

# Council Agenda



## Epping Forest District Council

### NOTICE OF ANNUAL COUNCIL MEETING

You are hereby summoned to the annual 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, 25 May 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 following announcement will be read:

“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. ELECTION OF CHAIRMAN

To elect a Chairman of the Council for the municipal year 2010/11. Nominations received are set out in Appendix 1a (to be tabled). The new Chairman will then make a declaration of acceptance of office.

### 3. APPOINTMENT OF VICE-CHAIRMAN

To appoint a member to be a Vice-Chairman of the Council for the municipal year 2010/11. Nominations received are set out in Appendix 1b (to be tabled). The new Vice-Chairman will then make a declaration of acceptance of office.

### 4. MINUTES (Pages 9 - 36)

To approve as a correct record and sign the minutes of the meeting held on 20 April 2010 (attached).

### 5. DECLARATIONS OF INTEREST

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

### 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) Newly Elected Councillors**

To welcome councillors elected/re-elected on 6 May 2010, namely:

<b>Ward</b>	<b>Councillor</b>
Buckhurst Hill East	Peter Spencer
Buckhurst Hill West	Sylvia Watson
Chigwell	Lesley Wagland
Chipping Ongar, Greensted and Marden Ash	Derek Jacobs Blane Judd
Epping Hemnall	Janet Whitehouse
Epping Lindsey and Thornwood Common	Will Breare-Hall
Grange Hill	Gagan Mohindra
Loughton Alderton	Lance Leonard
Loughton Broadway	Jennifer Hart
Loughton Fairmead	Tessa Cochrane
Loughton Forest	Colin Finn
Loughton Roding	Stephen Murray
Loughton St Johns	John Markham
Loughton St Marys	Richard Cohen
Lower Nazeing	Yolanda Knight
North Weald Bassett	David Stallan
Theydon Bois	Susan Jones
Waltham Abbey Honey Lane	David Johnson
Waltham Abbey Paternoster	John Wyatt

**(d) Members Not Re-elected**

To note that the following members were not re-elected on 6 May 2010:

Mitchell Cohen  
Antoinette Cooper  
Roland Frankel  
Ann Haigh

Ann Haigh has been invited to attend the meeting to receive an award in recognition of her 14 years' service.

**7. LOCAL GOVERNMENT AND HOUSING ACT 1989 - NOTICE OF CONSTITUTION OF POLITICAL GROUPS, GROUP LEADERS AND DEPUTIES**

To note in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the constitution of political groups on the Council and the names of members who will act as Group Leaders and Deputy Group Leaders (Appendix 2 to follow).

**8. APPOINTMENTS MADE BY THE LEADER TO THE CABINET, CABINET COMMITTEES, OUTSIDE ORGANISATIONS AND MEMBER AND OFFICER DELEGATION**

(a) To note the appointments to be made by the Leader in respect of:

(i) Cabinet Members; (Appendix 3 – to follow)

(ii) Portfolio Holders and respective responsibilities; (Appendix 3 – to follow)

(iii) Appointment of Cabinet Committees and memberships (Appendix 4 – to follow); and

(iv) Appointment to Chairmanships and Vice Chairmanships of Cabinet Committees; (Appendix 4 – to follow)

(b) To note the nominations made by the Leader to Outside Organisations carrying out Executive functions indicated in Appendix 5 (to follow)

(c) To note appointments made by the Leader in respect of outside organisations carrying out Executive functions indicated in Appendix 6 (to follow) where the Leader has determined that the representation should be at officer level.

## **9. MEMBERSHIP, CHAIRMANSHIPS AND VICE-CHAIRMANSHIPS OF COMMITTEES, SUB-COMMITTEES AND PANELS**

(a) To make appointments to the membership of Committees, Sub-Committees and Panels (Appendix 7 – to follow)

(b) To appoint Chairmen and Vice-Chairman of Committees, Sub-Committees and Panels (Appendix 8 – to follow).

## **10. STANDARDS COMMITTEE**

### **(a) District Councillors**

To appoint three Councillors (Leader not eligible) to the Standards Committee.

These three members will serve together with the three independent members appointed by the Council until 2011 and the three local council representatives appointed by the Association of Local Councils (Epping Forest Branch). Nominations received are set out in Appendix 9 (to be tabled).

### **(b) Independent Members**

At the Council meeting on 16 February 2010, members received a report of the Monitoring Officer drawing attention to two Independent Member vacancies on the Committee which would arise in May 2010. The Council agreed the establishment of a Selection Panel to agree a short-list of applicants, interview the persons short-listed and make recommendations to the Council on appointments.

The appointed members will join Mr M Wright as the Independent members of the Committee.

To consider the report of the Selection Panel (to follow).

## **11. AUDIT AND GOVERNANCE COMMITTEE**

To appoint three councillors (Members of the Cabinet and Members of the Finance and Performance Management Scrutiny Panel are not eligible). Nominations received are set out in Appendix 10 (to be tabled).

These three members will serve together with two co-opted persons (Mrs M Peddle (Vice-Chairman) and R Thompson).

**12. EPPING FOREST MEMBERS' REMUNERATION PANEL - APPOINTMENT**

To consider a report following a recruitment exercise to fill the vacancy on the Panel (to follow).

**13. SCHEME OF DELEGATION - COUNCIL AND REGULATORY FUNCTIONS****Recommendation:**

**That the scheme of officer delegation for Council and regulatory functions, as set out in Part 3 of the Constitution as amended be agreed.**

The Constitution requires that the scheme of delegation be agreed at the Annual meeting. The current scheme has been issued in Part 3 of the Council's Constitution and incorporates the new format agreed at the Council meetings on 17 February 2009 (minute 121) and 28 April 2009.

**14. CHIEF EXECUTIVE - REVIEW OF DELEGATED AUTHORITIES (Pages 37 - 40)**

(Monitoring Officer) If necessary, to consider the attached report.

**15. COUNCIL MEETINGS - 2010/11****Recommendation:**

**That during 2010/11 ordinary meetings of the Council be held on the following dates:**

**29 June 2010**

**27 July 2010**

**28 September 2010**

**2 November 2010**

**14 December 2010**

**15 February 2011**

**17 February 2011 (Thursday)(reserve date for budget meeting)**

**29 March 2011**

**24 May 2011 (Annual meeting)**

At its meeting on 16 February 2010, the Council adopted a calendar of meetings for the period from May 2010 to May 2011 which included ordinary meetings of the Council for the year.

It is a requirement of the Constitution that a programme of ordinary meetings of the Council be approved at the annual meeting of the Council. The dates set out above are those adopted on 16 February 2010.

**16. APPOINTMENTS TO OUTSIDE ORGANISATIONS**

(a) To appoint or nominate, as the case may be, representatives to the outside organisations carrying out Council, Regulatory or non-Cabinet functions indicated in Appendix 11 (to follow).

(b) To note officer representation on outside organisations carrying out Council Regulatory or non-Cabinet functions indicated in Appendix 12 (to follow) where the Council has previously determined that the representation should be at Officer level.

(c) If necessary to appoint or nominate any representatives to organisations with terms of office expiring after the current year as set out in Appendix 13 (to follow) where appointments are required at this meeting.

