

Scrutiny Task and Finish Panel Agenda



Overview and Scrutiny Review Task and Finish Panel Monday, 8th July, 2013

You are invited to attend the next meeting of **Overview and Scrutiny Review Task and Finish Panel**, which will be held at:

**Committee Room 1, Civic Offices, High Street, Epping
on Monday, 8th July, 2013
at 7.00 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

A Hendry, Office of the Chief Executive
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Members:

Councillors K Angold-Stephens (Chairman), Mrs R Gadsby (Vice-Chairman), Mrs A Grigg, Mrs M Sartin, D Stallan and Mrs J H Whitehouse

THE DEADLINE FOR THE SUBMISSION OF SUBSTITUTES TO THIS MEETING IS
18:00 HOURS

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

3. NOTES OF THE LAST MEETING (Pages 5 - 10)

To agree the notes from the 20 May 2013 meeting.

4. 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.

5. TERMS OF REFERENCE (Pages 11 - 12)

(Assistant to the Chief Executive) To note the Panels Terms of Reference.

6. FEEDBACK FROM OVERVIEW & SCRUTINY COMMITTEE ON 20 MAY 2013 (Pages 13 - 18)

(Assistant to the Chief Executive) An annotated schedule of interim recommendations reflecting discussions at the Overview & Scrutiny Committee on 20 May 2013 is attached.

7. CONSULTATION WITH THE AUDIT & GOVERNANCE COMMITTEE

(Assistant to the Chief Executive) Whilst considering the interim recommendations of the Panel on 20 May 2013, the Chairman of the Audit & Governance Committee indicated that he would appreciate an opportunity for the Audit & Governance Committee to review these proposals in accordance with its governance responsibilities.

The schedule is due to be considered by that Committee on 27 June 2013 and an oral report will be given on the outcome.

8. POLICE & CRIME SCRUTINY (Pages 19 - 26)

(Assistant to the Chief Executive) The Panel asked for further information concerning arrangement for scrutiny of policing and crime matters. The Panel has so far not looked at this issue.

A copy of the terms of reference of the Essex Police & Crime Panel is attached together with the terms of reference of this Council's Safer, Cleaner, Greener Standing Scrutiny Panel which deals with scrutiny at a more local level in paragraph 6.

9. NHS SCRUTINY (Pages 27 - 32)

(Assistant to the Chief Executive) To consider the enclosed web documents concerning health service scrutiny. These deal with Essex Wellbeing Board and the Essex County Council' Health Scrutiny Committee which are the statutory bodies for dealing with NHS service monitoring.

10. CONSULTATION

To consider the next steps to consult on the Panel's proposals.

11. DATES FOR FUTURE MEETINGS

The Panel is asked to consider their next meeting date(s).

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Agenda Item 3

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF OVERVIEW AND SCRUTINY REVIEW TASK AND FINISH
PANEL
HELD ON MONDAY, 20 MAY 2013
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.45 PM**

Members Present: K Angold-Stephens (Chairman), Mrs R Gadsby (Vice-Chairman), Mrs A Grigg, Mrs M Sartin, D Stallan and Mrs J H Whitehouse

Other members present: A Lion

Apologies for Absence:

Officers Present I Willett (Assistant to the Chief Executive), D Macnab (Deputy Chief Executive), P Maddock (Assistant Director (Accountancy)), S G Hill (Senior Democratic Services Officer), S Tautz (Performance Improvement Manager) and A Hendry (Democratic Services Officer)

28. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Panel noted there were no substitute members.

29. NOTES OF THE LAST MEETING

The notes from the 25 March 2013 meeting were agreed as a correct record.

30. DECLARATIONS OF INTEREST

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

31. CHANGE TO AGENDA

The Panel agreed to take items 8 (Budget Monitoring by O&S) and 7 (Scrutiny of KPIs), (in that order) first.

32. BUDGET MONITORING BY O&S

The Panel noted the draft outline Budget Timetable for the 2014/15 budget, that:

- The Financial Issues paper to be published in September;
- In November the draft Growth and Savings list;
- In January an update of the Medium Term Financial Strategy;
- At the beginning of February, Cabinet to recommend next years budget to Council; and,
- At the end of February the Budget and Council Tax setting meeting to full Council.

Agreed that these steps to go to the Overview and Scrutiny meetings in the months concerned.

Councillor Lion noted that there was a link between the budget and the business plan, one drives the other. It was noted that each directorate has its own Business Plan which were put in the Members Room.

Councillor Stallan noted that the Housing Business Plan went to the Housing Scrutiny Panel. He was not sure if the other plans went to their relevant standing panels and if so, did they need to go to the Finance and Performance Management Standing Panel as well. He was told that it was a statutory requirement for the Housing Business Plan to be scrutinised. The other business plans did not go to their relevant standing panels. He noted that the business plan was driven by the Cabinet forward plan. Nowadays, the Cabinet sets their key objectives in February instead of June as in previous years. At present the business plan did not drive the budget process.

