

OVERVIEW AND SCRUTINY ANNUAL REPORT: MUNICIPAL YEAR 2011/2012

Introduction

Welcome to the seventh 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 2011/12 municipal year the Overview and Scrutiny Committee agreed to the setting up of five Standing Panels for the year and in September 2011 set up a Task and Finish Panel.

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.

Two call-ins were received this year (for details, see Scrutinising and Monitoring Cabinet Work on page X). One was on the Leisure and Wellbeing Portfolio Holder's decision on the funding of the Olympic "Look and Feel" and the second was about Fire Safety in Flat Blocks.

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 'Senior Recruitment Task and Finish Panel'. This was established in September 2011 and concluded in January 2012.

OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee consisted of the following members:

Councillor R Bassett (Chairman)
Councillor D Wixley (Vice Chairman)
Councillors R Brookes, K Channa, D Jacobs, D Johnson, S Jones, S Murray, M Sartin, D Stallan and G Waller.

The Lead Officer was Derek Macnab, Acting 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 two call-ins this year. The first Call-in was considered at the November 2011 meeting on the Cabinet decision (C-032-2011/12) on the Olympic Games "Look and Feel" and Ticket Allocation report. The Committee were told that take up by the parishes was limited to just Loughton Town Council and as such the total budget for the item would be £3500 and this would now be found from within existing budgets so no DDF supplement would be required. After an interesting debate the Committee decided not to support the call-in and to confirm the Cabinet's decision, which could then be actioned.

The second call-in was on the Cabinet decision (C-067-2011/12) on Fire Safety in Flat Blocks. The members who called this in generally agreed with the decision, but had not with all aspects. They said that no distinction was made between 2 storey and 3 storey flat blocks, that the 4 month permitted period be extended to 2 years for changes to be made, that the council should remove free of charge any non-complying carpets and that residents could, in future install carpets conforming the relevant BSI. On consideration the Overview and Scrutiny Committee...

(c) *Standing Panels work programme monitoring*

The Committee received regular updates from the Chairmen of the various Scrutiny Panels reporting on the progress made 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. In January 2012 the Planning Services Standing Panel sought and got permission from the main Overview and Scrutiny Committee to completely update their Terms of Reference and Work Programme.

(d) *Items considered by the committee this year*

This year the Overview and Scrutiny Committee received various presentations and considered a range of diverse topics.

Presentations:

(i) London Underground - The Committee at their meeting in July 2011 received a presentation from Peter Tollington, the General Manager of the Central Line, and Michael Graves the group station Central Line manager from London Underground Limited (LUL). They gave a presentation covering their current plans for refurbishment of the stations and tracks in the district and an outline of their plans for the upcoming Olympic Games. They told us the Central Line handled 650,000 people a day and is at capacity in the rush hour with 79 of their 85 trains being used. They hope to have "refurbished" the trains with new seats and windows by May 2012.

The meeting was then opened out to a long session of questions from the members. The questions ranged from the capacity on trains, engineering works, oyster cards, security at unmanned stations and parking issues outside the stations. Peter Tollington confirmed that at present there were no plans to increase capacity of parking at any station at present but members proposed several possible improvements to parking at the stations in our area which he agreed to investigate. The LUL representative's answers proved to be very helpful and informative and they also promised to get back to members with some extra information on questions where they needed to check the details.

(ii) Essex Police - At their meeting in September, they received a presentation from Chief Superintendent Simon Williams, Essex Police and County Councillor Anthony Jackson, Chair of the Essex Police Authority.

For this meeting, there was a large number of the public attending to hear what the Police had to say. The Chief Superintendent took the Committee through their 'Blueprint for Essex Policing', this being their blueprint for managing the government cutbacks and the reorganisation of their services. This would be to enable them to streamline their services while making a £41million savings by 2014/15 as demanded by the Government.

The main facts were that even though the plan was to have 388 fewer officers by 2014 with the reorganisation, it was envisaged that there will be about an extra 55 offices in the front line of the Local Policing Areas (LPAs).

It was also confirmed that the Neighbourhood Action Panels would still be used and they reiterated the need to work closely with the public and safer communities groups.

The meeting was then opened out to a long question and answer session from the committee and other members present. The questions ranged from the number of police officers occupied in backroom duties to the opening hours of policing stations and their potential closures and the operational independence of the Chief Constable.

(iii) Education in Essex - At their October meeting, the Committee received a lively and passionate presentation from Geoff Mangan, the Epping Forest 14-19 Co-ordinator for Epping Forest Secondary Schools and also the West Essex Secondary Schools Facilitator with the West Children's Commissioning and Delivery Board for Essex County Council.

He spoke of the changing status of Epping Forest schools and the impact this would have and if any of our schools were in danger of falling below the 'floor targets'. He also spoke on how our schools coped with 'vulnerable' pupils and how they were affected by funding changes.

There are 35 Primary schools, 6 Secondary schools and 1 College in our District. It was noted that schools were collaborating and sharing good practice and by January 2012, 60% would be academy schools. The College had improved enormously over the last three years, improving retention levels from 82% to 93% since 2007; course completions were up from 50% to 85%; and 'A' level success rising from 67% to 75%.

He had concerns that schools were just doing enough to get their pupils through the exams with 'C' grades, thus ensuring they get and keep their funding and improve their standing in the league tables. However, 'C' grades were not enough to enable the children to go for 'A' level courses.

Epping Forest had the best NEET (Not in Employment, Education or Training) figures in the county and were good at keeping its children inside the system. However, the educational system in general was struggling with all the government changes in recent years. He also had concerns that if schools became academies and stand alone schools they would lose the vulnerable pupils as they would only be interested in improving their results. There were also other challenges ahead for schools and students since the loss of Connections, work experience placements and the EMA.

(iv) Youth Council - At their meeting in November 2011, they received a lively and confident presentation from five members of the Youth Council, who gave an outline of the work they had undertaken over the last year. One of the key themes for them had been young peoples' safety, where they had undertaken projects to address the issues of safety and their fear of crime. Among the things that they had produced was a young person's guide to reporting crime, a very useful pocket size guide explaining the reporting system. They had also attended or organised various community projects such as the Intergenerational Fun Day at Ninefields Hall in Waltham Abbey and the Youth Project of the Year Award. They had also acted as a consultative body, taking part in consultations for the LSP, the White Water Rafting Centre and the City of London, to name but a few.

The £12,000 funding from the Council covered the cost of their training, the overall development of the Youth Council and also any event they organised and crucially, the transport costs for the young councillors.

The Committee also noted that they had also secured £9,425 of funding from external sources with at least another £700 to come in this financial year. Additionally, they had been allocated £1350 from the Council's Safer Communities Partnership to support their work relating to safety and the reporting of crime by young people.

The meeting was opened out to a question and answer session from the Committee and other members present. In the end the Committee were impressed with the work done by them and were very happy to recommend to the Cabinet that they receive their DDF funding of £12,000 for the new 2012-13 year.

(v) Local Strategic Partnership (LSP) - At their January 2012 meeting, the Committee received a presentation from the LSP Manager, John Houston. He took the Committee through the LSP's work over the past year and touched on the issues around the upcoming locality boards. They had four theme groups on the go, looking at Healthier Communities, Sustainable Communities, Safer Communities and Children and Young People. Their current big project was the 'One Shop Local' website where local businesses could advertise their services. After only five or six weeks of operation, they had about 120 businesses signed up and this number was growing. Despite some negative comments by some of the local press, the speed that the system has been brought to the public and the numbers of businesses who have signed up and are offering vouchers to residents to shop local was impressive.

Locality Boards were discussed and the Committee were informed that detailed government guidance was still needed. This meant that no firm plans had been drawn up to how they would operate as without guidance it would be counter productive. It was noted that Epping Forest already had very good partnership working in place and did not need or want to add any layers of unwanted bureaucracy.

(vi) Children Services in Essex - In March 2012 the Committee received a presentation from County Councillor Ray Gooding, the Deputy Portfolio Holder for Children Services; Jenny Boyd, the Director of Local Delivery West and Lonica Vanclay, Head of Locality Commissioning. They were there to speak about progress made by County on the provision of children services and to respond to the recent District Council's Task and Finish Panel's report on children services.

The Committee noted that in recent years ECC's Children's Social Care was characterised by high levels of unallocated work; the use of high numbers of agency staff; and that they were risk adverse with a process led and procedure driven culture, which was managed from the centre. This tended to lead to high numbers of children in care and subject to child protection plans, with a significant number of serious case reviews with a high spend on legal services; this resulted in defensive or reactive practices. Essex County Council reacted by putting in a strong and robust improvement plan which resulted in an improved Ofsted inspection.

One of the Task and Finish Panel's recommendations had asked for a formal system to be put in place so that elected members were informed of how to and who to liaise with at County when they had problems or safeguarding issues. In response to this County had set up the Members Enquiries Team in May 2011 as part of a pilot to improve and establish a process for responding to Member and MP correspondence.

(vii) Upcoming Health Reforms – In March they also received a presentation on the upcoming health reforms. However, neither of the people booked to present this presentation could attend and gave their apologies. In their place the Committee had as a last minute replacement, Lynn Seward, Harlow's Head of Community and Customer Services. She noted that there were now statutory duties placed on District Councils regarding public health and community safety. Local authorities were required to tackle the causes of preventable ill-health and inequalities; support individuals in making healthy lifestyle choices; support community development and a sense of wellbeing; hold others to account for ensuring appropriate access to health services; and act as an advocate/ lobby for investment of resources for improvements.

Other topics considered:

(i) The Committee received the Key Objectives Outturn report for 2010/11. The key objectives as adopted annually by the Cabinet are reviewed on a six monthly basis both by Overview and Scrutiny and the Cabinet. They reviewed the key objectives and commented on each one in turn.

