

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

**Committee:** Council **Date:** 25 July 2006

**Place:** Civic Offices, Epping **Time:** 7.30 - 10.20 pm

**Members Present:** Councillors Mrs A Haigh (Chairman), Mrs C Pond (Vice-Chairman), K Angold-Stephens, D Bateman, Mrs D Borton, Mrs P Brooks, R Church, Mrs S Clapp, M Cohen, M Colling, Mrs D Collins, Mrs A Cooper, J Demetriou, R D'Souza, T Farr, R Frankel, Mrs R Gadsby, P Gode, R Goold, A Green, Mrs A Grigg, J Hart, P House, D Jacobs, D Kelly, J Knapman, R Law, Mrs J Lea, A Lee, J Markham, Mrs M McEwen, P McMillan, S Metcalfe, G Mohindra, R Morgan, S Murray, Mrs S Perry, Mrs P Richardson, T Richardson, Mrs P K Rush, Mrs M Sartin, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, P Turpin, Mrs L Wagland, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, M Woollard, K Wright and J Wyatt

**Apologies:** Councillors Mrs H Harding, B Sandler, D Spinks and G Stollar

**Officers Present:** T Carne (Public Relations and Marketing Officer), J Gilbert (Head of Environmental Services), P Haywood (Joint Chief Executive), G Lunnun (Democratic Services Manager), R Palmer (Head of Finance), J Scott (Joint Chief Executive), T Tidey (Head of Human Resources and Performance Management) and I Willett (Head of Research and Democratic Services)

### **31. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 29 June 2006 be taken as read and signed by the Chairman as a correct record.

### **32. DECLARATIONS OF INTEREST**

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

### **33. ANNOUNCEMENTS**

#### **(a) Chairman's Announcements**

##### **(i) Chairman's Charity - Neighbourhood First Responders**

The Chairman welcomed representatives of Neighbourhood First Responders in Epping Forest to the meeting.

She advised that First Responders in this area were St John Ambulance members but when on shift, they were under the control of the East of England Ambulance Service from their control room in Chelmsford. The volunteers dealt with category A emergency calls which included diabetic emergencies, unconsciousness, chest pains and heart attacks and were able to be with the patient within eight minutes of being called. First Responders were equipped with oxygen equipment and a defibrillator as

well as the more conventional first aid equipment. They used their own cars which, when on duty, had magnetic signs on the side but did not have flashing lights and a Responder was unable to break any of the traffic laws in proceeding as quickly as possible to the patient. Currently, First Responders were neither called to trauma cases nor to young people under the age of 12, although this was subject to review.

The Chairman reported the training of Responders took nearly three full days, spread over weekends usually, and finishing with both practical assessment and oral questions. The qualification lasted six months after which each Responder had to be reassessed. Training included managing an incident, making a survey of a patient and managing a patient who might neither be breathing nor have circulation, CPR, use of oxygen equipment and the automated external defibrillator were also taught and practised.

The Council noted that Responders met together fortnightly at St Margaret's Hospital in Epping where they dealt with unit administration, listened to lectures from visiting ambulance professionals and practiced their skills on specially designed dummies. The Responders were holding two open days on 5 and 12 August 2006 in Epping St John's Hall and Loughton Methodist Hall respectively where they would demonstrate and allow members of the public to perform some of these resuscitation techniques.

The Council noted that the Epping First Responders Unit had about 17 members, split operationally into two groups - Epping and Loughton. The volunteers did whatever shift hours they were able. The more equipment they had in the unit, the more volunteers could be on shift at any one time and the area of cover could either be enlarged or covered more intensively. The unit was called out at least once every week. Members were advised that it costed about £3,000 for each set of equipment. The Ambulance Service replaced the oxygen cylinders and the defibrillator pads without charge as these items were consumed. The unit was hoping and planning to expand to at least 25 active volunteers when it was hoped that 24/7 cover could be maintained in both areas.

