

# Supplementary Council Agenda



**Epping Forest  
District Council**

## **Council Monday, 24th April, 2006**

**Place:** Civic Offices, Epping  
**Room:** Council Chamber  
**Time:** 7.30 pm  
**Committee Secretary:** Council Secretary: Ian Willett  
Tel: 01992 564243 Email: iwillet@eppingforestdc.gov.uk

---

### **8. REPORTS OF THE CABINET (Pages 3 - 4)**

To consider the following reports of the Cabinet:

- (e) Cabinet Membership – Housing Portfolio – report attached

### **11. MOTIONS (Pages 5 - 6)**

(a) To consider the attached motion, notice of which has been given under Council procedure Rule 11.

### **12. QUESTIONS BY MEMBERS (Pages 7 - 8)**

To answer the attached additional questions asked after notice in accordance with the provisions contained in paragraph 10.3 of the Council Procedure Rules of the Constitution:

- (b) to Members of the Cabinet;

#### **12.1 CABINET DECISION - MAKING (Pages 9 - 10)**

This page is intentionally left blank

## ***Report to the Council***

**Committee:** Cabinet

**Date:** 24 April 2006

**Portfolio Holder:** Councillor J Knapman

**Item:** 8(e)

---

### **1. CABINET MEMBERSHIP - HOUSING PORTFOLIO**

**Recommending:**

**That, for the remainder of the Council year, the duties of the Housing Portfolio be dealt with by the Leader of the Council.**

**(This will result in setting aside the Council's principle for the Cabinet to be appointed pro rata the strengths of political groups on the Council. However, a pro rata Cabinet is not a requirement of the Local Government and Housing Act 1989 necessitating no member voting against waiving the recommendation. In this case a decision can be taken by a simple majority of the Council).**

---

#### **Report**

- 1.1 Councillor M Heavens, the Housing Portfolio Holder, resigned from the Council with effect from 20 March 2006.
- 1.2 The Leader of the Council has made temporary arrangements to cover the duties attaching to the Housing Portfolio from 20 March 2006 until the Council meeting on 24 April 2006.
- 1.3 For the remainder of the Council year, there are a number of options:
  - (a) appoint a new Portfolio Holder for Housing for the remainder of the year;
  - (b) transfer an existing Portfolio Holder to take over Housing with a new member appointed to the vacant Portfolio; or
  - (c) hold the Cabinet vacancy and continue the temporary arrangement for the Leader (or any other Cabinet member) to cover the Portfolio.
- 1.4 The Local Government Act 2000 requires that only appointed members of the Cabinet may undertake the executive responsibilities of Portfolios. Thus, only existing Cabinet members or a new Cabinet member appointed by the Council may undertake these duties.
- 1.5 It is proposed that the duties of this Portfolio continue to be dealt with by the Leader of the Council for the remainder of this Council year.

This page is intentionally left blank

## **Additional Motion Received**

To consider the following additional motions submitted in accordance with Council Procedure Rule 11.

### **(ii) Refuse Collection – Wheeled Bins**

“That in view of continued public concern regarding the size of the wheeled bins currently being delivered to our residents, the Portfolio Holder for Environmental Protection undertakes an immediate review of the current policy for issuing larger bins and recognises that as a Council we should listen not lecture!”

**Mover:** Councillor S Metcalfe

**Second:** Councillor D Stallan

This page is intentionally left blank

## **Additional Questions Received**

To consider the following additional question received in accordance with Council Procedure Rule 10.3

### **(iv) By Councillor D Stallan to Councillor D Jacobs, Portfolio Holder for Environmental Protection**

“Can I refer the Portfolio Holder to his answer to the question asked by Councillor Mrs Whitehouse at the Council meeting on 21 February 2006 where he said in relation to the use of Environmental Protection Act 1990 powers that “it is therefore proposed to bring that report to Cabinet at its April meeting” and could he now state why this report was not made as promised, therefore denying the Cabinet the chance to debate this issue, and could he assure me this was not withdrawn purely for political reasons because of the sensitivity of the subject?”

### **(v) By Councillor S Metcalfe to Councillor D Jacobs, Portfolio Holder for Environmental Protection**

“Can the Portfolio Holder tell me, following the introduction of the alternate weekly collection in Chigwell and Lambourne:

- (a) what the level of recycling was in both percentage and tonnage terms for the first three waste/recyclables collections;
- (b) what the level of recycling was in both percentage and tonnage terms, after we stopped collecting side waste;
- (c) how many complaints he received from the residents of Chigwell and Lambourne between the introduction of the alternate weekly collections and the ending of collection of side waste; and
- (d) how many complaints he received in the period since the ending of collection of side waste?”

