

# **Overview and Scrutiny Annual Report 2010-2011**



**Epping Forest District Council**

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# OVERVIEW AND SCRUTINY ANNUAL REPORT: MUNICIPAL YEAR 2010/2011

## *Introduction*

Welcome to the sixth report of the Overview and Scrutiny Structure of Epping Forest District Council. The Overview and Scrutiny Committee and Panels are charged with reviewing Cabinet decisions, the Corporate Strategy, the Council's financial performance and also scrutinising the performance of the public bodies active in the District by inviting reports and presentations from them.

At the beginning of the 2010/11 municipal year the Overview and Scrutiny Committee agreed to the setting up of five Standing Panels and one Task and Finish Panel for the year.

## *What is Scrutiny?*

- Ø Scrutiny in local government is the mechanism by which public accountability is exercised.
- Ø The purpose of scrutiny in practice is to examine, question and evaluate in order to achieve improvement.
- Ø The value of scrutiny is in the use of research and questioning techniques to make recommendations based on evidence.
- Ø Scrutiny enables issues of public concerns to be examined.
- Ø At the heart of all the work is consideration of what impact the Cabinet's plans will have on the local community.
- Ø However, the overview and scrutiny function is not meant to be confrontational or seen as deliberately set up to form an opposition to the Cabinet. Rather the two aspects should be regarded as 'different sides of the same coin'. The two should compliment each other and work in tandem to contribute to the development of the authority.

Alongside its role to challenge, the scrutiny function has also continued to engage positively with the Cabinet and there continues to be cross party co-operation between members on all panels.

Scrutiny has continued to provide valuable contributions to the Council and the Cabinet remained receptive to ideas put forward by Scrutiny throughout the year.

This year the rules of the Overview and Scrutiny Committee have been altered so that members of the public have the opportunity to address the Committee on any agenda item.

## *The Overview and Scrutiny Committee*

The Committee coordinated with the Cabinet about their work plans for the year and pre scrutinised their agenda and reports at its meetings the week before Cabinet would meet. Liaisons with the Cabinet would take place to discuss the wider work programme that would be approved and reviewed annually. This acted as a troubleshooting exercise, unearthing problems before they arose.

The Committee also engaged with external bodies in order to scrutinise parts of their work that encroached on the District and its people.

Four call-ins were received this year (for details, see Scrutinising and Monitoring Cabinet Work on page 7). These were on the Housing Portfolio Holders decision on the adoption of the standard caravan site licence conditions for permanent residential sites; the Leisure and Wellbeing Portfolio Holders decision on the suspension of the new sports hall at the Waltham Abbey Swimming Pool site; the Leisure and Wellbeing Portfolio Holder decision for a £35,000 reduction in the Community Arts budget; and the Finance and Economic Development Portfolio Holders report on the discontinuance of the Town Centre Officer Post.

### ***Standing Scrutiny Panels***

A Lead Officer was appointed to each panel to facilitate its process. The Overview and Scrutiny Committee agreed the terms of reference for each of the Panels on the basis of a rolling programme. The Standing Panels have a 'rolling programme' to consider ongoing and cyclical issues. Five Standing Scrutiny Panels were established, dealing with:

- i. Housing
- ii. Constitution and Member Services
- iii. Finance and Performance Management
- iv. Safer Cleaner Greener.
- v. Planning Services

Standing Panels reported regularly to the Overview and Scrutiny Committee on progress with the work they were carrying out.

### ***Task and Finish Panels***

The Task and Finish reviews are restricted to dealing with activities which are issue based, time limited, non-cyclical with clearly defined objectives on which they would report responses and set a deadline to report to the Overview and Scrutiny Committee. Only one Task and Finish Panel was established during the year and that was the 'Provision for Children Services Task and Finish Panel'.

# 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 position and have a local and regional needs.

They currently had full time students rate has grown over noted that the college was from that of a had to retain their achieve good



in excess of 2000 and their success the years. It was success rate for a measured differently school. A college students as well as results.

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 was 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 Office on "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.

### ***(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.



# STANDING PANELS

## 1. HOUSING SCRUTINY STANDING PANEL

*The Housing Scrutiny Standing Panel consisted of the following members:*

Councillor S Murray (Chairman)  
Councillor Mrs R Gadsby (Vice Chairman)  
Councillors R Barrett, D Dodeja, Mrs A Grigg, Ms J Hart, Ms J Hedges, Mrs S Jones, Mrs J Lea, L Leonard, A Lion and Mrs J Whitehouse.

The Lead Officer was Alan Hall, Director of Housing. The Panel also appreciated the Housing Portfolio Holder, Councillor D Stallan, attending the meetings to help them with their deliberations.

Mrs Molly Carter, the Chairman of the Tenants and Leaseholder Federation, who attends the meetings as a non-voting co-opted member to provide the views of residents and stakeholders, also took part in Panel discussions.

### *Terms of Reference*

The Housing Scrutiny Standing Panel is tasked to undertake reviews of a number of the Council's public and private sector housing policies and to make recommendations arising from such reviews to the Housing Portfolio Holder, Overview and Scrutiny Committee or Cabinet as appropriate. They also undertake specific projects related to public and private sector housing issues, as directed by the Overview and Scrutiny Committee.

*The Panel scrutinised a number of important issues over the last year, which included:*

(i) **Homeless Prevention Service** – the Panel received a presentation from the Housing Options Manager on the District Council's Homelessness Prevention Service, which became fully operational in 2006, forming an integral part of Housing options. This service has so far reduced demand on costly temporary accommodation, reduced unnecessary homeless applications and provided effective Housing options for households with housing difficulties.



(ii) **Tenant Satisfaction Survey** – they received a report on the Tenant Satisfaction Survey - in comparison with other stock retaining councils. They noted that the Tenant Support Survey was no longer required by government and consideration was being given to whether or not the council should continue to carry out such surveys voluntarily. A recent comparison of the 2008 survey result found that our District Council was in the top 10% nationally.

