

Overview and Scrutiny Annual Report for 2013-2014



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OVERVIEW AND SCRUTINY ANNUAL REPORT: MUNICIPAL YEAR 2013/2014

Introduction and Welcome from the Chairman

Welcome to the ninth report of the Overview and Scrutiny Structure of Epping Forest District Council. This may be the last time we carry out scrutiny at EFDC in this format as we have just finished an 11 month long review into the organisation, principles and structure of the Overview and Scrutiny functions. That, as well as the reorganisation of the directorate structure of the authority will mean that we will be looking at fundamental changes in the new municipal year.

At present, the Overview and Scrutiny Committee and Scrutiny 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. The bare bones of scrutiny will not change in the new year, only the way it will be carried out.

At the beginning of the 2013/14 municipal year the Overview and Scrutiny Committee agreed to the setting up of five Standing Panels for the year, no Task and Finish Panels were commissioned.

We received a call-in in the summer, for which we held a special meeting to hear the arguments for and against; this is detailed further on in this report. During the year we received numerous presentations from outside bodies including the Essex Children Services on corporate parenting, the Local Strategic Partnership, Health and Social Care issues, the local Citizen Advice Bureau and the Essex Probation Service.

My special thanks go to the Chairmen and members of the various Scrutiny Panels and especially the members and officers of the Task and Finish Panel that reviewed our Scrutiny arrangements and reported back in November 2013.

And of course, I would like to thank all the officers that have worked so hard to keep the Panel members informed and supplied with the background information that they needed to carry out their investigations.

Cllr Richard Morgan

Chairman, Overview and Scrutiny Committee

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 complement 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.

The rules of the Overview and Scrutiny Committee also allow members of the public to have the opportunity to address the Committee on any agenda item.

The Overview and Scrutiny Committee

The Committee coordinated with the Cabinet and pre scrutinised their agenda and reports at its meetings the week before Cabinet would meet. 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.

Only one call-in was received this year (for details, see Scrutinising and Monitoring Cabinet Work on page 4). This was on the Cabinet decision on the review of North Weald Airfield regarding the options to be considered for North Weald Airfield as part of the Local Plan process.

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 and with clearly defined objectives on which they would report, once completed, to the Overview and Scrutiny Committee. No Task and Finish Panels were established during the year, but one late starting Panel was carried over from the previous year and finished its work in October 2013.

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 G Chambers, K Chana, A Church, L Girling, D Jacobs, H Kane, P Keska, A Lion, A Mitchell, S Murray, J Philip, B Rolfe 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 Committee received just one call-in this year.

At a special meeting on 27 August 2013, the Committee considered the call-in of the Cabinet's decision (report C-018-2013/14) regarding the option to be considered for North Weald Airfield as part of the Local Plan process. The call-in was concerned only with parts 2 and 3 of the decision taken by the Cabinet:

“(2) That the following options not be given further consideration as part of the Local Plan process:

- (a) the intensification of aviation based solution; and*
- (b) the non-aviation based solution with a focus on residential development; and*
- (c) the non-aviation based solution with a focus on commercial development.*

And

(3) That, for the mixed aviation/development based option, a further high level master planning exercise focusing on feasibility, deliverability and

incorporating the option in the Local Plan be undertaken as part of the assessment process leading to the Local Plan Preferred Options consultation in May 2014.”

The lead member of the call-in, Councillor Watson was asked to open the discussion.

After a long discussion on the merits of the call-in, at the end of which the Portfolio Holder concluded that she believed that she had answered the questions the call-in posed. Option 3 would be out to consultation in the next year. The public could still comment or add more options then. The costs were greater for options 2a and 2b than they were for option 3. The Cabinet had tried to make option 3 as fair as possible by providing housing and continuing with aviation as well as keeping the heritage of the site. She asked the Committee to reject this call-in and endorse the Cabinet's decision.

The Overview and Scrutiny Committee on consideration of the merits of the call-in and all the arguments raised, confirmed the original decision of the Cabinet regarding options to be considered for North Weald Airfield as part of the Local Plan Process.

(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

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

Presentations:

(i) Children Services and Corporate Parenting - The Committee at their meeting in June 2013 received a presentation from Jenny Boyd, the Director of Local Delivery West, Children's Social Care at Essex County Council. She was there to talk about Corporate Parenting and Children Services, what corporate parenting was and just what was a members' responsibility in relation to it.



These responsibilities were primarily laid out in the Children Act 1989 and updated and refined in subsequent legislation.

The Committee noted that in some circumstances we share parental responsibilities for these children in care and care leavers. Some of the duties and responsibilities on local authorities are for planning, safeguarding, promoting health, wellbeing and life chances. Duties to care leavers extend to at least age 21.

Councillors needed to be aware of the corporate parenting role and the shared responsibility for ensuring that the needs of children were met. They also needed to understand the impact of council decisions on children in care and care leavers and to ensure that action was taken to address any shortcomings.

The cost of getting this wrong would result in poor educational performance, contact with the criminal justice system, poor physical and mental health, homelessness and/or unemployment; all at a huge financial cost to the state.

Children in care needed someone who cared for them and believed in them; they needed stability, security and continuity of support. The support services needed to promote resilience and not just fix what was broken but to nurture what was best.

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

(ii) Local Strategic Partnership - At their meeting in July 2013 the meeting welcomed John Houston, the Local Strategic Partnership (LSP) Manager. He was there to update the Committee on the LSPs work over the last year and the current projects that they were engaged in.



He noted that the LSP membership consisted of senior figures from business and the voluntary and public sectors. These and other local groups were brought together to identify common problems and develop joined-up solutions by pooling their expertise. They were also able to commission research, identify gaps in provision and opportunities for new ways of working.

They have two taskforces (their equivalent of task and finish panels) looking at tourism and youth employment.

They were concentrating on tourism last year via their Tourism Taskforce. Research had shown that this sector was worth about £200m annually to the local economy and comprised a significant percentage of local jobs. It was noted that there was no joined up infrastructure in place for the various stakeholders to co-ordinate their work. They have now designed, built and launched a new website www.visiteppingforest.org to represent the major attractions in the district.

It should be noted that this Taskforce had no formal budget allocation; all work undertaken was supported by the individual partners and the 'One Epping Forest' General Fund and contributions from partners.

The partnership had hosted a seminar at Epping Forest College with the ECC to promote the roll out of Superfast Broadband. They also launched the Districts' first business charter for local businesses, with pledges to use local contractors and pay quickly to aid cash flow.

The theme group on health had been rebuilt under the leadership of Dr Kamal Bishai and the support of officers from Epping Forest District Council.

The LSP also worked closely with the Safer Communities Partnership and the Council's Safer Communities Team for the purpose of delivering safer neighbourhoods and organised a range of events that targeted young people in the District.

The LSP was also working with the London Borough of Enfield and Broxbourne Council, jointly considering the future roles of glasshouses and to explore joint opportunities around productive landscapes. This included producing a first draft for an EU bid.

The meeting was then opened up to questions from all those present.

(iii) Health and Social Care Issues - At their meeting in September 2013, the Committee received Dr K Bishai, Vice Chairman of the West Essex Clinical Commissioning Group (CCG) and Mr D Westcott, Chief Financial Officer, who made a presentation regarding health and care and their plans for the communities health and social care for the next 5 to 10 years. Their presentation was entitled “My Health, My Future, My Say.”



Dr K Bishai outlined the area covered by West Essex CCG, stretching from Chigwell to Saffron Walden.

He advised:

(1) Health and care provision would change over the next 10 years.

(2) Services would become more person-centred, require fewer organisations and have a single commissioning body.

- (3) Public services were under pressure, with a need to control debts.
- (4) Clinical evidence had shown that early intervention and avoiding hospital stays assisted in reducing costs.
- (5) Technology, such as tele-health, enabled more home care.
- (6) There were significant challenges with an aging population, for example dementia.
- (7) There were wider issues to explore affecting health, for example housing, transport and education.

The meeting was opened out for questions from members. The questions ranged from the dissatisfaction felt by residents on their GP out of hours service; how the new funding system operated and who took responsibility for the care of drink and drugs abusers.

(iv) Citizen Advice Bureau - The Chairman welcomed Stephanie Chambers the Epping Forest Citizens' Advice Bureau (CAB) District Manager and Janet Woods the Chair of the Epping Forest District CAB to their October 2013 meeting.

The meeting noted that they are a registered charity and had, in 2008, become a joint branch by combining the three existing branches in the district, namely those at Epping, Loughton and Waltham Abbey. They have nine volunteer officers on the governing trustee board along with two non-voting councillors. They currently have a three year Service Level Agreement (SLA) with the District Council from which they receive £113,840 per annum. They have renegotiated the SLA for another three years but that has not as yet (in October) been signed off.

The CAB was operated at the service level by highly trained volunteers who underwent a nationally supported training programme to become advisors and they continued to have on-going training, especially in benefits and aspects of the law. New clients were given a diagnostic interview known as a 'gateway assessment'. If they are from outside this area then they would be referred to their local authority area or another suitable organisation that could help them; the exception being the need for emergency interventions.



They also have specialist voluntary advisors who have chosen to specialise in a particular area, and pro-bono legal advice from some solicitors who work voluntarily for them. Currently they do not have the facility to offer an email service, but hope to do so in the future. Each branch has a service manager responsible for the standards for that branch.

Last year they saw 3,397 clients and helped with 14,096 issues. They were mostly asking for advice on benefits and tax credits followed closely by debt advice.

(v) Youth Council - The Committee welcomed members of the Youth Council who were there at the request of the Committee to give their annual presentation, updating members on the work carried out over the last year and their developing Youth Council Programme.

Ten members of the Youth Council were in attendance. They noted that Youth Volunteering had been a big theme for them this year. They were passionate about encouraging young people to volunteer and were behind the Council's Youth Volunteer Programme which was being taken up by all secondary schools in the District. Many of the young people who had participated in the Council's volunteer days enjoyed it so much; they have asked to do more in their spare time. They also discovered that it was not so easy for young people to volunteer if they were under 18, there being all sort of issues with insurance, health and safety etc. This led them to produce a Young person's Guide to Volunteering. The guide contained helpful tips and advice for young people interested in voluntary work.

They developed an inter-generational project to tackle the barrier between older residents and the young people. Additionally they were keen to promote the importance of local democracy to pupils. They identified three main concerns which were the negative stereotyping of young people; concerns about alcohol and drug misuse and thirdly, bullying.

By far the most successful project this year had been the planning and delivery of their Celebration of Youth Groups event in October. On the night they had entertainment from some fantastic local young artists and welcomed organisers and teenagers from 18 different youth groups across the district. They set up a market stalls made up of over 24 tables which provided information on funding opportunities for youth groups, training and information about volunteering. The purpose of this whole project was to identify all the youth clubs and activity groups in the Epping Forest district and to help promote them.

Having approached the Leader of the Council they were delighted to be given a pot of money that had enabled them to allocate each of the groups that came along on the night a small sum of money towards the running of their group.

- (vi) **Probation Services** – In January 2014 the meeting welcomed two officers from the Harlow office of the Essex Probation Service, Neeve Bishop and Adrian Saward. They were there to inform the members of the type of work that the probation service carried out. In order to do this they showed a film showing the journey of an offender through the probation system. It showed that probation was not an easy option to a custodial sentence. It showed the way they interacted with other agencies specialising in the reduction of the use of alcohol or who worked with people with anger issues.



