

# EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

<b>Committee:</b>	Overview & Scrutiny Committee	<b>Date:</b>	Thursday, 3 June 2021
<b>Place:</b>	Conference Suite - Civic Offices	<b>Time:</b>	7.00 - 8.45 pm
<b>Members Present:</b>	Councillors M Sartin (Chairman) R Jennings (Vice-Chairman) P Bhanot, P Bolton, I Hadley, S Heather, J Lea, A Lion, T Matthews, S Murray, S Rackham, J H Whitehouse, D Wixley, S Heap, J McIvor and C P Pond		
<b>Other Councillors:</b>	Councillors N Avey, S Kane, A Mitchell, C Nweke, A Patel, J Philip, D Sunger, C Whitbread and H Whitbread		
<b>Apologies:</b>	Councillors R Baldwin, D Plummer, P Stalker and K Williamson		
<b>Officers Present:</b>	G Blakemore (Chief Executive), A Buckley (Communications Officer), T Carne (Corporate Communications Team Manager), V Messenger (Democratic Services Officer), S Mitchell (PR Website Editor), A Small (Strategic Director Corporate and 151 Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)		

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## 1. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that this meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

## 2. SUBSTITUTE MEMBERS

The Committee noted the following substitutions that had been appointed:

- Councillor S Heap as substitute for Councillor D Plummer;
- Councillor C P Pond as substitute for Councillor R Baldwin; and
- Councillor J McIvor as substitute for Councillor K Williamson.

## 3. MINUTES

### RESOLVED:

That the minutes of the meeting held on 15 April 2021 be taken as read and signed by the Chairman as a correct record, subject to the following amendments to Select Committees – Work Programmes (a) Stronger Communities Select Committee (Min no 100 (a)), paragraph 3, sentence 3, to amend ‘Sunder’ and ‘she’ to read:

Councillor D Sunger noted that Councillor J H Whitehouse would like a report on what was happening to the collections to be considered at the next meeting.

## 4. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council’s Members’ Code of Conduct.

## 5. PUBLIC QUESTIONS & REQUESTS TO ADDRESS THE OVERVIEW AND SCRUTINY COMMITTEE

The Committee noted that no public questions or requests to address the meeting had been received.

## 6. EXECUTIVE DECISIONS - CALL-IN

The Committee noted that no executive decisions had been called-in for consideration since the previous meeting.

## 7. CORPORATE PRIORITIES 2021/22

The Leader, Councillor C Whitbread, presented an overview of the Council's corporate priorities for 2021/22 at the Committee's first meeting in the new municipal year and it was appropriate to physically be in the refurbished Civic Offices. Over the coming weeks members would be invited to tour the building. Good progress was being made with partners and this underpinned the transformation process. This fundamentally protected frontline services and the Council as a low Council Tax authority.

**New era** - improved technology had been rolled out to enable virtual meetings via Zoom to take place over the last year. The remainder of the Council's estate had moved forward and would be producing returns for residents. Qualis was more than a development company as it provided council housing alongside other development projects and would bring greater savings and returns. There were five sites in Epping, with another sports centre. Qualis' Four-Year Business Plan would set out its future developments and plans. If the Council was to provide frontline services, it had to maximise its assets.

**Renewal** was the theme of the Leader's presentation. The way we worked would change so would other things change. Businesses would not be seeking to return to the City but would move local, leading to partnership arrangements for use of the Civic Offices and commercial interest in the top floor. There would be a further report to Cabinet on the regeneration of the high streets.

**Renewal environment** – more charging points were needed. More hybrid meetings held virtually would result in less road usage, which was better for the climate. The first priority was the Local Plan, as it was more important than ever to have planned development, not unplanned. The robust process for the Local Plan was started ten years ago. The main modifications that had been with the Inspector would be taken forward to consultation in July 2021. There was a need for homes to reduce homelessness.

