

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 22 December 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.55 pm

Members Present: Councillors Mrs P Smith (Chairman), Mrs A Grigg (Vice-Chairman), K Angold-Stephens, R Barrett, R Bassett, Mrs R Brookes, A Clark, M Cohen, Miss R Cohen, J Collier, Mrs D Collins, D Dodeja, R Frankel, Mrs R Gadsby, Mrs A Haigh, J Hart, Ms J Hedges, D Jacobs, J Knapman, R Law, A Lion, J Markham, R Morgan, S Murray, J Philip, Mrs C Pond, G Pritchard, W Pryor, Mrs P Richardson, B Rolfe, B Sandler, Mrs M Sartin, P Spencer, D Stallan, Ms S Stavrou, Mrs J Sutcliffe, P Turpin, Mrs L Wagland, A Watts, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

Apologies: Councillors A Boyce, Mrs P Brooks, K Chana, Mrs S Clapp, Ms C Edwards, A Green, Mrs J Lea, Mrs M McEwen, G Mohindra and Mrs E Webster

Officers Present: P Haywood (Chief Executive), R Palmer (Director of Finance and ICT), C O'Boyle (Director of Corporate Support Services), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), T Carne (Public Relations and Marketing Officer) and P Seager (Chairman's Secretary) and R Martin (Public Relations Website Assistant)

Also in Attendance: Ms S Kelly (External Legal Adviser)

97. WEBCASTING INTRODUCTION

Mr I Willett, Assistant to the Chief Executive, reminded all present that the meeting would be broadcast live on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

98. MR TONY HACKMAN

It was with much sadness that the Chairman informed the Council of the death of Tony Hackman, Chief Executive of the District Council between 1984 and 1992.

Councillor R Morgan reported that he had represented the Council at the funeral at which reference had been made to Tony Hackman's work in the public service and in relation to a lot of local organisations.

All present stood for a minute's silence in tribute to the memory of Tony Hackman.

99. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 3 November 2009 be taken as read and signed by the Chairman as a correct record.

100. DECLARATIONS OF INTEREST

There were no declarations of interest by members of the Council under this item.

101. LOWER SHEERING WARD - BYE-ELECTION - 5 NOVEMBER 2009

The Council noted that Councillor Charlotte Edwards had been elected on 5 November 2009 to the casual vacancy for Councillor in the District Ward of Lower Sheering and that she had signed her declaration of acceptance of office under the Local Government Act 1972.

Councillor Mrs D Collins advised that Councillor Edwards had been unable to get to this meeting due to the adverse road conditions in Sheering.

102. ANNOUNCEMENTS**(a) Announcements by the Chairman of the Council**

The Chairman, Councillor Mrs P Smith, reported on her attendance at recent activities which included Christmas lunches, carol services and children's events. She advised that she had met many dedicated volunteers who were prepared to give up their time to share Christmas activities with others.

The Chairman reminded members that a quiz in aid of her charity would be held at Theydon Bois Village Hall on 19 February 2010.

The Chairman reported that she would be sending the flowers from tonight's Council meeting to the Council's Homeless Hostel at Norway House and to the office of the standby officers working at the Civic Offices over the Christmas/New Year period.

(b) Announcements by the Leader of the Council and Other Members of the Cabinet

There were no announcements made by the Leader of the Council or Cabinet members under this item.

(c) Quality Parish Status – Epping Town Council

The Chairman introduced Councillor John Buchanan, the Chairman of the Essex Association of Local Councils and invited him to say a few words on quality parish status prior to making a presentation to Councillor Janet Hedges, the Mayor of Epping Town Council in recognition of the Town Council being reaccredited for quality parish status.

Councillor Buchanan advised that the concept of quality parish status had been introduced in March 2003 following the Government's Rural White Paper. The standard for quality status had been revised in 2008 with a national standard set. He reported that currently there were 684 quality parish councils nationally of which 113 had been reaccredited. 48 parish/town councils in Essex had been awarded quality status and 18 had been reaccredited for the latest standard.

