

# 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, 20 February 2007 for the purpose of transacting the business set out in the agenda.

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

**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 and copies made available to those that request it.

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. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

### **2. MINUTES (Pages 9 - 32)**

To approve as a correct record and sign the minutes of the meeting held on 19 December 2006 (attached).

### **3. DECLARATIONS OF INTEREST**

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

### **4. 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.

### **5. 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.

**6. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 33 - 44)**

To receive 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;
- (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).

**7. 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 6 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.

## **8. 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.

## **9. 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;**
- (i) Planning Appeals – Public Inquiries**

### **Councillor Mrs P K Rush to Councillor Mrs A Grigg**

“ Public inquiries following planning appeals are often of interest to members across the District. Would the Portfolio Holder ensure that the dates of these inquiries are published in the Members’ Bulletin at the earliest possible opportunity”.

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.

**10. REPORTS OF THE CABINET (Pages 45 - 138)**

To consider the following reports of the Cabinet:

- (a) Top Management Structure
- (b) Audit and Governance Committee
- (c) The Broadway Town Centre Enhancement
- (d) Supplementary Estimates
- (e) Council Budgets and Council Tax Declaration

**11. REPORT OF THE CONSTITUTION AND MEMBER SERVICES SCRUTINY PANEL (Pages 139 - 146)**

To consider the attached report.

**12. REPORT OF AREA PLANS-COMMITTEE 'A' (Pages 147 - 148)**

To consider a report of Area Plans-Committee A following an operational review (attached).

**13. AREA PLANS SUB-COMMITTEE 'B' AND 'C' (COMBINED) - IMPLEMENTATION (Pages 149 - 158)****Recommendations:**

- (1) That the Council determine which option to adopt in relation to the Chairmanship and Vice-Chairmanship of Area Plans Sub-Committee B & C for the remainder of the current municipal year;**
  - (2) That in the event of adopting option 2(a) below, one Chairman and one Vice-Chairman be appointed and, if necessary, a review be undertaken of the pro rata allocation of chairmanships and vice-chairmanships between the political groups;**
  - (3) That in the event of adopting option (b) below, to allocate the chairman and vice-chairman positions for the three meetings to be held between 21 February and 18 April 2007;**
  - (4) That the Chairman of the District Development Control Committee be authorised to sign as a correct record the minutes of the final meetings of Area Plans Sub-Committees 'B' and 'C' held on 17 January and 24 January 2007 respectively.**
- 1. At its meeting in December 2006, the Council resolved to amalgamate Area Plans Sub-Committee 'A' and Area Plans Sub-Committee 'B'.
  - 2. It is now necessary to resolve the question of the Chairmanship and Vice Chairmanship of the combined Sub-Committee for the remainder of the current municipal year. The Council is asked to agree one of the following two options:
    - (a) to appoint one Chairman and one Vice-Chairman for the rest of the Council year following a review of pro rata applications of all positions.; or
    - (b) to continue with joint Chairmen and joint Vice-Chairmen until May 2007 - on a rota arrangement - the Council would then appoint a Chairman and Vice

Chairman for the positions for the year 2007/8 at its Annual meeting.

3. An oral report will be made if option 2(a) is preferred.
4. It is proposed that the combined Sub-Committee will meet on the following dates:  
  
21 February 2007  
  
21 March 2007  
  
18 April 2007
5. If the Council opts for a joint Chairmanship rota for the rest of 2006/7 a means of allocating the chairman and vice-chairman positions for each of the three meetings will need to be agreed. This option will not necessitate a change in the payment of special responsibility allowance to the current chairmen.
6. Details of the amalgamation of the Sub-Committees has been published be on the Council's website and an addendum has been included in the literature supplied to the public regarding speaking at meetings.
7. The minutes of the final meetings of Area Plans Sub-Committees 'B' and 'C' are attached and it is recommended that the Chairman of the District Development Control Committee, the parent committee, be authorised to sign them as a correct record.

#### **14. MEMBERSHIP OF COMMITTEES, SUB-COMMITTEES AND PANELS**

##### **Recommendation:**

**To note that Councillor R Frankel has been appointed as a member of the District Development Control Committee for the remainder of the current municipal year.**

(Head of Research and Democratic Services) The Council at its last meeting on 19 December 2006, resolved 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.

Following that meeting, Councillor J M Whitehouse, Leader of the Liberal Democrats Group, advised that the vacancy would be filled by Councillor R Frankel.

#### **15. WEST ESSEX JOINT HIGHWAYS PANEL**

##### **Recommendation:**

**To appoint a member deputy to attend meetings of the Joint Panel in the absence of the member representative, for the remainder of the current municipal year.**

(Head of Research and Democratic Services) The Council is represented on the West Essex Joint Highways Panel by the Portfolio Holder for Civil Engineering and Maintenance and the Head of Environmental Services.

At the last meeting of the Council it was agreed that a member deputy be appointed to attend meetings in the absence of the member representative.

## 16. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

## 17. 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
18	Report of the Cabinet - Top Management Structure	1,2 and 4

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.

**18. REPORT OF THE CABINET (Pages 159 - 160)**

(a) Top Management Structure – To consider the attached restricted report.