## 17. WORK PROGRAMMES

### Recommendation:

**To note that work programmes for both the Executive and Overview and Scrutiny will be circulated shortly.**

The Constitution requires that the Executive and Overview and Scrutiny should both submit an annual work programme each year, on their strategies for the coming year. Work programmes are being prepared and will be circulated to all members of the Council when completed.

## 18. ANNUAL REPORT OF THE EXECUTIVE 2009/10

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

## 19. 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
20	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.

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

To consider the current position. Councillor J M Whitehouse to report.

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## EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

**Committee:** Council

**Date:** 20 April 2010

**Place:** Council Chamber, Civic Offices,  
High Street, Epping

**Time:** 7.30 pm - 10.55 am

**Members Present:** Councillors Mrs P Smith (Chairman), Mrs A Grigg (Vice-Chairman), K Angold-Stephens, R Barrett, R Bassett, A Boyce, Mrs R Brookes, Mrs P Brooks, K Chana, M Cohen, M Colling, Mrs D Collins, Mrs A Cooper, Miss C Edwards, R Frankel, P Gode, A Green, Mrs A Haigh, J Hart, Ms J Hedges, D Jacobs, J Knapman, A Lion, J Markham, Mrs M McEwen, R Morgan, S Murray, J Philip, Mrs C Pond, Mrs P Richardson, B Rolfe, B Sandler, Mrs M Sartin, P Spencer, D Stallan, Ms S Stavrou, Mrs J Sutcliffe, H Ulkun, Mrs L Wagland, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

**Apologies:** Councillors Mrs S Clapp, D Dodeja, Mrs R Gadsby, R Law, Mrs J Lea, G Mohindra, W Pryor and A Watts

**Officers Present:** P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), S G Hill (Senior Democratic Services Officer), R Perrin (Democratic Services Assistant) and J Boreham (Assistant Public Relations and Information Officer)

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### 153. WELCOME

The Chairman welcomed Councillor Tony Dodd of East Herts District Council who was attending the meeting as part of that Council's move towards webcasting of its meetings.

The Chairman also welcomed Stephen Lye, a member of the Members' Remuneration Panel, who was in attendance to present reports of the Panel.

### 154. WEBCASTING INTRODUCTION

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

### 155. MINUTES

#### RESOLVED:

That the minutes of the Council meeting held on 16 February 2010 be taken as read and signed by the Chairman as a correct record.

**156. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillors M Cohen and S Murray declared personal interests in agenda item 8(b) (Motion – Leisure Centres – Opening on Bank Holidays) by virtue of being members of the Loughton Leisure Centre. The Councillors advised that they had determined that their interests were not prejudicial and that they would remain in the meeting for consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 8(b) (Motion - Leisure Centres – Opening on Bank Holidays) by virtue of his wife and daughter being members of Ongar Leisure Centre. The Councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

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

The Chairman, Councillor Mrs P Smith, reported on her attendance at events since the last meeting of the Council. She drew attention to the successful quiz evening held in aid of her charity on 19 February 2010 and to the Civic Awards event held on 18 March 2010.

The Chairman reported that she would be sending the flowers from tonight's Council meeting to Democratic Services staff in recognition of their help and advice throughout her year of office.

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

There were no announcements made under this heading.

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

The Chairman announced that the following Councillors were not seeking re-election on 6 May 2010:

Conservative Group – Adam Clark, Rebecca Cohen and Matt Colling; and

BNP Group – Sue Clapp, Rod Law and Peter Turpin.

Councillor Mrs D Collins, Leader of the Conservative Group, paid tribute to the work undertaken by the three Conservative Group members and also to Councillor G Pritchard who had recently resigned from the Council.

Councillor R Frankel thanked Councillor Colling for the friendly and fair way in which he had chaired meetings of Area Plans Sub-Committee East.

Councillor Mrs P Richardson, Leader of the BNP Group, paid tribute to the work undertaken by the three members of that Group who were not standing for re-election.

**158. PUBLIC QUESTIONS (IF ANY)****(a) Off-Street Parking Programmes****From Mrs S Jones to Councillor D Stallan, Housing Portfolio Holder**

The Chairman reported that Mrs S Jones who had submitted a public question was unable to be present at the meeting. Councillor Mrs Smith advised that in the absence of the questioner she had decided that she would ask the question on Mrs Jones' behalf and that a copy of Councillor Stallan's reply would be sent to Mrs Jones.

The Chairman read Mrs Jones' question:

"In the light of concerns raised to me by residents of Theydon Bois over recent weeks, can the Housing Portfolio Holder please detail how much of the identified monies have already been spent on the Table 1 Off-Street Parking programmes? Can he further give assurances as to the rate of progress being made on the Table 2 programmes, specifically including Graylands in Theydon Bois? Finally, given that the assessment of the Table 3 Schemes were to be assessed by April of this year, can he let the residents of Avenue Road in Theydon Bois know when they will see progress on this issue?"

**Answer read by Councillor D Stallan, Housing Portfolio Holder**

"The Council has appointed the Design Consultant, Stace, who have completed detailed design drawings for schemes at Hillcroft, Colebrook Gardens and School Lane and are currently working on the detailed designs for Chester Close, Harvey Gardens and Audley Gardens. These are all schemes from the original list of priority 1 approved schemes that featured in table 1. However, following the new parking standards adopted by Essex County Council, which has seen an increase in bay sizes, it has been necessary to re-assess and amend the original designs. These schemes are now subject to highway safety audits to comply with ECC Highway Standards.

A tender specification is currently being prepared by Stace, and once tenders have been approved it is anticipated that works will commence on site around September 2010 and completed by March 2011.

Feasibility studies of the nine schemes that are included in table 2 will commence in June 2010, which includes Graylands in Theydon Bois. A resident consultation exercise will form part of the feasibility study. A report will be presented to the Cabinet giving details of the outcome of the feasibility study and the Cabinet will be asked to agree the priorities for the schemes in table 2, hopefully by around October 2010.

The combined Housing Revenue Account and General Fund budget over the next four years for off-street parking is £2.45m, which includes fees. Using an average cost per bay, the anticipated cost for all priority 1 schemes in table 1 is around £380,000 inclusive of fees. However, this is subject to tender.

Feasibility assessments of the schemes in table 3, which includes Avenue Road will commence at around October 2010 following the approval of priority 2 schemes by Cabinet".

**159. 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 Community Safety and Transport Portfolio Holder, the Environment Portfolio Holder, the Finance and Economic Development Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing 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 Collins reported that Epping Forest College was awaiting the final written results of the recent Ofsted inspection. However, it was clear that the College had improved considerably and she congratulated the staff at the College. She also advised that there had been a substantial increase in the number of students attending the College from the Epping Forest District.

The Leader reported that the next round of CAA funding for 2011/12 would all be given to the County Council for distribution. Previously LSPs had been given an allocation to spend on local issues. She stated that "One Epping Forest" and other County LSPs were making representations for the previous allocation arrangements to continue.

Councillor Mrs Collins advised that she had received a reply from Shahid Malik, Under Parliamentary and the Secretary of State for Communities and Local Government in response to the request for a meeting to discuss the Direction regarding the Gypsy and Traveller Development Plan Document. The Minister had advised that he did not wish to meet with Council representatives and did not propose to withdraw the Direction at the current time. The Leader advised that she had discussed the reply with the Council's Counsel who had interpreted the letter as being positive from the Council's point of view in that it acknowledged that the normal planning processes had achieved results. Councillor Mrs Collins reported that the Council had another 11 months to find the remaining pitches required and officers were currently looking at tolerated sites as a result of which the required provision might be achieved.

