

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee:	Council	Date:	28 June 2007
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 10.20 pm
Members Present:	Councillors Mrs C Pond (Chairman), J Knapman (Vice-Chairman), K Angold-Stephens, R Bassett, D Bateman, Mrs P Brooks, K Chana, R Church, M Cohen, M Colling, Mrs D Collins, R D'Souza, R Frankel, Mrs R Gadsby, A Green, Mrs A Grigg, Mrs A Haigh, Mrs H Harding, J Hart, Ms J Hedges, P House, D Jacobs, D Kelly, R Law, Mrs J Lea, J Markham, Mrs M McEwen, P McMillan, G Mohindra, R Morgan, G Pritchard, Mrs P Richardson, B Rolfe, Mrs P K Rush, B Sandler, Mrs M Sartin, P Spencer, Mrs P Smith, D Stallan, Ms S Stavrou, P Turpin, H Ulkun, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, M Woollard and J Wyatt		
Apologies:	Councillors Mrs S Clapp, Mrs A Cooper, T Farr, P Gode, A Lee, S Murray, T Richardson and Mrs L Wagland		
Officers Present:	J Scott (Joint Chief Executive), J Boreham (Assistant Public Relations and Information Officer), T Carne (Public Relations and Marketing Officer), Z Folley (Democratic Services Assistant), P Haywood (Joint Chief Executive), S G Hill (Senior Democratic Services Officer), G Lunnun (Democratic Services Manager), P Maddock (Assistant Head of Finance), R Palmer (Head of Finance), I Willett (Head of Research and Democratic Services) and P Tredgett (Information Assistant)		
Present by Invitation:	County Councillor P Martin and N Beach, Waste and Recycling Manager, Essex County Council		

17. WELCOME AND WEBCASTING INTRODUCTION

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

18. MINUTES

RESOLVED:

That the minutes of the Annual Council meeting held on 17 May 2007 be taken as read and signed by the Chairman as a correct record.

19. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

20. ANNOUNCEMENTS**(a) Chairman's Announcements****(i) Barnes Court, Ongar – Official Opening**

The Chairman referred to her attendance together with the Housing Portfolio Holder and other members at the official opening of Barnes Court, Ongar, on 5 June 2007.

(ii) Derek Twine CBE

The Chairman extended her congratulations to Derek Twine, Chief Executive Officer of the Scout Association, who had been made a CBE for his services to young people.

(iii) Seasonal Celebration – December 2007

The Chairman announced that she would be holding a seasonal celebration at the Loughton Methodist Church on 7 December 2007 commencing at 6.30 p.m.

(iv) Charity Golf Match

The Chairman announced that a sum of just under £500 had been raised at the Members' and Officers' Golf Day held at Chigwell Golf Club on 19 June 2007. She thanked Councillors Mrs R Gadsby, J Knapman and officers for their support.

(v) St Margaret's Hospital Open Day

The Chairman advised that the Hospital was holding an Open Day on 1 July 2007 which would provide an opportunity to tour the new facilities and to meet staff. She encouraged all members to attend.

(vi) Flowers

The Chairman announced that the floral display from tonight's meeting would be sent to the Rider House, Abbeyfield Home at Loughton.

(b) Member Computer Training – Award of Certificates

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

21. PUBLIC QUESTIONS

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

22. COUNTY WASTE STRATEGY

The Chairman introduced County Councillor Peter Martin, Deputy Leader and Environment, Planning and Assets Portfolio Holder, and Nicola Beach, Waste and Recycling Manager, Essex County Council and invited them to brief members on the Essex Waste Strategy Project.

The presentation covered:

- (a) background information on the Essex Waste Management Partnership;
- (b) the waste management challenges facing Essex;
- (c) key targets and objectives of the draft joint Municipal Waste Management Strategy for Essex; and
- (d) the Private Finance Initiative project that Essex and Southend were intending to submit to Government, including project costs, performance, technology options and time table.

At the conclusion of the presentation, County Councillor Martin and Ms Beach answered members' questions.

Councillor Mrs M Sartin, Environmental Protection, thanked County Councillor Martin and Ms Beach for attending the meeting and making their presentation. County Councillor Martin thanked the Council for the opportunity of making the presentation.

23. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET

The Council received reports (circulated) from 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, Councillor Mrs D Collins, the Leader of the Council, reported on a recent meeting with the new County Council Highways and Transportation Portfolio Holder, Councillor N Hume, and County Councillor P Martin. She advised that the meeting had been constructive and both authorities were hoping to move forward in a spirit of partnership. Councillor Mrs Collins also reported on a recent meeting with Bill Rammell, local Member of Parliament and appropriate ward councillors to discuss lorry movements in the Nazeing area. Councillor Mrs Collins also referred to a meeting to be held in July 2007 with local Members of Parliament and local County Councillors to discuss matters of interest.

24. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Recycling

By Councillor R Frankel to Councillor Mrs M Sartin, Environmental Protection Portfolio Holder

Would you please advise how the programme for informing and educating the public about recycling is progressing; I am often asked about the recycling of plastic which we currently do not undertake; residents are keen to recycle and want to do more but they need more information.

Response by Councillor Mrs M Sartin, Environmental Protection Portfolio Holder

There is ongoing education in the Forester and in the local press. There is concern about materials which currently cannot be recycled including plastic and we will give this further consideration when the new waste management contract is in place.

(b) Youth Council**By Councillor Mrs J H Whitehouse to Councillor M Cohen, Leisure and Young People Portfolio Holder**

I see from your report under the previous item on the agenda that a new Youth Council for the District is to be established; can you advise how recruitment/election will take place.

Response by Councillor M Cohen, Leisure and Young People Portfolio Holder

A meeting was held on 26 June 2007 at which every school in the District provided representatives except for Chigwell School; a member of the Harlow Youth Council made a presentation to the meeting and outlined how matters worked in that District; this is very much work in progress and it has not yet been decided how recruitment will take place; however, the meeting on 26 June 2007, was extremely helpful and officers are considering a number of suggestions and it is hoped to produce further plans in late July/August 2007.

(c) Development Control Performance – March to May 2007**By Councillor J Knapman to Councillor Mrs A Grigg, Planning and Economic Development Portfolio Holder**

Can the Portfolio Holder advise where the figures included within her report under item 7 arise and can she give an assurance that in future we will adhere to the Data Quality Strategy as the figures in her report are slightly misleading as they only refer to national targets which are well below our own performance.

Response by Councillor Mrs A Grigg, Planning and Economic Development Portfolio Holder

The figures were provided by Planning Services and follow the format which I have used since I first became Planning and Economic Development Portfolio Holder; I am happy to give an assurance that in future the information will adhere to the Data Quality Strategy.

(d) Loughton Town Centre Enhancement**By Councillor K Angold-Stephens to Councillor Mrs D Collins, Leader of the Council**

In 2005/06 the then Leader of the Council gave an assurance that when the sale of the Parade Ground Site had been completed, phases 3 and 4 of the Loughton Town Centre Enhancement would be put back into the budget; this assurance received cautious support last year; I appreciate that assurances from previous administrations are not binding but as the Council is now in a healthy financial position will the Leader give an assurance that phases 3 and 4 will be reinstated in

the budget for 2008/09 including the landscaping which was dropped from phase 2 of the enhancement.

Response by Councillor Mrs D Collins, Leader of the Council

Last year it was necessary to hold back expenditure on non-essential matters pending clarification of the commitment to be made to the new waste management contract. A decision will be made shortly on the new contract and when the financial commitment is clear we will review expenditure on other matters although it will be necessary to take steps to build up our balances.

25. MOTIONS

(a) Loughton High Road Town Centre Enhancement

Motion moved by Councillor P House and seconded by Councillor K Angold-Stephens

"That this Council –

(a) notes that three trees were removed from Centric Parade during the recent enhancement of Loughton High Road on the insistence of the then landlord of adjacent retail premises who claimed ownership of the land on which the trees were situated;

(b) supports the views of local residents that the visual amenity of this wide section of footway will benefit from the planting of new trees;

(c) notes that suitable species of trees, methods of planting and funding have all been resolved but that no progress is being made due to an alleged lack of information about the location of statutory undertakers' services, concern that overhanging branches may represent a traffic hazard, and uncertainty about ownership of the land which may invalidate insurance cover in the event of a claim arising from the trees;

(d) considers that the location of statutory undertakers' services should be known from the recent enhancement works, the trees can be maintained so as not to cause a hazard and as the insurance policy presumably covers claims arising from the recently laid paving stones should also extend to trees planted in that area; and

(e) requests the Planning and Economic Development Portfolio Holder to pursue this matter with District Council and County Council officers with a view to trees being planted without further delay."

