

Scrutiny Standing Panel Agenda



Constitutional Affairs Scrutiny Standing Panel Monday, 20th February, 2006

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services Officer: Z Folley - Research and Democratic Services
Tel: 01992 564532 Email: zfolley@eppingforestdc.gov.uk

Members:

Councillors R Morgan (Chairman), Mrs P Brooks (Vice-Chairman), D Bateman, R D'Souza, Mrs J Davis, J Demetriou, Mrs A Haigh, J Markham, Mrs P Richardson and D Stallan

<p>PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND</p>
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1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

3. DECLARATION OF INTERESTS

(Head of Research and Democratic Services). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a

matter.

4. NOTES OF THE LAST MEETING - 5 JANUARY 2006 (Pages 5 - 8)

Attached.

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 9 - 10)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

6. REVIEW OF AREA PLANS SUB - COMMITTEES (Pages 11 - 14)

Recommendations:

(1) To note the issues raised by Area Plans Sub – Committee ‘C’ about the lack of work submitted to the Committee and other concerns and;

(2) To consider whether in light of recommendation (1) above a review of the current structure of the Area Sub – Committees is required

(Head of Research and Democratic Services). At the last Overview and Scrutiny Committee, reference was made to the current structure of the Area Plan Sub Committees. The Chairman, Councillor Mrs Collins, reported that Area Plans Sub-Committee ‘C’ had requested that this Panel look at how members are allocated to the Area Plans Sub Committees. Currently Plans ‘C’ has only 8 members which makes it difficult to be quorate for some applications. There have been times where the Sub Committee had only one or two applications to consider per meeting. Councillor Mrs Collins suggested that the Constitutional Affairs Standing Panel look at this to see if they could level up the numbers and workload between the Sub-Committees by, perhaps, adjusting the areas.

A report submitted to a meeting of Policy Working Group 3 in September 2004 is attached as background information.

7. FUTURE ROLE OF COUNCIL (Pages 15 - 34)

(Head of Research and Democratic Services). To consider the attached report.

8. PROGRESS REPORT ON ELECTORAL PILOTS AND ELECTORAL ADMINISTRATION BILL

Head of Research and Democratic Services/ Senior Elections Officer to report.

9. ELECTORAL CANDIDATES PACK (Pages 35 - 66)

Recommendation:

To consider the attached electoral candidates pack

(Senior Democratic Services Officer) Officers have been developing a pack aimed at

Candidates in elections in Epping Forest. A draft of the pack is attached to the agenda. The intention is to issue this information early in the electoral candidate process to give prospective Councillors a greater understanding of the role following their successful election. It is hoped that the information gives a realistic expectation to candidates.

Simon Hill, Senior Democratic Services Officer, will be present at the meeting to outline the sections of the plan, ideas for publishing the information and to seek members views on the draft.

10. HOUSING APPEALS PANEL - TITLE, TERMS OF REFERENCE AND PROCEDURE (Pages 67 - 70)

(Head of Research and Democratic Services/Housing Services). To consider the attached report.

11. COMPLAINTS AGAINST COUNCILLORS - REVIEW OF SUPPORT

Recommendation:

To consider options regarding the support arrangements for complaints against councillors

(Head of Research and Democratic Services) Group leaders have recently been discussing the position of Councillors who may be the subject of complaints to the Standards Board for England regarding alleged breaches of the Code of Conduct.

Where the Board itself is involved in investigating and adjudicating on such complaints, officers at the Council have a freer hand to give advice on the process to the member concerned. However, where the local Standards Committee is required to adjudicate and possibly also investigate complaints locally, the Monitoring Officer, Deputy Monitoring Officer and the Democratic Services Manager must be very careful to avoid any conflict in advising the Standards Committee. This can arise if any of these officers have previously advised the member concerned or been otherwise involved.

Some group leaders made the point that this can leave the Councillor without any ready access to advice from within the Council. Group Leaders took the view that this potential isolation needed to be addressed whilst at the same time acknowledging that the Council itself could not be seen to be allocating funding and providing support particularly if complaints were upheld.

This Panel was asked to look at what could be done to address the concern which has already been expressed by members which have been through this process. Arrangements are being made for a course to be included in next year's training programme to make the whole complaints process more clear to members but this does not address the perceived support need.

Four options have been raised:

- (a) provision within political groups of funds to provide advice/support where requested;

(b) an arrangement where members set aside a percentage of their basic allowance to create a fund

(c) the political parties concerned make such provision.

Group leaders asked for the Panel to discuss the issue.

12. CIVIC PROTOCOL (Pages 71 - 78)

(Head of Research & Democratic Services) To consider the enclosed correspondence with Loughton Town Council.

13. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

14. FUTURE MEETINGS

To consider the forward programme of meeting dates for the Panel.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTIONAL AFFAIRS SCRUTINY STANDING PANEL
HELD ON THURSDAY, 5 JANUARY 2006
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.40 PM**

Members Present:	R Morgan (Chairman), R D'Souza, Mrs J Davis, Mrs P Richardson, D Stallan, Mrs J H Whitehouse and J M Whitehouse
Other members present:	(none)
Apologies for Absence:	Mrs P Brooks and Mrs A Haigh
Officers Present	I Willett (Head of Research and Democratic Services), A Scott (Head of Information, Communications and Technology), C Overend (Policy & Research Officer), W MacLeod (Elections Officer) and Z Folley (Democratic Services Assistant)

10. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor J M Whitehouse was substituting for Councillor Mrs A Haigh and Councillor Mrs J H Whitehouse was substituting for Councillor Mrs P Brooks.

11. DECLARATION OF INTERESTS

No declarations of interest were made pursuant to the Member Code of Conduct.

12. NOTES OF THE LAST MEETING - 3 NOVEMBER 2005

Noted.

13. TERMS OF REFERENCE / WORK PROGRAMME

The Head of Research and Democratic Services outlined the current position regarding the work plan which was noted by the Panel.

14. COUNCIL MEETINGS - REVIEW OF FUTURE ROLE

The Policy and Research Officer reminded Members that at its last meeting the Panel explored a number of options for enhancing debate at Council meetings. The Panel agreed that visits be undertaken to Council meetings which applied the identified options to see how they worked in practice. The visits had now been completed and had explored:

- Presentations from external organisations with specific recommendations
- State of the District Debates
- 'Council in Committee' model for single issues Council meetings, debates about particular areas in the District
- Verbal unannounced questions on topical issues

- OSC Chairman and Portfolio Holder reports on current work followed by questions without notice
- The submission and consideration of strategic documents at an early stage – ‘First and second reading idea’
- Different arrangements/procedures for questions by the public

It was suggested that the arrangements for receiving external attendees be looked to ensure they were clear.

In considering whether any existing items could be deleted to free up time for new items, Members considered whether the Chairman’s announcements and the presentation of awards should remain standard items or whether they could be dealt with elsewhere. A member suggested that only Cabinet reports effecting the policy and budgetary framework should be submitted to the Council for consideration.

The Head of ICT reported that as part of the e-government priority setting initiative, a forum might be established to allow the public to submit comments and questions. This could support any proposals.

The Policy and Research Officer undertook to investigate the proposals in depth and elucidate where appropriate with example from practices elsewhere. This would include the merits of each potential change and would be presented to the next meeting so that decisions could be made.

Agreed that all Members should be canvassed to ascertain their views on which options should be taken forward. Proposed that this be undertaken through a special edition of the Members Bulletin. Proposed that a Member champion be sought to consult each group to raise awareness and support as per the OS review which was essential for any proposals.

ACTION:

The Policy and Research Officer to prepare summary report for next meeting.

15. MEMBER SERVICES - DRAFT GUIDANCE FROM STANDARDS COMMITTEE

The Head of Research and Democratic Services presented the report. It was noted that the draft guidance had been sent out through the Members Bulletin and no adverse comments had been received.

Members raised a number of points. It was agreed that:

- Wording be added to the section on Correspondence to state that electronic versions be made available.
- Line ‘approval should be obtained at Member Level’ in paragraph 4.4 be clarified
- Last sentence in paragraph 4.6 be reworded for clarity’s sake
- Paragraph 4.7 be expanded to referred to Members rights in relation to surgeries

- Wording be added to paragraph 5.5 to consider whether arrangements should be implemented to allow Members to use the Council's photocopiers for personal or political purposes.
- Paragraph 7.7 be amended to state the consequences associated with non attendance of compulsory training courses.

Attention was paid to paragraph 6 on Advice. Agreed that paragraph 6.1 include the wording '..where confidentiality is requested by Members this be respected'. It was agreed that this should go on to say...'Officers will advise on when such information must be shared'. The Head of Research and Democratic Services undertook to ascertain whether the information was already covered elsewhere and if so to take the section out to avoid duplication and ensure that the advise was held in one document.

Agreed that the paragraph 8.1 and 8.2 under the subheading freedom of information requirements be removed and instead advise recipients of requests to see officers for advise.

Agreed that the words 'regular basis' be substituted with the 'as and when required' in paragraph 9.1.

ACTION:

The Head of Research and Democratic Services to amend report as indicated.

16. MEMBERS SERVICES - POLICY

The Panel were asked whether they wished to carry out a review of services for members and if supported to consider how such a review should be carried out.

A request for the OS programme had been submitted earlier on in the year by Councillor Mrs Whitehouse. The Councillor was in attendance and explained that her request sought the establishment of a forum to consider housekeeping matters in relation to Member Services. She proposed that the review ought to be carried out outside the OS process. It was agreed that the matter be referred to the next Group Leaders meeting for further consideration.

RESOLVED:

That the request for a review of Members Services be submitted to the next meeting of the Group Leaders for consideration.

17. ELECTORAL PILOTS

The Head of Research and Democratic Services gave a progress report on the Council's application for electoral pilots. The bid comprised electronic counting, postal vote verification/ tracking and pre – election publications. Nationwide, approximately 30 applications had been submitted.

The Department of Constitutional Affairs (DCA) had yet to report their response to the application which was expected on 15 December 2005. Noted that recent developments indicated that the available budget was tighter than expected which could reduce the number of successful bids. In addition, the decision to omit non

geographical voting (i.e. travelling polling stations) could have implications for the success of the application, as the scheme was favoured by the government. Should the pilot be successful, any supplementary costs would be met by the DCA.

RESOLVED:

That the progress report on the Council's application for electronic electoral pilots be noted.

18. ELECTORAL ADMINISTRATION BILL

The Panel received and considered a report on the progress of the Electoral Administration Bill through Parliament. The main features of the Bill aimed to improve access, promote participation and security and improve administrative effectiveness. These aspects were covered in the attached fact sheet.

RESOLVED:

That the report on the progress of the Electoral Administration Bill through Parliament be noted.

19. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

There were no reports to be made to the next meeting of the Overview and Scrutiny Committee on 2 February 2006.

20. FUTURE MEETINGS

7:30 p.m 20 February 2006

Constitutional Affairs - Terms Of Reference and Work Programme 2005/6

(a) Terms of Reference

1. To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee.
2. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

(b) Work programme

Item	Status	Deadline
(1) Council Meetings – Completion of Review of Questions and Motions.	Completed	Council Meeting on 27 September 2005
(2) Protocol for Relationships with external organisations and partnerships	Completed	Council meeting on 13 December 2005
(3) Contract Standing Orders - Review	Completed	Council Meeting on 13 December 2005
(4) Review of Elections 2005	Completed	September 2005
(5) Response to Periodic electoral reviews	Completed	November 2005
(6) Member Services – Draft Guidance from Standards Committee	Completed	Referred to Standards Committee for further consideration and submission to Council meeting on 24 April 2006
(7) Council Meetings – Completion of Review of Future Role	Ongoing	April 2006
(8) Housing Appeals Panel - Title, Terms of Reference and Procedure	Report submitted to this meeting	To be allocated
(9) Complaints Against Councillors – Review of Support	Report submitted to this meeting	To be allocated
(10) Civic Protocol	Report submitted to this meeting	To be allocated
(11) Review of pack for candidates standing at District Council elections in 2006	Pack submitted to this meeting.	February 2006
(12) Review of Opportunities for Participation in further Electoral Pilots	Ongoing	By May 2006 (subject to ODPM timetable)

(13) Review of Changes in the legal requirements concerning postal voting and resource implications	Ditto	Ditto
(14) Review of Changes in procedures for electoral registration	Ditto	Ditto
(15) Completion of Review of Parliamentary Constituencies	Ditto	Ditto (possible reserve list item)

Report to Policy Working Group 3

Date of meeting: 20 September 2004

Portfolio: Planning and Economic Development

Subject: Area Plans Sub-Committees - Review

Officer contact for further information: Chris Overend, ext. 4247.

Committee Secretary: A Hendry, ext.4246



Recommendations:

1. **To review the current structure of Area Plans Sub-Committees as follows:**
 - (a) **to adopt a three Sub-Committee structure on grounds of accessibility, workload and improving the throughput of planning applications;**
 - (b) **to combine Area Plans Sub-Committees 'B' (Epping) and 'C' (Ongar Area) to achieve (a) above;**
 - (c) **to hold Area Plans Sub-Committees 'A', 'B' and 'C' on a three week cycle so as to speed up the process of handling planning applications;**
 - (d) **to determine the number of members to serve on the new combined Sub-Committee.**
2. **To consider introducing occasional meetings between Area Plans Sub-Committee Chairmen, the Chairman of the District Development Control Committee, Lead Planning Officers and the Portfolio Holder for Planning and Economic Development to discuss any common issues which may arise; and**
3. **to consider the frequency of meetings under (2) above.**

Report:

1. (Head of Planning and Economic Development/Head of Research and Democratic Services) Following changes to the area boundaries implemented in May 2002 and increased officer delegation implemented in December 2002, it is felt that it is now appropriate to review the operation of the Council's four Area Plans Sub-Committees. Such a review was promised in the Development Control Service Improvement Plan adopted in November 2002 and the 2003/4 Service Plan. Issues which arise are geographical cohesion, workload, venues and access as well as operational improvements.

