

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

**Committee:** Overview and Scrutiny Committee      **Date:** Thursday, 31 January 2008

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.15 pm

**Members Present:** Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman) D Bateman, R Church, M Colling, Mrs A Haigh, Mrs H Harding, J Hart, D Kelly, G Mohindra, Mrs P Richardson and K Chana

**Other Councillors:** Councillors Mrs D Collins, Mrs A Grigg, J Knapman, Mrs M Sartin, Mrs P Smith, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Apologies:** Councillors R D'Souza

**Officers Present:** D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), R Palmer (Director of Finance and ICT), B Land (Assistant Head of Planning and Economic Development), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer), P Tredgett (Information Assistant), M Jenkins (Democratic Services Assistant) and Z Folley (Democratic Services Assistant)

---

### **58. WEBCASTING INTRODUCTION**

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Committee noted the Council's Protocol for Webcasting of Council and other meetings.

### **59. SUBSTITUTE MEMBERS**

It was reported that Councillor K Chana was substituting for Councillor R D'Souza.

### **60. DECLARATIONS OF INTEREST**

No declarations of interest were reported pursuant to the Councils Code of Conduct.

### **61. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on the 13 December 2007 be taken as read and signed by the Chairman as a correct record.

### **62. DRAFT PORTFOLIO HOLDER BUDGETS**

The Committee considered the recommendations of the Finance and Performance Management Cabinet Committee on the Council budgets for 2008/09. The Committee also received the recommendations of the Finance and Performance Management Scrutiny Panel on the proposals.

The Director of Finance and ICT and the Finance, Performance Management and Corporate Support Services Portfolio Holder, Councillor Whitbread, introduced the budget proposals to the Committee.

The Committee noted that:

- a) CSB Growth – net savings for 2008/09 have been included at a total of £344,000. For 2009/10 growth items of £144,000 have currently been identified. In common with the earlier version of the strategy, target CSB savings of £200,000 per annum are included for the period 2009/10 to 2011/12. Having successfully exceeded the savings targets for 2007/08 and 2008/09, the search for the further savings needed in subsequent periods will continue throughout 2008/09.
- b) DDF – all of the known items for the four-year period have been included and at the end of the period a balance of only £69,000 is still available. This is after revising the estimates for the inclusion of the Local Development Framework (LDF), which uses up £1.3m of DDF resource over the forecast period. It is hoped that the replacement for Planning Delivery Grant will provide some funds that can be used for the LDF but these will only be included in the estimates when the amounts to be received are certain.
- c) Grant Funding – the provisional settlement figures have been included for the Comprehensive Spending Review period of 2008/09 to 2010/11. Once provisional figures have been announced it is unusual for them to change significantly. For 2011/12 it has been assumed that there will be a 1% increase in the base grant but that there will be no floor support, this gives a net increase of 0.6%.
- d) Council Tax Increase – Members have confirmed they wish to keep rises below the rate of increase in the Retail Prices Index and so an increase of 2.5% has been included for 2008/09. It is anticipated that growth in the retail prices index will reduce from the current level of 4.0% to 2.5% in subsequent years and so 2.5% has been used for future increases.

Councillor Whitbread commended the budget to the Committee saying that the authority was now secure for the future. They were restructuring the Council and making savings of half a million pounds as well as investing in front line services. They were now in a fit position to keep Council Tax under control.

Councillor Mrs Haigh was concerned that the Committee had not had the complete breakdown for each Portfolio Holder. Councillor Mrs Whitehouse endorsed this concern. They were informed that this information had gone in full to the Finance and Performance Management Scrutiny Panel.

Councillor Knapman raised concerns that the size of the reserves were getting high, only two years ago they were worried that it was going to run out. Councillor Angold-Stephens said it was laudable that we had a low Council Tax, but have failed residents in delivering services. He said that he would not be supporting the budget and would like that recorded.

**RESOLVED:**

That the recommendations of the Finance and Performance Management Scrutiny Panel and the Finance and Performance Management Cabinet Committee be endorsed and reported to the Cabinet on 4 February 2008.

### **63. REVIEW OF FREQUENCY OF AREA PLANNING SUB-COMMITTEES**

This report was deferred from the last meeting pending a more detailed report and to give Local Councils more time to consult their members on the proposals and submit comments.

The Assistant Head of Planning Services introduced the report pointing out that there was a full performance improvement plan and change to the three week cycle was just part of this initiative. He explained that there was a mixed response from the Town and Parish Councils and a three week cycle would not effect the first three weeks of the application period, when the Town and Parish Councils consider the applications. The change is designed to catch those applications that presently take 9 or 10 weeks to determine and decide them within 8 weeks.

Councillor Kelly believed the proposal had not been carefully thought through, it was for financial reasons and not for the community. This would put a time constriction on having site visits and on the Town and Parish Planning Committees. The Council is currently within government timescales, so why alter it. He did not accept it would be an advantage to our committees.