The Panel thought that the F&PM Standing Panel should in the future concentrate on the targets that were not being met and the problem areas rather than the areas that were doing well and on target. The red, green and amber light system was proving useful in enabling them to do this more effectively.

Agreed that the F&PM Standing Panel consider the timing and use of the Business Plans over the next year and how this would feed into the Financial Issues Paper that came out in September.

Agreed that:

- The Finance and Performance Management Standing Scrutiny Panel should have sight of an executive summary of each off the Directorates' Business Plans; and
- The Panel should also have sight of the Financial Issues paper in September as this was the start of the budget process.

Agreed that the F&PM Standing Panel to only consider the items that were not going so well and ignore the items that were on track and doing well.

33. SCRUTINY OF KPIS

Mr Willett noted that there was not a lot of dissatisfaction with the current system of scrutinising the Key Performance Indicators (KPIs) at present. It was noted that:

- as part of the Best Value Duty to secure continuous improvement, KPIs relevant to the Council's services and key objectives, are adopted each year;
- KPIs are important to the improved delivery of the Council's services, should reflect the achievement of key priorities, and must be quantifiable;
- the suite of KPIs for the year ahead was agreed by the Finance and Performance Management Cabinet Committee each March, in consultation with the Finance and Performance Management Scrutiny Panel;
- detailed definitions and reporting calculations were developed for each KPI, as it had to be possible to accurately define and measure performance; and
- regular KPI reporting also provide an opportunity for members and Management Board to ensure the continued relevance of each KPI.

The Performance Improvement Manager, Mr S Tautz, noted that at present, benchmarking was not possible as it was in previous years due to the lack of the prescribed indicators. Officers did exchange data with other Essex authorities, although not all the information was gathered the same way. Target setting was somewhat difficult, but officers based their targets on previous results. The current

set of indicators had not really changed over the last few years. It was also noted that very few were statutory indicators; the council tended to use its own indicators to measure its progress.

Councillor Lion noted that they did not want too many indicators to monitor and that they had about the right amount now. He asked if the KPIs should go to the relevant Standing Panels. Councillor Stallan said that this was done at the Housing Standing Panel, where they chased up unsatisfactory KPIs and challenged the figures presented. If KPIs were to go to the relevant Standing Panels, then there was a need to educate the membership on them. Councillor Angold-Stephens added that out of the 30 or so KPIs each Panel would only have a few KPIs to monitor. Councillor Whitehouse thought that the Finance Scrutiny Panel did not scrutinise the Housing KPIs effectively as they did not have the background knowledge. She added it would be more useful if only those KPIs that were red or amber warnings should go to the relevant Standing Panel as this would be more useful.

The Panel noted that not all directorates were covered by a Standing Panel; these directorates could be covered by the Finance and Performance Management Standing Panel. Other Panels could look at their own directorates KPIs and cover them in detail. The F&PM Standing Panel should have an overview of all the KPIs referring the problem ones to the relevant Panel for deeper scrutiny. It may be that red or amber KPIs may have a clear cut explanation as to why they were failing. The ones that did not have such clear cut reasons should be the ones that were carefully scrutinised by the relevant Standing Panel. It was also noted that any Standing Panel could always ask to look at individual KPIs.

Agreed that:

- The F&PM Standing Panel consider all KPIs and then refer any problem ones to the relevant Standing Panel for deeper scrutiny;
- The F&PM Standing Panel to consider all KPIs that do not naturally fall under a current Standing Panel; and
- The above are to be reviewed in a year's time by the Constitution and Member Services Standing Panel.

34. PUBLIC PROFILE AND QUESTIONS

It was noted that Overview and Scrutiny at Epping has a low public profile, the public needed to be told it was there; although the webcasts of the meetings did have a good following. At a recent member consultation exercise the following was noted, that:

- The public should be involved in important issues and call-ins;
- Scrutiny of outside organisations should combine member and public questions;
- Outside venues should be used to increase public participation; and
- OS should keep alert on issues of public interest, using a 'tabloid' approach to encourage this engagement.

Nothing new came out of this consultation, as previous reviews had made these points before. What was needed now was to consider ways to do this.

It was noted that the public could address the O&S Committee at present, but only on matters that were on the agenda.

Councillor Sartin noted that the Safer Cleaner Greener Standing Panel had tried to engage the public by holding meetings in outside venues, but the public had failed to engage with them.

Councillor Stallan said that if the matter was contentious then the public would attend. It had happened before when they had attended an O&S meeting on the Park Homes issues. It had happened although the rules for this were not enshrined in the O&S rules. It would be interesting to know who they would ask questions of at an O&S Committee meeting and if they would they be allowed to put questions to outside bodies.

