

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** Monday, 24 April 2006

Place: Civic Offices, Epping **Time:** 7.30 - 10.25 pm

Members Present: Councillors B Sandler (Chairman), Mrs A Haigh (Vice-Chairman), K Angold-Stephens, S Barnes, D Bateman, Mrs M Boatman, Mrs D Borton, Mrs P Brooks, M Cohen, M Colling, Mrs D Collins, Mrs J Davis, R D'Souza, K Faulkner, Mrs R Gadsby, R Glozier, P Gode, R Goold, A Green, Mrs A Grigg, Mrs H Harding, J Hart, D Jacobs, D Kelly, J Knapman, Mrs J Lea, A Lee, F Maclaine, J Markham, L Martin, Mrs M McEwen, P McMillan, S Metcalfe, R Morgan, S Murray, Mrs S Perry, Mrs C Pond, Mrs P Richardson, T Richardson, Mrs P K Rush, Mrs M Sartin, B Scrutton, Mrs P Smith, D Stallan, Ms S Stavrou, C Whitbread, Mrs J H Whitehouse, J M Whitehouse and K Wright

Other Councillors: (none)

Apologies: Councillors J Demetriou, T Farr, R Haines, D Spinks and M Woollard

Officers Present: Peter Haywood (Joint Chief Executive), John Scott (Joint Chief Executive), Ian Willett (Head of Research and Democratic Services), Bob Palmer (Head of Finance), Rob Barwell (Public Relations and Internet Officer) and Graham Lunnun (Democratic Services Manager)

84. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 21 February 2006 be taken as read and signed by the Chairman as a correct record subject to the deletion of Councillor Stallan's name from Minute 71(a) (Declarations of Interest).

85. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 8(d) (Report of the Cabinet – Supplementary Estimates and Virement – Waste Management Contract). He declared that his interest was not prejudicial and that he would remain in the meeting for the duration of the consideration of the item and voting thereon.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 14 (Waste Management Service). He declared that his interest was prejudicial and that he would be leaving the meeting for the duration of the consideration of the item and voting thereon.

(c) Pursuant to the Council's Code of Member Conduct, Councillors Mrs P Brooks and Ms S-A Stavrou declared personal interests in agenda item 11(a) (Motion – Olympic Slalom Venture – Broxbourne) by virtue of being Council representatives on the Lee Valley Regional Park Authority. They declared that their

interests were not prejudicial and that they would remain in the meeting for the duration of the consideration of the item and voting thereon.

(d) Pursuant to the Council's Code of Member Conduct, Councillors Mrs S Perry, C Whitbread and J M Whitehouse declared personal interests in agenda item 8(d) (Report of the Cabinet – Supplementary Estimates and Virement – Epping Drinking Fountain) by virtue of being Epping Town Councillors. They declared that their interests were not prejudicial and that they would remain in the meeting for the duration of the consideration of the item and voting thereon.

86. ANNOUNCEMENTS

(a) Chairman's Announcements

(i) Chairman's Charity Walk

The Chairman reported that the walk in aid of his charities due to have taken place on 2 April 2006 had been cancelled due to a lack of support. He thanked those who had sent in a booking fee and had requested that it be kept as a donation to the charities.

(ii) Chairman's Charity Abseil

The Chairman advised that an abseil of the Church Langley Water Tower would be taking place on 30 April 2006 in aid of his charities. His daughter Tanya, would be taking part and he invited members to sponsor her by completing forms which were before them.

(iii) Retiring Members

The Chairman thanked the following members, who were not seeking re-election on 4 May 2006, for their service to the residents of Epping Forest District:

Mrs Joan Davis, Michael Heavens, Len Martin, Fergus Maclaine, Ken Faulkner, Leo McKnight and Barry Scrutton.

The Chairman advised that Councillor Mrs J Davis and former Councillor M Heavens would be invited to attend the Annual Council Meeting to be presented with glassware in recognition of their long service, at which time members would be given an opportunity to pay tribute to their service. By leave of the Council, Councillor S Murray paid tribute to the work undertaken by Councillor Mrs Davis and for the help and guidance she had given him during the past 30 years.

Councillor Mrs J H Whitehouse paid tribute to the contribution to the Council by Councillors L Martin and F Maclaine and wished them long and happy retirements.

Councillor Mrs D Collins paid tribute to the contribution to the Council by Councillor K Faulkner and wished him well in his retirement.

Councillor R Morgan endorsed the comments made by other members and wished all of the five retiring members who would not be present at the Annual Meeting best wishes for the future.

(iv) Flowers

The Chairman announced that the flowers from tonight's meeting would be given to Councillor Mrs J Davis.

(b) Members' Computer Training – Award of Certificates

The Chairman handed certificates to those members who had completed recent IT training.