Councillor Buchanan congratulated Epping Town Council for meeting the standard required which included a properly trained clerk, a quarterly newsletter, an annual report, at least two thirds of the Council being elected, regular public participation and properly audited accounts. He advised that Epping Town Council was one of the

largest and most active local councils in the County being responsible for markets, cemeteries, allotments, heritage open spaces and a town show.

Councillor Buchanan suggested that Epping Town Council was well placed to deliver the new power of Wellbeing, a role already being undertaken by four local councils in Essex.

The Chairman of the Council, Councillor Buchanan and Councillor Hedges moved to the well of the Chamber for the formal presentation and photographs.

103. PUBLIC QUESTIONS (IF ANY)

The Council noted that there were no public questions for this meeting.

104. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET

The Council received written reports from the Chairman of the Overview and Scrutiny Committee, the Housing Portfolio Holder, the Community Safety and Transport Portfolio Holder, the Environment Portfolio Holder and the Performance Management Portfolio Holder.

The Chairman invited the Leader, the Chairman of the Overview and Scrutiny Committee and members of the Cabinet to provide an oral report or an oral update of their written reports.

(a) Leader of the Council

Councillor Mrs D Collins thanked the Chairman of the Council for holding a traditional civic carol service in Epping Upland.

The Leader apologised to members for the postponement of the Cabinet meeting due to have been held the previous evening but felt that this had been wise in view of the adverse weather. She advised that the meeting had been rescheduled for 4 January 2010.

The Council noted that Epping Forest College had passed its preliminary Ofsted inspection, performing well in 11 of the 12 elements examined. Councillor Mrs Collins advised that if the College had failed the preliminary inspection it would have been subject to a full inspection before Christmas but this would now take place in February/March 2010 and there would be an opportunity for the College to further improve performance by that time.

Councillor Mrs Collins reported on her attendance at an Essex County Forum meeting and on the One Epping Forest LSP Annual Stakeholder Conference. She also advised of a meeting held with senior members of Harlow Council to discuss sharing services and pointed out that One Epping Forest was meeting with the Harlow and Uttlesford LSPs to discuss partnership working.

The Leader advised that she had been approached by the Citizens Advice Bureau for help in providing additional accommodation to interview people and as a result a room in the council Offices adjacent to Epping Sports Centre had been offered which was close to the Epping Citizens Advice Bureau offices. Councillor Mrs Collins indicated that it might be possible to make a similar arrangement with the Waltham Abbey Citizens Advice Bureau.

Councillor Mrs Collins reported on a meeting with representatives of the Improvement and Development Agency to discuss member training and development and she encouraged all members to engage in this initiative.

(b) Environment Portfolio Holder

Councillor Mrs M Sartin expressed thanks to the Street Cleansing and Grounds Maintenance teams for assisting in the gritting of shopping and sheltered accommodation areas. She advised that due to the adverse weather the refuse collection freighters had been unable to reach all properties and she apologised to the residents affected. Councillor Mrs Sartin expressed the hope that collections would be made from all properties before Christmas.

(c) Leisure and Wellbeing Portfolio Holder

Councillor B Rolfe reported that a new three year agreement had been signed by SLM in relation to the Epping Sports Centre. He reported that King Harold School would be taking over responsibility for the running of Waltham Abbey Sports Centre from 18 January 2010 and the school had confirmed its intention to offer facilities to the community. Councillor Rolfe advised that negotiations were continuing with SLM about the provision of new leisure facilities at the Waltham Abbey Swimming Pool and a report on the outcome of those negotiations would be made to the Cabinet in due course.

Councillor Rolfe drew attention to the recent "Make Do and Mend" Exhibition which had attracted over 2,000 visitors between the ages of 13 and 91.

The Council noted that the District Museum Service had attracted £29,500 funding from Renaissance East and £13,000 from the Future Jobs Scheme which would result in the funding of a new post on the establishment.

