

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

**Committee:** Overview and Scrutiny Committee      **Date:** Thursday, 29 January 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 10.40 pm

**Members Present:** Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman) M Colling, J Hart, D Jacobs, G Mohindra, Mrs P Richardson, B Rolfe, Mrs L Wagland, Mrs J H Whitehouse and J Knapman

**Other Councillors:** Councillors D Bateman, K Chana, M Cohen, Mrs D Collins, R Frankel, Mrs A Haigh, Mrs H Harding, Mrs M Sartin, P Spencer, D Stallan, Ms S Stavrou, C Whitbread, J M Whitehouse and C Gilbert

**Apologies:** Councillor A Green

**Officers Present:** D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), R Palmer (Director of Finance and ICT), T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer), N Robinson (Young Persons Officer), P Tredgett (Information Assistant), A Hendry (Democratic Services Officer), M Jenkins (Democratic Services Assistant) and R Perrin (Democratic Services Assistant)

**By Invitation:** Councillor N Hume (Essex County Council) and N Roberts (ECC)

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### **60. 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.

### **61. SUBSTITUTE MEMBERS**

It was reported that Councillor J Knapman was substituting for Councillor A Green.

### **62. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 11 December 2008 be taken as read and signed by the Chairman as a correct record.

### **63. DECLARATIONS OF INTEREST**

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

### **64. RURAL TRANSPORT SERVICES**

The Panel welcomed Councillor Norman Hume, the County Portfolio Holder for Highways and Transportation and Nick Roberts the Essex County Council Passenger Transport Co-ordination Centre Manager (Schools). They were there to talk about and answer questions on, rural transport and the bus services. This linked in with the recent Epping Forest District Transport Survey carried out in the summer of 2008.

Councillor Hume noted that the survey touched on bus transport in general and other issues of rural transport. He acknowledged the need for lower cost, more frequent public bus services, improved cycle tracks and better safety for pedestrians and cyclists. The withdrawal of the 500 bus route was a big issue which was still being considered by county. He reminded the meeting that the bus operators ran a commercial business. Essex County Council (ECC) had a policy to try and meet a basic standard of service where ever possible. Where a service was subsidised the county provided £5 per passenger journey. Once over this £5 threshold the service provided would have to be amended. 15% of the total provision of bus services is provided by the ECC, these are the only services that could be controlled by county. They also contribute to community transport, and they fund community bus services at about one million pounds per annum.

On concessionary bus travel for the over 60's, there was now a national service for free travel. The Government had not fully funded this service, so District's and Counties has to partly fund the service and this would grow over the years. The District Councils now pays about £17 million p.a.

He also wished to emphasize that the road conditions in the county are better than they were for a number of years. County was always trying to make it safer for all road users. There had been a 12% reduction of killed or seriously injured on the roads in 2007, with a further 22% reduction in 2008. Their ambition is to reduce it even further. Cycling had got a £2.1 million of government funding for Colchester and they were looking to apply the lessons learnt to other parts of the county.

Councillor Hume then went on to tackle some of the questions submitted earlier to him.

The Youth Council had asked:

Q: What had happened about more subsidized bus passes for young people?

A: Councillor Hume said that there was an issue here and they were looking into concessionary passes to young people, but this would not happen in the next financial year.

Q: At the recent big youth debate it was said that bus drivers shouldn't discriminate in any way against any group. In our survey it was discovered that a number of young people said that bus drivers were rude to them and applied different fares on the same bus. What is being done about driver attitudes and having consistent age criteria?

A: This was an issue of training as well as an issue for young people. The County controls about 15% of services and they concentrated on these services. The big bus companies provide their own training.

Q: How much money is spent on rural bus services by the county council and how are these prioritised?

A: It was difficult to categorise rural bus services. They had carried out a survey on what level of service they were expected to provide and were criticized about having empty buses, the timetables were not always what people wanted or needed.

Q: What is being done to regulate cleanliness on all bus services seeing as it was one of the top three priorities highlighted from our piece of consultation?

A: Their contracts with bus companies stipulate clean busses, how this was defined was not easy. There were a lot of complaints, and clean buses attract users, but it was not easy to say what was acceptably clean. They had spoken to the bus operators about this recently.

Q: What consultation occurs when a bus route is to be removed, and when young people are affected what steps are taken to disclose other services provided?

A: They only have 56 days to act. They consult where they can, i.e. the local parishes. They would welcome youth group's involvement. The County has to decide if they can afford to subsidise it and/or tender for contracts. Their contracts are renewed yearly, but could last longer.

Q: Have you started discussions with the District Council on what funding is available for new services as one of your officers promised at the big youth debate?

A: This would come from Section 106 money.

Q: What has happened about the 'mystery shopping' on bus services to better the quality of the service and is it possible for young people to get involved?

A: The County has inspectors and are trying to be proactive. They do undertake 'covert' operations and would be happy to get the youth council involved. It would be important that they know what to look for. The County spends a lot of money on bus services and it was important that they monitor the service provided.

Councillor R Frankel asked:

Q: Given the increasing level of congestion on local roads, and damage caused to the forest from the high volumes of traffic using the A104, does the portfolio holder agree that the M11 full interchange (North facing slip roads) at Junction 5 should be promoted again with the Highways Agency/government.

A: Major funding of this kind was unlikely to happen on this type of project. In principle he was in agreement with the sentiment of the question, but in practice it would not happen.