(ii) In May 2011 they received the final report of the Children Services Task and Finish Panel. This also went to the July meeting of the Cabinet. The Committee thoroughly endorsed this report, agreeing with their recommendations, which they commend to the Cabinet. They also wished to congratulate the Members and Officers concerned on an excellent piece of scrutiny work, which was now available on our website to read. They suggested that should the recommendations be endorsed by Cabinet then O&S would be a suitable place to take the recommendations further and to work on detailed resource and costing implications.

(iii) In July 2011 the Committee considered a report on the Lea Valley Regional Park Authority, the Olympic and Paralympics Games and the legacy benefits for the district. They noted that this would lead to increased sports participation, volunteering, tourism and cultural opportunities. One of the main contractors had offered a number of apprenticeships to young people and the White Water Centre, uniquely, had already been opened to the public and was proving very successful. It was also noted that a multi partnership Olympic Legacy Board had been established with a temporary two year Olympic Officer post to maximise the legacy potential and development opportunities. A consultants report had been prepared for the Legacy Board on development and regeneration opportunities

(iv) They reviewed the recent referendum and the District and Parish/Town Council elections held in May. This was a round up of the problems faced and the solutions put in place in the running of the elections. There were no significant problems encountered this year and the Committee were happy with the outcomes.

(v) Two other reports were considered in July, one was on the Member Complaints Panel and the revision of the council's constitution in regards to the limits of jurisdiction of the Panel. The other report was on changing the member substitution rules, allowing for last minute substitutions up to 60 minutes prior to the meeting. Both these reports went to the Council meeting on 26 July, where they were agreed.

(vi) In September the Committee considered a consultation report on revising the charges at the Dartford – Thurrock river crossing. Their preferred preference was that the charges should cease as soon as possible to assist businesses and also to

prevent environmental pollution caused by queuing vehicles. However, they realised this might not be possible so if a new crossing was to be established it should be designed with new technology which removes the need for vehicles to stop at gates. Any new toll charges should be used to pay for its construction. It was also suggested that if the charges were to be put up then variable message signs be put in place along all major routes leading to the crossing to indicate what the new charges are and to allow people to choose to use alternative routes.

(vii) They then received an information item on the Government's consultation on their future plans to introduce single voter registration. They noted the pros and cons of the new proposals, noting that it would have a high setting up cost but in the long term be more accurate and help reduce fraud. The Committee were asked to put any comments that they may have directly to the Returning Officer who would feed them back to the Government.

(viii) In September they also established a new Task and Finish Panel to look into the recruitment of senior staff.

(ix) In October they considered the Cabinet's Forward Plan, scrutinising the Cabinet's corporate priorities for 2011-12; going through their forward plan and asking questions where appropriate.

(x) They also received an information item from Councillor Chana on his recent meeting on the proposed Merger of Barts and the London, Whipps Cross and Newham NHS Trusts. They noted that this would definitely be going ahead, with the three hospitals each specialising in different areas of medicine (which had not been decided as yet). They were meeting again to discuss the financial implications and then again two weeks after that to discuss the clinical implications.

It was noted that the driving force behind the merger was a need by the combined trusts to save £237 million over the next five years. The merger would help them to do that and also achieve Foundation Trust status (Government requirement for all Trusts). The merger would also provide benefits for patients and staff as closer working would provide opportunities for "best practice" to be established, including improved patient record handling and improved Staff training.

(xi) They received a report on Essex County Councils response to the recommendations made by the recent Children Services Task and Finish Panel. The Panel investigated the effectiveness of children's and young people's services and safeguarding arrangements, provided through Essex County Council (ECC) and EFDC's own services and partners. In the end the Panel identified 10 key recommendations, half of which related directly to ECC and these were forwarded directly to the Director of Children's Services Commissioning at Essex County Council for their comments.

The Committee thought that their response was a little too vague and unhelpful and noted that they were scheduled to meet with the relevant ECC children's officer in early 2012 and asked that the relevant Portfolio Holder also be asked to attend.

(xii) In November they considered a report on a Government Consultation on the Technical Reforms of Council Tax. It proposed reforms to the Council Tax system from 2013-14. On consideration the Committee agreed with the officers' draft responses to the consultation questions especially on not increasing the payment of Council Tax from 10 months to 12 months as the default option.

(xiii) The Committee received three reports from the Constitution and Member Services Standing Panel, one concerning the Audit and Governance Committee – appointment of Portfolio Holder Assistants, which was endorsed and recommended to Council. The second report was on reporting by Scrutiny Panel Chairmen at Council and other council body meetings, which they approved and so recommended to Council. Lastly, they considered changes to the member agenda dispatch arrangements which were noted and agreed and so recommended to the Support Services Portfolio Holder.

(xiv) In January they considered the Budget report for 2012-13 that had already gone to the joint Finance and Performance Management Cabinet Committee and Scrutiny Panel the week before. The Committee also received a short report from the Chairman of the Finance Standing Panel on their thoughts on the budget. After discussions and clarification on various items the Committee noted the report and agreed the recommendations.

(xv) They also considered the final report from the Senior Recruitment Task and Finish Panel looking. This went to the February 2012, Full Council meeting for their consideration along with recommendations from the Chief Executive Recruitment Panel.

(xvi) In March 2012 the Committee received a consultation report from the Safer Cleaner Greener Standing Panel on waste related penalties. The Standing Panel had received this report at their February meeting. The Committee noted that that the government wanted to review waste related law on the premise that too many local authorities were unnecessarily penalising residents for what was seen as trivial offences.

The government had now come forward with its proposals for changing the law. The government's preference was to decriminalise, and the Council generally agreed, but with some caveats. They questioned whether the current civil enforcement laws were sufficient to deal the problems which arose. It was thought important however, to ensure that the criminal powers which remain are fit for purpose and enabled councils to take action where appropriate.

(xvii) The Constitution and Member Services Standing Panel introduced their report reviewing two aspects of the terms of reference of the Housing Appeals and Review (HAR) Panel.

They noted that the applicant/appellant had to present their case first; the HAR Panel felt that many struggled to follow the procedure and present a reasonable case. The Panel has said often that it was not until replies were given to questions from the Housing Officer and members of the Panel that the full extent of the applicant's / appellant's case became apparent.

The Panel therefore asked the Standing Panel to consider changing its terms of reference so as to change the order of proceedings, with the Housing Officer presenting his/her case first. This they agreed.

The second part to the report dealt with revising the appeals against the banding of an applicant.

Since May 2010, the Panel has considered nine appeals about the banding of an applicant including seven appeals since August 2011. In all cases the Panel had

upheld the officers' decisions and dismissed the appeals. In such cases the role of the Panel was restricted to determining whether an appellant has been placed in the correct Band of the Allocations Scheme by officers having regard to the facts. The majority of these appeals concern priority given for medical conditions and as the Scheme specifies that medical priority is determined by the Council's Medical Adviser, the Panel had little discretion.

The Panel and the Committee agreed that banding appeals should not be dealt with by them and that the right of appeal should end with one of the Assistant Directors of Housing.

(e) Case Study: Review of Secondary and Primary Education in the District

At their October 2011 meeting the Chairman welcomed Geoff Mangan, the Epping Forest Schools 14-19 Co-ordinator for Epping Forest Secondary Schools and also the West Essex Secondary Schools Facilitator with the West Children's Commissioning and Delivery Board for Essex County Council.

He said that many people were misinformed about what schools did and was here to give his (informed) personal opinion after a long career in the education system and as the ex head of Roding Valley High School.

He spoke about the impact of any Epping Forest schools changing status; if they were in danger of falling below the "floor targets"; how well did they deal with the vulnerable pupils and how they would be affected by the funding changes; and, was there appropriate progression for every Epping Forest learners to post 16 studies.

There were 35 Primary Schools, 6 Secondary Schools and 1 College in the district. The district itself was very diverse with small pockets of deprivation spread out. This meant that it tended to lose out on Government money as they were not concentrated in one identifiable area. It was hoped that these areas would eventually receive some funding in the future.

A lot of schools were in the process of, or thinking about, changing their status to Academy Schools, which are having money thrown at them. Government policy was looking to get outstanding schools to become academies, putting them in direct competition with the lower achieving schools. Schools would have to start working together as Local Education Authorities were practically non-existent nowadays. As the 14-19 co-ordinator Mr Mangan linked the 6 secondary schools helping them to collaborate services etc. schools are now sharing good practice, such as that on attendance, which successfully improved all their attendance records. To help this, the Local Development Group (LDG) holds money in a central pot to help tie schools together and have been very successful in this. Other groups have also been established to help, such as the Area Planning Group (14-19) and the Association of Secondary Heads in Essex, who meet every half term.

Schools had to respond to the changes to keep their funding. It was all part of a process of continuous changes. The Government had set 'floor targets' for schools. 'Floor targets' being a generic term for targets set by the government for minimum standards for disadvantaged groups or areas. The floor target for primary schools was currently 60%, rising to 65% of children to reach level 4 in English and Maths.

The target for Secondary schools was for 35% of students to reach 5 A to C grades in English and Maths (rising to 50% by 2015). Schools were getting enough results at grade 'C' to enable them to keep (or get) their money and improve their standing on the league tables. However, he stated this was not very good for the Children as 'C' grades were not good enough to enable them to study at 'A' level. Pupils were not being sustainably coached at English and Maths, but intensively coached to pass the exams. Schools categorised as 'Outstanding' were being sustained by their English and Maths results only, although 'outstanding' was an unclear and ill defined term. They seemed to be moving towards measuring a narrow range of intelligence, where as society needed people who could move around and had a wide range of intelligence.

Epping Forest had the best "Not in Education, Employment or Training" (NEET) figures in the County. EFDC schools were good at keeping children inside the system and it was important that was done, as once outside the educational system they seldom made it back.

