

EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

Committee:	Overview and Scrutiny Committee	Date:	Tuesday, 28 January 2014
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 10.03 pm
Members Present:	Councillors R Morgan (Chairman, Overview and Scrutiny Committee) (Chairman) K Angold-Stephens (Vice-Chairman) G Chambers, K Chana, L Girling, D Jacobs, Ms H Kane, P Keska, A Lion, S Murray, J Philip, Ms G Shiell, Mrs P Smith and D Wixley		
Other Councillors:	Councillors Mrs A Grigg, Ms J Hart, P Spencer, D Stallan, Ms S Stavrou, G Waller, Mrs E Webster, C Whitbread, Mrs J H Whitehouse and J Wyatt		
Apologies:	Councillors T Church, A Mitchell MBE and B Rolfe		
Officers Present:	D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), T Carne (Public Relations and Marketing Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)		
By Invitation:	N Bishop (Essex Probation Service) and A Saward (Essex Probation Service)		

58. WEBCASTING INTRODUCTION

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

59. SUBSTITUTE MEMBERS

It was noted that Councillor G Shiell was substituting for Councillor A Mitchell and that Councillor P Smith was substituting for Councillor B Rolfe.

60. MINUTES

RESOLVED:

That the minutes of the meeting held on 26 November 2013 be signed by the Chairman as a correct record.

61. DECLARATIONS OF INTEREST

Councillor G Chambers declared a non pecuniary interest in the following item of the agenda, by virtue of being employed by Barts Health NHS Trust. He advised that he would remain in the meeting for the duration of the item:

- Item 11 - possible presentation by Whipps Cross Hospital

62. PRESENTATION FROM THE PROBATION SERVICE

The meeting welcomed two officers from the Harlow office of the Essex Probation Service, Neeve Bishop and Adrian Seward. 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 around the aspiration of what was termed ETE, Education, Training and Employment, essential for the rehabilitation of an offender.

Councillor Murray asked how they measured success; what were the criteria they used; what percentage was successful and why was the Government privatising this service. He was told that they were involved in a case from the start to the end of an order and also looked at the reoffending rates; they had about an 86% success rate. They could not say why the Government was privatising the probation service.

Councillor Janet Whitehouse asked where did the probation staff come from. She was told that their officers came from a variety of former occupations such as social workers, musicians, bouncers etc.

Councillor Spencer noted that a lot of problems started at an early age; he would like to know what if anything they did at schools. He was told that this was the remit of the Youth Offenders Services, a separate body from the Probation people, but they did work with these child orientated agencies.

Councillor Murray noted as a teacher that there was a lot of specific work being carried out with pupils trying to identify possible future offenders and to work with them.

Councillor Jennie Hart asked what the percentage of reoffending was. She was told that they did not have those figures to hand but would provide them at a later date.

Ms Bishop and Mr Seward then tackled the questions sent in by Councillor Ken Angold-Stephens:

- Q.** How many offenders are on CSO's in the District at present?
A. There are presently 350 in custody or in community service.

- Q.** Do they have a timescale to complete their CSO by?
- A.** I took this to mean a Community Punishment Order. Any hours given by a court are expected to be worked in a 12 month period. Anyone unemployed was expected to work a minimum of 4 days a week, working 7 hours a day and up to 28 hours a week.
- Q.** Are there enough projects/jobs they can do for them all to be able to complete them?
- A.** We are always looking for more. If you have any suggestion or ideas please go on to our probation website and follow the links; or you can contact our office directly.
- Q.** What if they are unable to complete their sentence because of lack of suitable work within an acceptable timescale?
- A.** This does not happen.
- Q.** What are your criteria for selecting suitable jobs, including health and safety considerations?
- A.** When looking at projects we take into account they are with non-profit making organisations or registered charities etc. We do not do work that could potentially be paid; we would not want to take away employment from an individual. As for Health and Safety, we do a risk assessment for each project and a six monthly review. We do not take on hazardous work or work at heights. We also tend to work in groups of 8 doing a whole days work.
- Q.** Do you have enough staff to supervise them or is this left to on-site managers of whatever project they are working on?
- A.** Yes. We ask that the beneficiary comes in at the beginning and at the end of the day and provide some supervision during the day. Only if they are on individual placements, such as a charity shop, then that would be the responsibility of the manager. We could not have someone with them all day, although we do check up on occasion. We also get feedback on each day's performance.
- Q.** How time-consuming is it for your team to plan and arrange appropriate work?
- A.** It's not time consuming, it's our job.
- Q.** Do any fail to complete their CSO and what happens then?
- A.** This depends if they are on a Community Order or a Suspended Sentence order. A Community Order would normally go back to court once or twice before a custodial sentence was potentially given.
- Q.** Do you think CSO's are beneficial to the offender and are there any statistics that indicate re-offending rates?
- A.** I have requested figures on this and will send it on to you. In Essex in 2012 the total group hours worked was 140,457, with individual placements totalling 87,449 – taking the average of the minimum wage that would be about £1.6 million reinvested into the community last year.