Should we be more proactive and ask organisations who may have an interest in asking questions on upcoming topics, maybe draw up a list of organisations and contacts.

Would it be better to invite comments rather than questions. It may also be that members of the public were able to suggest valid topics that had not been considered by the Committee.

The Chairman invited the member of the public who attended this meeting to comment on how he saw public participation and scrutiny. He commented that he was unsure why O&S had its own logo, within the council. He noted that the public could find a large amount of information on the Council's website, although the answers that they wanted were not always on there. He thought that what people were really interested in were the basics, such as car parking charges and shops in the area. He would not expect members of the public to sit through the examination of 30 KPIs. They were more likely to be interested in the building of Council Houses, the population increase in London and how it would affect them and the changes in the national planning policy and how it was likely to affect them.

Councillor Whitehouse said that this was what she was hearing from her residents, asking about local shops and meetings on the St John's Road site.

Councillor Stallan commented that these types of request had not been referred to the O&S Committee by members. The system was there, but members were not using it. It might be a good idea for members of the public to put up topics to be discussed by O&S if they agreed. Councillor Angold-Stephens said that we may get a lot of requests about things that we could not do anything about. Councillor Stallan replied that they could use a filter system for questions that were not appropriate for O&S. The Senior Democratic Services Officer, Simon Hill, commented that they could open up the request system to a wider (public) group and they could always contact the appropriate officers or organisations even if we do not have control of the issues raised. Public requests may not always go to O&S but to the most relevant part of the Council to answer.

The Panel agreed that members of the public should have the right to attend meetings and ask questions, and not just by invitation. They also agreed that the PICK system should be used for all requests as it set out the members thoughts. Also, annual presentations, such as London Underground, should be avoided as a routine unless there have been or expected to be, new developments. They also noted that there was a need to synchronise the Council's rules about members of the public speaking across the Committees, Cabinet and Council meetings. Members of the public should be allowed to ask questions to guest speakers but not make a statement to them. The Panel also noted that Chairmen have a lot of discretion to

deal with these things and there was no real need for any new rules. Mr Willett said he would have a look at how County handled things like this.

Agreed that:

- There should not be annual presentations, just because they had it last year;
- There was a need to tell the public what they were doing by publicising meetings via the website, by the Forester and local papers;
- The public should be asked for suggestions of topics to be looked at, the PICK system should be used (?) and they should be relevant to the District Council;
- Members of the public should have the right to attend the O&S Committee, the Standing Panels and the Task and Finish Panels to ask questions and make statements;
- They should be allowed to ask questions of guest speakers but not make a statement to them;
- Chairmen already have wide discretion to enable the public to speak at their meetings; and
- There was a need to synchronise the Council's rules about members of the public speaking across the Committees, Cabinet and Council meetings.

35. WORK PROGRAMME PLANNING

The Panel considered a mechanism for approving the Overview & Scrutiny work programme each year. They considered looking at the business plan for each directorate. There was a need to set up a small steering group to look at matters before they go to O&S. They could constitute a group comprising the Standing Panel Chairmen and the Chair of O&S Committee and any T&F Panel that were extant at the time. This process should start in March or April and stop over the election period, in readiness for the new municipal year.

Agreed:

- To set up a small steering group to look at topics before they go on the work programme – this steering group to be comprised of the Chairman of the O&S Committee, the Chairmen of the Standing Panels and the Chairmen of any Task and Finish Panels that were currently extant.
- The steering group to meet in February and carry on through to the new year, stopping for the election period.

36. TRAINING

The Senior Democratic Services Officer, Simon Hill reported that he had discussed the training with Tim Young, the external trainer that would be providing the training asked for. He noted that the fundamentals of scrutiny training should be a days training and that Finance and Budget training was more appropriately held in the autumn just before the budget setting round.

Councillor Angold-Stephens commented that it was more appropriate have these on a Saturday and do it all in one go.

Mr Hill said he could include other authorities in the training on a fee basis. It could also be opened up to the newly created Tenants Scrutiny Panel and it may be that Housing could help with the cost of the training.

Financial Scrutiny and Chairing meetings to be conducted later in the year.

The Panel were happy with the training programme proposed. They thought that members should be asked about Saturday training via the Members Bulletin. This training should be offered each year that there was a district election.

Agreed that:

- the fundamentals of Scrutiny training should be held over a day;
- that it should ideally be held on a Saturday, but members should be consulted about Saturday training via the Members Bulletin;
- the members of the newly created Tenants Scrutiny Panel should be invited to this training and if there was room, the training to be opened out to other authorities on a fee paying basis;
- Finance and Budget training be held in the autumn just before the start of the budget setting round; and
- the training should be offered every year that there was a district election.

