

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

<b>Committee:</b>	Overview and Scrutiny Committee	<b>Date:</b>	Tuesday, 4 September 2012
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.30 - 9.41 pm
<b>Members Present:</b>	Councillors R Morgan (Chairman, Overview and Scrutiny Committee) (Chairman) K Chana, Mrs R Gadsby, L Girling, Ms J Hart, D Jacobs, Ms H Kane, P Keska, J Knapman, A Lion, J Philip, Mrs M Sartin, Mrs P Smith and D Wixley		
<b>Other Councillors:</b>	Councillors W Breare-Hall, Mrs A Grigg, J Hart, Mrs J Lea, A Mitchell MBE, D Stallan, Ms S Stavrou, G Waller, Ms S Watson, C Whitbread, Mrs J H Whitehouse and J Wyatt		
<b>Apologies:</b>	Councillors K Angold-Stephens, Mrs M McEwen and S Murray		
<b>Officers Present:</b>	D Macnab (Acting Chief Executive), I Willett (Assistant to the Chief Executive), S G Hill (Senior Democratic Services Officer), T Carne (Public Relations and Marketing Officer), M Jenkins (Democratic Services Assistant) and A Hendry (Democratic Services Officer)		
<b>By Invitation:</b>	P Thompson, Superintendent of Epping Forest from the City Of London Corporation, Ms J Adams, Chairman of Friends of Epping Forest and N Trower (Student Intern)		

---

### **22. 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.

### **23. SUBSTITUTE MEMBERS**

It was noted that Councillor Mrs J Hart was substituting for Councillor K Angold-Stephens and Councillor J Knapman was substituting for Councillor Mrs M McEwen.

### **24. MINUTES**

#### **RESOLVED:**

That the minutes of the last meeting of the Committee held on 17 July 2012 be agreed.

### **25. DECLARATIONS OF INTEREST**

(1) Pursuant to the Council's Code of Member Conduct, Councillor J Knapman declared a non-pecuniary interest in the following item of the agenda by virtue of having been a Portfolio Holder when his issue had been discussed. The Councillor indicated that he would remain in the meeting for the consideration of the application and voting thereon:

- Item 8 Cabinet Review.

(2) Pursuant to the Council's Code of Member Conduct, Councillor D Wixley declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Friends of Epping Forest. The Councillor indicated that he would remain in the meeting for the consideration of the application and voting thereon:

- Item 6 Presentation from the City of London Corporation.

## 26. PRESENTATION FROM CITY OF LONDON CORPORATION

The Committee received a presentation from Mr P Thompson, Superintendent of Epping Forest of the City of London Corporation, on the management of the forest. He said that:

Epping Forest was 12 miles long and covered an area of 9.2 square miles. It was London's biggest open space, was amongst the oldest forests in the country and had been a royal forest. The Epping Forest Acts of 1878 and 1880 had made the forest a public area providing commoner's rights. The forest was currently administered by a committee of 16 members of whom 12 came from the City of London. The Corporation of London had invested £6.8 million in the forest of which £1.5 million had been spent on a visitor centre in Chingford to complement the Queen Elizabeth Hunting Lodge.

The forest received 4.3 million visitors per year, with 12,000 visitors per day. The forest protected rare habitats and hosted a wide range of recreational activities including walking, dog walking, cycling, riding, golf courses, cricket pitches, running events and football (58 pitches on Wanstead Flats and 77 in Waltham Forest). The corporation had implemented a new grazing strategy with invisible electronic fencing to control cattle, had invested £400,000 on Butler's Retreat, Chingford (a refreshment kiosk), a new 40mph speed limit had been imposed in the forest and there was a major volunteer programme with 20,000 hours of volunteer time.

Mr P Thompson informed the committee that there was a Management Plan Public Consultation taking place with 40 themes, the consultation was asking participants to prioritise these 40 themes.

In attendance, by invitation, was Ms J Adams, Chairman of Friends of Epping Forest, introduced herself to the committee, the organisation had been established for 43 years and had 1,700 members. The organisation was a registered charity, its intention was to protect the forest, increase participation with a programme of guided walks. They consulted on planning applications and dog control. They attended fairs and events, and worked closely with the Conservators.

### Questions from the Committee

(1) Councillor D Wixley – Now that the new visitor's centre, known as "The View," has opened at Chingford what is the future of the visitor's centre at High Beech as I understand that its opening hours have been reduced and have heard rumours that it may close?

**Reply – Mr P Thompson advised that the new visitor centre at Chingford had better public transport access than the visitor centre at High Beech and with the new centre costing £130,000 to run, the corporation could not fund both centres. The option of maintaining the High Beech centre by the third sector**

was being explored through a tender exercise with the centre currently closed during this period.

