

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 19 December 2006

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.50 pm

Members Present: Councillors Mrs A Haigh (Chairman), Mrs C Pond (Vice-Chairman), K Angold-Stephens, D Bateman, Mrs D Borton, Mrs P Brooks, K Chana, R Church, Mrs S Clapp, M Cohen, M Colling, Mrs D Collins, Mrs A Cooper, R D'Souza, R Frankel, P Gode, A Green, Mrs A Grigg, R Haines, Mrs H Harding, P House, D Jacobs, D Kelly, J Knapman, R Law, A Lee, J Markham, P McMillan, S Metcalfe, G Mohindra, R Morgan, S Murray, Mrs S Perry, Mrs P Richardson, T Richardson, Mrs P K Rush, B Sandler, Mrs M Sartin, P Spencer, Mrs P Smith, 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 J Demetriou, T Farr, Mrs R Gadsby, R Goold, J Hart, Mrs J Lea and D Spinks

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

53. MINUTES

RESOLVED:

That the minutes of the meeting held on 26 September 2006 be taken as read and signed by the Chairman as a correct record.

54. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 12(b) (Gambling Act 2005 – Adoption of Statement of Principles and Consequential Changes to the Licensing System) by virtue of being employed by one of the consultees. He declared that his interest was not prejudicial and indicated that he would remain in the meeting for the consideration of the item.

(b) Pursuant to the Council's Code of Member of Conduct, Councillor S Murray declared a personal interest in agenda item 7(d) (Report of Community Wellbeing Portfolio Holder) by virtue of being a trustee not nominated by the Council of a management committee of a local Citizens' Advice Bureau which had received grant aid. He declared that his interest was prejudicial but pointed out that the matter was due to be taken as read. He advised that if any question was raised about this report under agenda item 8 (Questions by Members without Notice) he would leave the meeting for the duration of that discussion.

55. ANNOUNCEMENTS**(a) Chairman's Announcements****(i) Webcast of Meeting**

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet and would be capable of repeated viewing.

(ii) Flowers

The Chairman announced that the floral display from tonight's meeting would be sent to Janet Percy, widow of Parish Councillor Ken Percy who had been a deputy to the Parish Council representative on the Council's Standards Committee and had served the community of Fyfield for many years.

(iii) Royal Norwegian Air Force Visit

The Chairman read a letter of thanks from the Major General of the Royal Norwegian Air Force for the hospitality and arrangements made by the Council in relation to the visit to the District by members of the Royal Norwegian Air Force, Royal Norwegian Air Force Veterans and Royal Air Force Veterans as part of the celebrations for the 90th anniversary of North Weald Airfield.

(iv) Chairman's Charity Events

The Chairman encouraged members to enter teams for a quiz evening in aid of her charities to be held at the Theydon Bois Village Hall on 9 February 2007.

She also asked members to buy tickets for a Christmas raffle in aid of her charities which would be available after the meeting.

(b) Leader's Announcements**(i) East of England Plan**

Councillor Mrs D Collins reported that The Rt Hon Ruth Kelly MP, Secretary of State for Communities and Local Government, had published recommendations earlier in the day in relation to the East of England Plan. If adopted, after a period of consultation ending on 9 March 2007, the recommendations would direct the shape of development in the District for decades to come.

Councillor Mrs Collins reported that the Secretary of State had agreed with the view of the Panel of Inspectors at the Examination in Public that North Weald was the wrong place for large-scale development. She further reported that the Secretary of State appeared to have agreed with the Council's view that development should take place to the north of Harlow. The overall housing allocation proposal for Harlow was 16,000 and the Secretary of State was suggesting that at least 10,000 should be to the north of the town.

However, the announcement was not entirely good news for the District as the Secretary of State had not supported the Council's strongest objection to the Examination in Public recommendations regarding development to the south, east and west of Harlow as part of Harlow itself and as part of this Council's housing

allocation. References to developments within the Green Belt areas of Epping Forest District had been retained and the Council's housing allocation had been increased from 2,300 to 3,500. The Secretary of State had advised that she intended to give local authorities more control over the precise location of the new houses and they were encouraged to work together.

Councillor Mrs Collins pointed out that the recommendations comprised several hundred pages and that the Council's Planning Officers would be studying the full text over the next few weeks with a view to the Council making representations before the end of the consultation period.

By leave of the Council, Councillor Mrs A Grigg, Portfolio Holder for Planning and Economic Development welcomed the recommendations of the Secretary of State but acknowledged that not all of the Council's aims had been met. She thanked members and officers for their support in making the Council's case to date.

By leave of the Council, Councillor J M Whitehouse advised that the increase in the Council's housing allocation would present a big challenge and it would be important to put pressure on the Government to ensure that sufficient infrastructure was provided for any new development. He also suggested that in providing new housing emphasis should be placed on key workers and affordable housing for local residents.