The Portfolio Holder referred to the special "Credit Crunch" edition of The Forester published in November 2009.

He also advised of a Local Democracy Conference to be held on 12 March 2010 aimed at encouraging young people to become involved in local democracy. The Council noted that Year 10 students from all of the local secondary schools would be invited to this conference.

(d) Performance Management Portfolio Holder

Councillor R Bassett drew attention to an error in his written report. He advised that consideration was being given to the relocation of the Information Centre in Waltham Abbey to the Museum and not to the Library.

105. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Food Recycling – Kitchen Caddies

Councillor P Spencer asked the Environment Portfolio Holder if it was possible for residents producing only a small amount of food for recycling to be provided with a larger caddy which could be put out for collection instead of having a wheeled bin for this purpose.

Councillor Mrs M Sartin advised that discussions were taking place with SITA, the Council's waste collection contractors and it was hoped that it would be possible to provide larger caddies to those requesting them.

(b) Gritting of Highways

Councillor S Murray asked the Community Safety and Transport Portfolio Holder to comment on the gritting of roads during the recent adverse weather. He acknowledged that this was the responsibility of the County Council but asked the Portfolio Holder to comment as he had received numerous complaints from residents in his ward. He advised that in at least two areas residents had purchased salt themselves to enable their roads to be used safely and that a local shopping parade had not been gritted for four days. He also pointed out that the adverse weather had been forecast and he could not understand therefore why the main road between Loughton and Buckhurst Hill had not been treated and had resulted in traffic coming to a standstill for a long period.

Councillor Ms S-A Stavrou sympathised with the comments of Councillor Murray and advised that she had been unable to get out of her property the previous day. She pointed out that the resources made available were to meet normal but not extreme conditions and inevitably therefore there would be some disruption when there were heavy falls of snow. She drew attention to the work undertaken by the District Council's Street Cleansing and Grounds Maintenance teams but emphasised that the gritting of roads was an Essex County Council responsibility and that complaints about the level of service should be directed to that Authority. The Portfolio Holder advised that she understood some roads had been treated with salt but had suffered as a result of the salt being washed away by falls of heavy snow.

(c) Budget 2010/11 – Areas Suitable for Review

Councillor J M Whitehouse asked the Performance Management Portfolio Holder which members had expressed concern about the growth in the number of meetings and whether 58 remained an appropriate number of members of the Council. He also asked for a definition of "third party" in the section of the Portfolio Holder's written report relating to the administration of grants and for clarification of the review to be undertaken in relation to Legal Services.

Councillor R Bassett reported that work had commenced on areas where it was considered it might be possible to improve efficiency or save money. Reviews were to be undertaken with relevant managers to discuss how the reviews could be accommodated and he confirmed that all member Groups would be involved in any decisions regarding the Council's calendar of meetings and the number of councillors. He advised that in relation to the administration of Grant Aid, the Council's process was being compared with other authorities to establish whether there were any lessons to be learned. In relation to Legal Services the review would look at whether certain functions could be undertaken in partnership with other local authorities in a more efficient and/or cheaper manner. The Portfolio Holder agreed to provide a fuller written response in relation to the question regarding the definition of "third parties" in relation to the administration of the Grant Aid Scheme.

(d) Swimming Pools

Councillor Ms R Brookes asked the Leisure and Wellbeing Portfolio Holder to comment on the restricted hours which the Council's swimming pools would be open over the Christmas period. She pointed out that during the Easter holidays there had been such demand that residents had been turned away and that she had received

complaints about the extent to which this Council's swimming pools were closed during bank holidays. She asked for consideration to be given to extending the opening hours at these times in the future and for information about the hours of opening to be provided on the Council's website.

Councillor B Rolfe advised that he was not aware of the exact opening hours over the Christmas period and he undertook to discuss the matter with officers and to provide a full written reply to the question.

(e) Loughton High Road – Replacement Trees

Councillor J Markham asked the Environment Portfolio Holder when the replacement trees would be planted. He drew attention to previous assurances but stated that it now appeared the trees would not be planted until next October.