(iii) **Review of Proposed New Licence Conditions for Permanent Residential Park Homes Sites** – In September 2010 they held a special public meeting devoted to a review of proposed licence conditions for permanent Residential Park Homes. In

2008 the government produced new standards for permanent residential mobile home sites (Model Standards 2008 for Caravan Sites) which provided a framework upon which councils could base conditions on for re-licensing sites. A report went to Cabinet, but two aspects of the decision was called in for review. The Overview and Scrutiny Committee considered the call-in and referred the two issues back to the Cabinet for further consideration. They asked the Housing Scrutiny Panel to undertake a detailed review of all the proposals and report back to the Cabinet. The



two issues specifically raised were i) that insufficient consultation had been undertaken with residents and members and ii) that insufficient consideration had been given to the impact on the privacy of residents by requesting the lowering of hedges and fences to one metre and requesting existing hedges/fences to remain at two metres.

The Panel received several public representations at this meeting and also received background information and comments from Fire Officers. The Panel engaged in a long debate, taking into account the public's comments, on the merits of the new model standards and made several recommendations to the Cabinet about what should be included in the new site licences.

This would hopefully take the public's concerns on board while enabling the council to discharge its responsibilities for licensing such sites.

**(iv) New National Housing Policies-** they received a presentation on the new National Housing Policies and Legislation. This proposed new legislation would have significant effect on the Council, its tenants and housing applicants. These draft proposals are due to come into effect next April (2012).

**(v) Housing Service Standards and Schemes** – the Panel agreed or commented on a range of Housing Service Standards and schemes covering all of the Housing Directorate's main areas of activity. These included the Housing Strategy, Housing Standards (2010), the Housing Charter, Housing Service Strategy on the Private Rented Sector, a review of the Housing Key Performance Indicators, the Housing Customer Perspective Programme – Final Action Plan, the Homelessness Strategy Action Plan, the Housing Revenue Account Business Plan 2010/11 (six month progress report), the Housing Service Strategy on Anti-social Behaviour and a consultation paper on 'Local Decisions - A fairer Future for Social Housing'.

**(vi) Presentation on term of appointment for the Private Repairs Management Contractor** – the Panel received a presentation on the housing repairs service, covering the repairs refresh programme, the repairs advisory group, repairs management contractor and the restructuring of the repairs service.

**(vii) HRA Business Plan** – The Panel also received a report on the Housing Revenue Account (HRA) Business Plan for 2011-12. The Government requires all local authorities to produce an annual Business Plan for their Housing Revenue Accounts which deals with the Council's plans and performance for the delivery and quality of its housing services to its tenants

### ***Case Study: Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites***

The Housing Scrutiny Standing Panel's major piece of work this year was the Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites.

The review had come about because in April 2008, the Government produced new standards for permanent residential mobile home sites, these provided a framework upon which councils could base the conditions they attach when re-licensing sites. In June 2010 the Housing Portfolio Holder presented a report to the Cabinet on proposed new licence conditions for all new and existing permanent residential park home sites within the District. However, two aspects of the decision were called-in by five Council members for Overview and Scrutiny review. The Overview and Scrutiny Committee at its July 2010 meeting referred the matter to the Housing Services Scrutiny Standing Panel with a view to making recommendations to the Cabinet.

The Panel met on 8 September 2010 for an extra-ordinary meeting. Following lengthy discussion involving two invited senior Fire Service officers, the Panel recommended that certain licence conditions be excluded from the site licences for park home sites that comprised only one park home, that all residents and site owners would be consulted on both the licence conditions proposed by the Cabinet and the Panel's recommendations, and that the results of the consultation be reported to the Cabinet.



## 2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

*The Constitution and Member Services Standing Panel consisted of the following members:*

Councillor Mrs M McEwen (Chairman)  
Councillor K Chana (Vice Chairman)  
Councillors R Cohen, Miss C Edwards, Mrs J Hedges, J Markham, J Philip, Mrs M Sartin, D Stallan, Mrs J Sutcliffe and Mrs J H Whitehouse.

The Lead Officer was Ian Willett, Assistant to the Chief Executive.

### *Terms of Reference*

To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee and to report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

*The Panel scrutinised a number of issues over the last year, which included:*

(i) **E-petitions** – They considered the E-petitions legislation and our duty to respond. They considered the main provisions identified in the Act and highlighted issues for consideration for enhancing the Councils current petition scheme.

(ii) **Review of General, District and Parish Elections** – The Panel reviewed the combined general and local elections that took place in May 2010, receiving a report from the Returning Officer and fed back their findings and views to the Returning Officer and the main Overview and Scrutiny Committee.



(iii) **Cancellation of Meetings** – They considered a report on the effects of extreme weather conditions on meetings. During the recent severe weather with the associated difficult transport conditions one or two meetings had to be cancelled at short notice due to safety concerns and the ability to meet the quorum. They recommended that the constitution should provide clear procedures for the cancellation of meetings.

(iv) **Deputy Portfolio Holders** – They considered the desirability of establishing the posts of deputies to the Portfolio Holders. They proposed that the appointments should be for one years duration, that the deputies would not have decision making powers but could assist in the compiling of reports. The constitution would have to be altered to introduce Deputy Portfolio Holders as formal appointments. On their

recommendation the Council has now established the role of Deputy Portfolio Holders.

**(v) Public address at Cabinet and Overview and Scrutiny Committee Meetings** – The Panel looked at and agreed that provision be made to enable members of the public or other organisations to address the Cabinet and the Overview and Scrutiny Committee and that these arrangements be reviewed in 12 months time.

**(vi) Statutory Officer Protocols and Member Accountability** – In November they looked at and made recommendations on the draft protocols regulating relations between Statutory Officers and the Council, namely the Head of Paid Services, the Monitoring Officer and the Chief Financial Officer. They also looked at and revised the Member Accountability Statements based on the Model provided by the Improvement and Development Agency.

**(vii) Guillotine at Cabinet Meetings** – They agreed that the Cabinet no longer be required to complete all meetings by 10pm and that the requirement for a set number of meetings per year be deleted.

**(viii) Appointments at Annual Council** – The Panel reviewed the appointments procedures at the annual Council meeting. They looked at how consultation between Political groups could be improved and discussed if the principles of pro-rata allocations on outside organisations was still fit for purpose, if voting on appointments to outside organisations could be made easier, how the paperwork could be made simpler, other options for making these decisions, the appointment of Chairman and Vice Chairman of the Council and how the ceremonial aspects of Annual Council could be improved.

