

## EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

**Committee:** Overview and Scrutiny Committee      **Date:** Tuesday, 21 July 2015

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.25 pm

**Members Present:** Councillors R Morgan (Chairman, Overview and Scrutiny Committee) (Chairman) K Angold-Stephens (Vice-Chairman) N Avey, D Dorrell, L Girling, S Kane, P Keska, G Mohindra, S Murray, S Neville, B Rolfe, M Sartin, G Shiell, B Surtees and D Wixley

**Other Councillors:** Councillors R Bassett, A Boyce, A Grigg, H Kane, A Lion, J Philip, D Stallan, G Waller and C Whitbread

**Apologies:** Councillors T Church and A Mitchell MBE

**Officers Present:** S G Hill (Assistant Director (Governance & Performance Management)), I White (Projects Officer - Planning Policy), K Durrani (Assistant Director (Technical Services)), S Tautz (Democratic Services Manager), C Overend (Policy & Research Officer), T Carne (Public Relations and Marketing Officer), A Hendry (Senior Democratic Services Officer) and M Jenkins (Democratic Services Officer)

**By Invitation:** M Balkham (VAEF)

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### 13. 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.

### 14. SUBSTITUTE MEMBERS

There were no substitute Members for the meeting.

### 15. MINUTES

#### RESOLVED:

That the minutes of the Committee meeting held on 9 June 2015 be signed by the Chairman as a correct record.

### 16. DECLARATIONS OF INTEREST

Councillors S Murray declared a non pecuniary interest in agenda item 10 (b) – the PICK form submitted by Councillor Angold-Stephens on the 6<sup>th</sup> form consortium, by virtue of being a teacher at the Roding Valley High School. He advised that he would remain in the meeting for the duration of the item.

## 17. VOLUNTEERING THROUGH TIME BANKING

The Committee received a short talk on volunteering through time banking, from Marc Balkham the Voluntary Action Epping Forest (VAEF) time-bank co-ordinator; with him was Chris Overend the EFDC policy officer. His presentation is attached to these minutes for information.

Mr Balkham noted that this scheme covered the Epping Forest District as well as Harlow. This was about an exchange of time and skills between time bank members. They need only do what they wanted, when they wanted to. As they volunteered they built up time credits and were able to claim it back. Some examples of things that could be done were gardening, DIY, help with IT, languages, music or dance tuition. The scheme was free to join, with any exchanges covered by insurance. There was a simple online registration process that also required two referees. This was a requirement for joining, and both referees would be contacted and asked to provide a reference.

Some activities were best avoided such as providing direct care; anything carrying a financial risk; or repairs to cars and motorcycles for critical mechanical works such as breaks, steering or suspension; and childcare and anything connected with children.

Groups of members could become mini time banks, if they had a shared location or shared aims. Also, an organisation could become a mini time bank so that volunteers could bank hours to that organisation. Organisations that were members include Sue Ryder and Epping Forest Arts.

The meeting was then opened up to questions from members present.

Mr Balkham was asked how many members they had at present. He said that they had about 90 in all, covering the Epping Forest and Harlow area.

Councillor Surtees said he was reassured about them not working in child care but he needed more assurance about working with vulnerable persons of any age. Mr Balkham replied that everyone went through a vetting process. They did not allow one-to-one activities and no one under the ages of 16 was to be involved in time banking. But there was only a certain level of checks they could undertake and they relied on their national society to help and if necessary, carry out a Disclosure and Barring Service (DBS) check.

Councillor Sartin asked if they followed up on the references given and also were they hopeful of getting out into the more rural areas of the district. She was told that that they sent out a standard reference form to each referee. If satisfactory they would not need to follow up with a DBS. As for rural areas, they were trying to get as far as they could into the rural areas of the district.

Councillor Murray said that this service was new to him. Were they talking about Epping or Epping Forest; and what about the urban areas such as Loughton or Waltham Abbey? Also, what about the hours that people could take out or put in. He was told that they had moved into the Loughton area, but funding was finite for expansion but they were making progress. Waltham Abbey was a target for the future. As for hours, at present they had more people who give their time than take time out; they had people who have put in a hundred hours work and not taken anything out. Mr Overend added that if they could encourage the participation of employees and councillors, this would naturally spread the scheme out over the district.

