

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee: Overview and Scrutiny Committee **Date:** Monday, 11 April 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.42 pm

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

Other Councillors: Councillors R Bassett, Mrs D Collins, Mrs M McEwen, B Rolfe, Mrs M Sartin, Mrs P Smith, D Stallan and C Whitbread

Apologies: Councillors Mrs R Gadsby

Officers Present: D Macnab (Acting Chief Executive), J Gilbert (Director of Environment and Street Scene), I Willett (Assistant to the Chief Executive), N Richardson (Assistant Director (Development Control)), T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

By Invitation: J Wright and D Roche (Essex Magistrates)

88. 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.

89. MINUTES

RESOLVED:

That the minutes of the last meeting of the Committee held on 28 February 2011 be agreed.

90. DECLARATIONS OF INTEREST

Councillor W Breare-Hall declared a personal interest in agenda item 6 as he worked for a Higher Educational Institution in contact with Epping Forest College.

91. EPPING FOREST COLLEGE - PRESENTATION

The Committee welcomed the Principal of Epping Forest College, Jeannie Wright. She had been there for just over two years. The college had developed new ways of working with a clear way forward. Their strategic aims are to develop as a learner centred organisation, have outstanding learning and teaching, have highly skilled and innovative staff, maintain a strong financial position and have a curriculum meeting local and regional needs.

They currently had in excess of 2000 full time students and their success rate has grown over the years. It was noted that the success rate for a college was measured differently from that of a school. A college had to retain their students as well as achieve good results. They were pleased with the progress made from their entry level students up to higher education levels. They also offer apprenticeships through their employer-responsive training unit and cater for students from 16 up to adults; offering a large range of topics, the largest being business administration and law, followed by art and design.

The College's students mainly come from within a six mile radius, with about 1400 of the students coming from this catchment area.

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 and the governors monitor performance carefully. Staff morale was high and their learners feel safe and are well behaved.

The college will continue to improve and the most important thing will continue to be their students.

The meeting was then opened up to questions from members.

Q. Where does your funding come from.

A. Mainly from two sources, the Young People's Learning Agency and the Skills Funding Agency. Although there will be big cuts in funding, the college had now dealt with their deficit and were in a position to manage operating costs.

Q. Where would the students come from and what would you expand.

A. The impact of losing the Education Maintenance Allowance (EMA) may stabilise growth of students. They were keen to grow the apprenticeships. More students were coming to the college from Epping Forest, but this was not a large catchment area.

Q. With the abolition of the EMA, how would this affect you in the coming years?

A. 60% of students are in receipt of EMA, it will have significant impact on students. The college will try to fund some of their students and redistribute some of its money to them. This may affect our student numbers, but the college was not seeing a fall as yet.

Q. Students travel to Redbridge for sporting activities, is that the nearest location?

A. Sports staff think that they have the best facilities, although sports do not form a large part of the college's educational provision.

Councillor Barrett congratulated Ms Wright on her success at the college. She had turned it around at a very difficult time. The students were pleased to be there and they was getting good results. He liked the idea of apprentices.

Q. I understand you are looking to develop a curriculum for local needs, how would it develop?

A. The level 3 provision was adequate at present, but the college needs to develop entry level and level 1 provision, which it is working on now. They wanted to

offer a full range of provision such as encouraging more adults to come to the college. People will have to adapt to paying for courses in the future. The college would also be working with local job centres.

Q. Congratulations for turning the college around in so short a period of time. As for apprenticeships, how much are local employers signed up to this.

A. This is a challenge; its not just local employers, as students can travel into London. Apparently, adult apprenticeships are easier to obtain.

Q. Do you have some idea of what will happen to the field in the middle of the site, short term or long term.

A. The college does not have any proposals at present, and it had no plans to develop it.

Q. And the middle site?

A. This is a building that costs a lot to run, the college is looking at vacating the building and moving the courses run there to the main campus, which should save us about £200k pa. The college has no plans for the vacant building.

Q. Is there anything we can do to encourage people to visit the public library in your campus?

A. It has a low footfall, but is a nice space. It is daunting for older people to come into a college full of 16 to 18 year olds. The college will be making a front facing beauty saloon to entice people to come and use its facilities and may develop evening activities especially for people who use the library.

Q. What is your capacity for students.

A. The college can take up to 4,000 students if timetabled properly.

Q. Is it fair to say that employers have to retrain their young staff.

A. It has always been the responsibility for an employer to continue a student's training. A good percentage of students go on to university rather than employment. The college has a set syllabus and works with employers on this.

