

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, 29 June 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

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 9 - 40)

To approve as a correct record and sign the minutes of the meeting held on 25 May 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.

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 41 - 54)

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 any motions, notice of which has been given under Council Procedure Rule 11.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

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 - COMMUNITY GOVERNANCE REVIEW - GREENSTED/ONGAR TOWN (Pages 55 - 66)

To consider the attached report by the Cabinet.

11. COMMUNITY GOVERNANCE REVIEW - MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL (Pages 67 - 74)

To consider the attached report by the Cabinet

12. COMMUNITY GOVERNANCE REVIEWS - APPOINTMENT OF NON EXECUTIVE COMMITTEE (Pages 75 - 76)

To consider the attached report of the Cabinet.

13. STATUTORY STATEMENT OF ACCOUNTS 2009/10

To consider a report of the Audit & Governance Committee arising from its meeting on 21 June 2009 and the Statutory Statement of Accounts for 2009/10 (to follow).

14. REPORT OF THE CONSTITUTION AND MEMBERS SERVICES SCRUTINY PANEL - E-PETITIONS

To consider a report (to follow).

15. GAMBLING ACT 2005 - AMENDED STATEMENT OF PRINCIPLES (Pages 77 - 100)

(Chairman of the Licensing Committee) To consider the attached report.

16. APPOINTMENTS OUTSTANDING FROM THE ANNUAL COUNCIL MEETING

(a) Vice-Chairman of the Complaints Panel

Recommendation:

To appoint a Vice-Chairman of the Complaints Panel for the municipal year 2010/11

The appointment of a Vice-Chairman of the Complaints Panel was deferred at the Annual Council meeting. The Protocol on the Allocation of Chairmanships and Vice-Chairmanships in the Constitution provides that appointments should be made against the requirement to achieve a pro-rata allocation between political groups. This is not a statutory pro rata requirement.

In accordance with the Protocol the appointment should be on the nomination of the LRA Group. The LRA Group is represented on the Panel by Councillors R Brookes and D Wixley. Councillor Wixley was appointed Chairman of the Panel at the Annual meeting.

(b) West Essex Area Forum

Recommendation:

To appointment a representative on the West Essex Forum for the municipal year 2010/11

The appointment of a representative on the West Essex Area Forum was deferred at the Annual Council meeting. The Protocol on the Allocation of Appointments to Outside Organisations in the Constitution provides that after considering "local" categories all political groups will agree on an annual basis how many seats are to be allocated to each group taking into account their overall numbers on the Council and their expressed preferences.

This is not a statutory pro rata requirement and strict pro rata allocation has not been achieved for several years. Other authorities appoint their Leaders to attend the West Essex Area Forum.

(c) Local Government Association – Rural Commission

Recommendation:

To appoint a second representative on the Local Government Association –

Rural Commission for the municipal year 2010/11

The appointment of a second representative on the Local Government Association – Rural Commission was deferred at the Annual Council meeting. Councillor A Boyce was appointed as the voting representative.

17. PORTFOLIO HOLDER RESPONSIBILITIES (Pages 101 - 106)

(Leader of the Council) To note Portfolio Holder responsibilities agreed by the Leader of the Council following the creation of a ninth Portfolio.

18. CIVIC OFFICES CONDER BUILDING - CONTRACT FOR NEW WINDOWS AND INFILL CLADDING PANELS - WAIVING OF CALL-IN

Recommendation:

To note that the Chairman of the Council agreed that the decision of the Cabinet regarding the award of a contract for new windows and infill cladding panels in the Conder Building at the Civic Offices and the virement of a sum of £40,000 to provide the budget required should be treated as a matter of urgency and should not be subject to call-in.

(Chief Executive) Following a tendering exercise through the Essex Procurement Hub for replacement windows and infill cladding panels in the Conder building at the Civic Offices the lowest tender came in at a price of £40,000 above the approved budget for this project. To enable the project to proceed without the need for supplementary finance the Cabinet agreed that a virement be made within the capital budget for planned and preventative maintenance programme for 2010/11.

Because this project is time critical in that it needs to be completed before the winter period the Cabinet requested that the normal call in arrangements for this decision be waived.

Decision Notice and form signed by the Chairman of the Council.

19. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

20. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Paragraph Number	Information
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 responsible for the item.