87. PUBLIC QUESTIONS

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

88. COUNCILLOR M HEAVENS - RESIGNATION AND LOCAL GOVERNMENT HOUSING ACT 1989 - NOTICE OF INTENTION TO JOIN A POLITICAL GROUP - COUNCILLOR M COHEN

By leave of the Council, agenda items 5 (Councillor M Heavens) and 6 (Councillor M Cohen) were taken together.

Members noted that M Heavens had resigned as a Councillor on 20 March 2006. Following notification and public notice of the vacancy, a request for an election to fill the vacancy had been received, nominations had been made, and an election would take place at the same time as other elections on 4 May 2006.

The Council noted that the required notice under the Local Government (Committee and Political Groups) Regulations 1990 had been received advising that Councillor M Cohen had joined the Conservative Group on 31 March 2006.

The Council considered the need for a review of pro rata membership of committees and sub-committees for the remainder of the current municipal year.

Motion moved by Councillor R Morgan and seconded by Councillor K Faulkner:

“That, in view of the late stage of the Council year, the normal requirement for a review of pro rata membership as a consequence of the resignation of Councillor M Heavens and Councillor M Cohen transferring to the Conservative Group be waived and referred to the Annual Council Meeting when such a review will take place automatically”.

ADOPTED

RESOLVED: Unanimously.

89. LOCAL GOVERNMENT ACT 1972 (SECTION 85(1)) - LEAVE OF ABSENCE FOR COUNCILLOR D SPINKS

The Council was advised that Section 85(1) of the Local Government Act 1972 stipulated that if an elected member did not attend any meeting of the Council, a Committee, Sub-Committee or other body at which the functions of the Council were carried out for a period of six months from their last attendance, the member was thereupon disqualified from office at the end of that period. A notice of vacancy was then published and a by-election held to fill the seat.

Section 85(1) also stipulated that the Council could approve reasons for the member's absence before the six month period expired. This would then avoid the disqualification.

The Council noted that Councillor D Spinks had last attended a meeting which complied with Section 85(1) on 13 December 2005 (Council meeting).

Councillor Mrs D Collins advised that Councillor Spinks was currently receiving medical treatment which was estimated to last for 10 weeks. Councillor R Glozier, who had been looking after Councillor Spinks' Portfolio in his absence, reported that Councillor Spinks whilst not able to attend meetings, was continuing to take a close interest in Council activities and they had regularly discussed matters over the telephone during the past few weeks.

RESOLVED:

(1) That, in accordance with Section 85(1) of the Local Government Act 1972, Councillor D Spinks be given leave of absence from Council duties up to and including the Council meeting on 29 June 2006 on grounds of ill health; and

(2) That the position be reviewed at the Council meeting on 29 June 2006.

90. REPORTS OF THE CABINET

(a) Calendar of Council Meetings – 2006/07

(Mover: Councillor S Barnes – Portfolio Holder for People First)

The Council received a report from the Portfolio Holder for People First concerning the calendar of Council meetings for the 2006/07 municipal year. By leave of the Council, Councillor Barnes drew attention to the omission of a meeting of Area Plans Sub-Committee 'D' from the calendar and requested that a meeting of that Sub-Committee be held on 3 January 2007 with the dates of the remaining Area Plans Sub-Committees being put back one week to reflect this change.

Report as amended **ADOPTED**

RESOLVED:

That the calendar of meetings for the period May 2006 – May 2007 be adopted as set out in Appendix 1 to these minutes.

(b) Public Consultation and Engagement Strategy and Policy

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

The Portfolio Holder for Finance and Performance Management submitted a report following a review of the Council's Consultation Strategy. He advised that the Council's existing Consultation Strategy had been published in 1999 in response to the introduction of Best Value legislation, and had not been reviewed or updated since that time. The review had provided an opportunity to set out an overall corporate approach to consultation and engagement. The new policy and strategy would be embedded across the Council as part of the Authority's Constitution, and

sought to address the issue of inclusivity amongst minority groups and communities that might not always be fully engaged or represented. The Council noted that the Finance and Performance Management Overview and Scrutiny Panel had supported the adoption of the draft policy and strategy.

Report as first moved **ADOPTED**

RESOLVED:

That the draft Public Consultation and Engagement Strategy and Policy be adopted.

(c) Planning Enforcement – Birchfield, Epping Lane, Stapleford Tawney

(Mover: Councillor R Glozier, Planning and Economic Development Portfolio Holder)

The Planning and Economic Development Portfolio Holder submitted a report on the condition of land at Birchfield, Epping Lane, Stapleford Tawney following unauthorised use by travellers. He also drew attention to enforcement action and proceedings which had been taken in order to secure the cessation of the use and the restoration of the site to its former condition.

The Council noted that since the site had been vacated by the travellers and had become derelict, the acknowledged harm already caused by the unlawful use and associated works had been exacerbated. Moreover, the use of an additional vehicular access to the site off Epping Lane had caused additional harm to the safe and free flow of traffic using Epping Lane. To remedy the harm already caused and to prevent further exacerbation of that harm, it was necessary to take steps to secure compliance with the enforcement notice and return the land to its original condition. That would create the conditions for the lawful use of the land to resume. The Council was advised that a separate report would be made on the need for a supplementary estimate to cover the cost of a survey of the site and the remedial works. Steps could be taken to recover the Council's costs but it is doubtful costs would be recovered having regard to the circumstances of this case.