Amendment moved by Councillor M Cohen and seconded by Councillor J Hart

"That paragraphs (c), (d) and (e) of the motion be replaced with the following:

(c) notes that, despite the substantial input and involvement into the planning of the Town Centre Enhancement by the Loughton Residents' Association (LRA), the replacement of the trees that had to be removed to allow the scheme to go ahead had not been properly considered by them and so considerable works had to be done since the appointment of this

administration to find suitable species of trees, planting and funding methods so as to avoid problems with the location of statutory undertakers' services, uncertainty about ownership of land and potential problems with insurance;

(d) recognises that these problems and potential problems have proved difficult to resolve but that this administration have been working tirelessly to do so and thus overcome the oversights of the LRA in the planning process; and

(e) will ensure that as many trees as can be planted and sustained, given the continuing uncertainties and third party positions, will be planted, using the most appropriate species and planting methods as advised and at the earliest opportunity that it is proper and prudent so to do."

Carried

Motion as amended **ADOPTED**.

RESOLVED:

That this Council –

(a) notes that three trees were removed from Centric Parade during the recent enhancement of Loughton High Road on the insistence of the then landlord of adjacent retail premises who claimed ownership of the land on which the trees were situated;

(b) supports the views of local residents that the visual amenity of this wide section of footway will benefit from the planting of new trees;

(c) notes that, despite the substantial input and involvement into the planning of the Town Centre Enhancement by the Loughton Residents' Association (LRA), the replacement of the trees that had to be removed to allow the scheme to go ahead had not been properly considered by them and so considerable works had to be done since the appointment of this administration to find suitable species of trees, planting and funding methods so as to avoid problems with the location of statutory undertakers' services, uncertainty about ownership of land and potential problems with insurance;

(d) recognises that these problems and potential problems have proved difficult to resolve but that this administration have been working tirelessly to do so and thus overcome the oversights of the LRA in the planning process; and

(e) will ensure that as many trees as can be planted and sustained, given the continuing uncertainties and third party positions, will be planted, using the most appropriate species and planting methods as advised and at the earliest opportunity that it is proper and prudent so to do.

26. QUESTIONS BY MEMBERS UNDER NOTICE

No questions by members had been received for consideration at the meeting.

27. REPORTS OF THE CABINET**(a) North Weald Airfield – Maintenance Budget**

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

(Mover: Councillor M Cohen – Leisure and Young People Portfolio Holder)

The Portfolio Holder presented a report drawing attention to the need to undertake essential survey works on the infrastructure at the Airfield. He advised that it had been necessary for the consultant engineers appointed to co-ordinate the project to engage a specialist subcontractor and that subcontractor had been unable to undertake some aspects of the work until 7/8 May 2007. As a result, although the order had been raised in the 2006/07 financial year, the services had not been provided until the 2007/08 financial year.

Report as first moved **ADOPTED**.

RESOLVED:

That a carry forward of £11,000 underspend from the North Weald Airfield Maintenance budget 2006/07 be approved.

(b) Best Value Performance Plan 2007/08

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

(Mover: Councillor C Whitbread – Finance and Performance Management Portfolio Holder)

The Portfolio Holder presented a report on the draft Best Value Performance Plan for 2007/08.

Report as first moved **ADOPTED**.

RESOLVED:

That the draft Best Value Performance Plan for 2007/08 be adopted.

28. STATUTORY STATEMENT OF ACCOUNTS - 2006/07**(a) Statement on Internal Control for 2006/07****(Mover: Councillor C Whitbread – Finance and Performance Management Portfolio Holder)**

The Portfolio Holder reported that within the Accounts and Audit Regulations 2003, there was a mandatory requirement to publish a Statement on Internal Control, designed to provide the Council with assurance regarding the adequacy of its

governance arrangements, and identify where those arrangements needed to be improved.

