

## **EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES**

**Committee:** Council **Date:** 28 July 2005

**Place:** Civic Offices, Epping **Time:** 7.35 - 8.55 pm

**Members Present:** Councillors B Sandler (Chairman), K Angold-Stephens, D Bateman, Mrs M Boatman, Mrs D Borton, Mrs P Brooks, R Chidley, M Colling, Mrs D Collins, Mrs J Davis, J Demetriou, R D'Souza, K Faulkner, Mrs R Gadsby, R Glozier, P Gode, A Green, Mrs A Grigg, R Haines, Mrs H Harding, J Hart, M Heavens, D Jacobs, J Knapman, Mrs J Lea, A Lee, F Maclaine, J Markham, L Martin, L McKnight, P McMillan, R Morgan, Mrs C Pond, Mrs P Richardson, T Richardson, Mrs P K Rush, Mrs M Sartin, B Scrutton, D Spinks, D Stallan, Ms S Stavrou, G Stollar, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, M Woollard and K Wright

**Apologies:** Councillors Mrs A Haigh (Vice-Chairman), S Barnes, T Farr, R Goold, D Kelly, Mrs M McEwen, S Metcalfe, S Murray, Mrs S Perry and Mrs P Smith

**Officers Present:** R Barwell (Public Relations and Internet Officer), G Lunnun (Democratic Services Manager), D Macnab (Head of Leisure Services), R Palmer (Head of Finance), J Scott (Joint Chief Executive), I Willett (Head of Research and Democratic Services) and G J Woodhall (Democratic Services Assistant)

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### **20. FORMER COUNCILLOR PAUL BOSTOCK**

It was with much sadness that the Chairman informed the Council of the sudden death of former Councillor P Bostock, whose funeral the Chairman had attended that day on behalf of the Council at Loughton Methodist Church. All present stood for a minute's silence in tribute to the memory of former Councillor Bostock, whom the Chairman described as a free thinker who spoke his mind and an energetic ward member who would be missed by many within the District.

Following the Chairman's announcement, Councillor Mrs J Davis on behalf of the Labour Group, Councillor M Heavens on behalf of the Liberal Democrats, Councillor Mrs D Collins on behalf of the Conservatives, and Councillor R Glozier on behalf of the Copped Hall Trust all paid tribute to former Councillor Bostock.

#### **RESOLVED:**

That the Council's condolences to the family of former Councillor Paul Bostock be recorded.

### **21. VICE-CHAIRMAN**

In the absence of the Vice-Chairman, the Chairman invited nominations from the floor for an acting Vice-Chairman to assist him for this meeting.

**RESOLVED:**

That Councillor R Morgan act as Vice-Chairman.

**22. NEW MEMBERS**

The Chairman welcomed the two new members, Councillor Mrs H Harding (Lower Sheering Ward) and Councillor B Scrutton (Chigwell Village Ward), to the Council.

**23. MINUTES****RESOLVED:**

That the minutes of the Annual Council Meeting held on 19 May 2005 be taken as read and signed by the Chairman as a correct record.

**24. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

**25. CHAIRMAN'S ANNOUNCEMENTS****(a) Flowers**

The Chairman announced that the flowers from tonight's meeting would be sent to Mrs C Kelly, wife of Councillor D Kelly.

**(b) Countrycare Award**

The Chairman took great pleasure in announcing that the Council had gained a Green Flag Award for its work at the Roding Valley Nature Reserve. The Chairman congratulated the Countrycare staff from Planning Services who had worked hard to achieve this recognition.

**(c) Anti-Social Behaviour Action Day**

The Chairman informed members of the Council that there were still some places available for the second Anti-Social Behaviour Action Day on Tuesday 2 August 2005, to be held in the Committee Rooms at the Civic Offices.

**(d) Annual Tour of the Civic Offices**

The Chairman reported that the Annual Tour of the Civic Offices had been an enjoyable and enlightening day, and thanked the Heads of Service for their hospitality. The Chairman encouraged members to attend future tours, when held.

**(e) Chairman's Quiz Night**

The Chairman's Quiz Night had been scheduled for Friday 10 February 2006 at Theydon Bois Village Hall. The Chairman encouraged members to support the event, which was in aid of his charity appeal.

**(f) Civic Awards**

This had been scheduled for Thursday 23 March 2006 at the Prince Regent Hotel, Woodford Bridge.

**26. PRESENTATION TO MRS MAUREEN GILLIHAM**

The Chairman referred to the late Councillor J Gilliam, who had passed away earlier in the year. In recognition of his service to the Council, including a year as Chairman and two terms as Vice-Chairman, the Chairman presented a silver medal plus flowers to Mrs M Gilliam, and his son Mr C Gilliam.

**27. PUBLIC QUESTIONS**

No public questions had been received for consideration at the meeting.

