

Minutes

Overview and Scrutiny Committee

6th February 2019



Present

Councillors	Present	Councillors	Present
P Barlow (Chairman)	Yes	D Mann	Yes
Mrs. M Cunningham (Vice Chairman)	Yes	Mrs. I Parker	Yes
Mrs. D Garrod	Yes	R Ramage	Yes
J Goodman	Yes	B Rose	Yes
A Hensman	Yes	P Schwier	Yes
P Horner	Yes	C Siddall	Yes
D Hume	Yes	Vacancy	
G Maclure	Apologies		

The following Councillors were also in attendance at the meeting: J Abbott, Mrs. J Allen, M Banthorpe, J Baugh, D Bebb, K Bowers, Mrs. L Bowers-Flint, G Butland, T Cunningham, M Dunn, A Everard, H Johnson, S Kirby, J McKee, J O'Reilly-Cicconi, Mrs. J Pell, F Ricci, Miss. V Santomauro, W Scattergood, W Schmitt, G Spray, P Tattersley, Miss. M Thorogood, R van-Dulken and Mrs. L Walters.

39 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor Baugh declared a Non-Pecuniary Interest in Agenda Item 5 – “Scrutiny of the Council Budget for 2019-20 Update,” as a Director and Trustee of the Braintree District Museum Trust.

Councillor McKee declared a Non-Pecuniary Interest in Agenda Item 5 – “Scrutiny of the Council Budget for 2019-20 Update,” as Director and Trustee of the Braintree District Museum Trust.

Councillor Mrs Pell declared a Non-Pecuniary Interest in Agenda Item 5 - “Scrutiny of the Council Budget for 2019-20 Update,” as Chairman of Halstead Community Centre Charitable Company.

Councillor Siddall declared a Non-Pecuniary Interest in Agenda Item 7 – “Update on Task and Finish Groups,” in reference to the Draft Report of the Task and Finish Group into Recycling, Re-Use and Reduce, as he was a supplier of recycling equipment.

40 **PUBLIC QUESTION TIME**

INFORMATION: There were no questions asked, or statements made.

41 **MINUTES**

DECISION: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 5th December 2018 were approved as a correct record and signed by the Chairman.

42 **SCRUTINY OF THE COUNCIL BUDGET FOR 2019-20 UPDATE**

INFORMATION: Members received a presentation from Councillor Butland, Leader of the Council, on the Council's Budget position for 2019-20. Further to the report, the Leader expressed his gratitude to Councillor Bebb and the other Cabinet Members present, as well as the Officers involved, for the assembly of the Budget Report.

The presentation slides can be viewed at:

<https://braintree.cmis.uk.com/braintree/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/709/Committee/4/Default.aspx>

Cabinet Members provided the following information in response to questions raised by Committee Members and other Members present:

- In respect of the investment toward the appointment of additional staff in the Planning Department, Members were advised that the Council was confident in its decision as careful consideration had been given toward the appropriate level of investment in this area, and a number of high quality candidates had since applied for the available posts. It was acknowledged that the Planning Department had been under substantial pressure due to the number of planning applications that had been received, and it was hoped that with the extra capacity, the strain on current staff would lessen.
- Members were informed that the provision of £500,000 funded from the New Homes Bonus in relation to housing growth included a specific reserve for the development of the garden communities, although this reserve was subject to the acceptance of a sufficient business plan from the North Essex Garden Communities (NEGC). It was stressed that this would not be implemented under the current Administration, and that it would enable there to be increased flexibility for the new Administration to utilise the reserve for this purpose if they so wished.
- With regard to the Idox Mobile Working App for the use of Planning Officers, Members were advised that the technology would improve the efficiency with which Planning Officers were able to conduct and report back on site visits. An official date for the delivery of this had not been planned yet, although it was expected in 2019/20. This would be identified through project planning.
- On the subject of affordable housing and the percentage that the Council was required to deliver, it was underlined that there was an acute need for the Authority to produce more houses and to identify new ways through which this could be achieved, as the current format meant that Local Authorities had to rely upon housing developers. The Leader was a strong advocate of a more proactive role for Local Authorities whereby they had more control of the way in which large scale developments occurred.
- Members were informed that in respect of affordable housing and the percentage that the Council was required to deliver, the Authority was reaching its target, although this

was not the case in relation to the target for the number of built houses.