37. FURTHER CONSULTATION AND DECISION SUMMARY

The Panel thought that members should be brought up to date on the deliberations of the Panel so far. The Chairman had reported verbally to full council and would put in a holding report to the next Overview and Scrutiny Committee meeting. Once the Panel had finalised their recommendations, these would be put out to consultation with the members.

Other topics still to be covered by the Panel were crime and disorder and NHS scrutiny. The NHS was a County function but we could ask them if we wished to look at something specifically to do with local health issues. Crime and Disorder was presently in flux and should be sorted out within the next few months. It should be reviewed again in a year's time.

The Panel needed to refine its recommendations and how they were to consult about them. Councillor Stallan thought they should put the consultation on the website and send it to the Town and Parish Councils. They also need to give the public an opportunity to be involved in this.

Agreed that once the Panel had finalised their proposals they would go out to consultation to members and the Town and Parish Councils.

38. FUTURE MEETING

The Panel were minded to have their next meeting on 27 June 2013 (subsequent to the meeting this was moved to the 8th July at the request of the Chairman).

Origin:

At its meeting on 7 April 2012 the Overview and Scrutiny Committee (OSC) decided to establish a new Task and Finish Scrutiny Panel to review Overview and Scrutiny operations generally within the Council with particular reference to relations between the Cabinet and Overview and Scrutiny. This decision was made following attendance by a number of members at a joint training session on Overview and Scrutiny convened jointly with Harlow Council.

Draft Terms of Reference:

1. To scrutinise the current processes of Overview and Scrutiny and to what extent the functions could be improved.

2. To examine and review operational aspects of Overview and Scrutiny, in consideration of:
 - a) Chairmen and Vice-Chairmen of Overview and Scrutiny Committee:
 - Developing the relationship with the Leader;
 - Policy on appointment and political allegiance;
 - Leader / OSC liaison.

 - b) Cabinet Liaison:
 - Arrangements for pre-scrutiny of Cabinet business;
 - Meeting arrangements;
 - Questioning Portfolio Holders;
 - Annual Cabinet priorities.

 - c) Scrutiny Panels:
 - Membership / role of Standing Panels;
 - Progress reporting and achieving outcomes from Panels;
 - Managing Scrutiny Panel business.

 - d) Call-in procedures:
 - Presentation of Call-ins;
 - Responses by Portfolio Holders;
 - Briefing by Chairman of Overview and Scrutiny.

 - e) Scrutiny of External Organisations:
 - Engagement with the public;
 - Layout of the Chamber;
 - Selecting the right forum for external scrutiny;
 - Following up on undertakings given;
 - Avoiding pre-prepared presentations;
 - Preparation: liaison with the public and other councillors;
 - Managing Questions / setting of objectives.

OVERVIEW & SCRUTINY REVIEW TASK AND FINISH PANEL: TERMS OF REFERENCE

- f) Budget Scrutiny:
 - Assessing the effectiveness of the present Finance and Performance Management Scrutiny Panel;
 - Determining the correct role of Overview and Scrutiny in budget preparation and monitoring;
 - Budget documentation for OSC;
 - Programming O&S involvement in budget making.
- g) Public Profile of OSC:
 - Public awareness;
 - Determining the work plan each year (including the PICK system);
 - Questions from the public for Portfolio Holders / OS Committee.

3. To examine and review any other operational aspects of Overview and Scrutiny.

Aims and Objectives:

- (a) To report findings to the Overview and Scrutiny Committee and to submit any final reports in the proposed Corporate Format for consideration by O & S and Council by April 2014.
- (b) To gather evidence and information in relation to the topic through the receipt of data, presentations and by participation in fact finding visits if necessary;
- (c) To have due regard to the relevant legislation Council procedure rules.
- (d) To consult political groups and independent Councillors at the final stage of the review.

TIMESCALE	ESTIMATED	ACTUAL
Commencement: Dec 2012	April 2013	
<u>Finish</u> 1. As a time limited review – to be approved by Council and implemented by the 2014/15 municipal year.	April 2014	First meeting held on 6 December 2012

APPENDIX

1. OS Chairman

Following wording be added to the constitution:

“The Chairman should have experience and understanding of our Scrutiny System.”

No other changes to the constitution including the current policy of having no political whips in Overview and Scrutiny.

2. Leader & Cabinet Liaison with OS

- (a) the Leader to attend the OS Committee at the start of the year (to present the Cabinet’s Forward Plan and secondly after 6 months to update the Committee. All members should be encouraged to attend;
- (b) the Leader to indicate, if appropriate, any work to be undertaken by OS at that first meeting on behalf of the Cabinet;
- (c) members to have the opportunity to ask Portfolio Holders questions on matters of concern at these OS meetings;
- (d) individual Portfolio Holders to attend an appropriate OS Standing Panel meeting dealing with matters relating to their Portfolios and to ask questions of them. This meeting is to be open to all members;
- (e) Portfolio Holders be encouraged to attend all of the appropriate Standing Panel meetings for their portfolio (where one exists);
- (f) the agenda item on Cabinet Review be placed earlier on each OSC Agenda;
- (g) calendar for OSC and Cabinet should be reviewed to allow more time for "call in" and review of Cabinet agenda business.