He was concerned that if, or when, schools became academies or stand alone schools they would lose sight of these vulnerable pupils as they would only be interested in improving their results.

Presently there was support for vulnerable pupils up to age 16; however they were looking at mentoring students from year 7 up to college age. There were more challenges ahead for schools and students since the loss of Connexions, the Work Experience Placement Scheme and the EMA. The EMA was used to finance travel to and from school/college and to pay for text books. The Work Experience Scheme was also a major loss as most employers favoured someone with work experience. Schools were trying to plug this hole by using their own resources.

The rebirth of the Epping Forest College was a significant change for the better for this district; it has made a big difference over the last three years. The retention of pupils was up from 82% to 93% since 2007; with course completion up from 50% to 85% since 2007; the recruitment from three local schools had also increased for 2011-12 along with the 'A' level success rate, up from 67% to 75% during 2007-10.

On the whole Epping Forest was doing well by its children, although it was struggling with government changes; the best thing it could do was to keep the kids at school increasing their knowledge base.

The Chairman thanked Mr Mangan for his interesting talk, which gave members a better understanding of the issues facing the education establishment.

STANDING PANELS

1. HOUSING SCRUTINY STANDING PANEL

The Housing Scrutiny Standing Panel consisted of the following members:

Councillor S Murray (Chairman)
Councillor Mrs A Mitchell MBE (Vice Chairman)
Councillors Ms R Brookes, K Chana, Mrs A Grigg, Ms J Hart, Mrs S Jones, W Pryor, D Stallan, H Ulkun and Mrs J Whitehouse.

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

Mrs Molly Carter and latterly Stephen Hyde who took over from Mrs Carter as the Chairman of the Tenants and Leaseholder Federation, attended the meetings as a non-voting co-opted member to provide the views of residents and stakeholders.

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) Presentation by Mears on proposed approach to repairs Management Contract – The Panel received a presentation from Mears regarding the proposed approach to the Repairs Management Contract. In March 2011 the District Council had agreed to enter into a contract with Mears.

Now that Mears have commenced in their role as the Repairs Management Contractor, Mike Gammack, who is the nominated Housing Repairs Manager from Mears, attended the meeting of the Housing Scrutiny Panel to introduce himself and to give Members an insight into "In-sourcing" and how Mears could help the Council's Housing Repairs Service to improve its performance over the next 3-years.

(ii) Performance against Housing Service Standards in 2010/11 and Review

- Since 2007, following consultation with the Housing Scrutiny Panel and the Tenants and Leaseholders Federation, a range of Housing Service Standards covering all of the Directorate's main areas of activity were formulated. An updated Housing Charter was also agreed, which set out the Council's approach and ethos to the delivery of its housing service to customers

Since that time, performance against the Housing Service Standards had been reported to this Panel and the Tenants and Leaseholders Federation annually.

The Housing Service Standards and Housing Charter formed two of the three components of the Council's "Local Offer" to tenants, as required by the Tenant Services Authority's Regulatory Framework for Housing.

The Panel noted that it was not possible to measure performance against every Service Standard. In a number of cases, there was nothing that could be measured, since the Standard was a "statement of intent." In other cases, whilst performance could potentially be measured, it was considered that the time and resources that would be required to properly record and monitor performance was not warranted.

As a result of this review, no changes were proposed this year. This was the first year that no changes had been recommended.

(iii) Annual Report on the HomeOption Choice Based Lettings Scheme

- As part of its Work Programme, the Panel considered an annual report on the "HomeOption" Choice Based Lettings Scheme. The scheme was introduced in November 2007; it was administered by the external agency, Locata Housing Services (LHS).

Under the scheme, all vacant social rented properties were advertised to applicants on the website, a two-weekly publication and other media giving details of location, type, rent, service charge, council tax band and landlord of the available accommodation. Applicants applied for a property by "expressing an interest" in up to a maximum of 3 properties each fortnight for which they had an assessed need.

As the LHS computer system only stored information for a six-month period, it was only possible to report statistics on this period. The period covered in the report was from November 2010 to May 2011.

A total of 214 properties were allocated during this period. With 21,038 expressions of interest being made, this was an average of around 75 expressions of interest each time a property was advertised.

(iv) Annual Ethnic Monitoring Review of Housing Applicants

- The Panel noted that the Council had a Policy Statement for Equal Opportunities for the Provision of Housing Services. The Policy Statement included a requirement for an annual review of the ethnicity of applicants on the Housing Register, compared with the ethnicity of those allocated accommodation.

The review was to identify whether or not there were any indications to suggest the Council may be discriminating against any one ethnic group.

Although a large number of housing applicants did not disclose their ethnicity, it was evident from the analyses that the ethnic make up of the Housing Register mirrored the allocation of vacancies sufficiently for the Council to be confident that its Allocations Scheme did not racially discriminate either directly or indirectly.

(v) Council House Building Programme - The Cabinet had agreed in principle that the Council undertake a modest Council House Building Programme, and had asked the Housing Standing Panel to consider the detailed issues of implementing the programme and make recommendations.

The last Council property was built in June 1985. Since 1977, the Council had sold around 6,160 properties, predominantly through the Right to Buy. Currently, the Council owned and managed around 6,500 properties. Since the 1980s, councils had been discouraged by successive governments from building new social housing and encouraged to act as “enablers” by facilitating Housing Associations. However, the policies of the Government had changed and, mainly as a result of the collapse of the property market in 2008, local authorities had more recently been encouraged to build once again. In August 2009, the previous Government introduced new regulations which removed major financial disincentives.

The Panel concluded that the Council had a number of difficult-to-let sites that could be developed to provide an estimated 120 homes over a 6 year period. The proposed approach was to appoint an existing housing association, through a competitive tender process, acting as a Development Agent, and providing all the required development and project management services, rather than the Council employing its own professional team of staff.

(vi) Solar Photovoltaic (PV) to Council Housing - Local authorities and housing associations were seen as having a vital role in reducing carbon dioxide emissions. According to USwitch energy prices were likely to increase 4-fold by 2020. One way of tackling the rise in energy costs was to generate free use electricity, using renewable energy such as harnessing energy generated by the sun through Solar Photovoltaic (Solar PV) panels fixed to roofs. This was relatively new technology and cost was quite high. Although over time costs were expected to reduce.

The properties that would benefit the most were those with the largest roof area, that were orientated south and where electricity was being consumed during the day as well as in the evening. On that basis, installing a Solar PV system onto sheltered housing blocks would have the greatest benefit and see the greatest return. It was therefore recommended that the Council install Solar PV itself to all suitable sheltered housing blocks, received the ‘Feed In Tariff’ and used any electricity that was generated to power the communal services, thereby reducing service charges for residents.

(vii) Fire Safety in Common Parts of Flat Blocks - Following consultation with the Housing Scrutiny Standing Panel, in January 2011, the Housing Portfolio Holder agreed a policy on fire safety in flat blocks. Personal belongings, fitted or loose long carpets, mats and other items stored in common parts of flats were prohibited and removed with the exception of certain concessions agreed with the Workplace Fire Safety Officer of the Essex Fire and Rescue Service.

The fire safety guidance issued by the Local Government Group advised that few deaths occurred as a result of fire in a neighbour’s flat or in common parts, most deaths occurred in the flat where the fire started. The most dangerous fires were those within the common parts as these were the areas which facilitated escape. There should be a clear policy on whether common parts must remain completely sterile or subjected to managed use. It was agreed that this part of the report should be deferred for further consideration at a future meeting of the Panel.

In January 2012 this came back to the Panel, with further information. It was recommended that the council considered undertaking a programme of installing

smoke detectors in all properties, funded from any resources arising from HRA Self Financing initiative. They also advised that there may be an opportunity of working in conjunction with Harlow District Council, whereby the role of undertaking fire risk assessments could be undertaken collectively, saving resources.

(viii) Housing Revenue Account (HRA) Financial Plan – The Panel held a special meeting in November 2011 and the HRA financial plan.

In March 2012, the Government would be introducing a major change in the way that local authority Housing Revenue Accounts (HRAs) were funded, called Self-Financing. It was therefore necessary to agree the approach to be adopted for the Council's 30-Year HRA Financial Plan, which would be used to inform the treasury management options for borrowing the required finance. The Council would need to make a one-off payment to the Government of probably around £190 million, for which a substantial proportion would be borrowed.

There were two key aspects to this process from the Council's point of view. Firstly, it needed a well planned robust 30-Year Financial Plan for the HRA setting out all expected housing income and expenditure to meet the Council's housing objectives. Secondly, it needed to consider the treasury management options for borrowing the finance, in order to meet the cost of the payment to the CLG, and to ensure that the Council received the best terms.

It was noted that the Council had worked with its treasury advisors modelling the impact of the HRA transaction on the Council's balance sheet position particularly in terms of the cost of this internal loan to the General Fund. The HRA could borrow £122 million from external sources and fund the balance of the transaction, around £58 million, from internal resources.

The Panel deliberations and conclusions were recommended to the next Cabinet meeting.

(ix) Review of Social Housing Fraud Initiative - In May 2010 the Cabinet agreed that a new part time post of Housing Officer (Social Housing Fraud) should be appointed on a temporary part time basis for a Social Housing Fraud Pilot Scheme for a 12 month period. The Council appointed a candidate to the post in May 2011. The Cabinet had asked that after 10 months of the commencement of the project, a formal evaluation should be undertaken and report submitted detailing the findings and future action proposed.

Since the part time Housing Officer (Social Housing Fraud) took up his post, 37 cases of potential social housing fraud have either been, or continued to be, investigated. In view of the success of the Social Housing Fraud Pilot Scheme, it was proposed that the scheme should be made permanent, and that the existing part time post of Housing Officer (Social Housing Fraud) be made both permanent and full time.