Report as first moved **ADOPTED**

RESOLVED:

(1) That, in accordance with the requirements of the enforcement notice, works to clear the site of rubbish, walls, fences, furniture, caravans, mobile homes, fill material and a bund adjacent to the northern site boundary be approved;

(2) That, in the event of the works being carried out, a legal charge be registered on the land in order to recover as much of these costs as possible; and

(3) That a further report be submitted to the Cabinet to enable consideration to be given to the principle of acquisition of the freehold interest of the land, the report to include details of the options, cost, future use and other implications.

(d) Supplementary Estimates, Capital Provision and Virement**(Mover: Councillor J Knapman, Portfolio Holder for Finance and Performance Management)**

The Portfolio Holder for Finance and Performance Management submitted reports regarding requests for supplementary estimates, additional capital provision and a virement.

In relation to the requests for DDF supplementary estimates for the site of Birchfield, Epping Lane, Stapleford Tawney, the Portfolio Holder advised that quotations when received would be examined vigorously and the minimum amount necessary would be spent.

The Portfolio Holder amended the request for additional capital provision in relation to the Loughton Broadway Regeneration Scheme in recognition of the report circulated with the supplementary agenda for this meeting.

Report as amended **ADOPTED**

RESOLVED:

- (1) That a DDF supplementary estimate of £15,000 be approved to meet the cost of a survey of Birchfield, Epping Lane, Stapleford Tawney, including a land contamination survey;
- (2) That a DDF supplementary estimate of £50,000 be approved to meet the cost of the clearance of rubbish, caravans and mobile homes from the site of Birchfield, Epping Lane, Stapleford Tawney;
- (3) That a supplementary capital estimate of £920,000 including £670,000 for works and £250,000 for contingencies, unforeseen and professional fees, be approved for the Bobbingworth Tip – Landfill Remediation Project;
- (4) That provision within the Capital Programme for the Loughton Broadway Regeneration Scheme be increased by £490,349 from £2.5 million to £2,990,349;
- (5) That additional budget provision in the sum of £550,000 be provided within the HRA Capital Programme in relation to the Springfields Improvement Scheme;
- (6) That a virement in the sum of £25,000 from the Capital Contingency Fund be approved in order to secure the refurbishment of the Epping Drinking Fountain;
- (7) That an increase in the annual budget for disabled adaptations from 2006/07 in the sum of £30,000, from £300,000 to £330,000 per annum be approved;
- (8) That a DDF supplementary estimate of £200,000 be approved to meet the costs of terminating the waste management contract with South Herts Waste Management through a negotiated settlement and the initial costs of service re-provision; and

(9) That provision within the Capital Programme for 2006/07 be increased by £500,000 for increasing the amount of affordable housing within the District.

(e) Cabinet Membership – Housing Portfolio

(Mover: Councillor J Knapman, Leader of the Council)

The Leader of the Council advised that following the resignation from the Council of Councillor M Heavens on 20 March 2006 he had covered on a temporary basis the duties attaching to the Housing Portfolio. He drew attention to the options for covering this Portfolio for the remainder of the current Council year. The Local Government Act 2000 required that only appointed members of the Cabinet could undertake the executive responsibilities of portfolios. Thus, only existing Cabinet members or a new Cabinet member appointed by the Council could undertake these duties.

The meeting noted that Overview and Scrutiny would be asked to consider requesting the Constitutional Affairs Scrutiny Panel to draw up arrangements to cover such a situation in the future.

Report as first moved **ADOPTED**

RESOLVED:

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

91. REPORT OF OVERVIEW AND SCRUTINY

(Mover: Councillor Mrs D Collins, Chairman of the Overview and Scrutiny Committee)

The Chairman of the Overview and Scrutiny Committee submitted a report proposing changes to the terms of reference and procedure for the Housing Appeals Panel.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That the Panel be renamed "Housing Appeals and Review Panel";
- (2) That references in the Panel's terms of reference to "appeal" and "appellant" in homelessness cases be replaced with the words "application", "review" and "applicant", as appropriate;
- (3) That the written representations procedure be discontinued;
- (4) That persons be advised strongly to appear before the Panel in order to ensure that all the relevant facts are made known;
- (5) That the appropriate officers be required to attend all meetings to present their case, whether or not the person applying to the Panel is in attendance, so that the Panel is able to examine matters in detail by asking questions and seeking clarification of the issues;

(6) That the requirements regarding substitutes be amended to read:

“Each political group represented on the Panel shall be required to nominate the equivalent number of substitutes to cover for any member of the Panel who is unavailable”;

(7) That the requirement for meetings not being held in the absence of both the Chairman and Vice-Chairman of the Panel be removed and replaced with a requirement that in the absence of both, a Chairman be appointed from the members (not substitutes) present at the meeting; and

(8) That consequential changes be made to the Panel’s terms of reference in the Constitution.