**28. REPORTS OF THE CABINET**

**(a) Alternative Management of the Council's Leisure Facilities – Award of Contract**

**(Mover: Councillor C Whitbread – Leisure Portfolio Holder)**

The Leisure Portfolio Holder presented a report regarding the award of a contract to Sports and Leisure Management Ltd (SLM) in relation to the alternative management of the Council's Leisure facilities. In accordance with previous Council resolutions, meetings had taken place between officers of the Council and the senior management of SLM to finalise details of the proposed contract. Agreement had now been reached on a number of key issues, including: the award of relief from National Non-Domestic Rates; the risk of external challenge to rate relief; and the management fee annual index uplift. A number of issues remained to be finalised but the Portfolio Holder recommended that the award of the contract to SLM could now be approved.

Report as first moved **ADOPTED**.

**RESOLVED:**

That a seven-year contract for the management of the Sports Centres at Loughton, Ongar and Waltham Abbey Swimming Pool (three years for Epping Sports Centre) be awarded to Sports and Leisure Management Limited subject to:

- (a) agreement on the detailed arrangements for the calculation of the Council's contribution to salaries/wages and pension costs above the rate of inflation;
- (b) satisfactory receipt of outstanding information in relation to the Memorandum of Association and Licences to Occupy; and
- (c) satisfactory completion of the Method Statements.

**(b) Supplementary Estimates – 2005/06**

**(Mover: Councillor J Knapman – Portfolio Holder for Finance and Performance Management)**

The Portfolio Holder for Finance and Performance Management presented a report concerning the Supplementary Estimates for 2005/06, which were agreed by the Cabinet at its last meeting on 11 July 2005. The Portfolio Holder for Planning and Economic Development agreed to report back to the Council regarding the measures adopted to achieve top quartile status for the Development Control section. During the presentation of this report, the Portfolio Holder amended the supplementary estimate amount in respect of the asbestos works, and reported the figure for refuse sacks.

Report as first moved **ADOPTED**.

**RESOLVED:**

- (1) That, in order to meet the cost of the removal of asbestos insulation board and re-instatement works in the remainder of the Condor building, a supplementary capital estimate of £166,000 be approved;
- (2) That, in order to fund improved security arrangements at North Weald Airfield, a supplementary capital estimate of £40,000 be approved;
- (3) That, in order to finance the restructuring of the Benefits Division, a supplementary CSB estimate of £22,020 be approved;
- (4) That, in order to allow the introduction of a squad to tackle the backlog of planning applications, a supplementary DDF estimate of £100,000 be approved;
- (5) That, in order to meet 50% of the cost of heating refurbishment work at Waltham Abbey Sports Centre, a supplementary capital estimate of £15,000 be approved; and
- (6) That, in order to finance the change to the collection of garden waste within the District, a supplementary CSB estimate of up to £57,000 be approved.

**(c) Executive Work Plan and Priorities 2005/06**

**(Mover: Councillor J Knapman – Portfolio Holder for Finance and Performance Management)**

The Portfolio Holder for Finance and Performance Management presented the Executive Work Plan and Priorities for 2005/06, and explained that the Key Decisions had been listed until September 2005, but that decisions further into the future had also been included.

Report as first moved **ADOPTED**.

**RESOLVED:**

That, in accordance with the Budget and Policy Framework Procedure Rules, the Executive Work Programme for 2005/06 be approved, subject to:

- (a) the addition to the Leisure Portfolio to consideration of the future of Epping Sports Centre, in light of the earlier decision at this meeting regarding its external management for only three years not seven.

**(d) Constitution – Virement Rules****(Mover: Councillor J Knapman – Leader of the Council)**

By leave of the Council, and in the absence of the People First Portfolio Holder, the Leader of the Council presented the proposed revisions to the Virement Rules contained in the Constitution.

Report as first moved **ADOPTED**.

**RESOLVED:**

That, as set out in Appendix 1 to these minutes, the revised scheme of virement be adopted and incorporated into the Council's Constitution.

**29. STANDARDS COMMITTEE - ANNUAL REPORT 2004/05**

The third annual report of the Epping Forest District Standards Committee was presented by Dr D Hawes, the Chairman of the Committee. This detailed some of the issues that had arisen in the last twelve months and future developments.

A Protocol on Acceptance of Gifts and Hospitality had also been recommended by the Committee for adoption. It had been designed to support the duty of elected and co-opted Councillors under the Code of Conduct to record gifts and hospitality of a value in excess of £25.

Report as first moved **ADOPTED**.

**RESOLVED:**

(1) That the third Annual Report of the Standards Committee be received and noted;

(2) That, as set out in Appendix 2 to these minutes, the Protocol on Acceptance of Gifts and Hospitality be adopted; and

(3) That the Standards Committee and Dr Hawes as Chairman be thanked for their work during the past year.

