

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 in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 22 April 2008 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'Peter Haywood'.

PETER HAYWOOD
Chief Executive

**Democratic Services
Officer:**

Council Secretary: Ian Willett
Tel: 01992 564243 Email: 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. FORMER COUNCILLOR KEN EASLEA

The Council is invited to stand for a minute's silence in tribute to the memory of former District Councillor Ken Easlea who died on 7 March 2008 at Clacton on Sea where he was living in retirement.

Ken Easlea represented the Lambourne ward between 1995 and 2002. He was vice-chairman of the Staff Appeals Panel in 2000/01, vice-chairman of Plans Sub-Committee C in 2000/01 and vice-chairman of Area Plans Sub-Committee C in 2001/02.

3. MINUTES (Pages 9 - 80)

To approve as a correct record and sign the minutes of the meeting held on 19 February 2008 (attached).

4. DECLARATIONS OF INTEREST

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

5. ANNOUNCEMENTS

(a) Apologies for Absence

(b) Announcements

To consider any announcements by:

- (i) the Chairman of the Council;
- (ii) the Leader of the Council; and
- (iii) any other Cabinet Member.

(c) Councillors not seeking re-election

To note that the following councillors are not seeking re-election on 1 May 2008:

Councillor R D'Souza
Councillor P McMillan
Councillor Mrs PK Rush
Councillor M Woollard

6. PUBLIC QUESTIONS (IF ANY)

To answer questions asked after notice in accordance with the provisions contained in paragraph 9.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to the Chairman of the Overview and Scrutiny Committee; or
- (c) to any Portfolio Holder.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

7. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 81 - 82)

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

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

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Council Procedure Rule 10.6 provides for questions by any member of the Council to the Leader, Chairman of the Overview and Scrutiny Committee or any Portfolio Holder, without notice on:

- (i) reports under item 5 above; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

Council Procedure Rule 10.7 provides that answers to questions without notice may take the form of:

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) direct oral answer from the Chairman of the Overview and Scrutiny Committee or, at their request, from another member dealing with that issue as part of an Overview and Scrutiny review;
- (c) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (d) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (e) where the question relates to an operational matter, the Leader, Chairman of the Overview and Scrutiny Committee or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.

In accordance with the Council Procedure Rule 10.8, a time limit of twenty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes to ensure that all political groups and independent members may have their questions answered.

9. MOTIONS

- (a) To consider the following motion, notice of which has been given under Council Procedure Rule 11:

(i) Multi-Faith Forum

"That this Council -

- (a) notes the establishment of a Multi-Faith Forum representing a wide range of religious organisations and individuals in the District;
- (b) notes that Councillors Mrs A Haigh and B Sandler have been formally appointed by the Forum as Chairman and Vice Chairman;
- (c) acknowledges that this Forum enhances the scope of the Local Strategic Partnership in its role of bringing together the widest range of community agencies and partners to assist in the provision of services in the District;
- (d) notes that is the wish of the Forum to work with the Local Strategic Partnership to promote community events which are designed to foster cross faith

understanding and community cohesion through dialogue, education and community events; and

(e) resolves to provide moral support and encouragement to this important initiative and to engage with the Forum as a consultee".

Mover: Councillor Mrs A Haigh

Seconder: Councillor B Sandler

(ii) Electoral Rolls – Release to Candidates

"That this Council -

(a) notes that the current practice of the Registration Officer/Returning Officer is to supply a copy of the electoral roll for the ward in question once the nomination papers of candidates have been approved;

(b) agrees that it would assist the democratic process and candidates to complete their nomination papers if the electoral roll were released when nomination papers are issued to prospective candidates; and

(c) asks the Registration Officer/Returning Officer to check the legal requirements, and consult the Electoral Commission for advice, and consider releasing those registers at an earlier stage once candidates have publicly declared themselves as candidates but before the formal submission of nomination papers."

Mover: Councillor T Frankland

Seconder: Councillor R Law

(b) Other motions, if any, not received in time to be incorporated into the agenda will follow.

10. 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;.

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.

11. REPORT OF THE CABINET (Pages 83 - 84)

To consider the following report of the Cabinet:

- (a) External Funding – Portfolio Holder Responsibility

12. REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE (Pages 85 - 88)

- (a) Local Government and Public Involvement in Health Act 2007 – Local Authority Executives
- (b) Annual Report – 2007/08 – to follow.

13. AUDIT AND GOVERNANCE COMMITTEE (Pages 89 - 96)

(Chairman of the Committee) To receive the attached Annual Report for 2007/08.

14. COUNCILLOR P HOUSE

Recommendation:

That the resignation of P House as a District Councillor with effect from 14 March 2008 be noted.

(Assistant to the Chief Executive/Returning Officer) On 14 March 2008, P House gave notice of resignation from the office of District Councillor for the Loughton Forest ward of the District.

His normal term of office would have expired in May 2010. Notice has been received signed by two electors requesting an election to fill the casual vacancy and an election will be held at the same time as the scheduled elections on 1 May 2008.

Background Papers: Letter of resignation dated 14 March 2008. Notice signed by two electors.

15. COUNCILLOR P MCMILLAN

Recommendations:

- (1) To note that Councillor P McMillan has given notice of resignation from the Conservative Group of the Council and wishes to be referred to as an “Independent Councillor”;**
- (2) To note that Councillor McMillan has also resigned as Chairman of**

Area Plans Sub-Committee West and as a member of the following committees, sub-committee and panels:

- (a) District Development Control Committee;**
- (b) Licensing Committee;**
- (c) Licensing Sub-Committee;**
- (d) Provision of Value for Money within Planning Services Task and Finish Panel; and**
- (e) Town Centre and Car Parks Task and Finish Panel.**

(Assistant to the Chief Executive) On 22 February 2008, Councillor P McMillan gave notice in accordance with regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990 of resignation from the Conservative Group with effect from that date.

He also advised that he did not intend to join another political group and wishes to be referred to as an "Independent Councillor".

Councillor McMillan further gave notice of resignation as Chairman of Area Plans Sub-Committee West and as a member of certain committees, a sub-committee and panels.

Background Papers: Letter of resignation dated 22 February 2008.

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
Nil	Nil	Nil

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

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

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.

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

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

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

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