

EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

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

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.06 pm

Members Present: Councillors R Morgan (Chairman) K Chana, Mrs T Cochrane, Mrs R Gadsby, L Girling, D Jacobs, Ms H Kane, P Keska, A Lion, Mrs M McEwen, Mrs M Sartin, Ms G Shiell, Mrs P Smith and D Wixley

Other Councillors: Councillors R Bassett, W Breare-Hall, Mrs A Grigg, Ms J Hart, G Mohindra, D Stallan, Mrs L Wagland, Ms S Watson, Mrs E Webster and C Whitbread

Apologies: Councillors S Murray and J Philip

Officers Present: D Macnab (Acting Chief Executive), C O'Boyle (Director of Corporate Support Services), J Gilbert (Director of Environment and Street Scene), I Willett (Assistant to the Chief Executive), K Polyzoides (Assistant Director (Policy & Conservation)), C Pasterfield (Principal Valuer/Surveyor), I White (Forward Planning Manager), S G Hill (Senior Democratic Services Officer), T Carne (Public Relations and Marketing Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

By Invitation: K Moore

11. 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.

12. SUBSTITUTE MEMBERS

It was noted that Councillor G Shiell had substituted for Councillor J Philip and that Councillor T Cochrane had substituted for Councillor Angold-Stephens.

13. DECLARATIONS OF INTEREST

The Acting Chief Executive declared a personal interest in agenda item 7 'Review of Chief Executive appointment process' and indicated that he would stay for the hearing of the item.

14. MINUTES

RESOLVED:

That the minutes of the last meeting of the Committee held on 7 June 2012 be agreed.

15. CALL-IN FOR ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT PORTFOLIO HOLDER REPORT

The Committee considered the call-in of Portfolio Holders decision AMED-002-2012/13 regarding the outline planning application for the redevelopment of Pырles Lane Nursery for residential use. The call-in was concerned about the apparent lack of consultation with ward members; they also had concerns about road safety issues for both vehicles and pedestrians going to and from the site; they noted that approximately two thirds of the site was designated as urban open space on the current Local Plan so the proposal would pre-empt consultation on the new Local Plan; and they wanted to know if there had been a cost benefit analysis done on the future of the nursery.

The lead member of the call-in Councillor David Wixley was asked to open the discussion. He said that he would talk to the first three points. He was the local ward councillor for this proposed project. This was a big issue for local residents as a lot of their properties backed on to this site. In 2011 a petition was submitted, it had been signed by the residents of the 31 households to be affected; nothing happened until September 2011 when an item appeared on a Cabinet agenda. He then asked for a site visit but this did not happen. He did however, get some feedback from the Portfolio Holder at the time and he again asked for a site visit. Come the change of cabinet members in May 2012 he felt that he had been excluded, although since then he had discussed this with the new Portfolio Holder, but she had nothing further to report.

He made a plea that if a similar situation arose in the future the ward members should be consulted, and again he made a plea for a site visit to be arranged for this application.

He went on to address the road safety aspects of the call-in. This site had a concealed entrance situated on a bend in the road, which was covered in vegetation with a couple of busy road junctions nearly opposite. This gave major concerns for road safety and for the safety of pedestrians. One of the major problems on this was the sight lines and this should be given serious consideration as a safety issue.

He then addressed the third point and noted that two thirds of the site was adjacent to Hilly Fields which was designated as an urban open space and the proposed site was an extension of this space. It was inappropriate for EFDC to develop here.

Another signatory of the call-in, Councillor Jennie Hart took up the point of the lack of a cost benefit analysis. She indicated that it was difficult for members to know if this was done. She had a copy of a report issued in June 2011 for a Cabinet meeting – but this was withdrawn at the last minute. This should be reissued again for any new members who had not seen it. Has the economic side been considered, we can see what the economies were but have the benefits been considered? The only benefit she could see would be to the Dutch and Italian growers and none to our own nurseries here. With this loss would come a corresponding loss of skills from our workers. Importing plants when we could grow them was a dangerous policy. Why should we lose the nursery and the employment it brings, the training it gives to students and the loss of business? If anything the nursery should be expanded, but not necessarily on that site. There were good economic possibilities for a well run nursery.

We also needed good community involvement, to encourage people to use open spaces to grow vegetable etc., this would make the district into a forward looking authority.

