

# 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 July 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 Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

### **2. MINUTES (Pages 9 - 106)**

To approve as a correct record and sign the minutes of the meeting held on 30 June 2009 (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 107 - 110)**

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 Community Safety and Transport Portfolio Holder;
- (d) Report of Environment Portfolio Holder;
- (e) Report of Finance and Economic Development Portfolio Holder - attached;
- (f) Report of Housing Portfolio Holder;
- (g) Report of Legal and Estates Portfolio Holder;
- (h) Report of Leisure and Wellbeing Portfolio Holder;
- (i) Report of Performance Management Portfolio Holder.

## **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**

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

Rule 11.

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 - SUPPLEMENTARY ESTIMATE - HOUSING TREE MAINTENANCE BUDGET (Pages 111 - 112)**

To consider the attached report.

## **11. REPORT OF THE CABINET - CAPITAL SUPPLEMENTARY ESTIMATE - PROVISION OF SPORTS HALL AT WALTHAM ABBEY SWIMMING POOL (Pages 113 - 114)**

To consider the attached report.

## **12. CABINET - LEISURE AND WELLBEING PORTFOLIO HOLDER**

**Recommendation:**

**To note that following the resignation of Councillor Mrs H Harding as Leisure and Wellbeing Portfolio Holder, the Leader appointed Councillor B Rolfe to that position.**

On 6 July 2009, Councillor Mrs Harding resigned as Leisure and Wellbeing Portfolio Holder. On 7 July 2009, the Leader of the Council appointed Councillor Rolfe in place of Councillor Mrs Harding.

**13. LEISURE MANAGEMENT - CONTRACT MONITORING BOARD****Recommending:**

**That Councillor B Rolfe be appointed as a member of the Leisure Management – Contract Monitoring Board in place of Councillor Mrs H Harding**

At the Annual Council meeting on 21 May 2009, the Council appointed the following members to the Leisure Management – Contract Monitoring Board:

Conservative Group: R Bassett, Mrs H Harding, C Whitbread

Liberal Democrats Group: J M Whitehouse

LRA Group: D Wixley

BNP Group: P Turpin

The membership reflects the Council decision taken in May 2008 at which time it was agreed that the Conservative Group nominees would be the then Portfolio Holders for Finance and Performance Management, Leisure and Young People and Civil Engineering and Maintenance.

Following the appointment of Councillor Rolfe as Leisure and Wellbeing Portfolio Holder it is proposed that he be appointed to the Board in place of Councillor Mrs Harding.

**14. STAFF APPEALS PANEL****Recommendation:**

**To appoint Councillor K Chana (the Vice Chairman of the Panel) to the membership of the Staff Appeals Panel in place of Councillor B Rolfe.**

1. Councillor Chana was appointed as Vice-Chairman of the Staff Appeals Panel at the Annual Council meeting. He is however not a member of the Panel at present and, in order to ensure that the Panel is properly constituted, Councillor Chana must be appointed to a seat on the Panel in place of one of the other Conservative Group nominees.

2. Councillor Rolfe was appointed to the Panel at the Annual meeting as one of the Conservative Group nominees. Following his subsequent appointment as a Portfolio Holder he is no longer able to be a member of the Panel and it is proposed that he be replaced by Councillor Chana.

**15. HEALTH OVERVIEW AND SCRUTINY COMMITTEE****Recommendation:**

**That the Council confirm the appointment of Councillor Mrs R Gadsby to attend future meetings of a working group of the West Area Forum on GP care in Waltham Abbey as appointed by the Overview and Scrutiny Committee at their meeting on 9 July 2009.**

The Overview and Scrutiny Committee on 9 July 2009 considered a request from the Essex County Council Health Overview and Scrutiny Committee to appoint a District Council representative to a working group of the West Essex Forum on GP care in

Waltham Abbey. The working group is reviewing the impact of the changes to GP care in Waltham Abbey following the sudden retirement of one of the local GPs; the provision of additional capacity to meet local needs and to make recommendations which could help develop protocols to ensure that similar situations were handled better in future.

The Council is asked to confirm the appointment of the Overview and Scrutiny Committee's preferred representative, Councillor Mrs R Gadsby.

## 16. EXECUTIVE - DELEGATED AUTHORITY TO OFFICERS

### Recommendation:

**To note that the Leader of the Council has approved the schedule of delegated authorities to officers in respect of Cabinet services.**

The Leader of the Council has approved the schedule of delegated authorities to officers in respect of Cabinet services. The schedule will be issued shortly as updates to the Constitution on the website and to the paper binders.

## 17. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

## 18. 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
19	Report from the Leader of the Council	1

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.

## **19. REPORT FROM THE LEADER OF THE COUNCIL**

To consider a restricted report (to be tabled).