions

#### Linked Cabinet Objective

C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

**C04.e - Improve further the performance of the Housing Repairs Service**

How we will measure our performance

Target date for completion

Status

On Track

Sun-1-May-11

Completion of the 'Repairs Refresh Programme' and appointment of a Repairs Management Contractor, by the contract commencement date of 1 May 2011

**Progress**

(14/10/11) This progress report also covers Objectives C04.f and C04.g.

Mears Direct was appointed as the Repairs Management Contractor in May 2011, for a three year period with options to extend by two further periods of three years. Excellent progress has been made by Mears towards achieving the key deliverables. A number rely on the installation and roll-out of Mears' own IT System, which will enable appointments to be made for all repairs, jobs to be allocated to tradesmen electronically using hand-held technology, better stores control, automatic notification of progress with repairs to tenants by text, and better cost control. The system will be installed by Christmas 2011, and should then enable Mears to start working towards the achievement of the challenging performance targets set by the Council. Savings have also been identified, through joint initiatives and partnership working with Mears.

**Next Level Actions**

**Linked Cabinet Objective**

C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

## C04.f - Introduce a scheme for all housing repairs to be undertaken by appointment

[Performance Management Home](#)  
[Click to Update](#)

How we will measure our performance

Target date for completion

Status

The introduction of an appropriate scheme by 31 March 2012

Sat-31-Mar-12

On Track

Progress

(14/10/11) See progress report in respect of Key Objective C04.e.

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Next Level Actions

Linked Cabinet Objective

C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

### C04.g - Introduce mobile working arrangements for housing inspectors and tradesmen

How we will measure our performance

Target date for completion	Status
Sat-31-Mar-12	On Track

The introduction of appropriate mobile working arrangements by 31 March 2012

Progress

(14/10/11) See progress report in respect of Key Objective C04.e.

Next Level Actions

Linked Cabinet Objective  
C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure

## C04.h - Complete the redevelopment of the Limes Farm Hall

[Performance Management Home](#)

[Click to Update](#)


How we will measure our performance

Target date for completion

Status

The completion of the redevelopment of the Limes Farm Hall by 31 August 2011

Wed-31-Aug-11

 Under Control

### Progress

(25/10/11) Following an initial delay in progress of building works due to unforeseen circumstances, a further delay on completion of the development has been announced in regard to installation of new power cables by UK Power Network (EDF). Unfortunately this further delay has pushed the expected completion of works until January 2012, although the building works undertaken by the main contractor are expected to be completed by 21 November 2011. However, the quality of the build and finish of the new community facility is very high and it will be an excellent community asset.

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### Next Level Actions

**Linked Cabinet Objective**

C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure



### C04.i - Review provision and enforcement of on-street parking within the district

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

Performance against next level actions C04.i.(i) and (ii) (none)

**Progress**

This is the high-level action for Key Objective C04.i. See progress against the specific next level actions C04.i.(i) and C04.i.(ii).

#### Next Level Actions

- C04.i - (i) Completion of parking reviews for Buckhurst Hill, Epping & Loughton (The Broadway)
- C04.i - (ii) Consideration by the Cabinet of on-street parking enforcement options

<b>Linked Cabinet Objective</b>	C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure
---------------------------------	--

**C04.i - (i) Completion of parking reviews for Buckhurst Hill, Epping & Loughton (The Broadway)**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The completion of parking reviews for Buckhurst Hill, Epping and Loughton (The Broadway) in accordance with the agreed programme prepared by Essex County Council as highway authority: - Epping by 31 July 2011 - Buckhurst Hill by 29 February 2012 - Loughton (The Broadway) by 31 August 2012

**Progress**

(06/10/11) There continue to be delays in the implementation of the on-street reviews. This is primarily due to operational changes and resourcing difficulties at Essex County Council. The review for Epping has reached the formal order advertising stage (published 6 October 2011) and it is anticipated that the scheme will be fully implemented by the end of March 2012. No work will be undertaken on the Buckhurst Hill or Loughton reviews until the Epping review is completed.

**Next Level Actions**

<b>Linked Cabinet Objective</b>	C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure
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**C04.i - (ii) Consideration by the Cabinet of on-street parking enforcement options**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The consideration by the Cabinet by 31 July 2011 of on-street parking enforcement options following the completion of a review of existing enforcement arrangements by Essex County Council

**Progress**

(24/10/11) The Council is now a full member of the North Essex Parking Partnership (NEPP), which will take over enforcement duties in September 2012 when the existing contractual arrangements with Vinci Park end. The Cabinet agreed to negotiate with NEPP to also provide off-street parking enforcement when the Vinci contract ends, to sit alongside the Partnership's on-street enforcement responsibilities. The NEPP Partnership Board has agreed to the Council joining the off-street partnership (ratified 20 October 2011). Continuing Services Budget savings will arise through this new arrangement.

On Track
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**Next Level Actions**

Linked Cabinet Objective	C04 To seek continuous performance improvement and the best use of resources, against the background of diminishing public expenditure
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**C05.a - Freeze the Council Tax for 2011-12 to obtain specific Government grant**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The Council Tax for 2011-12 remaining unchanged from 2010-11	Thu-31-Mar-11	Completed
--	---------------	-----------

**Progress**

(2/7/11) The Council Tax has been successfully frozen for the 2011/12 municipal year. This has been achieved through a combination of prudent saving, investment and financial management, proactive sourcing of external funding and maximising efficiency in the delivery of all council services.

**Next Level Actions**

<b>Linked Cabinet Objective</b>	C05 To achieve the levels of net savings necessary to maintain the Council's sound financial position, and to provide the best level of service possible with reduced resources.
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## C05.b - Ensure reducing use of reserves over the period of the Medium-Term Financial Strategy

[Performance Management Home](#)  
[Click to Update](#)

### How we will measure our performance

Target date for completion

Status

Sat-31-Mar-12

Completed

The success of the Medium-Term Financial Strategy in reducing the use of reserves to balance the budget for 2014-15

### Progress

(6/10/11) The Medium-Term Financial Strategy adopted by the Council in February 2011 and the updated version agreed by the Finance & Performance Management Cabinet Committee in September 2011, both reduce the use of reserves over the period.

### Next Level Actions

### Linked Cabinet Objective

C05 To achieve the levels of net savings necessary to maintain the Council's sound financial position, and to provide the best level of service possible with reduced resources.

### C05.c - Ensure General Fund Reserves fall no lower than 25% of Net Budget Requirement

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The predicted level of the General Fund Reserve Balance for 2014-15

Sat-31-Mar-12	Completed
---------------	-----------

**Progress**

(6/10/11) Both the Medium-Term Financial Strategies approved in February and September 2011 show a General Fund Reserve Balance in excess of 25% of the Net Budget Requirement at the end of the period.

**Next Level Actions**

**Linked Cabinet Objective** C05 To achieve the levels of net savings necessary to maintain the Council's sound financial position, and to provide the best level of service possible with reduced resources.

## C06.a - Introduce an Open Market Shared Ownership Scheme providing interest-free loans for property purchases

Performance Management Home  
Click to Update

How we will measure our performance

Target date for completion

Status

Thu-31-Mar-11

(none)

Performance against next level actions C06.a.(i), (ii) and (iii)

Progress

This is the high-level action for Key Objective C06.a. See progress against the specific next level actions C06.a(i) - C06.a(iii).