(c) Other Cabinet Members

(i) Budget 2007/08

Councillor J Knapman, Finance, Performance Management and Corporate Support Services Portfolio Holder, reported on budget guidelines for 2007/08. The ceiling for CSB net expenditure had been confirmed by members to be no more than £17,000,000 including net growth. It was proposed that balances would continue to be aligned to the Council's net budget requirement and not allowed to fall lower than 25% of the net budget requirement. In addition it was proposed that the District Council Tax be increased by no more than the rate of inflation which at present appeared to be in the region of 3.5%.

Councillor J Knapman advised that the draft lists of CSB net expenditure currently exceeded the £17,000,000 limit by some £160,000/£200,000. He reported that together with the Leader of the Council he would be meeting Heads of Service within the next few days with a view to reducing the lists in order to achieve the guideline of £17,000,000.

(d) Essex Ambulance Community First Responders – Presentation

The Chairman presented equipment to representatives of the Essex Ambulance Community First Responders, one of her charities, and joined them for photographs.

(e) Member Computer Training – Award of Certificates

The Chairman handed certificates to members who had completed recent IT training.

56. GRANGE HILL WARD

The Council was advised that following notification of resignation from Councillor G Stollar and a request to fill the vacancy, nominations had been received and arrangements made for a bye-election to be held on 14 December 2006.

The Council was advised that Councillor K Chana had been elected, had signed a declaration of acceptance of office and had given notice of joining the Conservative Group of the Council.

RESOLVED:

- (1) That the resignation of Councillor G Stollar on 2 November 2006 be noted;
- (2) That Councillor K Chana be welcomed as the newly elected representative for the Grange Hill ward; and
- (3) That, in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, as amended, the notice given by Councillor Chana of joining the Conservative Group of the Council be noted.

57. MEMBERSHIP OF COMMITTEES, SUB-COMMITTEES AND PANELS

The Council was advised that following the Grange Hill bye-election on 14 December 2006, no request had been made by any political group on the Council for a review of pro-rata membership of committees, sub-committees and panels. As a result it would only be necessary to appoint to the vacancies arising from Councillor Stollar's resignation.

RESOLVED UNANIMOUSLY:

- (1) That Councillor D Kelly be appointed Vice-Chairman of the District Development Control Committee for the remainder of the current municipal year;
- (2) That Councillor M Cohen be appointed a member of Area Plans Sub-Committee 'A' for the remainder of the current municipal year; and
- (3) That the vacancy on the District Development Control Committee be filled by a nomination from the Liberal Democrats Group to be made by the Leader of that Group.

58. PUBLIC QUESTIONS (IF ANY)

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

59. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND ANY MEMBER OF THE CABINET

The Council received reports from the Leader, the Chairman of the Overview and Scrutiny Committee, the Community Wellbeing Portfolio Holder, the Environmental Protection Portfolio Holder, the Housing Portfolio Holder, the Leisure and Young People Portfolio Holder and the Planning and Economic Development Portfolio Holder.

By leave of the Council, the Environmental Protection Portfolio Holder drew attention to amendments to her report.

60. QUESTIONS BY MEMBERS WITHOUT NOTICE**(a) Anti-Social Behaviour in Loughton**

By Councillor S Murray to Councillor Ms S Stavrou, Portfolio Holder for Community Wellbeing

Having regard to your report on the crime reduction initiative at Limes Farm, Chigwell, would you comment on the continued police failure to deal with anti-social behaviour in the Loughton Roding Ward and the fact that it is impossible to contact Inspector Morrissey in order to arrange for a meeting with local residents?

Response by Councillor Ms S Stavrou, Portfolio Holder for Community Wellbeing

I cannot control or direct the Police. I work with the Crime Reduction Panel which includes police representatives and we are all committed to securing a reduction in crime and disorder. I appreciate your frustration about a perceived lack of progress and the fact that information which of necessity is restricted is not relayed to you as quickly as you would like. However, it is proposed that focus groups will be established in the New Year to tackle hotspots throughout the District. These will involve the Crime Reduction Panel, Police, District and Parish Councillors, residents and others who will all be encouraged to play an active part.

I cannot comment on the accessibility of police officers.

(b) Tenant Satisfaction Survey

By Councillor Mrs L Wagland to Councillor D Stallan, Portfolio Holder for Housing

I am impressed by the levels of the Tenant Satisfaction Survey 2006 but I do feel that it is important for satisfaction to go hand in hand with the involvement of tenants; the only disappointing result is that only 67% of tenants felt that the Council took account of their views and having regard to this could the Portfolio Holder advise what steps are to be taken to improve the position?