The responsible Portfolio Holder, Councillor Ann Grigg, was then asked to make her opening statement. She noted that it was a decision for the Portfolio Holder and not the person occupying the post. Her predecessor had set out his views in emails with the ward members and taking their concerns into consideration had the design of the roof changed. When she became the Portfolio Holder she asked officers if the ward councillors had been consulted and was told that they had been. She was also made aware of the petition.

If a planning application had been submitted then the Council would have gone to formal consultation in the usual way. At this stage this was just an outline planning application.

She would be happy to have a site visit.

As for the second point, road safety; a highways consultant had been engaged and they investigated the visibility aspects of the site, noting that the vegetation had to be cut back and that the kerb line had been flattened previously. They also carried out a speed survey. Essex County Council accepted the highway consultant's conclusions that the entrance could be made safe.

60% of the site was in urban space and the proposal was to put the houses there and also have a planned area of community space. This would be considered as part of the planning process. The Council will, of course, make a planning application in the normal way.

Also, as this was still an outline application, the point of a cost benefit analysis was not relevant to this decision. If it did go through, it could generate a good capital receipt.

The Director of Environment and Street Scene added that the report mentioned by Councillor Hart about the provision at nursery services was withdrawn at the June 2011 Cabinet meeting because of concern of how this decision fitted in around the other decisions to be taken on depot relocation and the need to ensure some degree of certainty on how these projects were taken forward. The opportunity arose for reconsideration of how nursery services were provided. Some of these changes would have been made in any event because of retiring staff, enabling us to review how the service was provided. Nothing else will happen until we are clear about its eventual relocation. The work they do continues and will continue under any revised arrangements. The report that Councillor Hart referred to did have a kind of cost benefit analysis in terms of the savings that would accrue to the council by altering the way in which we deliver nursery services. But what happens in the long term was caught up in depot rationalisation as a whole.

Councillor Girling was concerned that Highways site visits would happen at a certain time of day and not necessarily at the busier times. The site had very limited sight lines. More than one site visit should be carried out by Highways especially at the peak/rush hour times.

Councillor Satin said that she agreed with the Portfolio Holder about the consultation having been carried out. As for road safety, this would be covered and taken further when the Planning application went forward. There would be a community open space contained in this application, as well as gardens of the houses. As for point 4 of the call-in this was not the only nursery in the district, there were lots of others and the skills gained from this nursery would not be lost. This scheme has been discussed for a long time. We should use this land for much needed housing in the

district. It would be better to keep some sort of nursery, but maybe a on a smaller scale.

Councillor McEwen commented that it was reasonable for councillors to have a site visit and she supported that.

Councillor Smith said that this scheme had been discussed for some time under various scenarios. We were not dealing with the closure of the nursery and are supportive of the nursery function and are also supportive of the Portfolio Holder's decision.

The lead member responsible for the call-in and the Portfolio Holder were asked to sum up the debate.

Councillor Wixley said he was pleased that his comments on the design of the roof had been taken on board. He would make other comments when it was a formal planning application. He would like to see a report on the Highway issues raised here tonight and he was still concerned about the pre-empting of the Local Plan and would like an answer to that.

Councillor Grigg summed up by saying she was happy to arrange a site visit. She noted that a lot of the issues raised by Councillor Girling on highway matters were more applicable to a planning application. Officers had advised her on predetermined issues around the Local Plan and she had followed the same guidelines as all members.

She would send a report on road safety to Councillor Wixley when she had it and again said that she believed that Ward Councillors had been consulted and that the nursery would be moved to purpose built accommodation.

RESOLVED:

That the Overview and Scrutiny Committee confirmed the original decision of the Portfolio Holder on report AMED-002-2012/13 regarding the Pyrles Lane Nursery, Pyrles Lane, Loughton.

16. CALL-IN LOCAL PLAN CONSULTATION

The Committee considered the call-in of a decision of the Local Plan Cabinet Committee regarding the Statement on Community Involvement. This related to the Committee's decision that the Statement of Community Involvement be consulted on for a period of 8 weeks from 30 July to 21 September 2012. The call-in was concerned that a significant part of the consultation was during August when most residents were away; that this was only two weeks extra to the statutory minimum for this consultation; that the timescale for road-shows did not permit sufficient time for informed responses from the residents; and lastly that changes of the committee's Terms of Reference meant that councillors would not be aware that the committee had decision making powers.