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Next Level Actions

C06.a - (i) Provide eight interest-free loans to Broxbourne Housing Association

C06.a - (ii) Review of the Open Market Shared Ownership Scheme by the Housing Scrutiny Panel

C06.a - (iii) Provision of six further interest-free loans to Broxbourne Housing Association

Linked Cabinet Objective

C06 To maximise the provision of affordable housing within the district

**C06.a - (i) Provide eight interest-free loans to Broxbourne Housing Association**

How we will measure our performance

Target date for completion

Status

Fri-30-Sep-11

The provision of eight interest-free loans to Broxbourne Housing Association by 30 September 2011

Under Control

**Progress**

(14/10/11) Progress has been delayed due to the complexities of drafting the legal documentation for this unique and innovative project. However, the legal agreements were signed in October 2011. A marketing campaign has been undertaken to explain and promote the scheme, with letters sent to all Council tenants and housing applicants. Interested applicants are in the process of being contacted to provide further information, and appropriate candidates for the scheme will be selected. Selected applicants will then look for a property on the open market that they wish to live in on a shared ownership basis, and Broxbourne Housing Association, the Council's partner in the scheme, will then purchase the property and provide a shared ownership lease to the applicant. It is envisaged that the first sales will take place early in the new financial year.

**Next Level Actions**

Linked Cabinet Objective

C06 To maximise the provision of affordable housing within the district



### C06.a - (ii) Review of the Open Market Shared Ownership Scheme by the Housing Scrutiny Panel

Target date for completion  
Fri-30-Sep-11

Status  
Under Control

How we will measure our performance  
The review of the Open Market Shared Ownership Scheme by the Housing Scrutiny Panel, by 30 September 2011, with a view to undertaking a second phase and providing additional loans

#### Progress

(14.10.11) See progress report in respect of Key Objective C06a(i).

#### Next Level Actions

Linked Cabinet Objective  
C06 To maximise the provision of affordable housing within the district

## C06.a - (iii) Provision of six further interest-free loans to Broxbourne Housing Association


[Performance Management Home](#)  
[Click to Update](#)

How we will measure our performance

Target date for completion

Status

Sat-31-Mar-12

 Under Control

The provision of six further interest-free loans to Broxbourne Housing Association by 31 March 2012

Progress

(14.10.11) See progress report in respect of Key Objective C06a(i).

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Next Level Actions

Linked Cabinet Objective

C06 To maximise the provision of affordable housing within the district

**C06.b - Work with housing associations to complete new affordable housing schemes**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The completion of the following affordable housing schemes by 31 March 2012: - Epping Forest college, Loughton (39 homes) - Zinc, Chipping Ongar (9 homes) - Station Approach, Chipping Ongar (6 homes) - Sewardstone Road, Waltham Abbey (67 homes)

**Progress**

(14/10/11) The schemes at Epping Forest College, Loughton; Zinc, Ongar; and Station Approach, Ongar have all been completed. The large scheme at Sewardstone Road, Waltham Abbey is on site. However, although the first completions are expected soon, the scheme has been delayed due to problems with the provision of services to the site. Therefore, a number of completions due in 2011/12 will slip into 2012/13.

<p><b>Next Level Actions</b></p>
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Linked Cabinet Objective	C06 To maximise the provision of affordable housing within the district
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## C06.c - Work with Hastoe Housing Association to provide four affordable, straw-bale houses at Millfields, High Ongar

Performance Management Home  
Click to Update

How we will measure our performance

Target date for completion

Status

Thu-30-Jun-11

Under Control

The achievement of a start date on site of the Millfield Development by 30 June 2011

### Progress

(14/10/11) Following a residents consultation event and consultation with High Ongar Parish Council, the detailed plans for the development have been produced, and the planning application has been submitted (EPF/1898/11 - received on 06/10/11) for four affordable houses. Due to the unique and innovative use of straw bale construction, the design process has taken longer than originally envisaged. The final design takes account of two concerns raised by residents: (a) The amount of parking has been increased, to an amount significantly more than required; and (b) the sewerage will be treated on site, rather than discharging into the existing sewer system.

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Next Level Actions

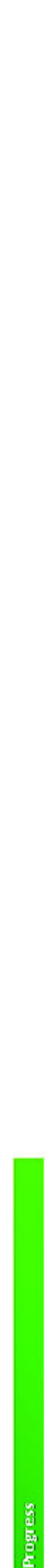
Linked Cabinet Objective

C06 To maximise the provision of affordable housing within the district

**C06.d - Fund the purchase of 5/7 two or three bedroomed houses on the open market to let at social rents**

How we will measure our performance	Target date for completion	Status
-------------------------------------	----------------------------	--------

The occupation of all properties purchased by the council's Preferred Housing Association Partner by 30 June 2011



(14/10/11) A tender exercise was undertaken amongst the Council's preferred housing association partners. However, based on the tenders returned, officers and the Housing Portfolio Holder did not think the purchase scheme would offer good value for money for the capital outlay. Consideration is therefore being given to better utilise the funding, by enabling more shared ownership purchases under Phase 2 of the Open Market Shared Ownership Scheme.

Discontinued

**Next Level Actions**

Linked Cabinet Objective	C06 To maximise the provision of affordable housing within the district
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**C07.a - Implement measures to mitigate the impact of the current economic conditions**

How we will measure our performance

The six-monthly reporting of the council's achievements and successes in mitigating the impact of the current economic conditions to the meetings of the Finance and Performance Management Scrutiny Panel to be held on 20 September 2011 and 20 March 2012

Target date for completion  
Tue-20-Mar-12

Status  
Under Control

**Progress**

(6/10/11) The Council has supported business events, such as promoting London 2012 Olympic related opportunities. A new 'Business Charter' has also been signed and both the Leader and the Finance and Economic Development Portfolio Holder (as Business Champion) are engaging with the local Federation of Small Businesses and other groups.

(24/10/11) Pricewaterhouse Coopers are reviewing the Council's fees and charges structures as part of the Revenue Income Optimisation exercise and consideration will be given, bearing in mind that fees have been frozen for three years, to any proposals to increase revenue from parking in terms of their impact upon local businesses.

(31/10/11) Regular attention is given to the income received (because this is reduced as construction has been limited during the recession). Attention is also being given to finding new sources of income.

**Next Level Actions**

**Linked Cabinet Objective**  
C07 To help mitigate the impact of the current economic conditions on local people and businesses, where resources permit and value for money can be achieved from the Council's activities

**C08.a - Agree a revised timetable for the preparation of the Core Planning Strategy**

**How we will measure our performance**

The completion of the Core Planning Strategy as part of the submission of the council's revised Local development Framework to the Planning Inspectorate by 31 March 2013

**Target date for completion**  
Sun-31-Mar-13

**Status**  
Under Control

**Progress**

(31/10/11) The Government is introducing significant changes to the planning system, and this may change the titles of documents, and other procedures. Consultation has recently ended on a new, simplified National Planning Policy Framework (NPPF). One risk is that the NPPF might not save existing local policies for long, or at all. The Leader of the Council and the Planning and Technology Portfolio Holder have asked officers to find different ways of meeting the timetable for the preparation of the Core Planning Strategy.

**Next Level Actions**

**Linked Cabinet Objective**

C08 To deliver a sound Core Planning Strategy of the Local Development Framework

## C08.b - Determine the level of future housing growth within the district

Performance Management Home  
Click to Update

### How we will measure our performance

Target date for completion

Status

The establishment of new housing targets for the district as part of the Issues and Options consultation for the Core Planning Strategy (Preferred Options Stage) by 31 March 2012

Sat-31-Mar-12

Under Control

### Progress

(31/10/11) See progress report in respect of Key Objective C08.a (Core Planning Strategy). This objective remains a challenging matter, and a challenging target.

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### Next Level Actions

Linked Cabinet Objective

C08 To deliver a sound Core Planning Strategy of the Local Development Framework



## C08.c - Complete Stage 2 (Issues and Options) of the Core Strategy consultation exercise


[Performance Management Home](#)  
[Click to Update](#)

How we will measure our performance

Target date for completion

Status

Sat-31-Mar-12

 Under Control

The completion of the Issues and Options consultation for the Core Planning Strategy by 31 March 2012

Progress

(31/10/11) See progress reports in respect of Key Objectives C08.a (Core Planning Strategy) and C08.b (Future Housing Growth).