The Audit Commission had issued guidance on how it would assess the Council's arrangements to ensure a sound system of internal control. Amongst other things the Audit Commission indicated that the system would be enhanced by an appropriate member group having responsibility for reviewing and approving the Statement of Internal Control, considering it separately from the Statement of Accounts.

The Portfolio Holder advised that in accordance with the Audit Commission guidance, the Statement on Internal Control was to have been considered and approved by the Audit and Governance Committee at its meeting scheduled to take place on 25 June 2007. However, that meeting had not taken place as the meeting had not been quorate. Accordingly, the draft Statement on Internal Control was presented for consideration at this meeting prior to consideration of the Statement of Accounts.

The Portfolio Holder and the Head of Finance answered members' questions.

Report as first moved **ADOPTED**.

RESOLVED:

That the draft Statement on Internal Control for 2006/07 for inclusion within the statutory Statement of Accounts be approved.

(b) Statement of Accounts – 2006/07

(Mover: Councillor C Whitbread – Finance and Performance Management Portfolio Holder)

The Portfolio Holder presented a report and the draft Statutory Statement of Accounts for the financial year ending 31 March 2007.

By leave of the Council, the Portfolio Holder drew attention to the following corrections:

(a) Income and Expenditure Account – Consolidated Expenses – Continuing Operations – Central Services – 2005/06 net expenditure – deletion of £1,431,000 and insertion of £997,000;

(b) Income and Expenditure Account – Consolidated Expenses – Continuing Operations – Corporate and Democratic Core – 2005/06 net expenditure – deletion of £2,289,000 and insertion of £2,723,000;

(c) Cash Flow Statement – Revenue Activities – In - Rents (after rebates) – 31 March 2006 – deletion of £15,148,000 and insertion of £16,831,000; and

(d) Cash Flow Statement – Revenue Activities – In - Cash received for Goods and Services – 31 March 2006 – deletion of £12,007,000 and insertion of £10,324,000.

The Portfolio Holder and the Head of Finance answered members' questions.

Councillor Mrs D Collins, Leader of the Council, thanked the Portfolio Holder and the officers for completing the Statement in accordance with the strict timescale.

Report as amended **ADOPTED**

RESOLVED:

That the Statutory Statement of Accounts for the financial year ending 31 March 2007, as amended by the Portfolio Holder at this meeting, be approved.

29. REPORT OF THE STANDARDS COMMITTEE

The Head of Research and Democratic Services presented a report of the Committee as there was currently not a Chairman of the Committee.

Members were advised that the Government had published a revised Code of Conduct for Members. The revised Code had come into force on 3 May 2007 and every local authority had to adopt the revised Code by resolution of the Council within six months of the date on which it came into force i.e. on or before 1 October 2007. Where an authority failed to adopt the revised Code by that date, the mandatory provisions of the revised Code would apply automatically, until the authority adopted the revised Code.

The attention of members was drawn to a number of major changes to the Code regarding:

- (a) personal interest;
- (b) dual hatted members;
- (c) prejudicial interests;
- (d) gifts or hospitality;
- (e) unlawful discrimination;
- (f) bullying; and
- (g) intimidation.

Report as first moved **ADOPTED**.

RESOLVED:

(1) That the revised Code of Conduct attached as Appendix 1 to these minutes be adopted with effect from 28 June 2007; and

(2) That following adoption of the revised Code, the Monitoring Officer be authorised to take the following steps:

(a) ensure that copies are available for inspection by the public at all reasonable hours;

(b) publish a notice in one or more local newspapers stating that a new Code has been adopted and advising where copies can be inspected; and

- (c) send a copy to the Standards Board for England.

30. REPORT OF THE TOP MANAGEMENT CABINET COMMITTEE

(a) Deputy Chief Executive

(Mover: Councillor Mrs D Collins, Chairman of the Top Management Cabinet Committee)

Councillor Mrs Collins presented a report of the Cabinet Committee following consideration of the establishment of a post of Deputy Chief Executive.

Report as first moved **ADOPTED**.

RESOLVED:

- (1) That a post of Deputy Chief Executive be established at the salary level recommended by HAY Management Consultants; and
- (2) That the indicative Job Description attached as Appendix 2 to these minutes be agreed subject to inclusion of the duty as Lead Officer for Overview and Scrutiny.