Geographical Cohesion

2. Area 'A' (Buckhurst Hill, Chigwell and Loughton) and Area 'D' (Epping Upland, Nazeing, Roydon and Waltham Abbey) are relatively compact and discrete geographical areas. Area 'B' (Epping, Theydon Bois, Lambourne and the southern part of North Weald) is a grouping of more diverse parishes but covers a relatively

compact area. Area 'C' (Ongar and all the parishes east of Harlow and Area 'B') has little geographical cohesion since it includes Parishes as far apart as Stapleford Abbots in the south and Sheering in the north.

Workload

3. In the 12 months from January-December 2003:
 - (i) Area Sub 'A' considered 178 applications (average of 14.8 per meeting) with a maximum of 23 and a minimum of 8;
 - (ii) Area Sub 'B' considered 61 applications (average of 5.1 per meeting) with a maximum of 8 and a minimum of 2;
 - (iii) Area Sub 'C' considered 67 applications (average of 5.6 per meeting) with a maximum of 9 and a minimum of 2; and
 - (iv) Area Sub 'D' considered 74 applications (average of 6.2 per meeting) with a maximum of 12 and a minimum of 3.
4. It can be seen that the number of applications considered at Area Sub-Committee 'A' exceeded the other committee workloads, almost amounting to the total for the other three combined.

Venues

5. Area Sub 'A' meets in the Dining Hall at Roding Valley School. It is a large room but since it is a large Committee with 15 members and significant public interest from large agenda, the venue is not over big. The acoustics suffer from refrigeration equipment which operates in the vicinity.
6. Area Sub 'B' meets in the Council Chamber at the Civic Offices.
7. Area Sub 'C' meets at Shelley Primary School, where furniture is undersized and the location is deep within a residential estate. There is no bus route to the school.
8. Area Sub 'D' used to meet at Waltham Abbey Town Hall in a large hall with very poor acoustics although another venue in Roydon was used from time to time. The Committee now regularly meets at Saxon Way Community Centre in a room better suited.
9. Access for disabled people is satisfactory at all four venues.

Issues and Options

10. Despite the high number of applications considered each month by Area Plans Sub 'A', this operates as an efficient committee serving a traditional grouping of local areas in a central venue, well served by public transport. Members should however consider whether the other groupings need to be altered in order to balance the workload to some degree, perhaps combining two of the areas to form three area committees in total. Three Area Sub-Committees on a three week cycle would assist with meeting statutory targets for processing planning applications by shortening the period an application would need to wait for a meeting.
11. In terms of geography, it would be logical to divide areas 'B' and 'C' more evenly but

that would reduce the workload for Area 'C' to an unsustainable level. Thus, the most effective option appears to be to combine Areas 'B' and 'C' and centre these on Epping which is well served by public transport, eliminating the access problems and other issues associated with Shelley School. The area would remain a rather disparate geographical area but could be said to comprise most of the former Epping and Ongar Rural District. Furthermore, the elimination of Shelley School from the schedule of venues would result in a saving of £500 per annum.

Membership of Combined Sub-Committee

12. Currently Area Plans Sub 'B' and 'C' comprise all members in the relevant areas as follows:

Committee	Number of Members
Plans 'B'	9 members
Plans 'C'	10 members
Total	19 members

13. Combining the two Sub-Committees together would create a new body of 19 Councillors. To be exempt from pro rata requirements (i.e. a proportional representation for every political group on the Council irrespective of the area which they represent), an Area Plans Sub-Committee has to be an "Area Committee" under Government legislation. The tests for Area Committee status are as follows:

- (i) the Committee established solely of members elected to wards in the areas concerned;
- (ii) the Committee is concerned with discharging the functions of the authority;
- (iii) the area concerned does not exceed 2/5ths of the total area of the District or 2/5ths of the total population of the District.

14. The combined areas constitute 32.6% of the District's population and 63.2% of the area of the District. In establishing a Committee with area status either the population or the area criteria should be met. With this in mind, a combined Sub-Committee 'B' and 'C' can be treated as a local committee.

15. If members feel that a Sub-Committee of 19 members is too large, membership could be set at a lower figure and allocated pro rata between the political groups represented in the wards covered. This is the procedure adopted in relation to Area Plans Sub 'A', which comprises 15 members.

16. Within the area covered by the combined 'B' and 'C' Sub-Committees the pro rata between the political groups concerned is as follows:

Conservative: 11 (57.894%)
 Lib Dem: 6 (31.578%)
 Independent: 1 (5.263%)
 Labour: 1 (5.263%)

These percentages would be applied to the total number of seats for the Committee which members prefer.

17. These various changes would require amendments to the Council's Constitution.

Liaison on Common Issues

18. In order to achieve consistency between the Area Committees members may also wish to consider the value of regular (say twice a year) meetings, between Chairmen of Sub-Committees, lead planning officers, the Chairman of District Development Control Committee and the Portfolio Holder for Planning and Economic Development. This group could discuss common issues or topics which have arisen at meetings or elsewhere. The discussion should avoid individual planning applications etc due for consideration as the Portfolio Holder would not be able to be involved in those matters.

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Report to Constitutional Affairs Scrutiny Standing Panel

Date of meeting: 20 February 2006

Subject: Council Meetings – Review Of Future Role

Officer contact for further information: C Overend (4247)

Committee Secretary: Z Folley (4532)

SCRUTINY

 Epping Forest District Council

Recommendation:

(1) That members consider the various options (a) – (h) below for enhancing the role of Council and determine which of the options should be recommended for implementation: and

(2) That in accordance with the options agreed as per (1) above appropriate amendments be made to the sections within the Constitution in respect of Terms of Reference and Rules of Procedure for Full Council Meetings

Report

1. (Head of Research and Democratic Services) Following the introduction of revised political decision-making arrangements and adoption of a new Constitution, revised Terms of Reference for the Full Council were agreed.
2. When reviewing constitutional matters, at its meeting on 25 November 2003, the Overview and Scrutiny Co-ordinating Group noted that the volume of business now being referred to the Council from Cabinet was more limited. In the early stages of drafting the Constitution, it was acknowledged that a new role should be developed for the Council.
3. Since political modernisation, debates at Council meetings have concentrated on referred items, appointments to outside bodies and Committees, and to motions and questions. It is recognised that Council meetings may not be achieving Members' aspirations for providing a major forum for debates of interest to the local community.
4. During the 2004/05 Council Year, the then Policy Working Group began a review of the types of item being considered and determined at Council meetings and the options for enhancing debate. The work on the review was continued by this Panel as it fell within its purview under the revised arrangements which came into effect from the commencement of the 2005/06 Council year.
5. A number of visits to other local authority Council meetings having been undertaken and the comprehensive review complete, the Panel, at its meeting on 5 January 2006, identified a number of additional items that might be appropriate for discussion and determination by the Full Council itself, and identified other potential revisions to the Terms of Reference it felt would enhance debate and encourage greater public interest.
6. Further information on each of these aspects is set out below. Members are now asked to assess each of these potential changes and, accordingly, recommend the appropriate revisions to the Terms of Reference in relation to debates at Full Council meetings.

(a) 'State of the District Debates'

7. Academics and commentators on local government have taken the opportunity presented by the requirements in respect of the new roles for council meetings to highlight concerns about the council meeting being a sterile place, which does not engage local people. It has been suggested that, when moving to new arrangements, authorities should take the opportunity to reinvigorate the public debate at council meetings and realise the potential of community leadership that the council meeting has.

In his paper on the role of the council meeting, Professor Stewart suggests:

'One possibility is that every year the Council hold a state of the district debate to focus on the key issues faced not by the authority, but by the area and the communities within. Such a debate would symbolise the outward looking council and could involve, as part of the meeting, the representatives of other stakeholders and the public generally. Such a meeting could be part of the community planning process'.

8. A number of local authorities have taken the opportunity to introduce the concept of 'State of the District' debates within their Terms of Reference for Full Council meetings. Having seen the reports on the Council meetings at Breckland and Fenland, Members of the Panel felt that the introduction of this type of debate at our own Council meetings might enhance debate and engagement with local people.

9. The nature of this item takes a number of different forms. For instance, at a recent meeting, at Fenland, this consisted of a DVD and accompanying presentation from the Leader of Council about the Council's achievements/failings during the year and a subsequent debate open to all Councillors. At Breckland, the 'State of the District' debate has been integrated into the consultation arrangements as part of the BV/Council Plan process. Other local authorities which have held this type of debate include Arun, Ashfield, Rother, Salisbury and Welwyn Hatfield. Members might like to visit the websites of these local authorities to discover more about how they have organised this item and conducted debate.

10. Despite the variety in approaches, it is possible to devise wording in the Council's Terms of Reference, which provide the flexibility to ensure that the inclusion of such an item is put to good effect. Most of the aforementioned local authorities have adopted the following suggested model or similar:

(i) Calling of debate

11. The Leader will call a State of the District debate annually on a date and in a form to be agreed with the Chairman.

(ii) Form of debate

12. The Leader will decide the form of debate, with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.

(iii) Results of debate

13. The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the area; and considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

(b) Single Issue Council Meetings, Council in Committee, Opposition Days Council in 'Seminar'.

14. These are a number of similar initiatives, which really amount to 'variations on a theme'.

15. Local authorities such as Carrick, Daventry, Thanet and Kirklees have held single-issue Council meetings to debate a major policy problem or proposals. Those that have adopted this approach have sometimes also involved representatives from a range of agencies, organisations and partnership bodies so that the Council meeting resembles more of a public forum than a formal decision-making body. Others such as Harrogate have held informal single-issue sessions before the full Council has started, as a way of avoiding complications with standing orders. Recent issues where this approach could have been used in this district might, for example, have included the introduction of 'wheelie bins' or development proposals in the area.

16. The 'Council in Committee', has been adopted in authorities such as Wakefield, where the Council has met, for example, to consider the development of the Local Strategic Partnership. Such meetings tend to be deliberative, exploring some policy problem or proposal. An alternative use of the 'Council in Committee' concept is that akin to the passage of legislation through Parliament whereby there is a first, second and final reading of the main plans to be adopted by the Council with, say, in-depth debate about main issues at the second-reading stage. Another variation, and one used for example by Breckland Council, is to have debates dedicated to the issues affecting a particular town or parish in the district. Another option is 'Opposition Days' where a debate is held on the subject chosen by one of the minority groups.

17. In Barnsley, the constitution provides for a forum that promotes the flow of information and debate between the executive and non-executive councillors. This is the 'Council meeting in Seminar'. Its purpose is

18. 'To exercise the functions of the Council in ensuring that meaningful debate and a hearing have taken place as part of an inclusive process towards development on such issues that are part of the Council's policy framework'. (Barnsley Constitution, p 53)

19. The 'Council in Seminar' meets once a month and is open to the public. Each meeting is dedicated exclusively to one topic, decided by non-executive Councillors requests. Meetings also include provision for participation by co-opted members of scrutiny commissions, who also find it useful to be briefed on wider issues.

20. The 'Council in Seminar' was developed in response to non-executive councillors' complaints that they felt out of touch as a result of the new constitutional arrangements. Councillors now have the opportunity to discuss topics of interest and receive replies to their questions. Its main value is to enable Councillors to be briefed on issues and to keep abreast of wider developments. The authority is also proposing to change the format of the meeting so that it becomes more interactive.

21. An agreement to use one, some or even all of these initiatives would not require any revisions to the existing Terms of Reference. They already provide for the approval of, adoption of and revisions to the policy framework and the adoption of specific plans. There is also provision for extraordinary meetings of Council to be held when required. All that is really needed is a clear statement from Members to the effect that there is a commitment to any of the initiatives regarded as suitable and an established procedure where required.

22. One issue that Members need to consider is how to obtain clearly defined, effective recommendations and positive outcomes arising as a result of any procedural changes. In that regard, further information is being sought from some of the local authorities that have implemented these new initiatives on how they have sought to ensure that their Council meetings are not only enhanced but also more productive.

(c) Individual Presentations

23. Again the current Terms of Reference provide for this, as will be noted in 4.01 (p), (q) and (r) of the constitution. What may be required is a strengthening of the provisions to

positively encourage presentations and community engagement. Members will have noted that many of the Councils visited made use of this facility (see various reports including Bracknell Forest, Braintree and North Hertfordshire Councils). Possibilities include the addition of a section on 'Receipt of Presentations from Partner and External Organisations on topics having a significant impact on the District'. Another alternative or additional option would be to adopt a scheme of public participation along the lines of that adopted by Bracknell Forest (See Appendix 1 attached).

(d) Reports from the Leader and Individual Portfolio Holders/Reports from Overview and Scrutiny/Questions by Members.

24. Currently the Council considers reports from the Cabinet, presented by the Leader, which identify only those items, which have associated recommendations requiring specific approval by the Council. As a means of encouraging further community interest and challenging the 'Executive' it is suggested that, rather than there being consideration of a report from Cabinet, the Leader and each Portfolio Holder submit a report to each Council meeting which includes not only specific recommendations for approval (including those from Cabinet) but details of progress on all current issues falling within their area of responsibility.

25. The wording on the agenda could be in the form 'To Receive Progress Reports from the following Portfolio Holders'. There should also be a provision for Members to ask detailed questions of the Portfolio Holders with the incorporation of a specific section within the Terms of Reference.

26. Several of the local authority Council meetings visited received regular reports from Overview and Scrutiny summarising progress in respect of the ongoing work. Inclusion of a standing item on each Council agenda would also re-emphasise the increasingly significant role of Overview and Scrutiny. At Epping Forest District Council this could be in the form of 'Receipt of Progress Reports from the Chairman of Overview and Scrutiny Co-ordinating Committee'. Again it would be appropriate for there to be provision for Members to ask detailed questions of the Chairman of the Co-ordinating Committee or individual Scrutiny Panels as appropriate.