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Next Level Actions

Linked Cabinet Objective

C08 To deliver a sound Core Planning Strategy of the Local Development Framework

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### **Report to Overview & Scrutiny Committee**

**Date of meeting: 29 November 2011**

**Subject: Overview and Scrutiny Work Programme – Six Monthly Review**

**Officer contact for further information: Simon Hill (Ext 4249)**

**Committee Secretary: A Hendry (ext 4246)**

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#### **Recommendations:**

**(1) That the current work programme be reviewed in accordance with rule 9.3 of the Overview and Scrutiny Rules having regard to:**

- (a) the resourcing and scope of the programme; and**
- (b) the reserve programme and new proposals from members.**

1. (Assistant to the Chief Executive). The Overview and Scrutiny Procedural rules state that 'The Overview and Scrutiny Work Programme shall be of six – months duration and be reviewed at or before the expiration of that six month period'.

2. The current work programme is attached. A review of this plan is therefore now due.

#### **Task and Finish Panels**

3. At the September 2011 meeting a new Task and Finish Panels was established: 'Senior Recruitment Task and Finish Panel', which has met once this year.

#### **Scrutiny Standing Panels**

4. No new Standing Panels were created this year.

#### **Reserve List.**

5. 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.

6. To date three items have been added to the work programme. One is to ask the Corporation of London to attend a meeting on the management of Epping Forest; another to ask the British Transport Police to attend to update the committee on their plans for the Olympics; and finally, to review the Mental Health Services in the District. 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.

7. Members need to bear in mind that new projects can be added but only if there is capacity among Panels and officers to undertake them.

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## Overview and Scrutiny Work Programme – November 2011

Overview and Scrutiny Committee			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Scrutiny of London Underground Ltd	Completed July 2011	<b>Completed</b> - Came in July 2011. To invite back sometime in 2012/13	31 May 2011; 12 July; <del>6 September</del> ; <del>18 October</del> ; 29 November; 24 January 2012; 6 March; and 17 April
(2) OS Annual Review/ Annual Report	April 2012	2011/12 Final Report to go to April 2012 meeting.	
(3) Scrutiny of Epping Forest Local Strategic Partnership – Chairman and Member level EFDC representatives	January 2012	Last completed - came in July 2010 - Representatives of the partnership to report on an annual basis.	
(4) Scrutiny of Cabinet Forward Plan	Progress report to October 2011	Completed - Last looked at in October 2011; to review again when Cabinet next year.	
(5) Six monthly review -  (a) Monitoring of OS recommendations  (b) OS work programme	November 2011	Last completed in November 10	

(6) To review the strategic direction of Epping Forest College, its vision for the future and its relationship with the Community	April 2012	<b>Completed in April 11.</b> Principal of Epping Forest College addressed the April 2011 meeting.	
(7) Budget Report	January 2012	Last completed January 2011	
(8) Review of Secondary and Primary education in the District and to focus on the link between Education and deprivation in the District.	In October 2011	<b>Completed</b> – Had Geoff Mangan, the Epping Forest 14-19 Co-ordinator for Epping Forest Secondary Schools attend the Oct. 11 meeting.	
(9) To receive a presentation from Youth Council members	November 2011	As last year, members of the Youth Council will attend with proposals for their funding bid for 2012/13 and give an update on their developing programme.	
(10) Broadband access in the District	TBA – An Interim report went to the February '11 meeting. Now waiting to get Service providers to a 2011/12 meeting.	BT and one other service provider to be asked to address the O&S Committee on access to broadband and speeds for the Epping Forest District Area.	
(11) Corporation of London	Looking to January 2012 meeting.	To receive a presentation on the management of the Epping Forest. A representative from 'Friends of Epping Forest ' to be invited as well.	NEW

(12) Police and Fire Rescue Services – To also ask British Transport Police to attend.	Looking to March or April 2012 meeting.  BTP to April meeting to update us on their plans for the Olympics.	With the current financial difficulty for statutory services, the Committee would like to see representatives of the Police and the Fire and Rescue Services address the meeting regarding the implications of their budget reductions – this to be arranged for the end of 2011 to give them time to assess the effects.	NEW
(13) Key Objectives 2010/11	Outturn report went to the 31 May 2011 meeting.	<b>Completed.</b> Six monthly progress reports in respect of the annual Key Objectives are made to the Cabinet and the Overview and Scrutiny Committee. Outturn report for 2010/11 submitted to the May 2011 Meeting.	
(14) Key Objectives 2011/12	Progress report to go to the November 2011 meeting	Six monthly progress reports in respect of the annual Key Objectives are made to the Cabinet and the Overview and Scrutiny Committee. Progress report for 2011/12 to be submitted to the 29 November 2011 meeting.	
(15) To review the new organisational make up of the PCT/ West Essex Health Service and the progress made on the commissioning of local health services.	For end of 2012 municipal year	Useful to look at this next year, after the Bill had gone through Parliament.  Noted that County were also looking at this topic.	
(16) To review the Lea Valley Regional Park Authority and the Olympics.	Completed - went to July 2011 meeting	<b>Completed</b> - Report to go to the July 2011 meeting.	

(17) Police Reform Proposals for Essex	September 2011	<b>Completed</b>	
(18) To meet with Essex County Council in respect of Children Services and on annual basis, with the attendance of the Director of Children's Commissioning.	Early 2012	Recommendation taken from the Children Services Task and Finish Panel. To invite an Officer and the Portfolio Holder.	
(19) Council Procedure Rules – reports on Outside Organisations	September 2011	<b>Completed</b> - Recommendation from the Constitution and Member Services Scrutiny Standing Panel – July 2011	
(20) Mental Health Services in the District.	Sometime in 2012	To consider the state of the Mental Health Services in the District	NEW



<b>Standing Panels</b>			
<b>Housing Standing Panel (Chairman – Cllr S Murray )</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(1) Presentation by Mears on proposed approach to Repairs Management Contract	July 2011	<b>COMPLETED</b>	19 July 2011; <del>25 October</del> ; 28 November 2011 Extra-Ordinary Joint Meeting with Finance & Performance Management Scrutiny Standing Panel; 31 January 2012; and 13 March
(2) Annual Report on the HomeOption Choice Based Lettings Scheme	July 2011	<b>COMPLETED</b>	
(3) HouseMark Benchmarking Report of Housing Services	July 2011	<b>COMPLETED</b>	
(4) Annual Ethnic Monitoring Review of Housing Applicants	July 2011	<b>COMPLETED</b>	
(5) Housing Performance Indicators – 2010/11 Out-turn (Tenant-Selected & KPIs)	July 2011	<b>COMPLETED</b>	
(6) 12-Month Progress Report on Housing Strategy Action Plan 2010/11	July 2011	<b>COMPLETED</b>	
(7) Housing Strategy Action Plan 2011/12	July 2011	<b>COMPLETED</b>	
(8) Performance against Housing Service Standards and Review	July 2011	<b>COMPLETED</b>	
(9) Feed-In Tariff Scheme for Council Housing Stock	October 2011	<b>COMPLETED</b>	