(2) Councillor Mrs H Kane – Are there any plans to re-instate the Forest Festival which always seemed very popular with the public?

**Reply – The Forest Festival was attended by 30,000 people each year and cost £45,000 to stage. However due to significant cuts being made, the corporation could not fund the festival and deliver essential services.**

(3) Councillor A Lion – What is the impact on the forest regarding proposals to build several thousand homes over the next 20 years in the EFDC area and other neighbouring authorities being considered?

**Reply – Mr P Thompson said that the Council was working on its own but there was a dilemma here as land was covered by the Metropolitan Green Belt. They were trying to plan for increasing numbers of visitors.**

(4) Councillor L Girling – Speed limits had recently been reduced on roads running through the forest. Has it been possible to note any benefits from this at the moment or is it too early to say?

**Reply – Mr P Thompson said the new speed limit within the forest would be reviewed early next year. He wanted to explore ways of exploring the forest without using the car. The corporation was trialling, for three years, a shuttle bus service, which it was noted, was not a statutory duty for them. The corporation was looking to move car parks to the perimeter of the forest.**

(5) Councillor Mrs R Gadsby - A police compound has been constructed on Wanstead Flats for the duration of the Olympics. Are the corporation confident that the site will be fully restored without any harmful effects once the Games are over?

**Reply – Mr P Thompson said they had a good relationship with the police. There would be a period of weeks to restore everything.**

(6) Councillor D Wixley – Cattle grazing in the forest which is accepted as having bio-diversity benefits, however the concern is about the proportion of the forest that is proposed to be converted to “wood pasture” so as to make it suitable for cattle grazing. This would involve removing trees and so alter the appearance of the forest to the detriment of it as an area of recreation and enjoyment.

**Reply – Mr P Thompson said this was a challenge, grazing would bring bio-diversity benefits. Grazing covered one third of the forest. The corporation’s aim was to restore the forest to its Victorian era period.**

(7) Councillor J Knapman asked about the deer population in the forest area.

**Reply – Mr P Thompson replied that deer were a challenge. He advised that deer did not belong to the corporation, they were wild animals. In 1996 there was a wide programme of deer culling which reduced the population from 400 to 333. Deer posed a problem to agriculture. There were approximately 60 vehicle collisions with deer per annum.**

(8) Councillor J Knapman asked about Boot Camp training venues using the forest.

**Reply – Mr P Thompson said that the corporation had a good relationship with the Boot Camp training facilitators, one group in Loughton did not want to be licenced but agreement had now been reached to use the forest.**

(9) Councillor Mrs P Smith asked about re-styling the signage in the forest and the public consultation.

**Reply – Mr P Thompson said that they were removing the black instructional signs and replacing them with newer user friendly signage. They were aware that the public appreciated a reduction in the number of forest signs, as it was felt that they were unnatural and sometimes spoil their view.**

(10) Councillor J Philip was concerned that certain activities had taken place which had upset families using the forest.

**Reply – Mr P Thompson said these activities were mostly taking place around car parks. The police and County Council workers were involved in working with these groups, they could prosecute. However the authorities could not intervene if the adults were consenting. They did not want to persecute minorities.**

(11) Councillor Mrs J Hart asked about Horse Chestnuts, were they effecting the tree population? There was concern about bark stripping.

**Reply – Mr P Thompson said that Horse Chestnuts were in the Woodford area, there was an acute decline of Oak trees, and a new disease of London Plain. Bark stripping could be caused by deer or cattle.**

(12) Councillor R Morgan asked about the Corporation's connections with Epping Forest Countrycare.

**Reply – Mr P Thompson said that they had a very positive relationship.**

(13) Councillor J Whitehouse asked about the new 40mph speed limits not including the Epping/Thornwood area.

**Reply – Mr P Thompson replied that they were discussing this with Essex County Council Highways and they would look in the future to extending it to these areas.**

## **27. WORK PROGRAMME MONITORING**

The Committee were advised of the following:

### **(1) Item 1 Scrutiny of London Underground Ltd**

This item was now hoped to be scheduled for October 2012 and would include transport issues from the Olympic period.

### **(2) Item 9 Broadband Access in the District**

This item was scheduled for the October meeting.

### **(3) Item 14 Review the new organisational make up of the PCT/West Essex Health Service**

This item was connected to Item 16 Mental Health Services in the District. Members were interested in how the District Council would be involved in health provision. Officers suggested that joint scrutiny could take place with neighbouring councils.

**(4) Housing Scrutiny Standing Panel**

The committee noted their current programme of work.

**(5) Constitution and Member Services Scrutiny Standing Panel**

The Committee noted their current programme of work.