**(b) Community Safety and Transport Portfolio Holder**

Councillor Ms Stavrou referred to the delays in completing the Epping, Buckhurst Hill and Loughton Broadway Parking Reviews. She advised that these reviews had been sponsored by the District Council which had commissioned the County Council to undertake them. The Portfolio Holder advised that Essex County Council had provided further information on the reasons for the delays and estimated programmes of completion and stated that full details would appear in the Council Bulletin. She also advised that she had met County Councillor N Hume, relevant County Council Portfolio Holder, and had expressed her concerns to him about the time taken in relation to parking reviews.

**(c) Leisure and Wellbeing Portfolio Holder**

Councillor Rolfe drew attention to a decision taken by the Cabinet the previous evening in relation to the development of Limes Farm Hall. He reported that on the

basis of the reduced level of capital now required for the project the provision of £802,000 towards the development of the Council's preferred scheme by means of a re-allocation from the Customer Transformation Programme had been approved. He thanked the relevant officers for their work in bringing this matter to a conclusion.

## 160. QUESTIONS BY MEMBERS WITHOUT NOTICE

### (a) Gypsy and Traveller Development Plan Document – Reply from the Minister

Councillor Mrs Wagland asked the Leader of the Council if it would be possible for all members of the Council to have the benefit of Counsel's interpretation of the letter from the Minister.

Councillor Mrs Collins agreed to publish this information in the Council Bulletin or in a separate notification to all members.

### (b) Gypsy and Traveller Development Plan Document - Direction

Councillor Frankel asked the Leader of the Council if the Direction would be withdrawn once the required number of pitches had been provided.

Councillor Mrs Collins said she expected this to be the case but the whole process would be affected by the forthcoming Parliamentary Election.

### (c) Roding Valley Recreation Area within Buckhurst Hill Parish

Councillor Spencer asked the Leisure and Wellbeing Portfolio Holder if the District Council, as freeholder, would be admitting responsibility for the maintenance of parts of the Recreation Area as suggested by the Parish Council.

Councillor Rolfe stated that the views of the Buckhurst Hill Parish Council had been received last November and were still being considered. Accordingly, the matter was yet to be resolved.

### (d) Off-Street Parking Programmes

Councillor Philip thanked the Housing Portfolio Holder for his response to the public question earlier in the meeting. He asked if the Parish Council would be included as part of the resident consultation exercise to be undertaken in relation to the feasibility studies for the nine schemes included within table 2. He also sought further details of the timescale for implementation of the schemes included in tables 2 and 3.

Councillor Stallan confirmed that the Parish Council would be involved in the consultation exercise. He advised that he did not have further details of the timescales of the schemes and that he would provide this to Councillor Philip outside of the meeting.

### (e) Limes Farm Hall Development

Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Haigh declared a personal interest in the oral report which had been given earlier in the meeting by the Leisure and Wellbeing Portfolio Holder in relation to the provision of capital towards the development of the Council's preferred scheme at Limes Farm Hall by virtue of being the Chairman of Children's Centre meetings. The Councillor advised

that she had determined that her interest was not prejudicial and that she wished to ask a question in relation to the proposed development.

Councillor Mrs Haigh asked Councillor Rolfe if it would be possible for the Children's Centre activities to benefit from the proposed improved facility.

Councillor Rolfe advised that the list of users in the report to the Cabinet had not been comprehensive and that he would take forward Councillor Mrs Haigh's request as he agreed it was important to provide facilities for children.

**(f) Gypsy and Traveller Development Plan Document – Further Pitches**

Councillor Stellan asked the Leader of the Council if any further pitches to be provided for gypsies and travellers would they be on sites included in the Consultation on Options Document.

Councillor Mrs Collins advised that no decision had yet been taken. She pointed out that there were a number of applications expected and that officers were looking at tolerated sites to establish whether any satisfied the necessary requirements.

**(g) Gypsy and Traveller Development Plan Document – Sites Identified in the Consultation on Options Document**

Councillor J M Whitehouse referred to the reference in the Minister's letter to the need for resources to be put into the Core Strategy. He asked the Leader of the Council at what stage would residents near to sites identified in the Consultation on Options Document be advised if a particular site was to be pursued.

Councillor Mrs Collins advised that the first step would be to provide the required number of pitches. When that had been achieved consultation would take place with Go-East with a view to pursuing the Core Strategy including the need for 3% increase in provision for gypsies and travellers. She repeated that officers were looking at tolerated sites and that a decision on future provision would be taken as quickly as possible.

**(h) Bid for an Extra Care Scheme in Epping Forest**

Councillor Mrs J H Whitehouse asked the Housing Portfolio Holder to explain the reference in his written report of the need to identify whether or not any of the Council's existing Sheltered Housing Schemes will be suitable for re-development.

Councillor Stellan advised that since the Council's contribution to the proposed PFI Scheme was to provide free land for the Extra Care Scheme, the review would identify whether or not any of the Council's existing Sheltered Housing Schemes would be suitable for re-development. He continued that the District Council was working with the County Council in order to assess the future need for such accommodation within the District and that there would not necessarily be any re-development. He agreed to obtain further information about the review from Essex County Council and to provide this to Councillor Mrs Whitehouse and all members in the Council's Bulletin.

**(i) Highways – Pothole Repairs**

Councillor Mrs Richardson asked the Community Safety and Transport Portfolio Holder how Essex County Council could justify the poor quality of repairs being undertaken.

Councillor Ms Stavrou advised that she had spoken to Essex County Council Highways who had advised her that two types of funding were being provided, one to undertake temporary repairs and the other to carry out more extensive permanent works.

Councillor Bassett advised that he had recently attended a meeting of the West Area Highways Strategy Panel at which there had been a report about potholes. He advised that during the last two months the number of repairs had equated to two-thirds of the whole of the previous year. He advised that temporary repairs were undertaken where necessary and that it was expected all roads would be returned to an acceptable level by the end of May 2010.

**(j) Torrington Drive, Loughton – Flats**

Councillor Mrs Richardson asked the Housing Portfolio Holder if he was aware of a local trader seeking to take measurements in order to provide carpets, only to be turned away.

Councillor Stallan stated that he was not aware anyone was acting on behalf of the District Council for this purpose. He asked Councillor Mrs Richardson to provide him with more details so that he could take up the matter with officers.

**(k) Achievements and Disappointments**

Councillor Murray asked the Leader of the Council to identify the Cabinet's biggest single achievement and biggest disappointment over the past 12 months.

Councillor Mrs Collins advised that in relation to achievements she was very proud that the District Council Tax increase had been only 1.5% compared with inflation which was now running at 3.4%. She also drew attention to the Limes Farm and Loughton Broadway Schemes and emphasised that money had been spent wisely in areas where it was most needed. In relation to disappointments she referred to the long time which had been taken in relation to the Gypsy and Traveller Development Plan Document issue. She pointed out that staff had worked tirelessly on the Direction and that matters were nearing a resolution.

**(l) Monksgrove, Loughton – Fire**

Councillor Ms Brookes expressed her gratitude to the Housing Portfolio Holder for the information he had provided about the fire in Monksgrove. She asked if he was aware that a leak to the electrical intake room had been reported some three weeks before the event and she sought an assurance that all steps would be taken to avoid a repeat.