(10) Six-monthly Progress Report on Housing Business Plan Action Plan	October 2011	<b>COMPLETED</b>	
(11) Approach to future Council House-Building Programme	October 2011	<b>COMPLETED</b>	
(12) HRA 30-Year Financial Plan in Preparation for HRA Self-financing	October 2011	<b>Scheduled for joint meeting with Finance and Performance Management Scrutiny Panel on the 28 November 2011</b>	
(13) Housing Service Strategy on Empty Properties (Review and update)	October 2011	<b>Deferred to the meeting on the 31 January 2012 – Due to workload and other commitments</b>	
(14) Housing Service Strategy on Repairs and Maintenance (New)	October 2011	<b>Deferred to the meeting on the 31 January 0212 – Due to workload and other commitments</b>	
(15) Housing Service Strategy on Energy Efficiency (Review and Update)	October 2011	<b>Deferred to the meeting on the 13 March 2012 – Due to workload and other commitments</b>	
(16) Annual review of the Housing Allocations Scheme	October 2011	<b>Deferred to October 2012 – To await the outcome of the major changes to legislation relating to allocations proposed within the Localism Bill</b>	
(17) Review of Private Sector Housing Strategy	January 2012	<b>Not yet due</b>	
(18) Briefing on the proposed Council rent increase for 2010/11	January 2012	<b>Not yet due</b>	

(19) Six-monthly Progress report on Housing Strategy Action Plan 2011/12	January 2012	<b>Not yet due</b>	
(20) Housing Service Strategy on Home Ownership (Review and update)	January 2012	<b>Not yet due</b>	
(21) Housing Service Strategy on Housing and Estate Management (Review and update)	March 2012	<b>Not yet due</b>	
(22) Housing Service Strategy on Rent Administration (Review and update)	March 2012	<b>Not yet due</b>	
(23) 12-monthly Progress report on Housing Business Plan Action Plan	March 2012	<b>Not yet due</b>	
(24) Housing Service Strategy on Older People's Housing (Review and Update)	March 2012	<b>Not yet due</b>	
(25) HRA Business Plan 2012/13	March 2012	<b>Not yet due</b>	
<b>Items added after the original Work Programme was agreed</b>			
(26) Provision of smoke detectors in Communal blocks or Council properties	October 2011	<b>COMPLETED</b>	

(27) Outcome report on the implementation of new licences for park home sites	October 2011	Deferred to the meeting on the 31 January 2012 – Due to the resignation of both the Technical Officer (Private Sector) and the Environmental Health Officer undertaking the site inspections, which has delayed the programme, and to await the outcome of liaison meetings with site owners and representatives of resident’s associations, scheduled to be held before Christmas.	
(28) Solar PV to Council Housing	October 2011		

<b>Constitution and Member Services Standing Panel (Chairman – Cllr D Stallan)</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(1) New panel meeting dates for 2011/12	June 2011	<b>COMPLETED</b>	<del>30 June 2011;</del> <del>27 July;</del> <del>4 October;</del> <del>8 November;</del> and 20 February 2012
(2) Review of Referendum/Elections – May 2011	June 2011	<b>COMPLETED</b>	
(3) Complaints Panel – Terms of Reference	June 2011	<b>COMPLETED</b>	One extra meeting on 23 January 2012
(4) Substitutions at Meetings	June 2011	<b>COMPLETED</b>	
(5) Council Meetings – Member reports on outside bodies	June 2011	<b>COMPLETED</b>	
(6) Review of Membership of Audit and Governance Committee Deputy Portfolio Holder	8 November 2011	<b>COMPLETED</b>	

(7) Report of District Remuneration Panel	4 October 2011	<b>COMPLETED</b>	
(8) Report on Webcasting	23 January 2012	Revised report for January 2012 meeting.	
(9) Planning/Covenants – Council Responsibilities	23 January 2012	Discussed at the October Panel. Revised report will be submitted in due course.	
(10) Statutory Review of Polling Stations	4 October 2011	<b>COMPLETED</b>	
(11) Review of Petitions – Change in Legal Requirements	TBA	Currently awaiting passage of Localism Bill. Officers will report at appropriate time.	
(12) Reporting at Council meetings by Scrutiny Panel Chairmen	8 November 2011	<b>COMPLETED</b> - Preliminary scoping at the meeting in July 2011. Further report to November meeting recommendations due for submission to OSC (30.11.11) and Council meeting (13.12.11).	
(13) Member's Dispatch - Review	8 November 2011	<b>COMPLETED</b> - Recommendations to OSC (30.11.11)	
(14) Review of Officer Delegation	20 February 2012		
(15) Review of Contract Standing Orders and Financial Regulations	20 February 2012		
(16) Review of Annual Council arrangements	20 February 2012		
(17) Review of Member's representation on Outside Bodies	20 February 2012		
(18) Housing Appeals and Review Panel – Terms of Reference	23 January 2012		
As at November 2011 (19) Housing Appeals and Review Panel Order of Business	23 January 2012		10

**Safer, Cleaner, Greener Standing Panel (Chairman Mrs M Sartin)**  
**Work Programme 2011-12**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
<p>(1) Safer, Cleaner, Greener strategy</p> <p>(a) Enforcement activity – half yearly report</p> <p>(b) Half yearly report on Strategy Action Plan</p> <p>(c) Agree action plan for 2012/13</p>	<p>(a) To January 2012 meeting</p> <p>(b) To January 2012 meeting</p> <p>(c) To January 2012 meeting</p>	<p>(a) To put data to January '12 meeting.</p> <p>(b) To put data to the January '12 meeting.</p> <p>(c) Not required until January 2012 meeting</p>	<p>7 July 2011;  <del>11 October – cancelled;</del>  <del>17 October – Extra-Ordinary Meeting</del>            10 January 2012;            21 February; and            10 April 2012</p> <p>Crime and Disorder</p>

<b>Safer, Cleaner, Greener Standing Panel (Chairman Mrs M Sartin)</b>			
<b>Work Programme 2011-12</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
<p>(2) Community Safety</p> <p>(a) CCTV action plan – half yearly report</p> <p>(b) Receive reports from Community Safety Scrutiny meetings</p> <p>(c) Progress against strategic assessment</p> <p>(d) Progress towards appointment of Police &amp; Crime Commissioner.</p> <p>(e) Monitoring of Police resources relative to the Olympic Games</p>	<p>(a) To January 2012 meeting</p> <p>(b) To January 2012 and April 2012 meetings</p> <p>(c) To January 2012 meeting</p> <p>(d) To report when information available</p> <p>(e) To report when information available</p>	<p>(a) Data to the January '12 meeting</p> <p>(b) Report to be considered at January 2012 meeting</p> <p>(c) Data to January '12 meeting</p> <p>(d) Awaiting outcome of House of Lords amendments and referral back to the Commons.</p> <p>(e) Data not yet available</p>	<p>Scrutiny meetings – the 2 meeting dates are <del>October 2011</del> and February 2012</p>
<p>(3) Essex Waste Partnership Inter Authority Agreement</p> <p>(a) Receive notes/minutes of Member Partnership Board</p>	<p>(a) To receive notes/minutes when available</p>	<p>(a) A meeting was likely to be held in November 2011.</p>	



<b>Safer, Cleaner, Greener Standing Panel (Chairman Mrs M Sartin)</b>			
<b>Work Programme 2011-12</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(b) Receive notes/minutes of Inter Authority Member Group	(b) To receive notes/ minutes when available	(b) Draft Notes (unapproved) of meetings held on 7 June '11 submitted to 17 October meeting.	
(4) Waste Management Partnership Board  (a) Receive minutes of Partnership Board	(a) To receive notes / minutes when available	(a) Draft notes of meeting held on 16 June 2011 went to 17 Oct. meeting.	
(5) Green and Carbon Reduction Measures  (a) Nottingham declaration Progress against pledges – half yearly reports  (b) Carbon Reduction Strategy update	(a) January 2012.  (b) January 2012.	(a) last went to the July 2011 meeting  (b) Last went to the July 2011 meeting.	