Councillor Mrs A Grigg, Vice-Chairman of the Council, replied to this question as the matter had been considered by her in her former role as the appropriate Portfolio Holder. She referred to the reply she had given at the previous Council meeting and stated that she had since followed up this matter with the County Council but had been unable to obtain any further information. She agreed to provide copies of her e-mails to Councillor Markham and invited him also to pursue the matter with the County Council. Councillor Mrs Grigg confirmed that she would also copy the e-mails to Councillor Mrs Sartin.

(f) White Water Canoe Centre – Olympics 2012

Councillor Mrs A Haigh asked the Leisure and Wellbeing Portfolio Holder to report on benefits achieved for Epping Forest residents in relation to the White Water Canoe Centre being constructed in Broxbourne Borough.

Councillor B Rolfe advised that the main benefit would be the legacy of a facility for use by residents of the district.

(g) Whitewater Canoe Centre – Olympics 2012

Councillor Mrs A Haigh stated that she had understood Epping Forest residents would benefit in relation to the construction of the site and she asked the Portfolio Holder if there had been such benefits.

Councillor Ms S-A Stavrou, Community Safety and Transport Portfolio Holder, replied to this question as she had attended meetings regarding the issue as one of the Council's representatives on the Lee Valley Regional Park Authority. She advised that the London Development Agency had held workshops and presentations about employment opportunities and that the majority of apprenticeships were being sourced through the Broxbourne Job Centre. She advised that she had spoken to officers at the London Development Agency and as a result Waltham Abbey had been invited to put forward projects in relation to which the Development Agency might be able to assist with the provision of machinery/equipment. Councillor Ms Stavrou advised that this issue could be pursued by the Council's Olympic "Champion" to be appointed later in the meeting.

(h) Benefits Officer Post

Councillor J M Whitehouse asked the Finance and Economic Development Portfolio Holder what progress had been made on the proposed conversion of a fixed term

Benefit Officer post to a permanent role as suggested by the Finance and Performance Management Cabinet Committee.

Councillor C Whitbread, Finance and Economic Development Portfolio Holder, advised that the change to full time was in hand but that an appointment had not yet been made.

(i) Recycling Sacks

Councillor K Angold-Stephens asked the Environment Portfolio Holder to comment on complaints which he had received about the latest batch of sacks not being sufficiently robust and residents having to use two sacks each time to overcome the problem. He questioned whether the Council was now using a cheaper version of the sack or whether it was simply a bad batch of sacks.

Councillor Mrs M Sartin, Environment Portfolio Holder, advised that she was aware of the problem and that she was hoping it was simply a bad batch of sacks. She pointed out that residents could use other containers to put out their waste. Councillor Mrs D Collins, Leader of the Council, added that the sacks only split if they were opened vigorously and that with careful opening the problem did not arise.

106. MOTIONS

(a) Epping Forest District Council Organisational Assessment

Moved by Councillor J M Whitehouse and seconded by Councillor Mrs A Haigh:

“This Council –

(a) notes with concern the content of the Epping Forest District Council Organisational Assessment published by the Audit Commission on 9 December 2009, which gives the District Council a score of 2 out of 4 for every element of the assessment (“meets only minimum requirements, performs adequately”);

(b) notes, in particular, the references to:

(i) a weak track record of improvement;

(ii) slow payment of benefits;

(iii) tensions between some senior officers and some councillors; and

(iv) a need to focus more on value for money and quality of service delivery;

(c) recognises the hard work and commitment of staff and that the assessment records some areas of good performance including:

(i) providing services to Council tenants; and

(ii) working in partnership with other organisations to tackle crime and anti-social behaviour;

(d) believes nevertheless that Epping Forest District residents deserve better than a Council which meets only minimum requirements; and

(e) resolves:

(1) That as a matter of priority the Cabinet should work with officers to identify the actions required to address the areas of under-performance highlighted in the assessment and that these should be presented to the Overview and Scrutiny Committee for discussion;

(2) That actions to address the areas of under-performance should be included in the Key Priority Objectives for 2010/11;

(3) That the financial implications be considered as part of the current budget-making process; and

(4) That the Overview and Scrutiny Committee should keep under review the Council's response to the assessment".