The Chairman presented certificates to John Newman for 750 hours service, to Sandra Newman for 750 hours service and to David Read for 500 hours service. She also presented a certificate and the Service Medal of the Order of St John to Roger Salmon. The Chairman reported that there was a certificate for Karen Leese who was unable to be present at this meeting.

**(ii) Flowers**

The Chairman announced that the flowers from tonight's meeting would be sent to one of the Council's Sheltered Housing Units.

**(iii) Future Charity Events**

The Chairman reminded members that a Business Golf Day would be held on 19 September 2006 and she invited them to form a team of four players. She advised that a Carol Service would be held for Members and Officers of the District Council and Town/Parish Councils on 8 December 2006. She advised that a Multi-Faith Service would be held in the new year. The Civic Awards Evening would take place on 1 March 2007.

**(b) Leader's Announcements**

**(i) Meeting with Deputy Ombudsman**

The Leader reported on a meeting held between members and officers and Peter MacMahon, Deputy Ombudsman on 21 July 2006. She advised that Mr MacMahon had made a very interesting presentation on the work of the Local Government Ombudsman and had highlighted the changing role of the Ombudsman. He had also complimented the Council on its Complaints procedure. The Leader advised that copies of Mr MacMahon's slide presentation would be included in the Members' Bulletin.

**(ii) Travellers' Sites - Meeting with Go East**

The Leader reported on a meeting with a representative from Go East following a count of gypsy/traveller caravans in the District not on settled (permanent or transit) sites. The figure quoted by Go East had been 42 caravans and they had emphasised that additional sites should be provided in the right locations for those in housing need. The representative had advised that if the Council did not find the means of providing adequate accommodation it would be directed to do so. The Leader advised that officers were attempting to clarify the number of caravans not on settled sites as it was thought that Go East had included those on an unauthorised site which had now been vacated. The Council noted that reports would be submitted to Overview and Scrutiny and the Cabinet in due course.

**(iii) Meeting between Portfolio Holders, Local County Councillors and Local Members of Parliament**

The Leader reported that a meeting had taken place to discuss issues of general concern including the current review of the structure of Local Government, Highways issues including pilot schemes in relation to Street Lighting, Local Area Agreements, PCT and Social Care Reviews and Meals and Wheels Service. The Council noted that it was planned to hold three meetings each year with Local County Councillors and Local Members of Parliament.

**34. PUBLIC QUESTIONS**

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

**35. REPORTS OF THE CABINET**

Councillor Mrs D Collins, Leader of the Council and Chairman of the Cabinet, invited the Finance, Performance Management and Corporate Support Services Portfolio Holder and the Customer Services, Media, Communications and ICT Portfolio Holder to present the reports of the Cabinet.

**(a) Supplementary Estimates**

**(Mover: Councillor J Knapman - Finance, Performance Management and Corporate Support Services Portfolio Holder)**

The Portfolio Holder summarised the reasons for seeking supplementary estimates in relation to the Benefits Division, a proposed Compulsory Purchase Order, an Environmental Health practitioner, major tree work on housing-owned land and the replacement of the Civic Offices Atrium ventilators.

Report as first moved **ADOPTED**

**RESOLVED:**

- (1) That a District Development Fund (DDF) supplementary estimate of £40,000 be approved to maintain acceptable levels of service within the Benefits Division while staff on are maternity leave;
- (2) That a supplementary capital estimate to £377,500 be approved to fund a Compulsory Purchase Order, if required, in respect of the purchase of 8/8a Sun Street Waltham Abbey;
- (3) That a Continuing Services Budget (CSB) supplementary estimate of £19,000 in the 2006/07 financial year (£38,000 in a full year) be approved to meet the cost of appointing one additional fulltime equivalent Environmental Health practitioner from 1 September 2006 onwards;
- (4) That a supplementary estimate of £42,000 to be funded from the Housing Revenue Account balances be approved in order to clear the backlog of major tree work on housing-owned land; and
- (5) That an additional supplementary DDF estimate in the sum of £13,500 be approved to enable the replacement of the Civic Offices Atrium ventilators.

