

# 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, 24 April 2007 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 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 11 - 86)**

To approve as a correct record and sign the minutes of the meeting held on 20 February 2007 (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 87 - 98)**

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 - 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;
- (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 - attached;
- (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 has been developed and is being recommended for adoption elsewhere on this agenda. At this meeting 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.

### (a) Vice-Chairman of the Council

"That this Council -

- (i) notes that the protocol for electing the Vice-Chairman of the Council has been suspended at each of the last three annual Council meetings and is, therefore, no longer workable;
- (ii) resolves that nominees for the office of Vice-Chairman of the Council should in future submit a nomination form signed by not less than 12 District Councillors drawn from at least two political groups;
- (iii) reaffirms the principle that the nominee for Vice-Chairman of the Council may be drawn from any political group or any independent member serving on the Council; and
- (iv) further resolves that the process of agreeing on a nomination for Vice-Chairman of the Council be co-ordinated by the Leader of the Council in consultation with independent members and the Leaders of all political groups".

**Mover: Councillor R Morgan**

**Seconder: Councillor S Murray**

## 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) **M11 Motorway – Junction 5 - North Facing Slip Roads**

**Councillor R Frankel to Councillor A Green, Civil Engineering and Maintenance Portfolio Holder**

"As a result of the scheme to widen the M11 Motorway, and in view of the comments made by Eleanor Laing, MP, what does the Portfolio Holder think that the Council's view should be on proceeding with north facing slip roads at junction 5 on the M11?"

**(ii) Loughton Station Precinct - Waste**

**Councillor K Angold-Stephens (supported by Councillors P House, A Lee and S Murray) to Councillor Mrs M Sartin, Environmental Protection Portfolio Holder**

“Last October, local councillors, representatives from Environmental Services, the contractor, Cory’s, and the Portfolio Holder met at Loughton Station to consider ways to solve the mounting accumulation of waste behind the bus stops in Loughton Station precinct; the division of ownership between the Council and London Underground Limited (LUL) was highlighted and it was agreed that Environmental Services would commence immediate negotiations with LUL on the way forward; since then the rubbish has continued to accumulate and no negotiations with LUL have taken place; the area constitutes a health hazard with increasing reports of rats being seen and is an unsightly introduction for visitors to the area; whilst we recognise that the new waste contract has been a priority for Environmental Services, it is vital other urgent work is not neglected as a consequence; it is now six months since the on-site meeting agreed a way forward; will the Portfolio Holder ensure that negotiations with LUL commence without further delay and a solution found to this mounting problem”.

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 99 - 130)**

To consider the following attached reports of the Cabinet:

- (a) Calendar of Meetings – 2007/08
- (b) Supplementary Estimates and Virement
- (c) Draft Fuel Poverty Strategy

**11. REPORTS OF OVERVIEW & SCRUTINY (Pages 131 - 252)****(a) 2006/07 Annual Report**

To consider the attached report.

**(b) Council Meetings – Regulation of Question Time and Review of Financial Regulations**

To consider the attached report.

**(c) Report of Constitution and Member Services Standing Scrutiny Panel**

To consider the attached report following a review of Financial Regulations.

**12. STANDARDS COMMITTEE (Pages 253 - 286)**

**(a) Report of the Standards Committee**

(Dr D Hawes – Chairman of the Standards Committee) To consider the attached reports on (i) Planning Protocol – Review and (ii) Annual Report.

**(b) Dr D Hawes**

The Chairman of the Council will refer to the retirement of Dr Derek Hawes, a founder member and the founder Chairman of the Standards Committee over the period 2001- 2007.

**(c) Vacancy**

To consider the attached report of the Panel appointed to interview applicants for the independent member vacancy arising on the Committee in May 2007.

**13. REPORT OF THE TOP MANAGEMENT CABINET COMMITTEE (Pages 287 - 290)**

(Councillor Mrs D Collins – Chairman of the Cabinet Committee) To consider the attached report.

**14. AUDIT & GOVERNANCE COMMITTEE - RECRUITMENT OF CO-OPTEEES**

**Recommendations:**

**(1) To note that no applications have been received following public notice inviting applications for the two co-optee seats on the Audit and Governance Committee;**

**(2) To consider either:**

**(a) authorising officers to re-advertise the positions; or**

**(b) reviewing the membership of the Committee and removing the co-optee seats;**

**(3) To authorise officers to amend the terms of reference of the Committee including removal of the requirement for one co-opted member to be present for a meeting to be quorate;**

**(4) To consider, if necessary, either:**

**(a) retaining a Panel of five members to supervise the recruitment process in respect of co-optee seats; or**

**(b) changing the number of councillors serving on the Panel;**

**with the Panel being re-constituted at the Annual Council meeting.**

1. The Council appointed a Panel of members at its February 2007 meeting (Minute 81 (b)) to supervise the recruitment process in respect of the two co-optee seats on the Audit & Governance Committee.
2. A public notice inviting applications for these two positions was placed in the press. Five expressions of interest were received and recruitment packs were sent to the interested parties in good time. However, at the closing date for applications, none had been received.
3. The options now available are re-advertisement of the positions in the hope that applications will be received or review of the membership of the Committee with no co-opted members.
4. Appointments to the new Committee have to be made at the Annual Council, following training on 15 June 2007 before the first Committee meeting on 25 June 2007 when the Statutory Statement of Accounts must be considered. If the Council decides to retain the co-opted seats on the Committee, the timescale does not now allow for appointments to these positions in time for the training and the first meeting. To enable that meeting to take place it is necessary, therefore, to amend the current terms of reference requiring one co-opted member to be present before any business can be transacted.
5. If the Council authorise officers to re-advertise the co-optee positions and this results in applications being received there will be a need to re-appoint the Panel of members supervising the recruitment process. If necessary, the Panel will be re-appointed at the Annual Council meeting.
6. The current Panel comprises the following members:  
  