**(6) Safer Cleaner Greener Scrutiny Standing Panel**

The Committee noted their current programme of work.

**(7) Planning Services Scrutiny Standing Panel**

The Panel Chairman advised that the meeting scheduled for 11 September was cancelled due to lack of business. It was confirmed that the next Panel meeting was on 11 December.

**(8) Finance and Performance Management Scrutiny Standing Panel**

The Panel had not met since the last Overview and Scrutiny Committee meeting.

**(9) Overview and Scrutiny Review Task and Finish Panel**

The Committee was advised that Democratic Services had recruited voluntarily an Undergraduate Intern, N Trower, who was assisting the Assistant to the Chief Executive with a review of scrutiny. A note would be placed in the Bulletin requesting members for their input into the review, and some members would be approached by N Trower for interviews.

**(a) Request by Member for Scrutiny Review 2012/13 Work Programme**

Councillors J Hart and Mrs S Watson had submitted a Request for Scrutiny Review regarding a review of the Council's licensing committee. The proposal was to consider licensing applications in a similar way to planning applications, these were:

- (i) Move the meetings to the evening so that Councillors with full time jobs could join the committee;
- (ii) Create south, east and west licensing sub-committees, so local councillors with local knowledge could decide the cases; and
- (iii) In cases where nightclubs, pubs or shops applied for changes to the hours in which they were licensed to sell alcohol, the relevant parish/town, district and county councillors and the nearest 50 residential properties to the application premises should be informed by letter to make them aware that an application had been submitted.

The Councillors added that it was not unusual for Councillors drawn from rural parts of the district to decide upon licensing applications that had an impact upon residents living in places like Loughton or Buckhurst Hill. Some Councillors deciding these cases may not have visited these places on weekend nights and lacked essential

local knowledge. Many Councillors had full time occupations and were thus prevented from joining or attending these committees which met in day time. It was felt that Members of working age were being dis-enfranchised from attending these meetings and representing their constituents.

It was argued that a majority of local residents did not even know that a local nightclub or pub had submitted an application for extensions to their licensing hours until they read about the decision made in the local press. Evening meetings would help working age councillors and residents.

The Committee agreed to create a Task and Finish Panel to review the Council's Licensing Committee, with Councillor Mrs P Smith as Chairman and Councillors J Hart and J Philip as members.

**RESOLVED:**

- (1) That a Task and Finish Panel be created to review the Council's licensing committee;
- (2) That Councillor Mrs P Smith be appointed as Chairman of the Task and Finish Panel;
- (3) That Councillors J Philip and J Hart be appointed as members to the Task and Finish Panel; and
- (4) That Democratic Services put an item in the Bulletin requesting members to volunteer for this Panel.

**28. CABINET REVIEW**

It was noted that Direct Action at the Old Foresters site, Theydon Bois was being processed as a Portfolio Holder Decision. It was hoped that this would take place before the forthcoming Cabinet meeting.

**29. AUDIT AND GOVERNANCE COMMITTEE, ARTICLE 11 OF THE CONSTITUTION**

The Committee received a report from the Constitution and Member Services Scrutiny Standing Panel regarding the Terms of Reference of the Audit and Governance Committee (AGC).

The Constitution of the Audit and Governance Committee was set out in Article 11 of the Constitution. Previously the Constitution and Member Services Scrutiny Standing Panel had looked at the question of whether Portfolio Holder Assistants should be able to serve as members of the Audit and Governance Committee. The Committee also indicated that Article 11 should be reviewed. The report before the Overview and Scrutiny Committee resulted from consideration of the Audit and Governance Committee's ideas.

**RECOMMENDED:**

That a report be submitted to Council recommending:

- (1) That the following alterations to the Terms of Reference of the Audit and Governance Committee as set out in Article 11 of the Constitution be approved:

- (a) removal of the requirement for the three seats for councillors on the Committee to be allocated according to pro rata rules;
  - (b) inclusion of new membership requirements for the three Councillor seats, namely:
    - (i) that the seats should be allocated so they are not all drawn from one political group and are also open to Councillors who are not affiliated to any political group;
    - (ii) that the three Councillors concerned should be appointed on the basis of experience, aptitude and interest on the recommendation of the Council's Appointments Panel;
    - (iii) that formal attendance standards be operated in respect of the three Councillor members when re-appointment is under consideration by the Council's Appointments Panel;
    - (iv) that the Chairman and co-opted members of the Audit and Governance Committee be consulted informally about the appointment or re-appointment of Councillors at the appropriate time;
  - (c) appointment of the Chairman and Vice Chairman to be the responsibility of the Committee rather than the Annual Council meeting;
  - (d) the offices of Chairman and Vice Chairman of the Committee to be open to Councillors or co-opted members on an equal basis provided that where the Chairman is a Councillor, the Vice Chairman shall be one of the co-opted members and vice versa;
  - (e) co-opted members of the Committee to be subject to the same informal attendance and performance standards as apply to Councillor members of the Committee during their terms of office as set out in paragraph (b)(iii) above;
  - (f) co-opted members to serve for overlapping terms of three years subject to the following conditions:
    - (i) a maximum of two consecutive three year terms as of right subject to the attendance review set out in (e) above on an annual basis; and
    - (ii) re-appointment for a third and fourth term to be allowable subject to success in open competition following a public advertisement at the conclusion of the second three year term;
  - (g) determination of starting dates for the new three year terms of office for the existing co-opted members to be delegated to the Audit and Governance Committee;
- (2) That the revisions to Article 11 of the Constitution relating to the Audit and Governance Committee (as set out in Appendix 1 to this report) be recommended to the Council for adoption and publication in the Constitution; and
  - (3) That the attention of the Council be drawn to the legal requirement under the Local Government and Housing Act 1989 for the adoption of recommendation (1)(a) above to be approved with no member of the Council voting against.

**30. MEMBER COMPLAINTS PANEL - LIMITS OF JURISDICTION**

The Committee received a report from the Chairman of the Constitution and Member Services Scrutiny Standing Panel regarding the Member Complaints Panel – Limits of Jurisdiction.

The Member Complaints Panel (CP) was responsible for considering complaints at Step 4 of the Council's complaints procedure. Certain types of complaints fell outside the jurisdiction of the Panel and could not therefore be considered at Step 4.

**RECOMMENDED:**

That a report be submitted to Council recommending:

- (1) That revisions to the limits of jurisdiction of the Complaints Panel be approved; and
- (2) That a report be submitted to the Council recommending that Annex 1 (section 1) to the Terms of Reference of the Complaints Panel be amended as set out in paragraph 3 and published in the Constitution.

**31. SUBSTITUTIONS AT MEETINGS**

The Committee received a report from the Chairman of the Constitution and Member Services Scrutiny Standing Panel regarding Substitutions at Meetings.

The District Council's Constitution allowed for the nomination of substitutes for Committees, Sub-Committees, panels, Boards and Groups.

At the Constitution and Member Services Scrutiny Standing Panel in July 2012, members discussed the review of the substitution process and were satisfied with the current procedures. It was advised that the generic email "Democratic Services" for Group representatives to use when notifying Democratic services officers of substitutions, had not always been used. Members recommended that Operational Standing Order 14 – Non Executive Bodies should be amended, as paragraphs 1 and 3 were no longer needed, it was for the Chief Executive to undertake these tasks.

**RECOMMENDED:**

That a report be submitted to Council recommending that Operational Standing Order 14 (Non Executive Bodies) be amended as shown in the Appendix to this report as follows:

- (a) by deleting existing paragraphs 14 (1) and (3);
- (b) by re-numbering existing paragraph 14 (4) as paragraph (1); and
- (c) amending paragraph 14 (2) to read as shown in the Appendix.

**32. SAFER CLEANER GREENER STANDING PANEL - CHANGE IN TERMS OF REFERENCE**

The Committee received a report from the Chairman of the Safer Cleaner Greener Scrutiny Standing Panel requesting an amendment to the Panel's Terms of Reference.



The Committee agreed to the amended Terms of Reference.

**RESOLVED:**

That the amended Terms of Reference for the Safer Cleaner Greener Scrutiny Standing Panel be agreed as set out in the appendix to these minutes.

**CHAIRMAN**

This page is intentionally left blank

## TERMS OF REFERENCE - STANDING PANEL

**Title:** Safer, Cleaner, Greener

**Status:** Standing Panel

**Terms of Reference:**

1. To approve and keep under review the "Safer, Cleaner, Greener" initiative development programme.

*(Note: this development programme will encompass the three main issues and will therefore include matters such as:*

- (i) environmental enforcement activity*
- (ii) safer communities activities*
- (iii) waste management activities (in addition to WMPB information))*

2. To keep under review the activity and decisions of the Waste Partnership Member Board and the Inter Authority Member Working Group.
3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract
4. **To monitor and keep under review the 'Climate Local Agreement' and the Council's progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council's Climate Change Strategy from the Green Working Group**
5. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Nature Reserve (former Landfill site) Liaison Group.
6. To act as the Council's Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership and:
  - That at least two meeting a year be dedicated as Community Safety Committee meetings.
7. To monitor and review the new Local Highways Panel.
8. **To receive the minutes of the North Essex Parking Partnership (NEPP) for the purposes of monitoring the work and progress of the partnership.**

**Chairman:** Cllr. Lea

This page is intentionally left blank