- The need for a variety of housing was greater than the need for there to be a higher density of housing. The Council also wanted to avoid situations where housing density was increased at the expense of comfortable living environments.
- A Member Working Group looking at a potential Housing Development Company had been established which would enable them to identify other ways in which the Council could potentially assist local people on the issue of affordable housing, such as through renting or shared ownership.
- The costs associated with litter picking along the A120 were high due to the route's status as a dual carriageway and the traffic calming measures that had to be implemented to facilitate such activities. Whilst the Council generally took a proactive approach toward educating its residents on the importance of keeping the District clean, visitors passing through the District via the A120 were often considered the primary culprits in adding to the volume of litter produced each year within the area.
- Cabinet Members agreed that the Planning Enforcement Team was under a significant degree of pressure due to the increasing number of applications being received. A solution in this area, such as expansion of the Team and potential ways in which this could be achieved, would be considered in future.
- In respect of the Street Scene and Environmental Health departments, it was explained that had there been a need for further staff, this would have been applied for within the Budget.
- The expansion of the Silver End Surgery was not incorporated within the current Budget. A key issue that revolved around new builds, such as new surgery facilities, revolved around encouraging occupants to move in without formal agreements in place. It was reiterated that it was still within the Council's strategy to expand the Silver End Surgery, although approval was needed from either the Mid-Essex CCG or the NHS that there was sufficient capacity for this to occur.
- Members were informed that the Housing Development Company had examined various approaches toward the building of housing, which included the possibility of self-builds; however, the concept of "self-builds" was not considered to be as popular an approach as it once was.

The Chairman thanked the Cabinet Members, Committee Members and other Members present for their attendance and contribution to the discussion.

DECISION: That Members noted the report.

43

ROLE OF THE HIGHWAY AUTHORITY DRAFT SCRUTINY REPORT

INFORMATION: Further to consideration of the draft Scrutiny Report into the Role of the Highway Authority, the Chairman invited Members to bring forward any other suggested amendments or additional recommendations for inclusion within the final version of the Scrutiny Report.

Members considered a potential recommendation from the Vice-Chairman that revolved around improved communication channels between Essex Highways and the Planning

Department at Braintree District Council (BDC). The Vice-Chairman was then invited to explain the rationale behind the suggestion. The recommendation arose further to the granting of a planning permission to build an office facility and car park on the Nexus Site at Skyline 120, in Great Notley. The documentation enclosed with the application included a travel plan which indicated the desire for employees to walk to work, which would ultimately require them to cross the dual carriageway that ran parallel to the site. It was felt that an opportunity had been missed in this area for the allocation of Section 106 monies, of which could have been used to help fund the costly scheme. As such, it would be useful in future that upon receipt of planning applications, Essex Highways considered the availability of any private funding that could be used to help finance more expensive schemes.

Further to the Vice-Chairman's comments, the Chairman suggested a similar recommendation under Section 5 b) of the Scrutiny Report which also related to the consideration of Section 106 contributions upon receipt of planning applications by Essex Highways, with wording to the effect of: "Essex County Council (ECC) Highways together with the District Council to consider at an early stage the community gains that 106 agreements that could be negotiated with developers and to share these appropriately with local Members to get some local input." The Chairman stressed that in the context of the Scrutiny Review, the recommendation only related to highway issues. The Chairman then sought the agreement of Members that both the Vice-Chairman's comments and the Chairman's recommendation be incorporated within the final version of the Scrutiny Report.

