

Council Agenda



**Epping Forest
District Council**

NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the **EPPING FOREST DISTRICT COUNCIL** to be held at the **COUNCIL CHAMBER, CIVIC OFFICES, EPPING** at 7.30 pm on Tuesday, 19 April 2005 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink that reads "John H. Scott".

JOHN SCOTT
Joint Chief Executive (Community)

**Democratic Services
Officer:**

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

BUSINESS

1. MINUTES

To approve as a correct record and sign the minutes of the meetings held on 15 February and 8 March 2005 (previously circulated)

2. DECLARATIONS OF INTEREST

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

3. ANNOUNCEMENTS

(a) Apologies for Absence

(b) Announcements

To consider any announcements by:

- (i) the Chairman of the Council;
- (ii) the Leader of the Council; and
- (iii) any other Cabinet Member.

4. PUBLIC QUESTIONS (IF ANY)

To respond to questions of the Council made in accordance with the Council's Scheme. Questions will be tabled if not received in time to be incorporated into the

agenda.

5. REPORTS OF THE CABINET (Pages 1 - 26)

To consider the following reports of the Cabinet:

- (a) Supplementary Estimates – 2005/06
- (b) Capital Programme – Loughton Town Centre Enhancement Phase II
- (c) Calendar of Council Meetings – 2005/06 Municipal Year
- (d) Paynes Lane, Nazeing – Traveller Site
- (e) Alternative Management of the Council's Leisure Facilities

6. OVERVIEW AND SCRUTINY COMMITTEE REVIEW PANEL - REPORT ON CONSTITUTION CHANGES (Pages 27 - 46)

To receive a report from the Chairman of the Overview and Scrutiny Committee Review Panel on the proposed revisions to the Constitution required to facilitate the new Scrutiny arrangements agreed by Council

7. ANNUAL REPORT OF OVERVIEW AND SCRUTINY (Pages 47 - 52)

Recommendation:

To consider and approve the Annual Report of Scrutiny for 2004-05

(Chairman of the Overview and Scrutiny Co-ordinating Group) To receive and consider the annual report of Overview and Scrutiny as required by the Constitution.

8. QUESTIONS BY MEMBERS

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

(a) to the Chairman of the Council

(b) to any Member of the Cabinet

(i) Garden Refuse

By Councillor S Murray to the Portfolio Holder for Environmental Protection (Councillor D Jacobs)

“Would the Portfolio Holder agree that Easter is an obvious time for the first garden work to be undertaken by local residents and would he therefore please explain:

- (a) why no free bags for garden refuse were circulated to local households in Loughton Roding Ward prior to the Easter weekend; and
- (b) why the white bags were available for purchase at sale points in Loughton resulting in residents being either unable to recycle their cuttings or forced to purchase their white bags from commercial outlets?”

(ii) Petition from Roding Road, Loughton Residents - Stonards Hill/Alderton Way Traffic Scheme

By Councillor S Murray to the Portfolio Holder for Civil Engineering and Maintenance (Councillor D Spinks)

“Is the Portfolio Holder aware that in August 2004, a petition was received by the Council signed by 53 residents in Roding Road, Loughton (representing almost 100% of the affected residents) expressing concerns regarding environmental health issues and the effect of the Stonards Hill and Alderton Way Traffic Scheme and would he further state:

- (a) why there has been no satisfactory response from him;
- (b) why there has been no discussion at member level;
- (c) whether he is now prepared to meet a delegation of petitioners in order to discuss these issues;
- (d) when such a meeting would be likely to take place;
- (e) when there would be an opportunity for member discussion;

and agree that the lack of satisfactory response could be interpreted as a failure by the Council to take this petition seriously?”

(c) to the Chairman of any Committee or Sub-committee.