**(b) Draft Council Plan 2006 -2010**

The Portfolio Holder advised that over the last three months, the draft Council Plan and its aims and objectives had been subject to consultation with members, staff, residents, partner agencies and other local and representative organisations, so as to ensure that actions and resources were targeted at those areas of greatest importance. He advised that the Cabinet had considered the draft plan and the recommendations of the Overview and Scrutiny Committee with regard to consultation responses.

**Amendment Moved by Councillor D Jacobs and seconded by Councillor J M Whitehouse.**

"That the draft Council Plan 2006-2010 be referred back to the Cabinet for further consideration".

**Lost**

Report as first moved **ADOPTED**

**RESOLVED:**

That the draft Council Plan for 2006/2010 be adopted.

**(c) Waste Management Service**

**(Mover: Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT)**

The Portfolio Holder reported that it had not been possible to negotiate a longer-term contractual arrangements with Cory Environmental for the Waste Management Service. Cory had served notice bringing to an end the interim provisions phase of the Novation Agreement and were now being paid on an open book basis.

The Portfolio Holder also reported on the need to commence a formal procurement process and on current service issues.

**By leave of the Council, Councillor Metcalfe presented an amendment (First Amendment) to recommendation (2) as follows:**

"(2) That a formal procurement exercise be commenced in respect of the Waste Management Service and as part of that exercise tenders be invited on the basis of full weekly or part of the year weekly collection of residual waste".

On the requisition of five members under Paragraph 15.4 of the Council Procedure Rules, a recorded vote was taken on the amendment and there voted:

**"For the amendment (50) namely:** Councillors K Angold-Stephens, D Bateman, Mrs P Brooks, R Church, Mrs S Clapp, M Cohen, M Colling, Mrs D Collins, Mrs A Cooper, J Demetriou, R D'Souza, T Farr, R Frankel, Mrs R Gadsby, P Gode, R Goold, A Green, Mrs A Grigg, J Hart, P House, D Kelly, J Knapman, R Law, Mrs J Lea, A Lee, J Markham, Mrs M McEwen, P McMillan, S Metcalfe, G Mohindra, R Morgan, S Murray, Mrs S Perry, Mrs C Pond, Mrs P Richardson, T Richardson, Mrs P K Rush, Mrs M Sartin, P Spencer, Mrs P Smith, D Stallan, Ms S-A Stavrou, P Turpin, Mrs L Wagland, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, M Woollard, K Wright, J Wyatt.

**Against the amendment:** (0)

**Abstentions (3) namely:** Councillors Mrs D Borton, Mrs A Haigh, D Jacobs

**Second amendment moved by Councillor J M Whitehouse and seconded by Councillor R Goold**

"That the words "and/or provision of a collection of food waste" be added after the words "residual waste".

**Carried**

**Third Amendment Moved by Councillor J Knapman and seconded by Councillor R Morgan**

"That the words "all subject to full public consultation" be added after the words "food waste".

**Carried**

**By leave of the Council Councillor Metcalfe presented a further recommendation (Fourth Amendment) as follows:**

"(6) That a supplementary revenue estimate of £230,000 be approved in order to facilitate a weekly residual waste collection service commencing as soon as possible until 30 September 2006".

