

# 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, 20 April 2010 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 11 - 86)**

To approve as a correct record and sign the minutes of the meeting held on 16 February 2010 (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.

**(c) Councillors not seeking re-election to the District Council**

At the time of publication of the Council agenda it was not known which members whose terms of office expire in May 2010 will be seeking re-election. By the time of the Council meeting this information will be available as the close of nominations is noon on 8 April 2010.

Members will be invited to pay tribute to any councillors not seeking re-election.

### **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 87 - 94)**

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 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;
- (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 the following 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.

### (a) Parish Council Bye-Elections

"That this Council -

- (a) notes the provisions of Section 16 of the Representation of the People Act 1985 which requires any parish election or bye-election to be deferred until three weeks after the date of a Parliamentary election;
- (b) notes that the element of the cost of any parish elections which are attributable to deferment will be met from Government funds; and
- (c) calls on the Government of the day to review the provisions of Section 16 so as to hold parish elections in parallel with Parliamentary elections, thereby avoiding an unnecessary drain on the public purse".

**Mover: Councillor D Stallan**

**Seconder: Councillor J Philip**

## 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 - WEST ESSEX WASTE MANAGEMENT JOINT COMMITTEE (Pages 95 - 100)**

(Leader of the Council) The attached report is being considered by the Cabinet at its meeting on 19 April 2010. The recommendations of the Cabinet will be reported orally by the Leader of the Council.

The appointment of a representative to the Waste Management Committee was a Council function. However, that Committee and its proposed replacement committees take executive decisions on behalf of member councils and future appointments should be made by the Leader and not the Council.

**11. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - AUDIT AND GOVERNANCE COMMITTEE TERMS OF REFERENCE (Pages 101 - 102)**

(Councillor R Morgan – Chairman of the Committee) To attached report of the Constitution and Members Services Scrutiny Panel is being considered by the Overview and Scrutiny Committee at its meeting on 15 April 2010. The recommendations of the Overview and Scrutiny Committee will be reported orally by the Chairman of the Overview and Scrutiny Committee.

**12. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - HOUSING APPEALS AND REVIEW PANEL - TERMS OF REFERENCE (Pages 103 - 122)**

(Councillor R Morgan – Chairman of the Committee) To attached report of the Constitution and Members Services Scrutiny Panel is being considered by the Overview and Scrutiny Committee at its meeting on 15 April 2010. The recommendations of the Overview and Scrutiny Committee will be reported orally by the Chairman of the Overview and Scrutiny Committee.

**13. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - LICENSING COMMITTEE TERMS OF REFERENCE (Pages 123 - 124)**

(Councillor R Morgan – Chairman of the Committee) To attached report of the Constitution and Members Services Scrutiny Panel is being considered by the Overview and Scrutiny Committee at its meeting on 15 April 2010. The recommendations of the Overview and Scrutiny Committee will be reported orally by the Chairman of the Overview and Scrutiny Committee.

**14. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REPORT 2009/10 (Pages 125 - 172)**

(Councillor R Morgan – Chairman of the Committee) To attached report is being considered by the Overview and Scrutiny Committee at its meeting on 15 April 2010. The recommendations of the Overview and Scrutiny Committee will be reported orally by the Chairman of the Overview and Scrutiny Committee.

**15. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF OFFICER DELEGATION 2009/10 (Pages 173 - 188)**

(Councillor R Morgan – Chairman of the Committee) To attached report of the Constitution and Members Services Scrutiny Panel is being considered by the

Overview and Scrutiny Committee at its meeting on 15 April 2010. The recommendations of the Overview and Scrutiny Committee in relation to Council functions will be reported orally by the Chairman of the Overview and Scrutiny Committee.

**16. EPPING FOREST MEMBERS' REMUNERATION PANEL - FIFTH ANNUAL REPORT - 2008/9 AND 2009/10 (Pages 189 - 202)**

(Independent Remuneration Panel) To consider the attached report.

**17. PARISH REMUNERATION PANEL - ANNUAL REPORT - 2008/9 AND 2009/10 (Pages 203 - 208)**

(Parish Remuneration Panel) To consider the attached report.