Councillor Mrs J Whitehouse asked the next three questions:

Q: When residents who live in a road with yellow lines have building work done, in order to get to get dispensation from the restrictions they have to pay £15 for the first day and £5 (10-4pm restriction) or £1 (1 hour restriction) for subsequent days. Residents who have residents' parking bays in their road can use visitors' permits which are much cheaper.

Councillor Mrs Haigh and I have had residents complaining about this dispensation fee.

Who decided, and when, that a fee should be payable and what considerations were taken into account in setting the level of the fee?

A: EFDC charges for and manages parking enforcement and schemes. He was not aware that county was involved.

Q: Sunnyside Road, Epping is on the edge of the controlled parking zone and has suffered badly from displaced parking. Many complaints have been made by the residents to me, Highways and the police. Highways officers have prepared proposals to introduce parking restrictions in Sunnyside Road which should alleviate the situation. However residents are frustrated at the length of time it is taking to get the restrictions in place and are considering civil action against the county council. Will you please give details of what processes are still required with dates?

A: The parking review in Epping – residents at first did not want parking restrictions in the district, but subsequently have asked for them. He will let the councillor know when this will happen.

Q: Are there regulations relating to the width of crossovers and, if so, what are they? Those constructed at older houses are fairly narrow but more recent ones are much wider and some are the width of an entire garden where this has been paved over. The result is that in some roads there is little kerb remaining for vehicles to park and other roads are likely to become like this.

A: The current ECC guidance was that a dropped curb should be a maximum of 5.4 meters; this can take up the whole width of a property.

Councillor J Knapman asked:

Q: It took 9 months to complete a double yellow lines in Station Road because of a car parked there. Is there not a system in place to complete the lining of a road in a set time?

A: This was quite exceptional, they do have procedures in place and it should have been adhered to.

Councillor D Bateman asked:

Q: Residents in Pudding Lane were concerned by the speed of cars travelling through there. There were a lot of accidents on this road; there was an accident there last week. Something needs to be done. Also cycle lanes do not seem to come about very quickly, can this be looked at as well?

A: Councillor Hume said he would look into this. He had visited Pudding Lane and has outlined some proposals. They were looking at reducing speed and the volume of traffic; he would bring forward proposals when they had been firmed up.

Councillor D Stallan asked:

Q: What was county doing to encourage bus operators to run later services in our area?

A: The bulk of services are commercial and if people do not use them they would not be profitable. This is a judgement for the operator. The county do provide limited services for vulnerable communities. If not used a service would be taken out. There was a need to understand where people wanted to go and when. It may be that an hourly service could be provided or a taxi type service at a more economic rate. There was a price to pay for deregulation of bus services to make bus operators competitive. They will put investment in where they get the best returns. ECC will do what it can and help where it can, but they are limited in what they can do.

Councillor Jon Whitehouse asked:

Q: There were issues for concessionary fares for younger and older people. Could ECC discuss the extension of the freedom pass with Transport for London (TfL). Also when would the West Area Highways Office be brought up to strength?

A: ECC are currently in talks with TfL, and they are trying to improve the staffing at the Highway Office and this has improved recently.

Councillor M Cohen asked:

Q: Loughton is a hilly area, and during time of snow and ice there was need for regular gritting especially on the side roads that are hilly, can this be done.

A: ECC have identified priority routes, but there are exceptions. You can make a case to us and we would consider it and maybe add it to our list.

Councillor Mrs H Harding asked:

Q: She was amazed to see large buses on small country roads could something be done about this. It is also a safety issue.

A: From a cost point of view it does not make commercial sense to have various sizes of busses. Double Decker buses are used for school transport so they are used during the day. Our contract stipulates a minimum number of seats but not the size of the buses used. We will look into this.

Councillor J Hart asked:

Q: The storm drains are always blocked, could this be sorted out.

A: As I do not know the specifics, email me and I will look into it.

Councillor Mrs P Richardson asked:

Q: It was pointed out that the bus drivers were not being civil to youngsters, this could be a two way thing, and the drivers should not be blamed entirely.

A: It was not just a one way street; there was a small minority who caused problems. The council was doing what it could by putting CCTV on buses etc.

Q: It seems that the speed cameras were used as cash cows. Signs that flash up are more effective, how do you view their use?

A: People tend to know where the cameras are and speed up and slow down accordingly. They do help reduce accidents. They are not cash cows, the money goes to the government, and we get a grant. They do help reduce accidents at some sites. Average speed cameras are better.

Councillor Mrs Haigh asked:

Q: The Buckhurst Hill Parking Review had caused her extreme frustration as it kept being put back. Could deadlines be given to the District Council and could there be better communication with ward councillors.

Also as Chair of the Children and Younger people partnership she thought the statistics for road accidents for young people were unacceptably high, can you tell me what is being done?

A: Better communication was important; EFDC was now moving towards 'localism'. This should lead to better communication. There was complete agreement about child safety. We have divided up the budget for this into child safety and motor cycle safety. A lot of accidents relate to driver or pedestrian behaviour. Other dangers exist here in rural areas.

Councillor Mrs Wagland commented that it would be more useful to have more joined up thinking by liaising with Network Rail and TfL on weekend working

The Chairman thanked Councillor Hume and Nick Roberts for their time and for answering member's questions.

## **65. CHANGE IN ORDER OF THE AGENDA**

With the agreement of the meeting the budget report was taken as the next item.

## **66. BUDGET REPORT**

The Committee considered the recommendations of the Finance and Performance Management Cabinet Committee and the Finance and Performance Management Scrutiny Panel on the Council's budget for 2009/10. Additional information was requested at this meeting last year and so the full reports that went to the Finance and Performance Management Cabinet Committee were appended to the report.