**Carried**

Report as amended **ADOPTED**

**RESOLVED:**

- (1) That the receipt of notice from Cory Environmental bringing to an end the "Interim Provisions" phase of the Novation Agreement be noted and that consideration be given to a report in private session setting out the consequences of this action;
- (2) That a formal procurement exercise be commenced in respect of the Waste Management Service and as part of that exercise tenders be invited on the basis of full weekly or part of the year weekly collection of residual waste and/or provision of a collection of food waste, all subject to full public consultation;
- (3) That a Portfolio Holder Advisory Group be established to advise the Customer Services, Media, Communications and ICT Portfolio Holder on the procurement arrangements and the service levels to be included in the contract specification;
- (4) That the Group Leaders of each political group represented on the Council be invited to nominate a representative to serve on the Portfolio Holder Advisory Group;
- (5) That the agreement of the Chairman of the Overview and Scrutiny Committee under Paragraph 17 of the Council's Access to Information Rules to the taking of the key decision set out in (2) above on grounds of special urgency in order to continue refuse collection arrangements without interruption be noted; and
- (6) That a further supplementary revenue estimate of £230,000 be approved in order to facilitate a weekly residual waste collection service commencing as soon as possible until 30 September 2006.

### **36. REPORT OF OVERVIEW AND SCRUTINY COMMITTEE**

**(Mover: Councillor R Morgan, Chairman of Overview and Scrutiny Committee)**

Councillor R Morgan, Chairman of the Overview and Scrutiny Committee presented a report on the future role of Council meetings.

He advised that following a comprehensive review, which had included visits to other local authority Council meetings and an assessment of a questionnaire to all members of the Council, the Constitutional Affairs Scrutiny Panel had put forward a number of suggested enhancements for increasing interest in Council meetings and enhancing debate generally. The Overview and Scrutiny Committee had agreed with the recommendations put forward by the Panel which, in essence proposed the introduction of the following in the 2006/07 year:

- (a) state of the District debates which would focus on the key issues being faced by the authority;
- (b) single issue debates on particular topical issues affecting the Council and the local community;
- (c) written reports from the Leader, Portfolio Holders and the Overview and Scrutiny Chairman at each meeting on current activities falling within their remit;

- (d) changes to the item on questions by members which would allow questioning of the Leader, Portfolio Holders and Overview and Scrutiny Chairman, not just on their written reports, but on any activity within their remit; and
- (e) enhancements to the system for questions by the public.

Councillor Morgan reported that there were also suggestions for further possible enhancements at a later stage should these ideas prove successful. These included the Council in Committee and/or the Council in Seminar concept. He advised that if the recommendations were adopted the new arrangements would apply from the next Council meeting on 26 September 2006.

Report as first moved **ADOPTED**

**RESOLVED:**

- (1) That approval be given to the proposed enhancements in relation to Council meetings, namely those in respect of "State of the District" debates, "Single Issue" meetings, reports from Overview and Scrutiny/The Leader/Portfolio Holders and questions from members;
- (2) That approval be given to a review of the publicity arrangements in respect of questions from the general public to Council and Committee meetings; and
- (3) That, accordingly the Terms of Reference and Procedure Rules in respect of meetings of full Council be amended as shown in Appendices 1 and 2 attached to these minutes.

**37. MOTIONS**

No motions had been received for consideration at the meeting.

**38. QUESTIONS BY MEMBERS**

No questions by members had been received for consideration at the meeting.

**39. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

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

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
10	Waste Management Service - Supplementary Estimate	3 and 4

**40. WASTE MANAGEMENT SERVICE - SUPPLEMENTARY ESTIMATE**

**(Mover: Councillor S Metcalfe, Customer Services, Media, Communications and ICT Portfolio Holder)**

The Portfolio Holder presented a report summarising the reasons why Cory Environmental had exercised their right under the Novation Agreement to bring to an end the "Interim Provisions" phase and commence the "Cost Plus" phase. He also reported on the financial implications of this action.

**RESOLVED:**

(1) That a supplementary revenue estimate of £1.8 million be approved to maintain the Waste Management Service whilst a procurement exercise is undertaken; and

(2) That the agreement of the Chairman of the Overview and Scrutiny Committee under Paragraph 17 of the Council's Access to Information Procedure Rules to the taking of this key decision on grounds of special urgency in order to continue refuse collection arrangements without interruption be noted.

