

**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 7.30pm on 6 SEPTEMBER 2016**

Present: Councillor A Dean (Chairman)
Councillors G Barker, R Chambers, M Felton, B Light, E Oliver
and G Sell

Officers in attendance: R Auty (Assistant Director Corporate Services), L
Cleaver (Communications Manager), S Pugh (Interim Head of
Legal Services), A Rees (Democratic and Electoral Services
Officer) and A Webb (Director of Finance and Corporate
Services).

Also present: Councillor S Howell (Portfolio Holder for Finance and
Administration).

SC14 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Asker, Harris and Jones.

SC15 MINUTES OF THE PREVIOUS MEETINGS

The minutes of the meetings held on 16 June and 5 July 2016 were received
and signed by the Chairman as a correct record subject to the following
amendments to the minutes of the meeting held on 16 June:

- (i) Public Speaking – the substitution of the word “clerk” for “clerks” in the
first sentence of the third paragraph.
- (ii) Public Speaking – The first sentence of the penultimate paragraph was
amended to “The Chairman said that he felt the best way forward was for
Members to put forward the points they felt should be considered.”

SC16 MATTERS ARISING

- (i) **SC2 – Call in of a Cabinet decision – Street Naming and Numbering
Policy**

The Chairman asked officers to provide an update on the Policy. In response
the Assistant Director Corporate Services provided an update from the Director
of Public Services, explaining that the Council had reviewed Cambridge City
Council’s policy which appeared to be a good example of its kind, although it
would require adapting to reflect the parished nature of the district. Currently the
Council did not have the capacity to take forward the review, but would do so in
due course. In the meantime the old policy was being used.

- (ii) **SC6 – Any other items which the Chairman considers to be urgent**

The Chairman said that he had asked for the Cabinet Forward Plan to be dated when included on the agenda for the Committee. Although this had not happened for this meeting, he had spoken to the Principal Democratic and Electoral Services Officer who had agreed that future Forward Plans would be dated.

SC17

CABINET FORWARD PLAN

The Chairman asked whether any information could be provided about car parking incentives. In response, Councillor Barker explained that there had been a consultation with town and parish councils about free parking periods. These requests were currently being costed. He added that initial costing was in the tens of thousands of pounds.

Councillor Light noted the inclusion of a provisional item for devolution. The Director of Finance and Corporate Services explained that an update on devolution would be provided at the Full Council meeting on 18 October.

The Assistant Director Corporate Services added that he believed that the second item for devolution was included on the Forward Plan as a holding item, in order to prevent devolution from falling off of the Forward Plan. He would seek clarification on this.

Members discussed devolution in more detail. Councillor Sell began by stating that he had been receiving mixed messages across the region about progress on devolution. Local authorities were divided on whether there should be an elected mayor.

Councillor Chambers said that if progress had been made then the Leader would outline this at the Full Council meeting on 18 October. He felt very strongly that the matter was decided by all Members and not just Cabinet.

Councillor Sell agreed with Councillor Chambers that Full Council should decide the matter. He noted that some of the impetus over the requirement to have an elected mayor as part of deal on devolution may have been lost as George Osborne MP was no longer Chancellor of the Exchequer.

The Chairman said that Committee would play its part on the matter when a proposal was brought forward.

The Forward Plan was noted.

SC18

SCRUTINY WORK PROGRAMME

The Chairman drew attention to the recently agreed Scrutiny Committee meeting on 26 September to consider the Council's ongoing commitment to the North Essex Parking Partnership (NEPP).

In response to a question by Councillor Light, the Assistant Director Corporate Services explained that the Work Programme had normally only shown the items which would be considered at the next two meetings of the Committee, but the Work Programme for the entire municipal year could be included in Members wanted that.

The Chairman explained that he had received an email from the Chief Executive regarding the timetable for the emerging Local Plan. Full Council was due to consider the Local Plan on 1 November 2016, but the Chief Executive had suggested that the meeting was moved to 8 November. This would allow the Committee to consider the procedures and timetable of the Local Plan on 7 November.

