

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

**Committee:** Overview and Scrutiny Committee      **Date:** Tuesday, 17 April 2012

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 8.37 pm

**Members Present:** Councillors R Bassett (Planning Portfolio Holder) (Chairman) D Wixley (Vice-Chairman) Ms R Brookes, K Chana, D Jacobs, Mrs S Jones, S Murray, Mrs M Sartin, D Stallan and G Waller

**Other Councillors:** Councillors Mrs M McEwen, Mrs P Smith, Mrs L Wagland and J Philip

**Apologies:** Councillors D C Johnson

**Officers Present:** D Macnab (Acting Chief Executive), S G Hill (Senior Democratic Services Officer), I Willett (Assistant to the Chief Executive), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

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### **92. 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.

### **93. SUBSTITUTE MEMBERS**

There were no substitute Members for the meeting.

### **94. MINUTES**

#### **RESOLVED:**

That the minutes of the last meeting of the Committee held on 6 March 2012 be agreed.

### **95. DECLARATIONS OF INTEREST**

There were no declarations of interest made pursuant to the Council's Code of Member Conduct.

### **96. CALL-IN - CABINET DECISION ON FIRE SAFETY IN FLAT BLOCKS - ITEM WITHDRAWN AND REFERRED TO HOUSING SCRUTINY PANEL**

The Committee noted that following further consideration and in accordance with the Overview and Scrutiny procedure rule 20(3), the Chairman had determined that consideration of the call-in be referred to the Housing Scrutiny Standing Panel as that Panel has previously discussed the matter in detail.

### **97. EXECUTIVE & REGULATORY DECISION MAKING**

The Chairman of the Constitution and Member Services Standing Panel, Councillor Stallan, introduced their report tidying up the Constitution on matters concerning the Council's property interests and regulatory decisions. The report dealt with the following Panels and Committees:

- District development Control;
- Area Plans Sub-Committees;
- Licensing Committee & Licensing Sub-committees; and
- The Executive/Cabinet.

The report recognised the need to separate the Council's general role as landowner from its role as regulatory authority. The particular Council functions which were relevant to this issue were planning and licensing.

It was recognised that executive decisions on service provision were made on the basis of legality, probity and financial/technical considerations. Regulatory decisions followed separate processes and should not take account of the Council's property role. It was also noted that the current constitution clearly distinguishes those functions which may be dealt with by the Executive (e.g. managing the Council's property portfolio) and these other regulatory roles which did not fall to the Cabinet.

A review had been carried out of the need to amend any constitutional requirements so as to specify the difference between landowner and regulatory decision-making. Three changes were suggested:

- (a) to the terms of reference of the District Development Control and Area Plans Sub-Committees;
- (b) to the terms of reference and operational rules of the Licensing Committee and its Sub-Committees; and
- (c) to the Executive Procedure Rules.

The Committee thought that it was sensible to take each issue on its own merits and agreed the changes suggested.

#### **RESOLVED:**

That a report be submitted to the Council recommending the following changes to the Constitution:

#### **(a) District Development Control/ Area Plans Sub-Committees/ Licensing Committee/ Sub-Committees**

That the following paragraph be added to the terms of reference of the District Development Control Committee (as paragraph 6), Area Plans Sub-Committees (as paragraph 13) and the Licensing Committee (as paragraph 8):

"(...) The Committee/Sub-Committee\*, in exercising its powers and duties under these terms of reference, shall disregard any connection with the Council's property interests when taking regulatory decisions on behalf of the Council except in any case where the proposal has merits in planning terms."

