

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, COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 19 December 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

BUSINESS

1. MINUTES (Pages 11 - 22)

To approve as a correct record and sign the minutes of the meeting held on 26 September 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) Essex Ambulance Community First Responders – Presentation

The Chairman will make a presentation to one of her charities.

(d) Member Computer Training – Award of Certificates

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

4. GRANGE HILL WARD**Recommendations:**

- (1) To note that Councillor G Stollar resigned as a District Councillor on 2 November 2006;**
- (2) To welcome the newly elected councillor representing the Grange Hill ward; and**
- (3) To be advised whether in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, as amended, the newly elected councillor has given notice of joining a political group of the Council.**

(Returning Officer/Head of Research and Democratic Services) Following notification of resignation from Councillor Stollar and a request to fill the vacancy, nominations were received and arrangements made for a by-election on 14 December 2006.

An oral report will be made on the result of the by-election. If the newly elected member has signed a declaration of acceptance of office prior to this meeting, he/she is expected to be present. An oral report will be made on whether a notice has been given by the newly elected member regarding membership of a political group of the Council.

Background Papers: Notice of joining a political group (if appropriate).

5. MEMBERSHIP OF COMMITTEES, SUB-COMMITTEES AND PANELS**Recommendations:**

- (1) To consider any request for a review of pro-rata membership of committees, sub-committees and panels; and**
- (2) That, subject to (1) above, either (a) to appoint members to committees, sub-committees and panels for the remainder of the current municipal year on the nomination of Group Leaders; or (b) to appoint to the following vacancies on the nomination of Group Leaders:**
 - (i) member of District Development Control Committee;**
 - (ii) member of Area Plans Sub-Committee 'A'; and**
 - (iii) vice-chairman of District Development Control Committee.**

(Head of Research and Democratic Services) Depending on the result of the Grange Hill by-election on 14 December 2006, to consider any request made by a political group on the Council for a review of pro-rata membership of committees, sub-committees and panels.

In the event of such a request, the Council will be asked to make appointments to committees, sub-committees and panels for the remainder of the current municipal year on the nominations of Group Leaders.

If there has been no request for a review, the Council will need to appoint to the following vacancies arising from Councillor Stollar's resignation:

- (a) member of District Development Control Committee;
- (b) member of Area Plans Sub-Committee 'A'; and
- (c) vice-chairman of District Development Committee.

An explanatory schedule will be tabled, if necessary, to show any changes required in allocations between political groups.

6. PUBLIC QUESTIONS (IF ANY)

To answer questions asked after notice in accordance with the provisions contained in paragraph 9.3 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 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.

7. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND ANY MEMBER OF THE CABINET (Pages 23 - 34)

To receive the reports from the Leader, Chairman of the Overview and Scrutiny Committee and members of the Cabinet on matters falling within their areas of responsibility:

- (a) report of the Leader (attached);
- (b) report of the Chairman of the Overview and Scrutiny Committee (attached);
- (c) report of Civil Engineering and Maintenance Portfolio Holder;
- (d) report of Community Wellbeing Portfolio Holder (attached);
- (e) report of Customer Services, Media, Communications and ICT Portfolio Holder;
- (f) report of Environmental Protection Portfolio Holder;
- (g) report of Finance, Performance Management and Corporate Support Services Portfolio Holder;
- (h) report of Housing Portfolio Holder (attached);
- (i) report of Leisure and Young People Portfolio Holder;
- (j) report of Planning and Economic Development Portfolio Holder (attached).

8. 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.

9. THE LOCAL GOVERNMENT WHITE PAPER (Pages 35 - 38)

(Leader of the Council) To consider the attached report.

10. 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.

(a) Recycling Targets

“ That this Council:

- (a) notes the considerable pressure being placed by Central Government to achieve demanding targets for domestic waste recycling;
- (b) notes that Central Government seems less active in prescribing recycling

- targets in trade waste collection; and
- (c) writes to the relevant Government Minister drawing attention to this inconsistency and seeking urgent consideration of measures which will improve recycling of waste in the commercial sector in line with domestic premises”.

Mover: Councillor Mrs D Collins

Seconder: Councillor S Metcalfe

(b) Whipps Cross Hospital

“This Council:

- (a) notes the fact that the health and local authorities within the Epping Forest District were not included in the North East London NHS ‘Fit for the Future’ review from the outset;
- (b) welcomes the fact that representatives of the Review Group attended the Council’s Overview and Scrutiny Committee on 9 November 2006;
- (c) resolves to play a full role in the formal consultation process due to be carried out in early 2007; and
- (d) resolves to provide clear and full evidence to the Review Group explaining the social and health needs of our area as regards Whipps Cross Hospital, stressing the importance this hospital has for many local residents”.

