

## **EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES**

<b>Committee:</b>	Council	<b>Date:</b>	2 November 2010
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.30 - 10.20 pm
<b>Members Present:</b>	Councillors Mrs A Grigg (Chairman), K Angold-Stephens (Vice-Chairman), R Barrett, R Bassett, A Boyce, W Breare-Hall, Ms R Brookes, Mrs P Brooks, K Chana, Mrs T Cochrane, R Cohen, J Collier, Mrs D Collins, D Dodeja, Ms C Edwards, C Finn, Mrs R Gadsby, P Gode, A Green, Ms J Hart, J Hart, Ms J Hedges, D Jacobs, D C Johnson, Mrs S Jones, B Judd, J Knapman, L Leonard, A Lion, J Markham, Mrs M McEwen, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, W Pryor, B Rolfe, 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		
<b>Apologies:</b>	Councillors Ms Y Knight, Mrs J Lea, B Sandler, Mrs M Sartin, Mrs P Smith and Ms S Watson		
<b>Officers Present:</b>	D Macnab (Acting Chief Executive), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), A Hall (Director of Housing), G Lunnun (Assistant Director (Democratic Services)), A Mitchell (Assistant Director (Legal)), S G Hill (Senior Democratic Services Officer), P Sewell (Democratic Services Assistant) and T Carne (Public Relations and Marketing Officer)		
<b>Also Present:</b>	J Guth (Independent Member and Vice-Chairman of the Standards Committee)		

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### **77. WEBCASTING INTRODUCTION**

The Assistant to the Chief Executive, on behalf of the Chairman of the Council, reminded everyone 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.

### **78. WELCOME TO THE MEETING**

The Chairman welcomed Mr Jason Guth, Independent Member and Vice-Chairman of the Standards Committee to the meeting. The Chairman advised members that Mr Guth was attending to present the Annual Report of the Standards Committee.

### **79. MINUTES**

#### **RESOLVED:**

That the minutes of the Council meeting held on 28 September 2010 be taken as read and signed by the Chairman as a correct record.

### **80. DECLARATIONS OF INTEREST**

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

**81. ANNOUNCEMENTS****(a) Announcements by the Chairman of the Council****(i) Attendance at Events**

The Chairman reported on her attendance at the Commemoration of the bombing of Spriggs Oak, Epping in 1940 when eight women had been killed.

The Chairman also reported on her attendance together with other Councillors at a speed meeting event with Youth Councillors.

Councillor Mrs Grigg advised that she had attended the unveiling and dedication of the Battle of Britain Memorial Wall at North Weald Airfield.

**(ii) Flowers from the Meeting**

The Chairman advised that the flowers from the meeting would be sent to St Clare Hospice.

**(b) Announcements by the Leader of the Council**

There were no announcements by the Leader under this heading.

**(c) Announcements by Portfolio Holders**

There were no announcements by Portfolio Holders under this heading.

**(d) Quality Parish Status – Accreditation – Epping Upland and North Weald Bassett Parish Councils**

The Chairman introduced Canon John Brown, the Chairman of the Essex County Accreditation Panel and invited him to say a few words on Quality Parish Status prior to making presentations to representatives of Epping Upland and North Weald Bassett Parish Councils.

Canon Brown reported that there were currently 695 quality Parish Councils nationally of which 223 had been re-accredited. 43 Parish/Town Councils in Essex had been awarded quality status and 22 had been re-accredited for the latest standard. The meeting noted that there were currently seven quality Parish Councils in the Epping Forest District.

Canon Brown suggested that both North Weald Bassett and Epping Upland Parish Councils were well placed to deliver the power of wellbeing, a role already being undertaken by 10 local Councils in Essex.

Canon Brown congratulated North Weald Bassett Parish Council for meeting the criteria for accreditation. He advised that the relocation of the Parish Office to the Library had made the Parish Council more accessible and had increased community involvement. He pointed out that the Parish had 4,681 electors and the Parish Council maintained 11 notice boards and managed three halls. He praised the Parish Council for the clear way in which members' interests were recorded, their monthly newsletter and other publications, the rota for Councillors' Saturday surgeries, their Citizen of the Year Award, the delivery of their annual report to all households in the Parish, the Annual Remembrance Service at the Norwegian

Memorial, the funding of local organisations, the management of allotments and a cemetery and for participating in the Essex Apprenticeship Scheme.