**30. STATUTORY STATEMENT OF ACCOUNTS - 2004/05**

The Portfolio Holder for Finance and Performance Management presented the Council's Statutory Statement of Accounts for the year ending 31 March 2005, and reminded the Council that it had to be agreed before 31 July 2005. The Portfolio Holder also drew attention to the revised Related Party Transactions section that had been tabled at the meeting by the Head of Finance.

During consideration of the Related Transactions Listing, which had been tabled at the meeting, it became apparent that a further check was required. By leave of the Council, the Leader of the Council moved an additional recommendation that the Head of Finance be authorised to incorporate any changes found necessary.

Report as first moved **ADOPTED**.

**RESOLVED:**

That, subject to any final corrections to the Related Party Transactions Listing to be made by the Head of Finance, the Statutory Statement of Accounts for the Financial Year ending 31 March 2005 be approved.

### 31. MOTIONS

It was noted that no notice of motions had been received under Paragraph 11 of the Council's Procedure Rules in Part 4 of the Constitution.

### 32. QUESTIONS BY MEMBERS

#### (a) Clean Neighbourhoods and Environment Act 2005

#### **By Councillor K Angold-Stephens to Councillor D Jacobs, Portfolio Holder for Environmental Protection**

"With the provisions of this Act gradually coming into force, can the Portfolio Holder state: (a) how the Council proposes to address the wide-ranging provisions of this Act, including graffiti, abandoned vehicles, litter (including chewing gum), fly-posting and the many other provisions of the Act in accordance with the Government's intention that this should be on a cost-neutral basis; (b) how these measures will be enforced bearing in mind that improving street cleansing service standards appears in the Council's Best Value Performance Plan (BV199) with a target date of March 2006; and (c) what arrangements are being made with town and parish councils in the District to have a clear division of responsibilities for enforcement."

#### **Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection**

"The Councillor has posed a very interesting set of questions and I cannot do full justice to them in an answer to Council. The new Act is now on the statute book, but its different powers become available over a period of time, most in April 2006. In general terms the Act deals with:

- crime & disorder
- vehicles
- litter & refuse
- graffiti and other defacement
- waste
- dogs
- noise
- architecture & the built environment
- other.

When do these powers become available for use?

June 2005:

- selling & repairing vehicles on the road
- some extended litter powers
- changes relating to unlawful advertisements
- changes relating to fly tipping and waste management
- use of fixed penalty notices for noise

April 2006:

All remaining components are expected to come into force in April 2006 and comprehensive guidance is also expected ahead of that date.

It is not practical by means of this answer to set out detailed proposals as to how we might make best use of the new provisions. It is however clear that since these powers have been made available to local government following an extensive consultation, and represent what local government asked for, central government will expect us to adopt them and use them as is appropriate to local circumstances.

In coming to a conclusion over the next few months as to how to proceed the Council will need to bear in mind the following:

- (1) the requirement that the environment and crime & disorder strategies be linked together, since it is clear that a degraded environment, in whatever form, impacts upon levels of crime and anti-social behaviour;
- (2) the extended availability of fixed penalty notices for a range of enforcement and whether the Council envisages the introduction of uniformed street wardens or the like;
- (3) the Council's general approach to 'education versus enforcement';
- (4) how the member Panel reviewing the Council's senior management structure wishes to encompass these issues in their consideration of options; and
- (5) given the clear intent of Government that these powers be embraced and used, the resources that will be required.

Given the time scales involved these new powers will not have an impact upon the targets in the Council's current BVPP (2005/06). However, the Member is correct in alluding to the fact that a clean and acceptable street scene is one of the most important issues raised by the public when asked about how they feel about where they live and indeed how they perceive the overall performance of their local council. Improving matters is not solely reliant upon the powers available in the new Act but also requires the Council to improve contractor performance. To that end I am pleased to be able to inform Council that following recent interviews offers have been made to candidates, which will hopefully result in all current Waste Management Officer vacancies being filled by experienced personnel.

The Act provides powers to parish councils to authorise employees to issue fixed penalty notices for litter, graffiti, fly-posting and dog offences. They will also be able to introduce dog control orders (formerly byelaws). It will be essential to ensure that there is adequate liaison between this Council and the parishes to ensure a sensible use of these powers. The parishes will also need to be mindful, as will we, of the health and safety of employees charged with these duties.

I will over the next few weeks be considering how the Council should consider these matters and whether I should report direct into Cabinet or whether Overview and Scrutiny should be invited to consider including them in their current work schedules."

**(b) Refuse Collection**

**By Councillor K Faulkner to Councillor D Jacobs, Portfolio Holder for Environmental Protection**

"Assuming that the Cabinet on 25 July 2005 has confirmed the introduction of "Wheelie" bins would the Portfolio Holder please advise the Council:

- (a) about the advertising/information program (with dates) which is in place to advise residents of the changes to their refuse collection?
- (b) when is the changeover to single day collection going to take place and what information will be available and when is this to be given to residents?
- (c) about the arrangements to deal with the inevitable misunderstandings that will arise with the new system when implemented and how the public will be able to get answers to their queries as they arise?
- (d) whether he is confident that these arrangements/information programs are completely adequate to ensure that the public are aware of the changes and the reasoning behind them so as to ensure a smooth transition to the new working arrangements.”

**Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection**

“The programme for advertising and information will be formulated on a round by round basis as the introduction of the wheeled bins proceeds. However, ahead of the round based information, literature will be distributed on a district wide basis setting out the background to the proposals. This information will be provided to every member through the normal courier arrangements.

An additional Communications budget of £30,000 was allocated to the introduction of the new refuse arrangements. Most of this budget is allocated to the production and distribution of three leaflets. The first has been printed and is due for delivery to all households in August and September. The second will be delivered to homes prior to the delivery of their wheelie bins and the third will be delivered with the wheelie bins.

In terms of the round by round information, the following pattern will apply:

- 2 to 4 weeks ahead of wheeled bin delivery a leaflet to all affected householders setting out the proposals, the collection arrangements and answers to familiar questions
- with the wheeled bin on delivery, a further leaflet and information pack including matters such as assisted collections, different bin sizes etc
- in each area, in the time between the issue of the first leaflet and the actual wheeled bin, a road show in a prominent location enabling residents to see the bins, ask questions of officers etc.

An advertisement has been placed in What's On and Where, a publication due for publication and distribution in August. This advertisement will cost £1,500 from the refuse budget supplemented by a small contribution for an additional run on of 4,000 extra copies funded from PR budgets.

Basic artwork to support the production of advertising, leaflets and other publicity material was commissioned at the start of the process at a cost of £1,000. That artwork is being applied to media as diverse as The Forester magazine, vehicle livery, posters and local newspaper advertising.

Many of the ways in which the new arrangements are publicised have been at marginal cost the Council. For example, a two page spread in the Council Tax leaflet to all households, a series of features in the Forester, a new refuse section for the



Epping Forest District Council Website (under development) and no less than 14 media briefings by the Leader of Council beginning with the first in October 2004. Members will also be aware of the Open Forum attended by around 120 residents. Other publications such as Housing News are also being used to spread awareness among different groups of residents.

Additional features under the name of the Environmental Protection Portfolio Holder have also appeared in the local press, as well as a range of responses to media enquiries.

Although the publicity budget of £30,000 seems large by normal PR budget standards for Epping Forest District Council, feedback from other Councils suggests that this is in fact a relatively small figure. Other Councils have allocated figures of £60,000 to £80,000 per year, recruited recycling publicity officers and provided funds for displays, exhibitions and roadshows. The constraints of the budget prevented further development in Epping Forest of proposals for London Underground station and bus advertising campaigns costed at approximately £23,000. £29,000 of the £30,000 budget has been allocated to the PR plan with £1,000 retained for contingency purposes.

Traditional PR costs such as photography have been avoided by making use of a combination of royalty-free picture provided by Recycleonline and pictures taken by the in-house PR team.

Internal communications have included staff briefings for front-line Information and Environmental Services Staff. Further briefings will be provided to all staff via Grapevine.

The change in round structure is due to commence in late August, on a district wide basis. An information leaflet is being finalised which will set out the reasons for the change and clearly show what the new collection day is. Information will also be provided in respect of recycling including a calendar of collection dates. The leaflets will be provided to residents about 2 weeks ahead of the change, since experience shows that to provide information earlier results in the information being forgotten.

We propose to:

- (1) establish special telephone arrangements to deal with calls from the public;
- (2) provide information, including FAQs on the Council's website; and
- (3) have officers present in the areas during the changeover periods.

This is inevitably going to be very resource intensive and will undoubtedly impact upon other workloads within the Council during these periods.

We have sought guidance from other Councils who have been through this process and we are seeking to emulate best practice. However, one can never be certain that the public has read and assimilated the information we have provided nor that they will be immediately willing to accept the message and the revised service. What is clear from the best practice authorities is that when the service change is made the Council and its members must be completely behind the change, giving out the same message and giving the same information to the public. Any weaknesses in this regard will make the task of change very much more difficult to manage."

**Supplementary question for elucidation by Councillor K Faulkner:**

“Did the Portfolio Holder indicate that he is prepared to seek additional resources to advertise the new arrangements?”

**Further reply by Councillor D Jacobs:**

“Yes, but I am not sure that the Cabinet will be prepared to support me in this.”

**(c) Furniture Exchange Scheme**

**By Councillor Mrs J Whitehouse to Councillor Mrs C Pond, Portfolio Holder for Community Wellbeing**

“At the Cabinet meeting on 20 December 2004 it was agreed that the Furniture Exchange Scheme, previously agreed, should be provided with a depot at Town Mead, Waltham Abbey and grants towards the costs were also agreed. Will the Portfolio Holder please report on the progress to this scheme as it does not yet seem to be operating in this District.”