Councillor Whitehouse asked that when they spoke about Epping what did they mean. Ms Bishop said that they meant Epping Forest District.

Councillor Waller said that they had showed an encouraging, realistic film. He noted that there was a change in prospect for the probation service. Would they be transferred across to the new privatised service? Mr Saward said that this was currently being decided. 35% would go to the National Probation Service and 65% to the private organisation. Ms Bishop commented that the national Probation Service was for high risk offenders. Essex staff have already been sifted into each organisation and you should not see any difference in the service provided initially.

Councillor Morgan asked what would happen when the court in Harlow closed. He was told that it would move to Chelmsford for two or three years. There should be no change to the Harlow premises.

Councillor Stavrou had noted that probation was good for low risk offenders and petty crime. But she was concerned about the release of high risk offenders. It seemed to her that they could have had the appropriate courses while they were still in prison and not wait until they were out on probation. Ms Bishop said it showed the many restrictive conditions put in when that man was released. The Probation Service had no choice about when he was released.

Councillor Webster agreed with Councillor Stavrou concerns but added that the Probation Service did an excellent job.

The Chairman thanked Ms Bishop and Mr Saward for their presentation and answering the questions of the members, commenting that the Probation Service did an excellent job.

63. CABINET REVIEW

The Committee then considered the Cabinet Agenda for their meeting to be held on 3 February 2014. Councillor Chambers commented, that under agenda item 12, Establishment of an Economic Development Strategy, where it talked of funds for health centres. He wanted to register that he was in favour of this.

Councillor Philip wanted to say that the Constitution and Member Services Standing Panel fully endorsed the continuation of the consultation as outlined in agenda item 14, the Review of Licensing – Staffing and Budget report. He also endorsed item 16, the Historical Planning Records Microfiche Project. He noted that it was expensive but we had to do it now or lose access to the microfiche files.

He then went on to endorse item 22, the part two report on the Wide Area Network Contract Renewal, saying that the proposed route was the correct way to go.

Councillor Murray commented in relation to agenda item 20 – Council Budget 2014/15, recommendation 3(b). He wished it noted that he was in support of it.

64. REVIEW OF OFFICER DELEGATION

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 new structure altered the number of Directors and re-allocated functions across the new Directorates and that this resulted in existing delegated authorities being exercised by different post holders. However, the scope of the delegation was largely unaltered although an opportunity had been taken to update electoral matters as

some recent changes, including referendums, were not covered.

Attention was drawn to three positions, set out in recommendation (3) of the report, which could not be finalized at present pending the outcome of ring-fenced interviews to an Assistant Director position as part of implementation of the new structure. It was recommended that once an appointment to the position concerned had been made, the decisions of the Chief Executive and the Director of Governance on allocation of these roles be added to the schedule.

As always, those delegated authorities must be approved by either the Leader of the Council (Executive functions) or the Council (Council functions) before being published in the Constitution.

The Committee agreed the recommendations of the report.

RESOLVED:

- (1) That the proposed alterations to the schedules of officer delegation reflecting the new Directorate structure be approved with effect from 1 April 2014;
- (2) That the revised schedules be recommended to the Council or Leader of the Council (as appropriate) prior to publication in the Council's constitution; and
- (3) Noted that the delegated authorities in respect of Deputy Monitoring Officer, Deputy Electoral Registration Officer and Deputy RIPA Officer could not be finalized at present due to pending appointments required under the implementation of the new Directorate structure; but that once an appointment had been made, the decisions of the Director of Governance and the Chief Executive be added to the schedule.

65. ANNUAL REVIEW OF CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS

The Chairman of the Constitution and Member Services Standing Panel, Councillor Philip introduced the 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.

He advised the Committee that there had been a recent review by Internal Audit and this had resulted in the proposals set out in the report. He emphasize that the suggested changes to CSOs were points of detail rather than major alterations, being designed to reinforce existing requirements.

The Committee noted the emphasis in CSO 35 on the need to seek at least one local tender if possible. Councillor Philip also drew the Committee's attention to a typographical error in paragraph 5, it should have said £25,000 and not just £25.