**(ix) Member Training Review** – They considered Member's training for the coming years. They considered on line training for individual members via their computer for specific courses; training could be provided in conjunction with certain officer training courses and the publication on the website of training undertaken by all members. They were also in favour of holding a whole day of courses for members (on a Saturday) as last year and would like to see a tour of the district reinstated for new members.

**(x) Contract Standing Orders and Officer Delegation** – The Panel reviewed the annual report on the review of Contract Standing Orders and Officer Delegation. These reviews are designed to keep these documents up-to-date and reflect current statutory requirements and operational needs.

### ***Case Study: Deputy Portfolio Holders***

At the meeting of the Overview and Scrutiny Committee on 1 June 2010, a proposal was made concerning a review of the desirability of establishing Deputies to Portfolio Holders was referred to the Panel for consideration.

Creating Deputy Portfolio Holders would give more members an insight into how the Cabinet worked, providing an experience of working more closely with officers and could spread the Executive workload.

Four specific review items were raised in the proposal which were dealt with in turn:

**(1) Statutory restrictions on responsibilities undertaken by a Deputy Portfolio Holder**

Legislation prescribed that a Leader and Cabinet Executive must consist of no less than three Councillors (including a Leader) and no more than 10 (including a Leader).

Legislation prescribed that arrangements for the carrying out of Executive functions could be delegated in the following manner:

- to the Cabinet itself;
- to members of the Cabinet individually;
- to any committees of the Executive; and
- to officers of the Council

Deputy Portfolio Holders could not be full members of the Cabinet, and therefore could not participate in its decisions either individually or collectively. However guidance issued in 2000 from the Government suggested the Executive could invite any person considered appropriate to attend its meetings and speak on behalf of an absent Executive member. However, that person would not take formal decisions. The duties and responsibilities of a Deputy Portfolio Holder would be as follows:

- Assisting the designated Cabinet member in shaping and developing the strategic priorities of the Council as it related to the allocated portfolio;
- Assisting the designated Cabinet member in monitoring performance in specified areas relating to the allocated portfolio; and
- Where appropriate and where permissible under the Council's Constitution, represent the designated Cabinet member at meetings or visits.

**(2) “Pairing” Assistants with specific Portfolio Holders**

The number of appointments could be the same as the number of Cabinet members and each of the Deputies could be allocated to a specific Portfolio Holder assisting with their duties. Alternatively, a smaller number of Deputies could be appointed to act as a “pool” of Deputies for all Cabinet members.

**(3) Payment of Special Responsibility Allowances**

Payments could be made to Deputy Portfolio Holders by way of a Special Responsibility Allowance. These allowances allowed the Council to determine remuneration for responsibilities which were over and above those of a Councillor, the latter being reflected in the basic allowance.

However, the Council could not make payments to Deputy Portfolio Holders because these were not currently included in the Remuneration Scheme. This option would have to be referred to the Independent Remuneration Panel and its report considered by the Council before the scheme could be amended.

**(4) Conclusion**

It was for the Council to determine whether it wished to appoint Deputy Portfolio Holders. In practice, these appointments would be made at the discretion of the Leader of the Council. It was suggested that:

- (a) appointments should be for one Council year;

- (b) Deputies should be assigned to specific Portfolio Holders so that roles were clear;
- (c) that Deputy Portfolio Holders did not have decision making powers but could, if the Leader so determined, assist Portfolio Holders in compiling decision reports and reports to the Cabinet with no change to the accountability of the Portfolio Holder for the decisions made;
- (d) in the absence of a Portfolio Holder, another Cabinet member would make decisions, not the Deputy;
- (e) Portfolio Holders would still sign Portfolio Holder reports and present Cabinet reports;
- (f) if deputies were to be involved in drafting reports etc, close liaison arrangements between the Portfolio Holder, the Deputy and the Service Director (s) concerned were necessary;
- (g) Article 6 of the Constitution and the Executive Procedure rules should be altered to introduce Deputy Portfolio Holders as formal appointments within the Council; and
- (h) question of payments of Special Responsibility Allowance to Deputy Portfolio Holders was a matter for the Independent Remuneration Panel and in order to facilitate this the Panel and the Council would need to agree the "Job Description" for these Deputy positions.

The Leader of the Council informed the Panel that, subject to Council approval she intended to make appointments to positions of Deputy Portfolio Holders during the current year.

The Panel concluded that the initial experience would assist in considering the question of a Special Responsibility Allowance.

### **3. FINANCE AND PERFORMANCE MANAGEMENT STANDING PANEL**

***The Finance and Performance Management Scrutiny Panel consisted of the following Members:***

Councillor G Mohindra (Chairman)

Councillor R Cohen (Vice Chairman)

Councillors W Breare-Hall, Ms R Brookes, D Jacobs, D C Johnson, B Judd, J Philip, W Pryor, Mrs J Sutcliffe and Ms S Watson.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

#### ***Terms of Reference***

##### **Performance Management**

1. To review statutory and local performance indicator outturns for the previous year at the commencement of each municipal year, and to determine the following on an annual basis:
  - (a) A basket of 'Key' Performance Indicators (KPIs) important to the Council's core business and corporate priorities; and
  - (b) The monitoring frequency of the KPIs identified by the Panel for the year;
2. To monitor performance against the adopted KPIs throughout the year; and to make recommendations for corrective action in relation to poorly performing indicators;

##### **Corporate Plan**

3. To undertake an annual review of performance against objectives, targets and actions contained in the Corporate Plan for 2010 to 2014;

##### **Public Consultation**

4. To develop arrangements to directly engage the community in commenting on and shaping the future direction of services to make them more responsive to local needs, including the development of proposals for effective consultation through an annual community conference;
5. To annually review the consultation exercises undertaken by the council over the previous year.

##### **Finance**

6. To consider the draft budgets for each portfolio and in so doing to evaluate and rank proposals for either enhancing or reducing services. Members will need to ensure consistency between wider policy objectives and financial demands.
7. To consider financial monitoring reports on key areas of income and expenditure for each portfolio.