**Council housebuilding programme** – the Council was proud to deliver this, and so too should members, and to give young people the best chance possible with developments of mixed tenures.

**Income / assets** – normal parking tariffs had started again in June, but the Council had been flexible and agile with car parking charges. North Weald Airfield was the Council's biggest asset. The National Police Air Service and Air Ambulance were based there, and the airfield was a large asset commercially. The Council was also working on a masterplan for North Weald. Pre-scrutiny was important for the scrutiny committees. In particular, the town centre regeneration reports would be going to Overview and Scrutiny Committee very soon. It would be a busy year ahead for the Council and certainly busy for the scrutiny committees.

Councillor S Murray was supportive of the Leader, but it was important to scrutinise carefully and be healthily sceptical, as scrutiny was important, and it helped the Cabinet. The Councillor was not impressed the Member of Parliament had been

shown round the Civic Offices before members, so he hoped this would be soon. As Buckhurst Hill, Chigwell and Loughton town centres had not benefitted from Central Government and County grants during Covid, member involvement should be allowed on these town centre reports. The Local Plan's ten-year progress had been very interesting and different for various communities as he thought some had been treated more fairly. It would be a greater benefit to the environment if more virtual meetings were held. Councillor C Whitbread replied that Councillor Murray had made some good points and liked – positively sceptical. The Leader was proud of the refurbished Civic Offices and had shown the Member of Parliament and the County Member for Library Services around. The Leader was supportive of officers to advise on the town centre reports. There would always be winners and losers with the Local Plan. The Council was now looking forwards to infrastructure to go with the Local Plan.

Councillor S Rackham agreed it would be a challenging year ahead and scrutiny was vital. What other interaction had there been with other local authorities prior to setting up Qualis? In relation to high streets and partnerships, what sort of partnerships would there be in future? Councillor C Whitbread replied that a healthy amount of scrutiny and scepticism was beneficial. In the initial phase of Qualis a lot of advice was received from other local authorities on failures and successes, as there were always lessons to be learnt. After the Covid pandemic things had fallen behind and it had brought the best and worst out of people, in equal measures. The Council was looking forward to delivering for local people and high streets would change. After 21 June 2021, it was hoped the Government would allow a full unlock. With more people working from home they were getting into a routine and taking lunch breaks but were using the high streets and doing more locally.

Councillor McIvor agreed scrutiny was important and pleased about support of the high streets and that North Weald Airfield played an important role. How was the success of renewal measured? Councillor C Whitbread replied by modernising what we did and by changing the way we did things. The Civic Offices were a modern place to work. With agile working and through great teamwork we had managed to create a civic centre that was future proofed. There had been lots of interest in the third floor as businesses and people would not be returning to the City, so this was a win for Epping. We can survive and bounce back, and this was a good place to start from.

In relation to electric vehicles and air quality across the whole District, Councillor A Lion asked how the roads were going to be developed? Councillor C Whitbread replied this work was ongoing and the Council had employed a Sustainable Transport officer. Also, Councillor Lion's work on broadband in the District early on had meant the Council was doing the right things. With more electric charging points this was moving into becoming more sustainable.

Councillor S Heap asked if staff were okay with agile working and asked about Qualis Commercial? Councillor C Whitbread replied its staff were very important and were a most valuable commodity. The Chief Executive held regular staff briefings, so staff were fully engaged but it was important to listen to staff feedback and come together and move forward. Transformation was ongoing. Qualis Commercial was an important part of Qualis and had started to operate with the five Epping town sites.

Councillor M Sartin acknowledged that there was a lot of work ahead and this would be an opportunity for members of the scrutiny committees to question the work of Cabinet.