31. COMMITTEES, SUB-COMMITTEES AND PANELS - APPOINTMENTS OUTSTANDING FROM THE ANNUAL COUNCIL MEETING

The Council considered nominations for appointments which had not been made at the Annual Council meeting.

RESOLVED:

That the following appointments be made for the remainder of the current municipal year;

- (a) Licensing Committee – seat to be held vacant;
- (b) Group representatives on Area Plans Sub-Committee South –
- | | | |
|-------------------------|---|-------------------------------|
| Conservative Group | – | Councillor K Chana; |
| Liberal Democrats Group | – | Councillor P Spencer; |
| LRA Group | – | Councillor K Angold-Stephens; |
- (c) Group representatives on Area Plans Sub-Committee East –
- | | | |
|-------------------------|---|---------------------------|
| Conservative Group | - | Councillor Mrs H Harding; |
| Liberal Democrats Group | - | Councillor R Frankel; |
- (d) Group representative on Area Plans Sub-Committee West –
- | | | |
|--------------------|---|-------------------------|
| Conservative Group | - | Councillor Mrs P Smith; |
|--------------------|---|-------------------------|

- (e) Group representatives on District Development Control Committee –
 - Conservative Group - Councillor Mrs P Smith;
 - Liberal Democrats Group - Councillor R Frankel;
- (f) Housing Appeals and Review Panel Substitute Member –
 - Liberal Democrats Group - Councillor Mrs J H Whitehouse;
- (g) Staff Appeals Panel (substitute members) –
 - Conservative Group - Councillors Mrs R Gadsby, Mrs J Lea, Mrs E Webster;
- (h) Standards Committee –
 - Liberal Democrats Group - Councillor Mrs J H Whitehouse.

32. TOP MANAGEMENT APPOINTMENTS PANEL

Members were advised that at the Annual Council meeting, the appointment of the Top Management Appointments Panel had been deferred to this meeting. Consideration was given to nominations for members, a chairman and vice-chairman.

RESOLVED:

- (1) That the following members be appointed to form the Top Management Appointments Panel:
 - (a) Conservative Group (4) – Councillors Mrs D Collins, Mrs A Grigg, B Sandler, C Whitbread;
 - (b) Liberal Democrats Group (1) – Councillor J M Whitehouse;
 - (c) LRA Group (1) – Councillor K Angold-Stephens;
 - (d) BNP Group (1) – Councillor R Law;
- (2) That Councillor Mrs D Collins be elected Chairman of the Panel; and
- (3) That Councillor C Whitbread be appointed Vice-Chairman of the Panel.

33. STANDARDS COMMITTEE MEMBERSHIP

Members noted that the Essex Association of Local Councils – Epping Forest District Association had advised that Parish Councillor J Salter had decided to stand down as the Parish/Town Council representative on the Standards Committee. The Association had appointed Parish Councillor Mrs D Borton in place of Councillor Salter.

RESOLVED:

That the appointment of Parish Councillor Mrs D Borton in place of Parish Councillor J Salter as the Parish/Town Council representative on the Standards Committee be noted.

34. WEST ESSEX WASTE MANAGEMENT JOINT COMMITTEE

The Council was advised that at its Annual Meeting, Councillor Mrs M Sartin had been appointed the Council's representative on the West Essex Waste Management Joint Committee with Councillor Mrs A Cooper appointed as substitute. It had subsequently been pointed out by the Committee that in accordance with their constitution both the member representative and the substitute had to be members of the Council's Cabinet as they had to be able to make decisions. It was necessary therefore to appoint another member as substitute in place of Councillor Mrs Cooper.

RESOLVED:

That Councillor Mrs D Collins be appointed as a substitute member on this Committee.

35. AREA PLANS SUB-COMMITTEES 'A', 'B/C' AND 'D'

The Council considered the minutes of the last meetings of Areas Plans Sub-Committees 'A', 'B/C' and 'D' held on 4 April 2007, 18 April 2007 and 25 April 2007 respectively.

RESOLVED:

That the Chairman of the District Development Control Committee be authorised to sign as a correct record the minutes of the final meetings of the Area Plans Sub-Committees 'A', 'B/C' and 'D'.