Councillor Stallan expressed his thanks to the work undertaken by officers, particularly the Assistant Director of Housing (Operations) who had made himself available over the Easter holiday period to take calls and to visit the site. Councillor Stallan advised that he was not aware of the leak and that he would take up this matter with officers and respond to Councillor Ms Brookes when he had further information.

**(m) Gypsy and Traveller Plan Document – Central Government**

Councillor Knapman asked the Leader if she agreed with him that the only way the blight on properties throughout the District would be ended in the near future would be in the event of a Conservative Government being elected.

Councillor Mrs Collins agreed and referred to the frustrations for all in the time being taken to resolve this matter.

**(n) Off-Street Parking Programmes**

Councillor Frankel asked the Housing Portfolio Holder why Avenue Road which had been at the top of Table 2 had dropped into table 3.

Councillor Stallan advised that he was not aware of the reasons but pointed out that Avenue Road was top of table 3.

**(o) Re-cycling of Commercial Waste**

Councillor Mrs Haigh asked the Environment Portfolio Holder if she was aware that Chelmsford Borough Council was undertaking a pilot scheme for the re-cycling of commercial waste. She also asked if this Council had any proposal to introduce such a scheme.

Councillor Mrs Sartin stated that if she would take this matter to the Partnership Board for discussion but pointed out that there were already a number of trade waste companies operating in the District.

**(p) Future Savings**

Councillor J M Whitehouse asked the Performance Management Portfolio Holder if any progress was being made in identifying the required savings to be made in the Council's budget for future years.

Councillor Bassett advised that this was an ongoing process and currently he was looking at various business plans to establish whether improvements could be made in the way that services were delivered. He continued that once this had been carried out he expected to be able to identify savings.

**161. MOTIONS****(a) Parish Council Bye-Elections**

**Moved by Councillor D Stallan and seconded by Councillor J Philip**

“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 a necessary drain on the public purse”.

**Motion as first moved ADOPTED**

**RESOLVED:**

Accordingly.

**(b) Leisure Centres – Opening on Bank Holidays**

**Moved by Councillor Ms R Brookes and seconded by Councillor S Murray.**

“That in order to inform negotiations when the Leisure Centres Management Contract is re-negotiated, the Council calls on the Cabinet:

(a) to arrange a well-publicised pilot opening of at least some of the Leisure Centres on one of the May Bank Holidays; and

(b) to secure permanent opening on public holidays to be achieved at no extra cost to public funds”.

**Amendment moved by Councillor C Whitbread and seconded by Councillor B Rolfe**

“That the words contained in paragraph (a) be deleted”.

**Adopted**

**RESOLVED:**

That in order to inform negotiations when the Leisure Centres Management Contract is re-negotiated, the Council calls on the Cabinet to secure permanent opening on public holidays to be achieved at no extra cost to public funds.

**162. QUESTIONS BY MEMBERS UNDER NOTICE**

There were no questions by Members of the Council under notice in respect of this item.

**163. REPORT OF THE CABINET - WEST ESSEX WASTE MANAGEMENT JOINT COMMITTEE**

**Mover: Councillor Mrs M Sartin – Environment Portfolio Holder**

The Portfolio Holder advised that the Cabinet at its meeting the previous evening had agreed to the dissolution of the West Essex Waste Management Joint Committee. The Cabinet had also agreed to a proposal to create a Waste Partnership Member Board and Inter-Authority Member Working Group.

She advised that the appointment of a member to the Joint Committee had been made by the Council at the last Annual meeting. However, on reflection as the body

had executive powers it should have been a decision of the Leader. She advised that the Cabinet had recommended that she should be the Council's representative on the new Board and Member Group but that a decision on the appointment of a deputy had been held in abeyance pending the forthcoming Annual meeting of the Council.

**RESOLVED:**

- (1) That the new structure be noted and that the Environment Portfolio Holder be the Council's representative on the new Board and Member Group for the remainder of the current municipal year; and
- (2) That the Leader of the Council appoint a representative and deputy in the future.

**164. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - AUDIT AND GOVERNANCE COMMITTEE TERMS OF REFERENCE**

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

Councillor Morgan presented a report which had been submitted to the Committee on 15 April 2010 and advised that the Committee had adopted the recommendations contained therein.

Report as first moved **ADOPTED**

**RESOLVED:**

- (1) That paragraph 11.4 of Article 11 (Audit and Governance Committee) be amended by the addition of the following new paragraph (to be designated "(m)"): 

"(m) To be responsible for the scrutiny of the Council's Treasury Management Strategy, including consideration of mid-financial year and outturn reports"; and
- (2) That the Constitution be amended accordingly.

**165. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - HOUSING APPEALS AND REVIEW PANEL - TERMS OF REFERENCE**

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

Councillor Morgan submitted a report which had been submitted to the Committee on 15 April 2010 and advised that the Committee had adopted the recommendations contained therein.

Report as first moved **ADOPTED**

**RESOLVED:**

- (1) That, with effect from the 2010/11 municipal year, the terms of reference for the Housing Appeals and Review Panel be amended as set out in Appendix 1 to these minutes;
- (2) That all other appeals and reviews be determined by the relevant Assistant Director of Housing (or, in the case of some homelessness reviews listed at (1)(a)(i) – (iii) in Appendix 1, the Housing Options Manager), provided that the reviewing officer has had no previous involvement with the case;
- (3) That appeals and reviews eligible for determination by the Housing Appeals and Review Panel continued to be generally considered first by the relevant Assistant Director of Housing except (in accordance with current policy) all homelessness reviews that do not involve the types of homelessness reviews listed at (1)(a)(i) - (iii) in Appendix 1, with such cases being considered only by the Housing Appeals and Review Panel;
- (4) That appropriate changes be made to the Council's Constitution and the Scheme of Officer Delegation accordingly.

**166. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - LICENSING COMMITTEE TERMS OF REFERENCE****Mover: Councillor R Morgan – Chairman of the Overview and Scrutiny Committee**

Councillor Morgan submitted a report which had been submitted to the Committee on 15 April 2010 and advised that the Committee had adopted the recommendations contained therein.

Councillor Mrs P Brooks, Chairman of the Licensing Committee, thanked members of the Committee and officers who had advised the Committee for their support during the last year when there had been a considerable workload.

**Report as first moved ADOPTED****RESOLVED:**

- (1) That consideration of whether to increase the number of members appointed to the Licensing Committee be deferred;
- (2) That an additional paragraph 3.4 for inclusion in Appendix 4 (Annex 3) (Conduct of Business by the Licensing Committee and Sub-Committees) be approved as follows:  
  
"3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Sub-Committee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing";
- (3) That the Constitution be amended accordingly.

**167. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REPORT 2009/10**

**Mover: Councillor R Morgan – Chairman of the Committee**

Councillor Morgan submitted a report which had been submitted to the Committee on 15 April 2010 and advised that the Committee had adopted the recommendations contained therein.

Councillor Morgan drew attention to a typographical error in the heading of Section (iv) relating to the Finance and Performance Management Standing Panel which should read “Key Performance Indicators for 2008/9 – Outturn”.

Report as amended **ADOPTED**

**RESOLVED:**

That the work undertaken by the Overview and Scrutiny Committee, the Scrutiny Standing Panels and the Task and Finish Panels during the past municipal year as detailed in the Annual Report be noted.