Mover: Councillor S Murray

Seconder: tba

(c) Top Management Structure

"That the Council -

- (a) notes that it is now a matter of urgency that the question of the top management structure of the Council is progressed;
- (b) resolves that, in view of the fact that the Council now has an alliance of political groups and it is their responsibility to take the lead on the issue, the Cabinet appoint a Cabinet Committee to consider and make initial recommendations to the Cabinet and the Council in time for the 24 April 2007 Council meeting;
- (c) resolves to disband the existing Top Management Panel and transfer its terms of reference to the new Cabinet Committee subject to a revised deadline of 24 April 2007, namely:

"To investigate a new Council management structure for posts at Head of Service and above and make recommendations by 24 April 2007 for implementation thereafter, which will include HAY evaluation of all posts at this level".

- (d) appoints the following Cabinet members to serve on the proposed Cabinet Committee:

(to be advised at the meeting);

(e) appoints the Leader of the Council to be Chairman of the Panel;

(f) requires that the new Cabinet Committee shall be open for other Councillors to attend and that the Leader of the Council keep the Council informed at each meeting of progress with this matter.

Mover: Councillor Mrs D Collins

Seconder: Councillor C Whitbread

11. 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) **Questions to the Chairman of the Council;**

(b) **Questions to the Leader of the Council**

(i) **London Olympic Games and Paralympic Games**

Councillor Mrs A Cooper to Councillor Mrs D Collins:

" Would the Leader of the Council please say what action she and her Cabinet colleagues are taking to ensure that this Council is fully informed and involved in preparations for the Olympics both in the District, the County of Essex and neighbouring areas?"

(ii) **Road Fatalities**

Councillor Mrs A Cooper to Councillor Mrs Collins:

" In the light of recently published figures on road fatalities, would the Leader of the Council be prepared to take up with Essex County Council the situation for this District and ask that they make their first priority when making decisions for our roads."

(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.

12. REPORTS OF THE CABINET (Pages 39 - 62)

To consider the following reports of the Cabinet:

- (a) Leader's Portfolio – Responsibility for Land and Development Transactions – attached.
- (b) Gambling Act 2005 – Adoption of Statement of Principles and Consequential Changes to the Licensing System – attached.

13. REPORT OF OVERVIEW AND SCRUTINY (Pages 63 - 66)

To consider the following report of Overview and Scrutiny:

- (a) Cabinet Quorum

14. ONLINE ANNUAL REPORT (Pages 67 - 68)

(Councillor S Metcalfe) To consider the attached report.

15. STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBER (Pages 69 - 72)

(Monitoring Officer) To consider the attached report.

16. "FIT FOR THE FUTURE" - PROPOSED JOINT SCRUTINY REVIEW OF NORTH EAST LONDON HEALTH SERVICES

Recommendation:

To nominate a member to serve on the proposed Joint Scrutiny Review Committee of 'Fit for the Future' a review of Health Services in North East London

(Joint Chief Executive (Community)). At its last meeting the Overview and Scrutiny Committee received a report on the public concerns about possible future changes to service levels at Whipps Cross University Hospital. They noted that Kings Georges Hospital, Ilford and Oldchurch Hospital, Romford hospital (which also serves the District) are all now subject to a programme review being led by the North East London Strategic Health Authority. The "Fit for the Future" review is being undertaken to look at different ways of delivering better health and social care, close to home and at the best value for taxpayers.

The Council has been approached by Havering Borough Council seeking involvement in a Joint Scrutiny Review with the four London Boroughs principally affected by the proposals: Havering, Barking and Dagenham, Redbridge and Waltham Forest.

Subject to formal agreement, the Council is being offered one seat on the review committee.

The Overview and Scrutiny Committee have expressed the view that this offer should be accepted and recommend an appointment to the Council accordingly.

17. EPPING FOREST CHILDREN AND YOUNG PEOPLE'S PARTNERSHIP

Recommendation:

To consider the nomination of one or two members to join the Management Board of the Epping Forest Children and Young People's Partnership.

(Joint Chief Executive (Community Services)) The Epping Forest Children and Young People's Partnership (CYPSP) has recently agreed a new structure to help it achieve its objectives.

CYPSP is establishing a Management Board of senior representatives from key partner agencies to help lead and drive the process of working towards much greater alignment of commissioning and delivery of children's services across the key agencies. It is hoped that this will bring benefits of improved outcomes for children and cost efficiency for all the agencies involved.

The Council's Joint Chief Executive (Community Services) has been invited to be a member of the Management Board and the Council has been asked to nominate one or two members to join the Board. Initially, meetings will be held at monthly intervals on the second Monday in the month from 2-4 pm at the Civic Offices. The first meeting is scheduled for 10 January 2007.

The invitation follows a presentation to the Council's Overview and Scrutiny Committee on 31 August 2006 by Lonica VanClay, the Local Commissioner for Children and Young People's Services for the District.

(Background Papers: Letter dated 27 November 2006 from the Chair of CYPSP, full outline of the new CYPSP structure and membership, terms of reference and draft schedule of meetings for 2007).

18. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

The Leader of the Council has indicated that she will give an oral report on recent meetings of the Essex Local Government Association.

19. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Paragraph Number	Information
Nil	Nil	Nil	

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

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

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

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

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

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