

# 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, 22 December 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. MR TONY HACKMAN**

The Council is invited to stand for a minute’s silence in tribute to the memory of former Chief Executive, Tony Hackman who died on 23 November 2009.

Tony Hackman was Chief Executive of the District Council between 1984 and 1992.

**3. MINUTES (Pages 9 - 20)**

To approve as a correct record and sign the minutes of the meeting held on 3 November 2009 (attached).

**4. DECLARATIONS OF INTEREST**

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

**5. LOWER SHEERING WARD - BYE-ELECTION - 5 NOVEMBER 2009****Recommendation:****To welcome newly elected Councillor Charlotte Edwards**

(Assistant to the Chief Executive/Returning Officer) Councillor Charlotte Edwards was elected on 5 November 2009 to the casual vacancy for Councillor in the District Ward of Lower Sheering and she has signed her Declaration of Acceptance of Office under the Local Government Act 1972.

**6. 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) Quality Parish Status – Epping Town Council**

Epping Town Council has 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 684 Quality Parish Councils nationally of which 113 have been reaccredited.

Councillor John Buchanan, the Chairman of the Essex Association of Local Councils will say a few words on quality status and will make a presentation to Councillor Janet Hedges, the Mayor of Epping Town Council and Mr Bob Whittome, the Clerk of Epping Town Council.

**7. 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.

**8. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 21 - 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 - 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.

**9. 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 8 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.

## **10. 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.

## **11. 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.

**12. REPORT OF THE CABINET - GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT - COUNSEL'S ADVICE AND INITIAL ANALYSIS OF THE OPTIONS CONSULTATION RESPONSES (Pages 27 - 72)**

To consider the attached report.

**13. REPORT OF THE CABINET - CAPITAL STRATEGY (Pages 73 - 102)**

To consider the attached report.

**14. REPORT OF OVERVIEW AND SCRUTINY COMMITTEE - FINANCIAL REGULATIONS - ANNUAL REVIEW 2009/10 (Pages 103 - 108)**

To consider the attached report.

**15. LICENSING COMMITTEE**

**Recommendation:**

**To appoint a member to the vacancy on the Licensing Committee for the remainder of the current municipal year**

The current membership of the Licensing Committee is as follows:

Conservative Group: K Chana, M Cohen, Mrs R Gadsby, J Hart, Mrs J Hedges, Mrs M McEwen, Mrs P Smith, J Wyatt

Independent Member: R Morgan

Liberal Democrats Group: Mrs P Brooks (Chairman), D Dodeja

LRA Group: K Angold-Stephens

BNP Group: Ms S Clapp, Mrs P Richardson (Vice-Chairman)

There has been a vacancy on the Committee since the Annual Meeting which until recently has not been an issue. However, experience with holding reviews of premises licences has highlighted the need for three separate Licensing Sub-Committee meetings to deal with a review and for no member to participate in more than one meeting. As a result it has proved difficult when trying to arrange the third meeting to find sufficient members. In order to help overcome this matter the Council is asked to fill the vacancy on the Committee.

**16. COUNCIL'S MEMBER OLYMPIC "CHAMPION"**

**Recommendation:**

**To consider the appointment of a member Olympic "Champion"**

The Council is asked to consider the appointment of a member to act as its Olympic "Champion" liaising with other parties in relation to topics associated with the 2012 Olympic and Paralympic Games in London.

## **17. REPRESENTATIVES ON OUTSIDE ORGANISATIONS**

### **(a) West Essex Children's Trust Board**

#### **Recommendation:**

#### **To appoint a representative for the remainder of the municipal year**

(Assistant to the Chief Executive) Essex County Council has re-organised children's trust arrangements in the County. The West Essex Children's Trust Board has been established and joins Epping Forest District with Harlow and Uttlesford Districts with greater emphasis on aligned and joint commissioning of services for children and young people.

The Council has been asked to appoint a representative to this new organisation.

### **(b) Local Strategic Partnership – New Structure and Representation**

#### **Recommendation:**

#### **To note the new structure and the appointments made by the Leader of the Council for the remainder of the current municipal year**

(Assistant to the Chief Executive) The Leader of the Council has made the following appointments to the four new theme groups of the Local Strategic Partnership which have replaced all of the previous groups:

Health Equalities Group – Councillor B Rolfe  
Safer Communities Partnership – Councillor Ms S-A Stavrou  
Sustainable Communities Group – Councillor Mrs A Grigg  
Epping Forest Children's Partnership – Councillor Mrs A Haigh

The Leader of the Council and Councillor Mrs A Grigg continue to be the Council's representatives on the LSP Board.

## **18. CALL-IN AND URGENCY - SALE OF AMENITY LAND - PARADE GROUND SITE, MERLIN WAY, NORTH WEALD**

#### **Recommendation:**

**To note that the Chairman of the Council agreed that the decisions of the Legal and Estates Portfolio Holder regarding transfer of the ownership of land for five parking spaces and electricity sub-station to Crest Nicholson Operations Group at no cost should be treated as a matter of urgency and should not be subject to call-in.**

(Chief Executive) At its meeting on 7 September 2009, the Cabinet agreed to lease an additional area of land at the Parade Ground Site, Merlin Way, North Weald to Crest Nicholson (Eastern) Ltd to enable the erection of an electricity sub-station required for the development.

The developers subsequently requested that this area of land be included in the sale of the adjoining land at no extra cost and be used for the erection of a sub-station and for the provision of five parking spaces. The developers also requested that the site be sold to Crest Nicholson Operations Group rather than Crest Nicholson (Eastern) Ltd.

Income from the sub-station site would have been minimal and would have been offset by administration costs. It is assumed that the parking spaces will eventually be adopted as they are for general public parking and not allocated to properties. However if the spaces are not adopted the developers will be responsible for maintenance. The transfer for the site does not prevent an onward sale and there is no reason to insist that the sale is to Crest Nicholson (Eastern) Ltd. Accordingly the Legal and Estates Portfolio Holder agreed to the transfer of the ownership of the land for five parking spaces and an electricity sub-station to Crest Nicholson Operations Group at no cost.

The Chairman of the Council agreed that the matter should be treated as a matter of urgency and should not be subject to call-in as any delay would be likely to seriously prejudice the Council's interests.

Background Paper: Portfolio Holder Decision Notice and form signed by the Chairman of the Council.

## 19. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

## 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 Paragraph Number	Information
21	Report of the Cabinet - External Legal Advice in respect of Post XEX/01 - Virement	1	
22	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.

**21. REPORT OF THE CABINET - EXTERNAL LEGAL ADVICE IN RESPECT OF POST XEX/01 - VIREMENT (Pages 109 - 110)**

To consider the attached restricted report.

**22. CONTRACT OF EMPLOYMENT - POST XEX/01**

To consider a restricted report of the Leader of Council (to be circulated separately).