## ICT

8. To monitor and review progress on the implementation of all major ICT systems and to review of the Web-Casting System.

## Value For Money

9. To consider the annual Value for Money Analysis, and to identify any areas where further detailed analysis may be required to be undertaken by a Task and Finish Panel during the year.

## Essex Local Area Agreement

10. To monitor performance against the performance indicators contained within the second Essex Local Area Agreement, that the Council 'has regard to'; and to make recommendations for corrective action in relation to poorly performing indicators.

## Equality and Diversity

11. To undertake an annual review of progress towards the implementation of the Council's Race Equality, Gender Equality, and Disability Equality Schemes, and performance in relation to other equality and diversity issues.

### *The Panel scrutinised a number of important issues over the last year, which included:*

(i) **Council Plan** – They reviewed the Council Plan for 2006 to 2010 up to the end of 31 March 2010. The Council Plan now finished, was to be replaced by a new Corporate Plan to take it from 2010 to 2014 in conjunction with the development of a new Community Strategy for the district by the Epping Forest Local Strategic Partnership.

(ii) **2009-2010 Outturn Reports** – The Panel also considered the Capital and Revenue outturn for the previous year (2009/10). They also considered the outturn report for the Key Performance Indicators (KPI) for last year when 58 KPIs were adopted and noted that this would come down to 49 in the 2010/11 year. They also noted the progress made on the Equality and Diversity legislation and the Council's approach with regards to the equality initiatives.

(iii) **Avoidable Contact** – The Panel received a report on the improvement plan on avoidable contact. They noted that the focus would be on telephone contact where the majority of avoidable contact lay. It was also anticipated that it could be addressed in a much broader range of services by gathering data from all channels of contact, face to face, correspondence, email and telephone.

(iv) **Key Performance Indicators** – Throughout the year the Panel reviewed the quarterly progress of the KPIs and reviewed the KPI improvement plan for each indicator, keeping an eye on any indicators that may not be on track for achieving its proposed target.

(v) **Sickness Absence** - At each quarter the Panel considered the latest absence figures for the year and the improvement plan for bringing down the level of long term sickness.



**(vi) Quarterly Financial Monitoring** - The Panel also considered (on a quarterly basis) the quarterly Financial Monitoring report, keeping them up to date on the key areas of income and expenditure for each portfolio.

**(vii) Fees and Charges** - The Panel considered the proposals for the Councils Fees and Charges as part of the Budget setting process. They noted that under the Comprehensive Spending Review that councils faced significant cuts in government support and there would be less freedom for authorities wishing to raise additional revenue from fees and charges as more were subject to cost recovery only on Government direction. Against this it was felt that fees and charges should be increased by 5% where possible.



**(viii) ICT Update** – The Panel received an update on the Council ICT Systems and the recent UK Society of Information Technology Management benchmarking exercise undertaken for the Council. EFDC came out quite well against other authorities but were found to be deficient in the number of passwords resets, now rectified by a self service password reset system and the old telephony system was highlighted as being expensive. A project to replace this and improve performance and cost is to be included within the next ICT Business Plan. They were also looking at replacing the email system with 'Outlook', migrating servers to virtual servers, investigating mobile working and looking at a Wide Area Network upgrade.

### ***Case Study – National Indicator Set – Abolition and Review***

The Secretary of State for Communities and Local Government had recently written to the Leaders and Chief Executives of all local authorities, setting out changes to existing performance arrangements. The new arrangements detailed by the Secretary of State provided for the replacement of the existing National Indicator Set with a single list of data required to be provided to the Government by local authorities, although it was unclear whether the National Indicator Set had ceased immediately, or whether it remained in place until the end of 2010/11.

It was considered appropriate for the Council to continue to monitor and internally report performance against each of the National Indicators that formed part of its adopted set of Key Performance Indicators (KPI) until the end of 2010/11, even if not formally required to do so for the purpose of submitting performance returns to the Government. A number of the existing National Indicators were used as performance measures for the Council's Key Objectives for 2010/11, and therefore clearly needed to be retained until at least the end of the year. This approach had been supported by the Finance and Performance Management Cabinet Committee.

Since the changes to existing performance arrangements were announced by the Secretary of State, a review of the existing KPI set had been undertaken to identify any National Indicators that could be deleted as KPIs for 2011/12, on the grounds that data collection was resource intensive or over burdensome, or where issues of limited value and validity had arisen in respect of data previously collected. As part of this review process, Service Directors highlighted ongoing and future activities in the areas where KPIs could be deleted, in order to ensure that the Council maintained appropriate focus on key areas in the absence of corporate assessment or centralised performance reporting arrangements. This exercise has resulted in proposals for some National Indicators to be carried forward into 2011/12 as Local Performance Indicators.



## 4. SAFER CLEANER GREENER STANDING PANEL

*The Safer, Cleaner Greener Standing Panel consisted of the following members:*

Councillor Miss C Edwards (Chairman)  
Councillor Ms J Hedges (Vice Chairman)  
Councillors W Breare-Hall, A Boyce, Mrs T Cochrane, D Jacobs, Mrs S Jones, B Judd, G Mohindra, Mrs C Pond and P Spencer

The Lead officer was John Gilbert, Director of Environment and Street Scene.

### *Terms of Reference*

1. To approve and keep under review the “Safer, Cleaner, Greener” initiative development programme.

*(Note: this development programme will encompass the three main issues and will therefore include matters such as:*

- (i) environmental enforcement activity
  - (ii) safer communities’ activities
  - (iii) waste management activities (in addition to WMPB information))
2. To keep under review the activity and decisions of the Waste Partnership Member Board and the Inter Authority Member Working Group.
3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract
4. To monitor and keep under review the Nottingham Declaration “action plan” and the Council’s progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council’s Climate Change Strategy from the Green Working Group
5. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Tip Management Group.
6. To act as the Council’s Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership.
  - (a) That at least two meetings a year be dedicated as Community Safety Committee meetings.

Work from the Leisure Task and Finish Panel

7. Waltham Abbey Sports Centre / Swimming Pool:
  - To assess the feasibility of providing a new sports hall at the Waltham Abbey Swimming Pool;



- To conclude the assessment commenced in 2007/08 of evaluating the current and potential future management arrangements at Waltham Abbey Sports Centre.