92. ANNUAL REPORT OF OVERVIEW AND SCRUTINY - 2005-06

(Mover: Councillor Mrs D Collins, Chairman of the Overview and Scrutiny Committee)

The Chairman of the Overview and Scrutiny Committee drew attention to the Annual Overview and Scrutiny report produced in accordance with Overview and Scrutiny procedure rule 24 of the Constitution. She advised that this was the fifth annual report to the Council and the first under the new scrutiny regime instituted by the Council in April 2005, incorporating Scrutiny Standing and Task and Finish Panels.

Report as first moved **ADOPTED**

RESOLVED:

That the work undertaken by the Overview and Scrutiny Committee, the Scrutiny Standing Panels and the Task and Finish Panels during the past municipal year as detailed in the Annual Report be noted.

93. MOTIONS

(a) Olympic Slalom Venture – Broxbourne

The Council considered the following motion moved by Councillor Mrs D Borton and seconded by Councillor R Morgan:

“That this Council –

(a) notes that a number of key stakeholders including Essex and Hertfordshire District Councils and Broxbourne Borough have already been identified as becoming involved with the Olympic Slalom Venture project to be located in Broxbourne;

(b) notes the proximity of the project to the District boundary;

(c) agrees that, in view of the size of the project, the levels of construction traffic from 2007/8 and the general effect on the future of the Epping Forest District once the Slalom Centre is fully established including a continuing high level of traffic, the Council should seek active involvement in the project; and

(d) requests the Head of Planning and Economic Development to pursue the matter as it is understood that the Assistant Director of the Lee Valley Regional Park Authority is prepared to recommend that this Council should be involved”.

Motion as first moved **ADOPTED**

RESOLVED:

That this Council –

- (a) notes that a number of key stakeholders including Essex and Hertfordshire District Councils and Broxbourne Borough have already been identified as becoming involved with the Olympic Slalom Venture project to be located in Broxbourne;
- (b) notes the proximity of the project to the District boundary;
- (c) agrees that, in view of the size of the project, the levels of construction traffic from 2007/8 and the general effect on the future of the Epping Forest District once the Slalom Centre is fully established including a continuing high level of traffic, the Council should seek active involvement in the project; and
- (d) requests the Head of Planning and Economic Development to pursue the matter as it is understood that the Assistant Director of the Lee Valley Regional Park Authority is prepared to recommend that this Council should be involved.

(b) Refuse Collection – Wheeled Bins

The Council considered the following motion moved by Councillor S Metcalfe and seconded by Councillor D Stellan

“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!”

First amendment moved by Councillor R D’Souza and seconded by Councillor Mrs P Smith

“That the review be undertaken by a Task and Finish Panel of Overview and Scrutiny and not the Portfolio Holder”.

Carried

Second amendment moved by Councillor Mrs J H Whitehouse and seconded by Councillor Mrs A Haigh

“That the review include consideration of the recycling of aluminium foil which if achieved would substantially reduce the amount of residual waste”.

Carried

Closure motion moved by Councillor Mrs J Davis and seconded by Councillor S Barnes in accordance with Council Procedure Rule 13.11

“That the vote be put on the substantive motion”.

Lost

Third amendment moved by Councillor Mrs C Pond and seconded by Councillor K Faulkner

"That the word "larger" be deleted from the motion".

Carried

Motion as amended **ADOPTED**

RESOLVED:

That in view of continued public concern regarding the size of the wheeled bins currently being delivered to our residents, Overview and Scrutiny be asked to consider the establishment of a Task and Finish Panel to undertake an immediate review of the current policy for issuing bins; that the review include consideration of the recycling of aluminium foil; and that it be recognised that as a Council we should listen not lecture.

94. QUESTIONS BY MEMBERS

(a) Customer Services Transformation Programme

By Councillor Mrs J Davis to Councillor S Metcalfe, Portfolio Holder for ICT and Corporate Support Services

"Is the Portfolio Holder aware of

(a) the Government's announcement in November 2005 to change its policy of using call centres and instead increasing contacts with citizens via mobile phones and digital television;

(b) performance information published by Ashford Borough Council for November 2005 to January 2006 that approximately 11,000 out of a total of 57,000 calls were abandoned

and is he, in the light of this information, prepared to review the Council's proposals for the customer contact centre and customer services transformation programme?"

Response by Councillor S Metcalfe, Portfolio Holder for ICT and Corporate Support Services

"Yes, I am fully aware of these changes to Central Government policy. The Government are merging both departmental contact centres and websites in an attempt to deliver a far more joined up approach to customer service and reduce the costs of running multiple contact centres and websites.