Response by Councillor D Stallan, Portfolio Holder for Housing

I am also happy to see the results of the Survey but share the disappointment that only 67% of tenants felt that the Council took account of their views, especially since we have a number of initiatives aimed at involving tenants in the management of their homes; these include having a dedicated Tenant Participation Officer, a successful Tenants and Leaseholders Federation which consults with myself and senior housing officers, a number of recognised Tenants Associations in the District, a Leaseholders Association, and a Sheltered Housing Forum. We are also in the process of setting up a Rural Tenants Forum; we have a district-wide Tenants Participation Agreement. However, in response to the Tenant Satisfaction Survey findings, a report will be submitted to the Housing Scrutiny Panel in the New Year (following receipt of recommendations from the National Housing Forum) which will suggest that a small scale tenants survey be undertaken within the next 12 months in order to ask tenants if they feel the Council should be doing more to take account of their views.

(c) Public Consultation on Waste Management Contract

By Councillor Mrs P Smith to Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT

Would the Portfolio Holder advise on the progress being made in relation to public consultation on the waste management service?

Response by Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT

I have been overwhelmed by the quantity and quality of the residents' responses to my invitation to "Let's Talk Rubbish". There have been some 500 responses and I have read them all. Officers are collating the responses and I am happy to say that this has been a most useful exercise which will help us to determine the future of the service. Those who expressed scepticism about the value of the exercise will be surprised with the outcome.

(d) By Councillor P House to Councillor A Green, Portfolio Holder for Civil Engineering and Maintenance

The parking problems in central Loughton are damaging local businesses and have created social discord totally out of character with the area; assurances about undertaking a parking review have not been met due to various delays; can the Portfolio Holder assure us there will be no further delays in the New Year?

Response by Councillor A Green, Portfolio Holder for Civil Engineering and Maintenance

I can confirm that there is still an intention to undertake a further parking review in central Loughton and I will take up with the Head of Service the timing proposed.

(e) Anti-social Behaviour – Limes Farm, Chigwell

By Councillor J Knapman to Councillor Ms S Stavrou, Portfolio Holder for Community Wellbeing

I am pleased to see the crime reduction initiative at Limes Farm; I recently presented a petition signed by residents of Limes Farm seeking the Council's assistance in securing more permanent policing on the estate; can the Portfolio Holder advise us what steps are being taken in relation to that petition?

Response by Councillor Ms S Stavrou, Portfolio Holder for Community Wellbeing

I am responding to the lead petitioner and I have also referred the petition to District Police Commander Jon Hill seeking his views.

(f) Conservative Administration

By Councillor S Murray to Councillor Mrs D Collins, Leader of the Council

Would the Leader of the Council advise members of what the Conservative Administration has achieved during the last seven months?

Response by Councillor Mrs D Collins, Leader of the Council

We were successful at the recent Grange Hill bye-election; we succeeded with our representations in relation to the East of England Plan; we have taken steps to introduce free parking in the town centres on Saturdays commencing 1 April 2007; we have addressed the difficulties experienced by our residents in relation to residual waste collection during the summer months by introducing a weekly collection; we have other initiatives which we hope to achieve before the end of the current municipal year.

(g) Collection of Garden Refuse**By Councillor A Lee to Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT**

Can the Portfolio Holder explain why the Council has run out of white waste sacks for garden refuse across the whole district at a time of great demand; the effects this will have on our recycling targets; and as a result of complaints from residents about a lack of sacks, they have been advised to place garden waste in black sacks, so can he confirm that these will be collected; and finally, would he comment on the verbal abuse being suffered by staff from irate residents unable to obtain sacks?

Response by Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT

I am concerned about the abuse suffered by staff; there is no excuse for running out of white waste sacks; an order was not placed at the appropriate time and the demand outstripped the supply; an order has now been placed; if residents place garden waste in black sacks we will collect them; I would ask, however, that before using black sacks, residents check whether the Council has received a further supply of white sacks.

(h) Dry, Recyclable Clear Sacks**By Councillor D Jacobs to Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT**

Does the Portfolio Holder have any intention to provide dry recyclable clear sacks direct to households?

Response by Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT

Not at present, but I am keen to make it as easy as possible to recycle and this issue will be considered as part of the specification for the new contract.

61. THE LOCAL GOVERNMENT WHITE PAPER - STRONG AND PROSPEROUS COMMUNITIES

The Leader of the Council presented a report summarising the White Paper and seeking decisions in relation to unitary status and an enhanced two-tier structure.

Members noted that local authorities in shire areas had been invited to make proposals for unitary local government that:

- (a) enhanced strategic leadership, neighbourhood empowerment, value for money and equity;
- (b) commanded a broad cross-section of support; and
- (c) were affordable, represented value for money and met any costs of change from councils' existing resources.

Proposals would also need to reflect the diverse communities which might be found in the area of a proposed unitary ranging, for example, from small villages, through market towns, to a major urban centre with its own neighbourhoods. Proposals would need to show the contribution that councillors, town, parish and community councils, and community forums could make to representing, leading and empowering local communities within the unitary's area.

The Leader of the Council reported that the deadline for the submission of proposals was 25 January 2007. Proposals would then be assessed against the criteria, with preliminary decisions by the end of March 2007 and local decisions by July 2007, following consultation with stakeholders.