The meeting noted that:

- the average age of an offender referred to the probation service was 36, not the typical teenager that most of the public would imagine;
- any reports on an offender was compiled by the probation officers in conjunction with any other agency that was involved with that person;
- offenders can be given between 40 to 300 hours community service which was now called Community Payback;
- the aims of Community Payback were twofold. As well as being a means to punish offenders it also literally forces an offender to pay the community back;
- offenders had to attend regular appointed interview and/or support sessions, if they missed any one they had to provide reasons as soon as they could; and
- a lot of this was also centred on the aspiration of what was termed ETE, Education, Training and Employment, essential for the rehabilitation of an offender.

(vii) **Mental Health Services in the District** – In February 2014 the Committee welcomed Melanie Crass, the interim Head of Mental Health and Learning Disabilities Commissioning for North Essex and Dr Kamal Bishai, the Vice Chairman of the West Essex Clinical Commissioning Group (CCG). Also in attendance was Andrew Smith a governor of the North Essex Partnership of the NHS Foundation Trust who sat in as an observer. Ms Crass and Dr Bishai were there to talk about local mental health services and the Joint Health and Social Care North Essex Mental Health Strategy 2013-17.

She was there to talk about the joint Mental Health and Social Care Strategy, a four year strategy that had been developed over the last six months. A lot of consultation on this had been undertaken since June 2013. Their vision was that they wanted people to have good mental health and people with mental health problems to recover as well as having a better quality of life. It was noted



that they wished to achieve this vision developing and supporting community well-being and encouraging people to maintain healthy lifestyles and keep themselves and their families mentally well. They would improve access and the gateways into

services and would ensure a smooth transition between services, including children to adult services, and have a more integrated approach to the mental and physical health services. They would develop a broader primary and community based models of care for people across the spectrum of mental health conditions.

The Committee were shown a diagram showing access to services and where people could get on and off wherever they may be and have a level of integration and a smooth transition into other areas of service. It was noted that the work was very GP driven.

By the end of year one, they hoped to have:

- Explored opportunities of joint commissioning with their public health colleagues to support early intervention and community wellbeing;
- Establish a North Essex Mental Health Clinical Network (likely to be locality forums) and get their input into service and pathway redesign;
- Developed a series of 'Think Tanks' to explore, across all providers any opportunities for improvement;
- Further developed IAPT, primary and community mental health services;
- Developed the roll out of Primary Care (General Practice) Mental Health Education Programme;
- Development of a single point of access (primary care based); and
- Development of Personality Disorder Strategy for North Essex.

The Chairman thanked Ms Crass and Dr Bishai for their informative and interesting presentation and hoped to see them in a year's time for an update.

(viii) Presentation from Barts Health (NHS Trust) – In April 2014, the Committee welcomed Dr Alistair Chesser, the Group Director for Emergency Care and Acute Medicine and Helen Byrne, Hospital Director for Whipps Cross. They were there to present an update on Whipps Cross and on the wider issues of Barts Health (NHS Trust).

Barts Health was chosen by the CQC as one of the first hospital trusts to be inspected under its new regime. A team of 90 CQC inspectors visited all Barts Health hospitals during the week commencing 4 November 2013. A report was published on 14 January 2014 and shared with local stakeholders and partners. They noted that the overall findings were tough but fair, with much to be proud of. Three warning notices for maternity and care of the elderly issued last year at Whipps Cross were lifted. It was now noted that the staff provided safe, compassionate care in clean surroundings with excellent infection prevention and control.



Areas for improvement included appointment attendance rates, cancellations, complaints handling, leadership development and organisational culture.

As part of their response, the Trust had developed six action plans which detailed how they would address the issues raised. There was also a single high level plan covering Trust wide actions and five site-specific plans covering actions at five of the six individual hospitals (all except Mile End, where the CQC found no actions to be necessary). They were also commissioning an independent review on staffing levels and were working on improving staff morale to make staff feel as valued as possible; and would be providing 24/7 consultant cover.

The trust were doing all they could to support their staff and were aiming to reach a 95% staffing establishment (by September 2014) in all areas. This would help them reduce their reliability on temporary staff and improve quality and safety.

On their commitment to Whipps Cross Hospital they are working with colleagues and partners across the North East London area to develop a clear strategy for the future of their services and their hospitals. This included a clear commitment to providing emergency and maternity care at Whipps Cross. They were also investing in key services, including emergency and maternity care and introducing a new patient administration system that would allow seamless management of patients across all Barts Health sites.

Their investment in maternity care included new operating theatres and recovery rooms, a dedicated bereavement suit for women and their partners and new emergency gynaecology/early pregnancy unit. They were also making further improvements to cleaning standards and the patient environment, by providing £170,000 for environmental improvements in patient areas. They have also received a further £1million for refurbishments.

The meeting was then opened out to questions from the members present.



Other Topics Considered:

(i) In July 2013 the Committee received the Key Objectives Outturn report for 2012/13. 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 2012/13. This report was also considered by the Cabinet.

(ii) Also in July the Committee considered a consultation document on Crossrail 2. It was noted that this had also been to the last Planning Scrutiny Standing Panel meeting for their comments on the consultation which were reflected in the report.



Members noted that Crossrail 1 was well underway and was to provide improved links and capacity for east west travel across London.

Crossrail 2 (formally known as the Chelsea – Hackney Line) was intended to do the same on a south west north east axis.

The report identified likely issues for EFDC and there was also a supplementary report written by Jonathan Roberts an experienced consultant who looked at some of

the issues which had been raised. Particular attention was drawn to his comments about the Central Line.

On consideration, the Committee endorsed the comments made by the Planning Scrutiny Panel adding few comments of their own.

(iii) The Committee received a report from the Constitution and Member Services Scrutiny Standing Panel on the restructuring of the Employment Procedure rules.

On 14 February 2012 the Council adopted new procedures for top management officer appointments within the Council. As part of this process, Counsel was instructed to give advice on the Council's Redundancy and Redeployment Policy and Procedure and also to carry out a review of the Constitution's Staff Employment Rules and Operational Standing Orders to ensure that all processes were consistent.

(iv) The Committee also considered a report on the conventions on the working relationships between Political Groups and Councillors with Officers.

The Constitution and Member Services Standing Panel had looked in detail at the conventions and accepted the Management Board's view that these need to be revised as they were out of date.

The report with the revised conventions was agreed and referred up to full council for agreement.

(v) In July the Committee received their annual report reviewing the May elections. These elections were for the seven County Council Divisions in our district and for one casual district by-election.

They noted that the level of turnout was disappointing. The Panel was informed that in the days before the election and throughout polling day, officers received numerous complaints by telephone, social media and face to face at polling stations about the lack of available information about candidates. A common response from electors was that they expected to receive leaflets through their letterboxes and they did not have the time or inclination to search for information.



It was noted that 80 established Polling Stations were provided in 72 different buildings on 2 May 2013. This required the appointment of 72 Presiding Officers and around 120 Poll Clerks.

The total number of postal vote packets issued was 8115. Only 4 packs failed to reach the electors in the post and had to be re-issued. 71% were returned which equates well with previous elections.

(vi) In November 2013 the Committee considered Essex County Council's formal consultation on the future provision of Children's Centres in Essex which would end on 5 December 2013. The consultation was about the need to make £2.5m of savings from the Children Centre Budget from 2014/15.



The Committee welcomed Stav Yiannou the Essex County Council's Lead Strategic Commissioner for Early Years Education and Learning and Stacy Randall, Spurgeon's Regional Manager, accompanied by Gill Wallis, EFDC's Community Development Officer. They outlined the background to the consultation and answered member's questions.

After considerable deliberation the Committee agreed that the draft response to the consultation prepared by officers in consultation with members and the Portfolio Holder be approved.

(See case study for full details)

(vii) A report reviewing the first six months of the new licensing arrangements of having single evening meetings for premises licences also went to the November meeting. It was recognised that the new system brought in a lot more meetings and that the council had taken on the responsibility for licensing scrap metal dealers and the corresponding amount of work that this would entail for the licensing section.

Further, because of the larger amount of work and extra cost involved it was agreed by the Committee that all licensing hearings revert back to being held during the daytime. But, that the Chairman of the Licensing Committee be authorised to determine whether any hearing would be better held in the evening in view of significant public interest.

(viii) The Chairman of the Overview and Scrutiny Review Task and Finish Panel, Councillor Angold-Stephens, introduced the Panel's final report to the Committee. They were set up to review the O&S arrangements within the Council with particular reference to working relationships with the Cabinet.

He noted that they covered a large range of topics starting with the appointment of the Chairman for Overview and Scrutiny, consulting with the Leader, improvement of the work programme and the scrutiny of external organisations. They also looked at the Scrutiny Panels and had a discussion on call-ins and made some suggestion on their arrangements. They noted that the County was responsible for the scrutiny of the NHS, but the Panel felt that for particular items of local interest, EFDC would like the option to approach County to ask if we could scrutinise our own area.



They Panel noted that they would like the public profile of O&S raised and that any training requirements for O&S should be arranged early in the new municipal year.

After a long debate this report was agreed and referred up to full council for their agreement.

(ix) In January the Chairman of the Constitution and Member Services Standing Panel, Councillor Philip introduced the report on officer delegation. These now

required amendment to reflect the new Directorate structure approved by the Council on 17 December 2013. The revised rules were agreed and referred to Council.

(x) The Committee also considered a report on the annual review of Contract Standing Orders. The report dealt with the annual review of CSOs and Financial Regulations which included controls on contract procedures and provided for financial governance. There had been a recent review by Internal Audit and this had resulted in the proposals set out in the report. It was emphasized that the suggested changes to CSOs were points of detail rather than major alterations, being designed to reinforce existing requirements.

(xi) Councillor Philip introduced a report that went to the Constitution and Member Services Standing Panel on the review and process of the nomination and appointment of the Vice-Chairman of Council. The review had been ongoing since May 2013, and included considering information regarding how other Local Authorities arrange their appointment process and the operation of the Point System used previously by this Council.

They eventually made four recommendations that in summary were:

- The nomination needed the support of a quarter of the council;
- That it was important that non-affiliated members had a role in this process as currently they did not;
- That the Full Council had the final decision; and
- That nominations and seconding of nominations were acceptable as an email.

(xii) The Committee considered a report on the Overview and Scrutiny Panel Structure and Future Programme. The report looked at the arrangements of the Scrutiny Standing Panels in the light of the directorate restructuring and the outcome of the OS review.

The report had looked at several options, such as keeping the present 5 Panel structure and appointing new lead officers to each; moving to a commissioning model based upon a work programme; or moving to a 4 panel structure aligned around the new directorates. Because of the complicated nature of the relationship between scrutiny, portfolios and the new directorate structure, the Committee agreed to set up a Task and Finish Panel in the new municipal year to consider in more detail and make recommendations on the future structure of Scrutiny Panels.

(xiii) In April the Committee considered the report on the consultation of the Draft Plan from East Herts Council. The Draft Plan was intended to be read as a whole and there were no set questions as part of the consultation – views were being sought on the whole document. The Plan, once adopted (assumed to be in 2016), would cover the period 2011 to 2031 and set out a framework for guiding sustainable development in the district. It was a high-level, strategic policy document and would be supplemented by more site specific and detailed publications, including Supplementary Planning Documents.



The Committee agreed that the following comments were sent to East Herts Council as a response to the consultation:

- (1) We noted the demanding overall housing requirements and to support East Herts Council in making full provision for its needs;
- (2) We noted the longer-term proposals for the Gilston area, and encouraged continued Member and senior officer co-operation and joint working;
- (3) We expressed concern that (a) the consultation was proceeding before a traveller accommodation needs assessment had been commissioned and (b) a five-year deliverable supply of sites had therefore not been identified; and
- (4) We expressed disappointment that the options of collaborative working and the joint development plan provision for the travelling community had apparently not been considered.