It was noted that the recommended changes required the approval of the Council prior to publication in the Council's Constitution and in addition some clerical amendments to CSO's and Financial Regulations were required to reflect the recent approval of the new Directorate structure. The Panel recommended that these be

made by the Assistant to the Chief Executive when the approved revision was published.

RESOLVED:

- (1) That the proposed changes to CSOs as listed below, be approved as set out in the report and recommended to the Council for adoption and publication in the Council's constitution:
 - (a) CSO 35 (Local Businesses);
 - (b) CSO16 (Tender opening)
 - (c) CSO 19 (Acceptance of Quotations); and
 - (d) CSO 12 (Contract Extensions)
- (2) That any further alterations to CSO's and Financial Regulations to reflect changes arising from the recent Directorate restructuring be delegated to the Assistant to the Chief Executive for incorporation in the final version before publication.

66. VICE CHAIRMAN OF COUNCIL - APPOINTMENT REVIEW

Councillor Philip introduced the 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.

On consideration of the points system the Panel thought that this system had the effect of taking the control of the appointment process out of the hands of the members and secondly meant that no independent members would ever have been made the Chairman as it was based on group strengths. They therefore did not recommend its reintroduction.

They eventually made four recommendations that in summary were:

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

Councillor Murray thanked the Panel for this piece of work. He agreed with the bulk of the report but did have one concern. In Paragraph 8 it mentioned cross party support, but this did not square with paragraph 9(i) that the nomination should have the support of at least 15 members of the council. In practice this would put the nomination in the hands of one political group. He would like to add an amendment to say an amendment should have the support of at least two political groups, to offer some protection to the smaller parties.

Councillor Philip replied that his Panel did look at the group situation, at present there were only three groups in the council. To require having the support of two groups could discriminate against the third group. There was nothing to stop groups getting together and putting in a joint nomination. He believed that support of a quarter of the council was sufficient protection.

Councillor Jacobs said there were arguments on both sides. A quarter or a third of the council were both reasonable figures; but any proposals could be overwritten by a large majority.

Councillor Angold-Stephens noted that the appointments for Vice-Chairman had always been operated in a fair way, on a non-party political basis. Although, so saying, he would not want to go back to the points system. He had concerns about the 15 members figure; it was not fair to the smaller parties who might get enough support if it went straight to a full Council vote. Going beyond 12, potentially favoured the largest party. Also there were no criteria suggested for the selection of a Vice-Chairman. We should lay down some guideline such as having someone who was respected by all members and had some experience of the Chairmanship of Committees. There was a sort of job description in the Constitution that covered a lot of these points. Was this considered by the Panel? If not, he suggested that it went back to be reconsidered.

Councillor Philip welcomed Councillor Jacobs's statement and agreed with Councillor Angold-Stephens that it was difficult to do this sensibly. There needed to be a balanced approach to this. He agreed with the need for a 'job description' but the members of the Appoints Panel should know this criteria. This was all in the consultation.

Councillor Stellan commented that they did look at a number of options. His understanding of the old system was that non-affiliated members did not stand a chance to be chosen. With this system non-affiliated members had the same weight as a member of a leading political group. The issue was 12 or 15 members. You could have 15 other people sign another nomination form, there was nothing to stop two nominations going forward to full council, despite what the Appointment Panel may think. This appointment was the sole prerogative of the Annual Council meeting.

Councillor Janet Whitehouse noted that one third of the council goes up for election three years out of four and this can mean that some members are not available to sign the nomination papers or that newly elected councillors are asked to sign a form for someone they were not familiar with. Councillor Angold-Stephens had said that that the atmosphere in this council had always been very fair. This system would not favour the smaller parties and she would support the proposal to have two parties sign the nomination paper.

Councillor Philip replied that one third standing down each year was no different to the current situation. We just need 15 to sign who are all councillors at the appropriate time. The same would apply for new councillors voting at the Annual Council meeting for the appointment of a Vice-Chairman. No one has said that this is not a fair proposal. Councillor Stellan also disagreed with Councillor Whitehouse, also citing that newly elected councillors can vote at Annual Council, the same as at present.

The report having been well debated and voted on was agreed.

RESOLVED:

That a report be made to Council recommending the adoption of a new amended article 5 to the Constitution on the proposed changes to the process for the appointment of the Vice Chairman of Council.