27. At present there is a general provision within Council Procedure Rules (Article E of the Constitution) for questions to be asked of the Leader or Chairman of a Committee. Accordingly, it is suggested that this provision be strengthened with the addition of wording along the following lines:

- Every Member of the Cabinet shall present a report to each ordinary meeting of the Council on matters of interest for which they have responsibility that have arisen since the last ordinary meeting of the Council.
- A Member of the Council may, without first giving notice, ask any Member of the Cabinet questions about any matter which falls within the portfolio of that Cabinet member.
- The Council will set aside a maximum of 40 minutes for members to put questions under 2 above.
- The Chairman of the Overview and Scrutiny Co-ordinating Committee shall present a report to each ordinary meeting of the Council on the various issues currently being reviewed by the Committee and Scrutiny Panels.
- A Member of the Council may, without first giving notice, ask the Chairman of the Overview and Scrutiny Committee (or the Chairman of the appropriate Scrutiny Panel) about any matter currently under review.
- The Council will set aside a maximum of 20 minutes for Members to put questions under 5 above.

28. Some local authorities (Fenland being an example) identify a specific provision for the Leader of the main opposition group (or his/her nominated representative) to put questions to the Leader subject to a maximum of, say, 20 minutes, being set aside for this item. Although perhaps not appropriate at present, this is an aspect which could be looked at again should the political balance of the District Council change.

29. There is also provision within the existing rules for Members to ask the Chairman or a member of the Executive a question on any matter in relation to which the Council has powers or duties, which affects the Epping Forest District. Whilst it is not considered necessary to amend this provision, it may be an opportune moment for Members to consider ways in which better use could be made of it.

(e) Questions by the Public

30. Within the Constitution (Article E Paragraph 9) there is specific provision for the receipt and consideration of questions from the public at Council meetings. Like many other local authorities, Epping Forest Council has difficulties encouraging public participation through its questions procedure. One of the few local authorities in the region which seems to have a successful questions procedure in terms of encouraging public involvement is East Cambridgeshire. As such it may well be appropriate to make comparisons between our provisions and those of East Cambridgeshire (see Appendices 2 and 3 attached) to identify those aspects which may give rise to encouraging greater public involvement.

(f) Routine issues Notified by Cabinet, Chairman's Announcements and Presentation of Awards to Individuals

31. These items were identified by Members at the last Panel meeting with a view to a further assessment as to their suitability for inclusion on the Agenda for Council meetings.

32. If a decision were taken to replace the item on 'Reports from Cabinet' with 'Reports of the Leader and Portfolio Holders' there would no longer be any routine items submitted in accordance with (f) above. Details of these and issues currently reported under 'Chairman's Announcements' could be set out in the weekly Members' Bulletin.

33. The presentation of awards to individuals requires separate discussion. Many might regard these to be an appropriate use of the time set aside for Council meetings and they certainly provide a reflection of the Council's willingness to engage with the public and to highlight in a timely way, excellence in all its forms. If such awards are not to take place at Council meetings, an alternative, suitable forum needs to be identified.

Scheme for Public Participation at Meetings of the Council

1. Why have a scheme?

The Council is committed to encouraging greater public participation in its work. This scheme will give members of the public the opportunity to tell Councillors directly at meetings of the Council about the things that concern them.

All issues raised by the public under this scheme will be given careful consideration.

While it will not be possible in every case to resolve an issue to the satisfaction of everyone, the Council will ensure that the issue is considered fairly.

2. What can the public do?

The public may use this scheme to make a submission to Councillors at a meeting of the Council in one of four ways:

(a) Petition

To present a petition at a Council meeting in order to request the Council to deal with any particular issue within the community. There is no minimum number of signatures.

(b) Question

To ask a question at a Council meeting. This may be addressed to the Mayor, a member of the executive or a chairman of a committee or sub committee. The question must be about a Council service, or a topic relevant to the Council.

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in paragraph 4 below.

(c) Statement

To make a Statement to a Council meeting about a Council service, about something the Council has or has not done, or about a matter of local interest or concern.

(d) Deputation

To present to a Council meeting a Deputation calling for action by the Council, registering a view about something the Council has or has not done, or about a matter of community interest.

A Deputation may only be made on behalf of an organised group of residents or other interested parties.

3. Relevance to the Council

The content of any form of submission must be about something that is within the Council's responsibilities. This includes matters of interest to the Council as a community leader.

4. What falls outside the scheme?

Some matters fall outside the scope of this scheme. These are:

- Individual's circumstances where it would not be appropriate for details to be aired in open session;
- Applications for legal consents where alternative procedures exist for the public to offer views;
- Planning and licensing applications; and
- Other proposals of any kind which have been formally published and where specific arrangements are made for the public to express their views.

The Chief Executive may also reject a submission if it:

- is not about a matter for which the local authority has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a submission which has been put at a meeting of the Council in the past six months;
- Is about the subject of an appeal or review procedure that has not yet been concluded. or
- requires the disclosure of confidential or exempt information.

5. Number of submissions

At any one meeting no person may make more than one submission and no more than two submissions may be made on behalf of one organisation or group.

6. Notice of submission

A submission may only be made if notice has been given by delivering it in writing or by electronic mail to the Head of Democratic and Support Services no fewer than eight working days before the day of the Council meeting. A question must be set out in full and a written summary of all points to be raised in any other form of submission must be provided. This will ensure that time is available to prepare advice for the meeting, an individual Councillor or the person making the submission. Each submission must give the name and address of the person who will make the submission at the meeting and, in the case of questions, must include the name, or office, of the member of the Council to whom it is to be put.

7. Advice on Content

The Head of Democratic and Support Services will be available to give advice to the public about the content of their submissions and the process. The Head of Democratic and Support Services will also give advice to the Mayor and members on such matters as necessary.

8. Who can use the Scheme?

The scheme is open to any resident in the area covered by the Authority. The scheme is also open to a representative of a business operating in the area of the Authority.

The scheme is not open to employees of the Council wishing to make representations in that capacity. Employees' rights as private citizens to use this scheme are preserved.

Only one person may speak about each submission at the meeting. In the case of a Statement or Deputation on behalf of more than one person, the notice should identify others who are party to the submission.

9. At which meetings may submissions be made?

Any submission under this scheme may be made at any ordinary meeting of the Council other than the Annual Meeting.

10. Support for the Public

The prospect of speaking at a formal meeting of the Council may be daunting for the public. Every help and support will be made available to those who wish to use this scheme. The Councillors and officers present will treat members of the public with courtesy and respect.

11. Time Limits

No individual submission will be allowed more than three minutes at a meeting. This rule will be strictly enforced in fairness to all those who those who wish to address the meeting.

The overall time allowed at a meeting to hear and deal with submissions from the public will be decided by the Mayor or by the meeting itself but will not normally exceed thirty minutes. This will take into account the issues to be raised in the submissions, the number of submissions and the other business of the meeting. Submissions will be heard in the order notice of them was received, except that the Mayor may group together similar matters. Where there is insufficient time to deal with all submissions received, the Mayor will decide which submissions should be dealt with at the meeting. Any submissions not dealt with will be formally received by the meeting and a written response will be given as soon as possible after the meeting.

12. Balance

The Mayor will ensure that those who are making submissions on opposite points of view on the same subject are treated equally as far as possible.

13. How will submissions be dealt with at the meeting?

Details of all submissions will be printed on the agenda for the relevant meeting. If the subject matter of the submission is already on the agenda for the meeting, the meeting will be prepared to defer consideration of the submission until that item on the agenda is reached.

If necessary and convenient to the other business, the Mayor or the meeting itself will agree to advance that item in the order or proceedings.

The Mayor will invite the member of the public to address the meeting for up to three minutes. If the submission is in the form of a question, the Mayor will invite the questioner to put the question to the member named in the notice. If a person who has made a submission is unable to be present, they may ask the Mayor to present the submission to the Council on their behalf. In the case of a question, the Mayor may ask the question on the questioner's behalf or indicate that a written reply will be given. In any case the Mayor may decide, in the absence of the person making the submission, that the submission will not be dealt with.

14. Councillors' questions on submissions

Councillors will be allowed up to five minutes to ask solely factual questions of the person making each submission. This is included in the thirty minutes normally set aside for dealing with submissions.

15. Written answers to questions

Any question which cannot be dealt with during the allocated time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer. Written answers shall be sent to the questioner and copied to all members of the Council.

16. Action the meeting may take

In the case of a question, the Councillor named in the notice will reply, or in his or her absence the Mayor may ask another councillor to reply. The reply will count against the thirty minute time limit. A written reply may be given where this is more convenient and can be circulated at the meeting.

Unless the submission relates directly to an issue to be dealt with at the meeting, petitions will normally be referred for consideration by the same or another body within the Authority on a report from Officers.

In the case of Statements and Deputations, the meeting will decide on the most appropriate course of action, which will be either to note the submission or to request an Officer report to a subsequent meeting of the executive or appropriate committee or sub committee on the issue raised.

Any member may move that a matter raised by a submission be referred to the executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

17. General Information

This scheme will be reviewed and adjustments made from time to time.

The public are welcome to attend Council, Executive, Committee and Sub Committee meetings where open business is discussed but may not speak to the meeting. All such meetings will be held in accommodation that has reasonable access and seating for the public. A summary of public rights of access to information is contained in the Access to Information Rules available for inspection at the Council Offices, Easthampstead House, Town Square, Bracknell.

Appendix 2 (EFDC Constitution)

QUESTIONS BY THE PUBLIC

9.1 General

Members of the public may ask questions of members of the Executive at ordinary meetings of the Council.

9.2 Order of Questions

Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.

9.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday seven days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

9.4 Number of Questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

9.5 Scope of Questions

The Chief Executive may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the District;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

9.6 Record of Questions

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members on the agenda for the relevant Council meeting which will be made available to the public attending the meeting.

9.7 Asking the Question at the Meeting

The Chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

9.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question

without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and must be only for purposes of elucidation. The Chairman may reject a supplementary question on any of the grounds in Rule 9.5 above.

9.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

9.10 Reference of Question to the Executive or a Committee/Sub-Committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive. Once seconded, such a motion will be voted on without discussion.

Appendix 3 (EAST CAMBRIDGESHIRE DISTRICT COUNCIL – CONSTITUTION)

PART 10 PUBLIC PARTICIPATION SCHEMES

PUBLIC QUESTION TIMES

PETITIONS

PUBLIC SPEAKING SCHEMES

- LICENSING COMMITTEE
- PLANNING COMMITTEE
- POLICY AND RESOURCES COMMITTEE

PUBLIC QUESTION TIMES

All meetings, with the exception of the Appeals and Complaints Committee, Planning Committee and Licensing Committee have Public Question Time.

This allows members of the public to ask questions at the Committee meeting which is done by filling in a question form and placing it in the public question box (both available at the meeting).

A total of fifteen minutes at the start of the relevant meetings is set aside to answer questions.

This does not form part of the formal business (in that reports and decisions cannot be immediately taken).

Questions are drawn out one at a time on a first-come- first-served basis with any question not answered at the end of the fifteen minutes receiving a written reply.

MAKING YOUR PETITION WORK

(East Cambridgeshire District Council's adopted policy on petitions)

The Council is pleased to accept petitions. If you want to send a petition to the Council, this leaflet tells you how to do it.

1. What should the petition contain?

(a) Make sure it is clear it is a petition. So that people can be sure what they are signing, the petition should say simply and clearly what it is about and to whom it is addressed. Make sure it is clear - it may be helpful to get someone else to read it.

(b) So that the Council can be sure the petition reflects **local** opinion relevant to its subject, the petition should show the name (in block capitals), signature and address of each person signing.

2. What sort of petition will the Council not consider?

(a) One which does not relate to areas of the Council's work or of particular concern to the Council. We will certainly not consider petitions which are vague or ambiguous, are abusive or defamatory or which relate to matters already properly decided, whether by the Council or others.

(b) It should be signed by at least 25 residents of the District. They should also put their names in block capitals and write their addresses.

3. How do I get my petition to the Council?

You can send it to the Council offices (addressed to the Customer Services Section) or you can hand it to your District Councillor. The names and addresses of all District Councillors are available by asking at Reception at the Council offices or telephoning our Customer Services Section.

4. How do I ensure my petition is considered by Councillors?

We will put your petition to the next Council meeting
PROVIDED IT IS RECEIVED BY OUR CUSTOMER SERVICES SECTION BY 12.00 NOON
ON THE FRIDAY BEFORE THAT MEETING.

A list of dates of Council meetings can be obtained from our Customer Services Section.

If your petition is relevant to a specific planning application or to a decision the Council is intending to make BEFORE the next Council meeting, it will be put to the Committee or Panel considered most appropriate by the Chief Executive in consultation with Chairman of Council you will be notified which this is and when it meets.

5. Can I speak to my petition when the issue is discussed?

Yes. There will be an opportunity for 1 person to make a short (no more than 3 minutes) presentation on the petition to the meeting which considers it.

After you have spoken, the Chairman will ask you if you are prepared to answer questions and if you are, a number of Councillors may ask questions of clarification.

Please note that the law requires that the public leave Council and committee meetings when confidential items are discussed.

The Chairman will tell you if that arises.

Please let us know when sending in your petition whether you would like the opportunity to speak and who will be speaking for you.

6. How will I know what was the result of my petition?

If you give us a contact name and address when you send your petition in, we will let you know what the outcome was. We will, of course, not be able to let each individual signatory know.

7. If I need any more advice, where can I get it?

Ring or write to the Council's Customer Service Section or your local District Councillor.