**168. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF OFFICER DELEGATION 2009/10**

**Mover: Councillor R Morgan – Chairman of the Committee**

Councillor Morgan submitted a report which had been submitted to the Committee on 15 April 2010 and advised that the Committee had adopted the recommendations contained therein.

Report as first moved **ADOPTED**

**RESOLVED:**

(1) That the previously agreed delegated authorities in respect of (a) Tree Preservation Orders and (b) Crime and Disorder as set out in the report to the Committee be noted and incorporated into the Schedules of Officer Delegation to be submitted to the Leader of the Council;

(2) That new and revised delegated authorities set out in Appendix 2 to these minutes (Council Functions) be approved; and

(3) That the revised schedules of delegated authorities be incorporated into the Council's Constitution once the approval of the Leader has been given.

**169. EPPING FOREST MEMBERS' REMUNERATION PANEL - FIFTH ANNUAL REPORT - 2008/9 AND 2009/10**

**Mover: S Lye - Member of the Remuneration Panel**

Mr S Lye, Member of the Independent Remuneration Panel submitted the Fifth Annual Report of the Panel.

**First motion moved by Councillor Mrs P Brooks and seconded by Councillor M Cohen**

“That pursuant to recommendation (9)(b) of the Panel's report the Council –

(a) agrees to appoint a Panel of six Licensing Sub-Committee Chairmen each year at the Annual Council meeting from among the members of the Licensing Committee to preside at Sub-Committee meetings by rota;

(b) agrees to ask the Independent Remuneration Panel to consider and make recommendations to the Council on whether a Special Responsibility Allowance to reflect the role of the six Sub-Committee Chairmen would be appropriate and the amount of such an allowance; and

(c) that the detailed changes to the Constitution be submitted to the Annual Council meeting for adoption prior to appointments being made”.

**Carried**

**Second motion moved by Councillor J M Whitehouse and seconded by Councillor D Stallan**

“That the Independent Remuneration Panel be asked to consider and report on the effect of members' allowances on state benefits”.

**Carried**

**Report as amended ADOPTED****RESOLVED:****Basic Allowance**

(1) That, having regard to the small difference between the current amount in the adopted scheme (£4,300 per annum) and (a) the average amount paid to similar councils in the same region (£4,505 per annum) and (b) the amount (£4,524 per annum) achieved by applying the current Minimum Adult Weekly Wage of £5.80 per hour to a 15 hour week, no change be made to the amount of Basic Allowance;

(2) That members entering into an agreement under the Council's Connectivity Scheme continue to receive as supplement to the Basic Allowance a sum of £500 per annum in their first year in office and £250 per annum in each subsequent year of their term of office;

(3) That the view of the Panel, that the Council be encouraged to review its level of implementation of the Basic Allowance, currently £3150 per annum, as this is clearly considerably less than the amounts paid to councillors in similar authorities in the same region and it is considered there is a danger of undervaluing the role which may make it more difficult to attract potential candidates to stand for election in future, be noted;

(4) That in view of the Government's decision to reject the recommendation of the Councillors' Commission to authorise Standards Committees to suspend and claw back part of the Basic Allowance where a

member fails to fulfil their role, no steps be taken to introduce voluntary claw back;

(5) That the Council continue to consider steps which could be taken to make members more accountable including the Member Development Programme promoted by the Improvement and Development Agency;

(6) That as part of the Panel's next review, consideration be given to inclusion in the scheme of a supplement to the Basic Allowance to be paid to members attending a specified number of meetings/training sessions;

### **Special Responsibility Allowances**

(7) That, subject to (8) below, in view of the similarities in the amounts of Special Responsibility Allowances in the Council's current adopted scheme and those of similar authorities in the same region as the Council, no change be made to the amounts of Special Responsibility Allowances;

(8) That, in view of the infrequency of meetings of the Complaints Panel and the Staff Appeals Panel, the Special Responsibility Allowances for the Chairmen of those Panels and the Housing Appeals and Review Panel be changed to an amount of £110 per meeting held;

(9) That the view of the Panel, that having regard to the increased number of meetings of Licensing Sub-Committees and the nature of business undertaken at those meetings, the Council be asked (a) to note the disappointment of the Panel that steps have not been taken to change the arrangements for the election of Chairmen of those Sub-Committees as it is considered that a significant responsibility is currently not being recognised; and (b) to give further consideration to the election of these Chairmen which would enable the payment of Special Responsibility Allowances, be noted;

(10) That a Panel of six Licensing Sub-Committee Chairmen be appointed each year at the Annual Council meeting from among the members of the Licensing Committee to preside at Sub-Committee meetings by rota;

(11) That the Independent Remuneration Panel be asked to consider and make recommendations to the Council on whether a Special Responsibility Allowance to reflect the role of the six Sub-Committee Chairmen would be appropriate and the amount of such an allowance;

(12) That the detailed changes to the Constitution be submitted to the Annual Council meeting for adoption prior to appointments being made;

(13) That in view of the changes made to Portfolio Holder responsibilities at the Council meeting in June 2009 it is considered that it will be premature to make any recommendations regarding the tiering of allowances to Cabinet members based on workload and responsibilities and that the Panel be asked to pursue tiering based on proposed Paired Comparison Role Evaluation/Member's SRA role description/budget summary sheets/manpower summary as part of a future review;

### **Co-optee Allowances**

(14) That no change be made in the allowances for co-optees but that the Panel explore further the allowance paid to the Chairman of the Standards

Committee and the other independent members on that Committee who chair Sub-Committees of the Standards Committee with a view to making recommendations during the next review of the scheme in order to recognise the new local assessment regime and the increased workload arising there from;

#### **Travelling Allowance**

(15) That the scheme be amended to include payment for Parish/Town Council representatives at meetings of the Local Highways Panel;

#### **Subsistence Allowance**

(16) That no change be made to the scheme in respect of Subsistence Allowance;

#### **Carers' and Childcare Allowances**

(17) That having regard to the average amounts in the schemes of similar authorities in the same region as this Council and to the ONS Annual Survey of Earnings, the scheme be amended to provide for the payment of Carers' and Childcare Allowances at a rate of £8.39 per hour subject to the conditions contained in the current scheme;

#### **Member Role Accountability Statements**

(18) That Overview and Scrutiny be asked to refer the Member Role Accountability Statements which have been revised in order to reflect the changing role of members to the Constitution and Member Services Scrutiny Panel with a view to recommendations being made for their adoption after consultation with the Remuneration Panel and the Standards Committee;

(19) That the Independent Remuneration Panel be asked to consider and report on the effect of members' allowances on state benefits.

### **170. PARISH REMUNERATION PANEL - ANNUAL REPORT - 2009/9 AND 2009/10**

#### **Mover: Mr S Lye – Member of the Remuneration Panel**

Mr S Lye submitted the Annual Report 2008/09 and 2009/10 of the Epping Forest District Parish Remuneration Panel.

Councillor Mrs Smith thanked the members of the District and Parish Remuneration Panels for the work they had undertaken during the past year.

#### **RESOLVED:**

That the Annual Report 2008/09 and 2009/10 of the Epping Forest District Parish Remuneration Panel be noted.

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

**Mover: Councillor A Green – Chairman of the Committee**

Councillor Green presented the Annual Report of the Committee on its activities during the past Council year.