The Director of Finance and ICT introduced the budget proposals report to the committee.

The Committee noted that:

- a) It was a difficult year to construct a budget because of:
  - i) The "Credit Crunch" and reduced housing market activity;
  - ii) Taking forward Safer, Cleaner, Greener and Waste Management;
  - iii) Future provision of leisure facilities in Epping and Waltham Abbey;
  - iv) Pay disputes and utility costs;
  - v) Need to obtain annual approval for capitalisation of pension deficit payments;
  - vi) Introduction of nationwide concessionary fares scheme;
  - vii) Customer Services Transformation Programme.
- b) The budget guidelines for 2009/10 were established as:
  - i) The ceiling for CSB net expenditure be no more than £17.6m including net growth/savings.
  - ii) The ceiling for DDF net expenditure be no more than £270,000.
  - iii) The District Council Tax be increased by no more than 2.5%.
- c) CSB – some of the growth items listed are for sums agreed as part of previous year's budgets but most are new for the next year. The largest item for next year was £217,000 for the reduction in interest earnings resulting from the substantial reduction seen in interest rates.
- d) An increase in the target for the 2009/10 CSB budget from £17.9m to £18.1m (including growth items).
- e) DDF – the DDF net movement for 2009/10 is £1.181m. The largest cost item was £432,000 for work on the Local Development Framework (LDF). The LDF was a substantial and unavoidable project and over the next four years DDF funding of £1.137m was currently allocated to it.
- f) Other significant items of expenditure include £215,000 for waste management expenditure that will be necessary as part of the transition to the new collection methods.
- g) At £1.181m the DDF programme exceeded the target by £481,000. All of the DDF items currently programmed to the end of 2012/13 can be funded from within existing DDF resources.
- h) Council Tax Increase - For a number of years now Members have had a policy of restricting increases in Council Tax to less than the increase in the RPI. At the meeting of this committee on 8 December 2008, Members amended this policy to one of increasing Council Tax by no more than 2.5%. The latest RPI figure is 3% so even if the policy had not been amended the proposed Council Tax increase of 2.5% would have been within that target.

Councillor Jacobs, Chairman of the Finance and Performance Management Scrutiny Standing Panel told the committee that his Panel had thoroughly considered the report at their last meeting and after some discussion had confirmed its recommendations.

Councillor Whitbread, the Finance and Performance Management Portfolio Holder, confirmed that the budget had gone through a robust process and reflected the times in which we live. The Council had seen its income stream falling and it must look to the future. The key points being:

- They had kept the Council Tax increase low at 2.5%;
- had frozen car parking charges for the benefit of local traders;
- had looked at ways to help small business by speeding up the invoice process.

They had done nothing rash and could weather the current financial storm.

Councillor Mrs Whitehouse asked why the affordable housing grants were so different from last years figures. Councillor Stallan, the Housing Portfolio holder undertook to send her a reply following the meeting.

Councillor Knapman asked how confident they were in making the identified savings. Councillor Whitbread said that they had to achieve them or generate additional income.

Councillor Knapman said that they had a deficit budget; was that a good move to make at a time like this. The Director of Finance and ICT said that the Council's money was invested at a low interest rate for a maximum of three months and only with companies with a credit rating from Fitch of AA or above.

Councillor Angold-Stephens asked if the recent Gershon savings appeared in the figures. He was told that from next year they were to appear on the Council Tax Bill, they were not required to put it into the budget figures so were not included in the figures in the report. A figure of £950,000 had been achieved.

**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 2<sup>nd</sup> February 2009.

**67. PROPOSED MEETING WITH IAIN WRIGHT MP**

The Overview and Scrutiny Committee had invited Iain Wright M.P, Parliamentary Under Secretary of State for Communities and Local Government, to address the Committee and to answer questions from members regarding the Gypsy and Traveller Consultation. The Committee was advised that Mr Wright had declined the invitation; he had felt that the timing was inappropriate. His official response was tabled at the meeting.

The Committee members requested that his response should be referred to the Planning and Economic Development Portfolio Holder Advisory Group for any action they thought appropriate. Members also felt that the response should include an expression of disappointment that Mr Wright did not attend this meeting.

**RESOLVED:**

- (1) That the reply from the office of Iain Wright M.P, Parliamentary Under Secretary of State, be noted; and
- (2) That:
  - (a) the letter from Mr Wright M.P., be referred to the Planning Services Portfolio Holder Advisory Group; and

- (b) a response be dispatched to Mr Wright M.P. stating the disappointment felt by the Overview and Scrutiny Committee that he did not attend the meeting.

## **68. REVIEW OF CIVIC CEREMONIAL ARRANGEMENTS**

The Senior Democratic Service's Officer, Mr S Hill, presented a report to the Committee regarding the Civic Ceremonial Function – Review 2008. The report brought forward a number of issues for consideration following the Civic and Ceremonial Review for 2008. The review took account of the views from past Chairmen of Council, practice in other local authorities and references to the role of the Chairman contained within the Council's Constitution.

The scope of the review was agreed at the meeting of the Panel on 8 September 2008 as follows:

### **The role of the Chairman of Council**

- A response to the report of the Councillor's Commission
- A review of the Council's Protocol and the status of the Chairman
- A review of the member accountability statements contained within the Constitution
- How could the Chairman be better promoted?