(X) Response to CLG consultation paper on "Reinvigorating the right to buy and one for one replacement" - In late December 2011, the Department for Communities and Local Government issued a consultation paper on "Reinvigorating the Right to Buy and one for one replacement". The Government proposed to raise the upper limit on the Right to Buy discount entitlement to £50,000 throughout England. This more than tripled the cap currently applied in most of London and provided a substantial increase in the rest of England. However, for the East of

England, it only amounted to an increase of £16,000 from the current maximum of £34,000.

The Panel considered a long and complicated consultation document and on the whole endorsed the officers draft response.

Case Study: Fire Safety in Flat Blocks

In January 2010 the then Housing Portfolio Holder agreed a policy on fire safety in flat blocks. The policy stated that personal belongings, fitted or loose lay carpets, mats and any other items stored in common parts of flats should be prohibited and removed, with the exception of the following concessions agreed with Essex Fire and Rescue Service:

- Pictures hung on the wall, provided that they did not contain glass in the frame;
- Mats placed outside front doors, provided these were rubber backed and had a chamfered edge;
- Curtains at windows that were flame retardant; and
- Non-flammable items which were aesthetically pleasing stored in recesses away from any means of escape routes, and not on window cills.

Following the introduction of this policy, a small number of residents requested further review as they felt the policy was too risk averse and prevented them from making their flat blocks feel more homely.

In January 2011, the then Housing Portfolio Holder temporarily suspended the policy relating only to carpets in the common parts until such time as a further feasibility study took place.

Correspondence with the Housing Minister made reference to the Local Government Improvement and Development which developed fire safety guidance for residential buildings. The Local Government Group's fire safety advised that the common parts should be free of all sources of ignition and material that could help spread flames. Smoke detectors should not be installed in common parts.

The Local Government Group's fire safety guidance advised that:

- Very few deaths occurred from fires in a neighbour's flat or the common part;
- This was due to fire separation walls;
- Common parts should therefore be free of all sources of ignition and material that could help spread flames;
- Nearly all deaths occurred in flats in which the fire started; and
- It was strongly discouraged that smoke detectors should be installed in common parts as this led to false alarms, chaotic evacuation and possible complacency from residents.

Additional guidance had been sought from Due Diligence, a specialist company employed by the Council to undertake fire risk assessments. They advised that there should be a clear policy involving regular monitoring and that carpets should be professionally fitted using non-flammable adhesives, and inspected on a regular basis for wear and tear.

The Environment and Street Scene Portfolio Holder made reference to a letter she had received from the Essex Fire and Rescue Service which suggested that it was acceptable to allow carpets in common parts, subject to a satisfactory risk assessment. In light of this, the Housing Scrutiny Standing Panel asked that their report be deferred until the contents of that letter could be reviewed. Upon receipt of the letter by officers, a further letter was sent to the Essex Fire and Rescue Service seeking clarification on a number of points, particularly on examples of where it may be acceptable for carpets to be installed in common parts.

A response to this letter from officers had been received and all the correspondence was considered by the Scrutiny Panel.

Feasibility Study – Smoke Alarms

In line with the decision of the previous Housing Portfolio Holder in January 2011, a feasibility study had been carried out into the cost of providing mains wired smoke detectors in individual flats, maisonettes and common parts to flat blocks. This decision would sit favourably with the guidance from the Local Government Forum and Due Diligence if it did not include alarms in the common parts.

As part of the investigations into what other local authorities were doing, officers had found that virtually all local authorities and housing associations were adopting the 200 tolerance approach, whereby the common parts were to remain as sterile environments. The Panel recommended that the Council undertook a programme of installing smoke detectors in all properties, funded from resources arising from HRA Self Financing.

A report was referred to the Cabinet at its meeting in March 2012 for their consideration.

2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

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

Councillor D Stallan (Chairman)
Councillor D Johnson (Vice Chairman)
Councillors R Cohen, J Markham, M McEwen, R Morgan, J Philip, B Rolfe, M Sartin, S Watson and 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) Referendum and Elections (May 2011) – In June 2001 the Panel considered a report on the recent local elections and referendum for the voting system for United Kingdom Parliamentary Elections.

The Referendum was held under the framework provided by the Political Parties, Elections and Referendum Act 2000 (PPERA). It was therefore conducted under a different management and accountability structure requiring a Chief Counting Officer, responsible for certifying the overall result and giving specific directions to Counting Officers relating to the discharge of their functions in the Referendum.

The Panel noted the number of postal votes issued and the number of spoilt ballot papers. They noted the verification and count procedures and the liaison with the police over polling station visits, which was very good again this year. They also noted the comments and feedback from the Election Agents and Candidates.

All the issues raised would be taken into account in relation to the planning and running of future elections.

(ii) Substitutions at Meetings - Currently a substitution would be notified to Democratic Services by 10.00a.m on the day of the meeting; the point of contact being a single member for each group. The Constitution stipulated that only the Deputy Group Leader could undertake this role. The Panel considered whether there was scope for widening this role to include the Group Deputy Leader and a political group whip or other delegated individual. A request had been made to change the 10.00a.m deadline for notification to 4.00p.m on the day of the meeting, providing groups with greater flexibility when arranging substitutions.

The Panel agreed to recommend to amend the deadline for notifying substitutes from “not later than 10.00a.m.” to “not later than 30 minutes before the commencement of the meeting concerned.” When this went to the Overview and Scrutiny Committee this was amended to one hour before the meeting.

(iii) Audit and Governance Committee - Membership - This had originated from the Independent Members of the Audit and Governance Committee (AGC) and the officers on the Corporate Governance Group. There was concern that Deputy Portfolio Holders should not be members of the Audit and Governance Committee as their conflict of interest may be construed as prejudicial.

The Code of Conduct imposed restrictions on a member being directly involved in reviewing decisions with which they were previously involved. The AGC was not involved in decision making but reviewed and sought assurance that proper processes were fit for purpose.

The Panel recommended that Deputy Portfolio Holders be allowed to remain as members, subject to their declaration of any prejudicial interests relating to Cabinet business and specifically excluded the Finance Deputy.

(iv) Statutory Review of Polling Stations - The Panel received a report regarding the Review of Polling Districts, Polling Places and Polling Stations. The Electoral Administration Act 2006 introduced a duty for all polling districts and polling places to be reviewed by the end of 2011.

Authorities must seek to ensure that all of the electors in the constituency have such reasonable facilities for voting as were practicable in the circumstances; and seek to ensure that so far as was reasonable and practicable, the polling places for which they were reasonable were accessible to all electors, including those who were disabled.

The Panel approved the proposals for polling districts and places as set out.

(v) Report on Webcasting - The Panel received a scoping report regarding the webcasting review. The report provided information about the contract and the Council’s webcasting activities.

The Council had been webcasting its meetings and events since 2006. The initial period was funded by a central government technology grant called “Implementing Electronic Government” or IEG grant. Since that time over 300 webcasts have been recorded. The District Council was acknowledged to be one of the most effective at webcasting in the country.

The Council currently had a contract with Public-I Limited for providing leased equipment, an integrated Content Management System, monitored webcasts, maintenance and webcast archive hosting and streaming. The contract started on 1 April 2011, would end on 31 March 2015.

The average annual number of viewers was around 20,000. Despite trying a number of different approaches the level of live viewers had remained at between 7 – 10% of the total viewing level. It was very apparent that there was a direct relationship between District Council promotion of a webcast and the level of viewing. Active promotion of a recent visit by the police to an Overview and Scrutiny Committee meant that 189 people tuned in live to watch.

The Council received requests from the public and professionals for copies of webcasts; this was normally in support of a planning appeal. The view had been taken by officers that the level of income that could be generated by making a reasonable charge for providing copies was low and went against the presumption of openness that webcasting implied. Additionally webcast copies had been effectively used in Standards Committee complaints against the Council and in assisting other services in providing background for appeals.

(vi) Planning/Covenants - Council Responsibilities - The Overview and Scrutiny Committee asked in April 2010 for a report to be submitted to this Panel on the implications of this issue. In recent discussions within the Council, this issue had arisen in connection with covenants on land but would also be relevant to the Council's general role as landowner, particularly where the Council sought to realise property assets. One of the cases also raised the issue of the Council's dual roles of planning and housing authority. Similar issues have arisen in regard to its licensing functions.

With covenants and other property matters, the route to enforcement and challenge to decisions taken by the Council as landowner was through the Lands Tribunal and/or the courts. Such actions were always linked to interests in the land and remedies included injunctions and damages.

Local authorities were unusual in that property ownership and regulatory responsibilities existed within the same organisation. For Councillors this created difficulties in terms of separating these roles. For Cabinet members advice in the Planning Protocol stated that involvement in decisions which resulted in planning applications should be considered a prejudicial interest so far as the planning decision was concerned. This was because there would be a clear connection between the outcome of a planning application and the Cabinet decision thereby raising concerns about fettered discretions.

(vii) Review of Member's Dispatch Arrangements - The Panel had asked for a review on member despatch arrangements. Agendas, minutes and similar documents were co-ordinated by Democratic Services Team. All directorates were involved in producing reports destined for member consideration. Printed copies of agendas were produced in the Reprographics Section and despatched by the Administration Section. They also noted that Legal requirements shaped the despatch arrangements.

Despatch of paper copies of agenda took place on Tuesdays and Fridays and provided five clear days notice for meetings held in the early part of the second week after despatch. No business may be transacted at a meeting if the five clear days' notice had not been given.

The preference for the Corporate Support Services would be for a posted despatch to members on Tuesdays and messenger delivery on Fridays if messenger service costs were reduced. This would contribute to a cost saving of £3,000 (DDF) to next year's budget.