Canon Brown congratulated Epping Upland Parish Council for achieving the standard for re-accreditation. He praised the Parish Council for their newsletter which set out clearly the responsibilities of all Parish Councillors, for individual Councillor input into the magazine "the Uplander", for the clear and well presented annual report, special leaflets in relation to housing development, new Councillor induction arrangements, the high level of attendance of Councillors at meetings, the management of allotments, the provision of a Millennium Wildlife Garden, the maintenance of the village green and involvement in the Gypsy and Traveller consultation process.

The Chairman of the Council, Canon Brown, Councillor Ann Pegrum, Vice-Chairman and Mrs Val Evans, Clerk of Epping Upland Parish Council moved to the well of the Chamber for the formal presentation and photographs.

The Chairman of the Council, Canon Brown, Councillor Cyril Hawkins, Chairman and Mrs Sue De Luca, Clerk of the North Weald Bassett Parish Council moved to the well of the Chamber for the formal presentation and photographs.

#### **(e) Customer Service Excellence Award – Housing Directorate**

The Council noted that following a detailed written submission and a rigorous assessment process undertaken by an external assessor, the whole of the Council's Housing Directorate had been awarded the Government Standard for Customer Service Excellence in the public sector. Members noted that Customer Service Excellence replaced the former Charter Mark Award, which had been held by the Housing Directorate for the past six years.

In order to obtain the Customer Service Excellence Award, organisations had to meet 57 separate assessment criteria. They had to demonstrate that they engaged and consulted with their customers; measured customer satisfaction with the service; provided information and easy access to services; co-operated with other providers, partners and communities; had service delivery standards; dealt effectively with problems; achieved timely service delivery, and had a positive organisation culture.

The Chairman drew attention to the independent external assessor's overall conclusion – "the Housing Directorate was found to have a deep understanding and commitment to Customer Service Excellence. The commitment was found from Senior Management levels through to operational and front line staff".

The Chairman made a presentation to Councillor David Stallan, Housing Portfolio Holder and Alan Hall, Director of Housing following which photographs were taken.

#### **82. PUBLIC QUESTIONS (IF ANY)**

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

#### **83. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET**

The Council received written reports from the Environment Portfolio Holder, the Finance and Economic Development Portfolio Holder, the Housing Portfolio Holder, the Legal and Estates Portfolio Holder, the Operational Planning and Transport Portfolio Holder, and the Performance Management Portfolio Holder.

The Chairman invited the Leader, the Chairman of the Overview and Scrutiny Committee and the Leisure and Wellbeing Portfolio Holder to provide oral reports and other members of the Cabinet to give an oral update of their records.

**(a) Leader of the Council**

The Leader reported on her attendance together with the Vice-Chairman of the Council at the Homestart Annual General meeting. She drew attention to the work of Homestart, the majority of which was undertaken by volunteers.

Councillor Collins reported that she had also attended the speed meeting event for Council members and Youth Councillors and had been impressed with the input of the young persons.

The Leader advised that together with the Deputy Leader she had met the Leader and Deputy Leader of the County Council. A number of matters had been discussed including the establishment of a Local Enterprise Partnership covering Essex, Kent and East Sussex. She reported that being such a large area a considerable amount of central funding was expected but it was unclear how much of that funding would be directed to West Essex. Councillor Collins advised that the subsequent Government announcement of accepted Local Enterprise Partnership had surprised her as some covered only a County area and in Essex it had been pointed out that such a restricted area would be unlikely to be accepted.

The Leader advised that the meeting with the Leader and Deputy Leader of Essex County Council had also discussed the Comprehensive Spending Review. She pointed out that the full impact on the County of Essex and this District would not be known until the announcement of grants in December. However, the Government had indicated that in recognition of local authorities not increasing the Council Tax, central funding would be made available to meet the difference between no increase and 2½%. The Leader also advised that Central Government funding for Homelessness would now be made to Districts and not to the County Council as had previously been announced.