**Response by Councillor Mrs C Pond, Portfolio Holder for Community Wellbeing**

“Although we have some way to go in terms of finalising the arrangements, it is hoped that collections through the Furniture Exchange scheme will be able to commence in Epping Forest District on Mondays later this year, probably commencing with a pilot scheme for between 6 and 8 weeks. Items collected will include good quality basic furniture and other items. This includes single and double beds; chests; bedside cabinets; single or double wardrobes; tables and chairs; small lounge units; three piece suites; armchairs; coffee tables; carpets; washing machines; cookers; fridges and freezers; microwaves; ironing boards and vacuum cleaners.

Various partner organisations, including the District Council, are working with the scheme organisers on collection, storage and distribution, to ensure all arrangements are in place for the start of the scheme in the District. We will keep the Council advised as to the progress of the arrangements.”

**(d) EU Funding for the District**

**By Councillor Mrs J Whitehouse to Councillor R Glozier, Portfolio Holder for Planning and Economic Development**

“Following the Portfolio Holder's attendance at the LGIB road show 'Close to EU: Europe in the East of England' which was about funding opportunities, could the Portfolio Holder please state:

(a) what plans he has to seek European funding for this District? and

(b) would he agree that global grants for small scale projects such as The Box in Epping and the funding for start up grants to businesses and other projects would be beneficial?”

**Response by Councillor R Glozier, Portfolio Holder for Planning and Economic Development**

“Probably the most interesting observation one could draw from the LGIB Road Show is the sheer number of bureaucrats and quangos that it takes to give some semblance of effectiveness to the Government’s and EU’s “Regional Policies”. These are all funded by the taxpayer but one way in which they try to justify their existence is by being the distributor of “grants”. These are, of course, only a way for the taxpayer to get back a percentage of what they have already paid in.

The name of the game is essentially two-fold. Once we have identified a “Project” we would need to massage any statistics to show we suffer the necessary degree of “deprivation” and that the “Project” will result in the necessary degree of “regeneration”. We could perhaps learn from our friends in the Mediterranean countries how best to convey this impression. This Council’s next major project, and the only one currently identified, is the enhancement and re-generation of Loughton Broadway. I will be asking the officers if there is any way to “adjust” the figures around this project so as to make it eligible for some “cash back” from the EU.

I would certainly agree that worthy projects should seek and obtain funding from every source that can be identified. I am not sure that The Box in Epping necessarily has “global” ambitions at this stage but it is an excellent project and I recommend it to Councillor Mrs Whitehouse and all of the Members.”

### **33. LOCAL GOVERNMENT AND HOUSING ACT 1989 - REVIEW OF ALLOCATION OF COMMITTEE PLACES**

The Leader of the Conservative Group presented a report regarding a review of the pro rata allocations to the Committees, Sub-Committees and Panels of the Council. The balance of places between the political groups had recently been altered after bye-elections in both the Lower Sheering and Chigwell Village wards. A supplementary report had been tabled at the meeting detailing the individual nominations to various committees that the Conservative Group wished to make in relation to the revised allocations.

#### **RESOLVED:**

- (1) That the notices of their wish to join the Conservative Group by Councillor Mrs H Harding (Lower Sheering ward) and Councillor B Scrutton (Chigwell Village ward) be noted;
- (2) That the notice under the Local Government and Housing Act 1989 issued by the Leader of the Conservative Group requesting a review of the allocation of Committee places be noted;
- (3) That the Council notes that no changes in respect of allocation of seats on the Cabinet are required;
- (4) That the appointment of Councillor R D’Souza to the Licensing Committee be approved;
- (5) That the appointment of Councillor A Green to the District Development Control Committee be approved;
- (6) That the appointment of Councillor Mrs H Harding to Area Planning Sub-Committee ‘C’ be approved;

(7) That, based upon the 11 seats on the Overview and Scrutiny Committee, the new pro rata entitlements be noted as follows:

- (a) Conservative Group: 5;
- (b) Liberal Democrat Group: 3;
- (c) Loughton Residents' Association: 1;
- (d) Independent Group: 1;
- (e) Labour Group: 1; and
- (f) British National Party: 0

(8) That, in order to satisfy pro rata requirements, the appointment of Councillor D Stallan to the Overview and Scrutiny Committee be approved;

(9) That, in accordance with the Overview and Scrutiny Rules of the Constitution, the Overview and Scrutiny Committee be requested to review pro rata allocations to Standing Panels;

(10) That the Council notes that no action is required in respect of the Joint Consultative Committee;

(11) That the appointment of Councillor Mrs R Gadsby as a substitute member to the Housing Appeals Panel be approved; and

(12) That the Council notes that no change in the allocations to Chairmanships and Vice-Chairmanships of Committees, Sub-Committees and Panels of the Council is required.