(e) CASE STUDY: ECC Consultation on the Future of Children's Centres

The Committee welcomed Stav Yiannou the Essex County Council's Lead Strategic Commissioner for Early Years Education and Learning and Stacy Randall, Spurgeon's Regional Manager, accompanied by Gill Wallis, EFDC's Community Development Officer.



It was noted that Essex County Council were undertaking a formal consultation on the future provision of Children's Centres in Essex which would end on 5 December 2013. The consultation was about the need to make £2.5m of savings from the Children Centre Budget from 2014/15.

The County Council's Children's Centres offered a wide range of services for families and others caring for children under five. Each Children's Centre was different, offering a variety of services according to the needs of local families. Activities were delivered from either a main site, a delivery site, or through a range of outreach venues. All Children's Centres work closely with health, schools, GPs and other local service providers.

Essex County Council had proposed that the Little Buddies Children's Centre in Buckhurst Hill be closed and merged with the Sunrise Centre in Loughton. The reasons stated for this proposal were that "it is in an area of lesser deprivation compared to neighbouring Epping children's centres; and they were trying to prioritise resources to areas of greater need.

The site suffers from accessibility issues as it is on a busy high street with limited parking. Neighbouring centres in Epping Forest are easier and safer to access. Good transport links between Buckhurst Hill and neighbouring centres in Loughton and Debden would also serve to minimise the effects of this closure."

The ECC officers acknowledged that the district of Epping had eight children centres and that they proposed that four main centres would remain. They would have outreach services, targeted one to one support in the home and on-site pre-school and nursery provision would continue to be delivered. As part of this provision they were proposing to close Little Buddies in Buckhurst Hill and merge it with the

neighbouring Sunrise Children's Centre, Alderton, which would continue as a Main Site.

A public speaker, made a short statement about the location and ease of access of the Little Buddies centre in Buckhurst Hill. That it had a large catchment area and that many of these people were not well off, some of them could not afford the train and bus fares to travel to other centres and so would have to walk a long way to get there.

A second Public speaker said that she was a mother of two children. When she received the consultation she found that there was nowhere she could put her views in, just tick boxes. She lived in Buckhurst Hill but they were not affluent and they would struggle to go privately. She praised the centre there which helped her and her family when she had a very sick child and helped her through a very difficult time.

The Committee wanted to know about the overall proposals compared to the other proposals in West Essex. They were concerned about the number of centres proposed for the West of the county and how many children under 5 they would cater for. There appeared to be significantly more children under 5 here than in other areas. Was there any justification for this? How was the burden spread across the whole of Essex, as the three other areas had significantly fewer children under 5 (by percentage), than West Essex. Ms Yiannou replied that there were three areas that they considered, one was the indices of multiple deprivation; they looked at families living in these areas and the number of families suffering from deprivation as classed within the top 30% across the country. They used this data and the accessibility data. This area was more densely populated so there would be more children. They also considered the number of families accessing services in order to put the proposal forward. The committee noted that it would have been useful to have these items put in the consultation documents, as it would have helped people to understand it better.

Officers had met with the Portfolio Holder and other members to discuss the issues and had prepared a draft council response, which the Committee agreed.



Childrens Centre

STANDING PANELS

1. HOUSING SCRUTINY STANDING PANEL

The Housing Scrutiny Standing Panel consisted of the following members:

Councillor S Murray (Chairman)
Councillor G Shiel (Vice Chairman)
Councillors K Avey, K Chana, R Gadsby, Ms J Hart, Mrs S Jones, J Lea, L Leonard, B Rolfe and J H Whitehouse

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

Wyn Marshall represented the Tenants and Leaseholder Federation, attending 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) **Review of Housing Service Standards** – In 2007, following consultation with this Panel and the Tenants and Leaseholders Federation, the Housing Portfolio Holder agreed a range of Housing Service Standards, covering all of the Housing Directorate's main areas of activity, and that the Service Standards should be reviewed annually.

The Housing Service Standards was therefore reviewed, having regard to performance in 2012/13, and changes in legislation and Council policy. As a result, a number of changes were proposed, including new Service Standards. The recommendations were approved by Portfolio Holder and Panel.

(ii) Welfare Reform Mitigation Action Plan - The Panel were reminded that in view of the significant effect that the Government's welfare reforms would have on the Council and residents, a Welfare Reform Mitigation Project Team was formed in September 2012, comprising officers from across the Housing Directorate and the Benefits Division. The team had considered and implemented ways that the effects of the welfare reforms could be minimised, or at least reduced.

The Action Plan identified around 60 separate actions, with lead officers and target dates provided for each action.

The Panel noted progress made to date, that the third Quarterly Progress Report had shown good progress in delivering the 59 actions of the Action Plan. That the CAB's two new temporary Debt Advisor posts had now been filled and were operational from the three CAB offices and the Limes Centre, Chigwell, funded by a grant of £67,900 from the Council and that the Epping Forest Re-Use Project had been launched.

(See case study for full details)

(iii) Annual Ethnic Monitoring Review - The Panel noted that the Council had a Policy Statement for Equal Opportunities in the Provision of Housing Services. The 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 have been discriminating against any one ethnic group.

Although a large number of housing applicants did not disclose their ethnicity, it was evident from the analyses shown that the ethnic makeup 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.

(iv) Housing Performance Indicators - outturn and targets -

The Council had adopted a number of Key Performance Indicators (KPIs) which, for 2012/13, included 9 KPIs relating to the Housing Service. Performances against all of the Council's KPIs were monitored on a quarterly basis by the Finance and Performance Management Scrutiny Standing Panel.



(v) Presentation on progress made on the Private Sector Housing Strategy -

The Panel received a presentation regarding a Progress report on the Private Sector Housing Strategy. The presentation covered:

- (a) Caring and repairing in Epping Forest;
- (b) Assisting vulnerable people in repairing, adapting or improving their homes;
- (c) The Handyperson Service;
- (d) New Charging from October 2013 – service users in means tested benefits would be charged a maximum fee of £30.00 each time they used the Handyperson Service;
- (e) The Gardening Scheme;
- (f) Safe and Well Project (Home from Hospital) – funded by the NHS, reducing admissions/re-admissions for older and disabled people and

providing minor adaptations ensuring homes were safe on return from hospital;

(g) Housing Assistance – Maximum payments for 2012-15 were £10,000 for Decent Homes, £3,000 for Small Works and £10,000 for Empty Homes;

(h) Disabled Adaptations - 78 in 2012/13 and 83 in 2013/14;

(i) Long Term Empty Properties – the Empty Property Officer had influenced the bringing into use of 405 empty properties during 2012/13;

(j) Introduction of an Essex wide Landlord Accreditation Scheme – the purpose of the scheme was to recognise and promote good management and good quality properties in the private sector, with a view to driving up standards generally. This scheme was being introduced in the summer of 2014;

(k) Licensing of Gypsy, Roma and Traveller Sites – consultation with third parties and the GRT community was required before introduction of new standard site licence conditions;

(l) Licensing of Holiday Sites – new standard site licence conditions were proposed for all holiday sites on the district; and

(m) Mobile Homes act 2013 – Council's would be able to charge for licensing of residential park home sites from April 2014. Officers were considering the various options for charging and would make recommendations to members in due course.

(vi) Housing Service Strategy on Anti-Social Behaviour - The Panel considered the Housing Directorate's Service Strategy on Anti-Social Behaviour Policies and Procedures.



The Housing Directorate's Service Strategies were produced around 15 years ago in accordance with an agreed standard framework and have since been updated. The Panel considered and endorsed the service strategy on Anti-Social Behaviour Policies and Procedures. Members asked about the possibility of withholding repairs from tenants if they had been involved in anti-social behaviour. The Panel agreed to review this in October 2014.

(vii) HRA Financial Plan – Half Yearly Update – the Panel noted that an important part of the Housing Revenue Account (HRA) Business Plan was the HRA Financial Plan setting out the anticipated HRA income and expenditure over the next 30 years. It was estimated that there would be a reduction in income to the Council as the rent for Council and Housing Association properties would be harmonised. On consideration the update of the HRA financial plan was endorsed by the Panel.

(viii) Yearly update on progress on the Housing Business Action Plan – the Key Action Plan set out the proposed actions that would be taken by the Council to contribute towards the achievement of the housing objectives over the first year of the Housing Strategy.

The twelve month progress report on the Housing Business Plan Action Plan was endorsed to the Housing Portfolio Holder.

(ix) Consultation on 'Providing Social Housing for Local People' - The Panel received a report asking if they wished to submit a response to the Government's Consultation Paper – "Providing Social Housing for Local People".

The consultation considered that local authorities should be "strongly encouraged" to have a period of residency for at least two years before qualifying for social housing. The District Council's policy was three years. The Panel supported this but felt that the wording "strongly encourage" needed clarification.

The Government also proposed guidance encouraging local authorities to adopt other criteria, alongside a residency test, so applicants demonstrating a strong association to the local area were not disadvantaged. The Panel felt more clarification was required around the consultation's reference to strong family association and the suggestion of applicants or members of their household being eligible if employed in the district. The Panel thought that this also needed some clarification. In any event the Panel felt that this should not form part of any local eligibility criteria.



(x) Housing Improvements and Service Enhancements Fund 2014/15 - The Cabinet had asked the Panel to consider and recommend to them, a proposed list of housing improvements and service enhancements for each year, utilising the additional funding made available as a result of HRA self-financing. Over the previous two years the Panel had formulated lists of housing improvements and service enhancements accordingly, the majority of which had later been approved by the Cabinet.



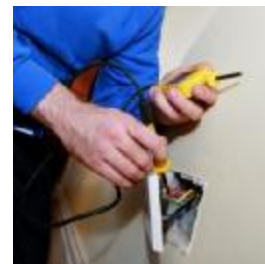
The Panel had also been requested to make similar recommendations for 2014/15. It was anticipated that £430,000 would be available for new projects in the new year, after an allocation of £220,000 to the Major Capital Projects Reserve in 2014/15. It was advised that the amount of resources available to spend on new improvements and enhancements in 2014/15 and subsequent years was much less than previously anticipated, mainly due to the proposed cessation of the Government's Rent Convergence Policy from April 2015.

The Panel was advised that the Tenants and Leaseholders Federation had considered and had endorsed the proposals put forward by officers.

(xi) Review of the Handyman Scheme – A Year On - Up until April 2012, the Council only operated a Handyperson Scheme for non-Council tenants over 60 years of age and in receipt of benefits. The Council also funded Voluntary Action Epping Forest (VAEF) to provide preventative advice and undertake minor works in the homes of older and disabled non-Council tenants.

The Cabinet had subsequently agreed to provide a free of charge Handyperson Scheme to older and other vulnerable tenants irrespective of means who were living in sheltered accommodation and those living in any other Council dwelling.

During the last 12 months it was estimated that this service had undertaken more than 1,000 jobs across eight sheltered schemes and over 280 jobs in other Council accommodation. The overall cost of the scheme was around £77,500 per annum. The scheme had a very high satisfaction rate (100%) and was popular.



(xii) Housing Revenue Account (HRA) Business Plan 2014/15 - The Government's Department of Communities and Local Government (DCLG) expected all local authorities to produce annual Business Plans for their Housing Revenue Accounts (HRAs). The CLG intended to ensure that local authority housing was used and maintained to maximum effect.

It was noted that the plan related, to a large extent, to 2012/13 which was the last year that full year statistics were available.