Customer Services Tel: 01353 616200/616364/616366

(Adopted by East Cambridgeshire District Council on 29 June 1999)

Public Speaking at Licensing Committee

You have the right to speak at the Council's Licensing Committees

This leaflet tells you how the scheme operates

The District Council is committed to extending public involvement in the Licensing process. There are already a number of consultation and procedures for some Licensing applications. Now you can speak directly to Councillors at Licensing Committee Meetings.

This leaflet explains the Council's public participation policy for supporters, objectors and local councils at meetings. It tries to answer some of the questions you may have about the procedures and what to expect at the meeting. It is based on simple rules which the Council has formulated to make the system as fair and easy to operate as possible, so please read all of the leaflet.

How does the Licensing Committee work?

Not all applications are determined by the Licensing Committee. The majority of straightforward applications are determined by officers under the Council's delegation scheme.

You may wish to check with the case officer to see whether the application in which you are interested is to be considered by the Licensing Committee.

Do I need to attend the meeting to make my comments known to the Committee?

No - your written comments will be considered by the committee anyway. As the meetings are open to the public you may, if you wish, attend the meeting just to see what happens.

How can I find out when an application will be considered?

Licensing Committees are held as necessary. The Committee Agenda is published not less than 5 days before the meeting. If you wish to speak it is your responsibility to check whether an item is on the agenda. You can do this by calling our Democratic Services Section. Copies of the agenda are also available from main reception and public libraries.

How do I arrange to speak at the meeting?

If you want to speak you will need to telephone the Democratic Services Section on (01353) 616281/616282/616392. Please note that phoning this number is the only way to register a request to speak. You must call by no later than 2pm on the day before the meeting. Registration will be on a first come first serve basis. This will mean that, for each application, the name of the first person to call as an objector or as a supporter will be noted and any subsequent callers will be given their details to organise between themselves how the groups will use their three minute slot.

As we have a public speaking scheme for Planning Committee too, please make sure you explain when you ring that you wish to speak at the **Licensing** Committee.

What is the order of speaking on each application?

One of the officers will introduce the item. The meeting will then move out of formal session and members of the public can speak in the following order:

- objectors (3 minutes total)
- Applicant/agent or supporters (3 minutes total)
- Statutory Consultees (3 minutes total)

You will be asked by the Chairman of the Licensing Committee to move to a designated seat before you speak. The Chairman will strictly apply the three-minute limit and you will be asked to go back to your seat in the public gallery after that time.

The meeting will then resume in formal session. The officer may add extra comments and then there will be an opportunity for debate by the Committee. The decision is then made.

Can I ask questions of other speakers?

No - you should seek answers to your questions before the meeting and to state your case on the basis of information given to you. You must not interrupt other speakers or the Committee debate.

Can I use slides or overhead transparencies or circulate supporting documents?

No - slides or overhead transparencies are not allowed. If you wish to circulate supporting documents, you should do this before the date of the committee. A list of Councillors' names and addresses is available from Customer Services on (01353) 616200/616364/616366. Please do not send documents to the Council for this purpose.

What can I say at the meeting?

You are advised to make a statement of fact or opinion, but you are likely to have the greatest impact if you:

- are brief and to the point
- limit your views to the application
- confine yourself to relevant issues.

What issues are usually irrelevant in considering proposals?

They will vary from case to case but the following may be considered irrelevant:-

- Matters covered by other laws
- Boundary or area disputes
- The applicants' morals or motives
- Effect on value of property
- Personal matters

You should particularly note that you should not make derogatory or defamatory remarks about other people. Any such comments leave you open to legal action.

When and where are the Committee meetings held?

Licensing Committee meetings are held as necessary, at the Council Offices at The Grange in Ely.

The Role of District Councillors:-

Councillors are elected to represent you on the District Council. You may like to contact your councillor to discuss the application. However, he or she will not be able to commit him or herself to a decision before hearing all the evidence and debate at the relevant meeting. They will need to take into account the law as well as public opinion.

Who do I ask if I have any other queries?

If you have any questions not answered by this leaflet, you are welcome to contact:-

Democratic Services,
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambs
CB7 4PL
Tel: (01353) 616281/616282/616392

EAST CAMBRIDGESHIRE DISTRICT COUNCIL (Leaflet 2)

Public Speaking on Planning Applications.

You have the right to speak at the Council's Planning Committees.

This leaflet tells you how the scheme operates

The District Council is committed to extending public involvement in the planning process. There are already extensive consultation and neighbour notification procedures for all planning applications. Now you can speak directly to councillors at Planning Committee Meetings.

This leaflet explains the Council's public participation policy for supporters, objectors and local councils at meetings. It tries to answer some of the questions you may have about the procedures and what to expect at the meeting. It is based on simple rules which the Council has formulated to make the system as fair and easy to operate as possible, so please read all of the leaflet.

How does the Planning Committee work?

Not all applications are determined by the Planning Committee. The majority of straight forward planning applications where no substantial objections are received are determined by senior officers under the Council's delegation scheme. You may wish to check with the case officer to see whether the application in which you are interested is to be considered by the Planning Committee.

Do I need to attend the meeting to make my comments known to the Committee?

No - your written comments will be considered by the committee anyway. As the meetings are open to the public you may, if you wish, attend the meeting just to see what happens

How can I find out when an application will be considered?

A Planning Committee is held on the first Wednesday of every month. The Planning Committee Agenda is published at least 5 days before the meeting. If you wish to speak it is **your** responsibility to check whether an item is on the agenda. You can do this by calling the Planning Case officer or Committee Services. Copies of the agenda are also available from main reception and public libraries.

How do I arrange to speak at the meeting?

If you want to speak you will need to telephone the Committee Services officer on 01353 616392. **Please note that phoning this number is the only way to register a request to speak.** You must call by no later than 5pm on the Tuesday before the meeting. Registration will be on a first come first served basis. This will mean that, for each application, the name of the first person to call as an objector or as a supporter will be noted and any subsequent callers will be given their details to organise between themselves how their five minute slot will be used.

What is the order of speaking on each application?

One of the planning officers will introduce the item. The meeting will then move out of formal session and members of the public can speak in the following order:-

- objectors (5 minutes)
- applicant/agent or supporters (5 minutes)
- local Parish/Town Council (5 minutes)

You will be asked by the Chairman of the Planning Committee to move to a designated seat before you speak. The five minute limit will be strictly applied by the Chairman and you will be asked to go back to your seat in the public gallery after that time. The meeting will then resume in formal session. The planning officer may add extra comments and then there will be an opportunity for debate by the Committee. The decision is then made.

Can I ask questions of other speakers?

No - generally, it would be preferable for you to seek answers to your questions before the meeting and to state your case on the basis of information given to you. You must not interrupt other speakers or the Committee debate.

Can I use slides or overhead transparencies or circulate supporting documents?

No - slides or overhead transparencies are not allowed. If you wish to circulate supporting documents, this must be done before the date of the committee. A list of Councillors name and addresses is available from Customer Services on 01353 616315. Please do not send documents to the Council for this purpose.

What can I say at the meeting?

You are advised to make a statement of fact or opinion, but you are likely to have the greatest impact if you:

- are brief and to the point
- limit your views to the planning application
- confine yourself to relevant planning issues.

What are the relevant issues in considering proposals?

The relevant issues will vary with the nature of the proposal and the site, but may include the following:-

- Structure and Local Plan policies
- Government planning guidance
- Planning law and previous decisions
- Highway safety and traffic
- Noise, disturbance, smells
- Residential amenity
- Design appearance and layout
- Impact on trees, listed buildings and conservation areas.

What issues are usually irrelevant in considering proposals?

They will vary from case to case, but the following are usually irrelevant:-

- Matters covered by other laws
- Boundary or area disputes
- The developer's morals or motives
- Suspected future development
- Loss of view over other people's land
- Effect on value of property
- Personal matters

You should particularly note that you should not make derogatory or defamatory remarks about other people. Any such comments leave you open to legal action.

When and where are the Committee meetings held?

Planning Committee meetings are held on the first Wednesday of every month. They are held in the Council Chamber at The Grange in Ely and the meetings start at 2pm.

How are Parish/town councils involved?

Parish/town councils are consulted on all planning applications and copies of planning applications are usually available to view with the local councils as well as at the District Council offices. For details of your local Council clerk please contact Customer Services on 01353 616315.

The Role of District Councillors:-

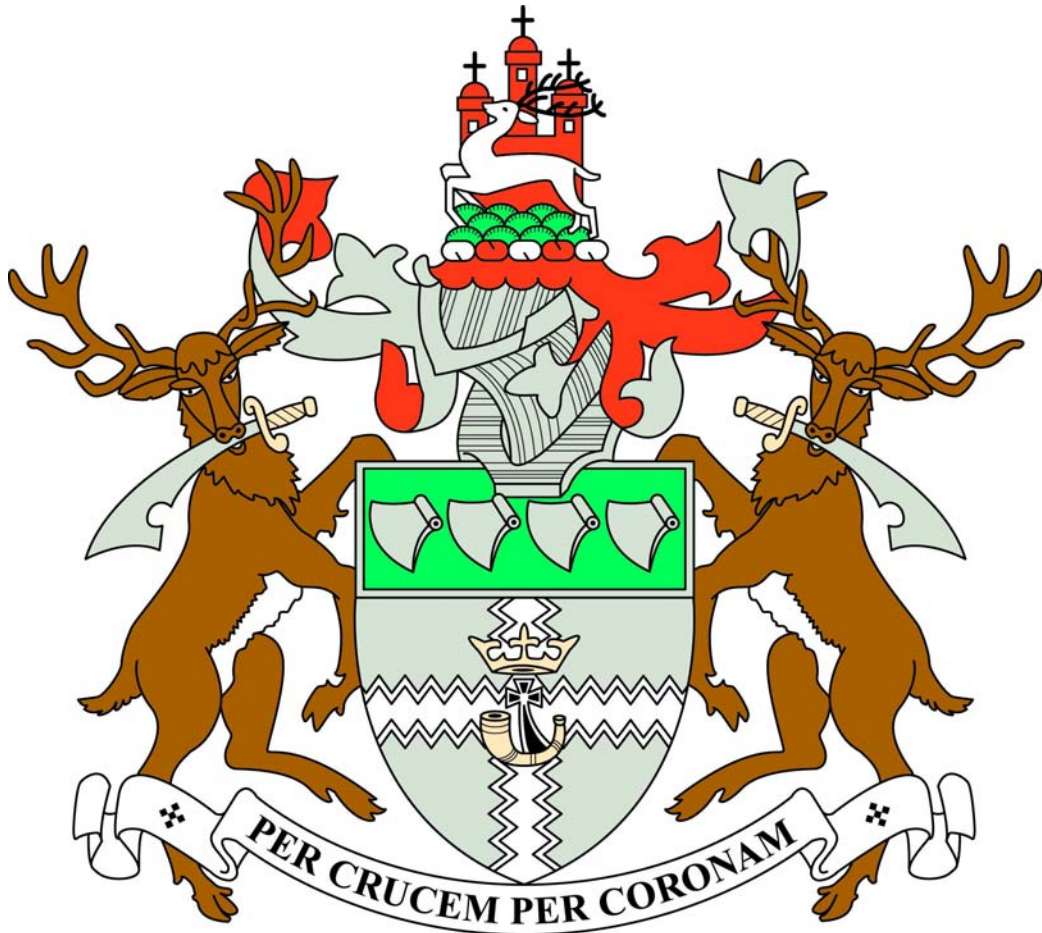
Councillors are elected to represent you on the District Council. You may like to contact your councillor to discuss the planning application. However he or she will not be able to commit him or herself to a decision before hearing all the evidence and debate at the relevant planning meeting. They will need to take into account the law and planning guidance as well as public opinion.

Who do I ask if I have any other queries?

If you have any questions not answered by this leaflet, you are welcome to contact:-

Planning Services
East Cambridgeshire District Council
The Grange
Nutholt lane,
Ely
Cambs CB7 4PL
Tel: 01353 665555

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Epping Forest District Council
Information for prospective councillors

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SECTION 1

Introduction

This guide is designed for anybody considering standing for election as a District Councillor and is intended to give information:

- About being a candidate
- On what happens immediately after winning the election
- About the history and structure of local government
- Background to the District and the Council,
- And an idea of the commitment required from you.

The Guide is split into Sections, the subject matter of which is shown on the contents page.

As representatives of the electorate, councillors determine the direction of the local authority and its policies on the basis of the wishes and needs of their constituents. Although elected to represent a particular ward, the overriding duty of the councillor is to the District as a whole.

SECTION 2

Standing for Election

To qualify as a candidate for election to the District Council you must be 21 years of age (a proposed reduction to 18 is included in the Electoral Administration Bill going through Parliament) and a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community. In addition you must also meet one of the following qualifications during the whole of the 12 months before the day you are nominated and on polling day:-

- You must be a local government elector for Epping Forest; or
- You must have had, during the whole of the twelve months preceding the day on which you are nominated, occupied as owner or tenant any land or premises in the District; or
- Your principal or only place of work in the twelve months preceding that day must have been in the District; or
- You must have resided in the District during the whole of the twelve months preceding that day.

You cannot stand if:-

- You hold a paid office or employment with the Council, or, in certain circumstances, are employed by another Council; or
- You are an un-discharged bankrupt; or
- You have been sentenced to a term of imprisonment (whether suspended or not) of not less than three months without the option of a fine during the five years preceding the election; or
- You have been convicted or reported guilty of a corrupt or illegal practice by an election court, or you have been disqualified from standing for election to a local authority following a decision of the Adjudication Panel for England; or
- You hold any employment in a company which is under the control of the local authority.

