

# OVERVIEW AND SCRUTINY COMMITTEE

## *The Overview and Scrutiny Committee consisted of the following members:*

Councillor R Morgan (Chairman)  
Councillor K Angold-Stephens (Vice Chairman)  
Councillors K Channa, R Gadsby, L Girling, D Jacobs, H Kane, P Keska, A Lion, M McEwen, S Murray, J Philip, M Sartin, P Smith and D Wixley.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

## *Terms of Reference*

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

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

### *(a) Scrutinising and monitoring Cabinet work*

The Committee 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 call-in received at the end of the previous municipal year 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 not with all aspects. As this was received very late in the 2011/12 municipal year it was referred to the first meeting of the Housing Scrutiny Standing Panel in the new-year (2012/13) as they had previously discussed the matter in detail.

At a special meeting held on 31 May 2012 the Housing Scrutiny Standing Panel met to consider the call-in in depth. On disusing the merits of the call-in the new Housing Portfolio Holder re-affirmed that currently there was no money in the budget for replacing the carpets and officers were aiming to complete this work within 4 months. He advised that almost all local authorities had adopted a zero tolerance policy on fire safety in flat blocks, unlike the District Council which was a managed policy.

In the end the Panel decided that the Cabinet Decision on Fire Safety in Flat Blocks C/067/2011-12 be upheld.

The Committee received two call-ins this year. Both Call-in's were considered at the July 2012 meeting. The first was on the Asset Management and Economic Development Portfolio Holders decision (AMED-002-2012/13) on the outline planning application for the redevelopment of Pyrles Lane Nursery for residential use. The call-in was concerned about the apparent lack of consultation with ward members; they also had concerns about road safety issues for both vehicles and pedestrians going to and from the site; they noted that approximately two thirds of the site was

designated as urban open space on the current Local Plan so the proposal would pre-empt consultation on the new Local Plan; and they wanted to know if there had been a cost benefit analysis done on the future of the nursery.

On consideration the Overview and Scrutiny Committee confirmed the original decision of the Portfolio Holder on the report regarding the Pyles Lane Nursery, Loughton.

The second Call-in was also considered at the Overview and Scrutiny Committee's meeting held in July 2012. The Committee considered the call-in of a decision of the Local Plan Cabinet Committee regarding the Statement on Community Involvement. This related to the Committee's decision that the Statement of Community Involvement be consulted on for a period of 8 weeks from 30 July to 21 September 2012. The call-in was concerned that a significant part of the consultation was during August when most residents were away; that this was only two weeks extra to the statutory minimum for this consultation; that the timescale for road-shows did not permit sufficient time for informed responses from the residents; and lastly that changes of the committee's Terms of Reference meant that councillors would not be aware that the committee had decision making powers.

The Committee on consideration of the merits of the call-in, decided that the decision be referred back to the Portfolio Holder and Local Plan Cabinet Committee for further consideration and that the consultation period for the 'Statement of Community Involvement - Issues and Options' was recommended to be extended to 12 October 2012. This was because August was a holiday month and it would also allow more time for road shows and enable more debate. They also agreed that all Local Plan Cabinet Committee meetings should be webcast.

### ***(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.

### ***(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) City of London Corporation** - The Committee at their meeting in September 2012 received a presentation from Mr P Thompson, Superintendent of Epping Forest of the City of London Corporation, on the management of the forest.

It was London's biggest open space, was amongst the oldest forests in the country and had been a royal forest. The forest was currently administered by a committee of 16 members of whom 12 came from the City of London. The Corporation of London had invested £6.8 million in the forest of which £1.5 million had been spent on a visitor centre in Chingford to complement the Queen Elizabeth Hunting Lodge.

The forest received 4.3 million visitors per year. It protected rare habitats and hosted a wide range of recreational activities including walking, dog walking, cycling, riding, golf courses, cricket pitches, running events and football. The corporation had implemented a new grazing strategy with invisible electronic fencing to control cattle, had invested £400,000 on Butler's Retreat, Chingford (a refreshment kiosk), a new 40mph speed limit had been imposed in the forest and there was a major volunteer programme with 20,000 hours of volunteer time.

The meeting was opened out to a question and answer session from the committee and other members present.