A new system was being developed by Modern.Gov, the District Council's Committee Management System providers, by which agenda was put onto an Apple device ready for members to bring to meetings. It was possible to annotate documents with notes taken by members at the meetings. It had the potential to replace the traditional committee despatch arrangements. It did have implications in terms of

implementation, particularly funding, legal assessment of the LGA72, and technology aspects in terms of supply points around the Civic Offices.

(viii) Housing Appeals and Review Panel - The current order of business for consideration of cases by the Housing Appeals and Review Panel provided for the applicant/appellant to present their case and answer questions first followed by the Housing Officer presenting their case and answering questions. Whilst this followed the order of most appeal proceedings it was considered that it was not relevant to this Panel. It was felt that applicants/appellants were put at a disadvantage when presenting their cases through being overwhelmed at facing a panel of members in a formal setting.

The Panel agreed a change in the order of proceedings, with the option of the Housing Officer presenting his/her case first.

The Panel also noted that since May 2010, the Panel had considered nine appeals about the banding of an applicant including five appeals since August 2011. In all cases the Panel had upheld the officer's decision and dismissed the appeal.

In the light of this the Panel recommended that such appeals should no longer come within the terms of reference of the Housing Appeals and Review Panel and that the right of appeal should end with one of the Assistant Directors of Housing.

Case Study: Audit and Governance Committee Membership

On 27 July 2011 the Panel discussed a report regarding the Audit and Governance Committee Membership. Independent members of the Committee and officers of the Corporate Governance Group felt that Deputy Portfolio Holders should not be members of the Committee as they may have a prejudicial interest. It was noted that the Committee comprised five members, three Councillors and two Co-Opted Members.

It was advised that the three Councillors should not include any Cabinet Member, member of Cabinet Committees, and any Panel appointed by the Overview and Scrutiny Committee responsible for reviewing finances.

Since the establishment of the Committee, Deputy Portfolio Holders had been created and the Committee's Terms of Reference made no mention of whether these deputies could be members.

The Deputy Portfolio Holders functions are as follows:

- (1) Support the Cabinet members in their portfolios.
- (2) Assist members with succession planning by giving deputies experience of Cabinet work.
- (3) Functions not decision making.
- (4) They could not vote at Cabinet meetings, Cabinet Committees or sign Portfolio Holder Decisions.

- (5) In the absence of a Portfolio Holder, their work would be allocated to another Cabinet member.
- (6) They would assist with preparing reports or Portfolio Holder Decisions.

The Audit and Governance Committee was not involved in decision making, but reviewed and sought assurance that proper processes were fit for purpose.

Members noted that there was a bar on members sitting on both the Audit and Governance Committee and the Finance and Performance Management Scrutiny Standing Panel.

The views of the Council's external auditors had been obtained. The Panel commented as follows:

- there was no current legislation relating to audit committees;
- the CIPFA Guide stated in respect of independence: "To be effective the audit committee needed to be independent from executive and scrutiny." It could be "compromised by too much cross-membership";
- it was highly preferable that DPHs should not be members of the AGC;
- there should be rules about declarations of interest; and
- the Deputy Portfolio Holder title was misleading, Portfolio Holder Assistant was preferable.

Some members felt that the main issue regarding DPHs sitting on AGC was public perception. Members could attend any meetings to give comments, but it was difficult demonstrating independence for a DPH.

The Panel supported allowing Deputy Portfolio Holders to remain as members, but they should be subject to declarations of prejudicial interests relating to Cabinet business and to specifically exclude the Finance Deputy.

3. FINANCE AND PERFORMANCE MANAGEMENT STANDING PANEL

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

Councillor D Jacobs (Chairman)
Councillor G Waller (Vice Chairman)
Councillors K Angold-Stephens, R Bassett, K Chana, R Cohen, J Hart, P Keska, S Murray, S Packford and W Pryor.

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;

Public Consultation

3. 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;
4. To annually review the consultation exercises undertaken by the council over the previous year.

Finance

5. 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.
6. To consider financial monitoring reports on key areas of income and expenditure for each portfolio.

ICT

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

Value for Money

8. 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

9. 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

10. 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) Measurement of Avoidable Contact – Outturn 2010/11 Exercise and Future Work– The Panel received an outturn report on the results of the avoidable contact exercise for 2010/11. They noted progress against the action plan developed for the year, which also indicated that there were areas of customer service that could benefit from additional work, particularly around e-mail spam, signposting and the use of outlying offices. The Panel considered that this work would be taken forward by a new approach to improving customer services rather than the continuation of the avoidable contact process, given the Council's other current priorities, so as to enable a broader view of customer service needs to be undertaken. As a result the Panel agreed that further work in respect of avoidable contact should be ceased, as this would not necessarily represent an effective use of the limited resources likely to be available in the future.

(ii) Key Performance Indicators – number of appeals allowed against Refusal of Planning Applications (LPI 45) - It had been noted at the March 2011 meeting of this Panel that performance indicator LPI 45 was not being achieved, indeed, it had not been since 2006. Officers had reported that was partly because of the high number of planning appeals being allowed by the Planning Inspectorate in those cases where the Directorate of Planning's recommendation were being reversed and refused at planning sub-committees.

It had been agreed that the indicator should apply to all planning application appeal types and that LPI 45 should be split into two performances; one for Planning committees reversals (where the relevant Planning committee disagreed with and overturned the planning officer's recommendation) and secondly, decisions primarily made under delegated powers. However, there was concern raised over balanced decisions; would it be unreasonable to have a target set for this?

The Panel considered it was reasonable for officers to have a target set at 20% and for members who reversed an officer's recommendation, to have a 50% target.

(iii) Key Performance Indicators 2010/11 – Outturn – This report was on the Council's outturn performance for 2010/11 in relation to the Key Performance Indicators (KPI) adopted for the year. The Panel noted that 62.5% of the performance targets had been achieved for 2010/11. They also noted that the government had withdrawn eight national indicators and these had been removed from the reporting requirements for 2010/11, bringing the reportable indicator total down to forty KPI for the year.

Members were advised that the Finance and Performance Management Cabinet Committee had recommended that the corporate target of 70% set for the achievement of year-on-year improvement against the KPIs for 2010/11 be maintained for 2011/12.

(iv) Corporate Strategy Tool 2011/12 - The Panel received a real time demonstration of the Council's newly created interactive 'Corporate Strategy Tool' located on the Council's website. The tool will enable all users of the Council's website to explore the linkages between the Council's aims, objectives and performance, via the Key Performance Indicators, as well as examining the current levels of performance.

The tool was designed to help users to understand the links and relationships between the authority's aims, objectives and indicators and how these related to the Sustainable Community Strategy, the Corporate Plan and the Council's service directorates and portfolios. The tool could be used to view the most up-to-date quarterly performance reports for each of the KPIs and to scrutinise indicator definitions and current Business Plan for each directorate and service area.

(v) Equality and Diversity – Progress Report 2010/11 – The Panel noted a report on the Council's progress towards the achievement of its equality duties and performance in relation to the Equality Framework for Local Government for 2010/11.

Members also received details of progress in relation to a range of equality initiatives undertaken over the last year and the work of the Corporate Equality Working Group to develop and implement the Council's approach to equality; and the Staff Equality Group established to provide an opportunity for staff across the authority to engage with the Council in relation to equality issues.

(vi) Sick Absences (Quarterly Monitoring) - The Panel received the sick absence report for 2010/11. The Panel noted that two thirds of staff had no sick absences at all during the last year and that the Council had met and surpassed its target of 8 days by achieving a figure of 7.85 days. A target of 7.75 days had been set for the sickness absence Key Performance Indicator (KPI) for the current year (2011/12).

The Panel would be updated on the Council's sick record at each quarter throughout the year.

(vii) Consultation Plan 2011/12 and Register 2010/11 - The Consultation Plan for 2011/12 set out the issues on which individual services would be consulting or engaging residents or customers during the year. It set out the overall objective for each consultation exercise, how each exercise would be undertaken and the methods to be used.

The Consultation Register incorporated the results of consultation exercises undertaken during the preceding twelve months and gave details as to the purpose, start and finish dates, and the service area carrying out the surveys.

The Panel acknowledged that many of the consultations exercises undertaken were statutory. They noted that a lot of directorates were saving money by carrying them out in house and not employing consultants. Sometimes the costs were shared with other authorities. The Consultation Plan and Register would be updated to incorporate an indication indicating if the consultation was a statutory one or a voluntary one.

The report noted that a lot of the younger population was using the new social media, such as 'Facebook' and it was important to be able to access new information streams in the future. The Panel although supportive, were concerned that use of social media may lead to information being distorted as it was spread via the social networking sites; some Councils had to monitor their 'Facebook' sites and this was an extra drain on resources.

(viii) Provisional Capital Outturn 2010/11 and Provisional Revenue Outturn 2010/11 – The Panel received reports on Provisional Capital Outturn 2010/11, setting out the Council's capital programme for 2010/11 in terms of expenditure and financing and compared the actual outturn figures with the revised estimates; and also the Provisional Revenue Outturn for 2010/11. This provided an overall summary of the revenue outturn for the financial year 2010/11.

(ix) Key Performance Indicators (Quarterly Monitoring) – The Panel received quarterly updates on the Council's performance against its adopted Key Performance Indicators (KPI). Members were reminded that a target had been set for at least 70% of the KPIs to achieve target performance by the end of the year.

The Panel noted that the Council's new interactive Corporate Strategy Guide had been published online and that the opportunity had been taken to review the descriptions and associated definition for each KPI, in order to present this information to members and visitors to the website in a more simple and transparent way.