The Leader advised that the meeting with the Leader and Deputy Leader of the County Council had also discussed the outstanding parking reviews in this District and in particular the difficulties regarding the advertising costs. The District Council views had been noted and it now appeared that the District Council be allowed to continue with its enforcement contract operated by Vinci until it expired. Councillor Collins advised that this discussion had led to the County Council agreeing to consider the possibility of outsourcing the new Enforcement Contract at the appropriate time.

Discussions with the Leader and Deputy Leader of the County Council had also included the plans for St John's School and the Epping Design Brief. The County Council had agreed to provide further details of the plans for the school and had indicated that the Epping Design Brief would be made available for consultation shortly. Councillor Collins advised that the County Council had indicated that it was anxious to maximise its assets and that it would like to sell most of its land covered within the brief for housing. She advised that the County Council members had been informed that this was not favoured by local residents and that their views should be taken into account.

Councillor Collins advised that the meeting had discussed the London Olympics in 2012. Representations had been made to the County Council representatives that

the County Council had appeared to be focussing on the Mountain Biking course in Hadleigh with little attention being given to the White Water course just outside of the Epping Forest and Essex border in Broxbourne. The meeting noted that local County Councillors Valerie Metcalfe and Liz Webster were now involved in discussions about the legacy benefits to the Waltham Abbey area which was expected to attract 70,000 visitors a year.

Councillor Collins said that the County Council representatives had seemed to be unaware of the concerns being expressed in many quarters about the Children's Services. She reminded members that Essex had received two poor inspection reports and had been judged inadequate on both occasions. The County Council representatives had suggested that their procedures were very good but it had been pointed out to them that whilst this might be the case there was little evidence of putting the procedures into practice for the benefit of children.

The meeting had also discussed housing provision and in particular the expansion of Harlow. She advised that the County Council representatives had acknowledged that the County Council would need to take an overview of housing provision in the county and in particular in the West Essex area.

In relation to the future of Local Strategic Partnerships, the County Council had already spent the money which had been previously allocated to District Councils. Councillor Collins advised that she had pointed out to the County Council representatives that Epping Forest, Harlow and Uttlesford were continuing to work together on a Partnership arrangement for West Essex.

In relation to Health and Wellbeing, representations had been made to the County Council representatives for the need to ensure for proper scrutiny.

Councillor Collins advised that an Away Day with other Essex Authority Leaders was to be held next week. She advised that together with a number of other Leaders she had been surprised at an announcement made by Councillor G Butland who was leading on the consideration of shared services throughout the County. Councillor Butland had announced that there would be one Chief Executive for all District Councils in the County and five Managing Directors. Councillor Collins pointed out that he had since apologised for expressing his own views in a way which could have been interpreted as being supported by other Essex Authority Leaders. She said that her preference which was shared by the Leaders of Harlow and Uttlesford Councils was for those three authorities to work together rather than be involved in larger grouping of authorities.

Finally, the Leader advised that the first meeting of the Chief Executive Appointment Committee had been held at which consideration had been given to the terms of reference and an outline of the process. Members of the Committee had also met the Consultants appointed to advise on the appointment. Councillor Collins reported that a further two or three meetings would be held before Christmas and that she would make a further report on progress to the Council meeting in December 2010.

#### **(b) Chairman of the Overview and Scrutiny Committee**

Councillor Morgan advised that the Overview and Scrutiny Committee had been due to receive a presentation from the Principal of Epping Forest College at its last meeting but that due to an IT failure at the College that day it had not been possible. He advised that the presentation would be made to a future meeting.

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

Councillor Rolfe expressed his thanks to District Council Officers for the role in which they had played in obtaining lottery funding for a Skateboard Park in Waltham Abbey. He also advised that £25,000 had been secured by the Epping Forest Museum to help with future exhibitions. This funding had been obtained from the Heritage Lottery Renaissance in the Region Fund.

