

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee: Overview and Scrutiny Committee **Date:** Thursday, 15 April 2010

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.39 pm
High Street, Epping

Members Present: Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman)
R Frankel, Mrs A Grigg, Ms J Hedges, D Jacobs, J Knapman,
Mrs M McEwen, J Philip and Mrs L Wagland

Other Councillors: Councillors R Bassett, Mrs D Collins, Mrs M Sartin, D Stallan, C Whitbread
and J Wyatt

Apologies: Councillors M Colling, A Green, Mrs A Haigh and G Mohindra

Officers Present: D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief
Executive), A Hall (Director of Housing), N Richardson (Assistant Director
(Development Control)), T Carne (Public Relations and Marketing Officer),
A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services
Assistant)

92. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

93. SUBSTITUTE MEMBERS

It was noted that Councillor R Frankel had substituted for Councillor Mrs Haigh, Councillor J Philip for Councillor M Colling, Councillor Mrs J Hedges for G Mohindra and that Councillor Mrs McEwen for Councillor A Green.

94. MINUTES

RESOLVED:

That the minutes of the last meeting of the Committee held on 28 January 2010 be agreed subject to the alteration of the spelling from 'depravation' to 'deprivation' in minute item 87.

95. DECLARATIONS OF INTEREST

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

96. CALL-IN - RELEASE OF RESTRICTIVE COVENANT - 35 DENNY AVENUE, WALTHAM ABBEY

The Committee considered the call-in of a decision by the Housing Portfolio Holder, approving a variation of the restrictive covenant placed on the sale of 35 Denny Avenue in order to grant permission for either its current use or as privately rented shared accommodation, subject to conditions ensuring that the occupiers of the accommodation do not cause any management problems, nuisance or anti-social behaviour.

The lead member of the call-in, Councillor John Wyatt, was asked to open the discussion. He started by saying that the covenant had originally been put in place for the benefit and protection of the neighbours when this property had been owned by the Authority. He noted that Decision 2 and 3 of the original Portfolio Holder's report, (to grant permission for either its current use or as a privately rented shared accommodation; and that conditions are included to ensure that occupiers do not cause any management problems, nuisance or anti-social behaviour) were to be enforced only after they had occurred. He noted that the property had been granted planning consent on four occasions and had now been extended to have seven bedrooms, a communal lounge and kitchen. It had already been advertised 'to let' via a sign post at the rear of the property. He understood that at present there are nine unrelated occupants there, who share the kitchen and the communal lounge; this regularly leads to high noise levels. Planning consent had recently been refused and an enforcement notice had been served. He suggested that the Council was in danger of acting in an inconsistent manner by Planning refusing permission and then Housing preparing to grant a variation on the covenant. This could cause bad press.

He urged that the Committee refer this report to full Council so that it could be fully debated.

The responsible Portfolio Holder for Housing, Councillor David Stallan, was then asked to make his opening statement. He started by saying that he knew of only two other planning applications that had been approved for the premises. The Housing Directorate only became aware of any planning action, when Planning Enforcement Officers informed it of an application for a change of use. He stressed that the variation to the restrictive covenant would only be effective when and if the owners obtain planning approval. He noted that the premises had a garage, but had no access from the front and that an application for access had been refused by the Housing Directorate. He had the option to release the covenant in full, but by just varying it the Council could deal with any issues that may arise.

If the decision was confirmed the Portfolio Holder said he would be agreeable to amending recommendation 5 so that all future decisions of this type would be made by the Portfolio Holder instead of under delegated powers to the Director of Housing as originally proposed and he urged the Committee to confirm the decision.

Councillor Mrs Wagland said that she had been informed that the imposition of existing covenants had been overruled by the courts elsewhere after applications by the tenants in the past. She expressed concern about the legal position of varying such a covenant and that some members were confusing it with the quite separate issue of planning consent, the two should not be conflated. She commented that there could be good and proper reasons why two directorates could approve and refuse consents for the same property in respect of different regulatory issues. She suggested that the Committee defers for further legal advice on the issues relating to the variation of the covenant.