Officers thought that it would be useful for the Committee to examine the process. The Chairman said that further down the line the Committee may be able to consult with the Planning Advisory Service (PAS) to ensure that the process had been carried out in the correct way. He added that the Committee would only look at the processes surrounding the Local Plan and not its content.

Councillor Barker questioned whether the Committee would be able to change the Local Plan if the Committee held a meeting a day before Full Council. He asked what would happen if the Committee were not satisfied that the correct procedures had been followed.

In response to Councillor Barker, the Director of Finance and Corporate Services said that the Committee would hopefully be able to reassure Full Council that the correct procedures had been followed. The Local Plan was a big issue and if there were to be identified a significant issue with the procedures which had been followed, then the Local Plan process would have to be delayed to rectify this.

The Director of Finance and Corporate Services said that officers would prepare a separate report for the Committee to consider. He explained that 7 November had already been reserved as date if there was a call-in to the Committee and was the best way to include the Local Plan on the Committee's timetable.

Councillors Chambers said that part of the requirement of formulating a local plan was that it was done so in an open and transparent way. This had been achieved through the Planning Policy Working Group which met in a public forum. The timetable for the emerging plan had been in place for a while and should not be put back through unnecessary scrutiny.

The Chairman said that officers had considered the meeting to be of benefit. He suggested it was better that the Committee started to consider the Local Plan now whilst pointing out that there would be further opportunities as the process evolves.

The Chairman reminded Members that Full Council would only be approving the beginning of the public consultation and not the submission of the plan to the planning inspectorate.

Councillor Barker noted that as this was only around the consultation document there would be other times for other considerations by the Committee to be fed into the Local Plan Process.

In response to Members, the Director of Finance and Corporate Services explained that meeting on 7 November was not established. It would be up to the Chairman to speak to the Chief Executive about whether the meeting would go ahead.

The Chairman asked that officers planned for potential extra meetings further in advance

The Work Programme was noted.

SC19

CALL-IN PROCEDURE

The Committee considered a report on call-in procedures and the decision taken by the Constitution Working Group when it discussed the matter on 21 July 2016.

The Chairman explained that this followed the Committee's call-in of a Cabinet decision regarding the Street Naming and Numbering Policy. He explained that the County Council's procedures allowed a call-in to not proceed if the Member calling in the decision and members of the Cabinet agreed to reconsider the decision.

He said there would be some issues with this regarding transparency. More thought was needed on the matter and it would be helpful if the Committee looked at this at a later time.

The Interim Head of Legal Services suggested it would be sensible to have a mechanism in place to cancel call-ins provided that appropriate checks and balances were in place. It would be possible to include a mechanism which allowed the Chairman to prevent the call-in from being cancelled. He was conscious that the Committee and the Working Group avoided unnecessarily duplicating work.

Councillors Felton, Oliver and Light said that the matter should not be deferred and should be considered at the meeting.

The Interim Head of Legal Services said that he would be compiling a note to the Working Group on how the constitution would need to be changed. This could also be circulated to Members of the Committee for comment.

Councillor Barker said he agreed with having a system in place to cancel call-ins. He said there were two likely situations which would result in the

cancellation of a call-in. The first was where the Member who called-in the decision was reassured and the decision stood. This could be due to a misunderstanding of the decision. The second was where it was agreed that the decision would be reconsidered by Cabinet. After the matter was reconsidered, the Committee had the power to call-in the decision again.

Councillor Barker proposed that changes to the constitution were dealt with by the Constitution Working Group.

RESOLVED that the Interim Head of Legal Services would circulate the proposed amendments to the constitution to the Committee before they were considered by the Constitution Working Group.

SC20

ENFORCEMENT TASK GROUP REVIEW

The Chairman invited Councillor Sell to present the report. Councillor Sell began by thanking the other Members of the Task Group, as well as the officers who had helped the Task Group with their research.