**18. REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE - ANNUAL REPORT 2009/10**

(Councillor A Green – Chairman of the Committee) To receive the Annual report (to follow).

**19. STANDARDS COMMITTEE SELECTION PANEL**

**Recommendation:**

**To receive the nominations of Group Leaders for a Selection Panel to fill the two independent member vacancies arising on the Committee in May 2010.**

(Assistant to the Chief Executive) At the Council meeting on 16 February 2010, it was agreed that five councillors together with the current independent Chairman as a non-voting member should form a Standards Committee Selection Panel to fill two independent member vacancies arising on the Committee in May 2010.

It was also agreed that the Group Leaders of the four groups on the Council should each nominate one member and that a fifth member representing members not affiliated to a group should form the Selection Panel.

The nominations of Group Leaders will be reported at the meeting. Councillor R Morgan has been nominated to represent members not affiliated to a group.

**20. COUNCILLOR G PRITCHARD**

**Recommendation:**

**That the resignation of G Pritchard as a District Councillor with effect from 15 March 2010 be noted.**

(Assistant to the Chief Executive/Returning Officer) On 15 March 2010, G Pritchard gave notice of resignation from the office of District Councillor for the Chipping Ongar, Greensted and Marden Ash Ward of the District.

His 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 at the same time as the scheduled elections on 6 May 2010.

The views of Group Leaders on a review of pro rata membership of Committees and Sub-Committees for the remainder of the current municipal year will be reported orally.

Background Papers: Letter of resignation dated 15 March 2010. Notice signed by two electors.

## 21. COUNCILLOR R BARRETT

### Recommendation:

**To note that in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990, Councillor R Barrett has given notice that he has joined the Conservative Group.**

1. (Chief Executive) The Council has received the required notice under the Local Government (Committee and Political Groups) Regulations 1990 that Councillor R Barrett joined the Conservative Group on 7 April 2010.

2. The Conservative Group has not requested a review of pro rata membership of Committee and Sub-Committee places pending the forthcoming elections. The views of other Group Leaders will be reported at the meeting.

Background Papers: Letter of resignation from LRA Group and wish to join Conservative Group dated 4 April 2010. Notice signed by Leader of the Conservative Group dated 7 April 2010.

## 22. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (Pages 209 - 212)

- (a) To receive the attached report from the Council's appointed representative on Essex Supporting People Commissioning Body, ask questions and receive answers;
- (b) To receive orally any other reports, ask questions and receive answers on the business of joint arrangements and external organisations.

## 23. CALL-IN AND URGENCY - SKILLETS HILL FARM, WALTHAM ABBEY - VIREMENT TO PAY FOR LEGAL COSTS

### Recommendation:

**To note that the Chairman of the Council agreed that the decision of the Legal and Estates Portfolio Holder regarding a virement of a maximum of £11,590 from the 2009/10 budget for Legal Services – Consultants' Fees (32060 3490) to the 2009/10 budget for Legal Expenses for Licensing and Registration (EH 151 3680) in order to pay legal costs awarded against the Council, subject to only reasonable and proper costs being paid should be treated as a matter of urgency and should not be subject to call-in.**

(Chief Executive) Following the hearing of an appeal by GBN Charters Limited against the Licensing Sub-Committee's decision to refuse a licence the Magistrates granted a premises licence to permit the sale of alcohol at Skillets Hill Farm, Waltham Abbey.

The Magistrates decided that the Council had acted honestly, reasonably and properly

on grounds that appeared sound at the time. However, prior to the hearing of the appeal new evidence was put before the Council and a compromise agreement was sought. The Police were consulted and they continued to uphold their objection. The case therefore proceeded to court. The Magistrates considered that the Council had accepted the position of the Police without question and stated that the council should have addressed the compromise agreement being offered. Costs were awarded against the Council which arose after the date the new evidence was submitted to the Council.

There is no provision in the budget for the payment of costs of this type and a virement has been necessary. Negotiations are taking place to agree a reasonable sum and if this is not possible an order will be made by the court.

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

## 24. 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
25	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.

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

(Councillors M Cohen and J M Whitehouse) To consider a report (to follow).