Councillor Stallan asked the Committee to note the legal outcome of a case involving Braintree DC, when a covenant was put on a property when it was sold under the Right to Buy, only to be found unlawful at a later date. He pointed out that the Legal

section had already been consulted on the variation of the covenant. It had been decided that the best approach was for the Council to keep the covenant and only vary it so that the Council could enforce such things as parking in the area.

Councillor Mrs Grigg, referring to Recommendation 3, asked which directorate would carry out the monitoring and whether the applicant would have a right of appeal. Councillor Stallan said the Housing Directorate would enforce those conditions and that they could appeal.

Councillor Knapman said it would make more sense if Housing and Planning were pulling in the same direction. Things should be left as they are until the Planning Issues had been concluded. Councillor Stallan reminded him that he was not seeking to remove the covenant, just to vary it so that the Housing Directorate retained some sort of control over it. Councillor Knapman appreciated that they were after some sort of compromise but the council was sending out the wrong sort of signals on this. A house of multiple occupancy would have a lot more cars than a single family. Councillor Stallan replied that car parking in itself was not an anti social issue, it was a Planning and/or Highways issue.

Councillor Mrs Wagland was concerned that legally the Council may be obliged to vary the covenant. In any event she thought that the covenant had originally been imposed for good housing management reasons.

Councillor Mrs Collins pointed out that the householder did not receive planning consent nor had they appealed against the planning refusal to date. She would like further clarification from Housing, Planning and Legal Services.

The Director of Housing Services, Alan Hall reiterated that there were two separate issues:

- The property needed planning permission from the Council to become a house in multiple occupation; and
- It also needed the Council's agreement to release or vary the covenant.

He emphasised that these are two separate issues and it was quite possible for two different services to properly reach different conclusions on these two issues. He also stressed that consent to vary the covenant would only be given if planning permission was granted. The applicants could still appeal against the non-granting of planning permission, but he understood that they had not yet submitted an appeal.

Councillor Philip admitted he was confused especially about the legal side. He proposed that the decision be referred to full Council with a full legal report included.

However, Councillor Wyatt said that he would be agreeable to no decision being taken on the variation of the covenant until the issues relating to the Planning consent had been concluded and confirmed. Councillor Mrs Wagland said that there were consequences to the appellant winning their Planning appeal as they would get the covenant released automatically.

Councillor Wyatt suggested that the Committee should recommend to the Housing Portfolio Holder that no decision on the covenant should be made at present, until the outcome of the planning issues had been resolved and confirmed. Councillor Knapman pointed out that the Committee had three options and that they should use Councillor Wyatt's proposal.

In pursuance of this proposal, Councillor Stallan suggested that the Committee went for option two, to refer the decision back to the decision taker. For clarity sake he

could then defer reviewing the decision until all the Planning issues had been resolved. The Assistant Director of Planning confirmed that the applicants had six months to lodge an appeal.

Councillor Knapman made a formal proposal that the decision be referred back to the decision taker for further consideration and that he would defer re-examining this decision until a final decision has been taken on the Planning issue, including the time it would take to lodge an appeal.

Councillor Stallan agreed that he would look at it again once, or if, an appeal had gone to the Secretary of State and would then come back to this forum with appropriate legal advice.

RESOLVED:

(1) That the decision be referred back to the Housing Portfolio holder for further consideration and review once any Planning appeal had been determined by the Secretary of State; and

(2) That the Housing Portfolio holder would bring the issue back to the Overview and Scrutiny Committee along with appropriate legal advice, prior to making any final decision

97. SUSTAINABLE COMMUNITIES TASK AND FINISH PANEL - FINAL REPORT

The Chairman of the Sustainable Communities Task and Finish Panel, Councillor John Philip introduced the Panel's final report on the opportunities offered by participation in the opportunities offered by the Sustainable Communities Act. The Act set out a process by which ideas generated by local communities, which aim to promote local sustainability, are put forward by the local authority to central government through a body known as the "selector". The Local Government Association (LGA) was appointed as the selector in February 2008. They would 'short list' proposals to the Government for consideration. After submission, the Secretary of State was required to decide which proposals should be implemented. This process was still going on.