3. OS Work Programme

- (a) planning the annual OS Work Programme to include consideration of:
 - Forward Plan (to include all significant decisions not just Key decisions);
 -
 - Forward Plan to be the basis of Cabinet monitoring;
 - Business for future Cabinet meetings in the Forward Plan to be raised as part of the Cabinet review item on OSC agenda;

- use of "Pick" form;
 - complaints;
 - FOI topics;
 - Cabinet priorities;
 - outstanding T&F Panel work;
 - business plan digests from directorates;
 - petition information;
 - requests from the public.
- (b) rigorous use of the PICK work request form should be enforced, preferably through better training and/or by returning the form to members asking for more details;
- (c) higher priority to be given to follow up on scrutiny work;
- (d) OSC Chairman and Panel Chairman (with officers) to co-ordinate work on OS programme;
- (e) preparation to begin in February 2013 but a pause to be provided for the election period in April/May 2013 where EFDC elections take place;
- (f) training in budget scrutiny to be introduced for September each year prior to the start of the budget process.

4. Scrutiny Panels

- (a) the Constitution should be strengthened to say that Panel Chairmen are expected to attend the main O&S Committee to give progress reports on their Panel's work;
- (b) change to pro rata requirements for Standing Panels not considered to be a deliverable option.

5 "Call-ins"

Call-in process amended once the call in has been validated:

- (a) "Call in" sponsors or Cabinet member concerned to be able to request a pre-meeting to discuss the call-in before considered formally by the Overview and Scrutiny Committee;
- (b) definition of "major" or "minor" matters for validating "call-ins" not agreed with wording remaining as follows:

“Call-ins should be for the bigger and more important issues and not for small insignificant detail.”

- (c) the present deadline for calling-in a decision should be kept at 5 days, as electronic communication made this workable in terms of signing a call-in, if necessary by separate e mails;
- (d) members also had the time before a Cabinet meeting to study the reports on the agenda as well as the five working days after the decision had been taken to call-in a decision;
- (e) that electronic call-ins be investigated to speed up the process;
- (f) arrangements to be amended to allow “call in” sponsors to be able to withdraw their objections if, having met with the Portfolio Holder and Chairman of the O&S Committee, their concerns could be met;

OSC COMMENT: Would the call in still be reported to the Overview & Scrutiny Committee if it were withdrawn?

- (g) “Call in” protocol be revised to provide for only the lead call-in sponsor to present and for the Portfolio Holder to respond followed by a wider debate, with members of the committee speaking first, then non members and with the Portfolio Holder winding up.

OSC COMMENT: does this proposal mean that only the lead call in sponsor can speak to the call in? Would other signatories be excluded?

6. Scrutiny of External Organisations

- (a) change the layout of the Council Chamber so that representatives of outside organisations sit in the well and when making presentations and responding to questions receiving a presentation;

OSC COMMENT: New seating plan was queried but generally supported at the meeting.

- (b) new layout also to be used for call-ins;
- (c) members should be flexible whether outside organisations would be more appropriate to a Standing Panel than the O&S Committee;
- (d) more preparation for questioning including the order of questions and the avoidance of overlaps; and
- (e) more emphasis on follow up reporting by organisations.

7. Finance/Budget Scrutiny

- (a) new timetable to be produced at the start of the budget- setting process to enable the OS to plan ahead.
- (b) the timetable of the budget process should be publicised in the Council Bulletin.
- (c) OS should examine the financial issues paper/mid term financial strategy prepared at the first stage of the budget and concentrate on the policy issues and emerging trends, problems and themes raised rather than all the detailed figures
- (d) the Finance Scrutiny Panel's Terms of Reference should be altered to avoid duplication with the work of the Finance Cabinet Committee. There should not be any more joint meetings with the Cabinet Finance Committee.
- (e) the role of OS in reviewing the budget should not only cover future budgets but also at what had gone before in previous years;
- (f) the Scrutiny Panel's role should be to focused to target exceptions rather than budgets for services which are on track, ignoring what is going well;
- (g) new budget review timetable to be introduced, namely:
 - September – financial issues paper of Director of Finance;
 - November – draft growth lists/savings and DDF programme plus fees and charges
 - January - update of medium term financial strategy for next financial year
 - February - final form of draft budget
- (h) Finance & Performance management standing Scrutiny Panel to look at timetable for business plans to complement OS work programme.