This is in fact what the Customer Services Transformation Programme (CSTP) proposals will achieve for this Council. The CSTP proposals effectively join together the various customer service functions throughout the Council and deliver them from one single service. This new service will embrace the website, "face to face" and telephone call customer contact.

I have in fact visited the Ashford Borough Council contact centre and they did admit that the current abandonment rate of 19% was not acceptable and were addressing this through increasing staff resources at peak times through home working.

However, as indicated in my original CSTP scoping report in October 2005, the Council's current abandonment rate is 33%. So, therefore, even Ashford's currently poor performance does highlight the benefits of a customer contact centre approach even when under-resourced. This also reinforces the need for the Council to move swiftly forward with the CSTP to ensure that all customers of the Council get a consistent and timely service".

(b) Town Centre Manager

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

"Would the Portfolio Holder agree that as the post of Town Centre Manager is funded for a period of three years through a Section 106 Agreement with Sainsbury's Plc in order to focus on town centres at the Broadway, Loughton, High Road, Loughton and Buckhurst Hill, that the post holder should not have a wider remit and should focus her activities on these three centres rather than other town centres in the District so as to avoid conflicting the terms of the Section 106 Agreement?"

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

"It pains me to have to disagree with Councillor Mrs Davis, in what might be her last question to Council, but I am afraid the short answer would have to be "no, I don't agree".

The Sainsbury's Section 106 Agreement provided funding for a Town Centre Manager for three years (we have about a year to go).

The discussions and terms of the Agreement were translated into a job description. Whilst there was to be an initial focus on the three town centres closest to the main Loughton store, it was always the intention to involve the post holder in the other centres at Epping, Ongar and Waltham Abbey towards the end of the contract.

The last part of the job description states "to contribute to the future development of town centre management in the District, with particular regard to cover all town centres in the District and the operational arrangements which would apply".

It is also worth drawing attention to part of the fifth element of the job description that refers to security; the Town Centre Manager in responding to that has been involved in setting up Debden United, with others and this was the subject of a High Sheriff's commendation. It would be unfortunate to regard those efforts as having gone beyond the remit of the job".

Supplementary question from Councillor Mrs J Davis arising from the reply for the purpose of elucidation

"Was training for the Town Centre Manager discussed with Sainsbury's plc?"

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

"Not specifically, I will elaborate in writing".

(c) Shops at The Broadway – Reletting**By Councillor Mrs M Boatman to Councillor J Knapman, Portfolio Holder for Finance and Performance Management**

“In view of the time being taken to relet shops at the Broadway, Loughton, does the Portfolio Holder agree that a review of renting/leasing policy for those shops is well overdue?”

Response by Councillor J Knapman, Portfolio Holder for Finance and Performance Management

“Currently, there are four vacant shops within the Broadway Parade that comprises 60 shop units. Of these, lettings have been agreed for three shops including one that requires planning permission for change of use to a bookmakers. The principal terms of the leases are agreed with the three tenants and solicitors are progressing the lease formalities. One unit, No 44, has recently become vacant following repossession action by the Council for rent arrears and this is being marketed in the usual way.

Good practice guidelines require the Council to market properly its vacant properties on the open market through advertisements and “to let” boards at the premises. The marketing usually runs for a period of six to eight weeks to attract prospective tenants; provides sufficient time for completion of property enquiries, surveys and valuations; and submission of rental offers in accordance with the offer procedure and Contract Standing Orders. During this period, the Council prepares the property for reletting by arranging asbestos surveys, electrical and gas tests and any necessary repair, maintenance or servicing works.

Following completion of a marketing exercise, a report is prepared on the rental offers received for the Corporate Programme Group and thereafter circulated to ward members for consultation and then presented to the Portfolio Holder briefing for decision. That report assesses the quality of the offers received in terms of trading experience, financial standing, references received, tenant mix at the Parade, planning use, shopfitting works proposed and the level of rental offered. After acceptance of an offer, any necessary planning application for a change of use is submitted and the lease formalities are progressed to completion. The time taken from a property becoming vacant through to completion of a new letting is variable but even in buoyant market periods, experience suggests that this is unlikely to be much less than three months.

More generally, members will appreciate the changing retail environment. Although the occupancy level at the Council's portfolio of 136 shops remains at a satisfactory 96% level, many traders report difficult trading conditions due to the domination by the major supermarkets, growing internet purchasing, rise in business costs and shoppers preference for out of town retail centres with adequate car parking provision. The current trend in the small shops market is showing a diversification away from traditional Class A1 retailers towards specialist trades in the Class A2, A3, A4 and A5 Planning Use Classes. Indeed, this trend is evident at the Broadway with the recent assignment of leases or reletting of premises for use as a veterinary surgery, dental clinic, learning centre and a beauty salon replacing traditional retail trades. This is likely to continue as the shopping environment improves with the Broadway Enhancement Scheme due to commence later this year.