The LGA had now considered and, in liaison with the Secretary of State, short-listed certain proposals. The Secretary of State will now need to decide which proposals to implement. Further rounds under the Act will be subject to an invitation from the Secretary of State.

To be able to take advantage of any future rounds, Epping Forest District Council should give thought to the establishment of a Citizen's Panel or similar, liaise with the Local Councils and with the Local Strategic Partnership. It may also need to set up a Panel of Members to oversee any bids.

RESOLVED:

(1) That the final report and recommendations of the Sustainable Communities Task and Finish Panel be noted and endorsed; and

(2) That the recommendations are forwarded to the Cabinet for their consideration.

98. OVERVIEW AND SCRUTINY ANNUAL REPORT FOR 2009/10

The Committee received the amended annual Overview and Scrutiny Report for 2009/10 incorporating comments made at their meeting of 4 March 2010 and a further update from Councillor Mrs Wagland on the Planning Scrutiny Standing Panel.

RESOLVED:

That the Annual Overview and Scrutiny Report for 2009/10 reporting the work undertaken during the past municipal year be agreed and submitted to the Full Council at its meeting on 20 April 2010.

99. REVIEW OF OFFICER DELEGATION 2009/10

The Chairman of the Constitution and Members Services Standing Panel, Councillor Mrs McEwen introduced the report on Officer Delegation. Each year a working party of Officers carries out a review of Financial Regulations, Contract Standing Orders and Officer Delegation. These reviews were designed to keep those documents up-to-date and reflect current statutory requirements and operational needs.

The Committee noted that the recommendations were mostly for noting but that recommendations three and five were to be agreed.

RESOLVED:

- (1) That the previously agreed delegated authorities in respect of (a) Tree Preservation Orders and (b) Crime and Disorder be noted and incorporated in the Schedules of Officer Delegation and submitted to the Leader of the Council;
- (2) That the Committee noted the agreement of the Constitution and Member Services Scrutiny Panel and the Planning Services Standing Scrutiny Panel that no action was recommended concerning the delegated authority in relation to comments by local councils on planning applications;
- (3) That new and revised delegated authorities as set out in Appendix 3 (Council Functions) of the report be approved;
- (4) That the rejection by the Planning Services Scrutiny Standing Panel of a proposal to delegate to officers decisions on applications to extend existing planning consents subject to certain provisos be noted; and
- (5) That the revised schedules of delegated authorities be incorporated in the Council's Constitution once the approval of the Council and the Leader had been given.

100. LICENSING COMMITTEE (TERMS OF REFERENCE & MEMBERSHIP)

The Chairman of the Constitution and Members Services Standing Panel, Councillor Mrs McEwen introduced the report on the review of the membership of the Licensing Committee. The Licensing Committee of the Council was currently constituted of 15 Councillors, divided between the political groups in accordance with pro-rata rules. The Standing Panel reviewed the number of members serving on the Committee

resulting from the new Police initiative under the Violent Crime Reduction Act 2006. This Act allows the Police to seek summary review of licences for premises which have a history of anti-social or similar behaviour.

Within 48 hours of receipt of the application, the Licensing Authority must give the premises licence holder and responsible authorities a copy of the certificate and must consider whether it is necessary to take interim steps.

If the authority decided that interim steps were necessary, the licence holder may make representations to the Licensing Authority. On receipt of the representations the authority must hold a hearing within 48 hours of receipt of those representations unless they are withdrawn. The procedure followed was for 3 members of the Licensing Committee to be constituted as a Licensing Sub-Committee to hold a hearing. At that hearing the Licensing Sub-Committee must consider whether the interim steps were necessary for the promotion of licensing objectives and determine whether to withdraw or modify the steps taken.

A second Licensing Sub-Committee meeting was required for the purpose of considering any interim measures which are necessary before a full review hearing on a date to be set within a few weeks. This second Sub-Committee meeting required that a different group of 3 Councillors were involved in the decision.

A third Sub-Committee meeting was required in order to carry out a full review of the licensing position. At this meeting the options available would include modifying the conditions of the premises licence or to add new conditions. This third hearing would require a further 3 members of the Licensing Committee to meet in order to adjudicate on the application.