<b>Safer, Cleaner, Greener Standing Panel (Chairman Mrs M Sartin)</b>			
<b>Work Programme 2011-12</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(6) Bobbingworth Tip			
(a) Receive reports on availability for public access	(a)	(a) Nature Reserve formally opened on 15 July 2011.	
(b) Receive notes/minutes of management/liaison group	(b) To January 2012 meeting	(b) Notes of meeting held on 25 May 2011	
(7) Ad hoc report asked for on improving recycling in flats and houses of multiple occupation	TBA		
(8) Ad hoc report asked for on the use of Solar Panels on Council owned properties.	TBA	Currently subject to a review by price Waterhouse Coopers as part of income generation assessment.	
(9) Roding River Catchment Environment Agency Consultation	17 October 2011	<b>Completed</b> - Extra ordinary Panel meeting to discuss the EA consultation on the Roding River. Previously discussed by the Planning Services Standing Panel in September.	

**Safer, Cleaner, Greener Standing Panel (Chairman Mrs M Sartin)**  
**Work Programme 2011-12**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(10) Roding River Catchment Environment Agency Consultation	TBA	To receive an updating report on the wider implications, once known, of the EA strategy on flood management in the Roding catchment area.	NEW
(11) New SITA Contract	TBA	To scrutinise the new SITA contract once details were known.	NEW

<b>Planning Services Standing Panel (Chairman – Cllr H Ulkan)</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(1) Reports to each meeting on: (a) Regional Plan (b) Local Development Framework (c) Current Staffing (d) Improvement Plan (e) Any recent meeting of the Chairman and Vice Chairman of the Area and District Committees Invitation Panel	Regular updating reports		14 June 2011; <del>13 September;</del> <del>3 October</del> 20 December; 7 February 2012; and 24 April
(2) Value for Money Provision: (a) Administration & Customer Support (b) Building Control (c) Development Control (including Appeals) (d) Economic Development (e) Enforcement (f) Environment Team (g) Forward Planning (h) Performance	Provide a report after the end of Quarter 4 on 2(c) + 2(e) and periodically on the other areas		
(3) To review a selection of controversial planning decisions to see if lessons can be learnt from their consideration.		This item has been extracted from the Terms of Reference of the Provision for Value for Money within Planning Services Task and Finish Panel and the current Panel.	

(4) To consider whether the reporting arrangements for Terms of Reference sections and those from the Section 106s (including how they are negotiated agreed and implemented strategically to secure community benefit), and appeals are sufficient (including how new legislation impacts on these) and recommend accordingly		This item has been extracted from the Terms of Reference of the Provision for Value for Money within Planning Services Task and Finish Panel and the current Panel.	
(5) Contributions to affordable housing (S106 Agreements)	Item carried forward from 2010/11 Work Programme	<b>COMPLETED</b>	
(6) Liaise with other planning authorities to learn from their work.	New Item	Quarterly meeting with other Essex Authorities discuss and share working practices. Benchmarking underway as part of local fee setting and charging of planning application fees.	
(7) CLG Consultation – Planning for Traveller Sites	New Item – June 2011	<b>COMPLETED</b>	
(8) Community Infrastructure Levy	New Item - June 2011 Panel meeting	A new draft CIL Strategy will be submitted in February 2012	
(9) Draft New Terms of Reference	To be announced	Requested by Councillor A Lion	
(10) Environment Agency Consultation – Roding River Area	September 2011	<b>COMPLETED</b>	

(11) Sustainable Framework for UK Aviation: Scoping Document	September 2011	<b>COMPLETED</b>	
(12) Essex County Council Minerals Development Document – Further Site Allocations Issues and Options Paper	September 2011	<b>COMPLETED</b>	
(13) Fee Setting – Development Control	September 2011	<b>COMPLETED</b>	
(14) New Draft National Policy Framework	October 2011	<b>COMPLETED</b>	
(15) Local Planning Regulations (CLG)	October 2011	<b>COMPLETED</b>	

<b>Finance and Performance Management Standing Panel (Chairman – Cllr D Jacobs)</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(1) Key Performance Indicators – Performance Outturn 2010/11	Outturn KPI performance report considered at the first meeting of the Scrutiny Panel in each municipal year.	<b>Completed</b> - KPI outturn report for 2010/11 to be considered at the meeting held on 21 June 2011.	21 June 2011; <del>20 September;</del> 15 November; <b>16 January 2012;</b> and 20 March
(2) Key Performance Indicators – Performance Monitoring 2011/12	KPI performance report to be considered on a quarterly basis.	Quarterly KPI performance report for 2011/12 to be considered at the meetings to be held in September 2011(qtr 1), November 2011 (qtr 2) and March 2012 (qtr 3).	
(3) Key Performance Indicators – Development of indicators set for 2012/13	Draft indicator set to be considered on the basis of third quarter KPI performance for 2011/12.	KPI proposals to be considered at the meeting to be held on 20 March 2012.	
(4) Quarterly Financial Monitoring	Reports to be considered on a quarterly basis.	First quarter information to be considered September '11, 2 <sup>nd</sup> quarter in November '11 and 3 <sup>rd</sup> quarter figures at the March '12 meeting.	
(5) Annual Consultation Plan	Report considered on an annual basis. Report went to the June '11 meeting.	<b>Completed</b> - Consultation Plan considered at first meeting of each municipal year. Report last went to the June 2011 meeting,	

(6) Detailed Portfolio Budgets	Had last been considered at the January 2011 meeting of the Cabinet Finance Committee.	Considered at the January '11 of the Cabinet Finance Committee – Annual review of the Portfolio Holders Budgets. To go again to the January 2012 meeting.	
(7) Medium Term Financial Strategy	To go to the January 2012 meeting	To review the Council's medium term financial strategy - January 2012.	
(8) Equality and Diversity - Monitoring and Progress	Progress report considered at the first meeting of the Scrutiny Panel in each municipal year.	<b>Completed</b> - Progress report for the 2010/11 to be considered at the meeting to be held on 21 June 2011.	
(9) Capital Outturn 2010/11 and use of transitional relief in 2010/11	Went to the June '11 meeting	<b>Completed</b> - Last considered at the June 2011 meeting	
(10) Provisional revenue Outturn 2010/11	Went to the June '11 meeting	<b>Completed</b> - Last considered at the June 2011 meeting	
(11) Fees and Charges	To consider at the November 11 meeting	<b>Completed</b> - Last went to November 2011 meeting.	
(12) Sickness Absence	Quarterly Reports	Quarterly Figures of the Council's Sickness Absence figures. Last Considered at the June, September and November 2011 meetings.	
(13) Value for Money & Data Quality Strategies.	September 2011	<b>Completed</b> – September 2011. Progress made against the Council's VFM and Data Quality Strategy.	



## Task and Finish Panels

### Senior Recruitment Task and Finish Panel (Chairman – Cllr K Angold-Stephens)

Item	Report Deadline / Priority		Programme of Future Meetings
First meeting to define Terms of Reference.	November 2011	First meeting held on 10 November 2011	10 November 2011

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## **Report to the Overview & Scrutiny Committee**

**Date of meeting: 29 November 2011**



**Report of:** Constitution & Member Services Standing Scrutiny Panel

**Chairman:** Councillor D Stallan

**Subject:** Audit and Governance Committee – Appointment of Portfolio Holder Assistants

**Officer Contact:** I Willett (01992 564243)

**Committee Secretary:** A Hendry (01992 4246)

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### **Recommendations:**

**(1) That a report be submitted to the Council recommending as follows:**

**(a) that Portfolio Assistants, except those involved with a Portfolio dealing with the Council's finances, be eligible for appointment to the Audit and Governance Committee, subject to careful consideration by the Councillor concerned of the need to declare a prejudicial interest in any matter relating to the relevant Portfolio which comes before that Committee;**

**(b) that the proposal set out in (a) above be reviewed after one year or if there is a change either in the roles of Portfolio Holder Assistants of the Audit and Governance Committee;**

**(c) that the designation "Deputy Portfolio Holder" be changed to "Portfolio Holder Assistant"; and**

**(d) that paragraph 11.6(a) (Councillor Members) of Article 11 of the Constitution (Audit and Governance Committee) be amended to read as follows (changes in bold text underlined):**

**"11.6(a) (Councillor Members)**

Councillors appointed to the Audit and Governance Committee may not also be members of the Cabinet, any Cabinet Committee or any Panel appointed by the Overview and Scrutiny Committee with responsibility for reviewing the Council's finances or financial procedures.