8. The on-going monitoring of the Youth Initiatives Scheme and Play strategy.

***The Panel scrutinised a number of important issues over the last year, which included:***

**(i) Enforcement Activities** – The Panel were updated on the various enforcement activities of the Council. The Council undertook 303 investigations in the first six months of 2010, of which only 3 resulted in prosecutions, demonstrating how difficult it was to gather sufficient evidence to mount an enforcement action. However, EFDC were in the process of embarking on a joint venture with Essex County Council which would enable Epping to access a regional database and enable officers to identify vehicle registrations numbers and get background information on the vehicle.

**(ii) Safer Cleaner Greener Action Plan** – The Panel scrutinised the SCG Action Plan for the year, noting the work of the Neighbourhood Team, the 'Crucial Crew' and the 'Reality Road Shows' (for the education on personal safety for school aged children), the CCTV policy and that the Council was currently achieving 100% of its target for removing offensive and racist graffiti within 48 hours of notification.

The Council was working with various partners to reduce crime and anti-social behaviour. Officers had been given approval to introduce fixed penalty notices as an enforcement tool. Also officers would implement and monitor the action of the Local Biodiversity Action Plan.

**(iii) Action Plans and Strategies** - The Panel reviewed and agreed the following action plans: CCTV, the new Tree Strategy and the Safer Cleaner Greener Strategic Action Plan.

**(iv) Sports Hall Provision at Waltham Abbey Swimming Pool** – This was an item left over from the Leisure Task and Finish Panel who looked at the feasibility for providing a new sports hall at Waltham Abbey Swimming Pool. It was noted that the Cabinet, in 2009, agreed to the proposal to build a sports hall at Waltham Abbey Swimming Pool and recommended that Sports and Leisure Management (SLM) undertake the work to the planning stage. The Panel noted that therefore the project was reliant on the planning permission, the agreement by the Cabinet on the future SLM contract and the allocation of the Capital Funding.



**(v) Review of Waste and Recycling Collection Services during Christmas and New Year 2009/10** – The Panel reviewed the waste and recycling collections services during Christmas and New Year 2009/10, covering the period of bad weather conditions (heavy snow, ice) coupled with the bank holiday closure. It turned out that the district had done very well when compared with other authorities, only suspending services for just one day. They noted the action taken to get collection services back to normal, including suspended street cleaning services to divert some crews to grit high streets, main roads and pavements, suspending the normal 'side waste' policy and collect any waste placed next to normal collection containers and

hire additional refuse freighters and crews in January 2010 to help clear the backlog. Although the primary responsibility rested with SITA, the company responsible for waste collection, Council Officers also went out to check up on them.



During this time there were also problems with landfill sites and recycling processors which were either closed or inaccessible at various times. This meant that the refuse trucks could not drop off their loads.

The Civic Offices were also closed over Christmas which caused a lot of customer frustration over the period. The case for closing the offices over the Christmas period would be looked at by a separate working group.

**(vi) Consultation on Future of Policing** - The Panel were asked to comment on a Home Office consultation document on the future of Policing (Policing in the 21 Century: Reconnecting the Police and the People). The consultation document suggested that democratic accountability would be increased by directly elected Police and Crime Commissioners, the abolition of Police Authorities, the creation of Police and Crime Panels and a more independent 'Her majesty's Inspectorate of Constabulary'. The Panel though broadly content commented specifically that they were concerned by the role of a Police and Crime Commissioner and the type of candidate that may put themselves up for election and were ambivalent about the benefits of the actual post. Any candidate would need significant support from a backup office, which carried the risk of simply replacing one bureaucracy (i.e. Police Authority) with another.



**(vii) Consultation on the Future of Licensing** – The Panel were also asked to comment on a consultation document on licensing “Rebalancing the Licensing Act 2010”, which was looking to give local licensing authorities additional powers to regulate licensing in their area and allow them to respond more effectively to local concerns. They thought that the area of consultation be widened; there should be other means other than boundary notices and advertisements in the local press to communicate with the local residents, perhaps via Town and Parish Councils; Town and Parish Councils should be made interested parties and authorities should not have to pay compensation if a decision was overturned on appeal.



**(viii) Police and Crime Commissioners** – The Panel considered a report on the proposed Police and Crime Commissioners. From 2012 regional Police and Crime Commissioners are to be elected in all areas other than the Metropolitan and the City of London Police. The Panel wanted to be kept updated on the progress on the work for the new Police and Crime Commissioner and to monitor the use of police resources during the Olympic period.

**(ix) Consultation on ‘more effective response to anti-social behaviour’** – The Home Office were consulting on more effective responses to anti-social behaviour and were looking to open up current legislation and bring it all under one umbrella act.

The Panel considered the document and provided suitable responses to the consultation.



**(x) Crime and Disorder Meetings** – At their October meeting the Panel reviewed crime and disorder issues. They considered the Community Safety Partnership and cross border work when members of the Epping Forest Community Safety Partnership (CSP) attended the meeting. The Panel were introduced to the cross border officer who was financed by Essex County Council after our Safer Communities Team approached them to appoint a West Essex Cross Border Officer, working on behalf of Epping Forest, Harlow and Brentwood CSPs. A temporary post was agreed.

The Cross Border Officer noted it was difficult to target individuals who ‘commuted’ into the district because of the easy transport links. However, there was now a London wide database in operation, which we had signed up to. This showed up interesting facts such as ‘hot-spots’ of criminality activity and that a small number of individuals were responsible for the majority of crime. Targeted cross border squads could now be put together to target cross border offending.

At the second Crime and Disorder Meeting – the Panel went out to St Mary’s Church Hall in Loughton to hold their meeting. This time the topic of discussion was “Licensing and the Night Time Economy – Managing Expectations”. At this meeting were the Council’s Licensing Officer, Essex Police and members of the Safer Communities Partnership. They were there to discuss the processes of monitoring and the enforcement of the licensing conditions at various premises throughout the district and to answer any questions that arose.

