

## ***Overview and Scrutiny Committee Thursday, 3rd September, 2009***

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

**Time:** 7.30 pm

**Democratic Services Officer:** Simon Hill, Senior Democratic Services Officer, The Office of the Chief Executive  
email: [shill@eppingforestdc.gov.uk](mailto:shill@eppingforestdc.gov.uk) Tel: 01992 564249

**Members:**

Councillors R Morgan (Chairman), K Angold-Stephens (Vice-Chairman), M Colling, A Green, Mrs A Grigg, Mrs A Haigh, D Jacobs, J Knapman, R Law, G Mohindra and Mrs L Wagland

**PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND**

### **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 who 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.

#### **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. APOLOGIES FOR ABSENCE**

**3. SUBSTITUTE MEMBERS**

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

**4. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**5. MINUTES (Pages 7 - 14)**

**Decisions required:**

To confirm the minutes of the meetings of the Committee held on 9 July 2009.

**6. CALL IN - THE BROADWAY, LOUGHTON - RENT DEFERMENT SCHEME (Pages 15 - 34)**

To consider a call-in of the Legal and Estates Portfolio Holder’s report to Cabinet on the consideration of rent deferment scheme for shops in Loughton Broadway. (C-014-2009/10). Call-in papers and report are attached.

This report was called-in separately by two sets of Councillors, both call-in papers are attached.

**7. CALL IN - PROVISION OF SPORTS HALL - WALTHAM ABBEY SWIMMING POOL (Pages 35 - 50)**

To consider a call-in of the Leisure and Wellbeing Portfolio Holder's report to Cabinet on the feasibility study on the construction of a new sports hall at the site of the Waltham Abbey Swimming Pool (C-012-2009/10). Call-in papers and report are attached.

**8. ELECTIONS 4 JUNE 2009 - REVIEW (Pages 51 - 58)**

(Councillor Mrs M. McEwen) To consider a report of the Constitution & Member Services Standing Scrutiny Panel.

**9. DELEGATION TO OFFICERS - PLANNING APPLICATIONS (Pages 59 - 60)**

(Councillor Mrs M. McEwen) To consider a report of the Constitution & Member Services Standing Scrutiny Panel on officer delegation in respect of planning applications which are the subject of representations by Parish and Town Councils

**10. APPOINTMENT OF MEMBER AND CHAIRMAN TO THE SAFER CLEANER GREENER STANDING PANEL**

**RECOMMENDATION:**

- 1. That two Conservative members be appointed to the Safer Cleaner Greener Standing Panel; and**
- 2. That a new Chairman be appointed for the Safer Cleaner Greener Scrutiny Standing Panel.**

Two vacancies have occurred following the resignation of Councillor B Rolfe from the Safer Cleaner Greener Standing Panel and the death of Councillor Bateman. Due to the pro-rata requirements, these vacancies falls within the membership of the Conservative group.

As Councillor Rolfe was also the Chairman of this Panel, a new Chairman should also be appointed by this Committee to the SCG Standing Panel.

It should be noted that nominations to Chairman (and Vice Chairman) of these Panels are excluded from the calculation required under the Council's protocol regarding allocation of Chairman and Vice-Chairman positions between the political groups.

**11. PITT REVIEW ON FLOODING TASK AND FINISH PANEL - TERMS OF REFERENCE (Pages 61 - 62)**

**Recommendation:**

To endorse the terms of reference for the Pitt Review on Flooding Task and Finish Panel.

The Committee is asked to consider and endorse the terms of references for the new Pitt Review Task and Finish Panel considered at their first meeting.

## 12. WORK PROGRAMME MONITORING (Pages 63 - 76)

- (a) To consider the attached Work Programme

The current Overview and Scrutiny work programme is attached for information.

- (b) Reserve Programme

A reserve list of scrutiny topics is required to ensure that the work flow of OSC is continuous.

OSC will 'pull out' items from the list and allocate them accordingly once space becomes available in the work plan following the completion of existing reviews.

Members can put forward any further suggestions for inclusion in the reserve list either during the meeting or at a later date.

Existing review items will be dealt with first, then time will be allocated to the items contained in the reserve work plan.

- (c) Referral from Cabinet: Sustainable Communities Act 2007

### **RECOMMENDATIONS:**

To consider how to this Committee wishes to handle the cabinet proposal to consider the Sustainable Communities Act 2007. The Committee can:

- (1) Add it to their work programme;
- (2) Add it one of the Standing Panel's work programmes;
- (3) Create a Task and Finish Panel to consider the issues and report back; or
- (4) Create a sub-committee of this Committee to consider the issues.

The Cabinet at their meeting on 13 July 2009 had asked that the Overview and Scrutiny Committee consider the report (attached) on Sustainable Communities Act 2007. They would like this Committee to consider how schemes are to be found and what arrangements are to be made for setting up relevant panels of affected people. This item of work would, by its nature, cut across a lot of the established Standings Panel's terms of reference.

## 13. CABINET REVIEW

### **RECOMMENDATION:**

To consider any items to be raised by the Chairman at the Cabinet meeting on 7 September 2009.

(Assistant to the Chief Executive). Under the Overview and Scrutiny rules the Committee is required to scrutinise proposed decisions of the Executive. The

Chairman is also required to report on such discussions to the Cabinet.

The Committee is asked to consider the 7 September 2009 Cabinet agenda (previously circulated) to see whether there are any items that they wished to be raised at the Cabinet meeting.

#### 14. 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
Nil	Nil	Nil	

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

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responsible for the item.