(xiii) Review of Staffing Levels – Welfare Reforms - At its meeting in October 2012, the Cabinet considered welfare mitigation in the wake of recent Government legislation which would significantly impact on Council tenants. Subsequently officers produced a Welfare Reform Mitigation Action Plan adopted by the Cabinet. Later it was agreed that two additional Housing Management Officers be appointed based at Area Housing Office (North) in the Civic Offices, Epping and one based at the Area Housing Office (South) at the Broadway, Loughton. Both officers commenced work in January and March 2013 respectively.

Under Key Performance Indicator 40 – “What percentage of the rent due from our Council home tenants was paid?” the target had been met in the last two quarters of 2013/14 and during the previous two years. This was considered a particular achievement due to additional staffing and new methods of managing rent arrears.

(xiv) Social Housing Fraud Progress Report - In February 2010 the Housing Portfolio Holder agreed that a new post of Housing Officer (Social Housing Fraud) be appointed on a temporary part time basis for a Social Housing Fraud Pilot Scheme. In March 2012 the Cabinet agreed that the temporary part time post should be made permanent and full time. The following month, the Cabinet approved a second permanent post of Senior Housing Officer (Social Housing Fraud).

Between January 2012 and March 2013 60 cases were referred to the Social Housing Fraud Team, 14 properties were recovered due to non-occupation, unlawful sub-letting or unlawful succession.

The Panel evaluated progress made on the Prevention of Social Housing Fraud from 1 April 2013 to 31 March 2014. The progress made included 4 applications for 'Right to Buy' which were withdrawn following investigation. The estimated saving of £290,000 from the 4 suspicious Right to Buy applications and the £16,000 fraudulent private sector housing grants applications was more than 4 times the annual cost of the officers.

CASE STUDY: Welfare Reform Mitigation Action Plan

In view of the significant effect that the Government's welfare reforms will have on the Council and residents, a Welfare Reform Mitigation Project Team was formed in September 2012, chaired by the Director of Housing and comprising officers from across the Housing Directorate and the Benefits Division, to consider and implement ways that the effects of the welfare reforms could be minimised – or at least reduced.

The Project Team formulated a Welfare Reform Mitigation Action Plan, which was adopted by the Cabinet in October 2012. The Action Plan identifies around 60 separate actions, with lead officers and target dates provided for each action, under the following 7 themes and associated key objectives:

Theme	Key Objective
Strategic	To ensure that a strategic and corporate approach is taken to mitigate the effects of welfare reform, including good data management
Information to Residents and Advice Agencies	To ensure that residents are provided with accurate, useful and timely information, advice and support on the welfare reforms; how they may be personally affected; and action they can take to mitigate the effects
Reducing Under-occupation	To minimise the under-occupation of Council properties by working-age Council tenants in receipt of housing benefit, and to endeavour to assist under-occupying Council tenants to move to smaller accommodation if they wish
Reshaping Service Delivery	To change services, or introduce new services, to assist the Council and residents to mitigate the effects of the welfare reforms
Minimising Homelessness	To minimise the numbers of households who become homeless as a result of the welfare reforms and to assist such households to minimise the resultant effects
Council's Financial Management	To identify and minimise the financial cost and effects of the welfare reforms on the Council as an organisation, and to ensure that appropriate budget provision for the additional costs are made within the HRA Financial Plan
Staff Training and Communication	To ensure that all relevant staff are aware of the welfare reforms, the effects on residents, the Council's response to the reforms and ways that residents can mitigate the effects on themselves

Good progress continued to be made to date in delivering the 59 actions of the Action Plan.

The key points to note within the latest Progress Report on the current position, compared with the position reported to the Scrutiny Panel at a previous meeting, were as follows:

- The latest information from the DWP & Benefits Division (April 2013) is that the number of households in the District who will be affected by the Benefits Cap has increased by 11, from 78 to 88 households, with the number of Council tenants increased to 16.
- These Council tenants will lose an average of £52.18 per week (compared to the average of £48.58 per week), with 2 Council tenants losing all their Housing Benefit.
- There were originally around 390 under-occupying Council tenants identified as being affected by the “bedroom tax”. By 31st May 2013, the number affected by the “bedroom tax” had reduced by around 10% to 347 tenants.
- As at 1st April 2013, all Council tenants who were willing to be visited by their Housing Management Officer to discuss the implications of the “bedroom tax” on them, and ways of mitigating the effects, had been visited. A total of 217 visits were undertaken, representing around (56%) of those originally identified.
- Of those visited to discuss the implications of the “bedroom tax”:
 - (a) 23% of tenants had expressed an interest in downsizing;
 - (b) Around half wanting to downsize are seeking 1 bed accommodation, with the remainder seeking 2 bed accommodation;
 - (c) No tenants had expressed an interest in taking in a lodger.
- Between 1st January 2013 and 31st May 2013, 14 Council tenants affected by the “bedroom tax” have been known to downsize to smaller Council accommodation, either through transfers or mutual exchanges.
- In the first two months of the “bedroom tax” coming into operation (1st April 2013 - 31st May 2013), of the 347 tenants affected throughout the period:
 - (a) 53 tenants (15%) who now have to contribute towards their rent (due to under-occupying their Council property) did not pay any rent;
 - (b) 122 tenants (35%) who now have to contribute towards their rent (due to under-occupying their Council property) paid the full amounts required;
 - (c) The total amount of rent arrears that accrued during this 2-month period from tenants who now have to contribute towards their rent (due to their under-occupation) was £6,175. The existing level of rent arrears for these cases at 1st April 2013 was £39,400, which increased to £45,575 by 31st May 2013.
 - (d) The total amount of rent due from all these tenants affected during this 2-month period was around £93,000, plus the existing rent arrears of around £39,000 – totaling around £132,000.

- (e) Of this £132,000, only around £70,000 was paid - representing a rent collection rate of just 53% (compared to the Council's overall rent collection rate for all properties in 2012/13 of 97.16% - some 44% lower).



- Following detailed consideration and recommendations by the Housing Scrutiny Panel, and a subsequent consultation exercise, the Cabinet adopted a new Housing Allocations Scheme on 15 April 2013, effective from 1st September 2013, which included the following provisions to help mitigate the effects of the welfare reforms:
 - (a) A change to the size of Council properties offered to housing applicants, in order to meet the Local Housing Allowance requirements;
 - (b) A provision that no penalties will be applied for downsizing tenants who refuse an offer of accommodation for which they have expressed an interest;
 - (c) A reduction in the age limit for bungalows, from 60 to 50 years of age for those downsizing;
 - (d) Under-occupying tenants being kept in the highest priority band; and
 - (e) A provision that homeless families with less than 3 years residence in the District should be placed in suitable private rented accommodation if possible.
- The budget for providing tenants with financial incentives to downsize to smaller accommodation has been doubled for 2013/14.
- The Epping Forest Re-use Project has been launched, which has leased a warehouse at Bowers Hill, Epping. The Scheme provides used furniture to those in need, with reduced prices for those in receipt of benefits.
- The CAB's two new temporary Debt Advisor posts have now been filled.
- An appointment has been made to the additional post of Homelessness Prevention Officer, following the Cabinet's decision to use part of the CLG's funding for homelessness prevention to create the additional post.

- The Finance and Technology Portfolio Holder has agreed the Council's new Discretionary Housing (DHP) Policy, which includes the use of DHPs for rental loans etc. Since April 2013, 47 applications for DHP's had been considered, of which 26 applications had been accepted and 21 had been refused.
- The Council's Management Board has identified that the effects of the welfare reforms on the Council and the community represent one of the Council's 8 most significant risks.



2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

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

Councillor J Philip (Chairman)
Councillor A Watts (Vice Chairman)
Councillors R Cohen, R Gadsby, M McEwen, R Morgan, C Pond, M Sartin, D Stallan, G Waller 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 or 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) Elections (2 May 2013) – In June 2013 the Panel considered a report on the recent County elections and local by-election; seven County Council Divisions were contested. There was also a District Council by-election for a seat in the Waltham Abbey Honey Lane Ward to fill a vacancy arising from a resignation.

Overall turnout was 25.07% and turnout for the District Council by-election was 20.50%.



The level of turnout was disappointing; numerous complaints were received by the Council and at polling stations about the lack of available information on the candidates.

80 established Polling Stations were provided in 72 different buildings on 2 May 2013. 72 Presiding Officers and around 120 Poll Clerks were appointed.

On Election Day some representations were made about some of the buildings mainly about access.

The total number of postal vote packets issued was 8,115. Only 4 packs failed to reach the electors in the post and were re-issued. 71% were returned which equated well with previous elections.

It was noted that the Electoral Registration and Administration Act 2013 provided for regulations to be made which required from next year that Electoral Registration Officers inform electors, after a poll, that their postal vote identifiers had been rejected.

Verification and counting of ballot papers took place at Theydon Bois Village Hall immediately following the close of poll. This did not follow the national scene where most counts occurred the following day, 3 May. Despite staff being tired after a long day, both processes went very smoothly and the count finished ahead of schedule.

Tellers in a number of polling stations had left heaps of poll cards on the floor of the areas they had occupied during the day. At one polling station a teller left unattended a box, rosette and poll cards for the next teller. The Presiding Officer took the items into the polling station for safe keeping but was criticised for doing so by the next teller.



Feedback from election agents and candidates had been very good. Broadly, there were no key issues arising from the elections. Generally all practices were completed successfully

Members thanked staff for their hard work during the election period.

(ii) Employment Procedure Rules - On 14 February 2012 the Council adopted new procedures for top management appointments within the Council. This had followed a specially convened review by a Task and Finish Panel exploring concerns about the contractual arrangements for previous Chief Executives. As part of this process, Counsel was instructed to advise on the Council's Redundancy and Redeployment Policy and Procedure and carry out a review of the Constitutions Staff Employment Rules and Operational Standing Orders, ensuring that all processes were consistent.

Counsel had advised that the Officer Employment Procedure Rules did not cover dismissal. He suggested that under the Constitution's Operational Standing Orders the staff should be integrated into the rules with clarification concerning dismissal by reason of redundancy. Counsel recommended as well that the position of certain key post holders must be clarified.

The Panel made recommendations accordingly.

(iii) Convention on the Relationship between Political Groups and Councillors with Officers - The Council's Constitution contained conventions regarding the management of relationships between political groups, Councillors and officers. The Management Board felt that these conventions should be reviewed in the light of current experience.



The Panel reviewed the current rules, updated them accordingly and referred their recommendations on to the Overview and Scrutiny Committee.

(iv) Review of Licensing – Staffing and Budget – At their November 2013 meeting the Panel noted that a Task and Finish Panel had been established in September 2012 to review the operation and effectiveness of the licensing Sub-Committee structure which had recommended to the Overview and Scrutiny Committee that one calendared meeting be included during the day, per month, for hearing taxi licence applications and one calendared meeting be scheduled during the evening, per month, for considering all other licensing applications. Alongside this, notification of an application would be sent to neighbouring properties within a radius of 150m from the premises concerned. Subsequently the Overview and Scrutiny Committee recommended these suggestions to the Cabinet and finally Council endorsed the proposals.

The new procedures led to an increase in the number of Sub-Committee meetings from 5 in the five month period from 1 June 2012 to 31 October 2012 to 20 in the same months in 2013. Temporary posts within Democratic Services and Licensing Section had been approved to deal with the increased workload.