The Chairman thanked Ms Wright for her interesting presentation and for answering member's questions.

92. PRESENTATION ON COMMUNITY MAGISTRATES

Councillor Angold-Stephens in the chair.

Councillor Richard Morgan and Dawn Roche, both local Magistrates, gave the Committee a talk on the work of the Community Magistrates. They noted that the local bench had been subsumed into a larger area covering North West Essex. They mainly sat at the Harlow and Epping courts. 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.

One of the reasons the Magistrates wanted to keep the local courts was that it had been proved very difficult to get defendants to travel to local courts, let alone have them go to somewhere like Chelmsford, which was difficult and expensive to get to.

There were 6 benches in Essex with a total of 105 Magistrates. This will 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.

The Magistrates all come from the local communities and find the best way to deal with them is to go out and talk to them. They go out to schools (from primary schools to colleges), Rotary clubs and other clubs and associations to explain what they are and what they do. They talk to Children as young as 10 years old, that being the age when they become legally responsible in the UK and explain as much as they can. In secondary schools they tend to hold mock trials and take them through the whole procedures from start to finish. The questions they tend to get are: how much do they get paid? Answer is nothing. And why do you do it. Answer, to give something back and help people.

It was noted that Magistrates see every type of crime committed in the country and they see 96% of cases through to a conclusion. Only 4% go on to the Crown Courts. An offender can elect to go to a crown court for almost any charge and be tried by a Jury. Only 45% of offenders are actually sent to prison.

Magistrates start by sitting at an adult court for their first three years and can then elect to go onto youth or family courts or sit on domestic abuse cases. Youth courts are for children from 10 to 18 and have a more relaxed atmosphere, it has a similar process to adult court but sentences are not as strict as they try to re-educate more.

An early guilty plea can earn one third of a sentence. This is not for the benefit of the offender but for the victim, so that are not put through the distress of a court case. They offer bail to almost every alleged offender, except for murder or rape if they have committed these before. Bail is granted on the basis that everyone is innocent until proven guilty and they would need very good reasons not to grant someone bail.

They try and have a mixed sex bench every time they sit if possible as it's perceived to be better.

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 or be proposed. It would take 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.

They do tend to see the same people again and again, however it's not all doom and gloom as they can also revoke part of a sentence for good behaviour.

The meeting was then opened up to questions from members.

Q. Is Community Payback a deterrent or an easy option.

A. It is not seen as an easy option, there is a lot of bad press about this. If they do not work they are sent back in front of the Magistrates. Part of it is the embarrassment of doing it. The Essex Probation Officers are extremely strict.

Q. Will the budget cuts affect levels of offending.

A. It would not make any difference to the offenders although cuts would make it harder to get offenders to the courts, especially if they have to travel any large distances.

Q. What is the relationship between the Magistrates and the victim protection programme.

A. We have a witness support scheme in courts but as Magistrates we have no connections with the witnesses.

Q. What is the time scale for the closure of Magistrate courts.

A. Epping Magistrates Court will come down to operating just one day a week and then finally close at the end of the year, when it will move to Harlow. They did not know what would happen to the court building in Epping.

93. MEMBER TRAINING 2011/12

The Chairman of the Constitution and Members Services Standing Panel, Councillor McEwen, introduced their report on Member training for 2011/12. They had considered various options including e-packages with contain such modules as Equality and Diversity, Chairing meetings and their role as a Councillor. They understood that computer training at home might not be suitable for everyone. They also suggested that councillors could also join in some suitable courses in the officer training programme such as assertiveness and time management. The Panel also reviewed courses that were held or were requested in previous years and were keen to have some of the courses pursued for the coming year, such as Planning (especially specific topics of particular interest such as section 106 agreements), finance awareness, public speaking, chairmanship and procedures and protocols of council meetings.

The Panel also asked that the Saturday session, held in 2010 for the first time, be repeated, covering such topics as the code of conduct, introduction to planning and the planning protocol. They also felt that a District tour was always helpful, particularly for new Councillors.

The Committee noted that the Council had lost some money from the regional assembly and from the fact they had booked some expensive external trainers that had to be cancelled at the last moment due to lack of interest.

Asked if Councillors would have to register under the Data Protection Act, the Assistant to the Chief Executive said that the training would not include registering but would be about how information was handled by members.