Amendment Moved by Councillor A Watts and seconded by Councillor C Whitbread

"(1) That the words "with concern" be deleted from paragraph (a);

(2) That the words "in particular" be deleted from paragraph (b);

(3) That the following words be added to paragraph (c):

(iii) the Council and its partners share a clear vision for Epping Forest;

(iv) the Council is developing its workforce and improving succession planning;

(v) levels of recycling have increased;

(vi) the Council is progressing a range of initiatives to improve services for diverse groups in the community;

(vii) the Council is taking some action to improve access to services;

(viii) the Council is delivering initiatives to improve health;

(ix) the Council has acted to support local businesses and residents through the economic recession;

(x) consultation with young people is effective;

(4) That paragraph (e) be amended to read as follows:

(1) That as a matter of priority the Cabinet will continue to work with officers to identify actions to address areas of under-performance of the Council and that these will continue to be presented to the Overview and Scrutiny Committee for discussion;

(2) That the financial implications be considered as part of the current budget-making process; and

(3) That the Overview and Scrutiny Committee should keep under review the Council's response to the assessment".

Adopted

RESOLVED:

That this Council –

(a) notes the content of the Epping Forest District Council Organisational Assessment published by the Audit Commission on 9 December 2009, which gives the District Council a score of 2 out of 4 for every element of the assessment (“meets only minimum requirements, performs adequately”);

(b) notes the references to:

(i) a weak track record of improvement;

(ii) slow payment of benefits;

(iii) tensions between some senior officers and some councillors; and

(iv) a need to focus more on value for money and quality of service delivery;

(c) recognises the hard work and commitment of staff and that the assessment records some areas of good performance including:

(i) providing services to Council tenants;

(ii) working in partnership with other organisations to tackle crime and anti-social behaviour;

(iii) the Council and its partners share a clear vision for Epping Forest;

(iv) the Council is developing its workforce and improving succession planning;

(v) levels of recycling have increased;

(vi) the Council is progressing a range of initiatives to improve services for diverse groups in the community;

(vii) the Council is taking some action to improve access to services;

(viii) the Council is delivering initiatives to improve health;

(ix) the Council has acted to support local businesses and residents through the economic recession;

(x) consultation with young people is effective;

(d) believe nevertheless that Epping Forest District residents deserve better than a council which meets only minimum requirements; and

(e) resolves:

(1) That as a matter of priority the Cabinet will continue to work with officers to identify actions to address areas of under-performance of the

Council and that these will continue to be presented to the Overview and Scrutiny Committee for discussion;

(2) That the financial implications be considered as part of the current budget-making process; and

(3) That the Overview and Scrutiny Committee should keep under review the Council's response to the assessment.

107. QUESTIONS BY MEMBERS UNDER NOTICE

(a) Fixed Penalty Notices – Littering including Cigarette Butts

By Councillor D Dodeja to Councillor Mrs M Sartin, Environment Portfolio Holder

“(1) Do the Council's Environment and Neighbourhood officers have the power to issue fixed penalty notices to deal with the dropping of cigarette butts and other types of litter; and if so, what is the fixed penalty charge and how many have been issued? If not, does she have any plans to follow the lead of councils which use fixed penalty notices of around £80 to deal with the dropping of cigarette butts and other litter in public areas;

(2) How many waste bins with cigarette receptacles are provided by the District Council, broken down by parish?”

Response read by Councillor Mrs M Sartin, Environment Portfolio Holder

(1) “A range of officers, including the Environment & Neighbourhood Officers have the delegated authority to issue Fixed Penalty Notices (FPN). FPNs can be issued for a wide range of offences including littering, nuisance parking, graffiti & flyposting, dog control, noise, the use of incorrect waste receptacles and other waste offences

FPNs have a range of penalties attached. There is a government set default for each plus in many instances the penalty can also be set locally.