Councillor Rolfe further reported that £45,000 had been obtained from the Aiming High Fund for the provision of play facilities for children with disabilities.

**(d) Operational Planning and Transport Portfolio Holder**

Councillor Stavrou updated the Council in relation to the outstanding parking reviews. She advised that, subject to call-in, the Cabinet at its meeting on 25 October 2010 had decided that further work on the parking reviews should be continued. She reported that total expenditure to date since the commencement of the 2004/05 financial year on the Epping, Buckhurst Hill and Loughton Broadway parking reviews had been £922,956. The Cabinet was also recommending that the £20,000 associated with the previous abortive advertising costs should not be paid to Essex County Council. On the basis that Essex County Council would not provide a written assurance for their revised approach to advertising the Traffic Regulation Orders meeting with all the legal requirements nor indemnify this Council against any abortive costs which would arise should the revised approach be successfully challenged, advertising of the Orders was to be undertaken through a newspaper or newspapers whose circulations covered all the areas affected by the reviews at an estimated additional cost of £165,000. The Portfolio Holder advised that, as recommended by the Local Highways Panel, the reviews would be progressed through a phased approach of completing the Epping Review first, followed by the Buckhurst Hill Review and finally the Loughton Broadway Review, but with total expenditure being contained within the currently available capital allocation. She advised that the Cabinet was also recommending the use of the District Parking Enforcement Account to meet the additional costs of:

- (a) the capital costs of the reviews should the budget be exceeded; and/or
- (b) the enforcement associated with the implementation of new and revised Traffic Regulation Orders to include weekend and evening enforcement.

Finally, the Cabinet was recommending that the Council should no longer undertake wide area parking reviews.

Councillor Stavrou reported that robust project management would be adopted in relation to the future processing of the reviews. She said that it would be necessary to undertake further consultation although previous comments made would be taken into account by the County Council.

**84. QUESTIONS BY MEMBERS WITHOUT NOTICE****(a) Parking Reviews**

Councillor J M Whitehouse stated that he was pleased to hear there would be robust project management in relation to the reviews but questioned whether amendments to be made to proposals by the County Council and/or the District Council would be made before or after the fresh consultation exercise.

Councillor Stavrou stated that she was not sure at present of the order in which these matters would be undertaken. She emphasised that there would be a need for further consultation and that existing comments would also be taken into account.

**(b) Enterprise Week**

Councillor Mrs J H Whitehouse referred to the reference in the report of the Finance and Economic Development Portfolio Holder to activities being planned to celebrate Enterprise Week in mid November and asked for further details. She also asked what progress was being made in relation to the loyalty card initiative for the District's Town Centres.

Councillor Whitbread advised that a number of events were being planned for Enterprise Week in conjunction with Harlow and Uttlesford Councils. He agreed to provide members with a full list in due course. In relation to the loyalty card initiative he advised that this was to be launched later in the month and was aimed in encouraging people to spend in the Epping Forest District rather than further afield. He praised the work undertaken by Cathy MacBride, Town Centres Officer, in relation to this scheme. Councillor Whitbread said that he would report further on this matter at the next Council meeting.

**(c) Backlog of Assessments for Disabled Adaptations by County Occupational Therapy Service**

Councillor P Brooks asked the Housing Portfolio Holder for an update on the restructuring of the County's Occupational Therapy Service which was likely to lead to a reduced number of Occupational Therapists and backlogs of assessments for disabled adaptations.

Councillor Stallan, Housing Portfolio Holder stated that the proposals of the County Council could result in a decision to not undertake any assessments for disabled adaptations on behalf of District Councils. If such a decision was made it would be necessary for all the District Councils in the County to make alternative arrangements funded from their own resources. He stated that he would keep members informed of progress with this important and sensitive area.

**(d) Local Enterprise Partnership**

Councillor Pond questioned the authority for agreeing to be part of a Local Enterprise Partnership comprising Essex, Kent and East Sussex.