(x) Value for Money and Data Quality Strategies 2010/11 – 2012/13 – Review – This report was on the progress made against the Council's Value for Money and Data Quality Strategies for 2010/11. The Value for Money Strategy set out the Council's overall approach to ensuring the provision of value for money services, and the Data Quality Strategy sets out the Council's management arrangements to secure the quality of the data used to manage its functions and services. The Strategies built upon previous work to address issues arising from former assessment and inspection frameworks, and to highlighted areas of best practice.

It was noted that, notwithstanding the cessation of former assessment and inspection frameworks, the Council's external auditors were still required to issue an annual opinion on the robustness of the authority's approach to securing Value for Money.

The Strategies assigned responsibility for Value for Money and Data Quality across the Council, and incorporated action plans, progress against which was monitored by Management Board and the Finance and Performance Management Cabinet Committee and Scrutiny Panel on an annual basis.

(xi) Government Consultation – Localising Support for Local Council Tax in England - The Department for Communities and Local Government (DCLG) issued a consultation paper on the proposals to replace Council Tax Benefits in England with a system of 'localised support', administered by local authorities from 2013.

Council Tax would not form part of the Universal Credit, but would remain the responsibility of local authorities. They would need to reduce expenditure on the replacement scheme by 10%. The Government believed that the new system would simplify the current complex system of criteria and allowances, establish stronger incentives for councils to get people back into work and save the taxpayer up to £480 million a year.

The Panel noted that the timescales for implementing a local support scheme for Council Tax did not appear to be achievable. The primary legislation would not be passed until the summer of 2012, following which, any scheme would need to be devised (locally) and publicised; IT systems developed and everything to be in place before February 2013 when annual Council Tax billing took place. The Council's software developer had said that this deadline could not be met.

The Panel also noted that with every local authority devising their own scheme there was potential for a 'post code' lottery. The Essex Benefits Managers Group had discussed the possibility of Essex authorities working in partnership, however, due to different demographics within the County, this would be hard to achieve.

(xii) Quarterly Financial Monitoring - These reports provided a comparison between the original estimate for the quarter just ended and the actual expenditure or income as applicable.

(xiii) Epping Forest District Council Website - The Panel received a demonstration of the new Council's website, currently in development. The current website had been developed over the last ten years using the Punch Content Management System, costing the council approximately £16,000 per annum to run, including support. This system has now run its course and officers looked for a more powerful, flexible alternative. They found 'Joomla' which was easier and more efficient to use and would represent a significant potential, long term financial saving to the council. It was a free open source Content Management System, and officers had identified savings of £15,000 pa once it went live, with the possibility of more savings to come.

So far officers thought that the new website had only cost the Council €59; and it would have no ongoing costs. They were aiming for it to be user friendly, with any user having to use a maximum of three clicks to get to any page on the website, ideally only two; the present system can take up to nine clicks.

(xiv) Fees and Charges – The Panel received the annual report on the proposed fees and charges for the coming year as part of the annual budget process. This report gave members an opportunity to comment the proposed fees and charges for 2012/13. A proposed general increase of 5% was recommended where possible, but it was noted that in a number of areas this may not be appropriate; also, it was noted that some fees were set by the Government.

Case Study – Epping Forest District Council Website

The Panel received a demonstration of the Council's new website, which was currently in development. The current website had been developed over the last ten years using the Punch Content Management System, costing the council approximately £16,000 per annum to run, including support. This system had now run its course and officers looked for a more powerful, flexible alternative.

They found 'Joomla' which was easier and more efficient to use and would represent a significant potential, long term financial saving to the council. It was a free open source Content Management System, and officers had identified savings of £15,000 pa once it went live, with the possibility of more savings to come.

The Senior Systems Support Officer took the Panel through a demonstration of the new site, as it would look on line when up and running. The new systems would have one big bold image on the home page making it more user friendly, suitable for the casual browser, with rotating headlines. Officers were also looking to put in advertising space on the pages. The home page would report the Council news, and have a Leaders blog. News feeds would be tailored to each Directorate and they were also looking at the possibility of putting Town/Parish Council pages on the site, linking in with 'Twitter'. Social media links would also be on the menu bar. Using free software from 'Joomla' officers would be able upload council's posts onto these sites. So far officers thought that the new website had only cost the Council €59; and it would have no ongoing costs. They were aiming for it to be user friendly, with any user having to use a maximum of three clicks to get to any page on the website, ideally only two; the present system can take up to nine clicks.

Officers were also looking to integrate the currently separate systems such as the Planning pages, into the main website and make it more efficient.

Residents could pay their Council Tax on line, but there was some vulnerability in using open source software. It would be safe to use as it would be linked to the Capita site for transactions as they are now, and would not use open source software for payments.

The Panel asked if other things could be monitored such as the number of page loads and response time as monitoring page hits would be valuable over time as well as tracking which pages people went to most often etc.

The Public Relations and Marketing Officer had looked at the performance indicators in place and asked that they continue with the current performance indicator measuring user satisfaction levels (KPI 04). But, would like to adapt it slightly to not only measure the people who were 'very satisfied' but also the 'OKs', the 'quite satisfied' as well as the 'very satisfied' as this would give a better statistical database. They would also like to set a satisfaction level of 80%, which would be well above the current national average.

The Panel thought that 80% was a very high level to live up to especially in the first year of a new site. It would be more sensible to set the target at 70% for the first year and then revisit it next year, when they could set a target for improvement.

4. SAFER CLEANER GREENER STANDING PANEL

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

Councillor M Sartin (Chairman)
Councillor C Pond (Vice Chairman)
Councillors K Avey, W Breare-Hall, T Cochrane, Y Knight, A Mitchell (MBE), G Mohindra, P Spencer and E Webster

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.

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

- (i) Regular Updating Reports** – The Panel received regular updating reports during the course of the year. They received quarterly updates on the Safer Cleaner Greener Action Plan and six monthly reports on the CCTV Action Plan. They also

received an updating report on the Council's Green and Carbon Reduction Measures, the data being fed into a calculator tool provided by the Department of Energy and Climate Change to obtain carbon emissions in kilograms.

(ii) Minutes of the Waste Management Partnership Board - The Panel received regular sets of minutes from recent Waste Management Partnership Board meetings. They also received the minutes from the Council's Green Corporate Working Party.

(iii) Strategic Intelligence Assessment - The Panel were taken through the six month 'refresh' of the annual Strategic Intelligence Assessment (SIA). By law the SIA has to be 'refreshed' annually; the statistical period would be from 1 October to 30 September each year. This six month 'refresh' period was from 1 October to 30 April and was taken to capture any emerging problems.

The SIA identifies the key crime and disorder priorities based on available data from relevant partner organisations. The assessment identifies the top 5 or 6 priorities, using a priority selection matrix, which are then subject to further, in depth analysis which looks at the problem triangle of Offender, Location and Victim. From this analysis is produced a partnership plan with specific actions to address the identified priorities.

(iv) Government Consultation - Environment Agency – River Roding Catchment - In October 2011 the Panel considered the Council's response to the Environment Agency Consultation on managing flood risk in the Roding catchment area. This had previously gone to a special meeting of the Planning Services Standing Panel in September 2011. Since that meeting, EFDC officers had met with Environment Agency (EA) officers and had put the concerns raised by the Planning Services Panel to them. The EA officers were able to answer some of the questions and although a number of concerns still remained, it was now felt that there was sufficient information to enable a formal response to be submitted.

The Panel considered the report setting out the discussions and the basis for the Council's formal objection to the proposals on the grounds of the potentially detrimental effects, in terms of flood risk on the residents of Epping Forest adjacent to the floodplain; individual properties and areas of land including the land owned by the Council; and ordinary watercourses within the district. Some streams were not under the EA but the District Council. This would have resourcing implications for the Council, where they are the riparian owner of that land. Any flooding implication would also have wider implications for planning.

The Panel noted that the EA had said that only 15 properties were in increased danger of flooding; the remainder were not and their chances remained the same. Cripsey Brook and Loughton Brook are to continue to be maintained. The Panel urged the Parish Council to make their views known to the EA.

The Panel agreed that the Council should object to the proposed strategy, due to the potentially detrimental effects, in terms of flood risks on:

- the residents of Epping Forest adjacent to the floodplains;
- individual properties and areas of land, including land owned by the Council; and
- ordinary watercourses within the District.

Their formal response to the Environment Agency Consultation incorporated comments on:

- The cost to private land owners (and appropriate help by the EA) of their maintenance of the river;
- the impact of the Shonks Mill Flood Storage Area not being built;
- asking for some of the £150k savings made being passed on to the District to help in their maintenance work;
- noting that Redbridge would benefit while this District would not; and
- the effects of the flood zones shifting in the future.

(v) Update on Enforcement Activities - In January 2012 the Panel received an update on Enforcement Activities for the period 1 April 2011 to 30 September 2011. There were 630 recorded incidents of fly-tipping reported to the Council. Any incidents that had some evidence to enable a trace to be made were passed on to the Environment and Neighbourhoods Team to investigate; 382 were investigated. Four prosecutions for fly-tipping incidents were concluded in this period and one for related waste enforcement work. Twenty two penalty notices were offered for littering offences and four pre-arranged operations to target littering offenders were carried out on the High Street, Ongar; Queens Road, Buckhurst Hill; Nazeingbury Parade and Larsens Recreation Ground, Honey Lane, Waltham Abbey.

The Panel were informed that the Council had achieved a grade 1 on their KPI on fly-tipping. This was a hard one to achieve but was a very good position to be in, showing that they were having a positive effect on fly-tipping in the district.

