

# 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, 28 April 2009 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](mailto:iwillett@eppingforestdc.gov.uk)

### WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

## BUSINESS

### 1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”.

### 2. FORMER DISTRICT COUNCILLOR HOWARD KLEYN

The Council is invited to stand for a minute's silence in tribute to the memory of former District Councillor Howard Kleyn who died recently.

Howard Kleyn represented the Loughton Forest Ward for four years between 1984 and 1988. He was also an Essex County councillor representing the Loughton St Mary's Division for four years between 1981 and 1985.

### 3. MINUTES (Pages 9 - 92)

To approve as a correct record and sign the minutes of the meeting held on 17 February 2009 (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) Reaccreditation for Quality Parish Status**

Chigwell Parish Council, Loughton Town Council and Waltham Abbey Town Council have met all the relevant criteria to be reaccredited for quality parish status. Local

councils in the District holding this status need to reapply every four years and complete a portfolio of evidence which is considered by the Essex County Accreditation Panel. Currently there are 681 Quality Parish Councils nationally of which 84 have been reaccredited.

Canon John Brown, the Chairman of the Accreditation Panel will say a few words on quality status and will make a presentation to the following representatives of Chigwell Parish Council, Loughton Town Council and Waltham Abbey Town Council:

Chigwell Parish Council – Councillor Christine Buttlng, Chairman and possibly Mrs Kay Canning, Clerk;

Loughton Town Council – Councillor Chris Pond, Town Mayor and Mrs Enid Walsh, Clerk;

Waltham Abbey Town Council – Councillor Stuart Pryde, Mayor and Mr Richard James, Clerk.

## **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 93 - 98)**

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 - attached;
- (f) Report of Environment Portfolio Holder;
- (g) Report of Finance and Performance Management Portfolio Holder - attached;
- (h) Report of Housing Portfolio Holder - attached;
- (i) Report of Leisure and Young People Portfolio Holder;
- (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

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

**(i) The Broadway, Loughton – Shop Traders**

“That this Council :

(a) notes the trading difficulties currently being experienced by the shop traders at the Broadway, Loughton due firstly to the effect of necessary works being carried out to improve the infrastructure and secondly the exceptional challenges of the current climate ;

(b) recognises that the Leader and Portfolio Holder have tried to support the traders through a difficult time

(c) asks the Cabinet to introduce an ex-gratia payment of one quarter of the rent due between 1January to 30 June 2009 to the retailers on the Broadway so as to ensure The Broadway can continue as a vibrant retail centre for the area and note the consequent loss of income to the Council”.

**Mover:** Councillor Rose Brookes

**Second:** Councillor Stephen Murray

**(ii) Royal Mail**

Ryedale District Council in North Yorkshire adopted the following motion at a meeting on 12 March 2009 and has written to all other local authorities seeking their support -

“The importance of a universal postal service is beyond question. Six day delivery is vital and the role of local post offices is key to community cohesion throughout Ryedale.

These will only be possible by having a wholly publicly owned mail service.

So as to support the above, this Council resolves to:-

- (a) call upon Her Majesty’s Government to stick to its election promise and
  - (i) keep the Royal Mail in 100% public ownership
  - (ii) return the ‘profitable’ parts of the service to the Royal Mail;
- (b) call upon the Local Government Association to support this motion;
- (c) circulate this motion to all other Local Authorities asking for their support; and
- (d) write to the MP for Ryedale asking him to oppose the part privatisation of the Royal Mail.”

The Council is asked if it wishes to support these aims and, if so, it is suggested that suitable representations be made to the local Members of Parliament.

**(b) 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 - ESSEX LOCALISM INITIATIVE - LOCAL HIGHWAYS PANEL (Pages 99 - 102)**

To consider the attached report.

**12. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REPORT 2008/09 (Pages 103 - 104)**

(Councillor R Morgan – Chairman of the Committee) To receive the attached report.

**13. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - OFFICER DELEGATION**

(Councillor R Morgan - Chairman of the Committee) To consider a report to be circulated separately following the Overview and Scrutiny Committee meeting on 16 April 2009.

**14. REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE - ANNUAL REPORT 2008/09 (Pages 105 - 114)**

(Councillor J Knapman – Chairman of the Committee) To receive the attached Annual Report 2008/09.

**15. FORMER COUNCILLOR J DEMETRIOU**

**Recommendation:**

**That the resignation of Councillor J Demetriou as a District Councillor with effect from 16 March 2009 be noted.**

(Chief Executive) On 16 March 2009, Councillor J Demetriou gave notice of resignation from the office of District Councillor for the Waltham Abbey Honey Lane Ward of the District.

His normal term of office would have expired in May 2010. Notice of the vacancy has been given and if a notice is received by 28 April 2009 signed by two electors in the District requesting an election to fill the casual vacancy, an election will be held at the same time as the European Parliamentary and County Council elections on 4 June 2009.

**16. PLANNING APPEAL - AWARD OF COSTS - WANSFELL COLLEGE, PIERCING HILL, THEYDON BOIS**

**Recommendation:**

**To note that costs of £41,942.51 were paid in 2008/09 following a planning appeal in relation to the site of Wansfell College, Theydon Bois.**

The Council at its meeting on 26 June 2008 approved a revenue DDF supplementary estimate for 2008/09 in a sum to be confirmed to cover the costs awarded against the Council following a planning appeal in relation to development at Wansfell College, Theydon Bois.

The Council is asked to note that the costs paid amounted to £41,942.51.

## 17. **CALL-IN AND URGENCY - CLEAR RECYCLING SACKS**

### **Recommendation:**

**To note that the Chairman of the Council agreed that the decisions of the Environment Portfolio Holder regarding the purchase of clear re-cycling sacks outside of the Essex Procurement Hub should be treated as a matter of urgency and should not be subject to call-in.**

(Chief Executive) In February 2009, the Environment Portfolio Holder made a decision to ensure the continued availability of garden waste and dry recycling sacks at the commencement of the 2009/10 financial year. The decision which was not called-in, became effective on 27 February 2009 and authorised the procurement of:

- (a) 600,000 garden waste sacks at an approximate cost of £86,500 setting aside Contract Standing Orders to enable the purchase of these sacks outside of the auspices of the Essex Procurement Hub; and
- (b) 900,000 dry recycling sacks at an approximate cost of £32,500 through the auspices of the Essex Procurement Hub

However, when the Essex Procurement Hub was approached regarding the provision of dry recycling sacks it became clear that there would be a significant delay in obtaining the sacks and a risk that they would not be available for the commencement of the new financial year.

As a result, officers ordered 250,000 sacks from Imperial Polythene who provide the Council with bio-degradable garden sacks. This action, whilst well intentioned, was in breach of the original Portfolio Holder decision and of Contract Standing Orders.

Despite the receipt of 250,000 sacks, there remained a significant risk that these would be insufficient to prevent supplies running out ahead of a delivery of sacks through the Hub.

The Environment Portfolio Holder therefore made further decisions agreeing to set aside retrospectively Contract Standing Orders in relation to the 250,000 sacks acquired from Imperial Polythene and waiving Contract Standing Orders to enable the purchase of a further 250,000 sacks outside of the provisions of the Essex Procurement Hub.

The Environment Portfolio Holder also considered, having regard to the risk of sacks not being available to support the service, that the decisions were an urgent matter and therefore should not be subject to call-in. The Chairman of the Council agreed that the decisions were reasonable in all the circumstances, should be treated as a matters of urgency and should not be subject to call-in.

## 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.