

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, 16 December 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. MINUTES (Pages 9 - 26)

To approve as a correct record and sign the minutes of the meeting held on 28 October 2008 (attached).

3. DECLARATIONS OF INTEREST

(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 27 - 38)

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 (attached);
- (c) Report of Civil Engineering and Maintenance Portfolio Holder;
- (d) Report of Community Wellbeing Portfolio Holder;
- (e) Report of Corporate Support and ICT Services Portfolio Holder (attached);
- (f) Report of Environment Portfolio Holder;
- (g) Report of Finance and Performance Management Portfolio Holder;
- (h) Report of Housing Portfolio Holder;
- (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. 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.

8. MOTIONS

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

(a) Development Plan Provision for Gypsies and Travellers

“1. That this Council notes the high level of interest by our residents in the consultation document on Development Plan Provision for Gypsies and Travellers in the Epping Forest District ;

2. That to enable members and our residents to be better informed on the reasons for such provision in the Epping Forest District an invitation be sent to the Parliamentary Under Secretary of State (Community Cohesion and Fire & Rescue Service) at the Department for Communities & Local Government, Mr Sadiq Khan MP for him to attend the next meeting of the Council’s Overview and Scrutiny Committee on 29 January 2009;

3. That the three local Members of Parliament be advised of our invitation”.

Mover: Councillor David Stallan

Seconder: Councillor Chris Whitbread

(b) 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;.

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. REPORT OF THE CABINET - CAPITAL STRATEGY 2008-13 (Pages 39 - 62)

To consider the attached report.

11. REPORT OF THE CABINET - SUPPLEMENTARY ESTIMATES (Pages 63 - 64)

To consider the attached report.

12. REPORT OF THE CABINET - SAVING LOCAL PLAN ALTERATIONS POLICIES (Pages 65 - 80)

To consider the attached report.

13. STANDARDS COMMITTEE

Recommendation:

To note that Parish Councillor J Salter has been appointed as the third parish/town council representative on the Committee.

(Monitoring Officer) At its meeting on 29 July 2008 the Council agreed to increase the size of the Standards Committee in order to undertake the Local Assessment of Allegations of Misconduct by Councillors.

Notification has now been received from the Epping Forest Branch of the Essex Association of Local Councils that Parish Councillor Jason Salter has been appointed as the third parish/town council representative on the Committee. The other parish/town council representatives are Parish Councillors Daphne Borton and Brian Surtees. The Committee now comprises three independent members, three District Council members and three parish/town council representatives.

14. AUDIT AND GOVERNANCE COMMITTEE

Recommendations:

(1) To note the resignation of Mr N Purkis;

(2) To authorise the Chairman and the Vice-Chairman of the Audit and Governance Committee to fill the vacancy on the Committee following the interview of applicants.

(Assistant to the Chief Executive) One of the Independent Members on the Audit and Governance Committee, Nick Purkis has resigned with effect from 31 December 2008.

The vacancy has been advertised and applicants are being interviewed in early January 2009 by a Panel comprising the Chairman and Vice-Chairman of the Audit and Governance Committee. The Constitution provides for casual vacancies to be filled at the next available Council meeting.

However, the Committee's next meeting is on 9 February 2009 and it would be beneficial to appoint Mr Purkis' replacement before that meeting. It is suggested, therefore, that the Interviewing Panel be authorised to make an appointment. The

decision of the Panel will be reported to the Council at its next meeting on 17 February 2009.

15. REPRESENTATION ON OUTSIDE ORGANISATIONS - GRANGE FARM MANAGING TRUSTEES

Recommendations:

- (1) To note the resignation of Malcolm Woollard as a Managing Trustee; and**
- (2) To nominate a successor for the balance of the four year period expiring on 17 February 2011.**

(Assistant to the Chief Executive) Malcolm Woollard one of the Grange Farm Managing Trustees nominated by the Council has for health reasons resigned as a trustee.

The Council has been invited to nominate a successor for the balance of the four year period expiring on 17 February 2011.

(Background Papers: Letters dated 30 October 2008 and 11 November 2008 from the Clerk/Solicitor of the Grange Farm Centre Trust).

16. REPRESENTATION ON OUTSIDE ORGANISATIONS - CITIZENS ADVICE BUREAU

Recommendations:

- (1) That the merger of the former Epping, Loughton and Waltham Abbey branches of the Citizens Advice Bureau to create a District-wide structure with effect from 1 October 2008 and the resultant impact on the Council's arrangement for representation on outside bodies be noted; and**
- (2) That the Council determine its two representatives to be appointed to the new Epping Forest District Citizens Advice Bureau for the remainder of the current municipal year.**

(Assistant to the Chief Executive) The former Epping, Loughton and Waltham Abbey branches of the Citizens Advice Bureau were merged to form the Epping Forest District Citizens Advice Bureau with effect from 1 October 2008.

Under the previous structure, the Council had two representatives on each of the Boards of the Loughton and Waltham Abbey branches, with one representative on the Epping branch. The representatives concerned were Councillors D Bateman and K Chana (Loughton), Mrs R Gadsby and Mrs J Lea (Waltham Abbey) and Ms J Hedges (Epping). Under the arrangements for the new structure there is provision for the Council to nominate two representatives. The Memorandum and Articles of Association for the new Bureau provide for there to be up to 15 trustees. Proportionally, the ratio of trustees to Council representatives is very similar to that which applied previously for each of the three separate branches. Accordingly, Members are asked to agree to there being two Council representatives and to determine those representatives.

17. APPOINTMENT OF EFDC REPRESENTATIVE TO COUNTY HEALTH TASK AND FINISH PANEL

Recommendation:

To appoint a representative onto a County Task and Finish Panel looking at West Essex Health Services.

(Assistant to the Chief Executive) Essex County Council has established a joint Health/NHS Overview and Scrutiny Committee Commissioning of Health Services in West Essex Task and Finish Panel. They have asked this Council to appoint a representative to sit on this Panel.

The Task and Finish Panel was established after concerns had been raised by the Health Overview and Scrutiny Committee regarding the provision of GP services in West Essex relating to housing growth, development and capacity, particularly in light of recent closure of a branch surgery and proposal to relocate a surgery. In April 2008, the Health Overview and Scrutiny Committee proposed a review to look at the strategic commissioning of primary care services, particularly in light of housing growth, development and capacity to ensure robust plans and infrastructure are in place.

The first meeting of this Panel was held on Thursday 23 November. This was attended by the Deputy Chief Executive and Councillor R Morgan. The Overview and Scrutiny Committee at its meeting on 6 November 2008 asked that the full Council be asked to make the appointment to this Panel.

18. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

19. 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.