(vi) Essex Waste Plan – Consultation - This authority had been a full and active member of the Essex Waste Partnership since its inception in 2005. Since then recycling performance across the County had increased significantly, with a countywide performance of around 50% in 2010/11. It still remained the case that the County was reliant upon landfill for disposal of non-recyclable or non-reusable waste. Because of this in 2010/11 the County paid over £16.7 million in landfill tax, with this set to rise to £19.4 million in 2011/12 if landfill volumes remained the same. Leaving cost to one side it was also the case that landfill void space was diminishing. Therefore, it was imperative that alternative disposal methodologies were implemented.

The aim of the county was to achieve 60% recycling by 2020; to favour anaerobic digestion (AD) for organic waste, with the resulting gases used for electricity; to favour mechanical and biological treatment (MBT) for residual waste; to continue to use windrow composting for garden waste; and to continue to use in-vessel composting for combined garden and food waste.

It was noted that whilst the vast majority of the answers to the consultation questions did not relate directly to this Council in land use terms, they could and would have an impact on the way in which we would deliver our waste management services in the future.

(vii) Green and Carbon Reduction Measures - This came out of the Council's signing up to the Nottingham Declaration. It was noted that the Council had taken part in a consultation on the new Nottingham Declaration during August and September 2011. Following this consultation, the Nottingham Declaration Partnership and the Local Government Association would be working together to launch a new initiative called "Climate Local – a local commitment to action on climate change".

It was likely that the new initiative would see local authorities signing up to a minimum list of common targets, with a number of further targets that councils would have the option of taking on in addition.

(viii) Essex Police Blueprint - The Panel welcomed Chief Superintendent C. O'Malley and Superintendent A. Coombs, from Essex Police. They were present to talk about the progress of the Essex Police reform programme resulting from the budget cuts which obliged the police to make £41million of savings over the next 4 years.

Essex Police at present had 3,500 police officers; over 350 Police Community Support officers and will soon have 600 special constables. They also have 877 vehicles travelling 15.8 million miles per annum and 112 operational buildings. There were 1.7 million residents in 730,000 households with 25,000 emergency calls handled per month.

They were already improving productivity, reducing costs, increasing availability and at the same time reducing the size of the force.

The force would be split into Operational Policing Commands with patrols being borderless rather than be geographically restricted. They would make the best use of new technology such as Mobile Data Tablets and the Automatic Resource Locations System. A new Tactical Support Group capable of rapidly responding to demands across the force would also be setup.

(ix) Police and Crime Commissioner - Councillor Anthony Jackson, the Chairman of the Essex Police Authority, spoke about the upcoming Police and Crime Commissioner (PCC) elections. He noted that this had not really been publicised as much as it should have been, and that most people knew very little about what the new commissioner would do.

The time line would be that on 15 October 2012 the election for the PCC would be declared. On 15 November 2012 the elections would be held and on midnight plus one minute, of 22 November, the new PCC would take office.

In many ways the PCC would have the same role as the police authorities they replaced. Their main responsibilities would be to secure an efficient and effective police force for their area; appoint a Chief Constable and hold them to account (and if necessary dismiss them); set the Police and Crime Objectives for their area; set an annual force budget and police precept; produce an annual report; co-operate with the criminal justice system in their area; and work with partners and fund community safety activity to tackle crime and disorder.

A large organisation would be put in the hands of one person, the new Commissioner, looking after 1.7 million people of Essex. The success of this would also depend on a lot of co-operation and good will from the forces.

(x) Defra Consultation on Waste Related Penalties - The government wanted to review waste related law on the premise that too many local authorities were unnecessarily penalising residents for what was seen as trivial offences.

The government had now come forward with its proposals for changing the law. It presented two main options:

- (1) the creation of mainly civil sanctions, but with the retention of some criminal sanctions; and
- (2) the removal of all criminal sanctions.

If option 2 was seen as the preferred way forward, then the questions were whether civil enforcement was sufficient to deal the problems which arose and whether it was practical and/or financially viable for councils to pursue civil debts.

It was thought important however, to ensure that the criminal powers which remained were fit for purpose and enabled councils to take action where appropriate.

Case Study: Essex Police Blueprint

The Panel received a presentation from Chief Superintendent C. O'Malley and Superintendent A. Coombs, from Essex Police at their February 2012 meeting. They talked about the progress of the Essex Police reform programme resulting from the budget cuts which obliged the police to make £41million of savings over the next 4 years.

Essex Police at present had 3,500 police officers; over 350 Police Community Support officers and will soon have 600 special constables. They also had 877 vehicles travelling 15.8 million miles per annum and 112 operational buildings (twice as many as Kent own). There were 1.7 million residents in 730,000 households with 25,000 emergency calls handled per month.

Essex Police were already improving productivity, reducing costs, increasing availability and at the same time reducing the size of the force.

They were moving away from their traditional model and towards the concept of 'Borderless' policing, which in practice meant that the nearest vehicle would be sent to an incident and not as before, when it would be the nearest vehicle belonging to the area that the incident took place in. This would be co-ordinated by response hubs.

They had reduced senior management by 25%, but were having difficulty in targeting middle management as they had legal obligations in that only certain ranks could authorise certain things. They had also reduced the number of Chief Superintendents to five.

There was to be an increase in designated Neighbourhood Policing Officers and a focus on anti-social behaviour and non-emergency, no crime incidents as well as in depth public engagement. There would also be additional support from a larger Neighbourhood Team to deal with the demand. Every area would have a Community Safety and Partnership Unit to be led by a designated Inspector and Sergeant. The unit was to be based at Epping Police Station with satellite offices at Brentwood, Ongar and Loughton. These units would bring Crime Reduction Officers, Essex Watch Administrators together with Local Licensing Officers making for multi-agency working.

In order to publicise the new arrangements they had spoken to several newspapers and all MPs in the county. However, it was noted that the local press did tend to play up the bad news such as the reduction of police officers over Essex. It would be better to get information, not from the local press, but from the appropriate websites or local posters.

The remit of the officers would change; the new 'Investigative Command' would handle the paperwork enabling the local PCs to stay longer out on patrol. With the new technology they could also work out how much time an officer was spending at their locations.

Essex Police were also reviewing and reforming their estate portfolio. They had a lot of property and were actively selling surplus buildings, enabling them to reduce their annual revenue costs for maintenance of the Force Estate (currently £8 million).

The Essex Police Force had 48 stations, including front counters and Neighbourhood Policing bases. There were also 44 other police buildings and 20 buildings within their HQ complex. There were 112 properties in total in addition to 12 partner bases. They were looking to close front counters but not necessarily the buildings they were in. In this district the front counter for Epping would be open from 12.00 to 6.00pm Monday to Saturday and the one in Loughton would be open at the same times. The ones in Waltham Abbey and Ongar were now closed. They had done a survey on public contact and found out that most people would phone and not visit a station. They were trying to future proof the selling of the buildings by looking at areas of expansion and keeping the building in those areas for future use. This would be reviewed in 2013/14.

The Waltham Abbey station had been assessed for partnership sharing opportunities; however there would be no future planning on this until post Olympics 2012, due to the specialist Airwave Mast provision from this site.

The force would be split into Operational Policing Commands with patrols being borderless rather than be geographically restricted. They would make the best use of new technology such as Mobile Data Tablets and the Automatic Resource Locations System. And, a new Tactical Support Group capable of rapidly responding to demands across the force would also be setup.

5. PLANNING SERVICES STANDING PANEL

The Planning Services Panel consisted of the following members:

Councillor H Ulkun (Chairman)

Councillor A Watts (Vice Chairman)

Councillors A Boyce, C Finn, P Keska, Y Knight, A Lion, J Markham, B Sandler and Ms J Sutcliffe.

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 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.
5. 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.
6. 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;

7. 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) CLG Consultation - Planning for Traveller Sites - The Panel received a report regarding the Communities and Local Government (CLG) Consultation Planning for Traveller Sites.

The consultation, which ran for 12 weeks, from 13 April to 6 July 2011, was essentially about a draft Planning Policy Statement (PPS) (Planning for Traveller Sites) which was intended to replace Circulars on Planning for Gypsy and Traveller Caravan Sites, and Planning for Travelling Showpeople. There were 13 questions associated directly with the content of the PPS, and a further 15 specific questions related to the consultation stage impact assessment.

The Government had made plain its intentions to abolish Regional Spatial Strategies and all associated housing and Gypsy Roma Traveller (GRT) pitch targets. This would take place when the Localism Bill was enacted in 2012. The Government was also intending to replace all existing planning guidance with a National Planning Policy Framework in April 2012 and this draft PPS had been written with that in mind.

The responses were recommended to Council for final approval before being submitted to the Government.

(ii) Community Infrastructure Levy - The Community Infrastructure Levy it was anticipated to replace Section 106 planning obligations as a means of providing payment for the provision of infrastructure in a local area. The Community Infrastructure Levy (CIL) was a new financial charge which would entitle local planning authorities to charge on development taking place in their area. The money would be spent on local infrastructure.

After April 2014, if the Council wished to collect infrastructure charges or monies, it would formally adopt a CIL as this would be the only option available, and therefore collection through Section 106 legal agreements would no longer be possible. The CIL would include a charging schedule document prepared by the charging authority.

Monies raised under CIL could only be spent on "infrastructure," and it was for officers to determine what was to be infrastructure in the area, this allowed flexibility to include community and cultural facilities.

The charging authority could spend monies on infrastructure, but the charging authority could also pass receipts to other infrastructure providers, such as Essex County Council, Environment Agency and the Highways Agency. The authority could also forward funding to other bodies, including local councils and neighbourhood groups, but they must be locally "elected" bodies.

(iii) Environment Agency Consultation - Roding River Area - The Panel received a report regarding the Environment Agency Consultation on Managing Flood Risk in the River Roding Catchment also in attendance at the meeting were officers from the Environment Agency.