This process operates along side all the other activities which were conducted by the Licensing Committee and Licensing Sub-Committees. The summary review procedure was a demanding process and the procedures adopted must be robust enough to withstand any challenge on procedural grounds to the decisions reached.

This procedure was not currently covered in the Constitution rules regarding the conduct of business by the Licensing Committee and its Sub-Committees.

RESOLVED:

- (1) That consideration of whether to increase the number of members appointed to the Licensing Committee be deferred;
- (2) That an additional paragraph 3.4 for inclusion in Appendix 4 (Annex 3) (Conduct of Business by the Licensing Committee and Sub-Committees) be approved as follows:

"3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Sub-Committee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing."
- (3) That a report be submitted to the Council recommending that this change be approved and published in the Constitution.

101. MEMBER TRAINING 2010/11

The Chairman of the Constitution and Members Services Standing Panel, Councillor Mrs McEwen introduced the report on the Member Training Programme 2010/11. The Committee noted series of personal development interviews which were held between 19 individual Councillors and Sam Davey of the IDeA. The services of Ms Davey was provided free of charge via IDeA. The Standing Panel scrutinised the results of the survey and received a presentation from Sam Davey on her findings. The Panel emphasised that this was very much a first step towards putting member training and development on a new footing within the Council. Subsequently, they recommended that the Assistant to the Chief Executive should give priority to instituting courses in those subjects where more than 30% support was indicated in Sam Davey's report. The Committee noted that none of the lower attending courses (lower than 30%) would be discounted and officers would look at combining some of these courses together. It was also noted that officers would take legal advice on the possibility of linking remuneration to training.

Councillor Mrs Collins commented that they had to find ways to encourage members to go to the training; there should also be some mentoring for new councillors and perhaps personal development plans for members.

RESOLVED:

- (1) That the Committee noted the report of IDeA regarding personal development interviews held with 19 councillors;
- (2) That the Assistant to the Chief Executive give priority to those courses which receive more than 30% support as indicated in the table in paragraph 17 of the IDeA report and, in relation to the other priorities expressed, the Assistant to the Chief Executive seek to combine those elements with existing training courses or to combine those elements together into new courses;
- (3) That discussions are to be held with individual members regarding their particular training requirements, as identified in the personal development interviews, be noted; and
- (4) That the Independent Remuneration Panel be asked to look at the question of addressing attendance levels at mandatory training courses through the Remuneration Scheme and to report back to the Council with proposals which meet legal requirements for these allowances.

102. AUDIT & GOVERNANCE COMMITTEE - TERMS OF REFERENCE

The Chairman of the Constitution and Members Services Standing Panel, Councillor Mrs McEwen introduced the report on Local Authorities Treasury Management Activities as prescribed by statute. Following the collapse of the Icelandic Banks, there have been two national reports, one from the Audit Commission and one from the Communities and Local Government Select Committee. Neither report suggested that the current system was fundamentally flawed, through both made recommendations for improvement. These changes were reported to the Constitution and Member Services Standing Panel and were now being reported to the Overview and Scrutiny Committee for their approval.

RESOLVED:

1. That paragraph 11.4 of Article 11 (Audit and Governance Committee) be amended by the additional of the following new paragraph (to be designated "(m)":

"(m) To be responsible for the scrutiny of the Council's Treasury Management Strategy, including consideration of mid financial year and outturn reports."

2. That the Treasury Management Strategy continue to be approved by the Council;
3. That the Treasury Management mid financial year and outturn reports continue to be referred to the Cabinet following scrutiny by the Audit and Governance Committee; and
4. That a report be submitted to the Council recommending that the Constitution be amended as indicated in recommendation (1) above.

103. HOUSING APPEALS & REVIEW PANEL - TERMS OF REFERENCE

The Chairman of the Constitution and Members Services Standing Panel, Councillor Mrs McEwen introduced the report on the review of the scope of the Housing Appeals and Review Panel. They discussed if the scope of the housing appeals and reviews undertaken by this Panel were too wide. Concern had been expressed about the cost and the member and officer time involved about some relatively minor matters.