Councillor Mrs Haigh commented that we had met our obligations. This proposal may favour the developers but it would not enable the public to organise a proper defence against an application. Councillor Bateman said that there was no need for a three week cycle in our rural areas, but it may be needed in the more urban areas.

The Assistant Head of Planning Services said that the quality of analysis will not change at all. Applicants will not have to wait so long. Some applications go over the eight week target by having to wait to go to a planning sub-committee. This will not affect the professional and technical analysis of an application but will reduce time spent waiting for a committee to make a decision.

Councillor Mrs Richardson remarked that it was dependent on the number of applications received, and there might be a higher cost a for a three week cycle, also would not diarising the applications earlier help? The Assistant Head of Planning Services agreed with her and pointed out that item two of the performance improvement plan covered this. But it was not the sole answer.

Councillor Colling was surprised of the number of councillors who would settle for second best. Who were they to hold the officers back in supplying a quicker service. Councillor Mrs Collins said they should congratulate officers for trying to improve the Council's service. She noted that out of the 209 application that were outside target, 150 were applications determined by committee and only 59 under delegated powers. That was where the hold up was.

Councillor Mrs Whitehouse asked why we were pulling out all stops to do this when 82% of our customers were satisfied with the service they received. The small improvements already made have made a difference, so she suggested that we put all the other improvements into operation and hold back on the three week cycle.

Councillor Knapman relayed Chigwell's response to the proposed three-week cycle. They pointed out that they have five dual hated Councillors that utilised the 'fallow' week to attend more meetings and therefore be more effective. This loss to the

Parish Council is considered to be far greater than the small gain by the Planning Services in achieving targets. Since there is no funding gain to the District Council for achieving top quartile status, there seems little point in imposing more difficulties on the Parish Council. The Parish Council was now investigating taking over as the Planning Sub-committee for Chigwell given it's Quality Council Status.

Councillor Mrs Grigg, the Portfolio Holder for Planning and Economic Development, said that applicants who were satisfied now would be more delighted if decisions were quicker. We were missing the target by a minor amount at present, as other Councils were always improving and we were in danger of falling behind.

Councillor Angold-Stephens accepted that the Town and Parish Councils will have the same amount of time as at present to consider applications, but was concerned about the residents who needed time to organise and respond. They were told that plans and maps would soon be available on our website and that the information would be out earlier. But it was premature to do this now and we should revisit this at a later date.

Councillor Mrs Harding said she strongly believed that we should work with the Parish Councils, but we should also go forward with this improvement, as we need to constantly fine tune the services we offer.

Councillor Kelly thought we should find other means to go forward other than by going to a three week cycle. There were problems with residents who wished to communicate with each other in the rural areas. We currently have a good system, so lets put in the other improvements but not alter the current four week cycle that we have.

Councillor Whitbread, Portfolio Holder for Finance, Performance Management and Corporate Support Services observed that it was important to note that that the consultation period remained the same. The Council wants to be the best and achieve top quartile.

#### **RESOLVED:**

That a report be submitted to the Council recommending that with effect from 2008/09, provision be made in the Council calendar of meetings for a meeting of each Area Plans Sub-committee every three weeks.

#### **64. WHOLE COUNCIL ELECTIONS**

The Chairman of the Constitution and Members Services Standing Scrutiny Panel, Councillor Church introduced the report covering provisions relating to elections.

The Committee noted that:

- The 2007 Local Government and Public Involvement in Health Act give the Council the choice as to whether to change from election by thirds to whole Council elections every four years;
- The Panel had consulted members of the Council about this change and there did not seem to be any great support for the idea;
- The Returning Officer has also expressed some reservations about staffing as he believes that a four year cycle might make it more difficult to maintain a pool of experienced presiding officers;
- Although the Panel could see an argument that one election every 4 years may create a higher public profile in London boroughs for instance, they felt

that in this area the cycle of Parish and County Council elections tended to dilute this effect;

- The Panel could not find any strong arguments for change and have thus recommend that the matter be not pursued unless a strong body of opinion in favour emerges at this meeting and the Council.
- As the proposals within the report will affect the policy framework of the Council, if the Committee are minded to recommend that full council elections are not to be pursued, a further recommendation be added to the report that 'a report be made to Council recommending accordingly'.

Councillor Mrs Harding asked if there was any way the Council could inform it's electorate about the elections. The Assistant to the Chief Executive replied that Returning Officers had been struggling with this for a long time. They are now obliged to increase the information that they put out and they are actively considering how they can do this. This is easy for high profile elections in London (say for the Mayor of London) but things are a bit more confusing in Essex, with County District and Parish and Town elections.

**RESOLVED:**

- 1) That the option of changing to whole Council district elections every four years be not pursued.
- 2) That the following provisions in the Act be noted:
  - a) the ability for the District Council to change the Parish/Town Council electoral cycle by negotiation;
  - b) the ability to initiate electoral reviews to achieve only one Councillor for each district ward;
  - c) the exercise of a new discretion to change the names of electoral wards without the consent of the Secretary of State; and
  - d) the new procedures for creating, amalgamating and grouping parish councils.
- 3) That none of the above listed under recommendation 2 should be the subject of further reports from the Constitution and Members Services Standing Scrutiny Panel.
- 4) That a report be made to Council recommending accordingly.