Mrs. D. Collins (Chairman)  
Mrs D. Borton,  
S. Murray  
Mrs P. Smith  
Mrs J. Whitehouse.
7. The Panel could be re-constituted with five or fewer members. It should be emphasised that it is not a requirement for members to be experts in financial or audit procedures but just to reach balanced judgements about whether applicants will meet the Council's requirements against the person specification.
8. One suggestion is that the Panel might comprise only three members (2 Conservative and 1 Liberal Democrat), which the Council may wish to consider.

Background Papers: Recruitment Pack

## **15. DISTRICT & PARISH REMUNERATION PANELS**

### **Recommendations:**

- (1) To note that Mr.M. Donn has signified to the Council that he wishes to resign from membership of the District and Parish Remuneration Panels with effect from 31 May 2007;**

**(2) To consider arrangements for filling this vacancy including the following:**

**(a) recruitment following interviews by a member Panel which will have delegated powers to approve an appointment; or**

**(b) delegate the appointment to the Chief Executive as on the initial appointment following recruitment; and**

**(3) To agree the membership (including a Chairman) at this meeting if a Panel of members is preferred;**

**(4) To record the Council's appreciation of the work undertaken by Mr Donn as a member of the two Panels for this District over the last six years.**

1. Mr M. Donn has recently given notice to the Council that he wishes to resign his seat on the independent Remuneration Panels at the earliest convenient date. He has served on the Panel since 2001 and has said that he is prepared to time his resignation to minimize problems for the Council.

2. The present Panel (which also includes Mr S. Lye and Mr D. Jackman) was appointed following interviews with officers of the Council under delegated authority given to the Chief Executive subject to prior consultation with Group Leaders as to the selected applicants.

3. Remuneration Panels must comprise at least three people, none of whom shall also be a member of this Council or any Parish or Town Council in the district or the member of any Committee or Sub Committee of such Councils. Any person who is disqualified from being or becoming a member of an authority is also ineligible.

4. The Council could undertake a recruitment exercise similar to those for the Standards Committee and the Audit & Governance Committee, in which case the Panel should be appointed at this meeting. The Council has the choice of:

(a) delegating the appointment to the Panel after interviews;

(b) requiring the Panel to submit a recommendation for appointment at the Annual Council meeting or as soon as possible thereafter.

5. Alternatively, the Council could delegate the task to the Chief Executive subject to conditions, as happened in 2001.

Background Papers: Letter of resignation from Mr. M. Donn dated 21 March 2007.

## **16. CALL-IN AND URGENCY - WASTE MANAGEMENT SERVICE AND CAR PARKING ENFORCEMENT CONTRACT**

### **Recommendation:**

**To note decisions regarding (a) the issue of tender and contract documents for the new Waste Management Service taken as a matter of urgency, and the reasons for urgency and (b) the approval of a select list of car parking enforcement contractors and the issue of tender documents.**



1. The call-in procedures set out in the Council's Overview and Scrutiny Procedure Rules do not apply where the decision being taken by the Executive is urgent.
2. In accordance with paragraph 21 of the Procedure Rules, the Chairman of the Council agreed on 15 March 2007 that the call-in procedure should not apply to a decision being taken by the Customer Services, Media, Communications and ICT Portfolio Holder to agree the new Waste Management Service tender and contract documents for issue to the select list of contractors.
3. The Chairman determined that it was in the best interests of the Council and the District not to apply the call-in procedures. In order to avoid a slip in the procurement timetable resulting in the new contract commencement date being put back to early 2008 rather than winter 2007, it was necessary to issue the documents on 24 March 2007. The documents were considered by the Waste Management Portfolio Holder Advisory Group at a meeting on 16 March 2007 and agreed by the Portfolio Holder on 21 March 2007 after taking account of the views of other members of the Group.
4. In the absence of the Chairman of the Council, the Vice-Chairman of the Council agreed on 5 April 2007, in accordance with paragraph 21 of the Procedure Rules, that the call-in procedure should not apply to a decision being taken by the Civil Engineering and Maintenance Portfolio Holder to approve the select list of car parking enforcement contractors and the issue of tender documents.
5. The Vice-Chairman determined that it was in the best interests of the Council and the District not to apply the call-in procedures. In order to avoid a slip in the timetable resulting in the new contract commencement date being put back from 1 October 2007, it was necessary to approve the select list and issue the tender documents by 13 April 2007.
6. The Procedure Rules provide that decisions taken as a matter of urgency must be reported to the next available meeting of the Council.

Background Paper: Notices signed by the Chairman of the Council on 15 March 2007 and the Vice-Chairman of the Council on 5 April 2007.

## 17. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

## 18. 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 |
|----------------|--|-------------------------------------|
| 19             | Chief Executive – Salary Proposals and Contractual Terms | 1 and 2                             |

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.

## **19. CHIEF EXECUTIVE - SALARY PROPOSALS AND CONTRACTUAL TERMS (Pages 291 - 294)**

To consider the attached restricted report.