## 8. POLICY ON OUR APPROACH TO TREES CAUSING STRUCTURAL DAMAGE TO ASSETS

The Council had a dual responsibility, to protect trees in the interests of public amenity, but also to try and ensure that no individual suffered undue loss, distress or damage resulting from Council owned and managed trees. The Council's current approach was ad-hoc and some residents were experiencing issues, such as not being able to open windows or keep properties warm due to tree root damage. The proposed policy took a structured approach and would enable the Council to take a consistent approach to the challenges of tree root damage. It also defined the decision-making process. The report author, D Fenton (Director of Housing and Property), had been unable to attend this meeting. The Strategic Director, A Small, professed to having a limited knowledge but would try to answer questions.

Many technical questions were raised and a selection of these included those below.

- Appendices 1 and 2 although referred to in the report were not detailed as such in the report.
- How long would the key evidence take to collate – days, a month or longer?
- The process of evaluating the cost of replacing trees as trees could attract high premiums if trees were very old and sometimes this could involve large sums.
- What was 'Contact trees'?
- There was support for a minimum of two replacement trees for every tree removed preferably within the locality, but what size trees would be used as replacements? The more mature the replacement tree the better the take up.
- If a tree did fail would the contractor that supplied the tree be asked to replace it, for example within the first year?
- Would not want to see the Council's responsibility had ended if a tree died after six months.
- What, if any, was the Council's role about trees on pavements? Loughton Roding ward had disastrous pavements caused by the roots of many trees that had been planted there by Chigwell Urban District Council.
- Were trees on grass verges the responsibility of Essex County Council?
- There were grammatical errors in the report and policy that needed correcting.
- The draft policy was based on damage of trees, but did the Council have a parallel policy of damage of our trees on people?
- Use of 'likely to be viable' was too litigious as it implied the causation was already proven but better to use 'may be viable'.
- Suggestion to use, 'failing mediation landowners could be compelled through court action...'
- If mature trees were being felled, could the person doing the tree works cut the tree into the biggest sizes possible as these were worth a fortune as timber.
- As an authority we had a lot of tree specialists but did the Council need to recruit more?

A Small commented that trees on highway verges were usually the responsibility of Essex County Council and there was some commonality between the two policies as the draft tree policy was based on County's. The Council would deal with cases as quickly as possible but there could be delays with third parties. Technical software was used to determine the value of trees and 'Contact trees' was an officer email address. Councillor H Whitbread, Housing Services Portfolio Holder, replied that she would ensure the Director of Housing and Property responded to members' questions after the meeting.

Councillor D Wixley was a tree warden and tree enthusiast. The software used to assess the values of trees had been devised by C Neilan, a former Council tree officer. The policy should be reviewed annually in his opinion not every five years. Various responsible persons were stated in the draft policy but were tree officers a responsible person. What about damage to drains by trees not just damage to buildings? Council tenants had a responsibility for looking after trees under a tenancy but the cost of sorting a tree out could be expensive. In his opinion there needed to be some leeway on trees in tenants' gardens as it could be difficult for a tenant to afford. Cllr H Whitbread replied that a one-year review might be sensible. The draft policy in relation to garden trees would be looked into further. A Small added that there had been a lack of consistency in the past and having a policy would help.

Councillor S Rackham asked if residents would report trees in the same way as previously and what if officers were inundated with cases under the new policy, would there be a points system? What would the costs be to the Council? Councillor H Whitbread replied the Council was unlikely to be inundated with cases. A Small added that the Council did not anticipate lots of new cases just consistency.

Councillor A Lion asked if this could be made more customer friendly to use as it was a technical document. Was there a database of preserved trees? Was there a way of identifying a tree of being at risk of causing damage? The way the flowchart was looking at this was that it was damage to Council properties, not private, although this was picked up in the report. Residents should be given the opportunity to use this document. Councillor H Whitbread replied that the Council had good relations with housing tenants and held Housing webinars.

Councillor M Sartin asked if the District had any mines or swallow/sink holes? Councillor J Philip affirmed there were sink holes.

Councillor M Sartin asked for the responses to members' questions to be circulated to all members.