The lead member of the call-in, Councillor Wagland was asked to open the discussion. She started by saying the Local Plan would be the most important document to be produced by the council for the next two decades. Once something has been put into the plan it would be an uphill struggle to roll it back.

The issues and options stage was an important one and the question was how long we should give residents to read and digest the information and to respond. The

Portfolio Holder had acknowledged that the statutory six weeks was not good enough and had proposed eight weeks. We could ask what a reasonable person would think of this and she had talked to residents who said that we were not serious knowing how important this was to them. The consultation on both the Gypsy and Travellers' directive sites and the St John's site got thousands of responses and eight weeks in her view was not enough time to consult. This should ideally last for 12 weeks, but up to the October half term break, the 13th October would be acceptable.

She realised we need to do the Local Plan as soon as possible but it must be sound; the evidence base of the resident's response must provide this base, we need their input.

The Council did not like the original draft National Planning Policy Framework (NPPF) as government advice on planning policy which it would have to use without a Local Plan. Thanks to officers and the past Portfolio Holder, the government appears to have listened and the final NPPF is a much better document.

Much of the Council's own plan would hold good if we did not meet the government deadline to adopt the Local Plan and we would have to go for a default option. So what harm would 12 weeks do? However, if you do not want to extend to 12 weeks we are willing to go for a 13 October deadline.

Councillor McEwen, a signatory of the call-in thanked the officers for all their work. She accepted that two weeks extra was given but that did not cover lost time in August. Parish/Town Councils would not have the time to consider this as they do not meet in August. Also the road-show for Ongar was due to be held in August. August was not a good time for this. People will want to comment on this especially in the rural areas, but they need more time, as August was a dead month. We should extend to 13 October for reasons of fairness.

Councillor Watson, another signatory, added we should not have consultations scheduled during school holidays. People would say we did this in order not to receive any replies. She had looked up the 165 page document and people will have to read all of it to know if anything needed to be considered and commented upon. They should not just look at their immediate area but must look at it as a whole. This was the most important document for 20 years and it would be wrong to squeeze the consultation into such a short time.

Councillor Mohindra a signatory, added that most of the road-shows did not start until September. It would be interesting to see how effective they were as they were being held during the day as a lot of people commute / work during the day. Developers would be getting their input in on time, but our residents will also need to have their voices heard. It was only fair we allow our residents more than the three weeks in September to respond to us.

Councillor Gadsby, a signatory, noted that the workshop for Waltham Abbey was not until September, and because of this she would like an extension to 13 October.

Councillor Smith, a signatory, added that the call-in system was at its best for this type of strategic issues. Officers had indicated that they would need time to analyse the responses from the consultation process, could we shorten this period and increase the consultation time.

As for the smaller parishes and the ability to respond, our next Parish meeting will be on the day the consultation was due to close. We would want to see the road show

first. This is an appeal to the Portfolio Holder, because of the concern expressed, to lengthen the consultation period to give people time to respond.

The responsible Portfolio Holder, Councillor Bassett was then asked to make his opening statement. He said that it was difficult to strike a balance on this. He had produced an information document and had tabled it tonight. The call-in gives a chance for issues to be aired. The Council must engage with people to enable them to start to understand the bigger issues. All the documents were available for people to see and we have pre-released as much information as we could; Parishes have already begun discussing this. Information has been out since 18 June and anyone can call us and question officers. This has also gone into the Local Press.

I understand that there could be a large response and we are open to go to the parishes and talk to them. We understand that it was a long term document, but this was only the first consultation period; there will be three. This is just the issues and options – not the final plan. As for the changes to the terms of reference; we were concerned that too many decisions were being made by the Portfolio Holder; more decisions would now go to Cabinet Committees. Once the consultation was in we would be taking it to local parishes and discussing it with them. There are no hidden agendas, no secrets. We are open to any response, but we do need to put some sort of timetable to this process. Hopefully you all understand this.

Councillor McEwen said she understood the timescale, but to include August was not being fair to the public. We would not get a good response as August was the month for holidays.

Councillor Kane commented that the council often gets criticised that it makes decisions without consulting. It was important that we give them (the public) enough time to respond because of the complexity of the information involved.

Councillor Gadsby added that they have not heard anything in Waltham Abbey about this.

Councillor Jacobs sympathised with the call-in, the shorter we made the period, the more we would be criticised. He noted that the South East would take a lot of pressure because of the population increase.

Councillor Wixley felt that the council were in a difficult position; they were put here by the government's timetable but were concerned of the risk if we did not get the plan in on time.