The Environment Agency (EA) was seeking opinion on its recommendations for managing flood risk in the River Roding catchment differently. Flooding was a natural process that could not be entirely controlled or prevented and the Roding catchment area had a long history of flooding, the most recent being in 2000 when more than 300 properties were affected in the Woodford area.

There were more than 2,000 residential and commercial properties potentially at risk in the southern part of the catchment. However, the EA's proposals would lead to 15 properties in the district being at greater risk of flooding. The EA justified this on the following basis:

- (a) the financial cost of continuing maintenance of the river was greater than repairing the damage caused by flooding; and
- (b) Slowing the water flow in the upper reaches of the catchment would reduce the risk of flooding to properties in the lower catchment, therefore a small number of properties were negatively affected to benefit the majority.

The EA hoped that some property or land owners would take responsibility for maintaining local flood defences. District Council officers believed that the EA should make appropriate financial contributions to help the owners affected by reduction in maintenance of the river.

Members expressed concern about the welfare of river wildlife as a result of de-silting. There was concern from the members present, that ending maintenance on the river would leave residents vulnerable to flooding. They felt that the EA's support for residents would fall short of their needs.

(iv) "Sustainable Framework for UK Aviation: Scoping Document" - Department of Transport Consultation Document - The Panel received a report regarding a Department for Transport (DfT) consultation document entitled "Developing a Sustainable Framework for UK Aviation – Scoping Document."

The DfT was consulting on this document because the previous Government's 2003 White Paper entitled "The Future of Air Transport" was considered out of date as it failed to give sufficient weight to the challenge of climate change. The consultation document before the panel was more a synthesis of points that the Government wished to make, the aim of the document was to define the debate as the Government developed their long term policy for UK aviation.

However, there were vague statements in the document relating to sustainability, without indicating which definition of sustainability was being used.

(v) Essex County Council (ECC) - Further Site Allocations Issues and Options Paper for Minerals Development – Essex County Council (ECC) was responsible for preparing the County level Minerals and Waste Development Framework (MWDF). As part of this framework, ECC was working towards a new Minerals Development Document (MDD) replacing the existing Minerals Local Plan (1996). The MDD was required by the Government to plan for a steady and adequate supply of minerals in Essex to meet the County's current and future needs to 2028 identifying suitable sites for mineral extraction, aggregate recycling, and mineral transportation.

As part of the Preferred Options, ECC invited consultees to suggest any other potential sites which had been overlooked. It was currently consulting on the five new site suggestions received.

(vi) New Draft National Policy Framework Consultation - A report regarding the Draft National Planning Policy Framework Consultation was considered in October.

The proposed National Planning Policy Framework (NPPF) involved the deletion of all but one of the current Planning Policy Statements (PPS), all of the current Planning Policy Guidance Notes (PPG), and a small number of circulars, replacing these with a much shorter single document. The overall intentions were to:

- (a) Consolidate and streamline national planning policy to reduce bureaucracy;
- (b) Promote sustainable economic growth while retaining important environmental and social objectives;
- (c) Empower local communities to do things their way instead of excessive control from Central Government; and
- (d) More “user friendly” and accessible, so that it was easier for members of the public to have a meaningful say in planning decisions.

Officers expressed concern that this major and complex change to national planning guidance was being put out for consultation through the main annual holiday period when some members and staff were likely to have been away for a number of weeks.

(vii) Local Planning regulations – Consultation - This consultation concerned the specific regulations which must be followed in order to achieve a sound local plan. It was stated that the intention behind amending these regulations was to ensure that centralised bureaucracy was removed and decision making in planning was returned to local councils and communities.

The Localism Bill introduced a “Duty to Cooperate” in relation to planning of sustainable development. This duty applied to a broad list of organisations including local planning authorities, county councils and other bodies as prescribed by the regulations. The duty required that these organisations engage constructively, actively and on an ongoing basis in the preparation of development plan documents where they related to strategic matters. Concern remained over whether the resources were available within all of these organisations to engage effectively.

(viii) Review of Selected Controversial Planning Decisions - An outstanding matter in the Panel’s Work Programme had been to review a selection of controversial planning decisions. Members had selected three development sites, one from each of the Area Plans Sub-Committee areas, which were considered worthy of reviewing since they had been built, to examine concerns at planning application decision had been justified and what lessons could be learnt.

Site visits were organised on 8 October and 21 November 2011 to three venues and their current status was discussed.

Members felt that greater representation by District Councillors should be made at planning appeals and that full access to all photographs taken by planning officers of planning sites should be provided. These could be loaded onto iPlan. It was also felt

that once a year a request should be made to Area Planning Sub-Committees regarding identification of controversial development sites for further critical examination. This should not be undertaken at the Area Planning Sub-Committee.

Case Study: CLG Consultation – Planning for Traveller Sites

The Panel received a report at its meeting on 14 June 2011, regarding the Department of Communities and Local Government Consultation, Planning for Traveller Sites.

The 12 week consultation was essentially about a draft Planning Policy Statement which intended to replace planning circulars about Gypsy and Traveller Caravan Sites and Travelling Showpeople.

The Government had made its intentions clear to abolish Regional Spatial Strategies and all associated housing and Gypsy Roma Traveller (GRT) pitch targets. This would take place with the enactment of the Localism Bill.

Members felt that:

(1) With a large housing list and a shortage of affordable housing, it was not possible to make adequate provision for the local community. It was felt that it would be difficult defending the making of provision for one group when the District Council could not make provision for others;

(2) There was concern that it would be quite impossible to identify a five year supply of deliverable sites; therefore there would be limits to how closely pitch provision could be aligned with other forms of housing;

(3) The Council generally favoured consultation and involvement of the community, but Gypsies and Travellers and settled community applications should be dealt with in exactly the same way. Members were not persuaded that a new emphasis was needed because there were already existing duties to consult both at policy formulation and at planning application stages. The Council strongly disagreed that consultation on this specific issue would help improve relations. This was based on very recent experience of such a consultation;

(4) The communities within the overall district were diverse, if the costs of GRT provision arose in one locality or community, but resulting benefits such as new homes bonus were expended in other localities that was also unfair;

(5) As 94% of the district was Metropolitan Green Belt and traveller sites were inappropriate in the Green Belt, the combination made sourcing sites challenging;

(6) The consultation appeared to make no reference to the overall size of site;

(7) The transitional period of 6 months to identify and establish a five year supply of suitable sites was totally unachievable in this district. The timing would interfere with the preparation of the Issues and options consultation for the Core Strategy. The settled community, already angered and upset by the previous consultation, would continue to object strongly and in significant numbers, to any more specific work associated with the travelling community at this time.

TASK AND FINISH PANEL

SENIOR RECRUITMENT TASK AND FINISH PANEL

Origin:

Following a report to the Council by the Audit and Governance Committee, Overview and Scrutiny Committee were asked to undertake a review of the reporting procedures for the recruitment of the Chief Executive.

The Overview and Scrutiny Committee, at its meeting on 6 September 2011, agreed to establish a Task and Finish Group to facilitate this review.

Aims and Objectives:

- To bring forward a procedure for the reporting of complex and sensitive contracts to members and a procedure to be followed in the event of such contracts being entered into.
- To report their findings to the Overview and Scrutiny Committee for onward consideration by the Council.
- To have agreed written procedures in place in time to inform the outcome of the recruitment to the position of Chief Executive which is currently vacant and any issues arising from the review by Ernst and Young in respect of the corporate management structure. “

Term of Reference:

1. To consider and formulate a written procedure for reporting complex and sensitive senior officer employment contracts to members;
2. To consider the scope and agree positions to which these arrangements should apply (e.g. Chief Executive; Deputy Chief Executive; Directors; Assistant to the Chief Executive and other statutory officers);
3. To formulate a procedure on how the Council seek advice on the form of contract and other contractual considerations arising from senior staff appointments taking account of lessons learnt from previous cases;
4. To bring any other recruitment issues arising from the review to the attention of the Committee for the Appointment of the Chief Executive;
5. To report to the Overview and Scrutiny Committee with recommended procedures by 6 March 2012.

The Panel

The Committee appointed the following members to serve on the Panel:

Councillors K Angold-Stephens (Chairman), Mrs A Grigg, J M Whitehouse, R Bassett and D Stallan

The Lead officer was Colleen O'Boyle, Director of Corporate Support Services and Solicitor to the Council.

They had been charged with formulating a procedure on how the Council seeks advice on the form of contract and other contractual considerations arising from senior staff appointments taking account of lessons learnt from previous cases.

As part of our consideration we have reviewed copies of the existing relevant information and sought views on the process from the Acting Chief Executive, Assistant Director HR, Chief Internal Auditor and Chief Finance Officer. They also sought views from other authorities about these types of processes and took evidence from the Assistant Director HR on matters of process.

Although there was a procedure for the appointment of senior officers they had discovered that no written guidance set out how members should undertake these key recruitment exercises and ensure effective reporting to other members. They understood equally that no two exercises were the same and any process that they devised must be adaptable to each circumstance. They had worked with officers to bring forward two documents. Firstly, a Senior Officer Recruitment flowchart which provides a framework within which members can work for future appointments. And, additionally they were commending the use of a guidance note which should be read in conjunction with the flowchart and added more information about the stages in such an exercise.

The Panel also suggested that all future reports were made in a standard format which should ensure that members are able to fully understand the implications of the proposals put to the Council. This report format should give all relevant information including financial implications; risk assessments and advice from statutory officers.

Arising from their discussions they recommended that the Committee for the Appointment of the Chief Executive, specific to the current recruitment, consider how performance management and monitoring of the Council's progress towards meeting the Council's Forward Plan targets could be undertaken.

And finally, they suggested arrangements for the review of the new procedures be made after a year and then annually thereafter.

The Panel produced its final report (available on line) in January 2012 and presented it to the Overview and Scrutiny Committee and then to full Council in February 2012.