**RESOLVED:**

- (1) That the Council's approach to dealing with trees which were causing structural damage to its assets was reviewed and recommended that the policy be presented to Cabinet for approval; and
- (2) That responses to members' questions be circulated to all members (see post meeting update below).

*(Post meeting update: Responses to members queries were detailed, as below.*

Regarding a general query on the scope of the Policy and guidance and what trees were included – *Additional information had been added in the introduction for clarity.*

A general query on 'contact trees' that was included in the Policy and guidance – *This had been altered to the full [contacttrees@eppingforestdc.gov.uk](mailto:contacttrees@eppingforestdc.gov.uk) email address for clarity.*

Councillor M Sartin – regarding Appendix title request – *this had been done.*  
Replace reference to mines with sinkholes – *this had been done.*

Councillor B Jennings – regarding slight wording alteration requests – *these had been done.*

Did we have a timescale for undertaking a Key Evidence Review?

*That would depend on the results of the level of monitoring undertaken (minimum 12-months).*

Did we know the monetary value of high amenity value trees?

*This was currently not known and would be part of the individual tree assessment.*

Requested more detail on replacement trees especially size and warranties against early tree failure.

*These had been referenced in the Policy and guidance.*

Councillor S Murray – regarding questions on street trees – please see Countryside and Landscape response below:

1. The role of the Council for trees planted on the pavement;

*There was an agreement between EFDC and Essex County Council that the Local Authority managed the street trees on behalf of ECC and paid us a fee for this. EFDC could make decisions regarding works to trees (thinning, pruning etc) but an actual fell would have to be decided and instructed by ECC.*

2. Did the Council have any influence on the type of tree being planted?

*The EFDC Tree Officers recommended what species was to be planted where taking into account rate of growth, eventual size, proximity to buildings etc. This had to be agreed by ECC but that was really more of a formality as County did not pay for replacements.*

Councillor D Wixley – requested the review date to be changed to annual – *this had been done.*

Error in item 11.2 – *this had been rectified.*

Damage to drains would be identified early in the Property Subsidence Investigation.

Expressed concern over trees being the tenant's responsibility especially when tenants were elderly and requested the Tenancy Agreement was reviewed.

Councillor J H Whitehouse – enquired about the Council's Plain English Officer and grammatical errors in the Policy – *details would be provided out of the meeting.*

Councillor S Heap – requested that approved contractors were used for any tree works – *this had been added to the Policy and guidance.*

Councillor P Bhanot – slight wording alteration requests – *these had been done.*

Councillor I Hadley – enquired about trees causing damage to people and whether the Council had Policy and guidance on this?

*Injuries to the public from dangerous trees would be subject to a Health and Safety Executive investigation.*

For information: Internal consultation queries were received from:

- Countryside and Landscape
- Corporate Insurance
- Planning Services (Trees and Landscape)

## 9. CABINET BUSINESS

Cabinet's Key Decision List (KDL) updated to the 1 June 2021 was scrutinised by the Committee and the following points were raised.

### (a) Leader Portfolio

Regarding the Qualis Four-Year Business Plan, Councillor S Murray, commented that a consistent approach on when items were going to scrutiny in the KDL would be

helpful, so it did not have to be cross-referenced with the Overview and Scrutiny Committee work programme. Councillor S Murray also asked how progress was going with partnerships within the Civic Offices. Councillor C Whitbread advised this was going well, and more information would be reported shortly.

**(b) Planning and Sustainability**

It was noted that A Blom-Cooper no longer worked for the Council, so the officer's name needed to be updated.

**(c) Finance, Qualis Client and Economic Development Portfolio**

The Town Centre Regeneration of Loughton, Epping and Buckhurst Hill, which was being pre-scrutinised at an extra meeting of this Committee on 8 June 2021, would be the first opportunity for members to review. Councillor S Murray continued that the report on the sale of Pyrles Lane site to Qualis also needed to be looked at carefully on 8 June as he did not like the tone of the report. The Portfolio Holder, Councillor J Philip, replied that these were independently commissioned reports on the town centre regeneration and the consultant/report author had consulted with local members, and apologised if he had not been consulted. Not all the options in the reports would be taken forward. Councillor J Philip had a different view of the reports to Councillor Murray. When planning permission lapsed for the Pyrles Lane site the Council did approach Qualis, as Qualis was there to help work with the Council and it must be for the benefit of our residents and of benefit to Qualis.