Councillor Mohindra noted that they asked for two references, were they both taken up or was it just a judgement call. Mr Balkham replied that they sent out the reference forms to both of them and made a judgement call on what they received. If only one form was returned then they would chase up the missing one. If they did not receive a reply, then that applicant could not become a member.

Councillor Wixley asked if they paid expenses. He was told that everyone's hour was of equal value and they wanted to take the economics out of the scheme so they had no plans for expenses as yet.

Councillor Neville asked if the demographics really varied a lot. He was told that they did have a lot of older members, with some young members, but they needed to get the middle sections involved, people who were working but could put in a few hours.

Councillor Angold-Stephens noted that a lot of youth councillors did voluntary work; had they done a presentation to them as yet. He was told that they had given a presentation to the youth council, but unfortunately at that time they were just about to sit exams, but there was a lot of enthusiasm for the concept.

The Chairman thanked Mr Balkham and Mr Overend for their interesting presentation and for answering the questions raised.

## **18. CORPORATE PLAN - KEY ACTION PLAN 2016/17**

The Leader of the Council, Councillor C Whitbread, introduced the Corporate Plan, Key Action Plan 2016/17 report. The Corporate Plan included the aims and objectives which are the Council's highest level strategic intentions. He noted that they were putting this out earlier this year to get as much input as possible. This was an early opportunity for members to have some input into the Corporate Plan for 2016/17. This report was first seen by the Finance Cabinet Committee the night before who made several comments.

The report was then gone through page by page, with comments being taken as they went along.

*Aim 1(b) 4) – to facilitate the delivery of St. Johns Road redevelopment scheme – this set a target date of April 2016.* Councillor Angold-Stephens asked if they had alternative locations in mind as the time scale looked ambitious. Councillor Stallan replied that they were looking at other sites around the district. Officers would be providing reports on these; some strong sites have been identified so far.

Councillor Murray thanked the Cabinet for this early look at the Corporate Plan, it reflected the quality of the Cabinet that we had at present. Given the recent Budget and the impact it would have on councils, would it also have an impact on Council housebuilding programme. Councillor Stallan said that there would be a report about this going to a Council meeting and added that our Housing Revenue Account was in a better state than a lot of other Councils.

*Aim 1(b) 9) – secure planning phase 4 of the council housebuilding programme to provide up to 50 new affordable rented homes at various small sites in Loughton* – Councillor Neville asked if this should be Buckhurst Hill and not Loughton. Councillor Stallan said that his understanding was that this was right, but he would check with officers.

Councillor Murray said that he was happy to see that the support for Local Business Partnership and for the Council's Apprenticeship scheme was still there as this helped individuals and acted as a role model for other employers. He would also like to express his formal thanks to the Cabinet for letting this Committee make these early comments.

**RESOLVED:**

That the Committee considered and provided comments on the proposed Corporate Plan, Key Action Plan for 2016/17.

**19. REPLACEMENT WASTE LOCAL PLAN - REVISED PREFERRED APPROACH CONSULTATION**

The Projects Officer, Planning Policy, Ian White introduced the consultation document on the replacement Waste Local Plan, revised preferred approach. He noted that Essex County Council (ECC) and Southend Borough Council are Waste Planning Authorities (WPAs) and were required to prepare a Replacement Waste Local Plan (RWLP) under the Planning and Compulsory Purchase Act (2004) and the revised EU Waste Framework Directive (2010). The RWLP (programmed for adoption in December 2016) would replace the Essex Waste Plan 2001, and would cover the period up to 31 March 2032.

The current consultation included 3 main documents – (i) the Revised Preferred Approach, (ii) Areas of Search Assessment and Methodology, and (iii) Sites Assessment and Methodology Report (much of this work was carried out by Land Use Consultants). The consultation ran from 18 June to 30 July 2015 – a period of six weeks, but the lead-in time for this Committee has meant that officers have had only one week to familiarise themselves with lengthy and quite difficult documentation to prepare this report.

Officers believed that this was a wholly unreasonable approach by the WPAs, unfair to all consultees because of completely inadequate time to get to grips with a very important, but very complex, issue. The formal response by this Council to the consultation should emphasise the dissatisfaction that was shared by officers and Members. With future consultations, and with issues of this complexity, the Waste Planning Authorities must make full allowance for the lead-in period required by local authorities to prepare and publicise Committee reports.