**CHAIRMAN**

**CHAIRMAN**



### ARTICLE 4 - THE FULL COUNCIL

#### 4.01 Terms of Reference

The Council, and only the Council, will exercise the following functions:

- (a) Adoption of and changes to the Constitution;
- (b) Approval of, adoption of and revisions to the policy framework and the budget. (The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits);

- (c) Adoption of the following:

Asset Management Plan

Best Value Performance Plan

Capital Strategy

Community Plan/Strategy

Crime and Disorder Reduction Strategy

Cultural Strategy

Development Plan

Plans and Strategies, which comprise the Development Plan

Economic Development Strategy

Housing Investment Programme

Local Agenda 21 Strategy

Local Transport Plan

Social Inclusion Strategy

Other plans which it decides, as a matter of local choice, should be the responsibility of the Council to adopt;

- (d) Approval of any application to the Secretary of State in respect of any Housing Land transfer. i.e. the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985;

- (e) Adoption of the District Council's Codes of Conduct;

- (f) Subject to the urgency procedure, contained in the Access to Information Procedure Rules in Part 4 of the Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Election/Appointment of the Chairman and Vice-Chairman of Council;
- (h) Appointing the Leader and members of the Cabinet;
- (i) Appointments to Committees and Sub Committees;
- (j) Agreeing and amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (k) Appointing representatives to outside bodies;
- (l) Adopting an allowances scheme under Article 2.05;
- (m) Confirming the appointment or dismissal of the Head of Paid Service;
- (n) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (o) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;
- (p) Inviting contributions from relevant community groups or representatives;
- (q) Agreeing and supporting the community engagement activities including the following:
- working with external partners;
  - offering opportunities for 'public interaction sessions' community spokespersons etc.;
  - recognising Council achievements;
- (r) Delegations from community groups may be invited.
- (s) State of the District debate;
- (t) Single issue debates; and
- (u) Receipt of written reports from the Leader, Chairman of Overview and Scrutiny Committee and each of the Portfolio Holders outlining progress on on-going issues within their areas of responsibility.
- (v) Receipt of questions from Members and consideration of responses, and subsequent debate thereon, on matters falling within the responsibility of the Overview and Scrutiny Committee and each of the Portfolio Holders.

#### **4.02 Council Meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings.

#### **4.03 Responsibility for Functions**

The Council will keep up-to-date the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

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**COUNCIL PROCEDURE RULES**

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## **COUNCIL PROCEDURE RULES**

### **1. ANNUAL MEETING OF THE COUNCIL**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council;
- (iii) elect the Vice-Chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman;
- (vi) elect the leader and deputy leader;
- (vii) agree the number of members to be appointed to the executive and appoint those members of the cabinet;
- (viii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 of this Constitution;
- (ix) appoint Chairmen and Vice-Chairmen to those bodies;
- (x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree as set out in Part 3 Table 3 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council for the year;
- (xii) consider any business set out in the notice convening the meeting;
- (xiii) receive a work programme for the Executive and a joint work programme for Overview and Scrutiny Committees for the ensuing year; and
- (xiv) be notified of Group Leaders and Deputies and Group representatives on relevant Committees.

#### **1.2 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;

- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where such appointments are exercisable only by the executive.

## **2. ORDINARY MEETINGS**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chairman, Leader of the Council, members of the Executive;
- (v) receive questions from, and provide answers to, the public and members of the Council in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) receive written reports from the Leader, Chairman of Overview and Scrutiny Committee and each of the Portfolio Holders and receive questions and answers on any of those reports) or oral questions on any other matters falling within their area of responsibility;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions;
- (ix) receive questions;
- (ix) consider any other business specified in the summons to the meeting, including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate, including annual reports for both Overview and Scrutiny Committees and the Executive on their activities in April of each Council year;
- (x) any matter of public concern allocated to any ordinary Council meeting for the purpose of debate;
- (xi) deal with any items of business deemed by the Chairman as urgent business in accordance with Section 100B(4) of the Local Government Act 1972.

## **2.2 State of the District Debates**

### **(i) Calling of debate**

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**

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**

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.