**(ii) London Underground Limited** - At their meeting in October, they received a presentation from Peter Tollington and Michael Graves from London Underground Limited (LUL). Mr Tollington was the General Manager of the Central and Waterloo and City Line; Mr Graves was the Group Station Manager with responsibility for all the stations within the Epping Forest District.

Mr Tollington commented that the summer Olympic Games had been a very enjoyable experience; LUL had helped a lot of customers and visitors to the games and there had been more of a party mood on the system.

LUL would be enhancing their services in the new year for the Central Line. They were upgrading their power supply for their lines and this should provide improvements to the service. The trains were currently used to their maximum capacity in the rush hours. LUL were building up their infrastructure, working towards 2018 and relying on 'Crossrail' to make a big difference once completed.

The meeting was then opened up to questions from all those present. Questions ranged from asking about LUL's response to EFDC's Local Plan to disabled access at the Epping Station.

**(iii) Youth Council** - At their meeting in November 2012, the Committee 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.

Members of the Epping Forest Youth Council attend this meeting not only to update Committee members on their recent and future work, but to request that £12,000 District Development Funding for the coming year be added to the Council's draft budget. The funding was to cover the running costs of the Youth Council, such as elections in schools, training, transport and equipment costs.

It was noted that over time they have formed relationships and have met with representatives from other neighbouring youth councils and with the local MPs.

They would like to have the opportunity to become more imbedded in the Council's decision making process. They also use social network sites to inform and update the local youths and could be followed on 'Twitter'.

In the end the Committee agreed to recommend the £12,000 for inclusion in the new budget and formally recommend this bid be transferred to the Continuing Service Budget so that the Youth Council need not make an annual bid. However, the Committee would still like the Youth Council to attend a meeting on an annual basis to update them on their work and achievements.

**(v) Presentation on Broadband connectivity from BT** - At their January 2013 meeting, the Committee received a presentation from Officers from BT on the outlook for broadband connectivity for our district.

The Committee noted that there was £2.5 billion to be invested up until 2014 on 'Next Generation Access'. Part of this was in what was called Fibre to the Cabinet (FTTC) service. It will reach two thirds of the UK by the end of spring 2014. Their other project was 'Fibre to Premises' available on demand to anyone in an FTTC area. They also deliver a service known as 'Ethernet' delivering speeds up to 10Gbps, this already runs to every business in every UK city.

As far as Essex was concerned, Essex County Council has had £6.46 million pledged by government as long as they match fund this amount and went to tender within the next few months. This money will only be able to be used for areas where commercial operators were not going. Essex County Council would determine an 'intervention area' where this was likely.

**(vi) County Highways** - In March 2013 the Committee received a presentation from Peter Massie, Head of Highways Commissioning at Essex County Council. He told the meeting that Essex County Council (ECC) in wanting to contract out it's highway services and wanting continuous improvement, chose to go into partnership with 'Ringway Jacobs' to enable them to provide highways services and keep within the budget they were allocated. He acknowledged that they had some delays during the past year while trying to maintain a level of service and still achieve efficiency savings. Each of their areas now has as part of their yearly plan, efficiencies and targets that they must meet.

As for individual contacts they now focus everything into their Customer Teams. They do not have the same officer contacts that they used to have for councillors. The Customer Teams are now tasked to go to the different service areas to get an appropriate response. They had looked at their staffing levels and how they delivered their service and have restructured to have a centralised Contact Office in Colchester. They had set up Customer Teams to answer queries by doing research on your behalf and get the response needed.

The meeting was opened out to a question and answer session from the committee and other members present.

#### **Other topics considered:**

**(i)** In June 2012 the Committee received the Key Objectives Outturn report for 2011/12. The key objectives were intended to provide a clear statement of the Council's overall intentions for each year, containing specific actions and desired outcomes.

The Committee was requested to consider outturn performance against the Key Objectives adopted for 2011/12. This report was also considered by the Cabinet.

**(ii)** In July the Committee noted that the Council had requested that Overview and Scrutiny conduct a review on the processes adopted in respect of the recruitment of a new Chief Executive. It was emphasised that they were not seeking a review of the outcome of the recruitment exercise but the processes adopted to achieve an appointment. The Committee thought that it would be appropriate that the original panel on the senior management appointments panel be asked to carry out this review and set up a Task and Finish Panel for this purpose.