At this Council's request, a meeting had been held on 1<sup>st</sup> June involving officers from this and Harlow Councils and officers from the County representing the Waste Planning Authorities. EFDC and Harlow officers stated that the WPAs had failed to comply with the Duty to Co-operate, but even at this meeting the WPAs were unwilling to share any details of their proposals, site assessments and other options which had been considered – all the detail would only become publicly available on the first day of the consultation period.

The WPAs have indicated that there would be another round of "formal public consultation in October/November 2015" on the Pre-Submission version of the Plan, but this stage was not normally an opportunity for further comments, as it tended to be restricted to representations concerning soundness, i.e. the Planning Inspectorate should not be expecting further changes or challenges to the content of the Plan at this late stage of preparation.

The Committee noted that the draft responses to the questions posed by the

consultation document were in the appendix to the report. Only two sites had been identified within our district, one at the Hastingwood roundabout and one at Langston Road neither of which were found to be suitable and officers had suggested that both be objected to.

Councillor Wixley had a lot of sympathy with the officer's comments about the short time to reply and said that he supported the recommendations made. He was surprised about the addition of junction 7 (Hastingwood site) as they were told some time ago about plans for a junction 7a to be put in and that junction 7 was to be remodelled, so it would not make a good site. There was also no reference to the size of the Langston Road site, which was very unsatisfactory. Mr White agreed the inclusion of the Hastingwood site was perplexing as this would involve a lot of HGV movements and junction 7 was grid locked several times a day. For the reasons given this was a non-starter.

Councillor Sartin added that she had recently been to an exhibition about the roundabout which said that the amount of the traffic would not be reduced when junction 7a came into service. There was not much done under the duty to co-operate, and the Inspectorate would probably not pass these plans because of this. Also could the word 'strong' be added to the answer to question 5 on waste consultation zones to read "...but *strong* reservations about the Hastingwood site remain." This was agreed.

Councillor Sartin then asked about the glasshouses and the use of energy produced by the waste facilities. Would other glasshouses have these facilities offered to them? Mr White said that he had raised this point, and he did not think that the Lea Valley Growers had been consulted about this. Councillor Sartin asked if this idea about the energy producing industry for our area was put to Essex County Council. Mr White said that this was something to look at in detail. Undeniably the growers would like access to cheap energy.

Councillor Mohindra asked if we could get the Chairman to write to ECC expressing our dissatisfaction with the inadequate time allowed for this consultation and also ask the Leader to do the same thing to formally express our dissatisfaction.

Councillor Whitbread said that he was displeased with the county council about this consultation process, there was nothing there about the duty to co-operate and they had not listened to us. This was unacceptable and disappointing. He would be happy to write to the county expressing our dissatisfaction.

Councillor Bassett said that he had met recently with some Essex officers and had to ask them about this consultation as they were not prepared to tell us; even their own members had not found out about this until about two days before it came out.

Councillor Grigg noted that she lived close to junction 7 and that it was always at a standstill. It was at full capacity now and the proposed J7a would not help. So it was amazing that the county had suggested it as a site. The same with Langston Road.

Councillor Murray wanted to echo Councillor Wixley's point. He thanked Ian White for the work he had put in; and was happy to support Councillor Mohindra's suggestion. He added that we should not be surprised at county about this; they did not know that we existed. Our partnership was not working with the county. Could we use our county councillors to act as a force at county level?

Councillor Surtees noted that the short consultation period was not only inappropriate but risky as they would not receive a proper response and note our strong concerns about the two sites proposed.

Councillor Rolfe asked the Leader of the Council if he had any feedback from our county councillors. Councillor Whitbread said that County Councillor Jackson had been actively involved in getting some answers for us and putting the case for Epping Forest. Speaking for our conservative councillors we have been actively involved. We were on the edges of Essex and Essex CC needed to engage more with us to make sure we get a fair deal for Epping Forest residents.

Councillor Rolfe said that he had not seen any evidence that our county councillors were doing anything about this. Councillor Whitbread replied that he wanted to make it clear that County Councillor Jackson was on this as soon as he knew about it, making representations to the county about the consultation.

Councillor Philip asked that both the Chairman and the Leader in expressing our dissatisfaction to explicitly mention the failure in their duty to co-operate. This was a key part in examinations now and we should draw the line here noting that the county council had failed in their duty to us.