### **Annual Council**

- Civic and Business aspects of the Annual Council meeting
- Changes in 2009

### **The Annual Civic Events**

- A review of: timing, type, reference and affordability
- What other authorities do

### **Issues from other reviews**

- An update on the last review
- Issues from Audit Reports: Gifts and Hospitality, Account handling, Bank Account Processes

Contained within the Council's Constitution were four main documents relating to the Chairman and Vice Chairman:

- (a) Article 5 – Chairing of the Council
- (b) Protocol on the Role of the Chairman and Vice Chairman
- (c) Protocol for the Election of the Vice Chairman of the Council
- (d) Member Accountability Statements which were the equivalent of a "job description" for councillors holding certain positions, not reviewed since 2001.

The two protocols largely reproduced the text contained within Article 5 of the Constitution. It was recommended that the texts be brought together into one document in the main article. A minor change was made covering the eventuality that



a Vice Chairman cannot become the Chairman, an example being failure to be re-elected.

### **Chairman's Role**

The Government intended to place a statutory duty on Local Authorities to promote democracy, this was in addition to their expectation of increased electoral participation.

Government ideas included:

- Working with local schools, including initiating visits explaining their role and to support active citizenship education
- Making a positive presentation to local volunteer groups or boards about governance roles and how to apply to them.
- Promoting the role of the Council and councillor to community and voluntary groups
- Developing links with town and parish councils and supporting democracy related activities

It was felt that the Chairman was in a unique position to undertake this role as they already had the overall responsibility for promoting public involvement through the Council's work.

Consideration had also been given to the idea that the Chairman and Vice Chairman might serve for two years instead of one. However, it was felt that with over 150 events per annum, there would be too many events for the Chairman to attend.

The Constitution and Member Services Panel had reviewed processes at the Annual Meeting, particularly the Civic Ceremonial aspects and whether a second "Civic" Annual Meeting should be held. It was felt that improvements should be made to the Annual Meeting which stopped short of holding a second meeting. It was recommended that Group Leaders were urged to agree the Committee and Outside Body appointments, as far as was possible, prior to the meeting. It was acknowledged that changes to the executive arrangements already meant that the Leader would be responsible for making a number of the appointments and that in 2009 the process should be more straightforward as there were no scheduled district elections.

It was also felt that the incoming Chairman should have involvement in the civic content of the Annual Council meeting including, and if thought appropriate, a presentation be given by the Chairman's chosen charity in order to raise their profile locally at the start of the civic year.

Past Chairmen had indicated that there had sometimes been confusion about the respective roles of the Chairman and Leader, which had often needed careful explanation to residents. There had been some tensions when undertaking duties within the district when Town Mayor's or Chairmen were present.

It was felt that the Chairman should be used to promote the Council and its work. It was recommended that this promotion included:

- (i) Proactive promotion with the local press including interviews with the new Chairman and Vice Chairman and regular meetings
- (ii) Promoting the Council to groups, particularly young people.
- (iii) Encouraging invitations to schools, hospitals, services and care homes, and, as a matter of policy, schools in the district should be written to, in particular, secondary schools and 6<sup>th</sup> Form Colleges in conjunction with the Youth Council and the Leader of the Council
- (iv) Regular meetings with press officers.
- (v) Promotion via the website with more items and photographs on events and a home page link and updating of the Chairman's web pages.
- (vi) The role of the Chairman being given more prominence in the induction training sessions
- (vii) Preparation of an "easy guide" for promotional purposes, advising on the role and inviting the Chairman and Vice Chairman to functions
- (viii) Arranging monthly liaison meetings with the Leader of the Council.

#### **Civic Events**

Support to the Chairman from the charities themselves seemed to have been variable. It was considered that the Chairman should be responsible for fundraising and advocate the idea that a meeting with the charities should be held in the early part of the year at which the expectation of support from them could be agreed. No budget increases were proposed.

It was recommended that the Chairman and Vice Chairman be issued with satellite navigation system to help them find event locations when using their own cars.

There had been difficulties that had been experienced with a suction based crest for the Chairman's car. Officers were seeking a safer solution to the use of such a crest.

It was suggested that all members should be issued with an appropriate name badge for use during Council business.

It was also felt that Town Twinning was not appropriate and should not be pursued.

The Committee was advised that more officer support had been secured for the Chairman, this had enabled support across three days each week. There had been further funding secured for civic transport giving more flexibility. In addition we have noted that new long service awards had been designed in conjunction with the original designer of the civic regalia and were in use.

Each Chairman maintained a separate charity bank account into which all donations were deposited. This process was outside the Council's financial monitoring system. Agreement had been reached with the Director of Finance and ICT that staff would reconcile the account on a regular basis.

#### **RESOLVED:**

#### **Constitutional Changes:**

- (1) That responsibility for promoting democracy is placed with the Chairman of Council and incorporated into the Council's Constitution;
- (2) That a report be submitted to Council recommending that the following Protocols be incorporated into Article 5 of the Constitution, namely:
  - (a) the appointment of the Vice Chairman of Council; and
  - (b) the role of the Chairman and Vice Chairman;
- (3) That the Council is recommended to adopt a revised Article 5 of the Constitution incorporating changes suggested by the review;
- (4) That the idea of a two year appointment for the Chairman and Vice Chairman of the Council be not pursued;

**Annual Council Meeting:**

- (5) That the Group Leaders be urged to agree Committee and Outside Body appointments as far as possible, prior to the Annual Council meeting;
- (6) That the Chairman of Council have discretion on civic content of the Annual Council meeting including, if thought appropriate, a presentation by the Chairman's chosen charity;
- (7) That a "second" or civic Annual Council meeting be not supported;

