

OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee consisted of the following members:

Councillor R Morgan (Chairman)
Councillor K Angold-Stephens (Vice Chairman)
Councillors R Barrett, W Breare-Hall, Ms R Brookes, Mrs R Gadsby, Mrs A Grigg, D Johnson, D Jacobs, J Philip and J M Whitehouse.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

The Overview and Scrutiny Committee's main functions are to monitor and scrutinise the work of the executive and its forward plan, external bodies linked to the District Council and the Council's financial performance. It is tasked with the consideration of call-ins, policy development, performance monitoring and reviewing corporate strategies.

The Committee's workload over the past year can be broken down as follows:

(a) Scrutinising and monitoring Cabinet work

The Committee reviewed and commented on the Cabinet's Forward Plan and work programme where they identified areas for further consideration. The Committee has a proactive role in this area through carrying out pre-scrutiny work. This involved receiving and considering the Cabinet agenda a week prior to the Cabinet meeting.

(b) Call-ins

The Committee considered four (and a half) call-ins this year. The first one in July 2010 was a call-in of the Housing Portfolio Holder's Cabinet report on the adoption of the Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest. The call-in referred to the consultation process and the proposed limiting to 1 metre of the height of fences and hedges between park homes. After a long discussion the Committee decided to refer the decision back to the Portfolio Holder for further consideration.

Taking the Committee's comments into consideration, the Portfolio Holder altered his final report to reflect the concerns raised and that before the Cabinet reconsider the report that the Housing Scrutiny Panel be asked to consider the relevant issues in depth and make suitable recommendation to the Cabinet. This they did in September 2010 and made several recommendations substantively modifying the original decision and taking into account the representations made via the call-in and subsequent meetings with the residents.

The second call-in in September 2010 was about the suspension of the new Sports Hall at Waltham Abbey Swimming Pool and to reconsider it as part of the annual review of the Council's Capital Programme. However the call-in did not want the decision deferred indefinitely. On consideration the Committee confirmed the original decision.

The third call-in happened in January 2011 and was about the Cabinet decision regarding the reductions in the Community Arts budget. That was a £35,000 reduction in projects and the deletion of a part-time arts administrator with Community Arts. The Committee noted that it would deliver Community Arts programme in a more cost effective way and not cut significantly the services that the Council provided and on that provision the Committee confirmed the original decision.



The fourth call-in happened in February 2011. The Committee considered the call-in of a decision by the Cabinet of a Finance and Economic Development Portfolio Holder report regarding the discontinuance of the Town Centre Officer post. The call-in was concerned that this decision was contrary to the Council's stated intention to support local businesses and the regeneration of our high streets; also there was no indication of who was going to carry out an investigation into Town Centre Management. On consideration the Committee decided not to support the call-in and confirmed the Cabinet's decision, which could then be actioned.

There was a fifth, partial call-in. This was left over from a call-in from last year when, in April 2010 the Committee considered a call-in of a decision by the Housing Portfolio Holder approving a variation of the restrictive covenant placed on the sale of a property in Waltham Abbey granting permission as a privately rented shared accommodation. The option of releasing the restrictive covenant was ruled out, as a variation would allow the Council to maintain control and deal with any issues that may arise. This was also to be the subject to a Planning Appeal following the refusal of planning consent for change of use.

This call-in came back to the February 2011 meeting, when the Housing Portfolio Holder reported that the Planning Inspector had granted planning permission for change of use for the property but had also set a number of conditions mainly relating to the provision of parking spaces. There was also legal advice given, noting that if covenants were not released, the owners of the property could apply to the Upper Tribunal for the covenant to be released and then, costs would become an issue.

It was agreed that the decision to vary the Covenant on this property was taken on the completion of the conditions as set by the Planning Inspector.

(c) Standing Panels work programme monitoring

The Committee received regular updates from the Chairmen of the various Scrutiny Panels reporting on the progress made with on their current work programme. This allowed the Committee to monitor their performance and when necessary adjust their work plans to take into account new proposals and urgent items.