Councillor Wixley asked that these letters be reproduced in the bulletin as well as any response.

**RESOLVED:**

- (1) That the Overview and Scrutiny Committee considered the responses to the consultation set out in the report; and
- (2) Resolved to express in the strongest possible terms this Council's deep dissatisfaction about the wholly inadequate time allowed for this consultation, particularly given the almost total lack of communication leading up to the consultation period. This is to be achieved by strongly worded letters sent to county by both the Chairman of Overview and Scrutiny and the Leader of the Council;
- (3) The Committee also resolved:
  - (a) To object to the allocation of the Hastingwood site (W19) for open-air inert waste recycling on the grounds of (a) being contrary to one of the purposes of the Green Belt – preventing countryside encroachment, and (b) concerns about traffic capacity on and around Junction 7 of the M11; and
  - (b) To object to the identification of the Langston Road/Oakland (sic) Industrial Estate as an Area of Search, because this Council was promoting and supporting the development of a high-class retail park on part of the site, and waste management facilities are considered to be a wholly inappropriate neighbour for this development.

**20. SELECT COMMITTEES - TERMS OF REFERENCE**

The Committee considered the newly established Select Committee's Terms of Reference following the Council's procedure rules for the operation of the Overview and Scrutiny Function. The terms of reference were developed between the lead

officers and the Chairmen of each committee before they went to the first meeting of that select committee for consideration and agreement. The terms of reference were intended to reflect the scope of each committee who were to provide regular progress reporting on relevant matters to be made to the Overview and Scrutiny Committee.

The Housing Select Committee had requested that consideration be given to some concerns that they had. They were unhappy with the approach required by the Overview and Scrutiny rules. They considered that undue delays may be caused by them having to first report to the O&S Committee instead of just going straight to either the relevant portfolio holder or the Cabinet. They also considered that approach was overly bureaucratic. However it should be noted that the current procedure rules did allow direct reporting of the type favoured by the Select Committee, with the prior agreement of the parent Overview and Scrutiny Committee.

The Select Committee therefore considered that the terms of reference for either all of the select committees (or just the Housing Select Committee) should allow:

- (a) the Select Committee to be able to report and make recommendations directly to the Cabinet or relevant Portfolio Holder when appropriate, particularly where the Cabinet/Portfolio Holder had requested them to do so; and
- (b) the Cabinet or a Portfolio Holder to be able to request (direct) a Select Committee to look at a particular issue and report/make recommendations to them (direct).

Although the Housing Select Committee had suggested that the ability to report and make recommendations directly to the Cabinet or relevant Portfolio Holder could be extended to all of the select committees, this concern has not been raised by any of the other committees.

The Housing Select Committee has also identified that it would be helpful for the select committees to be able to establish small 'working groups' of members when necessary to consider specific issues. Although this approach was agreed by the Task and Finish Panel that undertook the review of the overview and scrutiny framework, the Housing Select Committee has raised concerns that this ability was not explicitly referred to in the proposed terms of reference for the select committees.

However, there was nothing within the current overview and scrutiny rules to prevent a Select Committee from setting up such a member group, provided that the specific issues were within the remit of that Select Committee (i.e. not a function of the Executive, the Overview and Scrutiny Committee or another Select Committee) and that any decisions are made by the select committee itself, including making recommendations to the Overview and Scrutiny Committee or the Executive (via the Overview and Scrutiny Committee).

It should be noted that the Council's procedure rules for the operation of the overview and scrutiny function were currently being reviewed as part of the ongoing review of the Constitution, a process which is not likely to be completed before March 2016. This exercise would include the bringing of the rules up to date to reflect the new select committee framework and it was intended that the overview and scrutiny rules would be considered by the Constitution Working Group in September 2015. It was considered that the issue of setting up working groups would best be addressed through an addition to the Overview and Scrutiny Rules as part of the ongoing review of the constitution.

Councillor Murray, Chairman of the Housing Select Committee, commented that they had looked at their Terms of Reference carefully and came to a unanimous view on their asking for these change of rules. However, it was not for them to impose this other Select Committees but it was what was wanted by his committee.

Councillor Neville said that this would be like not using a PICK form and the Cabinet pushing work onto the Committee. Councillor Murray replied that this had been done by agreement, they would ask and the Committee would agree to accept it or not. They were as rigorous at challenging the portfolio holder as any other committee.