**Promotion of the Civic Office**

- (8) That the Chairman be used far more for promoting the Council, including:
  - (a) with the local press including interviews with new Chairman and Vice Chairman and regular meetings;
  - (b) to community groups including young people;
  - (c) encouraging invitations to schools, hospitals, services and care homes and that as a matter of policy, every school in the district should be written to, particularly secondary schools and 6<sup>th</sup> Form Colleges in connection with the Youth Council and the Leader of the Council;
  - (d) regular meetings with Public relations staff;
  - (e) promotion via the website with more items/photographs of Chairman's events and a home page link and updating of the Chairman's webpage;
  - (f) the role of the Chairman being given more prominence in the induction training sessions for new members and officers;
  - (g) the preparation of an "easy guide", comprising no more than two sides of A4 paper, for promotional purposes advising on the role and inviting the Chairman and Vice Chairman to functions; and
  - (h) arranging monthly liaison meetings with the Leader of the Council;

### Events

- (9) That no changes be made to the timing and types of events or to the Civic Ceremonial budget;
- (10) That the incoming Chairmen's views on other types of civic events continue to be sought and agreed with support officers at the beginning of each Civic Year;
- (11) That a meeting be organised with the incoming Chairman with their proposed charity to discuss how fundraising can be supported during the Civic Year;
- (12) That Chairman and Vice Chairman be issued with Satellite Navigation systems for use in their own cars during their years of office;
- (13) That Town Twinning be not pursued;

### Other Issues

- (14) That name badges be issued to each Member of the District Council in the format presented at the meeting;
- (15) That the Terms of Reference of the Constitution and Members Services Panel be widened to include reviewing the Chairman/Vice Chairman Accountability Statements; and
- (16) That the implementation of issues from the previous reviews be noted.

## 69. ANNUAL REVIEW OF CONTRACT STANDING ORDERS

The Assistant to the Chief Executive, Mr I Willett, presented a report to the Committee regarding the Review of Contract Standing Orders. Each year the Council reviewed its Contract Standing Orders to reflect changes in the law or operational matters regarding interpretation and good governance. Each of the Contract Standing Orders which had been reviewed this year, were dealt with below:

- **CSO C1 (Authority for Contracts) (Recommendation (1))**

In carrying out an audit of contract systems, there was at least one occasion when officers using the Essex Marketplace Procurement System had not obtained the relevant member authority for the acceptance of quotations or tenders. It was felt that Contract Standing Order C1 should stipulate that Chief Officers must ensure that whichever procurement method was selected, there was suitable authority from a Portfolio Holder or the Cabinet in accordance with value thresholds for contracts. The value thresholds set out in Contract Standing Orders still applied.

- **CSO C1 (District Council Works Organisations) (Recommendation (2))**

A new sub-paragraph was being added to Contract Standing Order C1 emphasising that where Chief Officers were using the Council's own works organisations or equivalent, it was not necessary to obtain competitive quotations and tenders. The relevant Chief Officer must consider whether procuring the service in another way was preferable if there was a value for money reason for doing so.

- **CSO C15 (Publication of Tender Information and Local Businesses)**

Two additional sub-paragraphs dealing with quotations and tenders were being included in Standing Order C15.

The first of these provided for tender and quotation specifications to include a statement that tender details may be published in a public agenda or in the minutes of the Council, or become available as a background paper or by means of a Freedom of Information Act request. There had been occasions where tenderers did not fully appreciate that by submitting tender documents they were potentially placing the information in the public domain. The Standing Order also required that the tender specification would say that the Council, if requested, would be obliged to provide any information but only on these matters which were not covered by any of the statutory exemptions.

The second addition was to reflect the decisions of the Council in October 2008 to assist wherever possible local businesses. One of the points raised related to contracts let to national or international companies where the services of local suppliers and sub-contractors were utilised. A statement was being included which encouraged main contractors to do everything possible to pay those invoices promptly, the resulting cash flow for local companies would greatly assist them.

The new standing order was going further than “just encouragement.” It was recommended that the following was included:

- (a) reference to the Council's own policy (14 day payments).
- (b) a requirement for tenderers to give details of their own policies for paying suppliers and sub-contractors
- (c) a statement that will be part of assessments by the Council of tenders and quotations now and in future tendering exercises.
- (d) Recommendation (4) – Local Businesses

However care was taken that the Council was not seeking to avoid its responsibilities to achieve value for money in the procurement of goods and services or to avoid compliance with legal duties and Contract Standing Orders in the use of public funds.

A new Contract Standing Order C34 was proposed to deal with support for local businesses. This derived from a motion passed at the Council meeting in October 2008.

The authority could only go so far in furthering the spirit of the motion without conflicting with its legal and other responsibilities. At least one tender or quote from a business located in the Epping Forest District. The proviso was that if a contract was awarded to a local concern, the Council's duty to achieve value for money, to comply with its legal duties and comply with Contract Standing orders was not compromised.

The Council was open to challenge if it was perceived to be procuring services in an anti-competitive manner. It was requested that the term “local businesses” should be defined as those operating from premises in the District, even if their headquarters were elsewhere.

- **CSO 34 (New) – (Land and Property Transactions) (Recommendation (5))**

It was proposed to amend the Contract Standing Order by making the limit of the delegated authority £25,000 per annum but subject to conditions:

- (a) an overall limit of £250,000 (or 10 years) for a single transaction his being calculated over the length of the term; and
- (b) consultation between the Director of Corporate Support Services and the relevant Portfolio Holder as to who should make the decision if the transaction involved a material change of use or conflicts with any other Council policy.