Both the Police and the Licensing officer gave a short presentation on their various roles and duties towards licensed premises and the public. The Safer Communities Partnership had partly funded some police operations into policing licensed premises in Loughton. It allowed proactive measures to be deployed such as knife arches, drug dogs and PCSOs, when needed. They have also linked the pubs and clubs in Loughton High Road by two way radios so that they could share information.



### ***Case Study: Review of Waste and Recycling Collection Services during Christmas and New Year 2009/10***

The Panel received a report on waste and recycling collection services during Christmas and New Year 2009/10. This report covered the period of disruption during the period of bad weather (snow fall and icy conditions), coupled with the bank holidays closures. Because of the severe weather in January our contractor could not catch up with the delayed Christmas collections. As it turned out, as a district we did very well compared with other authorities, only suspending services for just one day. The report highlighted the steps taken to bring services back to normal.



The main actions undertaken to get collection services back to normal were:

- a) Suspend Special Collections (bulky waste item collection) to divert resources to help catch up refuse and recycling collections.
- b) Suspend street cleansing services, divert some crews to grit high streets/main roads and pavements to assist residents.
- c) Divert remaining street cleansing crews to work alongside refuse and recycling crews.
- d) Suspend normal 'side waste' policy and collect any waste placed next to normal collection container until service back to normal.
- e) Street cleansing crews to pile up recycling and residual sacks at easy to access road junctions or the nearest point that a freighter could safely access.
- f) Hire additional refuse freighters and crews in January 2010 to help clear the backlog.

During this time updating information was put on the Council's website to keep the public informed. Although the primary responsibility rested with SITA, Council officers also went out to check up on them. During this time there were also problems with the landfill sites which were either closed or inaccessible at various times. This meant that the refuse trucks could not drop off their loads. The Civic Offices were also closed over the Christmas period which caused a lot of customer frustration over this time. This also meant that no staff were able to update the pre-recorded telephone message that the Council used and members were asked to provide some guidance on staffing over the Christmas period.



Some Councillors noted that neither officers or SITA could be criticised for the bad weather, the entire country had come to a halt during this period. People would understand about the delays if only they were informed what these problems were. There was now a case for looking into not closing the offices down completely over the Christmas period. It may be that a skeletal staff was kept on from all major services, which would solve the updating problem.

Other Councillors thought that this was the wrong time to open the offices at Christmas due to budgetary cuts. Only one member of staff would be needed to update telephone messages.

If the Council was to seriously consider opening over the Christmas period then Councillors would need to know the costs involved and how it would operate. They needed to explore if the website could be updated remotely. Feedback was also needed from other Councils as to what they were doing. These were all good ideas but it all came down to costs. The Panel needed to consider costs before they made any recommendations.



## 5. PLANNING SERVICES STANDING PANEL

### *The Planning Services Panel consisted of the following members:*

Councillor J Philip (Chairman)

Councillor H Ulkun (Vice Chairman)

Councillors Mrs P Brooks, C Finn, Mrs A Grigg, Mrs S Jones, Mrs M McEwen, J Markham, W Pryor, A Watts and J M Whitehouse.

The Lead officer was John Preston, Director of Planning and Economic Development.

### **Terms of Reference**

1. To consider in detail the provision of Value for Money within the following Planning Services in focusing specifically on:
  - Development Control (including Appeals)
  - Forward Planning
  - Building Control
  - Enforcement
  - Administration and Customer Support
  - Economic Development
  - Environment Team
2. To gather evidence and information in relation to these functions through the receipt of:
  - performance monitoring documents,
  - Best Value Review of Planning Services (updated version)
  - benchmarking exercises,
  - consultation with Planning Committee Members, customers and IT Suppliers.
3. To review the measures taken to improve performance within the directorate.
4. To consider matters which arise through the process that the Government is driving to bring in an East of England Plan. These may range from responding to the views of those who support or oppose us, and how we may support or oppose the views taken by others. This includes how to work in partnership with others to secure delivery of the plan with adequate infrastructure. In particular, those Portfolio Holders with relevant responsibilities to remain tuned in to local views.
5. In association with 4 to keep an overview of work associated with securing a sound New Local Development framework; in particular how the core strategy will cater for the adequate delivery of infrastructure of all types, the limited rolling back of the Metropolitan Green Belt, the provision of affordable housing, and the maintenance of the settlement pattern elsewhere in the District.
6. To consider what changes are practical and desirable to Council policies concerning the Metropolitan Green Belt; including those concerning the extension of existing dwellings, and the reuse of redundant and other

buildings; in particular, are further restrictions necessary (changes in policy required) to ensure that such developments are truly sustainable.

7. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;
8. To report to the Overview and Scrutiny Committee at appropriate intervals on the above. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

***The Panel scrutinised a number of important issues over the last year, which included:***

**(i) Planning Appeals and Counsel** – The Panel scrutinised how Planning Appeals and the instructing of Counsel was dealt with and public inquiries were handled by Legal Services and Counsel. They also discussed the insurance cover for the cost of adverse planning appeals. After some research it was agreed that this was not an area where insurance cover could be specifically arranged. The Council was, however, already covered for ‘official indemnity’, where an error or omission in the planning process resulting in a third party suffering a financial loss, could be covered by our insurers.

**(ii) ‘Planit’** – The Panel noted that Planit was a monthly newsletter circulated internally seeking to promote staff inclusiveness and open them out to things happening outside their own area of expertise in the planning service. Feedback had been positive and comments for improvements had been taken on board. They looked at the possibility of circulating this to the general public as a means of updating and informing people about planning, but, only if staff time and resources allowed.

**(iii) Staffing within Countrycare:** The Panel reviewed the staffing arrangements for the District Council’s Countryside management Service. Countrycare had been established in 1986 and had since developed a credible and proven track record for delivering quality projects.

The Panel considered and agreed the proposed Countrycare re-structure to delete one Assistant Countryside Manager Post and create one additional Countryside Assistant post. They also looked into the possibility of extending the volunteer programme and agreed that it was worth pursuing.



**(iv) Working with other Councils** – The Panel considered the East Hertfordshire Core Strategy consultation document and it would affect the border areas of the district. They provided a draft response to the consultation questioning various aspects of the document such as raising concerns about the additional stress to water resources in the local area, having an evidence led local target for the placement of new local housing, adding an additional objective to safeguard existing important habitats and areas of bio-diversity.