8 Scrutiny of KPIs

- (a) review of KPIs to be co-ordinated through the Finance & Performance Management SSP;
- (b) any red or amber KPIs to be referred if appropriate, to an appropriate Panel (where one exists) for further review after officers/PFHs have explained the KPI information;
- (c) Finance & Performance Management SSP to deal with KPIs which are not covered by any Panel;
- (d) Finance & Performance Management SSP terms of reference to be amended to reflect these changes.

9. The Public Profile of OS

- (a) adopt a more proactive stance to engagement with the public;
- (b) amend OS rules in the constitution to introduce an opportunity for the public to ask questions at OSC and Panel meetings and to address those bodies on issues of concern, even if they are not otherwise on agendas;

OSC COMMENT: Concern was expressed that rules were needed to ensure that the public does not raise topics which are not relevant to the Panel concerned. Also queried whether the same matters could be raised at OSC and whether questions and items on which the public wish to address a meeting are restricted to those matters which are already on the agenda.

- (c) adopt a flexible approach to facilitating business from the public – including use of correspondence, e mail, website and the PICK form as appropriate;
- (d) use “The Forester” and the local press to heighten the profile of OS including (a) the annual work programme for OS, and (b) specific items due to be considered by OS or panels in order to encourage the public to submit evidence/comment – particularly where scrutiny of external bodies is planned;
- (e) maximise the use of Chairman’s discretion to allow the public to contribute.

10 Crime & Disorder/ NHS Scrutiny

Further work to be undertaken.

11 Training

- (a) introductory course to be reinstated in June when there are EFDC elections;
- (b) budget scrutiny training to be given in September immediately before the commencement of the budget process;
- (c) further training dependant on funding;
- (d) Tenants’ Federation to attend training – possible financial contribution from HRA to cost of the session.

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Cabinet	FP/795/03/12
Date: 24 April 2012	

Essex Police & Crime Panel

Report by Councillor Jowers, Cabinet Member for Communities and Planning
Enquiries to Officer Greg Myddelton, Senior Policy & Strategy Officer

Purpose of report

To invite Cabinet to recommend Council to approve the establishment of the Essex Police and Crime Panel and to confirm that the County Council will act as host authority.

Recommended

1. That, with the agreement of the other relevant local authorities, Essex County Council agrees to act as host authority for the Essex Police and Crime Panel.
2. That Council is recommended to approve the establishment of the Essex Police and Crime Panel with the terms of reference as set out in the Annex to this report and to any consequential amendments to the Constitution.
3. That the Council appoint its representative on the Essex Police and Crime Panel at the Annual Meeting in May 2012.

Background, context, and area of the County affected

Background and context

The Police Reform and Social Responsibility Act received Royal Assent in September 2011 and requires local authorities in each Police Force area in England (excluding London) to establish a Police and Crime Panel (PCP). These panels will fulfil the role of scrutinising the Police and Crime Commissioner, who in turn is responsible for holding the Chief Constable to account. Panels will be expected to support and challenge the Commissioner in the exercise of their functions, acting as a critical friend. The Police & Crime Commissioner takes on many of the functions previously performed by the Police Authority, which will disband upon election of the new PCC. A Police and Crime Panel in a multi-authority police area is a joint committee of the relevant local authorities and all those authorities need to give approval to its establishment.

Timescales

The major milestones in establishing a Police and Crime Panel leading up to the election of the Police and Crime Commissioner will be;

- May 2012 – Each local authority in the Essex Force area will use their AGM to nominate their representative on the Police and Crime Panel
- June 2012 – Essex has a shadow Police and Crime Panel in place. This provides sufficient time for it to have agreed the panel arrangements, work programme and other matters and for those to be approved by each authority prior to the arrival of the Commissioner.
- 1 July 2012 – Requirement to inform the Home Office of the panel arrangements
- October 2012 – Home Office funding for the Police and Crime Panel commences
- 15 November 2012 – Police and Crime Commissioner election
- 22 November 2012 – The Police and Crime Commissioner takes office

Role and function of the Panel

The Police and Crime Panel has a number of powers and responsibilities. For instance, the panel can:

- Veto (by two-thirds majority) the proposed precept and the proposed candidate for Chief Constable.
- Review the draft Police and Crime Plan and make recommendations to which the PCC must have regard.
- Review the PCC's Annual Report and make reports and recommendations at a public meeting, which the PCC must attend.
- Require the attendance of the PCC at a meeting, and require access to any relevant reports in the PCC's possession (except where there is operational sensitivity).
- Ask Her Majesty's Inspector's of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a Chief Constable.
- Hold confirmation hearings for the PCC's proposed chief executive, chief finance officer and deputy police and crime commissioner appointments.