It was commented that the current Contract Standing Order resulted in only a small number of relatively minor transactions being dealt with under delegation being less than the present limit of £25,000. The result was that routine Estates transactions had to be referred to the Portfolio Holder. It was suggested that the effectiveness of these charges be reviewed after one year.

**RESOLVED:**

- (1) That Contract Standing Order CSO C1 be amended by the addition of a new sub-paragraph (13) as follows:

"(13) Chief Officers are required to ensure that, whichever procurement method is selected, they obtain the appropriate approval from a Portfolio Holder or the Cabinet in accordance with the value thresholds for contracts as set out in these Contract Standing Orders."

- (2) That CSO C1 be amended by the addition of a new sub-paragraph (14) as follows:

"(14) The provisions of Contract Standing Orders relating to competitive quotations or tenders and use of the Essex Procurement Hub shall not apply to the procurement of goods or services from its own works organisations or equivalent unless in the opinion of the relevant Head of Service there are clear value for money reasons for doing otherwise."

and that the subsequent paragraphs of this Standing Order be re-numbered accordingly;

- (3) That CSO C15 be amended by the addition of the following new sub-paragraphs to be numbered (1) and (7):

"(1) All specifications for the provision of goods and services by tender or quotation shall include a statement advising potential bidders that details of their tender may be published in the public agenda or minutes of the Council or may become available as a background paper or by means of Freedom of Information Act (FOI) request in response to which the Council would provide any information which is not covered by any of the Statutory Exemptions."

"(7) Specifications for tenders and quotations shall include a statement regarding the Council's policy of paying invoices within 14 days of receipt and a requirement for the following:

(a) the submission of a statement of the policies of tenderers regarding payment of sub contractors and suppliers and the timescales which apply to such payments; and

(b) a statement by the Council that the statement under (a) above will be taken into in the Council's assessment of all tenders and quotations."

and that the other paragraphs of this Standing Order be renumbered accordingly.

(4) That CSO C34 be amended by the addition of a new sub-paragraph (1) as follows:

"(1) Chief Officers are required to obtain, where possible, at least one quotation or tender from a business located in the Epping Forest District (including those with headquarters elsewhere) for any contract or official order being placed by the Authority, provided that in awarding the contract to a local business, the Council's duty to achieve value for money and to comply with legal duties and any other requirements of Contract Standing Orders is not compromised."

(5) That Contract Standing Order C32 be amended by paragraph (2) being substituted with the following revised wording:

"(2) The Director of Corporate Support Services may negotiate, agree terms and complete any lease, assignment, underletting, change of use or alterations to premises leased (irrespective of term) with a rental or premium not exceeding £25,000 per annum, subject to the exercise of this delegated authority being exercised:

(a) only up to a limit of £250,000 (or ten years) for any single transaction;

(b) after consultation with the relevant Portfolio Holder in the case of any transaction which involves a material change of use or conflicts with any other Council policy in order to determine whether a decision is to be made by the Director of Corporate Support Services, by the Portfolio Holder or by the Cabinet."

and that the effectiveness of these arrangements be reviewed after one year.

## **70. ANNUAL REVIEW OF FINANCIAL REGULATIONS**

The Assistant to the Chief Executive, Mr I Willett, presented a report to the Committee regarding the Review of Financial Regulations.

Over the past few years, the Council had resolved to undertake an annual review of its financial regulations ensuring that these complied with current legal requirements and ensured good governance of the Council's financial operations.

This year's review had identified only one matter which required attention, namely the decision to increase the limit for the Directors of Finance and ICT and Housing delegated authority to write-offs debts below £2,500 without referring to the Portfolio Holder. It was recommended that this change in delegation became permanent.

In 2007/08, the financial limit for the two Directorates to write-off debts, without approval, was increased to £2,500, subject to review after one year. It was found that

other local authorities operated a higher limit for officer delegation. One of the main reasons for making the change was to avoid large numbers of small debts being submitted on a regular basis to the Portfolio Holder for writing off. With Housing benefit, NNDR, Sundry Debtors and Housing rents, the proportion of write-offs by the Directors of Finance and ICT and Housing had increased over the two years. The exception was Council Tax arrears where, to date in 2008/09, no write offs were submitted to the Portfolio Holder, primarily because only Council Tax arrears in the "H" banding were greater than £2,500.

The Directors of Finance, ICT and Housing had reported that there had been no problems in operating under the new delegation arrangements.

It was therefore recommended that the delegation limit of £2,500 should be retained on a permanent basis. No case was seen for seeking a higher delegation limit.

**RESOLVED:**

- (1) That the limit for writing-off arrears and debts in respect of Housing benefit, National Non Domestic Rates (NNDR), Council Tax and Sundry Debtors under delegated authority by the Director of Finance and ICT be retained at £2,500 on a permanent basis; and
- (2) That the limit for writing-off arrears and debts in respect of housing rents by the Director of Housing be retained at £2,500 on a permanent basis.

**71. CONSULTATION ON PUBLIC RELATIONS**

The Public Relation's and marketing Officer, Mr T Carne, presented a report to the Committee regarding the Code of recommended practice on Local Authority Publicity – Consultation.

The Code of Recommended Practice for Local Authority Publicity was incorporated within the Constitution of Epping Forest District Council. It was based largely on guidance annexed to the Local Government Act 1988. The purpose of the Code was to prohibit the issue of any publicity by a local authority which could in whole or part, appear to be designed to affect support for a political party.