**A Portfolio Holder Assistant (other than any assistant involved in any portfolio dealing with the Council's finances) appointed by the Leader of the Council shall be eligible for appointment to the Committee"**

- (e) that the Standards Committee be asked to issue advice to Portfolio Holder Assistants on how such conflicts of interest should be dealt with and to consult with the Audit and Governance Committee before it is issued;
- (2) That the proposed review by the Audit and Governance Committee of its own constitution including the following specific matters be noted:
- (a) terms of appointment for independent members;
  - (b) method of appointing Councillor members of the Committee (including pro rata rules and appointment by Council rather than political groups);
  - (c) whether the Committee should be increased in size;
  - (d) whether there should be a majority of independent members; and
  - (e) whether there should be separate Audit and Governance Committees; and
- (3) That any review of the Constitution which results from (2) above be added to the work programme for this Panel; and
- (4) That the Audit and Governance Committee be advised of this Panel's view that the number of its members should be increased.

## **INTRODUCTION**

1. We have been requested to review the constitution of the Audit and Governance Committee to clarify whether a Portfolio Holder Assistant can be a member of that body. We consulted that Committee with our provisional proposals before deciding on our recommendations for any changes to the Constitution.

## **CONSULTATION WITH THE AUDIT AND GOVERNANCE COMMITTEE**

2. The Committee reviewed our proposals at its meeting on 22 September 2011. The Committee accepted that, on a trial basis of one year, its membership could include Portfolio Holder Assistants with the exception of any Assistants associated with a portfolio dealing with the Council's finances despite a number of reservations which were expressed as follows:

- (a) although there was currently no legal rule which excluded portfolio holder assistants, there was a preference to avoid conflicts of interest which might arise unless those conflicts were very carefully managed;
- (b) doubts were expressed that the Panel's comments regarding the degree of involvement in the portfolio and the particular skills of individuals really does offset the possible damage to the public perception of whether the Committee was truly independent;
- (c) there was a need for clear advice on conflicts of interest so that portfolio holder assistants who had been involved in matters to be discussed by the Committee know exactly how to respond;
- (d) worries were expressed that, with a membership of only 5, the withdrawal of a

Councillor due to a conflict of interest would reduce the Committee to 4 members or less, a possibility which would cause problems in carrying out their duties;

(e) it was acknowledged that the involvement of portfolio holder assistants might vary greatly between portfolios and individual topics; and

(f) it was accepted that the Committee should be able to use the talents of individual members and reducing the pool of Councillors available by excluding portfolio holder assistants, could be counter-productive.

3. The Council's External Auditor also attended the meeting and commented that any special skills contributed by Councillors to the work of the Audit and Governance Committee might outweigh the presence of a portfolio holder assistant as a member.

### **FURTHER REVIEW BY THE AUDIT AND GOVERNANCE COMMITTEE**

4. Recommendation (2) makes reference to a further review being planned by the Committee. A discussion paper will be submitted to a future meeting of the Audit & Governance Committee and we are recommending that any further constitutional changes requested should be referred to this Panel and added to its work programme.

5. This review arose because it is now some years since the Audit and Governance Committee was established and this would be the first overall review of its operations. Government plans for introducing statutory audit committees are also relevant.

### **CONSTITUTION**

6. Recommendation (1)(d) sets out the changes to the Constitution (Article 11, paragraph 11.6) which follows from our recommendation. Consequential changes to other parts of the Constitution will be made by the Assistant to the Chief Executive.

7. We have accepted the view of the Audit and Governance Committee that advice to Portfolio Holder Assistants and how to deal with conflicts of interest should be given by the Standards Committee. We are recommending that there should be consultation between the two Committees before that advice is issued.

### **DEPUTY PORTFOLIO HOLDERS**

8. We are recommending that the term "Deputy Portfolio Holder" should be replaced by "Portfolio Holder Assistant"

9. This is because we feel that "Deputy Portfolio Holder" is a misnomer in that the nominated Councillors are not able under the legislation, to deputise for a Cabinet member. In the event of a Cabinet member being unable to act, it would be the responsibility of the Leader of Council to re-allocate the function to another Cabinet member, including the Leader. We feel that "Portfolio Holder Assistant" more accurately reflects the role.

10. We recommend as set out at the commencement of this report.

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## **Report to the Overview and Scrutiny Committee**

**Date of meeting: 29 November 2011**

**Report of:** Constitution and Member Services  
Standing Scrutiny Panel

**Chairman:** Councillor D Stallan

**Subject:** Reporting by Scrutiny Panel Chairmen at Council Meetings

**Officer Contact for further Information:** Ian Willett (01992 564243)

**Democratic Services Officer:** Adrian Hendry (01992 564246)



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### **Recommendations:**

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

(a) that the principle of Scrutiny Panel Chairmen presenting reports at Council meetings be approved;

(b) that Overview and Scrutiny Procedure Rules 12(3)(h) (Standing Scrutiny Panels) and 13(3)(h) (Task and Finish Scrutiny panels) be amended to read as follows:

“be able, after consideration by the Overview and Scrutiny Committee, to report to the Council, the Cabinet, a Cabinet Committee, a Portfolio Holder or any other Council body”;

(c) that Overview and Scrutiny Procedure Rules 12(4) and 13(3) be further amended by the addition of the following sub paragraphs:

“(i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Scrutiny Panel is involved, in which case any report to another Council body will be in the name of the Overview & Scrutiny and presented by its Chairman

(j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview & Scrutiny Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency;

(d) That, at Council meetings, the written report of the Chairman of the Overview and Scrutiny Committee be dealt with prior to the reports by the Committee or any of its Panels and grouped under a single item relating to Overview and Scrutiny business; and

(e) That the Assistant to the Chief Executive be authorised to make any other consequential amendments to the Constitution arising from the above changes.

## **Report:**

### **1. Introduction**

1. The Constitution and Member Services Scrutiny Standing Panel has reviewed the presentation of Overview and Scrutiny reports at Council meetings.

### **Current Procedure**

2. Standing and Task and Finish Scrutiny Panels have the status of sub-committees of the Overview and Scrutiny Committee in that they are appointed by the Committee and report on their work programmes and the progress they are making. As such, Panels would not normally report to the Council unless specifically authorised to do so by the Committee.

3. The current arrangements are set out in Overview and Scrutiny Procedure Rules 12 (Standing Scrutiny Panels) and 13 (Task and Finish Scrutiny Panels). The requirements for both types of Panel are the same:

"Panels will be able, with the prior approval of the Overview and Scrutiny Committee, to report direct to the Cabinet, a Cabinet Committee, a Portfolio Holder, another Committee or to the Council with recommendations".

In practice, this procedure is only being exercised in one or two cases of urgency.

### **General Considerations**

4. Most work is carried out by Overview and Scrutiny is conducted through the Standing and Task and Finish Panels. The Constitution envisages that the Overview and Scrutiny Committee will effectively manage the work of those Panels, agreeing their work programme receiving progress reports against deadlines set. Although the Committee itself undertakes some Scrutiny work particularly in questioning representatives from other public bodies about service changes, etc. which might affect the District, most detailed work is nevertheless, conducted through those Panels.