Ian White, the Forward Planning Manager, commented that the timetable was extremely tight and the consultation would generate more responses than the Gypsy and Travellers consultation as it genuinely affects the entire district. We have to look at all reasonable options and have put forward options for development around the entire boundary. And yes, it was a tight timescale.

Councillor Wixley asked what the risk were if it were not done on time. Mr White replied that there were a number of potential development schemes already around the Harlow boundary and he was fully expecting a submission of an application in the region of 1300 houses on a site on the Harlow boundary, probably in September or October this year and that may be the first of many.

Councillor Sartin agreed that the council was working to a tight timescale and that not everyone goes away in August, some go in September. There will always be a problem with something like this. There was a need to move this forward – she would

not like it extended to 12 weeks, but had heard of a 13 October finish as an alternative.

Councillor Jacobs having heard the officer say that the situation was pressing, would prefer a compromise of a two week extension.

Karen Moore, a consultant from Fortismere Associates, said it was important to point out the next stage after Issues and Options was not the final plan. If this was extended we would have to add on, in effect, a further two or three months to the end of the programme.

Councillor Jacobs asked if the parishes had been notified and were we likely to meet the deadline. Councillor Bassett replied that they have informed them of the process and what they needed to do. They have also provided information for their members. Some are more ready than others. It's a balancing act; we have given them information up to 6 weeks before the consultation started.

Councillor Webster said that this had been flagged up at Waltham Abbey and they had agreed to have two meetings in August to discuss this. Town and Parish Councils should be encouraged to meet in August.

Councillor McEwen asked if these expected applications would come in the autumn regardless of the consultation. She was told that they would.

The lead member responsible for the call-in and the Portfolio Holder were asked to sum up the debate.

Councillor Wagland said that tonight's debate had made her case for her. We need everyone to respond to this. Residents need to respond to this as a whole district consultation. This was not just about August.

The press are bemused by it. The Cabinet Committee meeting was not webcast. This is a legacy issue, a most important matter. We now have the NPPF which offers some protection and our own existing plan, which will hold good to a large degree, no matter if we meet the April deadline or not.

She believed passionately in this process. It matters that a lot of people will recognise the timescale only once they have seen the road-show.

Councillor Bassett summed up by saying he came into this with an open mind. We have a predetermined timetable based on as much information we could give. The consultation had already started and they were already getting feedback. He understood all the concerns raised and he was willing to extend the deadline by two weeks, which would take it to about 5 October (as suggested by Councillor Jacobs earlier); a fair compromise.

Councillor Wagland was asked to respond to Councillors Bassett's proposal.

Councillor Wagland said that she had asked for a 13 October deadline, the Portfolio Holder has said 5 October, seems to be no big difference, but the half term was coming up. But if the committee was amenable to 5 October then she would agree.

Councillor McEwen proposed that the consultation period be extended to 13 October, on the grounds that August was a holiday month, it allowed more time for the road shows and more debate. This was seconded by Councillor Gadsby.

Councillor Mohindra pointed out that 13 October was a Saturday and it should be 12 October, a Friday as the last day. This was accepted by the Committee. He also proposed that all the Local Plan Cabinet meetings be webcast from now on. This was also agreed.

RESOLVED:

1. That the decision be referred back to the Portfolio Holder and Local Plan Cabinet Committee for further consideration;
2. That the consultation period for the 'Statement of Community Involvement - Issues and Options' is recommended to be extended to 12 October 2012. This was because August was a holiday month; it would also allow more time for road shows and enable more debate; and
3. That all Local Plan Cabinet Committee meetings be webcast from now on.

17. CHANGE TO FINANCE AND PERFORMANCE MANAGEMENT STANDING PANEL'S TERMS OF REFERENCE

The Committee received a report from the Finance and Performance Management Standing Scrutiny Panel summarising the items considered at their last meeting, but specifically asking for agreement to changes to their terms of reference.

The Committee noted that:

- They had suggested the removal of reference to 'statutory' performance indicators as all nationally applied indicators ceased in 31 March 2011;
- They had proposed the deletion of the requirement to develop proposals for an annual community conference;
- They had suggested the removal of the specific references to the Council's web-casting system from its ICT related terms of reference as it had responsibility for monitoring and reviewing progress on all ICT systems;
- That they did not consider it necessary to retain reference to Task and Finish Panels within their value for money terms of reference, and instead proposed recommending as necessary to the Finance and Performance Management Cabinet Committee where detailed value for money work may be required;
- They further suggested the removal of reference to Local Area Agreements from their terms of reference as these formal joint working arrangements were abolished during 2010/11; and
- They proposed updating the Panel's equality related terms of reference to reflect the recent adoption of the Council's equality objectives for 2012/13 to 2015/16 and the cessation of requirements for the production of Race, Gender and Disability Equality Schemes.