Your nomination paper has to be signed by a proposer and seconder and eight other signatories whose names are on the current Electoral Register for the Ward in which you are standing. You should also submit with your nomination paper a completed Consent to Nomination form.

Once nominated, you will be allowed to incur election expenses, which you must meet yourself. These must not exceed the sum £600 plus 5 pence for every elector on the Electoral Register as published for your Ward. Election expenses detailing all money spent on the campaign must be returned within 35 days after the day the result of the election is declared. They will be available for public inspection.

Full details of the timetable for the delivery of nomination papers, including withdrawal dates, will be forwarded with the nomination paper. Details relating to the appointment of agents, the poll (where necessary) and election count will be forwarded separately. Further information on becoming a candidate is available from the Electoral Commission:

<http://www.electoralcommission.org.uk/toolkit/audience-listing.cfm/21>

SECTION 3

What happens after I'm elected?

Once elected, it is important that you make a Declaration of Acceptance of Office at the earliest opportunity. This declaration must be made within two months from the day of election and you cannot act as a councillor or attend meetings until it is signed. The Declaration can be signed before either one of the Joint Chief Executives, a serving Justice of the Peace or another Councillor and is in the form of a register.

To make the declaration you should contact: XXXX to make an arrangement to come in and sign the register.

Equally important is that you attend training sessions designed to inform you about the many roles that a Councillor will perform. Some of these Training Sessions are designated "obligatory". This means that, for relevant Councillors, attendance is a necessary pre-requisite to becoming involved in a specific activity or serving on a particular member body. In other words, members will be unable to undertake those roles without this training.

Some of the courses, including an Induction Evening will be held between the Election and the Annual Council Meeting (normally about two weeks after the election). You should not arrange holidays immediately after the election so that you are available to attend these courses.

What you will also need:

- (i) A Security Identity badge (for which your photograph will be taken);
- (ii) An access card (the Civic Offices building can only be accessed using a proximity card which will be issued to you).

To obtain these contact: XXXX

- (iii) You will also be expected to have access to a Computer connected to the internet using a Broadband connection to enable the Council to keep you up to date with publication of agenda and minutes and for email. More information on the Members Connectivity Scheme can be found in Section 10.

Councillor 'Buddies'

Some of the political groups will pair you with a more experienced Councillor in order to 'show you the ropes'. You should contact your Group Leader to check whether your group run this scheme.

Expectations of being a Councillor

You should have a general idea of what it takes to be a local Councillor from your discussions with your political party when you applied to be a Candidate. Being an elected representative brings a responsibility to represent your ward and to be available to your electorate to help them with their problems. These may be something you can assist in but may also not affect the District Council's responsibilities at all. It will take time to become familiar with the systems within the Council. Your fellow Councillor and Officers are a good source of information and advice.

How many meetings will I have to attend?

As of right you will sit on the Full Council which meets six or seven times a year. In addition, if you are elected to a ward outside Loughton, Buckhurst Hill or Chigwell, you will also be appointed to an

Area Plans Subcommittee automatically. These meet every four weeks throughout the year. In the southern area of the District only some of the Councillors will sit on their Area Plans Subcommittee.

You may also be appointed to any of the quasi-judicial panels (See Section 7) or one or more Scrutiny Panels. These meet as and when required. You should speak to your Group Leader soon after the election about the Committees where you think you have expertise or wish to sit on. Seats on Committee are allocated at the Annual Council meeting and allocated on the basis of *pro rata* (i.e. reflecting the percentage strength of your group on the Council as a whole).

It would not be unreasonable for you to assume that you would have one Council meeting to attend per week. On average there are meetings of the Authority's Committees, Subcommittees or Panels three or four times a week, only some of which you will be a member of or you will want to attend.

If you want to get a better feel for the number of meetings taking place at the Council, visit our webpage on:

http://www.eppingforestdc.gov.uk/local_democracy/

SECTION 4

Local Government: A Brief History

The structure of local government is based on administrative areas which existed in Saxon times. The country was divided into counties or shires in 1066 at the time of the Norman Conquest, governed initially by Sheriffs and later Justices of the Peace. Local government during the 17th and 18th century was largely parish government, parishes being responsible for dealing with the poor, keeping the peace and highway maintenance.

Before the industrial revolution, Parliament established bodies of Trustees or Commissioners to administer special services in a locality - greater numbers of these bodies became necessary as towns grew in size, to deal with such things as the relief of destitution, repair of roads, paving, lighting and street cleansing.

As the numbers of different bodies, or boards, expanded and the government extended the vote to ordinary householders, this paved the way for the creation of county councils and county boroughs in 1888. Six years later, the Local Government Act 1894 created urban and rural district councils, parish councils and parish meetings. That system largely continued until the Local Government Act 1972, when district councils were formed, through the combination of other types of authority, or sometimes based on former county boroughs, to give the system which largely prevails in the shires today. Thus Epping Forest District was formed from an amalgamation of the Epping Urban District Council, Epping and Ongar and Rural District Council, Chigwell Urban District Council, and Waltham Holy Cross Urban District Council.

The Local Government Act of 1972 which brought Epping Forest District into existence reformed completely the structure of local government and made important changes to the distribution of local authority functions and other matters such as elections, membership of councils, financial administration, the admission of the press and public to committee meetings and the appointment of staff. The Act reduced the number of major local authorities in the country from 1,400 to 450.

Since 1974, there have been three levels of local government in Essex and other shire counties - the County Council itself, District Councils and Parish and Town Councils.

The system in more densely populated areas differs. In London, there is at present just one tier of local government operated by some 32 London Boroughs, ranging in population from approximately 133,000 (Kingston-upon-Thames) to about 314,000 (Croydon). The other conurbations, i.e. Tyne & Wear, the West Midlands, South Yorkshire, West Yorkshire, Greater Manchester and Merseyside originally had two tiers, i.e. county council and metropolitan borough, when set up in 1974, but the county councils for these areas have since been abolished.

Another type of authority has now emerged, following the review of local government which began in 1992, this being the "unitary authority". Where government has been convinced that one tier would function better than two, this has replaced other systems. Examples of this new type of authority include the Isle of Wight and Peterborough. Some larger unitary authorities based on former county council areas, e.g. Berkshire, the East Riding of Yorkshire, still have parish councils within their areas.

The Essex Situation

When the Local Government Commission looked at Essex as part of the overall review, Thurrock and Southend on Sea were made Unitary Councils. However, over the next few years, in the context of strengthened regional assemblies further reviews may be undertaken and may have consequences for local government.

As part of its programme to modernise Councils, the Government has introduced legislation to enable local authorities to bring in new systems of decision making to replace the traditional committee system which had been in place for a hundred years.

In May 2002 Epping Forest adopted a Cabinet and Leader system and new constitution under the Local Government Act 2000. The system balances the concentration of powers in the executive, collectively and individually, by:

- Reserving certain powers to the full Council, such as setting the Council tax and budget (A Policy Framework);
- The Cabinet and Individual Portfolio Holders taking decisions within that framework
- Designating some powers as non-executive, for example development control;
- Providing mechanisms for scrutiny and overview of executive decisions by other members;

SECTION 5

History of the District

The Epping Forest District covers a part of England where history runs deep, a part of England that is crowded with reminders of that history of prehistoric encampments; of Iceni and Trinobante warriors; of Roman battles, Saxon saints and Norman builders; of Tudor huntsmen; of infamous highwaymen; of labourers who fought for their rights in the forest. Through hundreds of years the forest lands then known as Waltham were owned and ruled by the monarch and administered by the monks of the great abbey built on the banks of the Lea.

Thus, Waltham Abbey throughout the earlier years exerted enormous influence over the whole forest area and the later decline of the abbey coincided with the shrinking of the forest. Although a settlement existed in the very earliest times in the Lea Valley it was Earl Tovi, standard bearer to King Canute, who founded the town. He formed a community here and built a church to serve it a church that was said to have housed a fragment of the True Cross of Christ, a sacred relic that drew pilgrims from far and wide. After Tovi's death, the Waltham property went to the crown and Edward the Confessor bestowed it on Harold who built a minster church served by a dean and eleven canons and supported by tithes from manors throughout Essex and East Anglia. Legend has it that following the death of King Harold at the Battle of Hastings, his body was brought here and buried in the choir of his beloved church a part of the building now gone but the spot where his body supposedly lays is clearly marked.

The Normans gave the manors supporting Waltham to followers of William and the church itself went to the see of Durham. But in 1177 this was changed when the secular canons were dissolved and Henry II re-vested the tithes of the manors in the Abbey and re-established it as a house of Augustinian canons a house that officially became an abbey seven years later. The church was divided into two the nave being used by local parishioners as their parish church, the east end and transepts belonging to the abbot and monks. Extensive new buildings were erected at the eastern end in a contrasting style to the great Norman nave and for many decades the Abbey exerted a powerful influence, had many noble associations and was often visited by monarchs who came to hunt in the Royal Forest. One of the most distinguished guests was Cranmer, Archbishop of Canterbury who here originated one of the main movements that led to the Reformation.

Throughout the Middle Ages Waltham Abbey continued in favour and both it and the settlement clustered around it were places of importance. Rights to hold a market and fairs were granted during the reign of Richard I and the fairs became great trading events with the September fair the annual time for hiring servants. Monarchs were frequent visitors to both town and abbey and their visits became more numerous. The Dissolution, however, saw the first major changes in forest life, for the Abbey lands passed to Sir Anthony Denny and the monastic buildings were pulled down leaving only the original Norman nave. Denny later built Abbey House on the north side of the churchyard and this was a feature of the town until it too was demolished in the 18th Century. The constant passing of monarchs to and from hunting forays in the forest ceased at the time of the Commonwealth and great inroads were made into the forest itself, trees being felled in great numbers to provide timber for ships.

Although Waltham Abbey may have been in these earlier years the most important place in this corner of Essex, other places too were growing. At the northern end of the forest, on a high windy ridge was the village of Eppingheth, later called Epping Street. Here Elizabeth I granted the institution of a market previously held at Epping Upland and this became a meeting place for the villagers from settlements for miles around.

Epping, however, traces its story back to even earlier times long before the Romans, several of whose villas have been excavated near the town. Legend has it that in AD 61 Queen Boudicca made a gallant last stand against the Romans at Ambresbury Banks, an ancient British camp. The Saxons first settled the area and gave the place its name or rather, variations of names that

included, at different times, Ippying, Ipping, Eppingheth and Eppingthorpe. The parish was then divided into eight manors and the church was at Epping Upland, and it was here, in Henry III's reign, that the market first functioned.

Throughout its history Epping has been important as a market and fair town and as a place of importance on one of the main routes from London into East Anglia.

As a main road town Epping had many coaching inns 16 at one time saw many travellers (Samuel Pepys in 1660; Charles II in 1684 and Queen Anne in 1705 and 1707) - and was also a haunt for highwaymen. Dick Turpin supposedly operated here (he is said to have shot a forest keeper in 1737) but was unflatteringly described as a male of only average height and much marked by smallpox. The last recorded highway robbery took place in 1837 when a local solicitor was robbed by three men. The coming of the Great Eastern Railway in 1865 virtually put an end to both main road prosperity and thoughts of highway robbery and the road itself was toll-free in 1870. Epping gradually grew as a favoured town of residence for those who worked in London.

Waltham Abbey was close to a station on the Great Eastern Railway main line to Cambridge (Waltham Cross station, opened in 1840) and the building of branches of the GER saw the development of Epping, Chigwell, Loughton and Buckhurst Hill, places that not only grew up as residential areas but eventually formed one administrative area. Yet here too, history traces a long story, for the Iron Age people had a hill-top camp at Loughton. The Romans chose the fertile Roding Valley in which to settle and build their Suffolk Way, the main road from London through Chigwell to Dunmow. Near Woolston Hall at Chigwell a large Romano-British cemetery still remains to be excavated.

Loughton first appeared, as 'Lukintone' in a charter of 1062 and was 'Lochetuna' in the Domesday Book in which Chigwell also found mention as 'Cinghvella'. In 1135 reference was made to 'La Bocherste' (Buckhurst Hill), an area referred to in much later years as Bucket Hill, meaning a hill covered with beech trees. The three communities remained as small forest clearings through the centuries, but with only Chigwell and Loughton having churches, the former certainly being in existence as far back as the 12th Century. In the great days of the forest as a Royal hunting ground, visits from monarchs were frequent. Henry VIII often stayed at a hunting lodge known a Poteles at Buckhurst Hill and Kings Avenue today perpetuates the memory of his visits with Anne Boleyn. James I was entertained at Loughton Hall in 1605.

As well as monarchs, this part of the forest perhaps because of its proximity to London drew numerous literary and military figures during the 17th to 19th Centuries. Tennyson, John Clare and Edward Thomas are associated with High Beach; Sotheby rented a house called Fairmead Lodge. Loughton was quite an artistic and literary area in the late 19th Century and early 20th Century. Amongst those who have lived there were writers Arthur Morrison and W.W. Jacobs, lexicographer Robert Hunter and sculptor Sir Jacob Epstein; Kipling was also a visitor. Admiral George Cockburn who ferried Napoleon into exile on St Helena, lived at High Beach where, ironically, that emperor's nephew, Prince Louis Lucien Bonaparte also lived in a house less than three hundred yards distant! Another famous admiral, Sir Elias Harvey, who fought alongside Nelson on the Temeraire at Trafalgar, had his home at Chigwell. The town's famous grammar school also had celebrated pupils and visitors William Penn, the quaker, was a scholar here and James Smith, the poet, wrote about the District when revisiting Chigwell in later years. The famous cartoonist F. Curruthers Gould lived at Buckhurst Hill.