5. Bearing in mind the work undertaken by Panels, it can be argued that it should be the Panel Chairmen, rather than the Chairman of the Overview and Scrutiny Committee, who should present reports as they have detailed knowledge of the matter concerned. Such reports when submitted to the Council might involve changes to Council policies and practices where detailed knowledge of the Panel Chairman is desirable in order to answer questions at Council meetings.

6. On the other hand, the Overview and Scrutiny is constitutionally the counterbalance to the Cabinet. Overview and Scrutiny is required to monitor the work of the Cabinet, if necessary calling in decisions for further review and also to undertake policy work on behalf of the Council whether requested by the Cabinet or otherwise, in a way which is unencumbered by the executive responsibilities of executive members.

7. Because of this, we consider it is important that the role and status of the Chairman of the Overview and Scrutiny Committee is not undermined to such an extent that the position is seen to be less significant than the Panel Chairmen and the Cabinet. In conducting the review and framing our recommendations, we have tried to balance this against what we see as a desirable charge whereby Panels would submit reports at for example Council meetings.



8. Panel reports should in our view still be considered by the Overview and Scrutiny Committee unless there is a need to deal with a Panel report more quickly. In such cases we are recommending that there should be a prior consultation with the Chairman of the Overview and Scrutiny Committee so as to agree the degree of urgency.

### **Key Changes**

9. We are recommending (1)(b) and (c) above changes to the Overview and Scrutiny Rules to allow this new reporting procedure to be introduced.

The key features of these changes are as follows:

- (a) reports presented to the Council will be in the name of the Scrutiny Panel;
- (b) the same rules will apply to Standing Scrutiny Panels and Task and Finish Panels;
- (c) all Panel reports will continue to be submitted to the Overview and Scrutiny Committee in the first instance unless the report is urgent in which case the chairman; and
- (d) the procedure will apply to Scrutiny Panel reports which are presented to other Council bodies such as the Cabinet.

### **Consultation**

10. The Panel consulted all Panel Chairmen together with the Chairman of the Overview and Scrutiny Committee for their views. The closing date of 9 September 2011 was set and any Panel Chairmen or the Chairman of the Overview and Scrutiny Committee were also invited to attend our last meeting if they so wished in order to express their views directly. No adverse comments were received.

### **Council Agenda**

11. We are keen not to give the impression of downgrading the status of the Chairman of the Overview and Scrutiny Committee by allowing Panel Chairmen to present their reports. We re-affirm that the Overview and Scrutiny Committee Chairman still has the key role under the Constitution. To emphasise this, we recommend that the written report of the Overview and Scrutiny Committee Chairman which is already submitted to each Council meeting about recent developments should be transferred from its present position on the agenda alongside Portfolio Holder reports to a new Overview and Scrutiny agenda item which would also cover any Panel reports.

12. We recommend as set out at the commencement of this report.

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## **Report to the Overview and Scrutiny Committee**



**Date of meeting:** 30 November 2011

**SCRUTINY**

**Report of:** Constitution and Member Services SSP  Epping Forest District Council

**Subject:** Member Agenda Despatch Arrangements

**Chairman:** Councillor D Stallan

**Responsible Officer:** I Willett (01992 564243)

**Democratic Services Officer:** Adrian Hendry (01992 564246)

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### **Recommendations:**

- (1) That the changes being made by the Director of Corporate Support Services in respect of member postal despatches be supported, namely:**
  - (a) postal despatch – Tuesday each week;**
  - (b) messenger delivery – Friday each week;**
- (2) That the Portfolio Holder for Corporate Support Services be advised of these changes which should achieve a DDF saving of £3,000 per annum in 2012/13 so that this figure can be incorporated in the draft budget;**
- (3) That the Portfolio Holder be encouraged to undertake a wider review of messenger/administrative and related services with a view to making further economies in future years;**
- (4) That the question of making use of new technology for members' agenda and meeting arrangements be included in the Work Programme for this Panel in 2012/13; and**
- (5) That, pursuant to (4) above, legal advice be obtained on the current provisions of the Local Government Act 1972 in regard to paper copies of agenda and whether electronic despatch arrangements compromise the Council's responsibilities in this regard.**

### **1. Introduction**

- 1.1 We have undertaken a review of member despatch arrangements. We received background information on this service on which the Panel based that review and were also advised that a review of the messenger service was already being undertaken in the Corporate Support Services (CSS) Directorate.

### **2. Organisation of Despatch Arrangements**

- 2.1 We noted that agendas, minutes and similar documents are co-ordinated by Democratic Services in the Office of the Chief Executive. In that role, all Directorates

are involved, being responsible for many of the reports destined for member consideration. Agendas etc. are produced via the Modern.gov software (COMS) in Democratic Services. The required printed copies are produced in the Reprographics Section of Corporate Support Services Directorate and are despatched (externally and internally) by the Administration Section of the same Directorate.

### **3. Legal Requirements**

- 3.1 We noted that the legal requirements shape the despatch arrangements. Two statutory timetables apply to all formal meetings of the Council:
- (a) five clear days' notice of meetings must be given to the public; and
  - (b) despatch of agenda papers to Councillors and availability to the public must be at least five clear days before a meeting.
- 3.2 On (a), this is achieved by a notice at the Council offices which is the minimum requirement of the legislation. Some local authorities publish forward meeting dates via press notices or by other means (e.g. Council newspapers). EFDC relies on the statutory minimum requirement and has done so since 1974. A notice of meetings is published on the website and in the reception area of the Civic Offices.
- 3.3 On (b), despatch of "hard copy" agenda takes place on Tuesdays and Fridays and would provide five clear days notice for meetings held in the early part of week 2 after despatch (Tuesday) and the latter part of that week (Friday). This also reduces the number of ad hoc postings.

### **4. Five Clear Days - Definition**

- 4.1 We were advised that this term, or more particularly "clear" is not defined in the legislation. Various legal cases have however resulted in a definition that "clear days" must exclude:
- (a) the date of despatch;
  - (b) the date of the meeting;
  - (c) weekends; and
  - (d) Bank or Public Holidays.
- 4.2 Despatch dates are therefore earlier than 5 clear days might imply. However, this can be seen as an advantage to Councillors, the public and the press in that over a week is normally available for papers to be read.

### **5. Paper Agenda**

- 5.1 The legislation (LGA 72) was drafted before the advent of the electronic age and Councils are still required to deposit paper copies for the public and press. The press have said to the Council that they are happy to rely on the website to view the agendas.
- 5.2 For Councillors, the Act says that copies can either be posted to them or left at the address they specify (usually their home address). For the purposes of the Act either is sufficient service. Members are able to specify another address for delivery by

means of a written notice. However, the Act implies delivery of a paper agenda and there is thus a risk of challenge if Councils rely solely on electronic delivery.

## **6. Lack of Notice**

- 6.1 Business may not be transacted at a meeting unless the 5 clear days' notice has been given. Any decisions in these circumstances could be at risk of challenge, probably in the Courts.

## **7. Late Items**

- 7.1 Other business can be dealt with, however. So long as a covering item is set out in the published agenda, late circulation of the related report is deemed to fulfil the requirements for notice, albeit that this is not ideal. Urgent business (i.e. that which is not included in the published agenda) can also be admitted but only with the approval of the Chairman of the meeting to the grounds for urgency, which must be recorded.

## **8. Current Practice**

- 8.1 The legislation is drafted on the basis of full Council meetings and then applied to Committees, Sub-Committees, the Cabinet, etc. With this in mind, the current practice is to supply hard copy agenda to every member of the body concerned. Non members are expected to rely on e-mail notifications to read/print their agenda. A small stock of hard copy agenda are kept in Democratic Services for:

- (a) Councillors who are not members; and
- (b) the public attending the meeting.