It was also noted that the licensing authority had recently taken on the responsibility for licensing scrap metal dealers. There were currently 10 applications from dealers with more expected. And that until recently Essex County Council had undertaken temporary road closures to allow street parties and related events. However the County Council had decided that it would no longer process these and referred applicants to this Council. It was estimated that the number of road closures were likely to be about 22 annually. The authority needed adequate staffing levels to cover the expected annual workload.



In attendance at the meeting were members of the Licensing Committee who advised on their desire to return to daytime licensing meetings with mixed taxi and premises licences being heard. Members requested that they wished to retain the 150m consultation radius. Overall it was felt that evening meetings and the time spent on discussions with those making representations and the applicants meant that licensing officers were diverted from other necessary areas of work. Similarly, the workload in Democratic Services had also increased which was set against a background of growing levels of meetings supported by this service.



The Panel recommended that that all licensing hearings (including those relating to scrap metal dealers) revert to being held during the daytime unless the Chairman of the Licensing Committee be authorised to determine whether any hearing would be better held in the evening in view of significant public interest. Also that the Cabinet consider the need for a provincial CSB growth item to cover licensing costs resulting from these licensing arrangements (including additional staffing) being added to the draft 2014/15 budget pending the outcome of this review.

(v) Process Review on Appointment of Vice Chairman of Council – Over the course of several meetings, Members considered a report on a revised method for appointing the Vice Chairman of Council. Officers had circulated member's wishes from that meeting. A wider consultation had also been undertaken of all members and a number of members had responded.

Members supported the current arrangement whereby a nomination form signed by no fewer than 15 serving district councillors be submitted to the Appointments Panel when they held their first meeting.

(See case study for full details)

(vi) Review of Contract Standing Orders, Finance Regulations and Officer Delegation - The Panel reviewed CSOs on a number of suggested changes which had been put forward by the Officer Working Party following an Internal Audit review.

The Panel also noted that no proposals had come forward in respect of Financial Regulations.

The Panel also considered schedules of Officer Delegation reflecting changes required to reflect the new Directorate structure approved by the Council on 17 December 2013. Additional changes were reported at the meeting following a review of the draft schedule by Management Board.

The Panel accepted the report's recommendations.

(vii) Review of the Petition Scheme - The Panel received a report regarding a further review of the Petitions Scheme. The Panel had last considered the Petitions Scheme in September 2012, since then officers felt that the Petitions Scheme needed re-drafting.



Members were advised that a re-drafted scheme would provide greater clarity on how petitions were dealt with in relation to the amount of support they received. Currently petitions with at least 1,200 signatures were scheduled for the Council's Overview and Scrutiny Committee, and those with over 2,400 were scheduled for a Council debate. However, no petitions had met these thresholds yet. Members supported the current thresholds, but they recommended that petitions over 1,200 should require a Portfolio Holder's report to the Cabinet for a decision with the decision open to call-in if Overview and Scrutiny wished to give consideration. The Panel suggested that Portfolio Holders could decide to treat a smaller petition in this way if they thought it appropriate.

The Panel suggested that the receipt of petitions should be notified to ward members and that all petitions were subject to commentary in Portfolio Holder reports to Council.

Members supported wording of the website guide for submitting petitions which was aimed at petitioners as a guide to submitting their petition.

(viii) Questions without Notice at Council meetings – It was felt that the current system of questions without notice led to a sense of disorganisation. Dealing with questions on reports and on other matters led to confusion about when these should be dealt with in the 20 minutes allocated for this purpose.

At present, the District Council allocated 20 minutes at each Council meeting for:

- (i) questions on circulated written reports by Portfolio Holders; and
- (ii) open questions to Portfolio Holders.

Currently, the 20 minute session at Council meetings was divided into two parts, 10 minutes to ask questions on Portfolio Holder's written reports followed by 10 minutes of unscripted questions to Portfolio Holders. There was provision for the Chairman of the Council to extend the time allocated to these sessions.

The Panel felt that the distinction between the two types of questions in managing the 20 minute period should be discontinued. They proposed that the time allocated should be used to take questions on reports or other matters, in any order. This should make the meeting easier and clearer. It was felt that the 20 minutes allocated should be increased to 30 minutes as there was sometimes pressure on time due to the number of questions asked.

The Panel noted that the Constitution neither permitted nor disallowed supplementary questions in respect of those asked without notice. The Panel suggested that these should not be allowed as they were likely to put time pressure on Members raising other questions.

Finally, it was felt that the remaining provisions of the 2007 Protocol should be entered in the Constitution. This covered matters like the Chairman's discretion to extend the 30 minute period by up to 10 minutes if needed and would ensure that questions from all political groups and independents were dealt with in the order they were put.

CASE STUDY: Appointment of Vice Chairman of Council

At the annual meeting of the Council it was agreed that the Overview and Scrutiny Committee would be asked to undertake a review of the process for the nomination to and appointment of the Vice Chairman of Council. Subsequently, the committee had delegated that review to the Constitution and Member Services Scrutiny Panel. At the Panel meeting on 25 June 2013, members asked for a further report with information regarding how other local authorities arranged their appointment process for the position of Vice Chairman of Council.

The Points System was operated by the Council during the period 2000 – 07. The system created a rotational system linked to numbers of Councillors in any group. The system was replaced with the current system by May 2007.

The system took control of the appointment process away from the members, and no independent members would ever have been made Chairman, as it was based on group strengths.

Online Research

During the summer, the Council received help from a student intern who had undertaken online research with other authorities. Over 80 other local authorities had been looked at. It was advised that a majority of other authorities did not have a defined process except that the Vice Chairman was appointed at the annual meeting.

The Panel supported the following:

(1) The individual elected to the office of Chairman of Council should be elected on merit by the Council at its annual meeting.

(2) The appointment of the Vice Chairman of the Council should be undertaken by the Council on the basis of merit in accordance with the following provisions:

(a) Nominees for the office of Vice-Chairman of the Council should be required to submit a nomination form supported and signed by not less than 15 serving District Councillors by the date on which the Appointments Panel holds its first meeting in any municipal year;

(b) Nominees for Vice-Chairman of the Council may be Councillors from any political group on the Council or any independent or unaffiliated Councillor;

(c) Nominations should be considered by the Appointments Panel for onward recommendation to the Annual Council meeting;

(d) The person appointed by the Council as Vice-Chairman of the Council should normally be elected as the Chairman of the Council for the following Council year;

(e) If, a Vice-Chairman was unable to be elected as Chairman of the Council following their year as Vice-Chairman, the procedure outlined in (a) to (c) above, should also apply to the election of a new Chairman; and

(f) The Council may suspend the operation of the appointment process set out under (a) to (c) above, at an Annual Council meeting. A motion to that effect giving reasons as to why this would be in the best interests of the Council could only be adopted if the equivalent of 65% of Council members present at the meeting voted in favour.

Members were asked for their comments on these proposals and their responses were taken into account. It was noted that the Loughton Residents Association was wholly opposed to the increase in nominations for Vice Chairman from 12 to 15 as this would tend to discriminate against smaller parties and individual members. Also some members were surprised that the report did not recommend a method of supporting nominations by e-mail instead of actual signatures.

One member thought that additionally, 15 signatures could be sent in opposing the vice chair to become chair which would then mean it would need a vote at full council.

One member firmly believed that if one party had the control of the Council then that party alone should hold the Office of Chairman and Vice Chairman.

In the end Members of the Panel supported the arrangement whereby a nomination form signed by no fewer than 15 serving district councillors would go to the Appointments Panel's first meeting and that nominees for Vice-Chairman may be a Councillor from any political group on the Council or any independent or unaffiliated Councillor.



3. FINANCE AND PERFORMANCE MANAGEMENT STANDING PANEL

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

Councillor A Lion (Chairman)
Councillor R Gadsby (Vice Chairman)
Councillors K Angold-Stephens, T Church, C Finn, D Jacobs, J Knapman, H Mann, G Mohindra S Watson and J Wyatt

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

Performance Management

1. To review Key Performance Indicator (KPI) outturn results for the previous year, at the commencement of each municipal year;
2. To identify on an annual basis, subject to the concurrence of the Finance and Performance Management Cabinet Committee:
 - (a) a basket of KPIs important to the improvement of the Council's services and the achievement of its key objectives; and
 - (b) the performance targets and monitoring frequency of the KPIs for each year;
3. To review performance against the adopted KPIs on a quarterly basis throughout each year, and to make recommendations for corrective action in relation to areas of slippage or under performance;

Public Consultation and Engagement

4. To develop arrangements as required, for the Council to directly engage local communities in shaping the future direction of its services, to ensure that they are responsive to local need;
5. To annually review details of the consultation and engagement exercises undertaken by the Council over the previous year;

Finance

6. To consider the draft portfolio budgets for each year, and to evaluate and rank proposals for enhancing or reducing services where necessary, whilst ensuring consistency between policy objectives and financial demands;
7. To review key areas of income and expenditure for each portfolio on a quarterly basis throughout the year;

Information and Communications Technology

8. To monitor and review progress on the implementation of all major ICT systems;

Value for Money

9. To consider a regular analysis of the Council's comparative value for money 'performance', and to recommend as required to the Finance and Performance Management Cabinet Committee, in respect of areas where further detailed investigation may be required; and

Equality

10. To annually review the achievement of the Council's equality objectives for 2012/13 to 2015/16, and progress in relation to other equality issues and initiatives.
11. At the beginning of the year it was proposed that the work of the committee would be speeded up if they focused their attention on those areas of significant under performance. It was also proposed that members could make suggestions where the Panel could add value in Finance and Performance Scrutiny.

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

(i) Consultation Plan 2012/13 and Register 2011/12 – In June the Panel received a report from the consultation officer on the annual report on the public consultations carried out during 2012/13 and the register of those planned for the future. It showed the wide range of consultation that the Council carried out over the year. The Panel noted that the information changed very little from start to finish on a yearly basis and the results and outcomes were the only areas that were added at the completion of the survey.

The Consultation Register was a list of the most recent exercises, which have been carried out on behalf of the Council or by the Council in the last financial year. More work had been done this last year to include the opinions of young people.



A lot more work had been done on the Local Plan with large surveys carried out as part of the stages of the Plan such as the Community Involvement Survey, the Sustainable Appraisal Survey and the Core Issues and Options Survey. The next stage would be consultation on 'preferred options' that was not yet registered. These surveys would involve the highest costs mentioned in the report.

(ii) Provisional Revenue Outturn 2012/13 - The report provided an overall summary of the revenue outturn for the financial year 2012/13. It was noted that the underspend was lower than in previous years.

Salaries had a saving of 2.2%, which was less than in previous years. The largest figure to be carried forward on the District Development Fund related to the Local Plan.

(iii) Provisional Capital Outturn 2012/13 – In June the meeting received a report on the Council's capital programme for 2012/13, in terms of expenditure and financing and compared the provisional outturn figures with the revised estimates. The revised estimates represent those adopted by the Council in February 2013.

(iv) Key Performance Indicators 2012/13 – Outturn – This was a report on the outturn position for the Key Performance Indicators 2012/13. The KPIs provided an opportunity for the Council to focus attention on how specific areas for improvement would be addressed, how opportunities would be exploited and better services and outcomes delivered. A number of KPIs were used as performance measures for the authority's key objectives.



It was noted that KPIs were important to the improvement of the Council's services and the achievement of its key objectives, and comprised a combination of former statutory indicators and locally determined performance measures.

The outturn position with regard to the achievement of target performance for the KPIs for 2012/13 was:

- (a) 18 (56.2%) indicators achieved the cumulative performance target for the year; and
- (b) 12 (37.5%) indicators did not achieve the cumulative performance target for the year.