Members had noted that some information such as enforcement action taken in wards was no longer sent to them. He invited the other Members of the Committee to ask questions of the report.

The Director of Finance and Corporate Services highlighted to the Committee that the loss of the monthly enforcement action report had been highlighted for some time and the Administration had committed money to enable the back scanning of files and other changes to happen. Alongside this changes to operating practices would enable the report to be reintroduced.

Councillor Felton noted that the County Council logged reports. She asked whether the Council's software was capable of providing the same functionality. In response, the Director of Finance and Corporate Services said that the IDOX software used by the Council was capable of this, but this function had not been utilised. Staff had now been trained to do this and were in the process of back-scanning. He added that the structure of the Enforcement team had been reviewed. The changes to the officer structure would be complete by 1 October.

Councillor Oliver asked when parishes and ward members would start to receive updates regarding enforcement action. The Director of Finance and Corporate Services said he would check this information and email Members.

The Chairman noted that the trade considered that prosecutions have often been sought in the first instance, when other measures would have been sufficient. The taxi trade had also asked for greater education to be given about the conditions of licences.

Councillor Sell explained that Councillor Jones had been looking at the taxi trade as part of the Task Group's review and had some concerns about the way in which enforcement action was taken with regard to taxi drivers and operators.

Councillor Sell added that the taxi trade felt that the dialogue between the Council and the trade was one-sided.

Councillor Chambers declared a non-pecuniary interest as Chairman of the Licensing and Environmental Health Committee. Councillors Barker declared a non-pecuniary interest as member of the same committee.

Councillor Chambers said that he didn't wholly agree with the findings of the report. The Licensing and Environmental Health Committee was a regulatory committee that dealt with drivers and operators who had broken the law or the Council's policies. He was aware that some had considered the now retired Assistant Chief Executive – Legal to be too harsh. However, when the Licensing Committee considered drivers' and operators' licences, the Committee decided whether to take action and the report did not make recommendations about the course of action.

It was often possible to tell when someone appeared before the Licensing Committee whether they had made a genuine mistake, but in most cases the law had been broken. He was not opposed to the idea of forums. Operators were aware of the conditions of their licences, as well as those of drivers, and it was their responsibility to ensure their drivers understood the conditions upon their licences.

The Council should not look to slacken its rules regarding licensing as doing so would put the public's safety at risk. The Assistant Chief Executive – Legal had always made himself available to advise operators and he was sure that the Interim Head of Legal Services would do the same.

Councillor Chambers informed the Committee that Licensing Committee meeting which had been scheduled to take place on 14 September had been cancelled due to lack of business. If there was minimal business the forums could take place during scheduled Licensing Committee meetings.

Councillor Sell said that there was never any intention of undermining the public's safety. Holding forums would be a way of allowing the Council to take a more backseat role.

Councillor Barker said that licensing fell outside of the remit of Cabinet. The Council was tasked with enforcing licensing as a statutory function and it was important that there was not any slack when the Council enforced its Licensing Policy.

The Interim Head of Legal Services said that if the Committee were minded to look at setting up a forum this responsibility could be given to the Licensing Committee.

Councillor Barker proposed that the Committee did not recommend to Cabinet that it looked to relaunch forums and instead asked the Licensing Committee to look at the matter. Members agreed with Councillor Barker's proposal.

In response to a question by the Chairman about the extent to which the Task Group had looked at the Environment Agency, Councillor Sell said the Task Group had focussed on Essex Highways rather than the Environment Agency. In reply, the Chairman asked that the Environment Agency were included within the scope of any further work related to the enforcement review.

Councillor Sell said that he had spoken to the Assistant Chief Executive – Legal, who had said that he felt the workload surrounding enforcement had increased and that one extra full time equivalent member of staff was required in order to adequately deal with the workload. In response, the Director of Finance and Corporate Services explained that the restructure of the enforcement department had effectively created an extra full time equivalent member of staff.