They also commented on Broxbourne Borough Council's pre-submission core-strategy. This was a planning document covering the period 2010-2026 setting out their visions for the future of Broxbourne Borough as a prosperous and sustainable community.

The other consultation document was the Harlow Council Core Strategy in which they considered a report on Harlow Council's Core Strategy issues and options. This document was looking at the Government's intention to abolish Regional Spatial Strategies and their associated housing and employment land targets; and the introduction of the New Homes Bonus to stimulate housing delivery and new neighbourhood plans.

**(v) Construction Damage to Highways** – The Panel looked at the issue of damage to highways infrastructure during construction work and whether there was a way of forcing developers to make good any damage they had created at their own expense.



They had the Development Manager, Engineering, from Essex County Council attend this meeting. The officer advised that any damage to the highway should be reported to the Highway Office. Although the main difficulty was in gathering evidence and proving who had caused the damage, also how those responsible should pay. Conditions

could and should be made when agreeing an application and it was felt that a code of practice should be developed for contractors.

It was also noted that it was not a planning enforcement function because the damage was not subject to planning control.

Following the meeting, the County Council has now produced simpler procedures for reporting highway problems, which would include the issue of highway damage during construction.

**(vi) New Homes Bonus Consultation** – The Panel received a consultation paper from the Department for Communities and Local Government on the New Homes Bonus, the coalition Government approach to incentivising local authorities to increase housing supply.

As the district was entirely within the Green Belt with only towns and larger villages excluded by tightly drawn boundaries, how would 'incentivisation' sit with the strategic aim of growth restraint and with the Government committed to protecting the green belt?



It was also unclear how the existence of the bonus should be treated in considering the planning merits of such schemes. There was concern that some observers would argue that some permission had been "sold". They were minded of the general principle that "planning permission may not be bought or sold".

**(vii) Tree Preservation Order Consultation Document** – The Government was consulting on a proposal to consolidate legislation and streamline the tree preservation order system. They wanted to create a unified system for all TPOs and shorten and simplify the model TPO.





The Chief benefits were considered to be that new orders would be both easier for the public to understand and for the local Planning Authority to administer.

Other Consultations – The Panel also considered consultations on Essex County Councils Minerals Development Document and the Governments Consultation on Planning Application Fees in England.

**(viii) Planning Enforcement Protocol** – The Panel received a report reviewing the Planning Protocol Code of Practice as it related to the Enforcement Section of the Planning Directorate. This was asked for because of apparent delays in subsequent action once enforcement action had been authorised.

Members were concerned about receiving information on current enforcement cases as there were about 700 items raised for enforcement per annum. Members could use this information when they received enquiries from the public. It was thought that a secure part of the Council's website could house the information on enforcement cases, but officers were unsure how it could be achieved at present.

**(ix) Essex Local Transport Plan – Consultation** – Every local highways authority (in this case Essex County Council) must produce a local transport plan for its area. Essex was consulting on a plan covering a period of 15 years. They wanted to identify what the highway authority wanted to achieve by investing in transport over the next 15 years and how this would help achieve sustainable economic growth for the county.

### ***Case Study: East Hertfordshire District Council Core Strategy***

The Planning Services Scrutiny Standing Panel held an extra-ordinary meeting on 11 October 2010 to discuss the East Hertfordshire District Council Core Strategy Issues and Options Consultation Document.

The District Council had received a consultation document from East Hertfordshire District Council regarding its Core Strategy issues and Options. The Council had amassed a detailed evidence base for their Local Development Framework, including technical studies on topics like:

- Transport
- Employment
- Climate Change
- Landscape; and
- Housing

They had also conducted community stakeholder sessions, gathering local opinion on future planning policy. This groundwork had led to the preparation of an Issues and Options Stage Consultation document for its future Core Strategy.

As an adjacent local authority, the District Council would be affected by decisions made in the East Herts Core Strategy.

The consultation document addressed the proposed growth of housing and jobs in East Herts District and in and around Harlow, particularly the proposed development north of Harlow, and urban extension to the east, south and west of Harlow. The

members noted that the only viable option for the District Council was to work with other councils more closely. More work was needed with Harlow.

The same evening, members discussed the Broxbourne Borough Council Pre-Submission Core Strategy.

The Core Strategy was a planning document covering the period 2010-2026 setting out a vision for the future of Broxbourne Borough Council as a prosperous and sustainable community. The strategy explained the unique features of the borough identifying the main challenges and key drivers of change for the next 15 years. In the short term, the strategy looked for development focusing on suitable urban sites making best use of land and helping achieve neighbouring regeneration. The Council would make use of the presence and legacy of the 2012 Olympic Games, additionally the development of greater Brookfield was intended to provide high quality shopping and leisure facilities and housing development. In the medium and long term, Broxbourne Borough Council's strategy was to complement suitable urban sites with Green Belt ones, with a focus on delivering larger family homes.

The Panel members' response was to advise caution in approaching consultations. A pro-active position was more advisable to a re-active one. There could be commercial threats to the District if the wrong approach was taken.

# TASK AND FINISH PANEL

## PROVISION OF CHILDREN SERVICES TASK AND FINISH PANEL

### Origin:

The Cabinet at its meeting on 8 March 2010 considered a report about Essex Children's Trust. The Children's Act 2004 provided the legal underpinning for the national framework established by "Every Child Matters: Change for Children" with District Councils having a duty to cooperate in the making of arrangements to improve well being for children and young people 19 years or under. The most specific duty is to safeguard and promote the welfare of children alongside the more general "duty to cooperate" within Children's Trust arrangements.

At the inaugural meeting of the Essex Children's Trust Partnership Board on 27 November 2009 it had been agreed that a Memorandum of Agreement be entered into by all the constituent partners with the aim of demonstrating a commitment to a shared approach and to get all the partners working together to achieve common objectives.



The Cabinet decided that the Memorandum of agreement should not be signed as it did not appear to be clear, concise and contain specific proposals to safeguard the welfare of children or an assurance that Essex County Council would embrace best practice. The cabinet expressed the view that the emphasis appeared to be on bureaucracy rather than results, with as much responsibility as possible delegated to the borough and district councils. The Cabinet also requested that a Task and Finish Scrutiny Panel should be established to examine the Council's approach to Children's Services and its provision throughout the District.