I will publish in the Council Bulletin, a table showing examples.

Whilst no FPNs have been issued to date, this should be seen in the context of the overall enforcement process. The ability to issue a FPN is but one way of dealing with a criminal offence; it does not create any new offences, and contrary to some recent press coverage, does not pass over “Police powers” to the Council's officers. However, the use of FPNs is seen as a useful tool and an expedient way of dealing with some of the criminal offences that the Environment & Neighbourhood Officers investigate, integrated with education and awareness campaigns. This approach to their use is set out in the Environment & Street Scene Directorate's Enforcement Policy, adopted by Cabinet at its meeting on 7 September 2009.

Before the Council starts to use FPNs, it will, in accordance with best practice, advertise its intention to do so, thereby making local residents and visitors to the district aware that if they commit specific offences, they may be liable to receive a FPN from an authorised officer. It is intended to take a report to Cabinet in February 2010, seeking authority to advertise the Council's intent and to set the fines and discounts to be applied within the limits as set out in the table above”..

(2) “The Council currently has no waste bins with specific facilities for cigarette waste. It is certainly the case that one of the less positive affect of the smoking ban in public premises is that smokers often congregate on the street which results in cigarette litter. This is an issue that the Waste Team will be considering now that the new recycling service has been successfully implemented, and consideration will also be given to using enforcement powers against the owners of premises whose clientele cause the littering”.

Supplementary Question by Councillor D Dodeja to Councillor Mrs M Sartin

When will the Council provide waste bins with specific facilities for cigarette waste?

Reply by Councillor Mrs M Sartin, Environment Portfolio Holder

There is a rolling programme for the replacement of waste bins and the replacements will incorporate facilities for cigarette waste.

108. REPORT OF THE CABINET - GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT - COUNSEL'S ADVICE AND INITIAL ANALYSIS OF THE OPTIONS CONSULTATION RESPONSES

Councillor Mrs Collins, Leader of the Council, advised that this matter had not yet been considered by the Cabinet due to the postponement of the meeting due to have been held the previous evening. She pointed out that the matter had to be discussed by the Cabinet before being considered by the full Council and the Cabinet discussion would now take place on 4 January 2010. The Leader of the Council advised that in recognition of the need for the Council to consider the recommendations of the Cabinet before its next scheduled meeting in February, the Chairman of the Council had agreed to call an extraordinary meeting of full Council on 19 January 2010.

109. REPORT OF THE CABINET - CAPITAL STRATEGY

Mover: Councillor C Whitbread – Finance and Economic Development Portfolio Holder

The Portfolio Holder reported on the Capital Strategy 2009/2014.

Report as first moved **ADOPTED**

RESOLVED:

That the Capital Strategy 2009/2014 be approved.

110. REPORT OF OVERVIEW AND SCRUTINY COMMITTEE - FINANCIAL REGULATIONS - ANNUAL REVIEW 2009/10

Mover: Councillor R Morgan – Chairman of the Overview and Scrutiny Committee

Councillor R Morgan submitted a report following a review of Financial Regulations.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That the amendments to Financial Regulations relating to external funding applications (as set out in Part B of Appendix 1 to these minutes) be approved;
- (2) That those minor changes set out in Appendix 2 to these minutes be approved; and
- (3) That the revised Financial Regulations be published in the Council's Constitution.

111. LICENSING COMMITTEE

The Council was informed that there had been a vacancy on the Committee since the Annual Meeting which until recently had not been an issue. However, experience with holding reviews of premises licences had 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 had proved difficult when trying to arrange the third meeting to find sufficient members. In order to help overcome this matter the Council was asked to fill the vacancy on the Committee.

Councillor Mrs D Collins, Leader of the Council, advised that Councillor J Hart, one of the Conservative Group nominations on the Committee, was unable to attend daytime meetings. As a result she proposed that his place on the Committee be taken by Councillor A Lion.