The Panel noted that from the first quarter of 2013/14, performance against all of the KPIs would be reviewed and monitored by Management Board and the Scrutiny Panel on a quarterly basis and no indicators would in future, be subject to scrutiny at year-end only.

(v) ICT Strategy and Website Feedback – In September 2013 the Panel received a presentation on the proposed ICT Strategy. Members noted that the strategy was made up of three documents, strategy; projects and initiatives (plus an annual ICT update). The strategy document was an overarching 5 year core strategy document. The ICT projects document listed all projects and would be updated annually. Finally, the ICT Update would give an annual update of the progress made.

Apart from internal drivers for change the council was also responding to changes in the public sector such as the Public Sector open source/open standards software and the localism agenda.

(See case study for full details)

(vi) Key Performance Indicators – Quarterly Performance Monitoring - As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives were adopted each year. Performances against the majority of KPIs were monitored on a quarterly basis.

The new Red - Green – Amber system enhanced the visibility of those indicators where performance was dropped to less than acceptable and enabled the committee to focus on those areas.

An additional enhancement to the quarterly review of KPI performance, this was the first period for which KPI reporting reflected an additional 'amber' performance status. This performance category identified indicators that had not achieved the target for the quarter, but where performance was within a tolerance or range.



As always the Panel monitored the KPI's on a quarterly basis throughout the year.

(vii) Quarterly Finance Monitoring - The Panel has within its terms of reference to consider financial monitoring reports on key areas of income and expenditure. This is monitored on a quarterly basis by the Panel and the reports are presented based on which directorate was responsible for delivering the services to which the budgets relate. Salaries monitoring data was also presented as well as it represented a large proportion of the authorities expenditure and is an area where historically large under spends had been seen.

This year performance against target was 80% the highest ever reported and thanks goes to officers for that achievement.

(viii) Equality Objectives – Progress Report – The Panel received regular reports updating them on the progress towards the achievements of the Council's equality objectives.



As part of the Public Sector Equality duty, the Council adopted four equality objectives with the capacity to make a difference to the communities of the district.

The equality objectives focused the Council's equality related work and were required to be published every four years. The objectives must be specific and measurable, and set out how progress would be measured.

The equality objectives helped the Council meet one or more aims of the Public Sector Equality Duty and were focused on the following key areas where improvement in relation to equality had been identified:

- the use of equality intelligence
- ownership of equality
- engagement
- the workforce equality profile

The reports set out the progress made against each of the four points identified. Members had asked that in future the form of this report be reviewed to provide a more succinct review. Equality needed to be implicit in all council activities and to be built in to day to day working practices and not considered an end in itself.

(ix) Budget 2014/15 – Financial Issues Papers - This report provided the framework for the Budget 2014/15 and updated members on a number of financial issues for the medium and short term.

In broad terms the following represent the greatest areas of current financial uncertainty and risk to the Authority:

- Central Government Funding
- Business Rates Retention



- Welfare Reform
- New Homes Bonus
- Development Opportunities
- Reducing Income Streams
- Waste and Leisure Contract Renewals
- Organisational Review

It was noted that we had a vastly reduced Revenue Support Grant and Local Council Tax Support but were now able to retain a portion of local business rates.

Taking this into consideration it was proposed to reduce the funding to parish councils by 13.6% for 2013/15 and 14.1% for 2015/16; though these amounts needed to be seen in the light of the total parish receipts for 2013/14 being just short of £3m.

One other aspect of the new scheme on Business Rates Retention is the ability to pool with other authorities to share risk and possibly reduce levy payments. The DCLG were very late issuing guidance last year and so although most Essex authorities were keen on pooling in principle, no agreements was possible for 2013/14. The possibility of pooling was now being taken forward through the Essex Leaders Strategic Finance Group with the intention of having a pool in place for 2014/15.



The Government announced in June 2013 that it would continue to provide an incentive for authorities to freeze the Council Tax for both 2014/15 and 2015/16. Additional grant equivalent to a 1% increase in the Council Tax would be available and Councils seeking to raise Council Tax by more than 2% would have to conduct a referendum. From 2016/17 onwards it was assumed that future increases would not exceed 2.5%.

In conclusion, the Council was in a stronger financial position than had been anticipated. This was due to the greater level of savings in 2012/13 and reductions through underspent budgets. However, the scale of the challenges ahead was greater now than at any time in the past.

(x) Fees and Charges 2014/15 – This was an annual report on the fees and charges that the Council levies and what scope if any there was to increase particular charges.

It was noted that one of the key areas to be revisited was the pay and display charges in the Council's off street car parks. These charges had not been increased for five years. A recent study in 2011/12 predicted that modest changes in the fee structure could boost income by more than £300,000. Pay and Display car parking fees form the largest discretionary income stream to the General Fund. The current income estimate was set at £747,000.

In recent years the scope to increase fees has become somewhat more limited as government has introduced cost recovery only for some fees or set a maximum level for others. There are also some fees that the government sets that the Council has no control over.

Apart from bulk waste and car parking charges there did not seem to be much in dispute. It seemed that the Panel would like to go for a 50/50 split between increases in fees and cost savings.

(xi) Council Tax Freeze Grant - This report showed the contrast in the Council's financial position if it was to increase Council Tax instead of accepting the Freeze Grant.

The Finance Cabinet Committee had decided to recommend a further freeze in the Council Tax to Cabinet. The Financial Issues Paper had assumed Members would not want to increase the Council Tax and so no alternative scenario involving an increase was provided.



The last time the Council Tax was increased was for the 2010/11 financial year. Since then the Department for Communities and Local Government (DCLG) had made grants available to support authorities choosing to freeze the Council Tax. These grants had been the equivalent of a 1% increase in Council Tax, approximately £75,000, and have been accepted for the three financial years from 2011/12 to 2013/14.

Having not increased the Council Tax for three years, it could be argued that to increase now by only 2% for two years was not unreasonable.

However, increasing the Council Tax would go against both the medium term aims in the Corporate Plan and the Cabinet's current Key Objectives. The Corporate Plan 2011/15 includes five medium term aims, one of which was to "Have the lowest district Council Tax in Essex and maintain that position".

(xii) Sickness Absences – It was noted that the Council's target for sickness absence under KPI10 for 2013/2014 was an average of 7.25 days per employee.

Under the Council's Managing Absence Policy there are trigger levels for initiating management action in cases of excessive sickness absence. These are:

- (i) during any 'rolling' twelve-month period an employee has had 5 or more separate occasions of absence; or
- (ii) during any 'rolling' twelve-month period an employee has had at least 8 working days of any combination of un/self-certificated, or medically certificated absences.



In addition to the above a manager should consider referring an employee to Occupational Health when an employee has been absent from work for at least one month if there was no estimate when they would be fit to return, or if this was unlikely to be within a reasonable period.

(xiii) Allocation of Costs – A Sub-Committee Report – A sub-committee of this Panel was set up to look at levels of recharging that made it difficult to determine if the service was providing Value for Money. This Panel was asked by the Finance and Performance Management Cabinet Committee to investigate recharges as members found them confusing.

The members of the sub-group comprised of Councillors Lion, Mohindra and Watson. The Sub-group worked with the Assistant Director, Finance, to investigate and look below the surface of the high level budget and accounts presented to members. They noted the figures for the statutory accounts; the costs that the council did not have control of; and that budgets should be a proactive planning exercise. They identified issues for the future by identifying who was responsible and the cost allocation for management purposes. However, given that they were looking at a restructure of the

council, they noted that this would provide an opportunity to rebuild the budgetary process to be more helpful to members and officers.

As it was requested by the Finance and Performance Management Cabinet Committee, the report was forwarded on to them.

CASE STUDY: Information and Communications Technology Strategy



The ICT Strategy 2013/2018 has been approved internally by Management but this was an opportunity for Members to consider this critical document prior to it being taken to Cabinet for formal adoption.

A number of issues were highlighted during the website and mobile working workshop held for Members on 21st May. ICT had identified a number of solutions for Member consideration and recommendation to the Cabinet.



Development of the ICT Strategy began in early 2013. Work started by identifying the drivers influencing change both internally and externally. Based on these drivers, a list of projects and initiatives were identified and their benefits assessed. All the information was then analysed and grouped into 10 high level key themes.

This draft proposal was taken to Leadership Team for comment. All feedback was incorporated into the draft which was subsequently approved by Management Board with further minor amendments.

The detailed strategy has now been produced and consists of three documents. These have been distributed to Panel Members and Document 1 had been distributed to all Members.

- Document 1: ICT Strategy –core document; this is an over-arching 5 year strategy. Preparatory work on its replacement will commence in summer 2017.
- Document 2: ICT Projects; this gives a listing of all projects, and will be updated annually
- Document 3: ICT Update; this gives an annual update of the progress made, the internal ICT position and also issues around the role of ICT in the broader work of the Council.

Apart from internal drivers for change the council was also responding to changes in the public sector such as the Public Sector Network (PSN), the G Cloud, the use of open source/open standards software and the localism agenda.

The ICT strategy was based around ten key themes:

- 1) **Working smarter** – to acquire and provide the skills and tools for the council to become smarter, more adaptable and more efficient;
- 2) **New technology** – develop the ICT infrastructure to take advantage of new technology and greater efficiency, keeping up with technology including 'Cloud' where there was a robust business case;
- 3) **System integration** – where suitable facilitate the integration of back end systems across directorates and functions, including common architectures;

- 4) **Big data (Business Intelligence)** – to provide tools to collect, use and manage data efficiently and effectively across the council and partners;
- 5) **Value for Money** – to maximise value for money by making best use of existing systems and hardware and exploring alternative software solutions including open source;
- 6) **Keeping the Lights on** – maintain reliable and secure ICT service for internal users and members;
- 7) **24/7/365** – to provide 24/7/365 digital by default services for residents;
- 8) **Partnerships** – investigate and develop external partnerships where appropriate for EFDC and internal partnerships where ICT could add value;
- 9) **Communication and Training** – putting in place communication and training to assist technical and cultural change and development;
- 10) **A shared vision** – to provide a clear supported and understood ICT strategy building on the Council's needs, external drivers and demands from residents.

The second part of the report dealt with the workshops held for members. It was noted that in total, 15 members out of 58 had attended, and they had raised a number of issues particularly about member access to ICT services. Some of the problems mentioned were:

- Access via the VPN token was slow and difficult to use – officers were looking to getting a 'soft token' using emails or texts;
- VPN training – officers would try and offer this as soon as possible, they would also try and offer home help to members and help set up their VPN systems;
- They were also looking at remote access;
- They would consider members desire for Email provision of an EFDC address;
- As for mobile working and people using such things as i-pads, the Council now has an app called 'Good' to enable members to pick up their council emails on the move;
- There was also a possibility to update Modern dot Gov. This would enable members to look at restricted documents on the web; and
- It was noted that the councillor pages on our site was generally much appreciated by the members.

Approximately, and additional £27,000 would be needed to fund licences for member access. This would need to be put into the 'Capital Requirements' of the proposed budget for Cabinet to discuss.

To justify the additional expense it was agreed that a full survey of all Members would be undertaken to ascertain their thoughts on the Council's IT systems. An email survey of members was carried out in November 2013 with a very low response of only 10 responses. The results of this survey were to inform a report to Cabinet. It had indicated a lack of overall interest in member access to ICT services. As an initial step consideration has been given to piloting a member's email facility at zero cost to prove the capability and to try to interest a wider group of members to take up the facility.