Councillor A Lion asked about regeneration for Chigwell and local businesses. Councillor J Philip replied it was being rolled out to four town centres so would be returning early to this committee to be scrutinised and would include large rural town centres and North Weald. It was about partnerships working with the Council. Also, anything that was put in place had to be sustainable and to get businesses involved was the right way forward.

**(d) Environment and Technical Services Portfolio**

The Overview and Scrutiny work programme had 'tbc' for the pre-scrutiny of the business case for the transfer of MOT, Fleet and Grounds Maintenance services to Qualis yet the KDL showed the Cabinet decision was due on 13 September 2021. Would an extra meeting of this Committee be arranged? The Portfolio Holder, Councillor N Avey, replied that he would advise the Executive that the Committee should be able to consider the business case before Cabinet took any decisions.

**(e) Housing Services Portfolio**

Councillor S Murray emphasised that there were three items that needed to be pre-scrutinised by a scrutiny committee – the Council's Allocations Policy, Tenancy Policy and Housing Strategy. All had been allocated a decision date by Cabinet of 7 March 2022. Councillor M Sartin replied that it was expected that these three items would go to a select committee but the select committees' work programmes within this agenda were for last year. Councillor H Whitbread, Housing Services Portfolio Holder, advised that Stronger Communities Select Committee would be undertaking this pre-scrutiny. Also, Councillor H Whitbread advised that the Waltham Abbey Community and Cultural Centre came under Councillor A Patel, who was the Community and Regulatory Services Portfolio Holder.

Councillor J H Whitehouse queried the following items:

- Use of the wording 'taken through Governance structure' for the Council's Allocations Policy, Tenancy Policy and Housing Strategy as the wording should be clearer and that it would be coming to the Communities Select Committee, as the Portfolio Holder had confirmed at tonight's meeting;
- How the Review of Tenancy Strategy, tied up with the Tenancy Policy item; and
- Corporate Aims & Key Objectives 2019/20 for the select committees did not align with the current Terms of Reference of those scrutiny committees, which they should, and how this could be achieved perhaps by being reviewed by the Constitution Working Group. Councillor J Philip advised that the select committees had the authority to change their Terms of Reference, provided this was approved by the Overview and Scrutiny Committee and did not need to go to the Constitution Working Group.

**RESOLVED:**

- (1) That the Committee reviewed the Executive's current programme of Key Decisions of 1 June 2021;
- (2) That under the Planning and Sustainability Portfolio the officer's name needed to be updated;
- (3) That pre-scrutiny of the business case for the transfer of MOT, Fleet and Grounds Maintenance services to Qualis be facilitated to meet the Cabinet decision deadline of 13 September 2021; and
- (4) That Stronger Communities Select Committee would be undertaking pre-scrutiny of the Council's Allocations Policy, Tenancy Policy and Housing Strategy.

**10. OVERVIEW & SCRUTINY COMMITTEE - WORK PROGRAMME**

The Democratic and Electoral Services Manager, G Woodhall, commented that the number of standing items had reduced from five to three. There was no external scrutiny listed on the work programme, but this could be discussed at the forthcoming Overview and Scrutiny Agenda Planning Group as the work programme was a working document that could be revised throughout the year.

Councillor M Sartin reminded members of the extra Committee meeting on 8 June 2021 and that a large number of items would be going to 1 July meeting. There would be an opportunity to scrutinise external groups later in the year, which members should give serious consideration.