Although this part of the District has seen great changes since 1920, there are plenty of reminders of the past. Victorian taverns such as the Robin Hood, The Royal Standard and The Plume of Feathers remain in Loughton, along with numerous weatherboarded cottages. Chigwell has a number of fine Georgian houses and Loughton the 17th Century North Farm and Alderton Hall. Buckhurst Hill development dates from the coming of the railway in 1856 and returns some superb stucco and brick Victorian villas. The King's Head at Chigwell stands to remind us of what a great Tudor coaching inn looked like.

Chipping Ongar dates back to Saxon and Norman times and in its church are to be found Roman bricks, reminders that the Roman road from London to Dunmow passed nearby.

William the Conqueror granted the manor here to Count Eustace of Boulogne with other extensive lands of which Ongar became the governing centre under a feudal lord. He built a fortified house here on a site that had been used by the Saxons for defensive purposes. In 1162 Richard de Lucy, Chief Justice of England, built a 'great' castle here and 14 years later after the barons' rebellion, Henry II seized and held it to prevent a repetition of this uprising. The castle was eventually demolished in the 16th Century and the mansion built on the site suffered a similar fate in 1744. Little is known of the castle's story but it is recorded that Edward II stayed there for some days in 1321.

The town itself takes its prefix from the Saxon words 'cheape' or 'cheppyng' meaning a market, and this suggests it was quite important from earliest times. It became the 'capit' of the Hundred to which it gave its name and served a wide area as a market town through many hundreds of years. Today it still retains the air of an ancient town.

In later years Chipping Ongar became one of the parishes of Epping and Ongar Rural District and the Urban areas to the west were formed into four Urban Districts Epping, Loughton, Buckhurst Hill and Waltham Holy Cross. Chigwell, Loughton and Buckhurst Hill were merged in 1933 and since 1974 all boundaries have gone and the area is sited in the present Epping Forest District.

Profile of Epping Forest

Epping Forest is named after the Epping Forest, which is situated at the heart of the district. The Forest is ancient woodland of nearly 2700 hectares, owned and managed by the Corporation of London in accordance with the Epping Forest Act of 1878, as an open space for recreation and enjoyment. The district is a contrasting mixture of urban and rural life, covering 34,500 hectares, and stretching from outer London in the south to rural Essex in the North.

The district has six main centres of population (Buckhurst Hill, Chigwell, Epping, Loughton, Chipping Ongar and Waltham Abbey) and a number of picturesque villages and hamlets, and comprises approximately 50,000 homes and businesses. We have no natural centre and the majority of the district lies within the Metropolitan Green Belt.

The district is home to a number of places of special interest, including the world's oldest timber-framed church at Greensted, the former Royal Gunpowder Mills site at Waltham Abbey now a centre for leisure and tourism, and an historic wartime airfield at North Weald. North Weald Airfield, once home to the famous Treble One Squadron known as the 'Black Arrows', has been owned and managed by the Council for recreation since 1980, and is our most significant land asset and the venue of the largest regular outdoor market in Europe. The Council owns leisure facilities in four of our main population centres, the newest of which is Loughton Leisure Centre. The management of these were contracted out in January 2006.

Within the district we have twenty-five conservation areas and over fifteen hundred listed buildings, which is the fourth highest total in Essex. Our countryside management service, Epping Forest Countryside, maintains the natural environment of the district for the benefit of local people and wildlife, by creating habitats, improving public access, and increasing awareness of our rural heritage. Areas of parkland and natural beauty such as the Lea Valley Regional Park (a river and lake leisure area of 4000 hectares stretching 35 kilometres along the River Lea), the Roding Valley (which includes a unique ancient flood-plain meadow nature reserve) and Epping Forest itself, provide a plentiful supply of sites for informal sport and leisure.

The district currently has a population of 120,896 (2001 Census), compared with 116,000 (1991 Census) twelve years ago. Over 40% of the population live in the south-west of the district

(Buckhurst Hill, Chigwell and Loughton). The population is ageing, with the profile showing a reduction of under fives and an increase in over seventy-fives (2001 Census).

The Council is the second largest employer in the district. The largest is Sainsbury's plc, which has recently built a major regional distribution centre adjacent to M25 at Waltham Abbey.

SECTION 6

How Services Are Provided Within the Current System

Local authorities are statutory bodies and their powers and functions are limited to those permitted by law. They do not have a general power of competence; they cannot do whatever they choose. The activities which can be undertaken by a particular type of Council are thereby closely controlled. In addition, many aspects of Council activity are controlled or influenced by central government, in particular through numerous controls on the way in which money is raised and spent. However, within these limitations, councils are autonomous bodies with freedom to decide most questions of local policy. It is important to understand the division of functions between the different tiers of local government and the limitations within which the different types of authority operate - a lack of understanding of this can lead to extreme frustration for a person seeking election and wishing to change certain things which he or she, upon election, finds outside the council's remit. Conversely, where the candidate understands the parameters within which the local authority works, considerable satisfaction can be derived from influencing policy and ensuring that the provision of services, introduction of new projects or control of development reflects the wishes of the electorate.

The main functions of local government are shown below. A number of functions can be exercised concurrently by county and district councils. In unitary authorities, county and district functions are combined. All three tiers 'precept' in addition to the emergency services.

Main Functions of County Councils

Education
Social Services
Planning (strategic, including Structure Plan)
Highways (including maintenance, lighting, traffic and transport planning)
Public rights of way (definitive map and statement)
Refuse disposal
Consumer protection
Parks and open spaces (concurrent with district councils)
Museums and art galleries (concurrent with district councils)
Smallholdings

Main Functions of District Councils

Council Tax Collection (on behalf of all tiers)
Housing* - strategic housing service, maintenance and letting of Council houses, improvement grants
Planning (Local Plans, development control, building regulations, conservation)
Economic development
Tourism
Refuse collection
Environmental health
Recreation provision (leisure facilities, museums, art galleries, parks and open spaces)
Car parking (on street enforcement of restrictions and off street pay and display of district parking places)

Main Functions of Town and Parish Councils

Provision and administration of allotments
Cemeteries, cremation and burial grounds (concurrent with district councils)
Bus shelters

Receiving the accounts of parochial charities
Commons and village greens
Village halls
Various aspects of recreation and open space
A statutory right to be consulted on applications for planning permission.

The Role of Officers

The officers are the paid officials employed by the Council to advise members and to implement the policies that they decide upon and it is clearly important that there is mutual trust and respect to ensure that the partnership between members and officers works successfully.

SECTION 7

Political Make-up

In Epping Forest District there are currently six recognised political groups: Conservative (Tories), Labour, Liberal Democrats, Loughton Residents Association, Independent Group and British National Party. None of these groups hold more than 50% of the seats (i.e. 30 seats) and no two parties have a formal agreement to run the Council (called a Coalition or Administration). The Council is what is called in 'no overall control', 'hung' or 'balanced'.

The Pre-May 2006 position was:

Group	Number of Seats on the Council
Conservative	26
Labour	4
Independent	4
Liberal Democrat	14
Loughton Residents Association	6
Independent Socialist	1
British National Party	3

Budget and Policy Framework and the Role of the Council

58 Councillors form 'The Council' which meets six times a year. The Council remains the primary body of the Authority. The full Council remains responsible for setting the budget and Council tax, major policy changes, decisions on changes of powers or new powers (This is known as the Budget and Policy Framework).

How we make decisions

Obviously, the Council itself could not take every single decision down to who sweeps the road and there are many decisions that need to be taken on a daily or indeed hourly basis. Decisions are, therefore, made by smaller groups of Councillors called a 'committee' or by delegating (or giving the power to decide) to officers of the Council.

The way in which the Council is run is governed by its Constitution. This Constitution was adopted by the Council in May 2002 and sets out how we make decisions and governs procedure. The Council's aim is to be efficient, open and accountable to local people. It contains the rules by which the council operates and also a number of locally agreed protocols. It is important that members act within its operational rules which reflect the current legislative position. The constitution of the Council can be viewed on-line at:

www.eppingforestdc.gov.uk/local_democracy/reports_publications_poli/constitution.asp

Cabinet Structure,

The Council has a 'Cabinet', which is group of nine Councillors from all the political groups with strategic responsibility for running the Council. This arm of the Council is generically known as 'The Executive'. Each councillor on the Cabinet is responsible for a number of the Council's services (a Portfolio). The Cabinet meets regularly to discuss and decide on how the Council is run. The Executive Members also have delegated powers to take decisions on prescribed matters within the following portfolio areas:-

1. **People First** - External Business Relations, Media, Members' Remuneration (Liaison with Independent Panel), Public Relations, Constitutional Issues, Community Plan.
2. **Community Wellbeing** - Complaints Policy, Concessionary Fares, Crime and Disorder, Day Clubs for the Elderly, Emergency Planning, External Funding, Grant Aid, Health Service (including Epping Forest Primary Care Trust, P A Hospital Trust, UCWC Hospital Trust, Community Health Providers, Mental Health providers), Licensing Act 2003 – Policy (all other matters of licensing policy are dealt with by the Licensing Committee), Social Inclusion.
3. **Finance and Performance Management** - Accountancy, Asset Management, Audit, Benefits, Best Value, Business Rates, Cashiers, Council Tax/NNDR, Financial Management, Insurance, Internal Audit, Invoices, Land acquisition/Sales, North Weald Airfield (Operational – Estates Management), Property Management (excluding Housing), Superannuation and Pensions.
4. **Housing** - Adaptations for the Disabled, Caravan Sites, Careline, Emergency Alarm System, Care and Repair (CARE), Council House Sales, Council Housing Management, Elderly Persons Garden Maintenance for Council Tenants, Estate Management (Council Estates), Garages (Council-owned), Homelessness, Housing Needs Advice, Housing Investment Programme, Leasehold Enquiries (Council Housing), National Mobility Scheme, Private Sector Housing Stock Repairs (Council Housing) (and DSO), Right to Buy, Social Housing Applications, Supporting People Initiative, Tenancy Matters (Council Housing), Transfers and Mutual Exchanges (Council Housing), Warden Assisted/Sheltered Housing.
5. **Environmental Protection** - Abandoned Vehicles, Air Quality, Animal Welfare (excluding licensing aspects), Asbestos, Contaminated Land, Corporate Sustainability, Dangerous Waste, Energy Conservation, Environmental Co-ordination, Environmental Health, Food, Home and Water Safety, Infectious Diseases, Pest Control, Pollution (Noise and other), Public Conveniences, Recycling, Refuse Collection and Disposal, Statutory and other Nuisances, Skips, Street Cleansing.
6. **Leisure** – Arts, Community Development, Holiday Schemes, Health Improvement Programme, Leisure Centres, Museum, North Weald Airfield (Operational Activities – Leisure including market), Play Provision, Roding Valley Nature Reserve, Swimming Pools, Young People.
7. **Planning and Economic Development** - Building Control, Business Prosperity, Conservation, Countrycare, Design Advice, Economic Development, Forward Planning, Local Plan, North Weald Airfield (Planning), Public Transport, Rural Issues, Town Centre Enhancement Schemes, Town Centre Management (Strategy and Overall Co-ordination), Town Centre Partnerships.
8. **Civil Engineering and Maintenance** - Car Parking, Dangerous Buildings, Grounds Maintenance, Fleet Management, Highways and Roads (NB no Agency now exists), Land Drainage (including flooding issues in the District), Road Safety, Sewerage.
9. **Communications, 'E' Government and Corporate Support Services** - Information Technology, IEG programme (Development and Operations), Administrative Services, Council Buildings, Democratic Services, Depots, Health and Safety (Employer Responsibilities), Human Resources (including Payroll), Legal Services, Telephones, Local Land Charges.

A chart illustrating the new Cabinet structure, which contains some Committees, is attached at Appendix 1. The "Cabinet and Leader" system, introduced in May 2002 is a departure from previous structures; for the first time individual members can personally take executive decisions in a system where responsibility for the decision is clear and where the Overview and Scrutiny procedure enables the members of the Council to review executive action and hold the decision-maker to account.

Why do we have a Cabinet?

The 2000 Act followed a Government White Paper entitled "Modern Local Government: In Touch With The People", which concluded that traditional committee structures led to inefficient and opaque decision making, with many decisions taken behind closed doors and many councillors therefore having little influence over Council decisions. This meant that time spent in committee meetings, especially where decisions had already effectively been taken, was unproductive. Councillors attended too many meetings and the evidence was that many wished to spend more time in direct contact with those that they represented. The Government wished to place the emphasis on bringing the view of the community to bear on the Council's decisions and on scrutinising the Council's performance.

The White Paper went on to explain how both the executive and "back bench" roles of councillors were vital to the health of local democracy and community leadership and that each role could only be fully effective when separated from the other. The separation of the executive increases efficiency, particularly where individuals have executive powers can act more quickly whilst maintaining transparency, in that it is clear to the public and non-Cabinet Councillors who is responsible for decisions and accountability. Members not involved in the executive function have a role in scrutinising decisions and holding the executive to account, as well as leaving more time for a higher profile in being responsible for the wellbeing of their community.

Other Committees

Other Panels and Committees look after specific functions that are not the responsibility of the Executive. These fall into a group called 'regulatory'. The Council has four Area Planning Sub-committees which look after planning applications made in that area. These Subcommittees report to the District Development Control Committee on applications contrary to policy and it also determines strategic planning applications.

In addition there are a number of other regulatory Committees including Licensing, Housing Appeals and a Complaints Panel.

Scrutiny

Overview and scrutiny is potentially the most exciting and powerful element of the entire local government modernisation process. It places members at the heart of policy-making and at the heart of the way in which councils respond to the demands of modernisation. In addition, overview and scrutiny is the mechanism by which councils can achieve active community leadership, good governance.

Its central role is that of holding the Executive to account for the decisions it makes. Additionally it provides a check on policy and budget development and undertakes a policy development role through a series of Panels that report to the main Overview and Scrutiny Committee.