The Council was advised that if the Council chose not to seek unitary status, either in isolation or in conjunction with other neighbouring authorities, it was still possible that other authorities could put forward proposals which might include the current Epping Forest District as part of a wider unitary authority.

The Leader of the Council advised that even in areas where there were no moves towards creating unitary authorities, the Government expectation was for an enhanced system of two-tier working. Local authorities would be expected to find new governance arrangements which overcame the risks of confusion, duplication and inefficiency between tiers and could meet the particular challenges faced by small districts with small budgets or tightly constrained boundaries.

The intention of central government was to legislate so that in future there would be three models of executive arrangements in local authorities:

- (a) a directly elected mayor with a four-year term;
- (b) a directly elected executive with a four-year term;
- (c) an indirectly elected leader with a four-year term.

RESOLVED:

- (1) That for the time being, no proposal be submitted to the Government for the establishment of unitary authority structures covering the Epping Forest District;
- (2) That for the time being, this Council does not participate in any partnership application on behalf of Essex County Council and all Essex districts for "pathfinder" status in respect of:
 - (a) unified service delivery across the tiers of local government;
 - (b) stronger leadership;
 - (c) effective accountability arrangements;

(d) shared “back office” functions and integrated service delivery mechanisms;

(3) That the Council reserves its position on proposals for unitary status affecting this District which may arise from outside the Council, with a view to assessing any business case on its merits;

(4) That an informal briefing on the White Paper for all members of the Council be held in January 2007;

(5) That a themed Council debate, if necessary at an extraordinary meeting, be held on the key issues raised by the White Paper in order for the Council to establish its position in advance of the publication of legislation.

62. MOTIONS

(a) Recycling Targets

By leave of the Council, Councillor Mrs D Collins, the mover of the motion, added the words “and prohibiting excessive packaging in supermarkets” to the end of paragraph (b) of the motion.

Amended motion moved by Councillor Mrs D Collins and seconded by Councillor S Metcalfe:

“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 prohibiting excessive packaging in supermarkets; 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”.

Carried

Motion as amended **ADOPTED**

RESOLVED:

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 prohibiting excessive packaging in supermarkets; 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.

(b) Whipps Cross Hospital

Motion moved by Councillor S Murray and seconded by Councillor D Bateman:

“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 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.”

Carried

Motion as first moved **ADOPTED**

RESOLVED:

That 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 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.

(c) Top Management Structure

By leave of the Council, Councillor Mrs D Collins, mover of the motion, amended paragraph (f) to read: “requires that attendance at the new Cabinet Committee by non-members be restricted to Group Leaders or Deputy Group Leaders, that the Council’s Constitution be amended accordingly, and that the Leader of the Council keep the Council informed at each meeting of progress with this matter”.

Councillor Mrs D Collins also gave details of the Cabinet members to serve on the proposed Cabinet Committee.

Amended motion moved by Councillor Mrs D Collins and seconded by Councillor C Whitbread:

“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:

Councillors Mrs D Collins, Mrs A Grigg, J Knapman, S Metcalfe and C Whitbread;

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

(f) requires that attendance at the new Cabinet Committee by non-members be restricted to Group Leaders or Deputy Group Leaders, that the Council’s Constitution be amended accordingly, and that the Leader of the Council keep the Council informed at each meeting of progress with this matter”

Carried

Motion as amended **ADOPTED**

RESOLVED:

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:

Councillors Mrs D Collins, Mrs A Grigg, J Knapman, S Metcalfe and C Whitbread;

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

(f) requires that attendance at the new Cabinet Committee by non-members be restricted to Group Leaders or Deputy Group Leaders, that the Council’s Constitution be amended accordingly, and that the Leader of the Council keep the Council informed at each meeting of progress with this matter.

(d) Street Lights

Motion moved by Councillor P Spencer and seconded by Councillor J M Whitehouse:

“This Council:

(a) notes the proposal of Essex County Council to turn off street lights at night time; and

(b) believes that any such proposal for the Epping Forest District should take full account of the safety and security of local residents, including the increased likelihood of accidents where pavements have potholes or dislodged paving”.

Amendment moved by Councillor C Whitbread and seconded by Councillor S Metcalfe:

“This Council:

(a) notes the pilot scheme of Essex County Council for switching off street lights in the areas of Maldon and Uttlesford between the hours of midnight and 0500 hours on selected roads; and

(b) believes that after evaluation of the pilot scheme, any proposals for the Epping Forest District should, in advance, be widely consulted on and should take account of the safety and security of local residents”.

Carried

Motion as amended **ADOPTED**

RESOLVED:

That this Council:

(a) notes the pilot scheme of Essex County Council for switching off street lights in the areas of Maldon and Uttlesford between the hours of midnight and 0500 hours on selected roads; and

(b) believes that after evaluation of the pilot scheme, any proposals for the Epping Forest District should, in advance, be widely consulted on and should take account of the safety and security of local residents.