In presenting the report, he thanked the members of the Committee, especially the co-opted members, and officers for their work and support during the past year.

**RESOLVED:**

That the Annual report 2009/10 of the Audit and Governance Committee be received.

**172. STANDARDS COMMITTEE SELECTION PANEL**

The Council received the nominations of Group Leaders for a Selection Panel to fill the two independent member vacancy(ies) arising on the Committee in May 2010.

**RESOLVED:**

That the following members form the Selection Panel:

Conservative Group Nomination: Councillor Mrs P Smith

Liberal Democrats Group Nomination: Councillor Mrs A Haigh

LRA Group Nomination: Councillor Mrs C Pond

BNP Group Nomination: Councillor Mrs P Richardson

Representative of the Non-Affiliated Members: Councillor R Morgan

**173. COUNCILLOR G PRITCHARD**

The Council noted the resignation of G Pritchard as a District Councillor with effect from 15 March 2010. Members were advised that his normal term of office would have expired in May 2011 but that notice had been received signed by two electors requesting an election to fill the casual vacancy and an election would be held at the same time as the scheduled elections on 6 May 2010.

The Council also noted that following this resignation there had been no request for a review of pro rota membership of Committees and Sub-Committees for the remainder of the current municipal year.

**174. COUNCILLOR R BARRETT**

The Council noted that in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990, Councillor Barrett had given notice that he had joined the Conservative Group.



The Council also noted that following this notification there had been no request for a review of pro rata membership of Committee and Sub-Committee places pending the forthcoming elections.

## **175. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

### **(a) Essex Supporting People Commissioning Body**

The Council received a written report from Councillor Ms Stavrou, the appointed representative on the body.

### **(b) Olympic Champion**

Councillor Stallan asked Councillor Murray, the Council's Olympic Champion, if steps were being taken to ensure the lowest possible prices for tickets for Olympic events.

Councillor Murray advised that he was working with officers on many aspects of the Games but decisions in relation to ticket prices would be taken by others. He stated that he would publish a report in the Council Bulletin after the forthcoming elections updating members on the progress being made in relation to Olympic Games issues affecting the District.

### **(c) Stansted Airport Community Trust**

Councillor Morgan, the Council's appointed representative on the Trust advised that the next round of awards would be made in September 2010 and that submissions should be made to the Essex County Council.

Councillor Bassett stated that organisations in the Nazeing Parish were unable to apply for awards as the Parish was more than 10 miles from the Airport. However, he pointed out that the Parish was affected by the main stacking area and he asked Councillor Morgan to raise with the Committee the possibility of their criteria being reviewed so that organisations in the villages most affected by noise from aircraft could benefit rather than only those within a 10 mile radius of the airfield.

Councillor Morgan agreed to raise this suggestion at the next meeting of the Committee.

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

The Council noted the Chairman of the Council had 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 (EH151 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.

**177. 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:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph No.</b>
25	Contract of Employment – Post XEX/01	1
25A	Chief Executive – Review of Delegated Authorities	1

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

Officers except for D Macnab, R Palmer, C O'Boyle, I Willett and G Lunnun left the meeting before consideration of this matter.

Councillors J M Whitehouse and M Cohen submitted a report following negotiations which had taken place since the last meeting of the Council.

Councillor J M Whitehouse advised that the figure in paragraph 10 of the report should read £73,764 and that although the comments attributed to the Council's External Auditor in paragraph 15 were accurate, members should take account only of the first sentence of that advice.

By leave of the Council, Councillors J M Whitehouse and M Cohen tabled further documents in support of their report.

The Chairman adjourned the meeting for 15 minutes in order to enable members to read the tabled documents.

The meeting resumed and members questioned Councillors J M Whitehouse and M Cohen on their report and the tabled documents. The Council considered the proposed amendments to the Compromise Agreement and the terms of the Agreement.

Councillor J M Whitehouse indicated that four matters were outstanding on the Compromise Agreement, including the need for a supplemental agreement.

During the course of debate and in answer to questions from members, Councillor Cohen sought authority for he and Councillor J M Whitehouse to agree any final changes to the draft Agreement provided they were minor and did not alter the terms of the Agreement as reported. With this in mind, the Council approved an amendment to recommendation (3) of the report by adding the words "subject to any minor changes which do not affect the overall terms as now reported and which are agreed between the post holder and Councillors Cohen and J M Whitehouse" after the word "approved".

The attention of members was drawn to their responsibilities under paragraph 12.3 of the draft Compromise Agreement about confidentiality.

Members thanked Councillors J M Whitehouse and M Cohen for the work which they had carried out in order to bring this matter to a conclusion.

**RESOLVED:**

- (1) That the draft Compromise Agreement be approved subject to any minor changes which do not affect the overall terms as now reported and which are agreed between the post holder and Councillors Cohen and J M Whitehouse, and the Chairman of the Council be authorised to sign it on behalf of the Council;
- (2) That approval be given to the carry forward of the underspend on the Legal Expenses Budget in Legal Services and the conversion of this amount to a District Development Fund Budget to meet any additional legal costs incurred in resolving the matter;
- (3) That the additional Audit fee of £10,481.40 met from existing Audit and Finance Budgets be noted; and
- (4) That the views of the Monitoring Officer on the correctness of the constitutional procedures adopted in this matter be noted.

**179. POST XEX/01- REVIEW OF DELEGATED AUTHORITIES**

The Council considered a report of the Monitoring Officer arising from the adoption of the recommendations set out in the previous item (Contract of Employment – Post XEX/01).

The Chairman of the Council had determined under Section 100B(4)(b) of the Local Government Act 1972 that this item should be dealt with as an urgent matter at this Council meeting on grounds that, the recommendations under Item 25 of this meeting having been approved, it was necessary to re-allocate certain delegated authorities held by the holder of post XEX/01 in order to meet statutory and procedural requirements.

**RESOLVED:**

- (1) That, in view of the likely absence of the holder of post XEX/01 and subject to the signing of a Compromise Agreement, the following appointments be made pending further consideration of the post XEX/01:

**(a) Head of Paid Service**

Designation of the Deputy Chief Executive to carry out the duties and responsibilities of Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989;

**(b) Proper Officer under Section 83 of the Local Government Act 1972 (Declarations of Acceptance of Office by Councillors)**

Appointment of the Deputy Chief Executive as Proper Officer to witness the declarations of acceptance of office by Councillors following election or re-election for the purposes of countersigning those declarations with such appointment being incorporated into the induction process for new Councillors following the May 2010 elections; and

(2) That the remaining delegated authorities held by the holder of post XEX/01 be reviewed at the Annual Council meeting and as and when the position of that post is reviewed.