Our new arrangements for Scrutiny are set in the constitution and are available from our website together with our main review report at:

http://www.eppingforestdc.gov.uk/local_democracy/Scrutiny_home.asp

Officer Structure

Inserts required:
Senior Management Structure
Roles of S 151 officer
Monitoring Officer
How to deal with officers

SECTION 8

Philosophy and Plans

The principles and priorities to which the Council works are set out in the Council Plan for the years 2003-2007, and we are currently in the process of updating this document in consultation with our community partners. The priorities and stated objectives in the Plan are re-affirmed in the Best Value Performance Plan, which is published annually and issued to every household in summary form. The Best Value Performance Plan also shows how the Council has performed against previous years and Government standards.

The Council's Medium Term Priorities Are:

A safe, healthy and attractive place

- maintain the special character and advantage of the District, and address local environmental issues;
- address key housing need;
- create safer communities;
- encourage sustainable economic development;
- address leisure need.

An organisation that listens and leads to resolve local issues

- political leaders give clear direction;
- communicate with the public about service delivery;
- prioritise objectives and services;
- co-operate and plan with partners.

Accessible, affordable and improving services

- identify and target resources, realise capacity and manage performance;
- procure services in the most beneficial and cost effective way;
- develop services, staff and the working environment.

The Community Strategy addresses the key challenges facing the district up to 2021, including significant housing growth in the area and its potential impact on the environment, social facilities and issues such as local transport provision, and was drawn up by a Local Strategic Partnership of the statutory and voluntary agencies that work in the district. Copies of these documents are available from Epping Forest District Council Performance Management Unit and on the website at www.eppingforestdc.gov.uk.

Code of Conduct and other Ethical Issues or 'How do you change things round here?'

In giving the Declaration of Acceptance of Office, the councillor undertakes to abide by the Code of Conduct. A copy of the Code is attached at Appendix 2. The Code provides guidance on recommended standards of conduct expected of councillors in carrying out their duties and represents the standard against which the conduct of members will be judged, both by the public and by their fellow councillors. The Code makes it clear that your overriding duty as a councillor is to the whole local community and that you have a special duty to your constituents, including those who did not vote for you.

If you have a private or personal interest in a question you should never take any part in the decision, except in certain special circumstances and, even in those cases, you should not let your interest influence the decision. You should never do anything as a councillor which you could not

justify to the public; it is not enough to avoid actual impropriety - you should at all times avoid any occasion for suspicion and any appearance of improper conduct.

The Code of Conduct gives guidance on the declaration and disclosure of interests and explains the requirement to register financial and other interests. Where you have a financial interest in any issue or business being discussed or considered in any shape or form by the Council, you must declare this and take no part in any discussion. Failure to do so can result in the committing of a criminal offence.

It is important to be aware of the constraints and duties that go with being elected as a councillor. Bearing in mind the advice in the Code of Conduct, there will occasionally be difficulty in deciding whether a matter seen as beneficial to the District as a whole should be supported against the wishes of the inhabitants of your Ward who may ask you to speak and vote against the proposal. Also, whilst it is normal for residents to turn to their ward representative for help and advice, it should be borne in mind that a member of the public can contact any councillor of his or her choice. Where this happens, it is the usual practice for the councillor who has been contacted either to refer the person to the ward representative or advise the appropriate ward representative, as a courtesy, of any action taken or advice given.

You may be seeking to achieve certain objectives in being elected to the Council. As suggested in the introduction, it is important that your expectations are realistic. A local authority cannot go beyond what is prescribed in law, although it may be able to influence others, through public opinion or through its representation on other bodies, in areas where it has no direct jurisdiction. Furthermore, to achieve anything, you will need the support of a majority of your fellow councillors. You should be aware that the individual non-executive councillor has no decision-making power - the power only comes from being part of a collective body, i.e. the Council or one of its committees exercising functions on its behalf. Only executive members have individual decision making powers, exercisable through delegation to them.

On being elected, you will receive a copy of the Constitution which contains the Council's Standing Orders and Financial Regulations, which govern the conduct of Council and committee meetings and transactions with other parties. It will take time to familiarise yourself with the rules set out in this document, but you will soon see why it is necessary to have rules governing debate and proceedings at meetings and ensuring propriety in contractual matters.

Although the Council generally conducts its business in open session which can be attended by both press and public, there are occasions when statutory provisions have to be used to enable matters to be considered in private, e.g. those of a personal nature, discussing possible Court proceedings or financial information which could be advantageous to a particular party. As a Councillor, you acquire much information that has not yet been made public and is still confidential; the use of confidential information for the personal advantage of yourself or anyone known to you is at best a betrayal of trust and at worst could lead to criminal proceedings.

If you fail to attend any meetings for six consecutive months, then by law you will automatically cease to be a member of the Council unless your absence has been authorised within that period by the Council.

When taking part in any debate at a committee or Council meeting, any statement you make may be protected from liability for defamation by qualified privilege. You will not be liable in slander unless actuated by malice provided that the statement is material and pertinent to the matter under discussion. Privilege may not therefore be applicable where you digress from the subject.

Keeping members informed of Council business and matters of interest, through agenda for Council and committee meetings and other publications, involves the regular issue of information both electronically and in paper form. A member who hopes to influence the course of discussion (and also avoid extending the meeting by asking questions which were answered in the circulated

papers) must be prepared to devote an adequate amount of time to prepare for the meeting and to ensure that he or she is aware of what is going on and how this affects the residents who elected them. All committee papers are available electronically. See Section 10 about the expectation of your connectivity to the Council. The Council also operates a 'Virtual Private Network' or VPN which allows members to view restricted papers relating to meetings of the authority.

The Council, Cabinet and committee meetings are generally held during the evenings. . The next Section deals with the Scheme of Allowances which are payable and you will see from this that each member receives a basic allowance, in addition to travelling and subsistence allowances.

Experienced and conscientious councillors will tell you that this should not necessarily be seen as full compensation for the considerable amount of time that you will need to spend on preparation for meetings and your constituency work: this is borne out by Government guidance on schemes of allowances, which says that a proportion of a member's public service should be voluntary.

Seeking Advice – The Role of Research and Democratic Services

There is much to take in on becoming a councillor and, especially in the early days, you will be inundated with information. Nobody expects you to be able to digest all of this at once - it will take some time - so please do not hesitate to seek advice from experienced members or officers. We know from feedback from members that in some cases they felt reticent, or even embarrassed, to ask for advice on joining the Council. It would be unrealistic to expect somebody with no previous experience in this role to take up his or her duties smoothly and with no assistance, so when in doubt about anything please ask! The Research and Democratic Services section provide support to members of the Council and is often a good place to start your search for information or advice.

SECTION 9

Scheme of Allowances

The main local authorities in England and Wales are bound by the Local Authorities (Members' Allowances) Regulations 1991, as amended. The Regulations enable authorities to set their own levels of allowance in the light of local circumstances, without any reference to ceilings set by the Secretary of State. Regulations subsequently introduced under the Local Government Act 2000 required a scheme to be made having regard to the advice of an independent panel, which must then make recommendations annually on levels of allowance.

The following types of allowances may be paid:-

(a) Basic Allowance

A basic, flat rate allowance payable to all councillors of the authority.

(b) Special Responsibility Allowance

Each main authority may also make provision for the payment of special responsibility allowances for those councillors such as Leader of the Council or Committee Chairmen. Where one political group is in control, and where an authority has decided to pay special responsibility allowances, the authority must make provision for the payment of special responsibility allowance to at least one member of a minority political group.

Travel and Subsistence Allowances are payable as a way of recompensing councillors for expenditure on travel and subsistence necessarily incurred when performing an approved duty. It is a condition of payment that the duty has been approved before it is performed. Approved duties for travel and subsistence are specified in the Council's scheme.

The current scheme is reproduced at Appendix 3.

SECTION 10

Member Connectivity Scheme

This document provides information on the member connectivity scheme.

Introduction

The Connectivity Scheme has been introduced to enable members to receive electronic notification of and Internet access to papers for Council meetings and associated information. The scheme has been made possible following the introduction of the Committee Management System (CoMS) which publishes our publicly available agenda to the Internet via the Council's website. The Connectivity Scheme will, however, provide members with access to a wider range of information including agenda planning, up to date notification of publication, call-in and portfolio holder decision-making.

The Agreed Scheme:

The Connectivity Scheme provides members with an additional allowance (payable as part of the existing Scheme of Members Allowances) towards acquiring computer equipment and to use this equipment to access information on the Council's Agendas and Minutes via the Internet.

Members would be expected to use this system to access all agenda and minutes information **and** cease to receive hard copy agenda (except for those of which they are a member or required to attend by virtue of a position).

Under the scheme you will receive £500 per annum (payable normally quarterly in arrears) from which members will be expected to assist with the cost of a Personal Computer (PC) (if necessary); Internet connection and any consumables. This sum will be subject to tax and National Insurance.

Equipment Specification

The minimum specification required for PC equipment is:

- (i) A PC that can access the Internet;
- (ii) A broadband connection to your home;
- (iii) A valid email account
- (iv) Internet Browser software; and
- (v) A printer capable of printing A4 pages.

Data and Equipment Security and Use Guidance

The equipment is the individual member's property and can be used for non-council activities. Members must adhere to:

- (i) The User Policy Statement for the CoMS system;
- (ii) Issued Standards Committee Guidance on the Use of IT by Members;
- (iii) The Council's other adopted ICT related policies including the security of any data and remote working policies;

(iv) The provisions of the Local Government Act 1972 regarding the transmission of Exempt Business as defined in Schedule 12A outside of the Council.

What the Council will provide:

The Council will:

- (i) Provide an 'extranet' (a private intranet) connection using a 'token' scheme to control access and a user name and password for each member;
- (ii) Training on the use of the system;
- (iii) IT helpdesk support relating to (i) above and advice from RDS on (ii) above;
- (iv) A paper copy of the agenda to members of each Committee (unless the member indicates in writing otherwise);
- (v) A system of email notification of publication of agenda and minutes to all members.
- (vi) Headed paper and envelopes for use by members for Councillor correspondence.

What the Council will not provide:

The Council will **not**:

- (i) Provide IT helpdesk support for PC's or any peripherals purchased by members under the scheme;
- (ii) Advise on purchase of equipment or choice of ISP.
- (iii) Provide a paper copy of agenda for other Committees if you are not a member. Paper copies of Agenda will be available at the meeting in small quantities.
- (iv) Plain paper and print cartridge consumables.

Glossary of Terms – Member Connectivity

Broadband – a system of connecting to the Internet that allows voice, data, and video to be broadcast over the same medium at the same time. They may also allow multiple data channels to be broadcast simultaneously. It is much faster than traditional dial-up methods of connection.

Browser – Software that allows a computer user to find and view information on the Internet.

Committee Management System – A computer system used by EFDC to publish and archive all Agenda and Minutes of Council's meetings and publish these to the Internet and intranet.

Email account – An account provided by your ISP by which you can receive email. Your current or chosen ISP will be able provide details of how you can set an account up.

Extranet - an extension of the Council's intranet giving authorised people controlled access to the intranet from outside of the Council's network.

Exempt Business – Items of business on an agenda that are confidential to the Council and should not be disclosed to third parties.

Internet – a network that links computer networks all over the world by satellite and telephone, connecting users with service networks such as e-mail and the World Wide Web.

Internet Browser – See Browser

ISP - Internet service provider. A company that provides internet connection services

IT helpdesk – The Council provides a helpdesk to supports its applications. It contact number is 01992 564321

Password – In this case means a word that when entered on the password screen allows access to the extranet

Peripherals – a piece of computer hardware such as a printer or a disk drive that is external to but controlled by a computer's central processing unit.

Personal Computer (PC) – a computer with its own operating system and a wide selection of software, intended to be used by one person

Portfolio holder decision-making – Means a executive decision made by a member of the Cabinet

RDS – Research and Democratic Services at EFDC

Remote working – is another ways of describing someone accessing the Council's network from outside of the building i.e. remotely.

Token – A piece of equipment that provides a secondary form of identification when accessing the Council's extranet.

User name – In this instance means your name on the system. Normally a combination of your initials and your surname.

SECTION 11

Members Training Courses - Councillors' Training Programme 2006/7

The Council, through a review of its member training has brought together a number of training courses for members showing its commitment to achieving a core number of competencies for its elected members.

Attached at Appendix 4 is the Councillors' training programme for 2006/7. In the prospectus you will find a range of courses designed to increase your knowledge and awareness of the Council, both locally and in the national context. **Please note that new member induction will take place in the two weeks following your election. You should not book holidays immediately after the election.**

Some are designed to impart information, others to develop skills and remainder to make you aware of duties which, being a Councillor, are placed on you as an individual.

Some are run by Council staff and others by external specialists. Some are strongly participative, others more traditional in format. All are designed to be informal and to foster exchanges of views and questions.

Some are available to your colleague Councillors from Parish and Town Councils. This is to make the best use of resources and to reflect the fact that in many aspects of local government, all Councillors have common needs.

Obligatory Courses

Some are designated "obligatory". This means that, for relevant Councillors, attendance is a necessary pre-requisite to becoming involved in a specific activity or serving on a particular member body. In other words, members will be unable to undertake those roles without this training. This designation is of particular relevance to newly-elected Councillors.

Desirable Courses

If designated "desirable", this recognises that established members may have already attended the course. However, regular repeats will often help to refresh members' knowledge.

Optional Courses

"Optional" courses are those which may not be a direct requirement but which might be of interest and increase your background knowledge of the Council.

There is a booking form at the end of the prospectus. Please complete this and return it as soon as you can to the address given on the form, remember to book yourself onto the courses which are obligatory.

All qualify for reimbursement of travel and subsistence costs except, in the case of subsistence, where catering is provided by the Council as part of the course.