63. QUESTIONS BY MEMBERS UNDER NOTICE

(a) Questions to the Leader of the Council

(i) London Olympic Games and Paralympic Games

By Councillor Mrs A Cooper to Councillor Mrs D Collins, Leader of the Council

“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?”

Response by Councillor Mrs D Collins, Leader of the Council

“Members may be aware that from the outset, Essex has been quick to see the potential sporting, social and economic benefits of the Olympics, and as a county was very pro-active in supporting the London 2012 bid.

Epping Forest has been engaged in the activities of the Essex Working Group for the Olympic Games. This forum has been chaired by County Councillor Stephen Castle, who has a seat on the Olympic, “Nations and Regions Group”, the body charged by the main Olympic organising committee with promoting and encouraging the games outside of the capital.

An action plan has been developed for Essex, which has identified a wide range of opportunities for local authorities to participate and benefit. To this end I recently attended the launch event of the plan at Essex University. I can also report that Councillor Castle is visiting Epping Forest in early January to meet with myself, the Leisure Portfolio Holder and the Head of Leisure Services, to discuss how we can maximise participation and benefit for both local people and businesses.

Members may also be aware that two Olympic events are being held in close proximity to us, namely, mountain biking at South Weald Park, Brentwood and white water canoeing just over the border in Broxbourne. Both of these events may well have legacy gains for Epping Forest.

Locally, initiatives already identified include possible sites for pre-games training, the potential of North Weald Airfield for access to the main games site, volunteer training opportunities and a possible major celebratory youth festival. It is hoped to hold a member seminar/briefing early in the new year for those members who would like to find out more. This will be in addition to regular features in the Members’ Bulletin and press releases to the local media.”

(ii) Road Fatalities

The Chairman drew attention to the amended wording of this question as set out on the supplementary agenda.

By Councillor Mrs A Cooper to Councillor Mrs D Collins, Leader of the Council

“In the light of recently published figures on road fatalities in Essex, would the Leader of the Council be prepared to take up with Essex County Council the issue to ascertain the impact to this District and ask that they make safety their first priority when making decisions for our roads?”

Response by Councillor Mrs D Collins, Leader of the Council

“This response is based on information received from the County Council.

The number of fatalities in Essex for this year currently stands at 77, of which 16 (14 accidents) were in this District. This is of great concern to the County Council. The Local Transport Plan identifies road safety as a key issue, and the County has entered into a Local Service Agreement with Government to see a reduction in the level of killed and seriously injured on the County’s roads. A Board has been established, chaired by the Portfolio Holder, Councillor Bass, the membership of which includes the Ambulance Service, Essex Police, the Highways Agency and Southend and Thurrock unitary authorities.

With specific respect to this Council, there are four specific sites identified for 2006/07:

- (i) B172 junction with Epping Lane, Abridge;
- (ii) A1112 Gravel Lane, by Gravel Lodge;
- (iii) A112 Sewardstone Road, junction with Mott Street;
- (iv) B181 Epping Road, junction with Parsloe Road.

In addition there is a route study of the Crooked Mile, the outcome of which will be made available to the Council once complete.

The County Council has offered the attendance of a road safety engineer to attend a meeting, and I shall be suggesting to the Chairman of the Overview and Scrutiny Committee, who oversee the Highways Local Service Agreement, that this offer be accepted.”

(b) To any member of the Cabinet**(i) Choice-based Lettings Scheme****By Councillor P Gode to Councillor D Stallan, Housing Portfolio Holder**

“Would the Portfolio Holder please explain how the choice-based lettings scheme affects an applicant’s rights of appeal against a decision?”

Response by Councillor D Stallan, Housing Portfolio Holder

“The introduction of choice-based lettings next year for the letting of all Council and Housing Association vacancies to applicants on the Council’s Housing Register will provide a more transparent process for our housing applicants. It will also give our applicants the opportunity to exercise far greater choice over the properties for which they would like to be considered for an offer, and greater control over how long they have to wait for an offer of accommodation.

Although I am presenting to the Cabinet some proposed changes to the Housing Allocations Scheme to facilitate the introduction of choice-based lettings, the current right of a housing applicant to appeal to the Housing Appeals and Review Panel about their placement in a priority band will continue.

I cannot foresee a situation where a property would be incorrectly allocated under the choice-based lettings system since, quite simply, properties would be offered to the person who has expressed an interest in receiving an offer of a property, and who has waited the longest in the highest band. There will no longer be any judgement by officers involved.

However, should an applicant believe that a procedural error has been made, after housing staff have checked the situation and had an opportunity to correct the matter, I can confirm that an applicant would have the right to either appeal to the Housing Appeals and Review Panel or make a complaint under the Council's Compliments and Complaints Procedure (which could ultimately be determined by the Complaints Panel) as appropriate.