At its meeting on 15 April 2010, the Overview and Scrutiny Committee agreed that a Task and Finish Scrutiny Panel should be established to examine the Council's approach to Children's Services and its provision throughout the District and to review the provision of the Essex County Council Youth Service within the District.

### Term of Reference:

1. To review the purpose, operation and effectiveness of Children's Services in Essex and the new Essex structure.
2. To review current provision of children's and young people's services in the District including identifying the level of activity directly provided by the Council and the key responsibilities devolved to the Council under the Children's Trust arrangements.
3. To review the provision of Essex County Council Youth Services in the Epping Forest District, seeking to identify future needs and how these can best be met by the various Agencies involved in the delivery of Young People's Services.

4. To review current arrangements for Safeguarding and Promoting the Welfare of Epping Forest's Children, seeking to identify communication pathways and effectiveness of information sharing, including:
- the Council's own policies and procedures;
  - West Essex Stay Safe Group;
  - ECC Stay Safe Group, and,
  - Essex Safeguarding Children Board

### **The Panel**

Under the Chairmanship of Councillor Mrs Wagland, they gathered evidence and information in relation to the topic through the receipt of data, presentations and by participation in fact finding visits.

They consulted with Partners, Agencies, and Stakeholders. They established key issues and future needs and evaluated all relevant facts in relation to the topic under review in an objective way and to produce recommendations for future action. They sought to establish whether there were any resource implications arising out of the topic under review and advised Cabinet for inclusion in the Budget Process.

### **The Task & Finish Panel consisted of the following members:**

Councillor Mrs L Wagland (Chairman)

Councillors Mrs P Brooks, R Brookes, T Cochrane, Mrs R Gadsby, Ms J Hedges and J Knapman.

The Lead Officer was J Chandler, Assistant Director (Community Services and Customer Relations).

The Panel was set up in response to the potential cuts to Children Services following the funding cuts made by the Government and how they would affect the services provided by Essex County Council and Epping Forest District Council. EFDC's services were primarily provided for children and young people aged 5 years plus, although there are some targeted programmes for under 5's and young people up to 25 years with special needs. The main programmes are mainly centred on sports and health improvement, holiday play schemes, dance, theatre and arts projects and community based initiatives. There was also a wide range of social inclusion work done on Super Output Area's (SOAs) and disadvantaged areas targeted at young people. There were also in-school road shows and projects to promote health, safety and well being (Crucial Crew and Reality Road show).



A significant proportion of the work is funded through external funding secured via competitive application processes to provide initiatives such as social inclusion programmes and programmes targeted at children with additional needs including those with confidence issues, low self esteem, low achievers or those with moderate

disabilities. Where the Council is restricted from applying to funding bodies, voluntary groups and parishes are supported to apply for funding for joint projects.

It was noted that Essex County Council was the key service provider from pre-birth to age nineteen. They were responsible for providing:

- Education (Primary, secondary and targeted);
- Social care;
- Youth services;
- MAAG's – Multi Agency Action Groups (Youth Services, Social Care, Schools, Police etc.);
- Children Centres.

The new structure for Essex CC Children's services had been revised for the second time in two years following a recent Ofsted and now included an 'Improvement Board' at the top overlooking a 'Strategic Joint Commissioning Group'; an Executive; local children's commissioning and delivery boards and local children's partnerships.

It was also noted that ECC were still not performing well in terms of Safeguarding and Child Protection, as their latest 'Ofsted' report was classed as unsatisfactory.

EFDC has its own Safeguarding Policy which had been updated in June 2009 and a Corporate Safeguarding Group which had representatives from all service areas, member representation and the voluntary sector. We were the first council in Essex to do so and this has been praised as an example of best practice in Essex.

At their first meeting the Panel decided that the various members should research different aspects of this theme:

- Councillor R Brookes to look at general activities; trampolining programmes for children with additional needs and to attend the Epping Forest Children's Partnership.
- Councillor T Cochrane would look into the special needs and how to improve its delivery to this district.
- Councillor L Wagland to talk to 'Kids Company' and get their views on Essex County Council services;
- Councillor L Wagland to look at Fostering at Redbridge Council and to get comparative information from them;
- Councillor J Hedges to investigate general services such as Crucial Crew and also to look at obesity.
- Councillor J Knapman to look at and report back on the Essex Safeguarding Children Board;
- Councillor L Wagland to also look at the District's "Killed or Seriously Injured" stats for young people.
- Lead Officer to report back on Essex County Council services in general.

Councillors reported back to the meeting on their findings after undertaking their individual research into their allotted topics.

After their two unfavourable Ofsted reports, ECC had set up a new organisation, the "West Essex Local Children's Commissioning Board" with a new structure designed to change things. They were also looking into commissioning third parties to provide for adolescent and mental health services. At a recent meeting they had made it clear that only £100k was to be made available to our district for all current children services. Officers voiced their concerns about this and are in top level negotiations with ECC at present and will report the outcome to Cabinet.

The Panel were informed of the concerns of officers and Education Leads from Epping Forest, Uttlesford and Harlow Council's on the decisions being taken by Essex in regard to county-wide commissioning.

In November 2010, the Panel provided the Overview and Scrutiny Committee with an interim report on their findings to date. They were very concerned that Essex County Council was pursuing the commissioning of children's services via a preferred partner option, on an Essex-wide approach. This method of commissioning ruled out the opportunity to build on existing successes in a range of locally commissioned work and was also in direct contrast to the Governments' plans for 'Big Society' and 'Place Based Budgeting'.

In March 2011 the Panel invited Essex County Councillor Ray Gooding the Deputy Portfolio Holder for Schools, Children and Families and a 'West' Children's Commissioning and Delivery Board Member to their meeting along with the ECC Director for Commissioning, Schools, Children and Families and the ECC Locality Commissioner in West Essex, where they exchanged views and held a question and answer session.

The Panel produced its final report (available on line) in May 2011 and presented it to the Overview and Scrutiny Committee.