The point was made that no other Directorate provided for had any appeals against officer decisions held in the same way as officers of the Housing Directorate. With the recommendations made by the Panel it was forecast that this would reduce officers and member's workloads by as much as 35%.

Councillor Mrs Wagland pointed out a minor error in paragraph 25 of the report where it referred to 2(g) and 1(h); it should be 2(g) and 2(h).

RESOLVED:

- (1) That the following recommendations be made to the Council:
 - (2) That, with effect from the 2010/11 Municipal Year, the Terms of Reference for the Housing Appeals and Review Panel be amended as set out in Appendix 1 of the report to only allow appeals and reviews in relation to the following issues:
 - (a) all homelessness reviews, with the exception of the following types of reviews that are already only undertaken by officers;
 - (i) whether or not single applicants are "homeless" or have a "priority need";
 - (ii) whether or not an allocation of either temporary or permanent accommodation is suitable for the applicant and his/her family; and
 - (iii) whether or not a homeless applicant should be referred to another local authority, due to their local connection with that local authority;

- (b) housing succession cases, where the successor is under-occupying Council accommodation, and has been required to transfer to smaller accommodation;
 - (c) exclusion of housing applicants from the Housing Register;
 - (d) non-provision of discretionary home improvement grants;
 - (e) refusal of requests for disabled adaptations to Council properties requested by the tenant;
 - (f) refusal to sell Council owned-land under 50 square metres to occupiers for garden use;
 - (g) refusal of requests from housing applicants for “priority moves” (i.e. those very urgent and rare cases, dealt with outside of the usual Allocations Scheme);
 - (h) disagreements with tenants and former tenants on the level or liability for current or former rent arrears; and
 - (i) the banding of an applicant, in accordance with the Housing Allocations Scheme in being at the time of the decision.
- (3) That the Terms of Reference of the Panel be amended to:
- (a) require appeals to be determined (other than reviews of homelessness decisions); and
 - (b) authorise the Panel to decide whether or not the hearing shall proceed in the absence of the applicant, or shall be adjourned to another date;
- in cases where the appellant or their representative fails to attend a hearing without prior notification to the Council.
- (4) That all other appeals and reviews are determined by the relevant Assistant Director of Housing (or, in the case of some homelessness reviews listed at (2)(a)(i)-(iii), the Housing Options Manager), provided that the reviewing officer has had no material previous involvement with the case;
- (5) That appeals and reviews eligible for determination by the Housing Appeals and Review Panel continue to be generally considered first by the relevant Assistant Director of Housing except (in accordance with current policy) all homelessness reviews that do not involve the types of homelessness reviews listed at (2)(a)(i)-(iii), with such cases being considered only by the Housing Appeals and Review Panel; and
- (6) That revised Terms of Reference for the Housing Appeals and Review Panel, incorporating the changes in (2) above, be submitted to the Council for approval and that appropriate changes be made to the Council’s Constitution and Scheme of Officer Delegation accordingly.

104. FINANCIAL REGULATIONS - 'E' INVOICES

The Chairman of the Constitution and Members Services Standing Panel, Councillor Mrs McEwen introduced the report on Financial Regulations – Acceptance of E-

Invoices. Requests had been received from various organisations for the Council to accept electronically-transmitted invoices, either by fax or e-mail. E-invoices are accepted by many other local authorities, including Essex County Council, which piloted the process in April 2007.

However, the Standing Panel had reservations about the proposal, particularly because the internet and e-mail cannot be regarded as a medium from which all risk could be eliminated. Furthermore, they took the view that if suppliers wished to charge for a written invoice they should do so through their scheme of charges. They would also like more reassurance about security around the invoicing arrangements of the Council's contractors. But, they did not rule out the possibility for the future and wanted a pilot to test security arrangements around e-invoicing.

Councillor Philip pointed out that recommendation 3 should read 2010/11 and not 2011/12. This was agreed.