The Chairman invited Councillor Howell to speak as the Cabinet member responsible for enforcement. Councillor Howell began by stating that he welcomed the report, which he had found very useful. He was pleased that the reporting of enforcement action by ward would be returning as he had seen regaining it as a priority.

He was conscious that almost everyone abided by the rules and that there were only a few cases where the Council needed to use its statutory powers. There was a need to understand what was meant by expediency and to accept that in some instances planning enforcement cases had to be closed on those grounds. He accepted the first three recommendations as set out in the report.

The Chairman proposed that the first four actions as outlined in the report were recommended to Cabinet with reference to the Environment Agency also included in any further work associated with the review.

RESOLVED that the Committee recommended to Cabinet the following four actions:

1. Following the re-engineering of the Council's IDOX Software System, from 1 April 2017; the Corporate Enforcement Team introduce monthly Parish/Town Council and District Council updates on Planning Enforcement Cases (including status and numbers); and introduce a quarterly report to Planning Committee.
2. Introduction of a Customer Charter with standards for updating complainants on the progress of all enforcement activities in all areas of activity before 1 April 2017.
3. Review the Council's Enforcement Strategy; and the Review/Introduction of Enforcement Policies for all principal enforcement areas before 1 April 2017.

4. Introduction of Memorandum of Understanding between Essex Highways and Uttlesford District Council on Highway Enforcement Matters.

And that the following action was recommended to the Licensing and Environmental Health Committee:

1. Relaunch Forums for Taxi Drivers/Operators and other Non-Planning Enforcement Areas where appropriate before 1 April 2017.

SC21

EQUALITY SCHEME

The Assistant Director Corporate Services presented the report which sought the Committee's comments on the draft Equality Scheme. He explained that a slight amendment was to be made on paragraph 4 of the Scheme on the appended report so that it stated that the needs of gypsy and traveller communities were met as part of the Local Plan process.

RESOLVED that the Equality Scheme was recommended to Cabinet for approval as set out in the appendix to the report subject to the following amendment to paragraph 4 of the Scheme; "We will ensure that the needs of the gypsy and traveller community are met as part of the Local Plan process."

SC22

QUIET LANES

The Committee considered a report on the quiet lanes scheme. The Chairman said that the report had come about through feedback from parish councils about the scheme. He invited Members' comments on the report.

Councillor Chambers thanked the Communications Manager for her detailed report. However, he did not want the Committee to consider the matter any further as highways were the responsibility of Essex Highways.

The Chairman suggested that the report could feed into the local highways panel.

Councillor Barker questioned the effectiveness of the scheme. There was no evidence to suggest the quiet lanes reduced speed and acted in a traffic calming capacity. Councillor Oliver asked whether a budget existed for quiet lane schemes.

In response the Communications Manager explained that when quiet lane schemes had previously been considered by the Uttlesford Highways Panel other schemes had been prioritised. She also explained that she had contacted the Highways Liaison Officer at Essex Highways and had shared The Highways Liaison Officer's contact details with the town and parish councils.

It was agreed that the report would be sent to members and officers of the Uttlesford Highways Panel.

The Committee thanked the Communications Manager for all her work on quiet lanes.

The report was noted.

SC23

ESSEX HIGHWAYS (VERBAL REPORT)

The Chairman invited Councillor Barker to present a verbal report on the relationship between Essex Highways and the Council. He began by explaining that he had spoken to the Director of Public Services and Councillor Ranger about Essex Highways' relationship with the Planning Committee. Both had said that they did not think that there was a real issue between the Planning Committee and Essex Highways.

Councillor Barker said that he had asked them whether any statistical information could be provided but both did not believe that this would be possible. Councillor Ranger had explained that there had been workshops with Essex Highways in the past. These had not happened since the local elections in May 2015, but would be taking place in the near future.