\*as appropriate

**(b) Conduct of Business by Licensing Committee and Sub-Committees**

That paragraph 5.1 (b) (i) of the document entitled "Conduct of Business by Licensing Committee and Sub-Committees" be amended to read as follows (addition shown in bold text):

"(i) The rules on declarations of interests shall be firmly applied. **So as to avoid any appearance of bias, members of the Licensing Committee or of any Sub-Committee shall disregard any connection between a licensing decision and the Council's property interests and shall deal with such business solely in accordance with statutory licensing procedures and the Council's policy in that regard.**"

**(c) The Executive/Cabinet**

That Paragraph 2.2 of the Executive Procedure Rules (entitled "What Business?") be amended by the addition of the following paragraph:

"In dealing with any of the above-mentioned business and, in particular, any matters relating to the Council's property interests, the Cabinet, Cabinet Committees and individual portfolio holders acting under delegated powers shall be mindful that any such decision will not pre-determine any subsequent regulatory decision by the authority which may arise."

**98. CIRCULATION OF PAPER AGENDA**

Councillor Stallan introduced the second report from the Constitution and Member Services Standing Panel on the circulation of agenda. They were concerned about whether distribution lists should be reviewed so as to reduce the amount of paper copies in circulation. This had to be based on the legal requirements which were being clarified by obtaining Counsel's opinion on:

- (a) a move to an electronically based dispatch system for all agenda and to all Councillors; or
- (b) a health check on the current arrangements for electronic notification to non-members, with paper copies sent only to members of the Council body concerned. However, this would not apply to the following agendas:
  - Cabinet;
  - Council;
  - Standards Committee; and
  - Overview and Scrutiny Committee.

These would be sent to every member of the Council as a paper copy.

The Panel proposed that, from the start of the 2012/13 Council year, paper agenda will only be sent to members of Council bodies. They also proposed that non members should "opt in" if they wish to receive paper agenda as non members. A pro forma would be provided for this purpose.

They will also be considering electronic options for Council agenda in the new Council year. This may include the use of new technology at meetings which will make the use of paper agenda redundant. Those proposals would, however, have to await legal advice as to whether full electronic delivery would meet the requirements of the Local Government Act 1972.

On the whole the Committee were happy to accept the recommendation that members should 'opt in' to receive paper agendas for the Committees/Panel they were not members of. However, they wished a notice (with a relevant form) is put in the Council Bulletin reminding members that they would have to opt in to this new system. A form was also to be sent out separately to members.

**RESOLVED:**

- (1) That with effect from the Annual Council meeting 2012, non-members of any Council body be invited to 'opt in' to receive paper agenda;
- (2) That paper copies of Council, Cabinet, Standards Committee and the Overview and Scrutiny Committee continue to be sent to all Councillors; and
- (3) That the Management Board be asked to conduct a review of paper agenda distribution to Directorates with a view to reducing costs further.

**99. DRAFT OVERVIEW AND SCRUTINY ANNUAL REPORT**

The Committee considered the draft Overview and Scrutiny Annual Report and made some minor amendments.

**RESOLVED:**

- (1) That the draft Overview and Scrutiny Committee Annual Report for 2011-12 was noted and commented on; and
- (2) That the final version of the report be given final approval at the June meeting.

**100. WORK PROGRAMME MONITORING****Work Programme****(a) Overview and Scrutiny Committee**

The Committee noted their work programme at the end of the year and that any uncompleted work would be kept over for the next year.

**(b) Housing Scrutiny Standing Panel**

The Chairman of the Housing Standing Panel, Councillor Murray noted that the work programme showed the completed work for the year and the items deferred until the next. He acknowledged that it had been a very busy year and praised the professionalism, knowledge and ability of the officers.

**(c) Constitution and Members Services Standing Panel**

The Chairman of the Constitution and Member Services Standing Panel, Councillor Stallan noted that they also had a busy year. He noted that item 16 on their work programme 'review of petitions' was to be carried over into the new year and that item 20 'review of member representation on outside bodies' was to be considered again in the new year.

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

The Chairman of the Safer Cleaner Greener Standing Panel, Councillor Sartin, informed the Committee of their last meeting held on 10<sup>th</sup> April, where they had considered the new Highways Panel arrangements and whether we should opt into the County's arrangements. She noted that the county were looking to set up a Highways Panel for the district. They had set aside just under £700k plus £135k for the Highway Ranger Service.