9. REVIEW OF OFFICER DELEGATIONS

Recommendations:

- (1) To approve the revised Schedule of Officer Delegations;**
- (2) To publish the revised schedule in the Council’s Constitution.**

(Head of Research and Democratic Services) At the February Council meeting, members agreed a number of changes to the Schedule of Officer Delegation in the Council’s Constitution. These principally concerned the role and responsibilities of the two newly appointed joint Chief Executives and the positions of Returning and Registration Officers for electoral purposes. It was indicated at that Council meeting that the schedule would be reviewed again in greater detail to ensure that it was accurate and reflected other changes in the Council’s structure, both officer and member.

The revised schedule was circulated with the Councillors’ Members’ Bulletin on 1 April 2006 and members were advised to bring their copies with them to this meeting.

The Council is asked to note that the main purpose of the review has been to bring the schedule up to date and not to review the level of delegation itself, which has been in operation for many years in most cases. Thus, the alterations have concerned:

- (a) new officer designations;
- (b) changes in personnel and post numbers where specific named delegations are involved;
- (b) removal of delegations under legislation which is no longer in force; and

- (d) removal of delegations which reflect Council policies which have now been rescinded or amended.

Once the Council has approved the revised schedule, the delegations will be published in the Constitution.

10. APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER (COUNCIL MINUTES 71 - 14.12.04, 75 - 14.12.04 AND 87 - 15.2.05)

Recommendations:

(1) That, in terms of the Representation of the People Act 1983 and all related legislation, and with effect from 19 April 2005, Mr Ian Willett, the Council's Head of Research and Democratic Services, be appointed as Electoral Registration Officer for the Council;

(2) That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, and with effect from 19 April 2005, Mr Ian Willett be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council and all or any parish and town councils within the Council area;

(3) That the Council Electoral Registration Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections/elections to the European Parliament, and for national and regional polls or referendums;

(4) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with scale of fees approved by the Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums;

(5) That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done;

(6) That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll); and

(7) That, such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer up to the value of such excess.

(Joint Chief Executives) The Council has resolved to appoint Mr I Willett (Head of Research and Democratic Services) as Registration and Returning Officer until 30 April 2008.

Since the various appointments were approved by the Council, a further review has been carried out to ensure that the necessary authorities for the Returning Officer and Registration Officer to act are robust enough to withstand challenge and are consolidated into a single resolution.

This is not to imply that the existing resolutions are in any way inadequate. What has come to light is the need to cover all aspects of the Returning Officer's duties. The new resolution have therefore covers the following:

- (a) the Returning Officer's role in respect of district and parish and town council elections (recommendations (1) and (2));
- (b) the Registration Officer's role in respect of County Council, European Parliament and national/local referendums and polls (recommendation (3));
- (c) the payment of national scale fees to the Returning Officer (recommendation (4));
- (d) the superannuable status of payments under (c) (recommendation (5));
- (e) the taking out of indemnity insurance by the Council in respect of the Returning and Registration Officer's functions (recommendation (6)); and
- (f) the indemnification of the Returning and Registration Officer by the Council of any liability insurance excess (recommendation (7)).

11. REPRESENTATION ON OUTSIDE ORGANISATIONS

(a) Essex Development Agency Limited

Recommendation:

To confirm that the Council's representative on the Essex Development Agency Limited will be the Portfolio Holder for Planning and Economic Development and/or the Head of Service

(Head of Research and Democratic Services) The Cabinet has recently decided to join the Agency as an ordinary member. The Council is asked to confirm the Cabinet's wish to be represented by the Portfolio Holder and/or the Head of Planning and Economic Development at any relevant meeting.

(b) Essex Prosperity Forum (and West Essex Sub Group)

Recommendation:

To confirm that the Council's representative on the Essex Prosperity Forum (and West Essex Sub Group) will be the Portfolio Holder for

Planning and Economic Development.

(Head of Research and Democratic Services) The Cabinet has recently decided to join this organisation and the Council is asked to confirm that the Council's representative should be the Portfolio Holder for Planning and Economic Development.

12. EXCLUSION OF PUBLIC AND PRESS

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 paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
Nil	Nil

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 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.