In order that all members are fully aware of how the new choice-based lettings system will operate, the Head of Housing Services will be holding a briefing session for all members a few weeks before implementation."

(ii) West Essex Joint Highways Panel

By Councillor Mrs J H Whitehouse to Councillor A Green, Portfolio Holder for Civil Engineering and Maintenance

"Neither the member nor the officer representatives of this Council attended the last meeting of the West Essex Joint Highways Panel. No doubt there were good reasons for this but it is not satisfactory. To ensure that this Council is represented at these twice-yearly meetings will the Portfolio Holder arrange for Council to appoint a substitute? The Chairman of the Highways Panel has said that he is agreeable to this."

Response by Councillor A Green, Portfolio Holder for Civil Engineering and Maintenance

"The meeting of the Panel on 20 September 2006 has been the only meeting at which this Council was not fully represented. All others have had a member or officer presence, or more normally both.

It was unfortunate that this day coincided with the Head of Environmental Services being on annual leave and myself having business commitments. There is no officer available to deputise for the Head of Service and when appointing to this Panel, Council did not make provision for a deputy.

Having noted that the Panel Chairman is agreeable to a member deputy, I have requested that this be dealt with at the next meeting of Council."

(iii) Call-ins**By Councillor Mrs J H Whitehouse to Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT**

“Now that electronic communication is used for agenda and minutes of Council meetings and for communicating with members, will the Portfolio Holder ask officers to bring forward a scheme for call-ins to be made electronically?”

Response by Councillor S Metcalfe, Portfolio Holder for Customer Services, Media, Communications and ICT

“As the member will be aware a cross party panel, chaired by Councillor Stallan, only recently reviewed the Overview and Scrutiny Procedure Rules and revised the rule that relates to call-in to require such requests to be made in person and signed by those supporting the call-in.

This system seems to be operating very effectively. It is my view that to change our system to an electronic one would preclude some members from this process. In the last year only two such requests have been made and I see no reason to introduce a new system at this time. It is also my view that e-mail requests should not be accepted as they are not a secure way of communication with the Council.”

64. REPORTS OF THE CABINET**(a) Leader’s Portfolio – Responsibility for Land and Development Transactions****(Mover: Councillor Mrs D Collins – Leader of the Council)**

The Leader of the Council presented a report which sought to define clearly the Portfolio Holder responsibilities of the Leader of the Council in relation to other Cabinet portfolios. Councillor Mrs D Collins pointed out that in the final line of recommendation (1) the bracket should be after the word “land” and not as printed.

Report as amended **ADOPTED**

RESOLVED:

(1) That, the responsibilities contained within the Leader’s Portfolio concerning “major development/development proposals affecting the Council’s property portfolio (where necessary in consultation with the Housing Portfolio Holder) but excluding ongoing estate management” be clarified so as to define “major property/development proposals” as those of a value of £1,000,000 or more (excluding any contract relating to HRA schemes of whatever amount which does not involve the purchase or disposal of land);

(2) That, in respect of proposals valued below the limit of £1,000,000 which affect the Council’s property portfolio, the definition be extended to require the relevant Portfolio Holder to consult with the Leader of the Council as to whether the Leader wishes to be involved or take responsibility for dealing with the matter;

(3) That, in respect of the development or similar proposals which do not affect the Council’s property portfolio directly (but may have significant

financial implications for the Council) the same definition set out in (1) and (2) above apply; and

(4) That the Council's Constitution be amended accordingly.

(b) Gambling Act 2005 – Adoption of Statement of Principles and Consequential Changes to the Licensing System

Councillor Mrs D Collins, Leader of the Council and Chairman of the Cabinet, invited the Environmental Protection Portfolio Holder to present this report of the Cabinet.

(Mover: Councillor Mrs M Sartin – Environmental Protection Portfolio Holder)

The Portfolio Holder presented a report drawing attention to the need to adopt a Statement of Principles describing how the Council as the new licensing authority would promote the licensing objectives set out in the Act.

Councillor Mrs Sartin advised the Council that the references of 14 December and 15 December 2006 to the approval and publication of the Principles should read 19 December and 20 December 2006 respectively. She also advised that the references to HM Customs and Excise should read HM Revenue and Customs.

Report as amended **ADOPTED**

RESOLVED:

That the Statement of Principles made under the Gambling Act 2005, as amended, be adopted.

(c) Capital Strategy

Councillor Mrs D Collins, Leader of the Council and Chairman of the Cabinet, invited the Finance, Performance Management and Corporate Support Services Portfolio Holder to present this report of the Cabinet.

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

The Portfolio Holder submitted a draft Capital Strategy 2006-2011 for approval.

Report as first moved **ADOPTED**

RESOLVED:

That the draft Capital Strategy 2006-2011 be approved.

65. REPORTS OF OVERVIEW AND SCRUTINY

(a) Cabinet Quorum

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

Councillor R Morgan presented a report proposing changes to the Council's Constitution in order to ensure protection of the Cabinet quorum.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That the procedure for protecting the Cabinet quorum set out in the Appendix to these minutes be approved; and
- (2) That the procedure be published in the Council's Constitution.