The Committee agreed that the District should join up to the new Highway Panel arrangements.

The Panel would be made up of 7 County Councillors and 7 District Councillors, to be appointed by the Appointments Panel. There would be no Town or Parish council representatives on this Panel. However, they were recommending that the Panel be held in public so that the Town and Parish councillors could attend.

The County would provide technical support to the Panel and the Acting Chief Executive, Derek Macnab, reassured the Committee that the officer earmarked for our Panel had worked with us before and was a competent Civil Engineer.

The Standing Panel also recommended that the District take over the administration of these Panels, arranging and clerking the meetings. This would give a measure of control over the meetings. This was agreed.

Councillor Stallan asked if we could opt out if this did not work out and suggested that it should be reviewed after a year. This was also agreed.

**RESOLVED:**

- (1) That the Overview and Scrutiny Committee agreed that Epping Forest District Council should join in the new arrangement for a Local Highways Panel;
- (2) That the meetings should be held in public and that the allocation of membership be referred to the Appointments Panel;
- (3) That the District Council take on the administration of the Highways Panel; and
- (4) That the Terms of Reference of the Safer Cleaner Greener Standing Scrutiny Panel be amended to enable them to monitor and review the Local Highways Panel.

As an aside the Portfolio Holder for Safer, Greener and Highways, Councillor Smith, informed the meeting that the new Parking Manager for the North East Parking Partnership would be happy to make a presentation to either this Committee or the Safer Cleaner Greener Standing Panel. The Chairman, Councillor Bassett, agreed that we would consider this when the Committee were considering their new Work Programme at their first meeting in the new year.

**(e) Planning Services Standing Panel**

The Committee noted their new work programme.

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

The Chairman of the Finance and Performance Management Standing Panel, Councillor Jacobs, noted that their work programme had been completed, except for

scrutinising the quarter 4 figures for the Council as they would not be ready until the new council year.

### **Next Years Work Programme**

To be reviewed at the Committees first meeting in June.

#### **(b) Reserve Work Programme**

See item below for new Task and Finish Panel request. Members were reminded that they could still submit topics for consideration by using the appropriate request form and handing it in to Democratic Services.

## **101. REVIEW OF RECENT TRAINING**

Councillor Bassett thanked members that turned up for the joint training sessions with Harlow. We had 16 members attending the session held here and 12 members went to the session held at Harlow.

Councillor Stallan said he was impressed with the presentations and agreed with the suggestion that we should hold a meeting prior to the attendance of anyone giving a presentation to the Committee so that a line of questioning could be agreed upon.

Councillor Bassett said it had also showed others ways we could Audit things and thought that sometime next year we should have a review of Overview and Scrutiny and how it works, especially with partnership working coming in. Councillor Stallan said that the current system had not been reviewed for 5 to 6 years and it was time we did some work on this. It would be appropriate that a Task and Finish Panel be set up next year reviewing what we are doing.

Councillor Brookes commented that it was excellent training and was glad that we had worked with another council. It would also be good to review how we work O&S.

Councillor Sartin said that a comparatively small number of members went to the training course and it should be more forcefully put to other members that they should attend. Councillor Stallan said that his Panel had discussed making training compulsory but it was not supported. The nearest they came was to suggest that members should be named on the website for not attending courses.

#### **RESOLVED:**

That a Task and Finish Panel be set up in the new year to review the Overview and Scrutiny system of the Council.

## **102. CABINET REVIEW**

The Committee considered the Cabinet agenda for their meeting to be held on 23 April 2012. Members wanted to express their support for agenda item 12 the report on Dog Control Order Areas.

As this was the last meeting of the year, the Chairman thanked all Committee and Panel members for their diligence through the year and especially the Chairmen of the various Panels.

In turn, members thanked the Chairman for his efficient chairmanship during the year, ensuring that the meetings ran smoothly.

Councillor Brookes thanked the officers for their hard work in organising the meetings.

**CHAIRMAN**