Three nominations were made to fill the vacancy on the Committee, Councillors A Boyce, R Law and D Wixley. Following voting on the nominations, Councillor A Boyce was appointed a member of the Committee.

RESOLVED:

- (1) That Councillor A Lion be appointed as a member of the Committee for the remainder of the current municipal year in place of Councillor J Hart; and
- (2) That Councillor A Boyce be appointed to the vacancy on the Committee for the remainder of the current municipal year.

112. COUNCIL'S MEMBER OLYMPIC "CHAMPION"

The Council considered 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.

Two nominations were made for this appointment, Councillors S Murray and A Watts. Following a vote, Councillor S Murray was appointed to the position.

RESOLVED:

That Councillor S Murray be appointed as the Council's Member Olympic "Champion".

113. REPRESENTATIVES ON OUTSIDE ORGANISATIONS**(a) West Essex Children's Trust Board**

The Council was advised that Essex County Council had reorganised Children's Trust arrangements in the County. The West Essex Children's Trust Board had been established and joined 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 considered the appointment of a representative to this new organisation.

RESOLVED:

That Councillor Mrs L Wagland be appointed as the Council's representative on the West Essex Children's Trust Board for the remainder of the current municipal year.

(b) Local Strategic Partnership – New Structure and Representation

Members noted that the Leader of the Council had made the following appointments to the four new theme groups of the Local Strategic Partnership which had 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 Council noted that the Leader of the Council and Councillor Mrs A Grigg continued to be the Council's representatives on the LSP Board.

RESOLVED:

That the new structure and the appointments made by the Leader of the Council for the remainder of the current municipal year be noted.

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

The Council was informed that at its meeting on 7 September 2009, the Cabinet had agreed to lease an additional area of land at the Parade Ground Site, Merlin Way, North Weald to Crest Nicholson (Eastern) Limited to enable the erection of an electricity sub-station required for the development of the land. The developers had 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 had also requested that the site be sold to Crest Nicholson Operations Group rather than Crest Nicholson (Eastern) Limited.

Members were informed that income from the sub-station site would have been minimal and would have been offset by administration costs. It was assumed that the parking spaces would eventually be adopted as they were for general public parking and not allocated to properties but if they were not adopted the developers would be responsible for maintenance. The transfer for the site did not prevent an onward sale and there was no reason to insist that the sale was to Crest Nicholson

(Eastern) Limited. Accordingly, the Legal and Estates Portfolio Holder had 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 Council noted that the Chairman of the Council had agreed that the matter should be treated as a matter of urgency and should not be subject to call-in as any delay would have been likely to seriously prejudice the Council's interests.

RESOLVED:

That the action of the Chairman of the Council in agreeing that the decisions of the Legal and Estates Portfolio Holder regarding transfer of the ownership of land for five parking spaces and an 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 be noted.

115. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

There were no reports made under this item.

116. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

Agenda Item Number	Subject	Exempt Information Paragraph Number
21	Report of the Cabinet – External legal advice in respect of Post XEX/01 – Virement	1
22	Contract of Employment – Post XEX/01	1

117. ADJOURNMENT

The Chairman announced that the meeting would be adjourned for five minutes and would resume at 9.30 pm.

All officers left the meeting except for C O'Boyle, I Willett and G Lunnun.

118. REPORT OF THE CABINET - EXTERNAL LEGAL ADVICE IN RESPECT OF POST XEX/01 - VIREMENT

Mover: Councillor R Bassett – Performance Management Portfolio Holder

The Portfolio Holder reported on proposals to vire a sum from the Corporate Improvement Budget (Performance Management Portfolio) to create a new budget within the Legal and Estates Portfolio.

Report as first moved **ADOPTED**

RESOLVED:

That a virement in the sum of £25,000 be agreed from the Corporate Improvement Budget (Performance Management Portfolio) to create a new budget within the Legal and Estates Portfolio to meet the estimated cost of all legal advice required.

