

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, 3 November 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

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 - 20)

To approve as a correct record and sign the minutes of the meeting held on 29 September 2009 (attached).

3. DECLARATIONS OF INTEREST

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

4. GRANGE HILL WARD BYE-ELECTION - 8 OCTOBER 2009

Recommendation:

To welcome newly elected Councillor Alan Lion

(Assistant to the Chief Executive/Returning Officer) Councillor Alan Lion was elected on 8 October 2009 to the casual vacancy for Councillor in the District Ward of Grange Hill and he has signed his Declaration of Acceptance of Office under the Local Government Act 1972.

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) Small Business Engagement Accord

Iain Wicks, Chairman of the Essex Federation of Small Businesses will attend the meeting to sign with the Chairman of the Council and Councillor C Whitbread, the

Council's Business Champion a Small Business Engagement Accord.

Increasingly decisions made by local authorities have a major impact on businesses and the economy.

The Small Business Engagement Accord developed by the Federation of Small Businesses (FSB) aims to set down an agreed protocol for businesses and the public sector to work together.

Every council has been invited to sign the Charter to demonstrate their commitment.

The Accord's 14 principles are:

- (i) councils should nominate representatives to be "business engagement champions" whose role will be to ensure that the views of the local business community are considered at every stage of any consultation exercise;
- (ii) council "business engagement champions" should be tasked with creating effective links with all sections of the business community;
- (iii) councils should identify business owners that can be "engagement champions" within their local business community;
- (iv) councils should look to "front load" consultations in order to ensure that engagement with the business community happens at the earliest stages of any consultation exercise;
- (v) local authorities must use recognised business organisations when consulting with small businesses;
- (vi) councils must not regard consultation with just one business or business organisation as an adequate consultation;
- (vii) local, regional and central government should make consultation documents easier to understand and easier to respond to;
- (viii) consultation documents should use the correct language for the relevant audience;
- (ix) councils should employ a range of communication tools to promote better business engagement in consultations including for example utilising consultation documents, newsletters, information on web sites, text messages, local media, or staff directly working with businesses;
- (x) to increase attendance at consultation events councils should give greater notice periods in advance of any meetings;
- (xi) consultation with the business community should not be limited to formal consultation exercises but should be an ongoing dialogue. Councils should therefore look to hold at least one open meeting per quarter with local businesses and business organisations to encourage an open two-way exchange of information;

- (xii) councils should not underestimate the ability of the business community to deal with strategic issues and therefore there should be genuine consultation on an annual basis with small businesses to examine council spending plans for the following financial year;
- (xiii) effective consultation should demonstrate to business owners the outcomes and the rationale behind the final decisions;
- (xiv) councils should work with their **Local Strategic Partnerships (LSPs)** to ensure that they communicate and consult with their local small businesses and business representative organisations and take on board good practice examples from well run, existing LSPs.

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 21 - 24)

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;
- (f) Report of Housing Portfolio Holder - attached;
- (g) Report of Legal and Estates Portfolio Holder;
- (h) Report of Leisure and Wellbeing Portfolio Holder;
- (i) Report of Performance Management 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 (Pages 25 - 26)

To consider the attached motion, 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.

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. MRS H HARDING

Recommendation:

That the resignation of Mrs H Harding as a District Councillor with effect from 30 September 2009 be noted.

(Assistant to the Chief Executive/Returning Officer) On 30 September 2008, Mrs H Harding gave notice of resignation from the office of District Councillor for the Lower Sheering ward of the District.

Her normal term of office would have expired in May 2011. Notice has been received signed by two electors requesting an election to fill the casual vacancy and an election will be held on 5 November 2009.

Background Papers: Letter of resignation dated 30 September 2009. Notice signed by two electors.

12. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

(a) Grange Farm Managing Trustees – one of the Council's appointed Trustees, the Chairman of the Council, Councillor Mrs P Smith, to report on the activities of the Trust as requested at the last meeting.

13. 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
14	Contract of Employment – Post XEX/01	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.

14. CONTRACT OF EMPLOYMENT - POST XEX/01

To consider a report of the Leader of the Council (to follow).