#### **34. REVIEW OF CHARTER WITH LOCAL COUNCILS - APPOINTMENT OF REPRESENTATIVES TO JOINT WORKING GROUP**

The Head of Research and Democratic Services presented a report in relation to the appointment of representatives to the Joint Working Group tasked with the review of the Charter with Local Councils. This Joint Working Group would comprise three Local Council and three District Council representatives.

##### **RESOLVED:**

That the three representatives of the District Council on the Joint Working Group to review the Charter with Local Councils be:

- (a) Councillor B Sandler;
- (b) Councillor Mrs A Haigh; and
- (c) Councillor R Morgan.

#### **35. EPPING FOREST COLLEGE FE - CORPORATION BOARD**

The Head of Research and Democratic Services presented a report regarding the nomination of a District Council representative to the Board of Governors of the Epping Forest College. This was to replace the previous representative, former Councillor J Gilliam.

**RESOLVED:**

That Councillor M Woollard be nominated as a member of the Board of Governors for Epping Forest College.

**36. REPRESENTATION ON OUTSIDE ORGANISATIONS - WEST ESSEX JOINT WASTE COMMITTEE**

The Head of Research and Democratic Services presented a report concerning the representation of the District Council on the West Essex Joint Waste Committee. The Council were reminded that at the Annual Meeting on 19 May 2005, the Portfolio Holder for Environmental Protection, Councillor D Jacobs, had been appointed as the Council's representative with Councillor Mrs P Smith as the deputy. However, the Joint Waste Committee's constitution required the deputy to also be a member of the Council's Cabinet, and thus Councillor Mrs P Smith had agreed to stand down in favour of another member of the Cabinet.

**RESOLVED:**

- (1) That the resignation of Councillor Mrs P Smith be taken as read; and
- (2) That, for the remainder of the municipal year, the Portfolio Holder for Planning and Economic Development, Councillor R Glozier, be appointed as the Council's deputy representative on the West Essex Joint Waste Committee.

**CHAIRMAN**

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## BUDGET AND POLICY FRAMEWORK RULES

### APPENDIX

#### SCHEME OF VIREMENT

##### Purpose of Scheme

1. The scheme of virement is intended to enable the Cabinet, Chief Officers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Full Council and, therefore, to optimise the use of resources.
2. The scheme of virement empowers the Portfolio Holder to manage the resources under his or her control and, therefore, to be accountable to the Cabinet and Full Council for their financial performance.

##### Key Controls

3. Key controls for the schemes of virement are:
  - (a) it is administered by the Head of Finance within guidelines set by the Full Council. Any variation from this scheme requires the approval of the Full Council;
  - (b) the overall budget is agreed by the Cabinet and approved by the Full Council. Chief officers and their nominated Spending Control Officers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources within approved estimates or between budget headings. For the avoidance of doubt, a list of approved budget headings will be maintained by the Head of Finance;
  - (c) virement does not create additional overall budget liability. Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief Officers must plan ahead to fund such commitments from within their own budgets, so as to avoid the need for supplementary estimates.
  - (d) in exceptional circumstances where a request for a supplementary estimate, i.e. an increase in the overall budgetary requirement of the authority is needed, the approval of Full Council will be required;
  - (e) virement between budgets of the Housing Revenue Account and the General Fund, and between revenue and capital budgets is prohibited;
  - (f) for the purposes of the virement scheme only, the Housing Portfolio is considered to consist of two budget portfolios (Housing Revenue Account and Housing General Fund);

(g) no virement relating to a specific financial year should be made after 31 March in that year; and

(h) any reference to a budget percentage threshold for virement refers to the gross budget unless otherwise specified.

4. Where an approved budget is a lump-sum budget or contingency, under the control of the Finance and Performance Management Portfolio Holder, intended for allocation during the year, its allocation will not be treated as a virement, provided that:

(a) the amount is used in accordance with the purposes for which it has been established; and

(b) the Cabinet has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet.

### **Responsibilities of the Head of Finance**

5. To prepare jointly with the Chief Officer, a report to the Cabinet where revenue virements in excess of the greater of £5,000 or 2% are proposed.

6. To maintain a list of approved budget headings.

7. To maintain a register of approved virements.

8. To monitor that any allocation of an approved budget that is a lump-sum budget or contingency intended for allocation during the year is in accordance with the purposes for which it was established and the Cabinet approved scheme for its release. Where any proposed allocation falls outside of these conditions, the allocation will be deemed to be a virement and treated accordingly.

### **Responsibilities of Chief Officers**

9. Subject to 19 below, a Chief Officer may exercise virement on budgets under his or her control for cumulative amounts up to £5,000 between detailed account codes within the same cost centre during the year, subject to the agreement of the Head of Finance. (For this purpose 'cost centre' refers to the budget book sub-heading, e.g., for Accommodation Services the cost centres are Office Accommodation, Superintendents, Duty Officers and Catering).