(d) Items considered by the committee this year

This year the Overview and Scrutiny Committee received presentations on, and considered such topics as:

Presentations:

- (i) In June 2010 the Committee received a presentation from London Underground Limited who updated the Committee on their current projects at their stations within our district. They also said they were in the planning stage for the 2012 Olympics and were currently forecasting the demand for their service. They were also looking at the opening times of the ticket offices saying that only one in twenty tickets were bought at ticket offices, the rest were mostly on oyster card journeys.



- (ii) In July the Committee received a presentation from the Local Strategic Partnership, outlining their work over the last year. They were carrying out some good partnership working in the district and securing external resources to support various schemes. They had also set up a new website, developed an electronic newsletter, webcast their board meetings and hosted major consultation events.

They were looking forward to meeting the challenges of the public sector deficit and helping agencies to work better together.

- (iii) In September 2010 the Committee received a presentation from Tim Jones, the CEO of 'Connect Plus' the company that has the contract to maintain the M25. He informed the Committee that the company had a 30 year contract with the Highways Agency and were responsible, amongst other things, for remedial works, updating and enlarging some carriageways.



- (iv) In November 2009 the Youth Council in the persons of Jenkin Patel, Annie Armitage, Duncan Haslan and Ellis Spicer gave the Committee a flavour of the work they had undertaken over the last year. They were also there to ask for funding for their work for the coming year. Some of the highlights of what they had organised were:

- the Epping Forest Promoting democracy Youth Conference;
- undercover survey of all youth projects and clubs;
- an online survey on what type of activities young people like to do in their spare time;
- a 'Speed Meeting' event with adult councillors;
- they also bid for, and secured £8,440 from the Youth opportunity Fund;
- and took part in the Safer Communities Question Time event.

The committee agreed that they should receive their funding and recommended this to the Cabinet.

- (v) In February 2011, the Committee welcomed David Vernazza, the officer charged with organising the census for our region, who was there to speak about the background, aims and objectives of the upcoming national census.

He informed the Committee that the census had been going since 1801 and was of historical value as an indicator of the past and where we were going to as a society.

Central Government raises about £100 billion in taxes and the information gathered by the census was used for redistributing funds to local communities. The Committee noted that there was a need to understand how society was changing and what the trends in aging were.

(vi) In April the Committee received a presentation on Community Magistrates from two JPs, Councillor Richard Morgan and Dawn Roche, both local Magistrates, who gave the Committee a talk on the work of the Community Magistrates. Unfortunately with the coming cuts, the Epping Court would close by the end of the year, one of the current nine courts in Essex that will eventually be cut down to five. Harlow had been due to close as well but has been reprieved and will now stay open.

There were 6 benches in Essex with a 105 magistrates. This would be amalgamated into two benches. They deal with all types of offences from drugs, murder, rape to traffic violations and fines for other minor offences. They always sit in threes and are on call 7 days a week, twenty four hours a day. They have to be available so that they can sign warrants for the police at any hour of the day when needed.

Magistrates come from all walks of life and from most occupations, the only restrictions being from the legal professions. Anyone can apply to be one. It takes two years of training, from application to sitting on their first bench. They have a continuous training programme to keep them abreast of developments in the law.

(vii) The Committee also received a presentation from the Principal of Epping Forest College, Jeannie Wright, at their April 2011 meeting. The Committee noted that their strategic aims were to develop as a learner centred organisation, have out outstanding learning and teaching, have highly skilled and innovative staff, maintain a strong financial curriculum meeting needs. position and have a local and regional

They currently had full time students rate has grown was noted that the college was differently from that college had to students as well as results.



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They also offer apprenticeships through their employer-responsive training unit and cater to students from 16 up to adults; offering a large range of topics, the largest being business administration and law, followed by art and design.

They have tried hard to develop an open and honest relationship with the community and this has been helped by establishing adult education classes; they have also developed strong links with the local schools.

They had a successful Ofsted inspection last March, which said that they had a relaxed atmosphere, hard working staff and well behaved students. They have also strengthened their governing body with the governors carefully monitoring performance. Staff morale was high and their learners feel safe and are well behaved.