RESOLVED:

That the amendments to the Finance and Performance Management Scrutiny Standing Panel's Terms of Reference be agreed.

18. REVIEW OF CHIEF EXECUTIVE - APPOINTMENT PROCESS

The Committee noted that the Council had requested that Overview and Scrutiny conduct a review on the processes adopted in respect of the recruitment of a new Chief Executive. It was emphasised that they were not seeking a review of the

outcome of the recruitment exercise but the processes adopted to achieve an appointment.

This came from a review report submitted to the Council on 14 February 2012 by Overview and Scrutiny on senior level appointments within the Council. One of the recommendations of that review was that there should, after every such recruitment exercise, be an opportunity for Overview and Scrutiny to examine how the process was conducted and whether there were any learning points for the future. They should consider the recruitment pack, the recruitment advertisement, detail of the recruitment centre, the decision making process and the provision of external legal and external/internal HR Advice. Also to be considered would be feedback from members of the original Panel, applicants, the Council's recruitment consultant and any officers involved in supporting the process. They may also wish to consult all Members of the Council as the appointment of a Chief Executive was a matter reserved to the Council itself.

The Committee thought that it would be appropriate that the original panel on the senior management appointments panel be asked to carry out this review. The original members were Councillors K Angold-Stephens (Chairman), R Bassett, Mrs A Grigg, D Stallan and J M Whitehouse. It was requested that these members be approached to ask if they were willing to sit on this Panel.

The Committee requested that the Panel report back no later than mid October.

RESOLVED:

- (1) That a Task and Finish Panel be established to carry out review of the process adopted for the Chief Executive appointment, as requested by the Council;
- (2) That the Terms of Reference should include the matters listed above;
- (3) That the Panel should consist of Councillors K Angold-Stephens (Chairman), R Bassett, Mrs A Grigg, D Stallan and J M Whitehouse; and
- (4) That the Panel should report back by mid October 2012.

19. APPOINTMENT TO STANDING PANEL

The Committee noted and agreed the amendment to the composition of the Safer Cleaner Greener Standing Scrutiny Panel.

RESOLVED:

That the membership of the Safer Cleaner Greener Standing Scrutiny Panel be amended from Councillor P Keska to Councillor H Brady.

20. WORK PROGRAMME MONITORING

O&S Work Programme

Item 10 – the Committee noted that the Corporation of London had been lined up to attend the September meeting and were asked to clarify what they wanted covered by Mr Thompson in his presentation. The Committee asked that the following be covered:

- The new visitors centre;
- The downgrading of High Beech; and

- The Forest Festival used to be in September and had recently been cancelled – would it be resurrected.

Also to be invited would be a representative from Friends of Epping Forest.

The Committee also thought they would like to have a special meeting at 7pm, before the start of the scheduled Committee meeting, to agree on their questions to be asked and the tack they would like to take as a Committee.

Housing Standing Panel

The Committee noted that they had a full work programme for the year and that an extra meeting had been scheduled for 7 August 2012.

Constitution and Member Services Standing Panel

The Committee noted that the item on employment procedure rules would be going to their September meeting. They had already covered the review on substitution rules at their first meeting.

An extra meeting had been scheduled for 7 January 2013.

Safer Cleaner Greener Standing Scrutiny Panel

It was noted that the Nottingham Declaration had a change of name and emphasis and this would affect their Terms of Reference. A report would be coming to the next O&S meeting asking for this change to be agreed.

Planning Services Standing Scrutiny Panel

The Committee noted their programme of work for the year.

Finance and Performance Management Standing Scrutiny Panel

This had been reported on earlier in a written report.

Overview and Scrutiny Review Task and Finish Panel

Research was being undertaken by Connor Lattimer and a report was being written. A meeting was to be arranged in the near future.

21. CABINET REVIEW

The Committee reviewed the Cabinet's agenda for their 23 July meeting but there were no specific items that the Committee wanted to be brought to their attention.

CHAIRMAN