Local authorities were constrained in the type of publicity they issued. Detailed direct reference to members was limited largely to their capacity as representatives of the whole council. Promotion of the role of individual councillors in their ward capacity was limited largely to basic information such as contact details published online or in newsletters.

An objective of the Code was ensuring proper use of public funds. The code went beyond media releases, statements to the media and local authority publications, it included web content, marketing, consultation and governed the use of both general and recruitment advertising. As well as the "political impartiality" test, a council must have been able to show that it had authority and could also justify its expenditure on publicity.

However, on consideration, members thought that the consultation needed closer scrutiny and recommended that it be put before the Constitution and Member Services Panel.

**RESOLVED:**



- (1) That an extraordinary meeting of the Constitution and Member Services Panel be arranged as soon as possible to discuss the Consultation on Public Relations.
- (2) That notice of the meeting be put in the Members' Bulletin.
- (3) That the Constitution and Member Services Panel be authorised to take their conclusions to Cabinet without reporting back to the parent committee.

## **72. REVIEW OF EXECUTIVE CONSTITUTION - REPORT OF CONSTITUTION & MEMBER SERVICES SSP**

The Assistant to the Chief Executive, Mr I Willett, presented a report to the Committee regarding the Local Government and Public Involvement in Health Act 2007 – Executive Constitution.

The 2007 Act made a number of changes to the operation of local authority executives, and in particular the powers of the Leader of the Council. The new Act provided a choice of two types of executive an elected Mayor and Cabinet or a Leader and Cabinet

The District Council had been operating the Leader and Cabinet option since 2000, but on a different basis from the one which the 2007 Act provided for. The appointments of the Leader, Deputy and Portfolio Holders, were made by the Council. Likewise, the number and duties of portfolios, delegation to officers and appointments to outside organisations were not dealt with by the Leader, but by the Council.

The 2007 Act ended the current executive arrangements and required the Council to move to a "Strong Leader" model. The main changes were:

- (a) the Leader of Council was appointed by the Council at its Annual meeting;
- (b) If not appointed at the Annual meeting, the Council must make the appointment at its next available meeting;
- (c) A Leader's term of office starts on the date of election into that role and ceased at the conclusion of his or her term of office as a Councillor unless:
  - (i) The Leader resigned;
  - (ii) The Leader was disqualified;
  - (iii) The Leader was removed from office by a majority vote in the Council; or
  - (iv) The Leader became incapacitated.

The Leader's term of office runs until his or her term of office as a Councillor ended, but the 2007 Act extended this by a few weeks to the next Annual Council meeting.

At the Council meeting on 22 April 2008, the Council had resolved:

- (d) to continue with the Leader and Cabinet executive;
- (e) to reject the option of a Mayor and Cabinet executive;

- (f) to vary the Constitution in accordance with statutory requirements;
- (g) to consider a public statement regarding the Council's decision, set a timetable for implementation and describe any interim arrangements;
- (h) to retain the provision for the Leader to be removed from office by a majority vote in the Council;

The Constitution and Member Services' Panel had recommended to the Overview and Scrutiny Committee, that under Outside Bodies, there were some representations which need not be under the Leader, they were:

- (i) Local Council's Liaison Committee had five representatives from the District Council, two of the appointments were the Chairman and Vice Chairman of the Council, a third representative was the chairman of the Overview and Scrutiny Committee, the remaining two places were occupied by a Cabinet member and a past Chairman of the Council. It was felt that these five seats were not strictly cabinet functions, they should be allocated by the Council;
- (j) The Victoria County History of Essex (one representative), this should not be included in the Cabinet list. Although it had a distant connection to a Cabinet portfolio, it was believed that it was not in the "executive" category;
- (k) West Essex Area Forum (one representative), the body was run by Essex County Council; the District Council could nominate one representative. Currently this was the leader of the Council; it was felt that this was not necessary as any Councillor could attend as it was a public meeting;

It was felt that there was an anomaly under Council Procedure Rules concerning submission of questions by the public and Councillors. Under Rule 9.3, the period of notice was seven days before the Council meeting, but in Rule 10.3, the deadline was seven working days. The Committee were recommended to accept seven days for both types of question.

The Committee were advised that the Act required the Council to publish a statement indicating these changes, this was being published:

- (a) on the website;
- (b) in The Forester; and
- (c) by means of press releases

**RESOLVED:**

- (1) That a report be submitted to the Council recommending as follows:
  - (a) That the proposed amendments to the following parts of the Constitution be approved:

Article 3 (Citizens and the Council)	(Appendix 1)
Article 4 (The Full Council)	(Appendix 2)
Article 7 (The Executive)	(Appendix 3)
Council Procedure Rules	(Appendix 4)
Executive Procedure Rules	(Appendix 5)

Scheme of Delegation

(Appendix 6)

(b) That the following schedules which have been compiled by separating those matters which are to be approved by the Leader of Council and those to be determined by the Council be noted:

Delegation to Officers

Appendix 7 - Leader Approval

Appendix 8 - Council Approval

Outside Bodies

Appendix 9 - Leader Approval

Appendix 10 - Council Approval

(c) That the Council's public statement regarding this review of the Council's executive arrangements as set out in Appendix 11 be approved;

(d) That the deadline for submission of questions by Councillors be amended to "seven days" from "seven working days" in Council Procedure Rule 10.3 (Appendix 4);

(e) That the re-allocation of the Local Councils' Liaison Committee to Appendix 10 be agreed and consideration be given to a similar re-allocation of Victoria County History of Essex and the West Essex Area Forum;

(f) That the proposed changes to the Constitution be approved and authority for other minor and consequential amendments be delegated to the Assistant to the Chief Executive; and

### **73. ESSEX COUNTY COUNCIL - FOREST TRANSPORT CONSULTATION**

Councillor M Colling, Chairman of the Safer, Cleaner, Greener Standing Scrutiny Panel, presented a report to the Committee regarding the Essex County Council – Forest Transportation Consultation.