In addition, the Panel is responsible for;

- Appointing an acting Commissioner where the incumbent PCC is incapacitated, resigns or is disqualified.
- Investigate complaints against the PCC, referring alleged criminal complaints to the Independent Police Complaints Commission.

Membership of the Panel

Each local authority in England is required to appoint a member to their force-area PCP. In Essex this means that the County Council, the two Unitary authorities and each of the twelve District and Boroughs will appoint a member to the panel, which will also contain a minimum of two independent members. The maximum panel size is twenty members. All Local Authority members are eligible to become members of the panel. It has been agreed that Essex Local Authorities will be in a position to provide the County Council with the names of their panel representatives following their AGMs in May 2012.

The Home Office has made it clear that as far as possible, the panel should satisfy the balanced appointment objective; which is to ensure the geographic, political and demographic make-up of the Police force area is reflected in the membership of the panel.

The Home Office do not make recommendations on how long a Panel member should serve, but because of the complexities of the different Local Authority electoral cycles in Essex, the panel may wish to consider serving terms of one-year, with each local authority selecting their panel representatives at their annual general meeting each year. According to official guidance there is no maximum number of terms that a member can serve.

Hosting and support of the Panel

In line with Home Office guidance, and as agreed by all Essex local authorities, the County Council will act as host of the panel. This means Essex County Council will be responsible for arranging meetings and providing support, development and training to panel members. It has been agreed that the provision of support for the PCP will be shared between resources in Governance and Policy & Strategy.

Funding of the Panel

In order to provide the necessary support to the panel, the host authority receives a Home Office grant of £53,300. Whilst there is no allowance for members, the Home Office provide an allocation of £920 per member for expenses. This funding will commence in October 2012 to ensure that the Panel can meet and agree procedures before the PCC is in place in November. In addition to this, each Local Authority in Essex has agreed to provide £2,000 in the first year to support the setting-up of the panel.

Home Office guidance on setting up PCPs has been deliberately non-prescriptive, giving local areas significant control over their Panel arrangements. Consequently, detailed panel arrangements will need to be agreed by the panel and then approved by each authority. Draft terms of reference are set out in the Annex to this report.

Conclusions

It is requested that Cabinet approve the recommendations outlined at the beginning of this report to allow Essex County Council to set-up and host the Police and Crime Panel for the Essex Police Force area

Relevance to ECC's corporate plan and other Strategic Plans

The establishment of a Police & Crime Commissioner gives the public an opportunity to directly elect an individual who will be responsible for holding the Police Force to account. This links into our corporate priority to give people a greater say and a greater role in building safer and stronger communities. The Police and Crime Panel is a crucial element of this initiative as it will be responsible for scrutinising the Police and Crime Commissioner.

Internal and External Consultation

The Police & Crime Panel is a new statutory obligation on the County Council. The views of all Local Authorities within the Police Force area have been canvassed to ensure that there is consensus about the plans for the County Council to host the Police and Crime Panel.

Legal Implications (Monitoring Officer)

Local authorities are now required by the Police Reform and Social Responsibility Act 2011 to establish Police and Crime Panels. Acceptance of the recommendations set out in this report will ensure that the County Council meets its statutory duties.

Finance and Resources Implications (Section 151 Officer)

When setting the 2012/13 budget, £100,000 was identified within the ECC budget as the likely level of funding required to create and run the Panel. Since the setting of the budget, notification has been received from the Home Office that they will provide funding to the Host Authority for the creation and running of the Panel from October 2012. The funding available is £53,300 and £920 per panel member. The costs associated with the setting up and running of the Panel will be monitored to ensure that the Panel has sufficient resources in order to operate effectively. Meanwhile, a sum equivalent to the grant provided will be withdrawn from the original £100,000 budget and held in reserve pending any application for further funding.

In addition to the ECC funding each relevant authority has been asked to contribute £2,000 towards the costs of establishing the Panel too. This will be drawn from the ECC budget set aside for 2012/13.

Equality Impact Assessment

It is not foreseen that this new Panel will discriminate against any group. There is a requirement for our Police and Crime Panel to be, as far as is practical, representative of the demographic, geographic and political Police Force area.

Background papers

Not applicable

ESSEX POLICE AND CRIME PANEL

TERMS OF REFERENCE

1. The Panel's role is to scrutinise the work of the Police and Crime Commissioner, exercising the function as a critical friend, in support of the PCC.
2. To review and produce a report on the proposed appointment of the Chief Constable.
3. To hold a confirmation hearing, and produce a report or recommendations (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
4. To scrutinise the proposed precept and make recommendations. If not satisfied with the precept the PCP can veto it, provided there is a two thirds majority in agreement. The PCC will then have to respond to the panel and publish the response.
5. To review the PCC's Police and Crime Plan, and produce and publish a report or recommendation on the plan.
6. With regard to the annual report, produced in accordance with section 12 of the Police Reform and Social Responsibility Act 2011, the panel must question the PCC at a public meeting and scrutinise the decisions made by the PCC. The panel must also produce recommendations or a report which is sent to the PCC and published.
7. To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
8. To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
9. Where required (ie if the PCC resigns, is disqualified from office, is suspended or incapacitated), appoint an Acting Police and Crime Commissioner from amongst the Commissioner's staff.