RESOLVED:

(1) To defer the proposal to amend Financial Regulation 3.24 as follows:

"3.24 To ensure that payments are not made on a faxed invoice, statement or other document other than a formal invoice. Formal invoices may include e-invoices received in PDF format via the dedicated e-mail address provided by the Chief Finance Officer in the Finance and ICT Directorate";

(2) To authorise the Director of Finance and ICT to run a pilot scheme of six months' duration to assess the implications of an e-invoices system; and

(3) That, if a pilot is not considered to a practical proposition, the matter be reviewed again in 2010/11.

105. WORK PROGRAMME MONITORING

(a) Work Programme

The Deputy Chief Executive took the Committee through their current work programme. They noted that there were only four remaining items to be scrutinised by the Committee and they would be concluded in the new year.

Councillor Jacobs asked if there would be a further report going to the Safer Cleaner Greener Standing Panel on the Nottingham declaration (item 5); he was told that there would be a follow up report in the coming year.

(b) Next Year's Work Programme & Reserve Programme

(i) The Committee considered the request made by 'Connectplus25', who were responsible for the M25 works to attend an O&S meeting in September 2010. 'Connectplus25' had been awarded a thirty year contract to maintain that part of the M25 that runs through our district. They were probably looking to get involved in engaging the community.

Councillor Frankel commented that the M25 was a major artery and we should get a dialogue going with this company.

AGREED: that a presentation from 'Connectplus25' would go onto the Overview and Scrutiny Committee work programme for September 2010.

(ii) The Committee then considered Councillor Mrs Wagland's request for the 2010/11 work programme to look at BT Broadband access and speeds for the Epping Forest district area. Councillor Mrs Grigg supported this request as she would like to see the Broad Band connections for the area improved, as this came within the theme of sustainable communities for the area.

Councillor Bassett reminded the Committee that there were other service providers out there and open wireless broad band which were free in 'wireless hotspots'. Councillor Philip added that our rural district was spread out. We needed to get BT and one other provider to explain the differences of the services provided.

AGREED: that BT and one other service provider be asked to address the Overview and Scrutiny Committee in the new year.

(iii) The Committee considered a tabled request from Councillor Frankel to look at the powers used by the utilities to work on the public highway. They tended to leave excavations unattended and unfinished at the expense of the environment, travelling public and businesses. He would like to find out how other authorities deal with this situation.

Councillor Philip said they had a report at the Local Highways Panel on this subject. He did not see how O&S could add any value to this. The Committee could ask the Highways Panel to look at this, but it was not something this committee should look at.

Councillor Bassett, the vice Chairman of the Highways Panel confirmed that the Highways Panel had looked at this topic and were surprised at how much power the Utilities had got. He was willing to take this back to his Panel to look at and to write a letter to the utilities to ask them to improve their service.

Councillor Stallan supported the request in principle, but as the utilities had no obligation to come to this council it would just end up as a talking shop among members.

Councillor Jacobs supported Councillor Frankel as their road works resulted in loss of trade for the area concerned and days pass before any work was carried out at some sites.

Councillor Philip did not disagree but pointed out that one of the challenges was the number utilities that did work in the district. Would the Committee have to call in every single electricity, gas or water company?

AGREED: that Councillor Frankel's request on highways utilities works should be referred to the Highways Panel.

(iv) The Committee considered the Cabinet's request from their 8 March 2010 meeting, when they considered the Essex Children's Trust and decided not to formally sign up to the Essex Children's Trust Memorandum of Agreement. They had also decided to request the Overview and Scrutiny Committee to establish a Task and Finish Panel to investigate the Council's approach to Children's Services and its provision throughout the District.

Councillor Mrs Collins said that this work was not being done well by Essex County Council as they provided poor service for Children. The Cabinet would like a Task and Finish Panel established to investigate their work in detail.

Councillor Mrs Wagland commented that the Council has a statutory obligation to co-operate with various organisations. There are concerns about ECC who were not ranked well in regards to Children matters. We need to know things like how to align our policies with other authorities. She proposed that a Task and Finish Panel be established to look into this.