4. SAFER CLEANER GREENER STANDING PANEL

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

Councillor J Lea (Chairman)
Councillor H Brady (Vice Chairman)
Councillors K Avey, R Butler, T Cochrane, G Chambers, L Girling, Y Knight, S Murray, M Sartin, P Smith and P Spencer

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

Terms of Reference

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

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

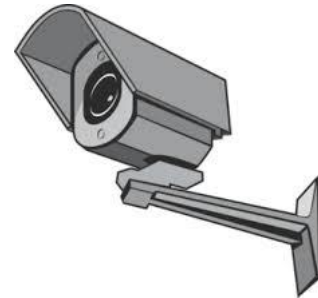
- (i) environmental enforcement activity*
- (ii) safer community’s activities*
- (iii) waste management activities (in addition to WMPB information))*

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 ‘Climate Local Agreement’ 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. To receive and review the reports of the Bobbingworth Nature Reserve (former Landfill site) Liaison 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 and:
 - That one meeting a year be dedicated as Community Safety Committee meetings.
7. To monitor and review the new Local Highways Panel.
8. To receive the minutes of the North Essex Parking Partnership (NEPP) for the purposes of monitoring the work and progress of the partnership.
9. To monitor and review the minutes of the Police and Crime Panel.

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

(i) CCTV 3 Year Action Plan – The Panel noted that a new national surveillance code of practice which asked for justification for the use of CCTV. However, officers wondered that if they had to take away the cameras would they also lose the deterrent effect that CCTV brought. They noted that the government did not accept that there was a deterrent effect. Officers were now working with the Police asking how they used the images and to provide evidence on this.

Asked when the code of practice had to be adopted. The Panel was told that it was being phased in from October; but the timing also depended on the size of the CCTV setup; the bigger systems would have to comply first. Eventually, this may also apply to private household CCTV setups.



Asked about the affect it would have on our partnership working, the Panel were told that the council had trained up police officers to use our facilities and operate the CCTV facilities independently of our officers if they needed to.

Officers will now work on developing and updating of the council's webpages on CCTV.

(ii) SCG Strategy – Enforcement Activities -

The Panel noted the latest enforcement activity schedule. They noted that officers had carried out evening checks on taxis and visited a number of licenced premises to check on licence conditions. In general licenced establishments were complying with their conditions.



Officers and Police had also undertaken stop/checks on suspect waste carrier vehicles. A series of stop/checks had been planned for October 2013 as part of a burglary week of action.

The Panel also noted the work being carried out on fly-tipping, the issuing of fixed penalty notices and ASB work on noise etc.

(iii) North Essex Parking Partnership Update – The Panel received a short



presentation on the background to the North Essex Parking Partnership. They noted that the County Council had overall responsibility for parking and related matters before April 2012; this responsibility was delegated to the district councils under twelve separate agency agreements. At that time the overall deficit across the County was circa £1million. Essex County then cancelled the agency agreements in 2010. They set up a Review Group to look at their options for retrieving the deficit.

They settled for a simpler two partnership option, splitting the partnership into North and South. This resulted in significant savings due to economies of scale of the operations as well as consolidation of a central support structure. They have a single website where people could report problems. This website would channel them into the north or south partnership depending on where the problem was.

(See case study for full details)

(iv) Monitoring Minutes of Relevant Meetings – The Panel was also tasked with the monitoring and review of the minutes of a number of different meetings and organisations such as: ‘the Waste Partnership Member Board’; the ‘Inter Authority Member Working Group’; the ‘Waste Management Partnership Board’; the ‘Bobbingworth Nature Reserve Liaison Group’; the ‘Local Highways Panel’ and the ‘North Essex Parking Partnership’.

Panel noted that there was a degree of frustration in receiving the minutes of the authorities that they were supposed to monitor as they were inevitably late, sometime by months, this invariably led to just a noting exercise.

(v) Department of Transport Consultation Document on Local Authority Parking - The consultation was based around the premises that local authorities should adopt local parking strategies which compliment and enhance the attractiveness of high streets and town centres.

The consultation used the term “local authority” as a generic one, when in reality, unless agency arrangements are in place, responsibility for parking on the highway rests with the Highway Authority, in this area, Essex County. However, having withdrawn local agencies, on-street responsibility now rests with North and South Essex Parking Partnerships. In respect of off-street parking however, districts do have direct responsibility, even if discharged through a third party such as a contractor or NEPP.

The consultation sought responses to ten main questions. The Joint Committee of the North Essex Parking Partnership (NEPP) approved responses to the consultation at its Committee meeting on 8 January 2014. Members were asked if they wished to consider any additional comments to the NEPP response. On consideration of the responses the Panel added a few comments of their own and enlarged on some of the comments already made.

CASE STUDY: North Essex Parking Partnership



The Panel received a short presentation on the background to the North Essex Parking Partnership. It was noted that the County Council had overall responsibility for parking and related matters before April 2012; this responsibility was delegated to the district councils under twelve separate agency agreements. At that time the overall deficit across the County was circa £1million. Essex County then cancelled the agency agreements in 2010. They set up a

Review Group to look at their options for retrieving the deficit. They settled for a simpler two partnership option, splitting the partnership into North and South. Colchester Borough Council became the lead authority for the North Essex Parking Partnership (NEPP); Chelmsford being the lead authority for the South Partnership. This resulted in significant savings due to economies of scale of the operations as well as consolidation of a central support structure. It was estimated that the deficit will be overcome by the end of year three. To handle the governance they have set up a joint committee, with one representative from each district/borough along with the County Portfolio Holder (Councillor Waller was our representative). They have a single website where people could report problems. This website would channel them into the north or south partnership depending on where the problem was.

Asked if we were saving any money with this new set up with NEPP, Members were told that with NEPP we were indeed saving money compared to the previous contract we had with Vinci Parks Limited.

It was noted that we had two officers to monitor the off street car parks, street furniture and the performance of NEPP. We made about one million from our car parks; NEPP collects the cash and this was monitored by us so as not to lose income. We also keep the machines under surveillance in case they needed servicing. We also monitor the pattern of fines issued so that we know where NEPP have been patrolling etc.

It was noted that NEPP was purchasing a CCTV camera car to capture data and issue notices. The Portfolio Holder said that the CCTV vehicle would start up this month, in response to the many complaints received from outside schools.



It was noted that we were one of the authorities to issue a large amount of on-street penalty charge notices. They wondered if we were getting our fair share from these charges, as we seem to generate a lot of the income. They were told that was a valid point but members were reminded that this was a County function and that they had to balance their books across the county and use their resources and income as they saw fit.

Asked if this Council had any say on what alternative enforcement schemes could be put in place, Members were told that we did have a say and we had objected to Pay and Display schemes in the past. The District could always have more enforcement, but it should be noted that the purpose of enforcement was for Highways Safety. There was also a cost to enforcement and that would come back to us.

Members asked if a cost benefit analysis had been carried out for the proposed CCTV camera car. Was it more efficient to have more cars rather than officers? They were told that this was just a trial of the CCTV car. We will find out how cost effective this was at the end of the year.



5. PLANNING SERVICES STANDING PANEL

The Planning Services Panel consisted of the following members:

Councillor J Wyatt (Chairman)
Councillor G Chambers (Vice Chairman)
Councillors K A Boyce, K Chana, James Hart, P Keska, B Sandler, T Thomas, J M Whitehouse and D Wixley.

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

Terms of Reference

1. To consider and review Measures taken to Improve Performance within the Directorate concerning:
 - a) Performance standards and monitoring,
 - b) Benchmarking of Services
 - c) Other Reviews
2. To consider and review Business Processes, Value for Money and Staffing arrangements for the Directorate focusing on:
 - a) Development Control, Appeals and Enforcement.
 - b) Forward Planning, Economic Development, Conservation and Trees and Landscape
 - c) Building Control and the Planning Support Team
3. To monitor and receive reports/updates on the delivery of the Local Plan
4. To monitor and receive reports/updates on the Planning Electronic Document Management System. To provide information regarding the progress and availability of planning information held on i-Plan.
5. 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;
6. 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) 'Crossrail' 2 Consultation – Crossrail 1 provided improved links and capacity for east west travel across and within London, Crossrail 2 was intended for the same role but on a south west north east axis. Since 1991 a route for Crossrail 2 had been safeguarded, which included the Central Line to Epping.

It was considered that the Central Line was already at capacity and would get progressively worse over the next twenty years. The consultation recognised that funding of major public transport improvements over the next 20 years had several very significant calls upon limited resources and the Central Line rolling stock was about midway through its 40 year design life.

Members responded positively to the consultation, it was felt that the Regional Option was the better one and that Stratford should be used as a connecting station.

(See case study for full details)

(ii) Section 106 Agreements Monitoring Report - Section 106 of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally binding agreement or planning obligation with a land owner/developer over a related issue. This obligation was often termed a Section 106 Agreement.

Section 106 Agreements could act as a main instrument for placing restrictions on developers, requiring them to minimise the impact of their development on the local community and carry out tasks providing community benefits.

The courts had stated that to be lawful, agreements only had to show that they were relevant to planning and that in all respects were reasonable.

The Panel noted the benefits *negotiated* through the year (2012/13) provided:

- A total of £731,659 received in the public purse.
- 69 affordable housing units.

Benefits *realised* through the year 2012/13 had provided:

- A total of £428,208 received.
- 67 affordable housing units.

It was also noted that the use of Section 106 agreements were being overshadowed by the emergence of the Community Infrastructure Levy (CIL) which was in effect a tax on developers' profit and this would replace much of the traditional Section 106 benefits.

(iii) Progress on Electronic Records Document Management System Planning and Building Control Services - The Panel received a report from the Planning and Economic Directorate Business Manager regarding Progress on Electronic Records Document Management Systems Planning and Building Control Services.

The placement of electronic planning information online mainly via the District Council's website and iPlan was an integral element of the directorate's strategy in

promoting the availability and transparency of planning records which could save considerable time and journeys to the Council's Civic Offices to view plans and records.

There were nine separate phases of actions required for Electronic Document Records Management Systems (EDRMS) development and a summary of each was as follows:

Phase 1 - Enhancements to the Local Land and Property Gazetteer for Address Management Improvement.

Phases 2 and 3 - These were both linked to better use of ICT systems across the directorate to achieve improved business processes and back office i-Plan operations.

Phase 4 - Further steps would be taken to facilitate easy access to making payments for all types of Planning and Building Control Services.

Phase 5 - Improvements in the quality of planning information provided as part of the i-Plan development.

Phases 6, 7 and 8 referred to the steps taken to transform our paper and microfiche records into electronic format.

Phase 9 - concerned taking the ERDMS a step further forward to support flexible and mobile working.

(iv) Brentwood Borough Local Plan Preferred Option Consultation - The Preferred Options consultation ran from 24 July to 2 October. Brentwood Council intended to submit its Local Plan early in 2014 for examination in public with a view to adoption before the end of 2014. The plan would cover the period 2015 to 2030.



At the end of July Brentwood Borough Council held a "Duty to Co-Operate Workshop", which included an initial presentation of the Preferred Options consultation. The workshop was attended by members and officers from Basildon, Chelmsford, Epping Forest, Thurrock and Havering councils.

The key issues for the District Council were:

- (a) Provision for housing in the light of objectively assessed needs in Brentwood Borough;
- (b) Provision for the travelling community;
- (c) Provision for employment growth; and
- (d) Implications of Crossrail.

On considering the consultation report, the Panel made appropriate comments that were passed on to Brentwood Borough.

(v) Revised Planning Application Validation Checklist - Before officers began assessing a planning application, the application was checked for validity. To make a valid planning application there were national statutory and local information requirements which applied to each application type; these were commonly known as the National and Local Lists of Validation Requirements or Checklists. National requirements applied to all planning applications in England, with local requirements

set by each local planning authority having regard to local policies and constraints that were relied upon for a successful determination.