36. LOUGHTON STAKEHOLDERS' FORUM ON WASTE MANAGEMENT AND STREET CLEANSING

The Council was advised that a stakeholders' forum had been established to discuss waste management and street cleansing issues within Loughton. The forum would comprise three District Councillors representing wards in the Loughton area, Loughton Town Councillors and representatives of local groups. The issues highlighted would be considered initially by officers and if necessary would be reported to the contractor, the Environmental Protection Portfolio Holder or the Cabinet for decision.

The Council considered the appointment of three councillors on the nominations of Group Leaders.

RESOLVED:

That Councillors J Hart, P House and S Murray be appointed to the recently formed forum established to discuss waste management and street cleansing issues within Loughton.

37. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

There were no reports for consideration under this heading.

38. RODING VALLEY LAKE - EMERGENCY AND URGENT EXPENDITURE

(Mover: Councillor M Cohen – Leisure and Young People Portfolio Holder)

Councillor Cohen presented a report on the need to incur expenditure outside of the budgeting framework, on the grounds of urgency.

Members noted that on 22 June 2007, the Council had been made aware of a substantial number of dead fish evident in the Roding Valley Lake, Roding Valley Recreation Ground, Loughton. Council officers had attended the site and had met with representatives of the Environment Agency and Thames Water.

Investigations were continuing as to the cause of this situation but it had been necessary to arrange for a specialist contractor to attend to start removing the dead fish. It had also been necessary in order to preserve remaining fish stocks, for aeration equipment to be hired which had been staffed at all times for safety and security reasons. To date the level of unanticipated expenditure for the Council amounted to approximately £6,000.

The Portfolio Holder advised that he would report back to the Council on the final level of costs at a future meeting along with steps being taken to mitigate this unforeseen expenditure.

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 in order to comply with Financial Regulations.

Report as first moved **ADOPTED**

RESOLVED:

That the need to incur expenditure of £6,000 outside of the budgeting framework, as advised by the Leisure and Young People Portfolio Holder, with respect to urgent measures taken to reduce the impact of adverse environmental conditions experienced at the Roding Valley Lake be noted.

CHAIRMAN

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EPPING FOREST DISTRICT COUNCIL
THE MODEL CODE OF CONDUCT

Part 1

General provisions

1. Introduction and interpretation

- (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code -
"meeting" means any meeting of:
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;"member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority's Monitoring Officer and an authority's Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under Section 55(12) of the Local Government Act 2000.

2. Scope

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority:

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

(1) You must treat others with respect.

(2) You must not:

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's Code of Conduct; or

(d) do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not:

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
- (a) your authority's Chief Finance Officer; or
 - (b) your authority's Monitoring Officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2
Interests

8. Personal interests

- (1) You have a personal interest in any business of your authority where either:
- (a) it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);of which you are member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;

- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is:
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

9. Disclosure of personal interests

(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.

10. Prejudicial interest generally

(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business:

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of:
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;

- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Prejudicial interests arising in relation to Overview and Scrutiny Committees

You also have a prejudicial interest in any business before an Overview and Scrutiny Committee of your authority (or of a sub-committee of such a committee) where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

12. Effect of prejudicial interests on participation

(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's Standards Committee;

- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

13. Registration of members' interests

(1) Subject to paragraph 14, you must, within 28 days of:

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under Section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's Monitoring Officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's Monitoring Officer.

14. Sensitive information

(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness - members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity - members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity - members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability - members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness - members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement - members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others - members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law - members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship - members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership - members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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APPENDIX 2

EPPING FOREST DISTRICT COUNCIL JOB DESCRIPTION

JOB TITLE: Deputy Chief Executive	POST NO:	
SERVICE: N/A	SECTION:	N/A
GRADE:	CAR ALLOWANCE:	Essential
	POLICE CHECK:	No

PURPOSE OF THE JOB:

To support the Chief Executive in providing leadership in the strategic management of the Council with the objective of achieving its vision, priorities, policies and aims.

To deputise for the Chief Executive in the absence of the post holder.

To be responsible for the development of the Council's corporate and strategic framework, including performance improvement and value for money.

