

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, 17 February 2009** for the purpose of transacting the business set out in the agenda.

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 DISTRICT COUNCILLOR BILL EASTON

The Council is invited to stand for a minute's silence in tribute to the memory of former District Councillor Bill Easton who died on 24 December 2008.

Bill Easton represented the Roydon Ward for 12 years between 1984 and 1996. He was Chairman of the Council in 1993/94 and Vice-Chairman of the Council in 1992/93.

3. MINUTES (Pages 9 - 22)

To approve as a correct record and sign the minutes of the meeting held on 16 December 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.

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 23 - 26)

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 Corporate Support and ICT Services Portfolio Holder;
- (f) Report of Environment Portfolio Holder;
- (g) Report of Finance and Performance Management 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.

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 7 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

To consider any motions, notice of which has been given under Council Procedure Rule 11.

(a) Local Development Framework Cabinet Committee

“(1) That a Local Development Framework Cabinet Committee be appointed with the following terms of reference:

(a) To oversee and submit recommendations to the Cabinet as appropriate on:

(i) the preparation of the Local Development Framework (LDF);

(ii) the preparation of the Core Strategy including agreement of consultation stages and documentation, and the responses that should be made to any representations received;

(iii) the preparation of other Development Plan Documents including agreement of consultation stages and documentation, and the responses that should be made to any representations received;

(iv) the preparation of Supplementary Planning Documents including agreement of consultation stages and documentation, and the responses that should be made to any representations received;

(v) the revision of the Local Development Scheme and monitoring the achievement of milestones;

(b) To consider and provide input to consultants' reports which contribute to the establishment of an up-to-date evidence base to influence preparation of the LDF;

(c) To consider options for joint or co-ordinated working with other councils, which best meet the needs of this District, as required by the East of England Plan and (where relevant) the London Plan and to make recommendations to the Cabinet thereon;

(d) To consider the comprehensive review of the East of England Plan, and make recommendations to the Cabinet on any responses to be made;

(e) To liaise with the Planning Services Scrutiny Standing Panel as appropriate; and

(f) To work within the budgetary provision for the LDF, as approved by the Cabinet and the Council;

(2) That the membership of the Committee comprise of those members of the Cabinet to be nominated by the Leader of the Council at this meeting;

(3) That the Committee be chaired by the Portfolio Holder for Planning and Economic Development;

(4) That the first meeting of the Committee be held on 24 March 2009.”

Mover: Councillor Mrs D Collins

Seconded: Councillor Mrs A Grigg

(b) Concessionary Fares – London Underground Service

“That this Council agrees to introduce free London Underground passes for residents in our District of age 65 and over to include the Central Line to Epping bearing in mind that this District is the only area served by the Underground without this valuable facility”.

Mover: Councillor D Bateman

Seconded: Councillor H Ulkun

(c) Motions, if any, will follow if not received in time to be incorporated into the agenda.

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 - BUDGETS AND COUNCIL TAX DECLARATION 2009/10

To consider a report – to follow.

12. REPORT OF THE CABINET - CALENDAR OF COUNCIL MEETINGS 2009/10

To consider a report – to follow.

13. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF CONTRACT STANDING ORDER C13 (PROVISIONS FOR THE APPOINTMENT OF CONSULTANTS) (Pages 27 - 32)

To consider the attached report.

14. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REVIEW OF CONTRACT STANDING ORDERS (Pages 33 - 36)

To consider the attached report.

15. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REVIEW OF FINANCIAL REGULATIONS (Pages 37 - 38)

To consider the attached report.

16. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - CIVIC CEREMONIAL FUNCTION - REVIEW 2008 - CONSTITUTION ARTICLE 5 AND PROTOCOLS (Pages 39 - 44)

To consider the attached report.

17. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 - EXECUTIVE CONSTITUTION (Pages 45 - 140)

To consider the attached report.

18. AUDIT AND GOVERNANCE COMMITTEE

Recommendations:

- (1) To note the appointment of Mr R Thompson as an independent member of the Audit and Governance Committee with effect from 8 February 2009; and**
- (2) To note that the Chairman of the Committee appointed Councillor Mrs A Haigh to take his place at the interview of applicants as he was unwell at the time.**

(Assistant to the Chief Executive) At the last Council meeting, the Chairman and Vice-Chairman of the Audit and Governance Committee were authorised to fill the vacancy on the Committee following the interview of applicants.

Three applicants were interviewed on 7 January 2009 by the Vice-Chairman of the Committee (Ms M Rickman – independent member) and Councillor Mrs A Haigh (member of the Committee in place of the Chairman of the Committee who was unwell at the time).

Following the interviews, Mr Robert Thompson was offered the position which he accepted. Mr Thompson had been a member of the Council's Independent Remuneration Panel but as Government regulations prevent him from serving on both that Panel and the Audit and Governance Committee he decided to resign from the Panel with effect from 7 February 2009. Steps are being taken to fill the vacancy on the Panel.

19. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

At the last meeting of the Council it was agreed that councillors appointed as representatives on Town Centre Partnerships would report orally to this meeting on the activities of the Partnerships and on whether the constitutions of the Partnerships have a clause requiring an invitation to be extended to residents and visitors to attend their annual general meetings.

20. 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.