10. Where a virement is required, the Chief Officer (or other Officer delegated by them) must send a signed written request to Accountancy detailing the amount and detailed cost codes involved.

### **Responsibilities of Portfolio Holders**

11. A Portfolio Holder, in consultation with the appropriate Chief Officer, may exercise virement on budgets under his or her control, within the same cost centre or between cost centres, for cumulative amounts up to the greater of £10,000 or 2% of gross cost centre expenditure during the year, following notification to the Head of Finance, and subject to the conditions in paragraphs 19 to 20 below. These limits are inclusive of amounts vired under 9 above, not in addition to.



12. Cumulative amounts greater than £10,000 or 2% whichever is the greater, within the same cost centre or between cost centres during the year require the approval of the Cabinet, following a report of the relevant Portfolio Holder in conjunction with the Head of Finance and the Chief Officer, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year,

### **Responsibilities of Head of Finance**

13. To prepare jointly with the relevant Chief Officer a report to the Cabinet or full Council as appropriate, where revenue virements within the same cost centre, or between cost centres within the same portfolio, in excess of the greater of £10,000 or 2% of gross cost centre expenditure are proposed.
14. To maintain a list of approved budget headings.
15. To maintain a register of all approved virements.
16. To monitor that any allocation of an approved budget that is a lump-sum budget or contingency intended for allocation during the year is in accordance with the purposes for which it was established and the Cabinet approved scheme for its release. Where any proposed allocation falls outside of these conditions, the allocation will be deemed to be a virement and treated accordingly.

### **Responsibilities of Cabinet and Council**

17. Cumulative virements within a Portfolio greater than £10,000 or 2% of the total portfolio, whichever is the greater, require the approval of the full Council, following a report of the Cabinet in conjunction with the Head of Finance and the relevant Chief Officer(s) which must specify the cumulative expenditure and sources of funding, and must explain the service delivery implications in the current and future financial year.
18. The Cabinet may vire resources between individual capital projects within the General Fund or the Housing Revenue Account, subject to a report to Full Council if the cumulative virement exceeds £100,000 on either fund.
19. The prior approval of the Cabinet is required for any virement, of whatever amount, where it is proposed to:
  - (a) vire between budgets of different accountable Portfolio Holders;
  - (b) vire between budgets managed by different Chief Officers;
  - (c) change the level of the Council's manpower.

### **General**

20. Virements that are likely to impact on the level of service activity of another Chief Officer should be implemented only after agreement with the relevant Chief Officer.

### **Review**

21. These rules shall be subject to regular review as and when circumstances dictate.

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## GUIDANCE ON GIFTS AND HOSPITALITY

### 1. INTRODUCTION

1. The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the Authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

2. The law on the acceptance of gifts and hospitality is set out in the Authority's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this Authority, to provide a clear set of rules for the protection of both Councillors and the Authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

3. This guidance sets out:

(a) the principles which should be applied whenever a Councillor has to decide whether it would be proper to accept any gift or hospitality;

(b) a procedure for obtaining consent to accept a gift or hospitality when a Councillor considers that it would be proper to accept it;

(c) a procedure for declaring any gift or hospitality received and for accounting for any gift to the Authority; and

(d) circumstances where acceptance of gifts and hospitality is appropriate.

4. This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by Epping Forest District Council.

## 2. GENERAL PRINCIPLES

1. In deciding whether it is proper to accept any gift or hospitality, Councillors should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, such an offer should not be accepted if to do so would be in breach of one or more of these principles:

### **Principle 1 - Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor**

2. Councillors must act in the public interest and must not be swayed in the discharge of their duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

3. The Public Bodies (Corrupt Offences) Act 1889 provides that if Councillors accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years.

4. Further, the Authority's Code of Conduct for Members provides that Councillors must act in the public interest, serving the Authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

### **Principle 2 - Hospitality should only be accepted if there is a commensurate benefit to the Authority.**

5. The only proper reason for accepting any hospitality is that there is a commensurate benefit for the Authority which would not have been available but for the acceptance of that hospitality. Acceptance of hospitality can confer an advantage on the Authority, such as an opportunity to progress the business of the Authority expeditiously through a working lunch, or to canvass the interests of the Authority and its area at a meeting. However, acceptance of hospitality for a member's own benefit or advantage, rather than for the benefit to the Council, would be a breach of the Code of Conduct.

### **Principle 3 – You should only accept gifts in very limited circumstances**

Acceptance of a gift is much less likely to confer such an advantage to the Council the presumption being that the gift or hospitality is purely for the member's personal benefit.

7. As set out above, the Authority's code provides that members must not improperly confer any advantage on anyone, including themselves. Acceptance by a Councillor of a gift for your own benefit or advantage, rather than for the benefit to the Authority, would be a breach of the Code of Conduct.