The procedure for reletting vacant properties as they arise has served the Council satisfactorily for several years and complies with tendering rules contained in

Contract Standing Orders, good practice guidelines and meets statutory requirements that public authorities obtain “best consideration” for their land and property assets. For these reasons, a review of letting policy is not considered appropriate.

Redevelopment of the entrance to the Broadway and development on the Burton Road car park provide the best means of encouraging some of the better known high street stores into the area. The Council is looking to facilitate such developments”.

(d) Environmental Protection Powers

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 that this was not withdrawn purely for political reasons because of the sensitivity of the subject?”

Councillor Stallan requested that Councillor Jacobs should give an oral answer to the question.

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

“The report has been delayed for the following reasons:

(a) I wanted to let the system settle in more than one area before reporting back to Cabinet; this would provide better quality information;

(b) due to the current well known problems with service delivery, I thought it important to ensure that the new waste management system was not judged on the basis of the service delivery being provided; it would be better for these contract issues to be resolved before reporting back to Cabinet; and

(c) no matter when this issue is discussed it will doubtlessly be “sensitive”; the powers that exist have been provided to enable councils to exercise controls over the way waste is handled; some of these powers have been strengthened in the recently enacted Clean Neighbourhoods and Environment Act and a recent letter from the Secretary of State for the Environment makes it quite clear that Government expects councils to make the full use of the powers that have been provided; I shall therefore report back to Cabinet when I consider it appropriate to do so”.

Supplementary question asked by Councillor Stallan arising from the reply for the purpose of elucidation

“When do you consider it would be appropriate to report back to the Cabinet,?”

Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection

“Once the proposals for the continued operation of the waste management service due to be considered at this meeting have been implemented and are running satisfactorily”.

(e) Refuse Contract – Alternate Weekly Collection**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?”

By leave of the Council, Councillor D Jacobs, Portfolio Holder for Environmental Protection read a revised answer to that which had been tabled at the meeting.

Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection

“As the member is aware, we continue to experience operational difficulties with our waste management contract. The data provided in response to the question must therefore be seen in the light of the officers’ ability to obtain up to date information from the contractor and the relatively short period of time over which the revised service has been in operation, complaints about the service have also to be seen in the light of generally poor service delivery and the effects this has had upon the operation of the new service arrangements.

Three waste/recyclable collections (31/10/05 – 5/12/05)

- (a) 150 metric tonnes dry recyclable (30.80%); 58 metric tonnes green (11.91%); 279 metric tonnes residual (57.29%);
- (b) first two waste/recyclable collections after cessation of side waste (6/2/06 – 27/2/06) (March figures still awaited from contractor).

101 metric tonnes dry recyclable (34.12%); 18 metric tonnes green (6.08%), 177 metric tonnes residual (59.80%) (5% metric tonnes lower on pro rata basis).

Whilst it appears that we have a better recycling rate with side waste than without, the figures are not a true comparison as February is the lowest month for green waste (January has Christmas trees). Bringing the green figure up to the first rate

(approximately 12%) would have produced a recycling rate of 44% (32 dry, 12 green). Also, the first date (31/10/05) produced excellent residual of 88 metric tonnes, which went up each collection (side waste allowed) to 95 metric tonnes (14/11/05) and 96 metric tonnes (28/11/05) and 99 metric tonnes (12/12/05). Not until the second (no side waste) collection (20/2/06) – 87 metric tonnes did we fall just below the 31/10/05 figure. So the small recycling differential of 1.3% needs to be revised upwards (for comparison, the Braintree differential is about 5%).

(c) & (d) This is difficult to answer simply because many complaints/enquiries do not necessarily relate to the introduction of alternate weekly collection or the exclusion of side waste. For instance, the week 2/4/06-8/4/06 produced 29 Chigwell complaints/enquiries, of which 11 were missed collections/rectifications, five blue box/or bin delivery requests, three larger bin requests, one smaller, one side waste missed – no larger bin and one rectification side waste. Others referred to dumped refuse - one, flytipping - one, street cleansing - two etc.

Lambourne produced seven complaints/enquiries are follows:

Larger bin - one, wheeled bin enquiry - one, exemption form request - one, blue box delivery -one, rectification missed paper collection - one, wheeled bin missed collection - two.

Whilst there could still be room for improvement, these levels are fast approaching the pre-round change complaints/enquiries levels.”

Supplementary question by Councillor S Metcalfe arising from the reply for the purpose of elucidation

“I am disappointed that it was not possible to make this response available earlier, do you agree?”.

Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection

“I note what you say”.

(f) Transitional Capital Receipts/Broadway Town Centre Enhancement

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 £5,000,000 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 GLC, 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 £3,000,000, leaving a balance of £2,000,000;

(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 £2,000,000 has run out

and can he therefore please clarify the situation?"

Response by Councillor J Knapman, Acting Portfolio Holder for Housing and Portfolio Holder for Finance and Performance Management

"At the end of his question, Councillor Faulkner asks for the situation to be clarified, I am sure that by dealing with each point in the order he has raised them the situation will become abundantly clear.