Essex County Council had wished to improve the transport network in and around Epping Forest. It was hoped that people would consider both sustainable transport alternatives as well as providing a safer and more accessible environment.

The Epping Forest Transport Survey contained a series of measures to reduce the impact of traffic and to address the protection of the forest landscape. It offered a package of inter-related measures that aimed to restore some of the rural character to the roads in and around the forest.

The consultation strategy document and the questionnaire were put in the 9 January 2009 edition of the members Bulletin, for information enabling individual members to respond to the consultation.

Although Epping Forest was London and Essex's largest public open space, it was fragmented by roads, some of them being amongst the busiest in Essex. The traffic volumes threatened air quality and were also a potential hazard.

The Safer, Cleaner, Greener Scrutiny Standing Panel had been asked to respond to this questionnaire and had considered this at a special meeting.

The Panel came to the following conclusions:

(1) The document was local in context and at some point a more strategic overview was required to include:

- (a) review of M11 north facing slip roads at Loughton;
- (b) re-opening of Ongar – Epping line; and
- (c) the ability to transport bicycles or the tube at weekends.

(2) There was general acceptance of the principles behind the strategy in endeavouring to:

- (a) protect the Forest and its environs;
- (b) improve access to all who wished to enjoy the Forest; and
- (c) control as far as practical, vehicles and vehicle speeds etc.

(3) However, the Panel did raise the following issues:

(a) the panel was sceptical about the need to reduce speeds on the main roads e.g. Epping New Road, considering that accidents were more likely due to poor driving rather than speed generally;

(b) any steps to control traffic should be achieved without the use of “hard” landscaping such as central refuges, street lighting, excessive signage etc;

(c) the Panel wished to see the exploration of “softer,” less intrusive controls such as differential road surfaces, road markings to signify the need for lower speed;

(d) the Panel were generally supportive of cattle grids provided that they were restricted to main road junctions and that consideration was given to the effects of grids upon other animals in the forest;

(e) the Panel was concerned about the introduction of grazing cattle etc and wished to be assured that adequate steps would be taken to keep animals and traffic separated;

(f) the Panel were concerned about the introduction of additional crossing points. The Panel recognised the principle of providing more crossings to change the balance between people and cars in the forest, but were of the view that, for example, on Epping New Road, this was and would likely remain a very busy road, and therefore it was inherently dangerous to encourage further interaction between people and traffic. However, the Panel did consider that existing crossing points should be enhanced to facilitate their use and to make them more obvious to drivers, through for example, raised tables of other “soft” features.

(g) the Panel was broadly supportive of proposals to close 2 roads in the district, namely Fairmeads and Wake Road, enabling them to revert to bridleway status; and

(h) the Panel had mixed views on the issue of speed cameras, but if their use was introduced, then there was some preference for average speed cameras, since, if sensitively located, these reduce the need for additional street furniture.

**RESOLVED:**

That the Safer Cleaner Greener Standing Scrutiny Panel's comments on the Essex County Council on the Epping Forest Transport Strategy, be agreed.

**74. WORK PROGRAMME MONITORING**

(a) Work Programme

Overview and Scrutiny Committee

The following changes were noted:

- Item 3, the Cabinet Forward Plan be brought to the April 2009 meeting;
- Item 13 (Scrutiny of Essex Police – Community Policing Initiative) had been moved to April 2009;
- Item 16 (Scrutiny of Highways Local Service Agreement) had been moved to the May – June 2009 period;
- Item 17 (To receive a presentation from the Fire and Rescue Services in March 2009) had been moved to the May – June 2009 period.

(b) That the new principal of Epping Forest College be invited back to the Committee around September 2009 time.

(c) At the last Council meeting, a motion had been moved and seconded by Councillors Mrs A Haigh and J Whitehouse respectively, regarding the current on-going economic problems, and the resulting pressures on the public and support agencies alike, in particular the Citizens Advice Bureau.

It was recommended that a sub-group of members comprising no more than six councillors, be established to investigate the pressures on these voluntary bodies, and report back to this Committee with recommendations.

Councillors Ken Angold-Stephens, Jon Whitehouse and Mrs J Whitehouse indicated their willingness to serve on this sub-group.

**RESOLVED:**

- (1) That a sub group, comprising no more than six councillors or less be created to investigate the pressures imposed on relevant local public and voluntary sector bodies to review current debt and money advice provision.
- (2) That Councillors be asked through the Members Bulletin to express their interest to sit on this sub-committee.

**75. CABINET REVIEW**

The Committee were informed that the following items were going before the 2 February 2009 meeting of the Cabinet:

- (a) Council Budgets 2009/10; and
- (b) Report of the Customer Transformation Task and Finish Panel

**76. PRESENTATION AT NEXT MEETING.**

The Committee considered upcoming presentations for their next meeting from the Local Strategic Partnership.

**RESOLVED:**

They would like:

- An update on the action groups;
- A discussion on Health and Inequalities;
- How schools and colleges are joined up and how are schools being targeted by the LSP;
- How the LSP was intended to work (back to basics);
- What they intend to do (future plans); and
- What they do well and what they struggle to do.

**CHAIRMAN**