(b) Review of Area Plans Sub-Committees

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

Councillor R Morgan presented a report proposing changes to the pattern of Area Plans Sub-Committees following an in-depth review by the Standing Scrutiny Panel on the Constitution and Member Services.

Members noted that the Chairman of the Council had determined in accordance with Section 100B(4) of the Local Government Act 1972 and paragraphs (6) and (24) of the Council Procedure Rules that this report be considered at this meeting in order that the question of Area Plans Sub-Committees could be resolved in time for the next Council year.

First amendment moved by Councillor Mrs D Collins and seconded by Councillor C Whitbread:

"That recommendation (5) be amended to read "That these changes take effect from 1 February 2007".

Carried

Second amendment moved by Councillor J Knapman and seconded by Councillor A Lee:

"That recommendation (2) be amended to read "That Area Plans Sub-Committee 'A' remain as at present except that the membership be increased to 25 members, subject to further review of the method of operation by that Sub-Committee and, if necessary, the Council".

Carried

On the requisition of five members under paragraph 15.4 of the Council Procedure Rules a recorded vote was taken on recommendation (4) (That the present Area Sub-Committees 'B' and 'C' be combined) and there voted:

For the recommendation: (23) – namely: Councillors D Bateman, K Chana, R Church, M Cohen, M Colling, Mrs D Collins, R D'Souza, A Green, Mrs A Grigg, Mrs H Harding, P McMillan, S Metcalfe, G Mohindra, R Morgan, Mrs S Perry, B Sandler, Mrs M Sartin, Mrs P Smith, D Stallan, Ms S-A Stavrou, Mrs L Wagland, C Whitbread, J Wyatt

Against the recommendation: (19) - namely: Councillors K Angold-Stephens, Mrs D Borton, Mrs P Brooks, Mrs S Clapp, Mrs A Cooper, R Frankel, P Gode, Mrs A Haigh, D Jacobs, D Kelly, R Law, S Murray, Mrs C Pond, Mrs P K Rush, P Spencer, P Turpin, Mrs J H Whitehouse, J M Whitehouse, K Wright

Abstentions: (7) – namely: Councillors R Haines, P House, J Knapman, A Lee, J Markham, Mrs P H Richardson, T Richardson

Carried

The Chairman sought clarification of the date of implementation of the changes in relation to Area Plans Sub-Committee 'A' having regard to the need for a further review of the method of operation. The Council agreed that the implementation date of 1 February 2007 would need to be subject to the further review of Area Plans Sub-Committee 'A'.

Report as amended **ADOPTED**

RESOLVED:

- (1) That the principle of all members of the Council being members of an Area Plans Sub-Committee be adopted;
- (2) That Area Plans Sub-Committee 'A' remain as at present except that the membership be increased to 25 members, subject to further review of the method of operation by the Sub-Committee and, if necessary, the Council;
- (3) That Area Plans Sub-Committee 'D' remain unchanged;
- (4) That the present Area Plans Sub-Committees 'B' and 'C' be combined;
- (5) That these changes take effect from 1 February 2007, subject to the further review of Area Plans Sub-Committee 'A'; and
- (6) That the relevant changes be made to the Council's Constitution.

66. ONLINE ANNUAL REPORT

(Mover: Councillor S Metcalfe – Customers Services, Media, Communications and ICT Portfolio Holder)

The Portfolio Holder reported on the online publication of the e-annual report for 2005/6 including public consultation on the long-term demand for the publication of future annual reports.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That the on-line publication of the e-annual report for 2005/06 be noted; and
- (2) That a report be submitted to Council in 2007 on the outcome of public consultation on the long-term demand for publication of future annual reports.

67. STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBER

The Council considered a report of the Monitoring Officer on the appointment of an independent member to replace one of the existing three independent members who had indicated that he did not wish to seek reappointment when his current three-year term of office expired in May 2007.

Amendment moved by Councillor Mrs D Collins and seconded by Councillor C Whitbread:

“That recommendation (1) be amended to read: “That Councillors Mrs D Borton, Mrs D Collins and Mrs P Smith together with two nominations from political groups other than the Conservative and Independent Groups be appointed to form a Standards Committee Selection Panel”.

Carried

The Council considered the nominations of Councillors S Murray and Mrs J H Whitehouse to fill the two remaining places on the Selection Panel.

Report as amended **ADOPTED**

RESOLVED:

- (1) That Councillors Mrs D Borton, Mrs D Collins, S Murray, Mrs P Smith and Mrs J H Whitehouse be appointed to form a Standards Committee Selection Panel;
- (2) That the Selection Panel be authorised to:
 - (a) agree a shortlist of applicants for interview for the independent member vacancy on the Standards Committee which will arise in May 2007;
 - (b) interview the persons shortlisted; and
 - (c) make recommendations to the Council on an appointment;
- (3) That the Monitoring Officer be authorised to:
 - (a) place an advertisement in a local newspaper inviting applications;
 - (b) prepare an applicant's pack, including application form, a job description, person specification and terms of reference of the committee; and
 - (c) make arrangements for suitable training of the new member when appointed.

