



NOTICE OF ANNUAL COUNCIL MEETING

You are hereby summoned to the annual meeting of the EPPING FOREST DISTRICT COUNCIL to be held at the COUNCIL CHAMBER, CIVIC OFFICES, EPPING at 7.30 pm on Thursday, 18 May 2006 for the purpose of transacting the business set out in the agenda.

Handwritten signature of Peter Haywood.

PETER HAYWOOD
Joint Chief Executive (Resources)

Handwritten signature of John H. Scott.

JOHN SCOTT
Joint Chief Executive (Community)

**Democratic Services
Officer:**

Council Secretary: Ian Willett
Tel: 01992 564243 Email: iwillet@eppingforestdc.gov.uk

BUSINESS

1. ELECTION OF CHAIRMAN

To elect a member to be Chairman of the Council for the municipal year 2006/07. Nominations received are set out in Appendix 1 (to be tabled). The new Chairman will then make a declaration of acceptance of office.

2. APPOINTMENT OF VICE-CHAIRMAN (Pages 5 - 8)

To appoint a member to be Vice-Chairman of the Council for the municipal year 2006/07. Nominations received are set out in Appendix 1 (to be tabled).

The Council's Constitution includes a protocol for the appointment of the Vice-Chairman of the Council. Details of the protocol are shown in Appendix 2 attached.

3. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 24 April 2006 (to follow).

4. DECLARATIONS OF INTEREST

(Joint Chief Executive) To declare interests in any item on the agenda.

5. ANNOUNCEMENTS

(a) Apologies for Absence

(b) Announcements

To consider any announcements by:

(i) the Chairman of the Council

- to make presentations of engraved glassware to former Councillors S Barnes, Mrs J Davis and R Glozier (former Councillor M Heavens is unable to attend this meeting);

(ii) the Leader of the Council; and

(iii) any other Cabinet Member.

6. LEADER, DEPUTY LEADER, CABINET, COMMITTEES, SUB-COMMITTEES AND PANELS

To appoint the Leader, Deputy Leader, Cabinet Members, Committees, Sub-Committees and Panels, and except in those cases stated, to appoint Chairman and Vice-Chairman. Nominations received are set out in Appendix 3 (to be tabled).

7. STANDARDS COMMITTEE

To appoint two councillors (Leader not eligible) to form a committee together with the three independent members appointed until 2007 by the Council (ie. Dr D Hawes, Ms M Marshall and Mr G Weltch) and the local council representative and deputy appointed by the Association of Local Councils (Epping Forest Branch) Nominations received are set out in Appendix 4 (to be tabled).

8. SCHEME OF DELEGATION

Recommendation:

To agree the scheme of delegation as set out in the Constitution.

The Constitution requires that the scheme of delegation be agreed at the Annual meeting. The current scheme is set out in Part 3 of the Council's Constitution.

9. COUNCIL MEETINGS

Recommendation:

That during 2006/07 ordinary meetings of the Council be held on the following dates:

29 June 2006 (Thursday)

25 July 2006

26 September 2006

14 December 2006 (Thursday)

20 February 2007

22 February 2007 (reserve date for budget meeting)

24 April 2007

17 May 2007 (Thursday)(Annual meeting)

1. At its meeting on 24 April 2006, the Council adopted a calendar of meetings for the period from May 2006 to May 2007 which included ordinary meetings of the Council for the year.
2. It is a requirement of the Constitution that a programme of ordinary meetings of the Council be approved at the annual Meeting of the Council. The dates set out above are those adopted on 24 April 2006.

10. APPOINTMENTS TO OUTSIDE ORGANISATIONS

- (a) To appoint or nominate, as the case may be, representatives to the outside organisations indicated in Appendix 5 (to be tabled).
- (b) If necessary to appoint or nominate any representatives to organisations with terms of office expiring after the current year as set out in Appendix 6 (to be tabled) where appointments are required at this meeting.
- (c) Appendix 7 (to be tabled) showing officer representation on outside organisations is submitted for information purposes.

11. WORK PROGRAMMES

Recommendation:

To note that work programmes for both the Executive and Overview and Scrutiny will be circulated shortly.

The Constitution requires that the Executive and Overview and Scrutiny should both submit an annual work programme each year, on their strategies for the coming year. Work programmes are being prepared and will be circulated to all members of the Council when completed.

12. GENERAL EXCEPTION NOTICES FOR KEY DECISIONS AND WAIVING OF CALL -IN PROCEDURE (Pages 9 - 10)

Report of the Cabinet attached.

13. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Paragraph Number	Information
Nil	Nil	Nil	

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the

exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

PROTOCOL FOR THE ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL

Purpose of Protocol

1. To regulate the procedure for the election of the Vice-Chairman of the Council.
2. To establish the entitlement of each political group to nominate to the position of Vice-Chairman.
3. To facilitate a system whereby each group shall be able to nominate to the position of Vice-Chairman on a regular basis.