Councillor Knapman took the opportunity to declare a personal interest in that he was a County Councillor who sat on their Children's and Schools Overview Committee. He noted that this would cause a large amount of expenditure, they would need more information to look at the cost of Children in care. There are about 100 children in care, each costing about £200,000 per annum and there need to be a panel set up to look into things like this.

AGREED: that a Task and Finish Panel be established to investigate the Council's approach to Children Services and its provision throughout the District.

(v) Councillor Mrs Wagland raised concerns about land covenants, members needed a clearer understanding of the legal implications. Could this be looked by establishing a small Task and Finish Panel? The Deputy Chief Executive suggested that this could be put onto the work programme of the Planning Standing Panel. But Councillor Mrs Wagland said she would like it looked at independently of the Housing or Planning Panels.

Councillor Stellan asked what would be the task of this proposed panel. He did not think it appropriate for a Task and Finish Panel. The topic seemed to sit mid way between the Housing and Planning Panels and also to touch on the Constitution and Member Services Panel.

Councillor Angold-Stephens reminded the Committee that this was discussed earlier and a report was asked for from our legal officer to go to this Panel. Councillor Philip agreed that a report should go to the Constitution and Member Services work programme.

AGREED: that a report from our legal services explaining the process and background on land covenants to go on the Constitution and Member Services Standing Panel work programme.

(vi) Councillor Frankel wanted the Committee to consider damage caused to infrastructure (e.g. roads, pavements, street furniture) during housing developments. Things get damaged but were not always put right. Could we ask the householder or contractor to sign off on the condition of the road.

Councillor Philip understood Councillor Frankel's point. There is a conflict on what Planning was responsible for and what Highways was responsible for. Councillor Mrs Wagland said there was not much that the Planning Panel could look at, but it mostly belongs to the Highways Panel as the responsible authority would be County Highways.

It was noted that this had been raised at the Local Council's Liaison Committee and a comprehensive explanation was given by a planning officer. Part of it belonged to Planning on conditions applied and part to the Highways panel.

AGREED: that consideration of the damage caused to highways infrastructure be referred to both the Highways Panel for repair work on to damage to the highways

and to the Planning Standing Panel on conditions that could be applied to planning conditions.

RESOLVED:

1. That the following items be added to the named Committee or Panel's work programme:

- (a) that a presentation from 'Connectplus25' would go onto the Overview and Scrutiny Committee work programme for September 2010;
- (b) that BT and one other service provider be asked to address the Overview and Scrutiny Committee in the new year;
- (c) that Councillor Frankel's request on Highways Utilities works should be referred to the Highways Panel;
- (d) that a report from our legal services explaining the process and background on land covenants to go on the Constitution and Member Services Standing Panel work programme; and
- (e) that consideration of the damage caused to highways infrastructure be referred to both the Highways Panel for repair work on damage to the highways and to the Planning Standing Panel on conditions that could be applied to planning conditions.

2. That a Task and Finish Panel be established to investigate the Council's approach to Children Services and its provision throughout the District.

106. UPCOMING VISIT FROM LONDON UNDERGROUND

With an upcoming visit from London Underground Limited in June 2010 the committee were asked to raise any specific topics they would like to be raised at that meeting. The Committee would like the following topics brought to the attention of the officers attending from LUL:

- The effects from the 2011 Olympics;
- Weekend services;
- Ticket offices opening times;
- Capacity on trains (more trains or longer ones);
- Signage and announcements (recent refurbishment works makes it impossible to see the indicator boards);
- Why are the exits on platform 2 at Epping and Theydon Bois not being used; and
- Car parks.

107. CABINET REVIEW

Councillor Mrs Wagland wanted to raise a question on item 16 on the Cabinet agenda 'conservation resources and Planning delivery grant' and the establishment of a new temporary post for Conservation Resources. She thought that the matter should have been anticipated earlier so that it could have been considered at by the Planning Scrutiny Panel if requested to do so.

108. CHAIRMAN'S THANKS

As this was the last meeting of the municipal year the Chairman took the opportunity thank all the members who had attended the meetings of the Committee, the

Standing Panels and the Task and Finish Panels and the officers for all their hard work during the year.

CHAIRMAN