## **2.3 Single Issue Council Meetings**

The Leader may, from time to time, call for a Council meeting to be held dealing with a single issue of critical importance to the residents of the District. The normal rules of debate will apply in the case of 'single issue' Council meetings.

## **3. EXTRAORDINARY MEETINGS**

### **3.1 Calling Extraordinary Meetings**

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **3.2 Business**

An extraordinary meeting of the Council shall transact the business set out in the agenda.

## **4. TIME AND PLACE OF MEETINGS**

Meetings of the Council shall be held at the Civic Offices, High Street, Epping at 7.30 p.m. or at such other time or venue as the Chairman of the Council may determine in consultation with the Chief Executive. All business at Council meetings shall be completed by 10.00 p.m.



## **5. NOTICE AND SUMMONS TO MEETINGS**

One or both of the Joint Chief Executives will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, one or both of the Joint Chief Executives will send a summons signed by him or them by post to every member of the Council, leave it at their usual place of residence or posted or delivered to some other address that a member may notify in writing. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **6. CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees, Sub-Committees, Boards and Panels.

## **7. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. DURATION OF MEETING**

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

## **9. QUESTIONS BY THE PUBLIC**

### **9.1 General**

Members of the public may ask questions of the Leader, Chairman of Overview and Scrutiny Committee or any Portfolio Holder 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 at least one of the Joint Chief Executives 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**

Either of the Joint Chief Executives 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**

One of the Joint Chief Executives 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. 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 or a Committee. Once seconded, such a motion will be voted on without discussion.

## **10. QUESTIONS BY MEMBERS**

### **10.1 On Reports of the Executive or Committees**

A member of the Council may ask the Leader, or the Chairman of Overview and Scrutiny or a Portfolio Holder any question without notice on an item of the report of the Executive or a Committee when that item is being received or under consideration by the Council.

### **10.2 Questions Following Notice at Full Council**

Subject to Rule 10.4, a member of the Council may ask:

- (a) the Chairman;
- (b) the Leader;
- (c) a Portfolio Holder;
- (c) the Chairman of any Committee or Sub-Committee
- (d) a question on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District.

### **10.3 Notice of Questions**

A member may only ask a question under Rule 10.2 if either:

- (a) they have given at least seven working days notice in writing of the question to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Executive by 10.00 a.m. on the day of the meeting.

### **10.4 Replies to Questions**

An answer may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within categories (a) and (b) above shall be made available to the member asking the question one hour before the meeting of the Council at which the question will be put. Answers to questions under (c) above will be circulated to all councillors.

### **10.5 Supplementary Question**

A member asking a question under Rule 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

### **10.6 Questions without notice at full Council**

A member of the Council may ask the Leader, Chairman of Overview and Scrutiny or any member of the Cabinet any question without notice on any non-operational matter in relation to which the Council has powers or duties or which affect the administrative area covered by the (Epping Forest District Council) or part of it or the inhabitants of that area or some of them, or which relates to a written response given by the Leader, Chairman of Overview and Scrutiny Committee or a member of the Cabinet.

### **10.7 Response to a question without notice**

An answer to a question without notice may take the form of

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) direct oral answer from the Chairman of the Overview and Scrutiny Committee or, at their request, from another member dealing with that issue as part of an Overview and Scrutiny review;
- (c) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (d) where the reply cannot be conveniently be given orally, a written answer circulated later to the questioner; or
- (e) where the question relates to an operational matter, the Leader, Chairman of Overview and Scrutiny Committee or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.

### **10.8 Limit on the Time for Questions**

A time limit of 20 minutes shall be set for questions under Rule 10.6. Any question which cannot be dealt with within the time available will receive a written reply.

## **11. MOTIONS ON NOTICE**

### **11.1 Notice of Motion**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least the mover and seconder of the proposed motion, must be delivered to one of the Joint Chief Executives not later than seven days before the date of the meeting. These will be entered in a book open to public inspection.