**CHAIRMAN**

## HOUSING APPEALS AND REVIEW PANEL – TERMS OF REFERENCE

(1) The terms of reference of the Housing Appeals and Review Panel shall be to hear appeals against, and reviews of, the decisions of the Director of Housing ("the Director") acting under delegated authority, on the following housing matters only:

**(a) All homelessness reviews, with the exception of the following types of reviews that are already only undertaken by officers;**

**(i) whether or not single applicants are "homeless" or have a "priority need";**

**(ii) whether or not an allocation of either temporary or permanent accommodation is suitable for the applicant and his/her family; and**

**(iii) whether or not a homeless applicant should be referred to another local authority, due to their local connection with that local authority;**

**(b) Housing succession cases, where the successor is under-occupying Council accommodation, and has been required to transfer to smaller accommodation;**

**(c) Exclusion of housing applicants from the Housing Register;**

**(d) Non-provision of discretionary home improvement grants;**

**(e) Refusal of requests for disabled adaptations to Council properties requested by the tenant;**

**(f) Refusal to sell Council owned-land under 50 square metres to occupiers for garden use;**

**(g) Refusal of requests from housing applicants for "priority moves" (i.e. those very urgent and rare cases, dealt with outside of the usual Allocations Scheme);**

**(h) Disagreements with tenants and former tenants on the level or liability for current or former rent arrears; and**

**(i) The banding of an applicant, in accordance with the Housing Allocations Scheme in being at the time of the decision.**

(2) The Panel shall comprise five Councillors, including a Chairman and Vice-Chairman, appointed at the Annual Council meeting. Each political group represented on the Panel shall be required to nominate the equivalent number of substitutes to cover for any member of the Panel who is unavailable.

(3) A minimum of three members shall constitute a quorum for meetings of the Panel. Only members of the Panel present throughout the proceedings shall participate in the decision making process. Members arriving after the commencement of a Panel meeting will be required to leave immediately without taking part in the proceedings.

(4) In the absence of both the Chairman and Vice-Chairman at any meeting of the Panel, a Chairman shall be appointed from the members of the Panel present (but not any substitute members) for that meeting only.

(5) Notwithstanding the provisions of paragraph 3 it shall be competent for the Panel to hear and adjudicate on applications if less than three members are present, provided that both the applicant and the Officer or representative agree.

(6) In relation to appeals or reviews at which the applicant's case is presented in person or by a representative, the hearing shall be conducted in the following order:

- (a) Chairman's introductory remarks;
  - (b) Presentation of the case for the applicant;
  - (c) Questioning by Officer (or representative);
  - (d) Questioning by members of the Panel;
  - (e) Presentation of the Officer's case;
  - (f) Questioning by the applicant (or representative);
  - (g) Questioning by members of the Panel;
  - (h) Summing up by Officer;
  - (i) Summing up by the applicant;
  - (j) Panel considers its findings in the absence of the applicant and the Officer;
  - (k) The decision of the Panel will be conveyed to the applicant and Officer in writing.
- (l) The Panel shall have discretion to reverse the order in which the cases of the applicant and the Council are presented, provided that both parties agree.

**(7) The Panel is authorised to determine any appeal (other than a review of a decision relating to homelessness) where the appellant and/or their representative fails to attend the hearing at the appointed time, place and venue and has given no prior notification to the Council of the reasons for their absence.**

(8) For reviews of homelessness decisions, where the appellant and/or their representative fails to attend the hearing at the appointed time, place and venue and has given no prior notification to the Council of the reasons for their absence, the Panel shall be authorised to decide whether or not the hearing shall proceed in the absence of the applicant, or shall be adjourned to another date.

(9) Meetings of the Panel shall be open only to those members appointed save that a Councillor or nominated person shall be permitted to attend in order to assist with the presentation of the applicant's case.

(10) The Panel shall make recommendations to the Housing Portfolio Holder/Cabinet on any matters of policy arising from specific cases.

**NEW AND REVISED OFFICER DELEGATION PROPOSALS - COUNCIL FUNCTIONS**

**APPENDIX 2**

	<b>Delegation Reference</b>	<b>Present Wording/Delegated Officer</b>	<b>Proposed Change</b>
1.	CL22 (Court, Tribunal, Inquiry Proceedings - Engagement of Staff and Advice)	"To appoint appropriate staff and/or external Solicitors and/or Counsel to appear for and conduct proceedings on behalf of the Council in Courts, tribunals, inquiries and other similar venues".  (Director of Corporate Support Services).	<b>DELETE</b>  "...to appear for and conduct proceedings..." in lines 2 and 3  and <b>SUBSTITUTE</b> the following:  "...to appear for conduct and settle proceedings ..."  <b>Comments:</b>  Proceedings in Court and similar bodies often require the settlement of proceedings on behalf of the Council. Inclusion of a delegated authority to settle such proceedings quickly without matters being delayed whilst a further authority is obtained is recommended.
2.	CL36 (Enforcement Action)	"1. Authority to issue Enforcement Notices, Breach of Condition Notices, Listed Buildings Enforcement Notices, Conservation Area Notices, Temporary Stop Notices, Stop Notices, Requisitions for Information, Planning Contravention Notices and Section 215 Notices under the Town and Country Planning Act 1990 as amended (and any subsequent legislation or regulations) and Planning (Listed Buildings and Estates Conservation Areas) Act 1990 as	<b>ADD:</b>  "...Discontinuance Notices in respect of Advertisements ..." after "Planning Contravention Notices".  <b>Comments</b>  Currently, action to serve a Discontinuance Notice in respect of advertisements requires authorisation by

	Delegation Reference	Present Wording/Delegated Officer	Proposed Change
		<p>amended (and any subsequent legislation or regulations) for all breaches of planning legislation in accordance with the Council's adopted enforcement policy".</p> <p>(Director of Planning and Economic Development/Director of Corporate Support Services).</p>	<p>an Area Plans Sub-Committee because it is not included in this officer delegation. Inclusion of this item is consistent with the method of dealing with other kinds of enforcement action under the Planning Acts.</p> <p>(N.B. Supported by the Planning Services SSP).</p>
3.	CL51 (Magistrates' and County Court Defence and Pursuit of Proceedings).	<p>"To institute, defend and pursue proceedings on behalf of the Council and to appear on the Council's behalf in any proceedings in the Magistrates and County Courts".</p> <p>(Director of Corporate Support Services/Assistant Director (Legal)).</p>	<p><b>DELETE</b> the words:</p> <p>"To institute, defend and pursue proceedings ..."</p> <p>and <b>SUBSTITUTE</b> the following:</p> <p>"To institute, defend, pursue and settle proceedings..."</p> <p><b>Comments:</b></p> <p>See CL22 above (Item 1 of this Schedule).</p>
4.	CL56(1) (Planning Applications) (Schedule A - paragraph (f)).	<p>"(f) Applications recommended for approval on which there is more than one expression of an objection, material to the planning merits of the proposal to be approved, other than householder applications".</p> <p>(Director of Planning and Economic Development).</p>	<p><b>DELETE</b> the present wording and substitute the following:</p> <p>"Apart from approvals in respect of householder and other developments (i.e. changes of use, adverts, listed building consents, Conservation Area consents, lawful development certificates, agricultural notifications, telecommunication masts, shop fronts and vehicle crossovers), those applications recommended for approval where there are more than two expressions of objection material</p>



	Delegation Reference	Present Wording/Delegated Officer	Proposed Change
			<p>to the planning merits of the proposal to be approved are received".</p> <p><b>Comments:</b></p> <p>Paragraph (f) sets out one of the categories for excluding an application from being determined by the Director of Planning and Economic Development.</p> <p>In this case, the number of objections received is proposed to be increased to 2 material objections. At present 1 material objection is sufficient to trigger reference to an Area Plans Sub-Committee.</p> <p>An improvement in the time taken to deal with such applications would be achieved by making this change in that a smaller number of applications referred to a Sub-Committee would result. By requiring two material objections, greater weight would be given to the planning merits of the case.</p> <p>(N.B. Supported by Planning Services SSP).</p>
5.	CL56(1) (Planning Applications) (Schedule A - paragraph (h)).	<p>"(h) Applications which any member requests within four weeks of the notification of that application in the Council Bulletin should be the subject of consideration by the relevant Committee".</p> <p>(Director of Planning and Economic</p>	<p><b>DELETE</b> existing wording and substitute the following:</p> <p>"Applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the</p>