Councillor J H Whitehouse would welcome not having to scrutinise external agencies and rather scrutinise the Council's internal services for the benefit of residents.

Councillor S Murray suggested that perhaps the Committee might need to respond only if there was a real concern and also that Essex County Council (Children's Services) should not be the first item on the Reserve Programme. Epping Forest Sixth Form Consortium, the second Reserve Programme item, should have been scrutinised earlier as the Sixth Form Consortium had been in operation for six years, but it had never in reality operated as a consortium. Councillor M Sartin asked if members wished to remove the Epping Forest Sixth Form Consortium from the Reserve Programme, which was agreed.



It was noted that the Scrutiny of External Organisations on pages 69 – 72 of the agenda was for information and gave a summary of all the local authorities and organisations that had been scrutinised since 2014.

**RESOLVED:**

- (a) That the Committee noted its current work programme; and
- (b) That the Committee agreed to remove Epping Forest Sixth Form Consortium from the Reserve Programme.

**11. OVERVIEW & SCRUTINY SELECT COMMITTEES - MEMBERSHIP 2021/22**

Article 6 of the Council's Constitution required that the Committee determined the number of select committees and reviewed them. In addition, the membership of the select committees was to be appointed by the Overview and Scrutiny Committee at the first meeting each year, as such appointments were reserved to the Committee and not made by the Council.

Councillor S Murray remarked that he was pleased that two of the new select committee vice-chairmen were new members.

**RESOLVED:**

- (1) That, in order to reflect pro rata requirements and the lowest number of members necessary to achieve cross-party representation in the rules of the Constitution, each of the select committee comprise 11 members for 2021/22;
- (2) That appointments to the select committees for 2021/22 as set out in the appendix to these minutes, be adopted; and
- (3) That appointments be made to the positions of Chairman and Vice-Chairman of each of the Select Committees for 2021/22, as set out in the appendix to these minutes.

**12. SELECT COMMITTEES - WORK PROGRAMMES**

Councillor J Lea asked if our housing associations where perhaps work was not being done, could be scrutinised? Councillor H Whitbread agreed that this was a good question, and there was the wider question to ask around housing associations. Councillor S Murray also agreed and that this should be undertaken by the Stronger Communities Select Committee.

Councillor M Sartin advised that it was for the select committees to look at their work programmes at the first meeting in the new municipal year.

**13. EXCLUSION OF PUBLIC AND PRESS**

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

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## OVERVIEW & SCRUTINY SELECT COMMITTEES

### APPOINTMENTS 2021/22

<b>Stronger Communities Select Committee (11)</b>
<b>Chairman:</b> J Lea
<b>Vice-Chairman:</b> R Balcombe
<b>Conservative Group:</b> R Balcombe, H Brady, I Hadley, J Lea, S Rackham, K Williamson
<b>Green Party Group:</b> D Plummer
<b>Liberal Democrat Group:</b> J H Whitehouse
<b>Loughton Residents Association Group:</b> D Wixley, C Nweke
<b>Independent Members:</b> S Murray

<b>Stronger Council Select Committee (11) *</b>
<b>Chairman:</b> P Bolton
<b>Vice-Chairman:</b> T Matthews
<b>Conservative Group:</b> R Bassett, P Bhanot, P Bolton, H Brady, H Kane, T Matthews, R Morgan.
<b>Green Party Group:</b> S Neville
<b>Liberal Democrat Group:</b> J M Whitehouse
<b>Loughton Residents Association Group:</b> R Brookes, J Jogia
<b>Independent Members:</b> -

**Stronger Place Select Committee (11)**

**Chairman:** A Lion

**Vice-Chairman:** R Morgan

**Conservative Group:** R Balcombe, R Bassett, J Share-Bernia, I Hadley, S Heather, A Lion, R Morgan

**Green Party Group:** S Heap

**Liberal Democrat Group:** C McCredie

**Loughton Residents Association Group:** M Owen, J Jennings

**Independent Members:** -