### **11.2 Motions to be set out in Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which each notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### **11.3 Scope of Motions**

Motions must be about matters for which the Council has a responsibility or which affect the Epping Forest District.

## **12. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Executive, Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) closure motion - that the question be now put (see Procedure Rule 13.11);
- (k) closure motion - to adjourn a debate (see Procedure Rule 13.11);
- (l) closure motion - to adjourn a meeting (see Procedure Rule 13.11);
- (m) that Rule 8 (relating to completion of business in public session) be waived to permit the public session to continue beyond 10.00 p.m.
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;

- (p) not to hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4;
- (q) to extend the time allowed for any member's speech under Rule 13.4; and
- (r) to give the consent of the Council where its consent is required by this Constitution.

## **13. RULES OF DEBATE**

### **13.1 No Speeches until Motion Seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **13.2 Right to Require Motion in Writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

### **13.3 Secunder's Speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

### **13.4 Content and Length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Council.

### **13.5 When a Member may Speak Again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### **13.6 Amendments to Motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) if an amendment is not carried, other amendments to the original motion may be moved.
- (d) if an amendment is carried, the motion as amended takes the place of the original motion becoming the substantive motion to which any further amendments may be moved.
- (e) after an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **13.7 Alteration of Motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the Council. The Council's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the Council and the seconder. The Council's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### **13.8 Withdrawal of Motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The Council's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused by the Council.

### **13.9 Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at

the close of the debate on the amendment, but may not otherwise speak on it.

- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

### **13.10 Motions which may be Moved during Debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that Rule 8 (relating to completion of business in public session be waived to permit the public session to continue beyond 10.00 p.m.
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

### **13.11 Closure Motions**

A member may move, without comment, the following motions at the end of a speech of another member:

- (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (a) If a motion to proceed to next business is seconded and the Chairman rules the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
  - (b) If a motion that the question be now put is seconded and the Chairman rules the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.



- (c) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **13.12 Point of Order**

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

### **13.13 Personal Explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

## **14. PREVIOUS DECISIONS AND MOTIONS**

### **14.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 members.

### **14.2 Motion Similar to One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **15. VOTING**

### **15.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### **15.2 Chairman's Casting Vote**

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. The exercise of this second or casting vote shall be in accordance with Article 5 (paragraph 5) of the Constitution.

### **15.3 Show of Hands**

Unless a recorded vote is demanded under Rules 16.4 and 16.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### **15.4 Recorded Vote**

If five members present at the meeting require it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### **15.5 Right to Require Individual Vote to be Recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **16. VOTING ON APPOINTMENTS**

#### **16.1 Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **17. MINUTES**

#### **17.1 Signing the Minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### **17.2 Extraordinary Meetings**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

#### **17.3 Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order in which the Chairman put them.

### **18. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

### **19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **20. MEMBERS' CONDUCT**

### **20.1 Standing to Speak**

When a member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **20.2 Chairman Standing**

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **20.3 Member not to be Heard Further**

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **20.4 Member to Leave the Meeting**

If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **20.5 General Disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

## **21. DISTURBANCE BY PUBLIC**

### **21.1 Removal of Member of the Public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

### **21.2 Clearance of Part of Meeting Room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

## **22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **22.1 Suspension**

All of these Council Rules of Procedure except Rule 13.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### **22.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **23. PLANNING APPLICATIONS**

Any planning application submitted directly to a Council meeting without prior consideration by the District Development Committee and/or an Area Sub-Committee shall be subject to the procedure for public participation by applicants, objectors and parish/town councils in the same way as those applied to Committees and Sub-Committees by Operational Standing Order 5.

### **24. APPLICATION TO THE EXECUTIVE, COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet or other executive bodies. Only Rules 2(xi), 4-7, 12 and 13, 15, (excluding 15.4), 17, 19-20 (excluding 20(1)) apply to meetings of Committees and Sub-Committees. Only rules 4-7 15.1-15.3 and 21.3-21.5 shall apply to working groups.