(a) The source of funding referred to is the transitional relief available on capital receipts. From 1 April 2004, Section 11 of the Local Government Act 2003 gave power to the Secretary of State to require all or part of a housing capital receipt to be pooled (paid over to the Government). In the case of Right to Buy receipts, Regulation 12(4) requires that 75% be pooled with the Authority able to retain 25%. However, short-term arrangements were put in place to provide transitional relief on the amount of capital receipts that debt-free authorities have to pay over to the Government. Debt-free status entitles the Authority to retain 75% of the receipts pooled in the first year (2004/05), reducing to 50% in the second year and 25% in the third year. Transitional arrangements cease from 2007/08.

The receipts do have to be spent on the Council's housing functions and there is a general requirement that receipts generated in a particular year are also spent in that same year. Where a specific scheme exists it is possible to commit money to it and carry it forward to a subsequent period.

(b) The Broadway is held within the Housing Revenue Account and so any spending on a housing function in that area could be funded from transitional receipts. However, it has previously been highlighted that the flexibility around HRA assets has not been tested and that doubts exist where this might extend to, for example works on the highway or car parks.

(c) Having attended many of the Steering Group meetings and the Cabinet meeting on 10 April I am fully aware of how the scheme has evolved and been costed. As I was chairing Cabinet on 10 April when the report with the latest costings was approved I am a little surprised at the Councillor asking if I knew that the scheme has recently been costed at £3,000,000.

(d) I am sure the Councillor will be pleased to learn that having chaired the meeting I can not only recall the amounts of money involved but also the responses of the officers present.

(e) It would appear that the Councillor does not recall the Cabinet meetings of 6 June and 11 July 2005. The meeting of 6 June resolved:

"(3) That appropriate budgetary provision for the scheme (the Broadway) be made;

(4) That the transitional receipts available for 2004/05 be used to fund the following housing capital schemes:

(a) £1,000,000 for the Social Housing Grant to replace the £1,000,000 of funding currently allocated from Usable Receipts; and

(b) That the balance of approximately £2,000,000 be allocated to fund HRA capital schemes”.

The meeting of 11 July noted that the actual amount of transitional relief received was £3,195,000 and agreed that £20,000 should be spent on disabled facilities grants, £1,000,000 on social housing and £2,175,000 on other HRA schemes. This meeting also received an updated Capital Programme with the Broadway scheme included at £2,500,000.

Since then, as the estimated costs have increased the Capital Programme has been amended to reflect the increases and the £2.9 million was included in the budget and capital programme approved by Council on 21 February 2006. The Capital Programme showed that even allowing for a five year programme of some £50,000,000 it was anticipated that there would still be just under £8,000,000 of reusable capital receipts available at the end of 2009/2010. This is before taking into account the proceeds from the sale of the Parade Ground.

I trust my reply has greatly eased the anxiety of the Councillor and I would like to take this opportunity to thank him for his invaluable contributions and wish him well for the future”.

95. CABINET DECISION-MAKING

The Leader of the Council reported that the current quorum for Cabinet meetings was five Portfolio Holders. At present, there was one vacancy on the Cabinet following the resignation of Councillor M Heavens. The absence due to health reasons of Councillor D Spinks had also resulted in the Civil Engineering and Maintenance Portfolio being covered by Councillor R Glozier in addition to the Planning and Economic Development Portfolio.

Of the remaining Cabinet members, three were standing for re-election on 4 May 2006. Contingency planning indicated that if all three were not re-elected, the Cabinet would lose a quorum and be unable to make any urgent decisions after the three Councillors ceased to be members. The date in question was from 8 May 2006 (namely the commencement of the fourth day following election day).

The Council considered proposals for ensuring that the Cabinet remained quorate between 8 May 2006 and the Annual Meeting of the Council on 18 May 2006.

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 had permitted on grounds of urgency, consideration of this item as this was the last meeting of the Council before the period in question.

RESOLVED:

(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 a declaration of acceptance of office;

(4) That, in the event that there is no Group Leader or Deputy 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) That 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 and Maintenance Portfolios be disregarded for this exercise.

96. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That in accordance with Section 100(a)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act indicated and it is considered that the exemption outweighs the potential public interest in disclosing the information:

Agenda Item Number	Subject	Exempt Information Paragraph Number
14	Waste Management Service	3 and 4

97. WASTE MANAGEMENT SERVICE

The Chairman advised that 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, he had permitted on grounds of urgency, consideration of this matter in order to maintain the operation of the waste management service.

The Portfolio Holder for Environmental Protection reported that following the on-going difficulties with the waste management contract, the Cabinet on 12 April 2006 had agreed that officers should negotiate with Cory Environmental Municipal Services Ltd

with respect to achieving a novation of the contract from South Herts Waste Management (SHWM).