8. The Council has a general presumption against the acceptance of gifts even if the benefit to the Authority is commensurate with its value. The only gifts which may be accepted are listed in Section 3(a) below.

#### **Principle 4 - Never accept a gift or hospitality if acceptance might be open to misinterpretation**

9. The appearance of impropriety can be just as damaging to the Authority and to Councillors as actual impropriety. The Authority's ability to carry out its functions rests upon its reputation for acting fairly and in the public interest. Members must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that they or the Authority favours any particular person, company or section of the community or is placing them under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, the gift or hospitality must be refused or appropriate steps taken to ensure that such a misunderstanding cannot arise.

10. Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (a) occasions when the Authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer;
- (b) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination; and
- (c) funding decisions, when the Authority is determining a grant application by any person or organisation.

#### **Principle 5 - Never accept a gift or hospitality which puts you under an improper obligation**

11. Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If a gift or hospitality is accepted improperly, it is possible that they may seek to use this fact to persuade to determine an issue in their favour. Equally, if others note that a Councillor has been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Authority.

#### **Principle 6 - Never solicit a gift or hospitality**

12. Councillors must never solicit or invite an offer of a gift or hospitality in connection with their position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Guidance. They should also take care to avoid giving any indication that they might be open to such any improper offer.

### **3. GENERAL CONSENT TO ACCEPT GIFTS AND HOSPITALITY**

#### **(a) Cases where there is a general consent to accept**

1. The Council has agreed that members may accept gifts and hospitality in the following circumstances:

- (a) civic hospitality provided by another public authority;
- (b) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits;

- (c) tickets for sporting, cultural and entertainment events which are sponsored by the Authority;
- (d) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, a Councillor should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise;
- (e) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom a Councillor has done business on behalf of the Authority who is met accidentally in a public house, cafe or bar: in such cases, you should make reasonable efforts to return the offer where this is practicable;
- (f) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices of a party with whom the Authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 per person;
- (g) modest souvenir gifts with a value below £25 from another public Authority given on the occasion of a visit by or to the Authority;
- (h) hospitality received in the course of an external visit or meeting which has been duly authorised by the Authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit;
- (i) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the procedure set out in (b) below.

**(b) Procedure for gifts under Paragraph 1(i) above**

2. A Councillor must, as soon as practicable after the receipt of a gift meeting the description under (a)(1) above, pass it to the Head of Research and Democratic Services/Chairman of the Council together with a written statement identifying the information set out in Paragraphs 3(c) below. A letter will then be sent to the person or organisation making the gift thanking them for the gift and informing them that it has been donated to the Chairman's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, with the proceeds being donated to a charitable cause chosen by the Chairman.

**(c) Cases where special consent to accept can be obtained**

3. If a member wishes to accept any gift or hospitality which is in accordance with the General Principles set out in Section 2, but is not within any of the general consents set out in Section 3, they may only do so if they have previously obtained specific consent in accordance with the following procedure.

4. The Councillor must make an application in writing to the Monitoring Officer, setting out:

- (a) the nature and their estimate of the market value of the gift or hospitality;
- (b) who the invitation or offer has been made by or on behalf of;
- (c) the connection which the member has with the person or organisation making the offer or invitation, such as any work which you have undertaken for the Authority in which they have been involved;
- (d) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the Authority;
- (e) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper.

4. You must not accept the gift or hospitality until you have received the appropriate consent.

5. The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the Authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Section 4, below.

**4. REPORTING**

1. Where a Councillor accepts any gift or hospitality which is estimated to have a market value or cost of provision of £25 or greater, they must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information in Paragraphs 2(b) above. A form for this purpose is available, but this can be sent by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection.

2. Even if the value of the gift or hospitality is less than £25, and the member is concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, a Councillor may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

## **5. GIFTS TO THE COUNCIL RATHER THAN A COUNCILLOR**

1. Gifts to the Authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the Authority. Councillors should not solicit any such gift on behalf of the Authority except where the Authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements.

2. If a Councillor receives such an offer on behalf of the Authority, you must first consider whether it is appropriate for the Authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the Authority under any improper obligation, and whether there is a real benefit to the Authority which would outweigh any dis-benefits).

3. Members should report the offer to the Monitoring Officer together with their recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the Authority. If a Councillor has any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the Authority to accept the gift, they should consult the Monitoring Officer directly.

## **6. DEFINITIONS**

1. "Gift or hospitality" includes:

(a) the free gift of any goods or services;

(b) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public;

(c) the opportunity to obtain any goods or services which are not available to the general public;

(d) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

2. References to the "value" or "cost" of any gift or hospitality are references to the higher of:

(a) your estimate of the cost to the person or organisation of providing the gift or consideration;



(b) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

**Adopted by Epping Forest District Council on  
(Minute )**

**2005**

G/COMMM/WILLETT/G 2005/GUIDANCE ON GIFTS AND HOSPITALITY

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