**(iii)** In September the Committee received a report from the Constitution and Member Services Scrutiny Standing Panel regarding the Terms of Reference of the Audit and Governance Committee. Previously the Constitution and Member Services Scrutiny Standing Panel had looked at the question of whether Portfolio Holder Assistants should be able to serve as members of the Audit and Governance Committee. The Committee also indicated that Article 11 should be reviewed.

They agreed that removal of the requirement for the three seats for councillors on the Committee to be allocated according to pro rata rules and that the three Councillors concerned should be appointed on the basis of experience, aptitude and interest on the recommendation of the Council's Appointments Panel.

**(iv)** They also looked at the Member Complaints Panel (CP) which was responsible for considering complaints at Step 4 of the Council's complaints procedure. Certain types of complaints fell outside the jurisdiction of the Panel and could not therefore be considered at Step 4. They agreed that that revisions to the limits of jurisdiction of the Complaints Panel be approved.

**(v)** In October the Committee received a report from the Constitution and Member Services Standing Panel. It dealt with the terms of reference of the Staff Appeals Panel and proposed changes in relation to its jurisdiction in respect of appeals by staff. In respect of regarding appeals, these proposals derive from a recent review of the Council's job evaluation scheme (by which salaries applicable to staff posts or groups of posts are determined) and in particular the question of a staff member's right of appeal.

It was noted that the Staff Appeals Panel was not an appropriate forum to hear such appeals since Members were not trained in or hold expertise in the Job Evaluation process, and a second avenue of appeal against job evaluation decisions was not required.

**(vi)** In 2010 the Council started an ePetition scheme with the aid of some Government money and the Council's current Committee Managements system. However, in December 2010 the Government gave notice that provisions of the Localism Act would remove any duty to provide such a system.

Members had asked for a periodic review of the operation of the system to assess its effectiveness, which had been undertaken.

At their October meeting, the Committee noted that people, in general, still petition the Council in the traditional way. During the period January 2011 to August 2012 the Council received 12 formal petitions on paper. Correspondingly, during the same period 2 electronic petitions were received and completed. One relating to provision of places at Epping Forest College (referred to the College for response – 13 electronic signatures but supported by a paper petition) and the other was regarding the St Johns Road Development Brief (during a formal consultation period – 72 electronic signatures).

Having reviewed the scheme the Committee were of the view that it should continue and the current thresholds were still appropriate. However, they were also of the view that the scheme document on the website could be made shorter and more user friendly.

**(vii)** The Committee noted that in November 2011 they had asked the Constitution and Member Services Standing Panel to: examine how agendas were sent to members; how new technology might be used to distribute papers; seek Counsel's opinion on whether using new distribution technology was lawful given current legislative constraints; and for a review of officer agenda distribution arrangements to take place.

It was noted that members had received training on the use of the Council's Virtual Private Network (VPN) system giving them access to all meeting papers supporting the democratic process. From a position where not many members had email and computers at home, virtually no members remained digitally disconnected. The emphasis was now on connectivity on the move. They also noted that Members would not lawfully opt out of hard copy deliveries.

**(viii)** The Committee received a report on the investigation into the feasibility of providing Broadband connectivity to rural areas currently suffering from slow or no broadband access. It was noted that we did not have any influence over the major suppliers. However, recently, as part of a Disaster Recovery project for EFDC officers asked for a quote for the supply of a separate wireless broadband link into the EFDC area which would deliver Super-fast Broadband to residents and businesses through radio links rather than old fashioned copper phone lines.

The contract was awarded to Buzcom and their system was now live with coverage over most of the district, but not all of it. Coverage maps could be viewed by going to the Buzcom website, [www.fibrewifi.com](http://www.fibrewifi.com) and clicking on the Epping Forest District button.

**(ix)** In November the Committee received a report on the Corporate Plan for 2011-15 and Key Objectives for 2012/13. The Committee noted the progress made on the Key Objectives for the first six months of this year. The report had already gone to the Finance and Performance Management Standing Panel and Cabinet Committee.

**(x)** At their January 2013 meeting the Chairman of the Constitution and Member Services Standing Panel, introduced their report on whether a Portfolio Holder Assistant could serve as one of the members on the Audit and Governance Committee (AGC).

The Panel had reviewed the position as requested. They noted that one Portfolio Holder Assistant had served on the AGC until the last Annual Council meeting in 2012, but subsequently the Leader of the Council decided not to create such positions for the current financial year. The AGC members had been consulted and had stated that there had not been any difficulties and indeed, the benefits of having a Portfolio Holder Assistant had been emphasised by showing the importance of its Councillor members having knowledge, expertise or interest in the Audit function.