119. CONTRACT OF EMPLOYMENT - POST XEX/01

R Palmer returned to the meeting for this item accompanied by Ms S Kelly, the Council's external legal adviser.

The Council received a report of the Leader of the Council and a letter dated 22 December 2009 from the holder of post XEX/01 to the Leader of the Council.

The Leader of the Council expanded on the report and invited Ms S Kelly to advise the Council on the issues. Ms Kelly gave advice to the Council and answered members' questions. During the debate Ms C O'Boyle, Monitoring Officer clarified a matter of fact.

Motion moved by Councillor Mrs D Collins and seconded by Councillor A Watts

"That the question be now put"

The Chairman of the Council ruled that the item had been sufficiently discussed and put the procedural motion to the vote.

Adopted

RESOLVED:

- (1) That external legal advice be obtained on the correctness of constitutional procedures on the matter;
- (2) That the requirement for prior approval of the proposed settlement by a mediator be set aside as a negotiated settlement is being progressed;
- (3) That the proposed terms for the settlement as set out in the draft Compromise Agreement submitted to the Council be approved; and
- (4) That the draft Compromise Agreement submitted to the Council be approved and the Leader of the Council authorised to sign the Agreement on behalf of the Council and to make any necessary minor amendments following discussions with the post holder and his legal adviser.

CHAIRMAN

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FINANCIAL REGULATIONS (APPENDIX F) – EXTERNAL FUNDING

PART A - Present Wording

“Responsibilities of the Chief Finance Officer

- 2.3 To ensure that all funding notified by external bodies is received and properly recorded in the authority’s accounts.
- 2.4 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 2.5 To ensure that audit requirements are met.

Responsibilities of Chief Officers

- 2.6 To ensure full compliance with the Council’s External Funding strategy in respect of any external funding proposals undertaken within each service directorate, including obtaining and acting upon advice on any legal and financial aspects of such proposals from the Solicitor to the Council and the Chief Finance Officer.
- 2.7 To ensure that all claims for funds are made by the due date.
- 2.8 To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.”

PART B - Proposed Wording (NB Changes in Bold Type)

- 2.3 To ensure that all funding notified by external bodies is received and properly recorded in the authority’s accounts.
- 2.4 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 2.5 To ensure that audit requirements are met.

2.6 To approve and sign all applications for external funding.

Responsibilities of Chief Officers

- 2.7 To ensure full compliance with the Council’s External Funding strategy in respect of any external funding proposals undertaken within each service directorate, including obtaining and acting upon advice on any legal and financial aspects of such proposals from the Solicitor to the Council and the Chief Finance Officer.

- 2.8 To ensure that any applications for external funding within their service responsibilities are approved and signed by the Chief Finance Officer before submission to the funding agency concerned.**
- 2.9 To ensure that all claims for funds are made by the due date.
- 2.10 To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.

FINANCIAL REGULATIONS - MINOR CHANGES

Financial Regulations Reference	Amendment
A5 (Annual Statement of Accounts)	Add the following: “after Scrutiny by the Council’s Audit and Governance Committee”.
A28 (Chief Officer Responsibilities)	Amend “Head of Finance” to read “Chief Finance Officer”.
C3 (Risk Management)	Amend final sentence to read as follows: “The Performance Management Portfolio Holder has lead Member responsibility for risk management”.
Appendix E (paragraph 3.43)(Expenditure – Ordering and Paying for Works, Goods and Services) (Responsibilities of Chief Officers)	Delete the first sentence and substitute the following: “To ensure that, on completion of the contract and before final payment (including the issue of the Certificate for final payment where appropriate) the responsible officer complies with the following Contract Standing Orders:
29 (3)	completion of a Final Account Certificate and supply of a copy to the Chief Internal Auditor.
29(4)	for contracts if more than £500,000 in value, submission to the Chief Internal Auditor of all details of the contract at the time of practical completion.

Other changes relate to typographical corrections and re-formatting of the text.

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