Members were informed that in order for Section 106 monies to be granted, the criteria needed to relate to specific developments that would otherwise be unacceptable in planning terms without the input of Section 106. The Chairman acknowledged this but added that in situations where Section 106 monies were not spent, or were unable to be spent in the specific area required, negotiations with developers were possible as to how this money would be best utilised, which could generate some community gain. Members welcomed any developments around the subject of Section 106 money, including earlier indication to Members by Officers when such funds were available and potential training for Officers to ensure that local opportunities for Section 106 expenditure were sufficiently identified. Members could also provide Officers with a more localised view from the perspective of their respective wards as to what pertinent developments Section 106 funds would be more suitably allocated toward. The Lead Officer supplemented that transparency around the subject of Section 106 was occurring between Planning Officers and ECC during meetings of the Local Highways Panel, as evidenced by the attendance of Planning Officers at the meeting, as well as input from other Members of the Panel who stressed the need for there to be more involvement from Councillors to provide a localised perspective as to where Section 106 monies could be allocated. Further to the discussions around the usage of Section 106 monies and the enhanced involvement of Members in this area, Members were reminded that negotiations between Planning Officers and applicants were often very changeable and the nature of an application could alter substantially from what was originally proposed. Furthermore, it was stressed that Members needed to respect the advice of Planning Officers as to what Section 106 expenditure was acceptable within planning terms, as some Members had less experience in this area.

Another potential recommendation was then introduced; it was suggested that there be some form of scrutiny conducted by ECC on outsourced contracts, such as with Ringway Jacobs, and that the performance of contractors should be monitored on an annual basis to determine their effectiveness and whether value for money was being achieved, thus

increasing their accountability. The Chairman agreed that the recommendation be incorporated within the Scrutiny Report and made a further suggestion in relation to this; due to the lack of evidence available from ECC that the current contract provided value for money, whether there was scope for introducing some competition into the contract for the whole of the County, and if this would entail separate contracts for different areas of Essex.

A further recommendation was raised that revolved around the effectiveness of speeding deterrents within parishes (e.g. Vehicle Activated Signs) and whether there could be an assessment of these conducted as to their effectiveness, which seemingly varied, and if value for money was being achieved in their implementation. Such an assessment of speed deterrents could then be made available to the Parish Councils as part of an evidence base by ECC before any large-scale investments for new speed deterrents took place. The Chairman agreed that the recommendation would be considered further and incorporated within the Scrutiny Report. The Chairman also added that such as an assessment by ECC could also encompass the level of road accidents in areas where speed deterrent signs were situated.

The apparent lack of Public Rights of Way (PROW) enforcement and consultation from ECC with Parish Councils was also mentioned. The suggestion was made that a policy be established by ECC whereby information such as the required time scale for maintenance and enforcement action was clearly established. The Lead Officer confirmed that there was such a policy in place and that PROW issues had been included within the Scrutiny Report, although it was agreed that this could be expanded upon to incorporate the insufficient response time of ECC Officers when PROW infractions were reported on the website.

The Chairman then asked for the agreement of Members that the following comments or wording to a similar effect be included under the findings of the Scrutiny Report. The Chairman wished to reflect in the Report, the “Overwhelming view that, based on witnesses and the evidence gathered, that ECC’s willingness to engage and provide effective actions or responses has deteriorated substantially over the last few years. Furthermore, as a consequence of this, the District Members and public who try to contact Essex Highways often become disappointed as they don’t feel that they get any meaningful response, especially when issues reported on the website are seemingly extinguished from the website. The impression gained throughout is that the culture of the Essex Highways is autocratic and there is almost a positive unwillingness to engage with its various partners. Essex Highways seemingly fails to understand the need to facilitate Local Government Scrutiny.” An additional comment was “Essex Highways is focused purely on its own internal matters and are not interested in engaging with or learning from others.” The Chairman acknowledged that financial issues were considered a possible contributor to ECC’s unwillingness to engage with BDC, although this still did not help BDC as a District or Members attempting to hold the Highways Authority to account, as members of the public held BDC to account. Members largely agreed with the statement made by the Chairman, although it was requested that Members also acknowledged that there had been a degree of improved liaison between the Highway Authority and BDC in the form of Jasmine Wiles, Assistant Highways Liaison Officer, and a limited number of other examples.