**(xi)** In September 2012, the Government brought into force new regulations concerning access to information/meetings for Local Authority Executives. The Constitution and Member Services Standing Panel reviewed the impact of these regulations on the Access to Information Rules in the Council's Constitution and reported their findings to the main Committee.

They noted that the 2012 Regulations was a long and complex document which made changes to the access to information arrangements for local authority executives whilst consolidating existing provisions in other regulations made over the

years.

Most of the provisions were already followed by this Council and it was noted that officers already had been briefed on the importance now attached to the 28 day period of notice in respect of decisions.

**(xii)** The Constitution and Member Services Standing Panel had been asked by Management Board to review the deadlines for submission of questions by members of the public and Councillors at Council and Cabinet meetings. This was because there had been concern that it was becoming increasingly difficult to compile answers for Portfolio Holders at these meetings in the time between the meeting and the deadline for questions being submitted.

The Panel and the Committee agreed to alter the period to four working days before a meeting.

**(xiii)** The Committee also considered the report of the Constitution and Member Services Standing Panel, on their further review of the Appointments Panel process prior to Annual Council. It had been requested that this system be reviewed after a year. This was the second such review.

They were of the view that the Panel had operated successfully for two years and should be permanently established and that a further annual review and treating the Panel as a temporary measure was no longer necessary.

**(xiv)** The Committee considered a planning report on extending the range of pre-planning application charging. The report recommended that further charges be introduced by the Council to cover the costs of providing advice to many informal requests for planning advice received each week. Giving this advice drew significantly on officer's time and although not a statutory duty, was often seen as an integral part of the planning process.

It was difficult to predict what such charges were likely to bring in a full year, but a modest income of about £40,000 was expected.

**(xv)** In March 2013, the Committee considered the report from the Leader of Council on the Corporate Plan 2011-2015 and Key objectives 2013/14.

They noted that the annual identification of key objectives provided an opportunity for the Council to focus specific attention on how areas for improvement were to be addressed, opportunities exploited and better outcomes delivered over the coming year. The key objectives were intended to provide a clear statement of the Council's overall intentions for each year, containing specific actions to achieve desired outcomes.

The Corporate Plan for 2011 to 2015 included an annual supplement reflecting the Council's key objectives for each of the four years to 2014/15.

**(xvi)** ...

### **(e) Case Study: Presentation on Broadband Connectivity from BT**

The Committee received a presentation from British Telecom on the latest situation on Broadband connectivity in our area. The speaker was Annette Thorpe, the

Regional Partnership Director, East of England and accompanying her was David Leigh the BT Accounts Manager for EFDC. Their presentation is attached to these minutes.

They had £2.5 billion to be invested up until 2014 on 'Next Generation Access'. Part of this was in what was called Fibre to the Cabinet (FTTC) service, delivering speeds up to 80Mbps downstream and 20Mbps upstream. It would reach two thirds of the UK by the end of spring 2014. Their other project was 'Fibre to Premises' with speeds of 300Mbps downstream and 30Mbps upstream available on demand to anyone in an FTTC area this spring. They also deliver a service known as 'Ethernet' delivering speeds up to 10Gbps, this already runs to every business in every UK city.

Nine counties had run a procurement project to buy services and uplift rural broadband. In the east of the country Norfolk and Suffolk have contracted out, with Essex County Council going out to tender for their procurement activities in the not to distant future.

Twenty exchanges serve the EFDC area, with nine having superfast broadband speeds, some were in our area and some outside it geographically, although some would connect to bits of this district. Of the nine exchanges, eight deliver a service called 'wholesale broadband connect', which offers up to 20Mbps for multiple operators. Each of the exchanges has access to a basic 8Mbps. However, having said that, they acknowledged that there were areas of slow speed across the district and they needed to be improved.

The Government has made available just over £500million for counties across the UK for them to come up with a local broadband plan citing how the general economic area would be improved by using this investment. Essex County Council (ECC) has had £6.46 million pledged by government as long as they match fund this amount and went to tender within the next few months. This money will only be able to be used for areas where commercial operators were not going. Essex County Council would determine an 'intervention area' where this was likely.