RESOLVED:

- (1) That the outline programme for next year including the following features be supported:
 - (a) e-learning;
 - (b) use of joint courses with officers;
 - (c) publication of training records on the website;
 - (d) a clear schedule of mandatory courses;
 - (e) other features set out in the report; and
- (2) That a draft programme be published in the Council Bulletin for consultation purposes.

94. OFFICER DELEGATION - 2010/11 REVIEW

The Chairman of the Constitution and Members Services Standing Panel, Councillor McEwen, introduced their report on Officer Delegation for 2010/11. They had carried their usual annual review of officer delegation to keep the documents up to date and to reflect current statutory requirements and operational needs.

The Committee noted that non-executive and regulatory functions were to be approved by the Council and by the Leader of the Council for Executive or Cabinet functions.

They also noted that the wording for Schedule A, 'f(i)' and 'h' was currently in dispute, the wording needed to be clearer. The Committee tasked the Assistant to the Chief Executive to review the wording to both these clauses and report back to the Council meeting when this report was considered by them.

RESOLVED:

- (1) That a report be submitted to the Council recommending that the schedule of changes to Council delegation (Appendix 1);
- (2) That the Schedule of Executive Delegations set out in Appendix 4 be recommended to the Leader of the Council for approval;
- (3) That the revised schedules be incorporated in the Constitution once the approval of the Council and the Leader is given;
- (4) That the schedules of delegation be re-configured on a Directorate basis in future;
- (5) To review the wording of 'f(i)' and 'h' regarding householder applications in Appendix 3 and report back to the appropriate Council meeting.

95. REVIEW OF CONTRACT STANDING ORDERS

The Chairman of the Constitution and Members Services Standing Panel, Councillor McEwen, introduced their report on their review of Contract Standing Orders. This was their annual review of Contract Standing Orders (CSOs) on which a cross directorate officer working party submitted recommendations for changes to CSOs. The working party's report also made recommendations on future reviews and the need for new officer guidance and training.

None of the changes proposed represent fundamental differences with the version which has been in use for a number of years.

It was noted that improved guidance on procurement was required and that there remained some lack of clarity as to how Contract Standing Orders related to the Essex Procurement Hub.

The Committee were advised that reviews of Contract Standing Orders and Financial Regulations were currently carried out once a year. In the case of Financial Regulations, very few changes had arisen in recent years. For Contract Standing Orders, there had been a number of changes but this trend is now regarded as counter-productive in some ways because the various changes have merely served

to increase the need for clarification with relevant staff. It was recommend that reviews of Financial Regulations and Contract Standing Orders should be in alternate years, with the next review of Contract Standing Orders taking place in 2012/13 and Financial Regulations during 2011/12.

The wording for C19(2) conditions be altered to read 'and' and not 'or'.

RESOLVED:

That a report be submitted to the Council recommending:

- (a) that the schedule of amendments to Contract Standing Orders set out in the Appendix to this report be approved; and
- (b) that the proposed changes to CSOs C4(1)(g) (Contract Renewals) and C7(6)(a) (Ad Hoc Tender Lists) be reviewed in 2012/13; and
- (c) that Contract Standing Orders and Financial Regulations be reviewed in alternate years in future, viz

2011/12 – Financial Regulations

2012/13 – Contract Standing Orders

96. POLICE AND CRIME COMMISSIONERS

The Director for the Environment and Street Scene, John Gilbert, introduced the report of the Safer Cleaner Greener Standing Scrutiny Panel outlining the background to the proposed Police and Crime Commissioners (PCC) that are to be elected in all force areas (other than the Metropolitan Police and the City of London) in 2012. They would replace the existing Police Authorities.

They would have the power to appoint, suspend or dismiss the Chief Constable. They would issue a Police and Crime plan, setting out police and crime reduction objectives, set a force budget, issue precept and produce and Annual Report on progress against police and crime objectives.

The Safer Cleaner Greener Standing Panel was worried that next year being the Olympic year, a lot of Police resources would be taken from our area to be used in North East London. They wanted to be sure that the new regime would deploy resources fairly and that our area would not be left undermanned.

The Panel wanted an item added to their work plan for next year to be kept updated on the new PCC and so that the Chairman of the Safer Communities Partnership would have a clear reporting line. They would also like to receive the minutes from any of the relevant meetings to help them keep in touch with developments and to enable them to help in any way they could.

RESOLVED:

- 1) That the report of the Safer Cleaner Greener Standing Panel on the Police and Crime Commissioners be noted; and
- 2) That the Safer Cleaner Greener Standing Panel have two additional items added to their Work Programme for the new year:

- (a) That they be kept updated on the progress on the work for the new Police and Crime Commissioner; and
- (b) That they be tasked with monitoring the use of police resources during the Olympic period.