Members agreed that enhanced liaison was needed between Parish Councils and ECC as to what was being offered to Parish Councils as part of the devolution initiative which, whilst welcome, was considered ambiguous and lacked specification as to how ECC intended Parish Councils to utilise the funding. The Chairman therefore requested that the

subject of devolution be mentioned within the Scrutiny Report under Section 7, Item 2 (b), as an additional sentence with wording to the effect of "...This should be considered together with the development of the devolution initiative that was promoted during the evidence gathering sessions."

Under Section 7 of the Scrutiny Report, Item 3 (a), the Chairman also requested that additional wording be included, to the effect of "...Essex Highways publishes the expected protocols for escalating issues."

The Chairman asked that in relation to the perceived inconsistency in the appliance of highways criteria to various issues, wording to the effect of "The website refers where appropriate to the clear criteria where, for instance, potholes are in need of repair" be included as a request for ECC to help improve the transparency of the website. Members agreed with the statement but added that other issues such as raised paving slabs, which were a particular issue amongst the elderly, could also be mentioned in addition to potholes.

It was requested that Recommendations 1 (a) and 1 (b) within the Scrutiny Report be reworded to incorporate the need to extend the period of time during which responses to queries remained on the Essex Highways website after the determination of the outcome, such as for a six-month period, to avoid the same defect being reported again, and to help clarify for those reporting issues when exactly the outcome of the issue was determined. Furthermore, it would be useful for the system to state on what specific date reported defects were inspected to enable website users to monitor the time taken for this and the subsequent repair to occur.

The Chairman ended the discussion and expressed his thanks to Members and the officers present for their input. It was requested that a final version of the draft Scrutiny Report be circulated to Members by Officers before consideration of the Report at the meeting of the Overview and Scrutiny Committee on 6th March 2019.

44 **UPDATE ON TASK AND FINISH GROUPS**

Members received a brief update on the current status of the draft Scrutiny Reports for the respective Task and Finish Groups. It was reported that the final meetings of the Groups had taken place, and both sets of reports were in the process of being finalized before their submission to the meeting of the Overview and Scrutiny Committee on 6th March 2019.

A concern was raised by a Member as to the level of resources available for the facilitation of effective Task and Finish Group Scrutiny Reviews, and whether in fact additional financial resource could be allocated from the budget to allow Members and Officers involved in such Reviews to receive independent support, such as from external parties, to help enhance the findings of the Review. It was suggested that this could be raised at a meeting of the Cabinet at the next appropriate time. It was emphasized that the successful work of Officers and Members within the Task and Finish Groups was not to be undermined in any way, but that any further or space resource capacity that could be allocated would be useful.

The Chairman responded that further to the commencement of the new Administration, the field of Overview and Scrutiny would receive much consideration in relation to training, an element of which could potentially be the provision of resources for Task and Finish Groups. Further to the Chairman's comments, the Head of Governance advised Members

that Overview and Scrutiny did not have an assigned budgetary allowance. It was stated that even without the financial resource, external parties were routinely invited to attend meetings of the Overview and Scrutiny Committee and the Task and Finish Groups in order to gain their perspective, and Members themselves were directly consulted with in order to determine their views as to any additional support they felt was required. The inclination thus far was that the provision of financial resources was not needed, although it was added that there was some scope within the existing budgetary framework for Members to do this should the need arise in future.

Members were also advised that each year, Members were asked for their views as to appropriate Scrutiny topics for the upcoming year and 2019 was an Election year, this process would be enacted twice to encompass the views of both current and new potential Members. It was added that BDC was fortunate in that it possessed a range of Scrutiny options which included regular participation from Members across different Committees, whereas other Authorities often encountered barriers to effective Scrutiny between Committees.

A potential training suggestion for the upcoming Overview and Scrutiny Committee Membership was greater understanding of the Budget, due to the complexity of the document.

DECISION: That the report was noted by Members.

45 **DECISION PLANNER**

INFORMATION: Members considered the Decision Planner for the period 1st January 2019 to 30th April 2019.

DECISION: That the Decision Planner for the period 1st January 2019 to 30th April 2019 be noted.

The meeting commenced at 7.15pm and closed at 9:30pm.

Councillor P Barlow
(Chairman)