### **(vi) By Councillor K Faulkner to Councillor J Knapman, the Acting Housing Portfolio Holder and Finance and Performance Management Portfolio Holder**

“Does the Portfolio Holder -

(a) recall that a few years ago members were told that the Council had accumulated £5 million from the sale of Council houses under the “Right to Buy” scheme and that under a Government directive, as I understood it, the Council was able to keep this money in its Housing Account provided it was spent within a certain time on housing regeneration or else it would be returned to central government;

(b) recall that it was therefore decided that, as Loughton Broadway still remained in the Housing Account after its transfer from the old G.L.C., this money could be used to fund the regeneration of that centre,

(c) know that this scheme has recently been costed at a figure of £3 million, leaving a balance of £2 million;

(d) recall that at the last Cabinet meeting in answer to a question to officers it was suggested that this balance had been used to supplement the general housing account; and

(e) agree that, if true, this has very worrying implications for future Council Tax in that that sort of deficit on the housing account casts doubt on where the additional funding will come from when the £2 million has run out

and can he therefore please clarify the situation?"



## 12A CABINET DECISION-MAKING

### Recommendation:

**(1) That the Leader of the Council be given delegated authority to appoint members to fill any vacancy which occurs on the Cabinet during the period from 8 May 2006 to 18 May 2006 as a result of the District Council elections on 4 May 2006 so as to maintain a quorum of five members for any urgent decision making required during that period;**

**(2) That, in the event of the Cabinet not being quorate following the elections on 4 May 2006, any appointments be made as a matter of urgency to secure a quorum on the recommendation of the Group Leader of the political group which currently holds the vacated seat, namely;**

**Councillor S. Barnes – by the Labour Group**

**Councillor R. Glozier – by the Conservative Group**

**Councillor D. Jacobs – by the Liberal Democrats Group;**

**(3) That if any of the Councillors listed in (2) above is re-elected on 4 May 2006, the Leader of the Council be authorised to re-appoint them to the Cabinet until the Annual Council meeting subject to their signing of a declaration of acceptance of office;**

**(4) That, in the event that there is no Group Leader or Deputy Group Leader available to nominate, the Leader of the Council be authorised to make such appointments as maintain the best party balance which is achievable in the circumstances;**

**(5) The the Leader of the Council be further authorised to appoint a Deputy Leader if he considers one to be necessary in the circumstances prevailing, such appointment to be made from any political group and from within the Cabinet membership prior to polling day; and**

**(6) That the current vacancies in respect of the Housing and Civil Engineering Portfolios be disregarded for this exercise.**

12A.1 (Leader of the Council) The current quorum for Cabinet meetings is five portfolio holders. At present, there is one vacancy on the Cabinet following the resignation of Councillor M Heavens. The Housing Portfolio is currently being covered by the Leader of the Council. The absence due to health reasons of Councillor D Spinks has also resulted in the Civil Engineering Portfolio being covered by Councillor R. Glozier in addition to the Planning & Economic Development Portfolio.

12A.2 Of the remaining Cabinet members, three are standing for re-election on 4 May 2006. Contingency planning indicates that if all three are not re-elected, the Cabinet will lose a quorum and be unable to make any urgent decisions after the three Councillors cease to members. The date in question is from 8 May 2006 (namely the commencement of the fourth day following election day. Up to 8 May

the three Cabinet members, even if not re-elected, would be able to participate but not afterwards.

12A.3 As it is possible that the Cabinet will need to meet between 8 May and the annual Council meeting, authority is sought to delegate the appointment of replacement Cabinet members to the Leader of the Council. Such appointments would operate only until the Annual Council meeting when cabinet membership would be reviewed anyway. To preserve pro rata balance on the Cabinet, which is a requirement of the Constitution, the Council should authorise the Leader on the basis that all three vacancies should be filled, each to be a successor from the same political group.

12A.4 The two other vacancies could be filled by the same means or set aside for this purpose. The latter course is recommended.

12A.5 Recommendation (3) deals with the position were any of the three Cabinet members to be re-elected. There is an argument that on grounds of continuity they should be re-appointed provided that they have signed a declaration of acceptance of office beforehand.

12A.6 The appointment of a Deputy Leader can be delegated to the Leader, but only if he considers it necessary. It is suggested that a current Cabinet member might be more appropriate than any new appointment.

12A.7 In accordance with Section 100(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council's Procedure Rules, the Chairman has permitted on grounds of urgency, consideration of this item as this is the last meeting of the Council before the period in question.

**Background Papers:** Nil