Other topics considered:

(i) In July, the Committee reviewed the recent 2010 elections consisting of the Parliamentary and local elections. They reviewed the problems posed and the advantages had by holding such joint elections. They noted that 7,125 postal votes had been issued with approximately 85% being returned. It was agreed that the difficult dual elections had been carried out successfully with no problems being reported.



(ii) In October they considered the proposal to create Deputy Portfolio Holders to shadow the Cabinet Members in their roles as Portfolio Holders. The Committee agreed that this would help develop Councillors for future roles.

(iii) In November they received an interim report from the Children Services Task and Finish Panel which raised concerns on the commissioning of services by Essex County Council on an Essex wide basis. They noted this was in complete contrast to the Government's Plans for a 'Big Society' and 'Placed Based Budgeting'. The Task and Finish Panel would be raising their concerns with Essex County Council and a formal letter be sent to the ECC outlining their concerns.

(iv) Also in November the Committee scrutinised the Cabinet's Forward Plan for the year ahead, noting that things had changed radically since last year. They now had to be very careful on what they spent money on in the next year and be prudent wherever they could.

(v) The Committee also considered the statutory guidance on the duty to respond to petitions and what this would mean to the Council.

(vi) In January 2011 the Committee received a report from the Finance and Performance Management Standing Panel on the refurbishment and extension of the finance reception area of the Civic Offices. They noted that the Audit Commission Inspectors were highly critical of the benefit/finance reception areas and that a company had been commissioned to undertake a feasibility study to identify options in addressing these concerns. They proposed three options, each rising in cost to a maximum of £302,255.85 (Option 3). On consideration the Committee decided to recommend option 3 to the Cabinet.

The Cabinet would have to take a view if the expenditure was warranted during this exceptional financial period.

(vii) Also in January the Committee received the Council's draft Budget for the forthcoming year. They noted that the Finance and Performance Management Standing Panel and the Finance and Performance Management Cabinet Committee had previously gone through the budget with a fine tooth comb and although they were not happy with all the savings that the Council had to make, they understood the necessity for it as a result of the reduced level of funding from Government.

(viii) They also received two reports from the Constitution and Member Services Standing Panel; one was for the introduction of e-invoicing and the other was for amending the constitution to remove the guillotine on Cabinet meetings and the requirement to hold a minimum of 12 Cabinet meetings a year. They agreed both reports.

(ix) In February they considered a follow up report of a call-in (see call-ins above) they had first considered in April 2010, on the approval of a variation of a restrictive covenant placed on the sale of a premises in Waltham Abbey. The option of releasing the restrictive covenant was ruled out as a variation would allow the Council to maintain control and deal with any issues that may arise.

It was agreed that the decision to vary the restrictive covenant be taken on the completion of the conditions set out by the Planning Inspector.

(x) They also considered and agreed proposals to agree Members Appointments at Annual Council and Statutory Officers protocols.

(xi) At their last meeting in April 2011 they considered the future member training programme, the Officer Delegation review for 2010/11, the review of Standing Orders, a report on Police and Crime Commissioners and a consultation exercise from the Home Officer on "More effective responses to Anti-social behaviour". This followed the Governments stated intention to review the way anti-social behaviour was dealt with by police and professionals and to ensure they have the tools and powers they need to deal with this type of behaviour and to provide the type of service that local communities wished to see.

(e) Case Study: Rebalancing the Licensing Act

At our meeting in September we considered a consultation document on licensing entitled "Rebalancing the Licensing Act 2010". We formulated the Council's formal response to the proposals, which sought views on whether to give local licensing authorities additional powers to regulate licensing in their area.



The consultation asked us to express our views on "localism" proposals, allowing people who live in the area and understand the character of the area more chance of imposing the right opening hours on premises based on the specific character of the vicinity rather than national policy.

We supported the ideas on the night time levy, making licence reviews automatic for those found to be persistently selling alcohol to children; and licence fees being based on full cost recovery so that local residents don't subsidise the local licensing system.

We have expressed our opposition to any further deregulation of licensing as although a large proportion of the trade act responsibly there are still those who do not. Licensing in general and the sale of alcohol in particular has a wide reaching effect on society, from a personal health perspective to the social consequences of

anti social behaviour and worse. It is essential that these activities are strictly controlled

We await the Governments response with interest.