- 8.2 Paper copies are also available in reception at the Civic Offices.

## **9. Messenger Delivery**

- 9.1 For many years despatch of all agenda was by post. In the late 1990's, the cost of postage was such that the use of messenger deliveries came under consideration. The Council transferred to this arrangement when the LGA 2000 extended the notice period for "3 days" to "5 clear days". Use of messengers significantly improved the reliability and security of delivery within the timescale and was cheaper. This system has continued to the present day.

- 9.2 Since the current messenger delivery arrangements were introduced, postal charges have changed. This has triggered a review of messenger arrangements in the Corporate Support Services Directorate. This review established that traditionally the Tuesday despatch is lighter and is now cheaper to post than using a messenger. The Friday despatch is usually the heavier and is more economical if messenger delivery is retained.

- 9.3 This review coincided with the retirement of one messenger employed part time on members' despatch. We were asked whether the change to a postal despatch on Tuesday met with member approval. If so, this would enable a DDF saving to be achieved in next year's budget in a sum of £3,000. We are happy to support this change as we have been reassured that the members' despatch will not be adversely affected and will reduce costs.

- 9.4 We expressed the view, however, that the Corporate Support Services review should go further. We discussed the role of other messengers and felt that all budgets should be examined with a view to identifying whether further savings could be achieved. In other words, we felt the review should extend beyond the members' despatch.
- 9.5 We understand that such a review is outside our terms of reference and we are therefore recommending that the current proposals and the savings planned plus the wider review we have discussed should be referred to the relevant Portfolio Holder. We hope that the DDF savings mentioned are regarded as an interim position only.

## **10. New Technology**

- 10.1 We have noted the efforts of officers to reduce the paper used as part of the weekly despatch. Over the last five years a number of reductions have been possible. To some extent this has been offset by the rising number of meetings being held. This year however, with the decrease in some meeting rotas, particularly Area Plans Sub-Committees, this trend has been reversed.
- 10.2 As stated earlier in this report, the LGA 72 dictates how members receive information. However, some members have informed us of their wish not to receive paper agenda. These arrangements are likely to become more common as Councillors adopt new technology.
- 10.3 Through contact with other authorities, officers are aware of the growing number of Councils that are looking to these new technologies to save resources. Of particular interest to Members will be the new "App" being developed by the Council's Committee Management System providers, Modern.gov. This will enable all agenda, supplementary papers and minutes to be 'pushed' to an Apple device ready for members to bring with them to meetings. It includes the ability to annotate documents with notes taken by members at the meetings.
- 10.4 This has the potential to replace the traditional committee despatch arrangements. It does have implications in terms of implementation namely:
- (a) how the technology is funded, a business case or whether current resources could be used in different ways eg: Members' IT allowances;
  - (b) a legal advice on the prescription of the LGA 72; and
  - (c) practical issues relating to technology in the Council's public rooms, for example electrical supply points and Wireless technology in the Civic Offices complex.
- 10.5 We have asked officers to continue their assessment of the potential of this application and we are recommending an item be included in our work plan for the next municipal year when it is envisaged that this technology will be commercially available. In the meantime, we are recommending that legal advice be sought on the Local Government Act 1972 provisions regarding paper agenda.



## SCRUTINY



### **Report to Overview and Scrutiny Committee**

**Date of meeting: 29 November 2011**

**Subject: Senior Recruitment Task and Finish Panel – Terms of Reference and scoping plan**

**Officer contact for further information: C O'Boyle**

**Committee Secretary: Simon Hill Ext 4249**

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#### **Recommendations:**

- (1) That the Panels' Aims and Objectives and the Terms of Reference set out in paragraph 4 of this report be agreed; and**
- (2) That the proposals of the Panel to seek to submit their final report by the 6 March 2012 Overview and Scrutiny Committee meeting be agreed;**

#### **Introduction and Background**

1. Following a report to the Council by the Audit and Governance Committee, Overview and Scrutiny Committee were asked to undertake a review of the reporting procedures for the recruitment of the Chief Executive.
2. The Overview and Scrutiny Committee, at its meeting on 6 September 2011, agreed to establish a Task and Finish Group to facilitate this review.
3. The Committee appointed the following members to serve on the Panel:  
  
Councillors K Angold-Stephens (Chairman), Mrs A Grigg, J M Whitehouse, R Bassett and D Stallan.
4. The first meeting of the Panel was held on 10 November 2011. The Panel has identified its aims and objectives and Terms of Reference which are reproduced below:

#### **“Aims and Objectives**

To bring forward a procedure for the reporting of complex and sensitive contracts to members and a procedure to be followed in the event of such contracts being entered into.

To report their findings to the Overview and Scrutiny Committee for onward consideration by the Council.

To have agreed written procedures in place in time to inform the outcome of the recruitment to the position of Chief Executive which is currently vacant and any issues arising from the review by Ernst and Young in respect of the corporate management structure. “

#### **“Terms of Reference**

1. To consider and formulate a written procedure for reporting complex and sensitive senior officer employment contracts to members;
2. To consider the scope and agree positions to which these arrangements

should apply (eg. Chief Executive; Deputy Chief Executive; Directors; Assistant to the Chief Executive and other statutory officers);

3. To formulate a procedure on how the Council seek advice on the form of contract and other contractual considerations arising from senior staff appointments taking account of lessons learnt from previous cases;

4. To bring any other recruitment issues arising from the review to the attention of the Committee for the Appointment of the Chief Executive;

5. To report to the Overview and Scrutiny Committee with recommended procedures by 6 March 2012.”

**Timetable:**

5. The following timetable has been agreed:

<b>Meeting</b>	<b>Date</b>	<b>Purpose and Outcome</b>
First meeting of the Panel	10 November 2011	To have agreed the aims, objectives, terms of reference; information/evidence required and timetable
Second meeting of the Panel	15 December 2011	To receive and consider information/evidence
Third meeting of the Panel	TBA	To consider findings of the review and compile recommendations for the final report.
Overview and Scrutiny Committee	6 March 2012	To receive the formal procedures and related recommendations

6. Members are asked to endorse the Aims and Objectives; Terms of reference and proposed work plan.



## Two skills sessions for Overview & Scrutiny Members

### **Session 1: 15 March 2012 Location: EFDC Offices Epping** **An introduction to Overview and Scrutiny: how to be effective**

- 6.30 Introduction and the programme**
- 6.40 Overview and Scrutiny – what is it and what does it do?**
  - origins and purpose
  - what can Overview and Scrutiny cover?
  - the various roles of Overview and Scrutiny
- 7.15 The new localism – preparing O & S for new developments**
- 7.45 Developing and managing an effective work programme**
  - a committee's work programme: what are you trying to do?
  - planning and managing the annual work programme
  - in-depth reviews: how they work and your role
- 8.15 Break**
- 8.20 Work programming skills exercise (with feedback)**
- 9.20 Reflections and ways forward**
- 9.30 Evaluation and close**

### **Session 2: 29 March 2012 Location: HDC Civic Centre, Harlow** **Assessing evidence and questioning skills**

- 6.30 Introduction and the programme**
- 6.40 Understanding and evaluating evidence**
  - different types of evidence
  - how robust is the evidence – how to test its validity and strength
- 7.10 Preparing for and getting the best out of a meeting**
  - putting ourselves and others at ease
  - how to get people talking
  - listening skills
- 7.30 Effective questioning: tools and strategies**
  - types of questions for different purposes
  - questioning pitfalls
  - sequencing your questions
- 8.15 Break**
- 8.20 Questioning skills exercise (with feedback)**
- 9.20 Reflections and ways forward**
- 9.30 Evaluation and close**

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