The Council's current validation checklist needed updating for it to remain relevant. The main changes to the document were:

- (a) One merged national and local list for easier reference. The format aimed at creating a more concise and less onerous process.
- (b) We would provide more detailed information and links to the relevant policies and guidance that applied to the requested document.
- (c) Some terminology had been revised making it clear when certain plans and information were required.
- (d) Making clear the requirements for written dimensions in some cases on plans for proposed extensions or new buildings.

(vi) Local Enforcement Plan - The Government had introduced, as part of the new localism agenda, the National Planning Policy Framework. Section 207 of the Framework stated that "planning authorities should consider publishing a local enforcement plan to manage enforcement proactively" and they should set out how they would "monitor the implementation of planning permissions, investigate alleged cases of unauthorised development."

The adoption of such an LEP helped safeguard against enforcement actions being open to challenge from parties enforced against on the basis that the Council had not formally adopted such a plan.

Although planning enforcement was a discretionary power of the Council, the LEP stated the authority's vision of readiness in taking effective action when justified. The Plan set out the principles of good enforcement and investigation, explaining what would and would not be investigated. The Plan set out the priorities for responses to complaints and clarified the timescales for response by officers.

The draft Local Enforcement Plan be endorsed and recommended to the District Development Control Committee.

CASE STUDY: Cross Rail 2 Consultation



Crossrail 1 provided improved links and capacity for east west travel across and within London, Crossrail 2 was intended for the same role but on a south west, north east axis.

Since 1991 a route for Crossrail 2 had been safeguarded and this included the Central Line to Epping.

A non-statutory consultation had been issued by Transport for London (TfL) and Network Rail running from 14 May to 2 August 2013, concerning the two proposed

routes for Crossrail 2, a north east terminus at Alexandra Palace (Metro Route) or Cheshunt (Regional Route).

Epping as a terminus

Epping had become a terminus after the Epping – Ongar portion of the Central Line was closed. A terminus was likely to have some positive economic impacts, although this could lead to pressures for development near the terminus. Commuters parking outside the station car park could cause issues for residents and businesses. However it could draw economic viability away from town centre areas.

Overall benefits of Crossrail 2 taking an alignment just to the west of the district using the West Anglia Routes

An alignment which used the West Anglia Main Line as a regional option just to the west of the district would still give businesses and residents of the district the opportunity to gain access to it.

What happens to the Central Line without Crossrail 2?

It was considered that the Central Line was already at capacity and would get progressively worse over the next twenty years. The consultation recognised that funding of major public transport improvements over the next 20 years had several very significant calls upon limited resources. The Central Line rolling stock was about midway through its 40 year design life. In particular, this was a concern because the service on the Hainault Loop



was already restricted compared to that on the Epping Branch. The Hainault Loop did not offer a late evening service, and the station usage levels at Roding Valley were towards the lowest end of the spectrum. Much greater certainty about the Central Line and its upgrades was needed.

Is there a case for a further Crossrail 2 option which EFDC and other councils which the Central Line runs through could support?

Whilst it was recognised that any route would have capacity limits, the options suggested had several routes/termini shown to the south west end of the Regional Option, but only two at the north east end. It appeared unusual that an alignment reaching Stratford had not been found. The station there had seen very significant increases in usage. Stratford was intended as a Crossrail 1 station, Crossrail 1 and 2 were presently intended to have only a single meeting point at Tottenham Court Road; it was felt that there should be two points at which these lines should meet.

What future investment in and role does TfL see for the Central Line?



It was not considered that the future intentions for the Central Line were adequately spelt out. There were significant risks if investment was put into other projects over an extended period.

Officers had attended a discussion recently where TfL explained their present thinking. The options for this Council ranged from taking a position of absolute objection to the loss of the original ideas, through to giving unqualified support for the new ideas.

In addition, regarding access to Stansted Airport, the present development with planning permission relied on a single rail line serving the airport. The development of other airports had seen consequential improvements to their public transport accessibility, and their resilience, by having improved rail connections.

If the Regional option was chosen with a terminus at Cheshunt, there may well be a requirement for a marshalling yard in the vicinity of that station, and relatively close to the District boundary.

Crossrail 2 would most likely require a marshalling yard relatively near each terminus. Some investigation had taken place and one site that was being considered was near Broxbourne Station. The site was in the Green Belt, the Lee Valley Regional Park and was contaminated. It would be quite close to the boundary of this district.

In the end, Members responded positively to the consultation, it was felt that the Regional Option was the better one and that Stratford should be used as a connecting station.



TASK AND FINISH PANEL

OVERVIEW AND SCRUTINY REVIEW TASK AND FINISH PANEL

Origin:

At its meeting on 7 April 2012 the Overview and Scrutiny Committee decided to establish a new Task and Finish Scrutiny Panel to review Overview and Scrutiny operations generally within the Council with particular reference to relations between the Cabinet and Overview and Scrutiny. This decision was made following attendance by a number of members at a joint training session on Overview and Scrutiny convened jointly with Harlow Council.

Aims and Objectives:

- (a) To report findings to the Overview and Scrutiny Committee and to submit any final reports in the proposed Corporate Format for consideration by O & S and Council by April 2014.
- (b) To gather evidence and information in relation to the topic through the receipt of data, presentations and by participation in fact finding visits if necessary;
- (c) To have due regard to the relevant legislation Council procedure rules.
- (d) To consult political groups and independent Councillors at the final stage of the review.

Term of Reference:

1. To scrutinise the current processes of Overview and Scrutiny and to what extent the functions could be improved.
2. To examine and review operational aspects of Overview and Scrutiny, in consideration of:
 - a) Chairmen and Vice-Chairmen of Overview and Scrutiny Committee:
 - Developing the relationship with the Leader;
 - Policy on appointment and political allegiance;
 - Leader / OSC liaison.
 - b) Cabinet Liaison:
 - Arrangements for pre-scrutiny of Cabinet business;
 - Meeting arrangements;
 - Questioning Portfolio Holders;
 - Annual Cabinet priorities.
 - c) Scrutiny Panels:
 - Membership / role of Standing Panels;
 - Progress reporting and achieving outcomes from Panels;
 - Managing Scrutiny Panel business.

- d) Call-in procedures:
 - Presentation of Call-ins;
 - Responses by Portfolio Holders;
 - Briefing by Chairman of Overview and Scrutiny.

 - e) Scrutiny of External Organisations:
 - Engagement with the public;
 - Layout of the Chamber;
 - Selecting the right forum for external scrutiny;
 - Following up on undertakings given;
 - Avoiding pre-prepared presentations;
 - Preparation: liaison with the public and other councillors;
 - Managing Questions / setting of objectives.

 - f) Budget Scrutiny:
 - Assessing the effectiveness of the present Finance and Performance Management Scrutiny Panel;
 - Determining the correct role of Overview and Scrutiny in budget preparation and monitoring;
 - Budget documentation for OSC;
 - Programming O&S involvement in budget making.

 - g) Public Profile of OSC:
 - Public awareness;
 - Determining the work plan each year (including the PICK system);
 - Questions from the public for Portfolio Holders / OS Committee.
3. To examine and review any other operational aspects of Overview and Scrutiny.

The Panel

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

Councillors K Angold-Stephens (Chairman), R Gadsby (Vice Chairman), A Grigg, M Sartin, D Stallan and J H Whitehouse

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

They had been charged with reviewing Overview and Scrutiny operations generally within the Council with particular reference to relations between the Cabinet and Overview and Scrutiny. This decision was made following attendance by a number of members at a joint training session on Overview and Scrutiny convened jointly with Harlow Council.

The Panel considered the scoping report for the Panel reviewing their terms of reference and the timescale for the completion of the review. They noted that:

- a) The rules on 'Questions from the public' were being reviewed at present and may well be changed by Cabinet and Council by next February;
- b) The members of the Panel discussed the possibility of Chairmen being given the discretion to allow more than the stipulated number of public speakers at any meeting;
- c) The Panel agreed that they should also look at how the Council Chamber should be laid out, especially when the O&S has a presentation. Should they all be on the same level so that the Committee did not have to look up to them?
- d) Should the Committee be introduced to visitors so that they knew who they were talking to and what wards they represented, or was it that the Councillors were there to represent the district as a whole;
- e) Should topics at presentations be limited in number so that they could be considered in more detail;
- f) They noted the comments made in the recent interviews with members that O&S needed to be reviewed as it lacked bite; and
 - that there were concerns on the appointment of the Chairman and Vice Chairman of the O&S Committee;
 - there were concerns over the whipping of members over O&S matters;
 - that the relationship between O&S and the Cabinet did not seem as good as it could be, they did not seem to be working well together;
- g) That the O&S Committee and the Cabinet meetings were too close together;
- h) Would it be better to use the forward plan to review the Cabinet's work over a three month period;
- i) Councillor Waller would like to address the Committee – this was agreed;
- j) For wider geographical topics such as public health, would joint scrutiny with an adjoining authority be more useful;
- k) There was a need to scrutinise how outside bodies were dealt with;
- l) How do you get members more involved in the process?
- m) The work of the Standing Panels be reviewed, are they in the right format?
- n) There were concerns raised over budget monitoring, with too much detailed figure work going to the scrutiny panel, that was really more for the Cabinet to deal with. It was thought that Scrutiny should look at the broader budget issues, and not the detailed figure work;
- o) The Panel would like a report on this from the Director of Finance brought to its next meeting, it would also be a good idea for the Chairman of the Finance Standing Panel to attend this meeting as well;
- p) Should the relevant KPIs go to the relevant Standing Panel to look at and not to the general Finance Panel;
- q) All Panel Chairmen should be consulted on what they think was right or wrong with the present system;
- r) That the present Call-in system worked well, but was a five day deadline long enough?
- s) Was there a procedure for "calling back a call-in" – if the lead member of a call-in, having met with the relevant Portfolio Holder and having come to a mutually agreeable solution, could a call-in be withdrawn? and
- t) That there was some concern over the arrangements on how call-ins were heard. The Portfolio Holder had to wait for the lead member of the call-in to speak and then had to wait for any other member of the call-in to add their comments, which was potentially five other speakers, who could speak before the Portfolio Holder had a chance to put their view across.

The Panel clearly had a lot to consider and review and took approximately 10 months to deliver its final report to the Overview and Scrutiny Committee, spanning two

municipal years.

The Panel reported to the O&S Committee on 20 May 2013 with their provisional recommendations and the Committee made a number of comments and raised questions about some of our proposals.

The Audit and Governance Committee requested an opportunity to review the interim findings and also the process of the review itself, to seek assurance, from the point of view of good governance and that the review was a robust one. The Audit and Governance Committee received a report with the interim proposals at its meeting on 27 June 2013 and was happy with the process.

The final report of the Panel made recommendations on:

- The appointment of the Chairman of the Overview and Scrutiny Committee;
- The liaison between the Cabinet and the Overview and Scrutiny Committee;
- Improving the Overview and Scrutiny Work Programme;
- Minor proposals in relation to the Scrutiny Panels;
- The revision of some of the Call-in procedures;
- The scrutiny of external organisations;
- The scrutiny of the Budget;
- The scrutiny of Key Performance Indicators;
- The public profile of Overview and Scrutiny;
- The consideration of items from the public for scrutiny;
- Encouraging participation by the public; and
- The type of training Members should receive on scrutiny matters.

These recommendations were accepted by the parent Overview and Scrutiny Committee and would be put into action when practicable.