On 19 April 2006 SHWM had gone into administration and the court had appointed Price Waterhouse Coopers (PWC) as the Company Administrator. Officers had met with PWC to establish their intentions and at present they were content to enable the continuation of the services whilst the Council sought to reach agreement with Cory Environmental. However, some form of agreement needed to be achieved by not later than 3 May 2006.

Members were advised that in order to maintain the services it would be necessary to be able to:

- (a) maintain the operation of the fleet, including fuel and maintenance;
- (b) meet other operational costs; and
- (c) pay the operatives salary costs

whilst negotiations were concluded.

In the main, an agreement had been reached with the Administrator that payments would be made via PWC, however, it might become necessary to make a payment direct to a third party provider in order to ensure service continuation.

The Council considered proposals for ensuring that, given the clear time constraints involved in this process, action could be taken when necessary.

RESOLVED:

That in order to maintain a continued operation of the waste management service:

- (a) the Joint Chief Executives, the Head of Finance or the Head of Environmental Services be authorised to negotiate with and make operational payments required to secure the continuation of the service to either the Court Appointed Administrator or to key service providers;
- (b) the Joint Chief Executives, the Header of Finance or the Head of Environmental Services be authorised to enter into hire agreements or licences with Barclays Bank and the Bank of Scotland in respect of the waste management fleet (refuse and street cleansing vehicles etc);
- (c) retrospective approval be given to the appointment of Harrison Clark to provide support to officers in dealing with complex contract and insolvency issues;
- (d) in addition to the £200,000 supplementary estimate approved earlier at this meeting, a further supplementary estimate of £100,000 be approved to facilitate negotiations with the Administrator, the funding of key service suppliers and negotiations with Cory Environmental Municipal Services Ltd;
- (e) Contract Standing Orders be waived where necessary, with any instances reported back to Council at the earliest opportunity; and

(f) negotiated settlement payments for terminating the waste management contract with South Herts Waste Management to be made to the Court Appointed Administrator and the terms of the novation agreement with Cory Environmental Municipal Services Ltd be approved by the Cabinet.

CHAIRMAN

EFDC Calendar of Meetings 2006/07

Meeting	May	June	July	August	September	October	November	December	January	February	March	April	May
Council	18 th Annual	29 th	25 th		26 th			14 th		Budget 20/22		24 th	Annual 17 th
Cabinet		5 th	10 th		4 th	9 th	13 th	18 th		5 th	12 th	16 th	
O & S Committee	25 th		6 th	31 st		5 th	9 th	7 th		1 st	8 th	5 th	
O&S Agenda Planning Group	10 th	15 th		9 th	14 th	18 th	22 nd		10 th	14 th	14 th	10 th	
O&S Standing Panels													
Housing			27 th			31 st			30 th			30 th	
Constitutional Affairs		6 th		7 th		10 th		4 th		8 th		2 nd	
Customer Services and ICT		12 th		14 th		16 th		12 th		7 th		19 th	
Finance & Performance Management.		1 st		15 th			14 th		15 th	12 th			
Environmental & Planning		26 th		29 th		30 th		19 th		26 th		26 th	
Member Training dates	Various	8/ 22 nd	3 rd		22 nd	2/6/12 th	6/27/28 th		8/26 th				
Licensing Committee						12 th						19 th	
Licensing Sub- Committee		8 th	6 th	3 rd	7 th	5 th	2 nd	7 th	11 th	8 th	8 th	5 th	

EFDC Calendar of Meetings 2006/07

Meeting	May	June	July	August	September	October	November	December	January	February	March	April	May
Plans 'A'	24 th	21 st	19 th	16 th	13 th	11 th	8 th	6 th	10 st	7 th	7 th	4 th	
Plans 'B'	31 st	28 th	26 th	23 rd	20 th	18 th	15 th	13 th	17 th	14 th	14 th	11 th	
Plans 'C'		7 th	5 th	2 / 30 th	27 th	25 th	22 nd	20 th	24 th	21 th	21 th	18 th	
Plans 'D'		14 th	12 th	9 th	6 th	4 th	1 / 29 th		3/31 th	28 st	28 st	25 th	
District Dev. Control		13 th		8 th		10 rd		5 th		6 th		17 th	
Housing Appeals		22 nd	19 th	24 th	21 st	19 th	23 rd	20 th	25 th	15 th	22 nd	19 th	
CPG's	8/9 th	12/13		7/8 th	11/12 th	16 th	20/21 st		8/9 th	12/13 th	12/13 th		
Portfolio Holders	22/23 rd	26/27		21 / 22 nd	25 / 26 th	30 / 31 st		4/5 th	22/23 rd	26 / 27 th	26/27 th		
Standards Committee			18 th			17 th				27 th		25 th	
Finance Cttee.		19 th	17 th		25 th		20 th	11 th	29 th			23 rd	
JCC			20 th		20 st				25 th			12 th	
Local Council Liaison Committee		21 st					8 th				28 th		

Key: Daytime Meeting