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

Members considered a recommendation of the Overview and Scrutiny Committee that the Council nominate a member to serve on a proposed Joint Scrutiny Review

Committee together with representatives of four London Borough Councils to review health services in North East London.

RESOLVED:

(1) That Councillor B Sandler be nominated to serve on the proposed Joint Scrutiny Review Committee of "Fit for the Future", a review of health services in North East London; and

(2) That, subject to the approval of the partnership, Councillor R Church be nominated as a deputy to attend meetings in the absence of Councillor Sandler.

69. NEXT STEP IN REVIEW OF HOSPITAL AND COMMUNITY SERVICES - APPOINTMENT OF REPRESENTATIVE(S)

The members were informed that the Council had received details of the next step in review of hospital and community services from the East of England Strategic Health Authority. This related to all hospitals and community services in the East of England including Princess Alexandra in Harlow. The Council considered the appointment of member representatives to attend a stakeholder event on 22 January 2007.

The Chairman of the Council had determined in accordance with Section 100(B)(4)(b) of the Local Government Act 1972 together with paragraphs (6) and (24) of the Council's Procedure Rules that this matter be submitted to this meeting as it was the only meeting of the Council before the event.

RESOLVED:

That Councillors B Sandler and R Church be appointed to represent the Council at a stakeholder event to be held on 22 January 2007.

70. EPPING FOREST CHILDREN AND YOUNG PEOPLE'S PARTNERSHIP

The Council was advised that the Epping Forest Children and Young People's Partnership (CYPSP) had recently agreed a new structure to help it achieve its objectives. CYPSP was 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.

The Council's Joint Chief Executive (Community Services) had been invited to be a member of the Management Board and the Council had been asked to nominate one or two members to join the Board.

RESOLVED:

That Councillors Mrs A Grigg and Mrs A Haigh be nominated to join the Management Board of the Epping Forest Children and Young People's Partnership.

71. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

There were no reports for consideration under this heading. The Leader of the Council advised that the business discussed at recent meetings of the Essex Local Government Association had been reported earlier at this meeting.

CHAIRMAN

EXECUTIVE PROCEDURE RULES – APPENDIX TO RULE 1.8 (QUORUM)

1. In the event that, for any reason, the Proper Officer perceives that there will not be quorum as a result of Cabinet membership being depleted for any of the reasons set out below:

- (a) leave of absence approved by the Council under Section 85 of the Local Government Act 1972;
- (b) suspension or partial suspension as a result of an adjudication by the Standards Board for England or the Epping Forest District Standards Committee;
- (c) resignation as a Councillor or as a Cabinet member;
- (d) ceasing to be a Councillor as a result of an election, by retiring from office or becoming otherwise disqualified; and
- (e) by death in office

the Leader of the Council (or the Deputy Leader if absent) will be informed as soon as possible after this becomes apparent.

2. The Proper Officer shall also place an item on the agenda for the next available Cabinet meeting to:

- (a) report on the vacancies which have occurred or are likely to occur;
- (b) seek decisions from the Cabinet on arrangements for covering the vacant portfolios to be recommended to the Council on:
 - (i) any portfolios which will be covered by other Cabinet members either on a temporary basis or for the remainder of the Council year concerned; or
 - (ii) the need to appoint new portfolio holders to those vacancies, the actual appointment being reserved to the Council.

3. The Cabinet shall have delegated authority to make temporary appointments under 2(b)(i) and (ii) above until such time that the Council can make formal appointments.

4. The Leader of the Council (or Deputy Leader if absent) shall have delegated authority to make temporary appointments under 2(b)(i) and (ii) above until the next available Cabinet meeting considers the matter, if it is considered, after consulting the proper officer, that there is an urgent need to secure a quorum.

5. Exercise of Delegation by the Cabinet or the Leader of the Council

- 5.1 In the exercise of delegated authority under 3 and 4 above, the Cabinet or the Leader of the Council will:

- (a) if Cabinet seats are held by a single political group, allocate portfolios only to councillors from that group;
- (b) if Cabinet seats are allocated to an alliance of two or more parties forming a Council Administration, allocate vacant seats only to councillors from those groups

and the Leader of the Council shall be required to consult the Leaders of those other groups in advance on the appointments being made;

(c) if Cabinet seats are allocated between all political groups entitled to places under pro rata rules, fill vacancies on the nomination of the political group which held the vacant seat(s), unless all political groups agree on an alternative arrangement which achieves pro rata requirements.

N.B. Executive Rule 1.8 in the Constitution will be amended to refer to this Appendix.