Councillor Barker told the Committee that it was difficult to pin specific instances where communication between Essex Highways and the Council had broken. He also explained that Essex Highways responded to planning consultations by way of report. The Council's planning officers then summarised this report in their report to the Planning Committee.

He informed the Committee that the Director of Public Services had suggested using the Assistant Director Planning's experience from his time at Brentwood Council to help further understand the Council's relationship. Councillor Barker then suggested that the Council's relationship with Essex Highways was further explored after the Local Plan.

The Assistant Director Corporate Services said that Councillor Davies had been tasked with focussing on communication with Essex Highways and highways maintenance issues.

Councillor Barker explained that Essex Highways had a website which maintenance issues could be reported. All ward members and town or parish councils were notified of any works which would be taking place in their area.

Councillor Light said that she could recall works that had taken place in Saffron Walden which she had not been notified of. In reply, Councillor Barker said that specific information about the works was required. This would allow the Committee to begin questioning Essex Highways to establish why councillors were not notified of the works.

Councillor Barker then spoke about the presentation Councillor Ranger had referred to in the previous meeting of the Committee. Councillor Barker said that he had not found the presentation particularly helpful. It did, however, explain that there was no funding available for VAS signs and that the process surrounding Highways Panels was due to be overhauled.

The Chairman said that he was pleased that formal workshops with Essex Highways had been revived. Any outstanding issues could be considered after the Committee had considered the Local Plan. Councillor Davies would be given an opportunity to provide an update at the next meeting.

The report was noted.

SC24

NEPP – SCOPING REPORT

The Director of Finance and Corporate Services explained that Cabinet would be taking the decision as to whether the Council should commit to the partnership for a further four years. It was proposed that one of NEPP's group managers Richard Walker would give a presentation to the Committee followed by a question and answer session. The Committee would then be asked to decide whether or not the Council should remain in the partnership and make a recommendation to Cabinet.

The Assistant Director Corporate Services added that the decision which would be made at Cabinet was not to renegotiate terms, but to extend the agreement. He asked Members to provide areas which they wished to have more information on.

Councillor Felton asked for statistics to be provided which showed where the Partnership had been successful, where it had not been successful and what lessons had been learnt. Councillor Sell said that he agreed with the suggestions by Councillor Felton.

Councillor Barker produced a Scrutiny report from Braintree District Council which in 2015 had explored how NEPP worked.

It was agreed that Braintree would be asked if they would release the document to the Council.

Councillor Chambers said that it would be helpful to be given an estimate of the likely cost to the Council of leaving the Partnership. Councillor Sell suggested that the presentation should also look at ways in which the service could be improved.

Councillor Light said that she felt the terms of reference in the scoping report were biased in favour of the Council remaining in the Partnership. Although, there were some parts which she agreed with the terms of reference there was a need for the Partnership's decision making process to be re-evaluated. The process needed to be examined in order to ensure that town and parish

councils approved of schemes. It was also important to include the costs to the Council and residents in any consideration of the Partnership.

In response to a question by Councillor Barker, the Chairman explained that the purpose of the review was pre-scrutiny of the Cabinet decision. Then in reply to a question by Councillor Light, the Director of Finance and Corporate Services said that the Council had to make an expression of interest to remain in the Partnership by the end of October.

Councillor Howell explained that whilst he did not know for certain what decision Cabinet would make regarding the Partnership, he considered it likely that it would vote to continue as a part of the Partnership. He felt that it wasn't helpful to take a binary approach when considering the matter and it should instead be looked at in the context of which elements worked well and which areas of the Partnership could be improved upon.

The Committee agreed to Mr Walker to attend the Committee meeting on 26 September. It also agreed that the Chairman, Councillor Barker as Vice-Chairman and officers would further review the scope of the presentation.

RESOLVED that:

- Mr Walker would be invited to the Committee meeting on 26 September.
- The Chairman and Vice-Chairman would consult with officers about the topics to be included in the presentation.

The meeting ended at 10pm.