To have overall responsibility for the strategic and operational management of an operational or consulting function of the Council.

DIRECTLY RESPONSIBLE TO: The Chief Executive

DIRECTLY RESPONSIBLE FOR: Posts at Service Director level

LIMITS OF AUTHORITY:

See attached sheet.

MAIN DUTIES AND RESPONSIBILITIES:

Strategic management

1. To support the Chief Executive in ensuring that the Council's vision, priorities and aims are made a reality by providing a clear sense of direction, optimism and purpose and by marshalling the resources of the whole organisation to achieve these ends.
2. To support the Chief Executive in providing advice on corporate strategy by setting a clear framework for the development and achievement of corporate policies and objectives and through working effectively with members through the Council's democratic structure.

Leadership

3. To play a key part in developing the corporate management team so that positive contributions are made by directors in the development and implementation of policies that will optimise service delivery to the people of the District.
4. To inspire, empower and develop the Council's workforce to secure a real sense of ownership of its vision and priorities, seek continuous improvement, encourage cross-council working and move decision-making and responsibilities as close as possible to the point of service delivery.
5. To develop and maintain a flexible and focused organisation which is able to embrace, absorb and respond positively to changing requirements and priorities.

Partnership and Community Development

6. Under the direction of the Chief Executive, to play a key part in leading the Council's commitment to working with a range of stakeholders (particularly the Local Strategic Partnership) with the aim of maximising opportunities to improve Council services and the quality of life for residents of the District.
7. To develop and maintain effective systems of consultation, community involvement and partnership working to achieve the Council Plan.
8. To promote the interests and image of the Council and enhance its influence in constructive relationships with key stakeholders in the community in government and other public bodies, the voluntary sector and in the business community.

Resource Management

9. To work closely with the Chief Executive to ensure that effective organisational structures and performance management systems are in place to plan, deliver, monitor and audit strategic and service objectives, and to work closely with the Audit Commission on Council inspections and the development of performance frameworks.
10. To ensure that budgets are monitored and controlled and that there is clear accountability.

Working with Members

11. To have a key responsibility for the management of relationships between elected members, political groups and officers by establishing a clear understanding of roles and by developing and maintaining clearly understood procedures for converting policies into action within the constraints of propriety and legality.

Equality and Diversity

12. To provide the leadership, communication and action which will exemplify the Council's commitment to value diversity, ensure equality of opportunity and strengthen cohesion in the community.

Generic Service Management Responsibilities

13. To have overall strategic and managerial responsibility for the work of a discrete service area, ensuring that the work is carried out within the policies, strategies and priorities of the Council.

14. To be accountable to the Chief Executive for the strategic leadership, direction and operational effectiveness of the functions within the service, and to continuously improve services.
15. To plan for and ensure that the directorate contains effective and efficient services including:
 - ensuring the effective recruitment, organisation, deployment, motivation and leadership of the employees of the directorate;
 - ensuring the effective management and development of management information, research and evaluation in respect of the directorate's activities to inform strategic planning, operational decision-making, organisational development, service improvement and professional services;
 - ensuring that there is effective financial management of the directorate's revenue and capital budgets;
 - ensuring that there are thorough up-to-date risk management assessments, registers and plans within the directorate to inform strategic and operational planning;
 - ensuring all employees and members of the public operate in healthy and safe environments, and that the Council is meeting its statutory responsibilities under Health and Safety legislation;
 - ensuring that there is effective business continuity and contingency planning within the directorate and that the directorate makes a full contribution to the District's emergency planning arrangements; and
 - to ensure that the services provided by the directorate obtain value for money and that performance is managed effectively and improved and that data quality is robust and accurate.
16. To plan for and ensure that services are accessible and that stakeholders are fully engaged and participate in the development and improvement of services.
17. Through personal example, open commitment and clear action, provide employees with positive leadership, to benefit the corporate agenda and to the standards set by being an Investor in People.
18. To be responsible for leading and advising Council on a range of projects and issues as required.

POLITICALLY RESTRICTED POST: YES

REHABILITATION OF OFFENDERS ACT 1974: Not exempt

Signed: _____ Date: _____
(Leader)

Signed: _____ Date: _____
(Post Holder)

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