Details of Protocol

4. The protocol shall operate by means of a points system. Each political group shall be allocated one point for each of its members. The total number of points to be allocated shall be the same as the number of Councillors overall.
5. In the first year of the operation of this protocol, the group with the highest points total (and hence number of Councillors) shall be entitled to nominate for the Vice-Chairmanship.
6. In subsequent years, the equivalent calculation shall be carried out but with the following variations:
 - (a) the number of points given in year one to each group shall be increased by the total number of members for year two;
 - (b) the group which last held the Vice-Chairmanship shall, in the following year have its points score reduced by the total number of members of the Council;
 - (c) after taking account of the calculations at (a) and (b), the political group with the highest total will be entitled to nominate for the Vice-Chairmanship.
7. In each year, the process outlined in 6(a) - (c) will be repeated. An example of the relevant calculations is attached as an appendix.

Chairman of the Council

8. The person nominated under this protocol and appointed by the Council under the terms of this protocol as Vice-Chairman of the Council shall automatically become the Chairman of the following Council year.

Suspension of Protocol

9. It shall be open to the Council to suspend the operation of this protocol at any Annual Council meeting if this is in the best interests of the Council. Such suspension shall, however, only be agreed if 65% of the Council membership support a motion to that effect.

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EXEMPLIFICATION OF PROTOCOL

2000/01

Con: 20 points VICE-CHAIR
LD: 16 points
Lab: 12
LRA: 8
Ind: 3

2001/02

Con: $20 + 20 - 59 = -19$
LD: $16 + 16 = 32$ VICE-CHAIR
Lab: $12 + 12 = 24$
LRA: $8 + 8 = 16$
Ind: $3 + 3 = 6$

2002/03

Con: $-19 + 26 = 7$
LD: $32 + 13 - 58 = -13$
Lab: $24 + 9 = 33$ VICE-CHAIR
LRA: $16 + 7 = 23$
Ind: $6 + 3 = 9$

2003/04

Con: $7 + 24 = 31$ VICE-CHAIR
LD: $-13 + 15 = 2$
Lab: $33 + 9 - 58 = -16$
LRA: $23 + 6 = 29$
Ind: $9 + 3 = 12$

2004/05

Con:	31 +	26	-58 =	-1)	
LD:	2 +	14	=	16)	
Lab:	-16 +	4	=	-12)	
LRA:	29 +	6	=	35)	Protocol suspended
Ind:	12 +	4	=	16)	
BNP	3 +	0	=	3)	

2005/06

Con:	31 +	26	-58 =	-1)	
LD:	2 +	14	=	16)	
Lab:	-16 +	4	=	-12)	
LRA:	29 +	6	=	35)	Protocol suspended
Ind:	12 +	4	=	16)	
BNP:	3 +	0	=	3)	

2006/07

Con:	31 +	29	- 58 =	2
LD:	2 +	13	=	15
Lab:	-16 +	1	=	-15
LRA:	29 +	5	=	34
Ind:	12 +	3	=	15
BNP	3 +	6	=	9

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Report to the Council

Committee: Cabinet

Date: 18 May 2006

Portfolio Holder: Councillor J Knapman

Item: 12

1. GENERAL EXCEPTION NOTICES FOR KEY DECISIONS AND WAIVING OF CALL-IN PROCEDURE

Recommending:

- (1) That the decisions taken on 6 April and 3 May 2006 relating to the Waste Management Contract as exceptions to the key decisions requirements be noted;
 - (2) That the setting aside of the call-in procedure in relation to the decisions taken on 6 April and 3 May 2006 relating to the Waste Management Contract be noted;
 - (3) That no review be undertaken at this time in relation to the exception to the key decision requirements or the setting aside of the call-in arrangements.
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Forward Plan

1. Paragraphs 16 and 17 of the Access to Information Procedure Rules in the Council's Constitution provide a general exception in relation to an urgent matter, which is likely to be a key decision and has not been included in the Forward Plan.
2. Paragraph 18.3 of the Procedure Rules provides for the submission of quarterly reports to the Council on executive decisions taken in such circumstances in the preceding three months.
3. Two decisions have been taken recently. Both related to the Waste Management Contract. On 6 April 2006, the following decisions were taken:
 - (a) that the contract with South Herts Waste Management be terminated through a negotiated settlement;
 - (b) that a supplementary estimate of £200,000 be sought to meet the costs of a negotiated settlement and the initial costs of service re-provision; and
 - (c) that the actions of officers in undertaking sole negotiations with Cory Environmental Limited in respect of service re-provision be endorsed.
5. On 3 May 2006, the following decision was taken:
 - (a) that the Administrator of South Herts Waste Management be indemnified in respect of staff costs for the period from 3 May until the novation of the waste management contract.

Call-in Procedure

6. Paragraph 21 of the Council's Overview and Scrutiny Rules in the Council's Constitution provides for the setting aside of the call-in procedure in relation to urgent matters. The paragraph also provides for these provisions to be monitored annually with a report submitted to Council with proposals for review, if necessary.
7. The decisions summarised in paragraphs 4 and 5 above both included the setting aside of the call-in procedure as it was considered that any delay in making these decisions would be likely to seriously prejudice the Council's or the public interest.

Review

8. Having regard to the exceptional circumstances of the two decisions, it is suggested that there is no need to review the procedures.

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