

# Council Agenda



**Epping Forest  
District Council**

## NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held at the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 26 September 2006 for the purpose of transacting the business set out in the agenda.

Handwritten signature of Peter Haywood.

**PETER HAYWOOD**  
Joint Chief Executive (Resources)

Handwritten signature of John H. Scott.

**JOHN SCOTT**  
Joint Chief Executive (Community)

**Democratic Services  
Officer:**

Council Secretary: Ian Willett  
Tel: 01992 564243 Email: [iwillett@eppingforestdc.gov.uk](mailto:iwillett@eppingforestdc.gov.uk)

### WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

**BUSINESS****1. MINUTES (Pages 9 - 36)**

To approve as a correct record and sign the minutes of the meeting held on 25 July 2006 (attached).

**2. DECLARATIONS OF INTEREST**

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

**3. ANNOUNCEMENTS****(a) Apologies for Absence****(b) Announcements**

To consider any announcements by:

**(i) the Chairman of the Council;****(ii) the Leader of the Council; and****(iii) any other Cabinet Member.****(c) Quality Council Status**

The Epping Upland Parish Council and the Ongar Town Council have been awarded Quality Parish/Town Council status.

The Quality Parish and Town Council scheme was launched in June 2003 and is designed to provide a benchmark standard for parish and town councils and enable them to represent better the communities they serve. To achieve the required standard the councils have to meet mandatory targets in communications, accounting procedure, have an electoral mandate or at least 80% of their members elected and employ a qualified clerk.

This brings the total number of parish/town councils in the Epping Forest District with quality status to seven, out of 29 in Essex. There are 301 quality councils nationally and Essex is the leading county.

Joy Sheppard, County Secretary of the Essex Association of Local Councils, will explain the status in more detail following which the Chairman of the Council will present the awards to representatives of Epping Upland Parish Council and Ongar Town Council.

**(d) Member Computer Training – Award of Certificates**

Several members have completed IT training and will receive their certificates from the Chairman of the Council.

**(e) Legal Services – Lexcel Award**

The Council's Legal Services have been awarded Lexcel status.

Lexcel is the Law Society's Practice Management Quality Mark awarded to legal

practices and services if they are assessed as meeting the necessary requirements.

The Chairman of the Council will present a certificate to Ruth Rose, Senior Lawyer, who prepared Legal Services for assessment.

#### **4. PUBLIC QUESTIONS (IF ANY)**

To answer questions asked after notice in accordance with the provisions contained in paragraph 9.3 of the Council's Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to the Chairman of the Overview and Scrutiny Committee; or
- (c) to any Portfolio Holder.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

#### **5. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND ANY MEMBER OF THE CABINET (Pages 37 - 40)**

To receive a report from the Leader on the attached correspondence supplied by Maldon District Council concerning the Code of Conduct and bias.

To receive further written reports (to follow) from the Leader, Chairman of the Overview and Scrutiny Committee and any member of the Cabinet on matters falling within their area of responsibility.

#### **6. QUESTIONS BY MEMBERS WITHOUT NOTICE**

Council Procedure Rule 10.6 provides for questions by any member of the Council to the Leader, Chairman of the Overview and Scrutiny Committee or any Portfolio Holder, without notice on:

- (i) reports under item 5 above; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

Council Procedure Rule 10.7 provides that answers to questions 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 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 the 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.

In accordance with the Council Procedure Rule 10.8, a time limit of twenty minutes is set for questions. Any question not dealt with within the time available will receive a written reply.

A protocol for determining the number of questions each Group/individual member is entitled to ask is being developed but is not available for this meeting and the Chairman will determine the process to be adopted depending on the number of questions asked.

## **7. MOTIONS**

To consider any motions, notice of which has been given under Council Procedure Rule 11.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

## **8. QUESTIONS BY MEMBERS UNDER NOTICE**

To answer questions asked after notice in accordance with the provisions contained in paragraph 10.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;
- (b) to the Leader of the Council;
- (c) to the Chairman of the Overview and Scrutiny Committee or
- (d) to any Member of the Cabinet;.

Council Procedure rule 10.4 provides that answers to questions under notice 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 (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

**9. REPORTS OF THE CABINET (Pages 41 - 76)**

To consider the following reports of the Cabinet:

- (a) Supplementary Estimates
- (b) Review of the Capital Programme  
2006/07 – 2010/11
- (c) Staff Code of Conduct

**10. STATUTORY STATEMENT OF ACCOUNTS - 2005/06**

**Recommendation:**

**That the Statutory Statement of Accounts 2005/06 be re-approved.**

(Head of Finance) The Council approved the Statutory Statement of Accounts on 29 June 2006. These accounts included information supplied by the actuary on the performance of the pension fund and the creditor to the fund as at 31 March 2006. On 1 September 2006 an email was received from Essex County Council stating that the figures that had previously been supplied were incorrect and based on an investment return of 22.8% when 26.6% should have been used. The correction of this error reduces the Pensions Liability by £2.336 million from £37.389 million to £35.053 million. This change does not affect the Revenue Balances, as there is a separate Pensions Reserve that matches the Pensions Liability. As it has been necessary to make a material change, Members are requested to re-approve the Statutory Statement of Accounts.

The revised Statutory Statement of Accounts has been circulated separately.

On 25 September 2006 the District Auditor will be presenting the letter he is required to in accordance with International Standards on Auditing 260 to the Finance and Performance Management Cabinet Committee. The letter states that the audit is substantially complete and that he anticipates being able to issue an unqualified opinion on the accounts by 30 September 2006.

**11. REPRESENTATION ON OUTSIDE ORGANISATION - NORTH ESSEX MENTAL HEALTH PARTNERSHIP**

**Recommendation:**

- (1) To consider a nominee to represent 8 North Essex District Councils on the Partnership; and**
- (2) To authorise the Leader of the Council to cast a vote in favour of any nominee agreed at this meeting.**

(Head of Research and Democratic Services) The Council has been invited, along with seven other North Essex Districts, to consider the appointment of one person to represent those councils in the activities of the Partnership. The Partnership has the status of an NHS Trust.

The Trust comprises 54 Governors made up as follows:

Elected Public Governors : 28  
 Staff Governors : 5  
 Appointed Governors : 21

District Councils are represented by one of the appointed governors.

The process of agreeing a nominee for District Councils is understood to be in the hands of the Essex Chief Executives' Association (who will determine the process) and the Essex Local Government Association which will decide the nominee.

The Partnership is seeking someone with a background/expertise in housing of a suitable seniority. One nomination from this part of Essex (Mrs S Jackman) has been suggested.

Under the Council's current policy, there is a presumption against governor status (or equivalent) being held by elected councillors, in view of the conflicts of interest that can be created.

(Background papers: Letter and enclosure dated 5 July 2006 and 24 August 2006 from North Essex Mental Health Partnership).

## 12. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

To receive any reports, ask questions and receive answers on the business of joint arrangements and external organisations.

## 13. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

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

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.

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

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

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

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