97. HOME OFFICE CONSULTATION - 'MORE EFFECTIVE RESPONSES TO ANTI-SOCIAL BEHAVIOUR'

The Director for the Environment and Street Scene, John Gilbert introduced the report of the Safer Cleaner Greener Standing Scrutiny Panel on the Home Office's consultation document entitled "More effective responses to Anti-social behaviour". This followed the Government's 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.

The consultation document was divided up into six parts:

- (1) **The Criminal Behaviour Order** – this will be a civil order available on conviction for any criminal offence, similar to an ASBO. Maximum penalty for breach proposed is 5 years imprisonment;
- (2) **The Crime Prevention Injunction** – this is a civil order of proof (balance of probabilities) making it easier to obtain. These two new powers are intended to replace the existing Anti-Social Behaviour Orders;
- (3) **The Community Protection Order (CPO)** – available to police and local authorities to restrict the use of a place or close a premises linked with persistent ASB;
- (4) **Police Direction Power** – this allows police to direct any individual causing or likely to cause crime and disorder away from a particular place and confiscate relevant items. If this came in, officers would like PCSOs to have the power of arrest to enable them to have a credible alternative when asking people to move on;
- (5) **Informal tools and out of court disposals** – the Home Office were exploring more community engagement to enhance the restorative approach, for example by introducing Acceptable Behaviour Contracts Panels chaired by trained local volunteers; and
- (6) **The Community Trigger** – this will be a new power given to local residents to ensure ASB is being dealt with by the relevant authorities in their area.

The Safer Cleaner Greener Standing Panel had considered the consultation document at their meeting of 7 April 2011 and agreed the suggested replies.

Councillor Breare-Hall asked if the answer to question 8 was missing the word 'avoid' where "...provide a consistent standard and **avoid** unnecessary complications..." This was agreed.

RESOLVED:

- (1) That the Home Office consultation paper on more effective responses to Anti-Social behaviour be noted; and
- (2) That the suggested replies to the consultation be endorsed by the Overview and Scrutiny Committee.

98. DRAFT OVERVIEW AND SCRUTINY ANNUAL REPORT

The Committee considered the draft Overview and Scrutiny Annual Report. The Committee wanted the following altered:

1. The call-in for the Standard Caravan Site Licence Conditions needed more added to it, such as the Housing Scrutiny Panel was asked to look at it.
2. The Denny Avenue call-in from last year was revisited this year, should this not be considered as a new call-in?
3. There was a double negative in the fourth paragraph of the case study for the Safer Cleaner Greener Standing Panel.

RESOLVED:

1. That the draft Overview and Scrutiny Committee Annual Report for 2010-11 was noted and commented on; and
2. That the final version of the report be given final approval at the May meeting.

99. WORK PROGRAMME MONITORING

(a) Work Programme

(i) Overview and Scrutiny Committee

Noted that items 9 (review of secondary and primary education) and 12 (Broadband access) were still to be completed and that there were some new item added recently (Corporation of London and Police and Fire Rescue) to be completed in the new year.

(ii) Planning Services Standing Panel

Noted that item 7 (visits to controversial sites) had not been completed, although they have now identified sites to visits for each plans sub area.

Item 10 Contributions to affordable housing had been moved into next year work programme.

Items 21 (Town Centre Officer) and 22 (general approach to assessing Impact on light) had now been completed.

(iii) Children Services Task and Finish Panel

Their final report will be presented to the next meeting of the Overview and Scrutiny Committee.

(b) Next Years Work Programme

A request had been received from Councillor Philips on the notification of substitute members at meetings. The Committee referred this to the Constitution and Member Services Standing Panel, to be put on their new year's work programme.

(c) Reserve Work Programme

No requests had been received so far for new items of work or for new Task and Finish Panels. Members were reminded that they could still submit topics for

consideration by using the appropriate request form and handing it in to Democratic Services.

As this was the last meeting of the year, the Chairman thanked all Committee and Panel members for their diligence through the year and especially the Chairmen of the various Panels. He also thanked the officers for their hard work in the background.

In turn, members thanked the Chairman for his impartial and efficient chairmanship during the year.

100. CABINET REVIEW

The Committee reviewed the Cabinets agenda for their 18 April meeting but there were no specific items that the Committee wanted to be brought to their attention.

CHAIRMAN