**65. WASTE MANAGEMENT BOARD - APPOINTMENT OF MEMBER**

**RESOLVED:**

That Councillor R Morgan be appointed to the Waste Management Partnership Board as the Overview and Scrutiny Committee nominee.

**66. CLEAN NEIGHBOURHOODS AND ROGERS REVIEW - REPORT OF THE ENVIRONMENTAL AND PLANNING SERVICES STANDING PANEL.**

The Director of Environment and Street Scene introduced the report of the Environment and Planning Scrutiny Panel sub-group on Cleaner Neighbourhoods and the Rogers Review. Peter Rogers (Chief Executive of the London Borough of Westminster) was commissioned by the Government to investigate local authorities' enforcement roles and how they established priorities. This was welcomed by Councils who were becoming increasingly concerned about additional regulatory burdens being placed upon them at a time of increasing downward pressure on resources.

It was noted that crime and disorder was not considered by the Rogers Review, but the sub-group thought it was important and that the report on the web site should be read.

The Council could enter into a partnership to other organisations to eliminate fly posting and are close to completing their first partnership agreement with Virgin Media.

Councillor Mrs Smith added that the group visited two other local authorities and saw their street wardens in action. They decided not to pursue that option as they wanted a wider spread of measures for our council. The Rogers Review left out local environmental quality which we thought was a high priority and so included them.

Councillor Bateman asked if we could force supermarkets to charge for their shopping trolleys or to fine the stores for retrieving them from us when we pick the up off the streets. He was told that the Council did not have the power to force shops to charge for their trolleys, but that we do charge the supermarkets to retrieve their abandoned trolleys from us.

Councillor Mrs Harding remarked that it was an amazing wish list identified by the sub-committee, but how realistic was it?

Councillor Colling commented that there was a similar report going to the cabinet, could we not amalgamate the two and fund it that way. The Director for Environment and Street Scene agreed they were similar and that the cabinet would be looking at the budget. It should be noted that a lot of these things are being done routinely by the council anyway and are already budgeted for.

Councillor Jon Whitehouse asked for more clarity from the report, such as defining what is not a priority, what is the timescale and how do we know when we have achieved it.

Councillor Angold-Stephens noted that there was no mention of the Police under the unregistered transportation of waste. The Director for Environment and Street Scene clarified that we had no powers to stop vehicles, only over vehicles already stopped or that were flytipping. This was a high risk operation and they needed the police there. As for the issue of priorities, they had debated it, but a lot of these are statutory local functions that has to be carried out. We will target these functions as priorities. However the Committee may want to monitor how we take this forward. The Deputy Chief Executive pointed out that new national indicators were coming in and would be going to the 11<sup>th</sup> February Finance and Performance Management Scrutiny meeting.

Councillor Mrs Collins commented that these had been handed down from the Government but gave us no money for it. She proposed that the Committee just noted the recommendations of the report and that the restructuring was explained to Cabinet at their next meeting.

Councillor Jon Whitehouse said there were important things on this report and it was important that the Overview and Scrutiny Committee actively recommend this report to the Cabinet rather than just noting it.

**RESOLVED:**

- (1) That the Committee received the report of the Cleaner Neighbourhoods and Rogers Review sub group; and

- (2) Endorsed the Recommendations of the sub group as follows:
- (a) that the most important enforcement functions for the Council be agreed as set out in the table in paragraph 6 and that in the context of street scene services Crime & Disorder matters should also be included as a most important function;
  - (b) that enforcement activities falling outside of these categories and/or outside of the Rogers Review terms of reference be further reviewed;
  - (c) that the general findings of the Encams Local Environmental Quality report be noted;
  - (d) that existing partnerships be reviewed and where appropriate new ones established to enable the full suite of Cleaner Neighbourhoods powers to be utilised;
  - (e) that the use of fixed penalty notices be endorsed as part of a revised enforcement strategy, including the use of the Essex Police Community Safety Accreditation Scheme for enforcement officers; and
  - (f) that the existing corporate enforcement policy be reviewed in the light of the Rogers Review recommendations.

#### **67. WORK PROGRAMME MONITORING**

The Committee reviewed and noted the work programme for the Overview and Scrutiny Committee and its standing panels.

It was noted that:

- the next meeting of the Overview and Scrutiny Committee would be dealing with the annual report and would be taking bids in March and April for next years work plan.
- the Police would be addressing the committee in March, with London Underground and the County Highways people coming in April.

#### **68. CABINET REVIEW**

The Committee noted that the proposed Calendar on the Cabinet agenda was now contrary to what was agreed at this meeting.

The Committee commended the proposals contained at item 13 that proposed a change of status of the Cottis Lane and Bakers Lane Car Parks. The Committee were of the view that the change to a combined tariff and the Cottis Lane Car Park within the free Saturday car-parking regime is to be welcomed within the town.

**CHAIRMAN**

This page is intentionally left blank