The Panel will be governed by schedule 12A of the Local Government Act.

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 one 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.
9. To monitor and review the minutes of the Police and Crime Panel.

Chairman: Cllr. Lea

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Essex County Council - Health Scrutiny Committee

Terms of Reference

To discharge the functions conferred by the Health and Social Care Act 2001 (as updated by the Local Government Involvement in Health Act 2007), namely:

- to review and scrutinise the totality of local services planned and provided as part of the Council's wider responsibility to seek health improvements and reduce health inequalities;
-
- to review and scrutinise the operation of the health service in the Council's area and to make reports and recommendations to NHS bodies;
-
- to refer contested proposals for major service changes to the Secretary of State;
-
- to scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under section 31 of the Health Act 1999
-
- To review or scrutinise health services commissioned or delivered in the Council's area within the framework set out below:
 -
 - arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area;
 -
 - the provision of such services to those inhabitants;
 -
 - the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
 -

- the public health arrangements in the area; e.g. arrangements by NHS bodies for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
-
- the planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out:
 -
 - a strategy for improving both the health of the local population and the provision of health care to that population; and
 -
 - the arrangements made by NHS bodies for consulting and involving patients and the public:
 -
 - to review and scrutinise the totality of local services e.g. social services, planned and provided as part of the Council's wider responsibilities to seek health improvements and reduce health inequalities;
 -
 - to act as consultee to an NHS body within the Council's area on substantial developments of the health service in the Council's area and any proposals to make any substantial variation to the provision of such services.

NB EFDC has one representative on the Committee.

ESSEX COUNTY COUNCIL HEALTH OVERVIEW AND SCRUTINY COMMITTEE – TERMS OF REFERENCE

10.1 Health Scrutiny Committee

The Council will appoint a Health Overview and Scrutiny Committee to discharge the functions conferred on the Council by statute to review and scrutinise, and receive referrals in connection with, any matter relating to the planning, provision and operation of the health service in its area and such other matters as are identified in 10.3 below.

10.2 Membership

16 members (including up to 4 non-voting co-opted members appointed by, and at the invitation of, the Committee on the nomination of other Essex local authorities).

10.3 Roles and Functions

The Health Overview and Scrutiny Committee will have the following roles and functions:

- (i) to review and scrutinise the totality of local services planned and provided including the work of the Health and Wellbeing Board as part of their wider responsibility to seek health improvements and reduce health inequalities for their area and its inhabitants;
- (ii) to refer contested proposals for major service changes to the Secretary of State;
- (iii) to scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under section 31 of the Health Act 1999;
- (iv) to review or scrutinise health services commissioned or delivered in the Council's area within the framework set out below:
 - (a) arrangements to secure hospital and community health services to the inhabitants of the Council's area;
 - (b) the provision of such services to those inhabitants;
 - (c) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
 - (d) the public health arrangements in the area; e.g. arrangements for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;

(e) the planning of health services, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and

(f) the arrangements made by NHS bodies for consulting and involving patients and the public;

(v) to review and scrutinise the totality of local services including social services, planned and provided as part of their wider responsibilities to seek health improvements and reduce health inequalities; and

(vi) act as consultee to an NHS body within the remitted area on issues of:

(a) substantial developments of the health service in the Council's area; and

(b) any proposals to make any substantial variation to the provision of such services.

(vii) to review and scrutinise:

(a) sport and the 2012 Games Legacy

(b) Registrar's Service

(c) the Coroner's Service.

10.4 Proceedings of the Health Overview and Scrutiny Committee

The Committee will conduct its proceedings in accordance with the Health Overview and Scrutiny Committee Procedure Rules contained within Part 4 of this Constitution.

MEMBERSHIP OF HEALTH OVERVIEW & SCRUTINY COMMITTEE (12)

(7 Con : 1 UKIP: 2 Lab: 1 LD: 1 NA)

Chairman:

Jillian Reeves

Dave Blackwell

Keith Bobbin

Penny Channer

Margaret Fisher

Ricki Gadsby

Keith Gibbs

Dave Harris

Eddie Johnson

Sue Lissimore

Malcolm Maddocks

Jillian Reeves

Andy Wood

Conservative Subs:

Ann Brown

Ray Howard

Labour Sub:

Ivan Henderson

Li

[Advised after Full

Council

Lib Dem Sub:

Theresa Higgins]

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