	Delegation Reference	Present Wording/Delegated Officer	Proposed Change
		Development).	<p>appropriate Sub-Committee provided that the member concerned has notified the Ward Councillor in advance".</p> <p><b>Comments:</b></p> <p>This is a further condition attaching to the determination of planning applications by the Director of Planning and Economic Development.</p> <p>The Panel noted that the opportunity to call-in applications was currently open to any member of the Council. The Overview and Scrutiny Committee had asked for a review of this because allowing any member to call-in may tend to increase the number of such references to Sub-Committees which would affect planning performance against targets and because allowing any Councillors to call-in an application went against the principle of area based Plans Sub-Committees.</p> <p>The Panel previously noted the following options for meeting this request:</p> <p>(a) restricting the call-in to the local ward member(s) for the application concerned; or</p> <p>(b) restricting the call-in to any Councillor representing a ward within the Area Plans Sub-Committee area concerned; or</p> <p>(c) making no change.</p>

	Delegation Reference	Present Wording/Delegated Officer	Proposed Change
			<p>The Panel favoured Option (b) as it emphasised the status of Area Planning Sub-Committees. This might also benefit performance against National Indicators.</p> <p>(N.B. The Planning Services SSP also supported Option (b) above and the proposed wording reflects this with the exception of an additional requirement inserted by the Constitution and Member Services SSP regarding prior notification to the Ward Councillor).</p>
6.	CL56(3) (Planning Applications)	<p>"(3) To determine applications for works to preserved trees (other than felling) unless subject to Criteria (f), (g) and (h) of the preceding schedule and dispensing with requirements to replace a preserved tree and to respond to consultations from Essex County Council".</p> <p>(N.B. Criteria (f) relates to objections (see previous item), criterion (g) relates to contrary comments from local Councils and criterion (h) relates to "call in" by members (see previous item)).</p>	<p><b>DELETE</b> present (3) and substitute the following:</p> <p>"To determine applications for works to preserved trees (other than felling) unless subject to criteria (f), (g) and (h) of the preceding schedule and dispensing with requirements to replace a preserved tree."</p> <p><b>Comment:</b></p> <p>The Planning Services SSP noted that in cases where works to trees (other than felling and compensation cases which should remain outside officer delegated powers and still be referred to Area Plan Sub-Committees) were considered, there was no reason why these could not be dealt with by officers. The other change relates to Essex County Council TPOs which are now being revoked and being replaced by new TPOs made by this Council.</p>

	<b>Delegation Reference</b>	<b>Present Wording/Delegated Officer</b>	<b>Proposed Change</b>
			Reference to Essex County Council is therefore no longer required.  (N.B. The Planning Services SSP support the changes).

## ***Report to the Council***

Date: 25 May 2010

Report of: Monitoring Officer

Item: 13

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### **1. CHIEF EXECUTIVE - REVIEW OF DELEGATED AUTHORITIES**

#### **Recommending:**

**(1) To authorise the Deputy Chief Executive to undertake the powers and duties under Officer Delegation EX14 (Authority to approve bids for works outside the District), CL5 (Personal Development Reviews), CL43 (Health and Safety - Responsibility for Council Compliance) and CL72 and 73 (Appointment of Staff below Assistant Director level in the Office of Chief Executive); and**

**(2) To note that the remaining delegated authorities are all exercisable by both the Deputy Chief Executive or by Service Directors and do not require alteration.**

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- 1.1 At the Council meeting on 20 April 2010, the Deputy Chief Executive was authorised, in the absence of the Chief Executive, to exercise the powers and duties of the Head of Paid Service and also to act as Proper Officer for the purpose of witnessing declarations of acceptance of office by elected and re-elected Councillors.
- 1.2 The Council also asked that, at this meeting, a review of all the delegated authorities currently in the name of the Chief Executive should be undertaken.
- 1.3 A list of these delegations is set out in the Appendix to this report and, as can be seen in the recommendation (1) above, only three require further alteration in addition to the changes at the April Council meeting. These three cases are where there is no appointed Deputy or cover for the exercise of the responsibility by the Chief Executive and these relate to EX14, CL5, CL43 and CL/72 and 73.
- 1.4 The remaining delegations are all adequately covered and do not at this stage require delegation.
- 1.5 These delegations may require further review once the Council is determined how the position of Chief Executive is to be dealt with in the future.

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**ANNUAL COUNCIL  
MEETING (25.5.10)**

**ITEM: 13**

**APPENDIX**

<b>Chief Executive Delegation</b>		
EX12	Awards under Camps Procedure.	No action required. (Deputy CE authority).
<b>EX14</b>	<b>Authority to approve bids for Works Outside District.</b>	<b>Deputy CE to act.</b>
EX15	Approval of officer attendances at conference.	No action required. (All Directors authorised).
EX18	Ex Gratia Payments to Staff for additional duties undertaken.	No action required. (All Directors authorised).
EX48	Press Release.	No action required. (All Directors authorised). (DCE authorised).
EX61	Officers' Travel Claims - Policy Exception re: travel arrangements.	No action required. (All Directors authorised). (DCE authorised).
EX62	Study Lease for Staff.	No action required. (All Directors authorised). (DCE authorised).
EX66	Temporary Staff - Engagement.	No action required. (All Directors authorised). (DCE authorised).
CL2	Deposit of Background Papers.	No action required. (All Directors authorised). (DCE authorised).
<b>CL5</b>	<b>Staff Personal Development Reviews – Office of Chief Executive.</b>	<b>Deputy CE to act. (All other Directors authorised).</b>
CL6	Staff Meeting Allowances - Approval.	No action required. (All Directors authorised).
CL10	Car Lease Scheme - Approval of Staff Applications.	No action required. (All Directors authorised).
CL11	Chairman of Council - Casual Vacancy (Proper Officer).	No action required. (All Directors authorised). (DCE authorised).

CL15	Common Seal - Attestation.	No action required - Other staff authorised.
CL16	Compassionate Leave for Staff.	No action required. (All Directors authorised).
CL17/18	Council Summonses - Authorised Signatory and Addresses.	No action required. (DCE authorised).
CL19	Councillors Acceptance of Office.	DCE authorised at Council meeting on 20.4.10.
CL/20	Receipt of Councillors' Resignations from Office.	No action required. (DCE authorised).
CL30	Proper Office for Inspection and Supply of Documents (Councillors).	No action required. (DCE authorised).
CL/39	Freedom of Information Act - Responding to Requests from the Public.	No action required. (All Directors authorised).
CL/42	Head of Paid Service.	DCE authorised at Council meeting on 20.4.10.
<b>CL/43</b>	<b>Health and Safety - Responsibility for Council.</b>	<b>DCE to Act.</b>
<b>CL/72 and 73</b>	<b>Appointment of Staff below Assistant Director Level in Office of Chief Executive.</b>	<b>DCE to Act.</b>

NB: Bold type indicates those delegated authorities requiring review