Councillor Stallan said he supported Councillor Murray. On occasions when Cabinet considered raising issues, the best place to look at these issues would be to ask the Select Committee; there was a benefit to having these things reviewed by scrutiny. They have reviewed two big documents for us; the benefit was having them reviewed early. He could not see the point in them coming to this committee as well and then onward to the Cabinet. The experts were the councillors on the Housing Select Committee, apart from the officers and himself. This system worked.

Councillor Neville noted that generally speaking it was a good thing to cut out the middle men.

Councillor Mohindra asked if the recommendations should be changed to reflect this. Mr Tautz replied that there was no need; they could agree the Housing Select Committee Terms of Reference for now and consider the rules of O&S at the Constitution working group meeting, factoring these principles into their discussions adding in the fact that they could set up their own working groups into the Housing Select Committee's Terms of Reference. This was agreed by the committee.

**RESOLVED:**

- (1) That the proposed terms of reference for each of the select Committees be agreed;
- (2) That the Housing Select Committee have the right to set up working groups added to their Terms of Reference; and
- (3) That the comments made by this Committee be taken into account by the Constitution Working Group when they consider the O&S rules.

**21. WORK PROGRAMME MONITORING**

**(a) Overview and Scrutiny Committee**

The Committee considered their work programme. They noted that the new draft rules for the Overview and Scrutiny would be going to their October meeting.

They agreed that:

- (a) Item 3 of the work programme, meeting with Essex Children Services, to be deferred to the April 2016 meeting;
- (b) Item 11, the County Fire and Rescue Service, that the County Portfolio Holder responsible for this service be invited to attend this meeting as well; and
- (c) Item 10, Bart Health Services should come back to their February 2016 meeting.

**(b) Select Committees**

**Housing Select Committee**



Councillor Murray updated the meeting on the progress made by the Housing Select Committee at their first meeting, when they considered the Homelessness Strategy, Housing Standards, energy efficiency, the Housing Service Strategy and the KPI outturn for 2014/15, all of which were achieved.

#### **Governance Select Committee**

In the absence of the Chairman Mr Hill reported on the Committee's first meeting, when they looked at their Terms of Reference and work plan for the year and received reports on the recent elections in May, public consultation and their KPI outturn for 2014/15.

#### **Neighbourhood and Community Services Select Committee**

Councillor Sartin updated the meeting on their recent meeting when they looked at their Terms of Reference and work programme; they asked that some of the minutes that the Safer Cleaner Greener Scrutiny Panel used to received should now be put into the Council Bulletin for general consumption; they also looked at the KPI outturn report for 2014/15 and received feedback on the waste contract form the portfolio holder.

#### **Resources Select Committee**

Councillor Mohindra reported that there were intending to spend as little time as possible on looking at KPIs unless they were considering things that had gone wrong. They would concentrate on things that were doing really well or really badly.

#### **Grant Aid Task and Finish Panel**

The Committee noted their revised deadline of winter 2015, with a final report to the O&S by January 2016.

#### **Youth Engagement Task and Finish Panel**

Councillor Murray reported on the work of this Panel. They were looking to produce a final report and send it to the O&S Committee by October 2015.

#### **(c) Reserve Programme**

- (i) PICK Form submitted by Councillor Breare-Hall on the Council's Waste Management Contract.

The Committee agreed that it should go to the Neighbourhood and Community Services Select Committee and that a special meeting be held to consider this, and that all members and the public be invited to take part and that the meeting should also be webcast.

Councillor Wixley asked that they also consider the emptying of public litter bins at the same meeting.

- (ii) PICK Form submitted by Councillor Angold-Stephens on the Progress of the new 6<sup>th</sup> Form Consortium for our District.

The Committee agreed that this should go to the February 2016 meeting of this Committee. And to ask appropriate head teachers to attend and to give a presentation on how the new consortium was working up to that point.

They would also like the word “basic” removed from the paragraph on the Council’s performance in this area so that it did not refer to ‘basic’ A level courses’.

**22. REVIEW OF CABINET FORWARD PLAN**

The Committee noted the Cabinet’s Forward Plan for June 2015. They had no specific items they wished to consider, other than to ask for the plan to include mention of the Leisure Contract as this would be coming within the next few months.

**CHAIRMAN**