67. WORK PROGRAMME MONITORING**(a) The Committee reviewed the Overview and Scrutiny Work Programme.****Overview and Scrutiny Committee**

The Deputy Chief Executive, Derek Macnab took the Committee through its current work programme noting that item 6 on their programme, the review of Epping Forest College, would be programmed into the April meeting of the Committee.

The item on the review of Mental Health Services in the district, item 11 of the programme, should be going to their February meeting.

Housing Scrutiny Standing Panel

The Vice Chairman of the Housing Panel, Councillor Shiell reported on their last meeting as she had chaired that in the absence of the Chairman, Councillor Murray, who was receiving a Lifetime Teaching Award at the first Essex Teaching Awards.

She noted that they had considered the proposed housing improvements and service enhancements for next year, also the review of parking enforcement measures on housing estates. The meeting noted that one of the enhancements they recommended on the housing improvements was the extension of the Housing Revenue Account funding for the Mow and Grow Scheme, operated by Voluntary Action Epping Forest for older and disabled council tenants.

With regard to the review of parking enforcement measures on housing estates, this was a matter referred to the Scrutiny Panel by this Committee following a request from Councillor Helen Kane who was concerned about the damage to grassed areas on residential estates, due to unauthorised parking by residents.

The Panel were reminded by officers of the Council's current policy which had been adopted following extensive reviews by the Housing Scrutiny Panel over three meetings between March 2008 and March 2009 and which was had been reviewed again – and confirmed again - in January 2011.

After a long discussion at their meeting, at which Councillor Kane had an opportunity to express and discuss her concerns, the Panel agreed that the current approach of undertaking enforcement measures on a “managed” basis should continue. However, they asked officers to provide all Members with information about the policy and actions that can be taken to respond to unauthorised parking in appropriate circumstances.

A query was raised by Councillor Philip about a Panel's report going directly to the Cabinet without coming first to this Committee. This would be considered at the next OSAPG meeting.

Constitution and Members Service Standing Panel

Councillor Philip noted that their reports were at this meeting for the Committee's consideration. He also noted that at a future meeting they would be looking at polling stations.

Safer Cleaner Greener Standing Panel

Noted that at their last meeting Mr Durrani took the Panel through the workings and responsibilities of the North Essex Parking Partnership.

Councillor Smith, a member of the 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 led to just a noting exercise.

Councillor Murray noted that he was still waiting for an answer about Highways money to be spent in Epping Forest, but was transferred to another area. He wanted assurance that this was being pursued. Mr Macnab noted that Councillor Knapman had addressed this point at a council meeting. We had not given this money away and would get it back next year when we will have officers to do this work. Councillor Chana, who was on the Highways Panel, confirmed that the funding had been moved for this year but we had not lost it.

Councillor Girling was unclear what was happening to Section 106 money at Highways meetings. Mr Macnab noted that Section 106 money was for specific developments and this gave us some transparency on where the money was spent.

Councillor Jacobs asked if we had the resources to fulfil the highway jobs. Mr Macnab said that the priorities were set by the Highways Panel. The lack of capacity at ECC of highways engineers seemed to be where the holdup was.

Councillor Chambers noted that the Panel's review of leisure management was on their work programme but was not in their terms of reference.

Planning Services Standing Panel

Councillor Wyatt, the Chairman of the Panel noted that they had cancelled their last scheduled meeting.

Finance and Performance Management Standing Panel

The Chairman of the Panel Councillor Lion noted that they had attended the January meeting of the Finance Cabinet Committee to discuss the proposed budget. He also noted that the members email system would be going to trial.

(b) Whipps Cross Hospital

The Committee noted the offer from the head of stakeholder relations and engagement at Barts. Hospital NHS Trust to send representatives to our meeting following the recent CQC report on Whipps Cross Hospital. There was also the proposal to link this with the item on the work programme to look at the Mental Health Services in the district.

Councillor Murray noted that the immediate issue with Barts had now passed and that most of the districts problems were with the Mental Health Services. He would not want them to come to the same meeting. It was more important to have them on their own and the Barts Hospital people at some other time. He formally proposed that the Committee have the Mental Health Services here in February and the Barts presentation some time in the new year. This was agreed by the Committee.

RESOLVED:

- (1) That, if possible, to have a presentation from the local Mental Health Services come to the February meeting and the Barts Hospital NHS trust to come in the new year'
- (2) If this proved to be impractical to get the Mental Health Services here at such short notice, then to try for the Barts presentation.

(c) Future Scrutiny Programme and Panels

The Committee agreed to receive a report at their next meeting to discuss the proposals for Scrutiny Panels and the new work programmes for 2014/15.

CHAIRMAN