Once you have submitted your booking form you will receive notification that you have a place on your chosen courses, together with joining instructions. If having booked a course, you are unable to attend, please notify Kim Partridge(ext 4427) (email kpartridge@eppingforestdc.gov.uk). This will enable your place to be offered to someone else.

APPENDICES:

Appendix 2 – Members Code of Conduct

Appendix 3 - Scheme of Members Allowances

Appendix 4 - Members Training prospectus 2006-07

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Report to the Constitutional Affairs Standing Scrutiny Panel



**Epping Forest
District Council**

Date of meeting: 20 February 2006

Portfolio: Housing

Subject: Housing Appeals Panel - Title, Terms of Reference and Procedure

Officer contact for further information: Graham Lunnun (01992 56 4244)

Democratic Services Officer: Zoe Folley (01992 56 4532)

Recommendations:

That a report be submitted to the Council recommending:

- (a) that the Panel be renamed "Housing Appeals and Review Panel";**
- (b) 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;**
- (c) that the written representations procedure be discontinued;**
- (d) that persons be strongly advised to appear before the Panel in order to ensure that all the relevant facts are made known;**
- (e) 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; and**
- (f) that appropriate changes be made to the Panel's Terms of Reference in the Constitution.**

Introduction

1. The Housing Appeals Panel is responsible for hearing appeals against the decisions of the Head of Housing Services acting under delegated authority, on housing matters. Appeals can be made by tenants, housing applicants, homeless applicants, owners of former Council properties or renovation grant applicants.
2. The Panel was established in 1991 and normally meets on a monthly basis considering one or two appeals at each meeting. Appellants either appear in person to present their case or opt for the matter to be determined by way of written representations.
3. Decisions of the Panel in relation to homelessness cases are subject to an appeal to the County Court. There is no appeal against other decisions of the Panel, although an application could be made for Judicial Review.

4. Counsel's advice in relation to a recent appeal against a decision of the Panel concerning a homelessness case has highlighted the need to distinguish between the different roles of the Panel.

Homelessness Cases

5. When considering homelessness cases, the Panel is conducting a review of an officer's decision under Section 202 of the Housing Act 1996, as amended. Counsel has advised that the use of the word 'appeal' in such cases, which has been the practice at this Council, is unfortunate. He has emphasised that the Section 202 review is part of an administration process and a case must be considered afresh with an open mind and on the basis of all the evidence. He has further advised that it is not the Panel's function to reach a narrow decision as to whether or not the officer's original decision was correct as a matter of law. Rather, the Panel must decide the broad question of whether or not the decision was correct starting from scratch.
6. Counsel and officers are confident that the Panel has been considering homelessness cases correctly but the frequent use of the words 'appeal' and 'appellant' in the agenda/reports, minutes and procedure could lead to confusion if, and when, a matter is heard in the County Court.
7. The Housing Appeals Panel has considered Counsel's advice and is proposing that the Panel be re-named "Housing Appeals and Review Panel". The Panel is also proposing that references in its terms of reference to 'appeal' and 'appellant' in homelessness cases should be replaced with the words 'application', 'review' and 'applicant', as appropriate.
8. The standard agenda will in future make it clear that the Panel must review the whole case. Also, to ensure that all the relevant documents are taken into consideration, applicants will be invited to request any additional documents held on file, not included in the agenda, to be circulated to members of the Panel.

Other Matters Coming before the Panel

9. In relation to other matters, the Panel will continue to be considering an appeal against an officer's decision.

Procedure

10. The application form completed by persons wishing to have a matter considered by the Panel includes a section asking the person to indicate if they want to appear before the Panel or want the matter decided by written submissions only. The matter is then determined in accordance with the person's wishes.
11. In most other formal proceedings offering determination by written representations, the determining body or person decides whether this process is appropriate based on how straightforward the issues are, and after taking account of the views of both parties.
12. If a matter is to be determined by written representations, a decision should be taken only on the representations which have been made. However, it has been the

practice of the Housing Appeals Panel to refer to the appropriate housing file in order to clarify an issue, if necessary. This practice does not comply, therefore, with the strict interpretation of written representations. If the Panel is to continue with the written representations procedure it will need to stop referring to the housing file as this could be open to challenge. The current procedure of not asking questions of the Head of Housing Services would also have to continue.

13. The Panel has reviewed its procedures and considered whether written representations are appropriate for matters coming before it. The Panel has concluded that the majority of cases which it considers are complex and are not suited to the written representations procedure. Currently, the case officer does not have an opportunity to seek a full hearing. Also, members of the Panel consider that the written representations procedure is often not in the interests of persons applying to the Panel. Although, it might appear to a person to be a less stressful method of determination it is apparent that the best interests of the person are served if they are present in order to answer questions and clarify issues.
14. The Panel is proposing, therefore, that the written representation procedures should be discontinued and that persons should be strongly encouraged to appear before the Panel. It is further proposing that the appropriate officers should be present at all meetings, whether or not the person applying to the Panel is in attendance, so that matters can be examined in detail by asking questions and seeking clarification of the issues.

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Our ref: C.3.1/LRF
Your ref: PU/IW/JES

Ian Willett
Policy Unit
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

Rec 6/9/05



LOUGHTON
TOWN COUNCIL

1 Buckingham Court, Rectory Lane
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Facsimile: 020 8508 4400
e-mail: contact@loughton-tc.gov.uk
Web site: www.loughton-tc.gov.uk
Town Clerk: Louise R Fuller

1st September 2005

E-mail: louise.fuller@loughton-tc.gov.uk

Dear Ian

Local Protocol for Order of Precedence at Events in Loughton

You will recall we had some correspondence with John Scott and yourself about this a while ago. In an exchange of letters we reached an agreement which covered Remembrance Sunday, and said that further work was required on a local protocol for other events.

The town council has now drawn up a draft (which incorporates the above agreement) and I would be pleased if the district council would agree to this. I enclose a copy for your information.

I will wait to hear from you.

Yours sincerely

A handwritten signature in black ink that reads "Louise". The signature is written in a cursive style with a horizontal line underneath the name.

Louise R Fuller
Town Clerk

Draft Protocol for arrangements between the Town Mayor of Loughton ("Town Mayor") and the Chairman of Epping Forest District Council ("Chairman") as to engagements and precedence.

1. The Chairman (or Vice Chairman when acting in his stead, but not senior councillors acting as representative) has precedence, except as follows

- a) at the War Memorial (or Civilian War Memorial), when the following will apply:
 - (i) The Chairman has precedence, when personally present, where the service has been designated the Epping Forest District Council Civic War Memorial Service for that year.
 - (ii) If the Chairman is not personally present, then the Town Mayor has precedence.

b) At an event or function organised by the Town Council in Loughton where the Chairman is a guest

c) At an event in Loughton organised by a third party where the Town Council has been a sponsor or co-adjutor.

2. In any speech at an event covered in (a) – (c) above, the Town Mayor will pay respect to the Chairman. At any other event in Loughton where the Chairman and Town Mayor are both present, the Chairman will pay respect similarly, to the Town Mayor.

3. The Chairman will endeavour through his/her secretary to inform the Town Council office when s/he accepts an engagement in Loughton. Before acceptance s/he will consider whether the event is purely local, in which Epping Forest District Council is uninvolved, and if so will remind the organisers it might be more appropriate to invite the Town Mayor.

4. The Town Mayor will inform the Chairman if s/he is invited to officiate at an event with district-wide significance, or within District Council responsibilities, and will inform the organiser of the appropriateness of inviting the Chairman.

5. References to the Town Mayor include the Deputy Town Mayor when acting in the Town Mayor's place.

Date: 18 October 2005

Our ref: PU/IW/VMC

Your ref: C.3.1/LRF

c.c. Cw Sandler
Cw Mr Hayh
P. Leager

Ms Louise R Fuller
Town Clerk
Loughton Town Council
1 Buckingham Court
Rectory Lane
Loughton
Essex IG10 2QZ

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

Dear Ms Fuller

Protocol

Thank you for your letter dated 1 September 2005. I am sorry for the delay in replying.

In regard to the protocol on other events which you enclose, the Council has no objection to any of the provisions contained in the protocol other than in relation to paragraphs 3 and 4. I can see nothing but difficulty in trying to define what are "purely local" events and events which are of "district-wide significance". I also read in to paragraph 3 that in certain circumstances the District Council Chairman would have to decline invitations to attend events in Loughton and to refer organisers to the Town Mayor. This seems to be a process which is problematical and does not recognise that whatever the event an organiser may want the Chairman of the District Council to attend. I do not think any Chairman of the Council would wish to be in a position of refusing invitations of this sort other than on the grounds of non-availability.

I would ask the Town Council to reconsider paragraphs 3 and 4 from the point of view of whether they are really necessary and whether there have really been problems of this sort over the lifetime of our two Councils that warrant this step.

If the Town Council wishes to pursue the protocol as currently drafted, I will place the matter before the District Council at a convenient meeting.

Yours sincerely



Ian Willett
Head of Research and Democratic Services

Re 3/1/06.

Our ref: C.3.1/LRF
Your ref: PU/IW/VMC



LOUGHTON
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Town Clerk: Louise R Fuller

Ian Willett
Research and Democratic Services
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

28th December 2005

e-mail: louise.fuller@loughton-tc.gov.uk

Dear Ian

Protocol for Order of Precedence

Thank you for your letter. Apologies for the delay in replying; I needed to get an appropriate meeting to discuss it.

We note the points you have made. I think that to try and set down a firm definition of "local" or "district-wide" significance would be difficult, but it would be quite easy to develop an instinct to differentiate between them. The people dealing with invitations must already have this to a considerable extent as they see the type of invitations coming through for events in areas which have been parished for a long time and are used to inviting the local parish chairman/ town mayor to local events, and the district chairman to events with a wider reach. There would be no requirement for a hard and fast rule, just a general willingness to consider the invitations in this light.

Although it would be true to say there have been no major problems between our councils in respect of the provisions of paragraphs 3 and 4 of the draft protocol, I think it is the case that there may have been occasions where the town council has seen reports of the DC chairman at events in Loughton with very local significance and wondered why the town council was not invited as well. I think as the town council is a relatively new organisation it is taking some while for local organisations to realise they have their own town mayor, although we are continually working to raise our profile in the town.

There is no intention of suggesting that the DC chairman declines invitations; the idea is to be inclusive, not exclusive, and this is likely to benefit both councils and the events themselves. Of course we are always pleased to see the DC chairman in Loughton and would not wish him/her to feel unwelcome.

Can I suggest that the protocol could be amended to read

3 On receiving an invitation to officiate at an event in Loughton, the Chairman and/or his/her secretary will consider whether the event is largely a local event significant to Loughton, and if so, will suggest to the organisers that it might be appropriate to invite the Town Mayor.

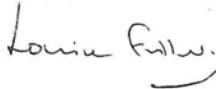
4 Likewise, on receiving an invitation to officiate at an event in Loughton, the Town Mayor will consider whether the event has district-wide significance or is within District

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TOWN
COUNCIL

Council responsibilities, and if so, will suggest to the organisers that it might be appropriate to invite the Chairman.

The tone of the protocol is intended to be in a spirit of cooperation, not conflict, and to respect the rôle of all parties. I hope the suggested amendments are acceptable to you and will wait to hear.

Yours sincerely

A handwritten signature in cursive script that reads "Louise Fuller". The signature is written in dark ink and includes a small flourish at the end.

Louise R Fuller
Town Clerk

Date: 10 January 2006

Our ref: PU/IW//VMC

Your ref: C.3.1/LRF

Ms Louise R Fuller
Town Clerk
Loughton Town Council
1 Buckingham Court
Rectory Lane
Loughton
Essex IG10 2QZ

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

Dear Ms Fuller

Protocol for Order of Precedence

Thank you for your letter dated 28 December 2005.

I have given some thought to the proposals for the Protocol and have come to the view that these arrangements would affect more than Loughton Town Council and perhaps is an approach which should be applied across the District as a whole. With this in mind, I feel obliged now to refer the matter to an appropriate member forum to discuss the general approach to be adopted. I suspect that once I have done this, members of this Council may well wish to meet with representatives of the Town Council to discuss the matter in greater detail.

I will telephone you in a few days time to let you know how we propose to proceed.

Yours sincerely



Ian Willett
Head of Research and Democratic Services

Date: 26 January 2006
Our ref: PU/IW/MK
Your ref: C.3.1/LRF

Ms Louise R Fuller
Town Clerk
Loughton Town Council
1 Buckingham Court
Rectory Lane
Loughton
Essex IG10 2QZ

Ian Willett 01992 564243
Email: willett@eppingforestdc.gov.uk

Dear Ms Fuller

Protocol for Order of Precedence

I refer to my letter dated 10 January 2006.

After having given some thought to how we can pursue the proposals in the Loughton Town Council's draft Protocol on Precedence, I have agreed that I will refer this proposal to a meeting of the Council's constitutional affairs Standing Scrutiny Panel at its meeting in February 2006. I will provide members of the Panel with full details of our correspondence that they may reach a view about how to proceed. I will give them the option of having a meeting with representatives of the Town Council to discuss the matter in greater detail should that be deemed necessary.

Ultimately, there may be a need for a formal adoption of the Protocol by the District Council which may or may not form part of the Local Charter with Parish and Town Councils which is currently under review.

I hope that by referring it to the Standing Scrutiny Panel in the first instance, I will be able to establish whether there is support for the Town Council's proposals or whether areas which require further discussion can be identified before we think about including items in the Charter.

I hope this approach is acceptable to you and I undertake to keep you informed of developments.

Yours sincerely



Ian Willett
Head of Research and Democratic Services

c.c. **Pat Seager**
Councillor R Morgan
Councillor B Sandler (Chairman of Council)
Councillor Mrs A Haigh (Vice-Chairman of Council)
Councillor S Barnes, Portfolio Holder - People First

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