Councillor Collins, Leader of the Council stated that approximately one month ago the County Council encouraged by a local Member of Parliament had formulated proposals for a Local Enterprise Partnership with Kent. This proposal had been put forward as it had been suggested a Partnership based on only a county boundary would be unlikely to be accepted by Central Government. She advised that District Councils had been given very little notice to respond to this proposal and she had agreed that it should be pursued but nothing had been signed to that effect. At a very late stage East Sussex had been joined into the proposal but she had not been made aware of this until after the event. She stated that she had been surprised when the list of approved partnerships had been published as some had been agreed on the basis of county boundaries only.

**(e) Fire Safety Risk Assessment in Blocks of Flats**

Councillor Jenny Hart thanked the Housing Portfolio Holder for deferring action on the removal of carpets from communal areas and asked if he would agree to investigate the practicality of installing smoke alarms in every building, subject to the views of the Fire Service. She also stated that she understood one London Borough Council had agreed to the laying of flame resistant carpet in communal areas which was apparently acceptable to the London Fire Brigade.

Councillor Stallan, Housing Portfolio Holder advised that in relation to the provision of smoke alarms he had asked officers to undertake a feasibility study of installing mains operated alarms in properties and once the results of that study were available a report would be submitted to the Cabinet and possibly the full Council for approval for a supplementary estimate to provide any finance required. In relation to the flame resistant carpet he asked Councillor Hart if she would provide him with details so that he could pursue this matter with officers. Councillor Stallan stated that following consideration of these issues by the Housing Scrutiny Panel he had taken account of representations made by Councillor Hart and other Councillors. He had also taken account of statements made by Lord Young and the new Secretary of State for Communities and Local Government on the need to reduce the cost of local government administration and inspection regimes. As a result he was proposing to write to the new Housing Minister for clarification of the current view. This was to be the subject of a Portfolio Holder decision which would be signed and published within the next two weeks although implementation would be the subject to call-in.

**(f) Loughton High Road Town Centre Partnership**

Councillor Markham pointed out that the District Council's two representatives on this Partnership had not attended meetings and he asked the Leader of the Council if they were to be removed as representatives.

Councillor Collins replied that she had been unaware of this non-attendance until recently and had not yet had an opportunity to speak to the members concerned. She stated that she would be pursuing the matter with the relevant members.

**85. MOTIONS**

The Council was advised that there were no motions for consideration at this meeting.

**86. QUESTIONS BY MEMBERS UNDER NOTICE****(a) Vere Road and Burton Road Car Parks, Loughton**

**By Councillor Pond to Councillor Stavrou, Operational Planning and Transport Portfolio Holder**

"How much was received by the Council from parking charges at the Vere Road and Burton Road Car Parks, Loughton, in each financial year from 2007-08 to date?"

**Response of Councillor Stavrou, Operational Planning and Transport Portfolio Holder**

Pay and display and penalty charge income from the Burton Road and Vere Road car parks is as follows:



Financial year	Burton Road £	Vere Road £
2007/08	9,088.30	Not applicable
2008/09	64,823.30	6,365.05
2009/10	59,036.20	17,224.50
2010/11 (to 27 Oct)	31,062.10	10,572.65

Penalty charge notice income is:

Financial year	Burton Road £	Vere Road £
2007/08	1,700	1,260
2008/09	14,225	3,755
2009/10	10,480	2,755
2010/11 (to 27 Oct)	4,520	1,275

**Notes:**

- (1) Pay and Display machines not installed in Burton Road until January 2008 hence the low income for 2007/08
- (2) In 2007/08 Vere Road was designated as Business and Resident permits only, therefore no Pay and Display income generated
- (3) In 2008/09 Vere Road re-designated as short stay with Pay and Display meters.

**(b) External Consultants and Agency Staff**

**By Councillor J M Whitehouse to Councillor Whitbread, Finance and Economic Development Portfolio Holder**

“How much did the Council spend on external consultants and agency staff in:

- (a) 2007/08;
- (b) 2008/09; and
- (c) 2009/10?”

Councillor Whitehouse stated that he would be happy to receive totals at this meeting subject to the Portfolio Holder publishing full details in the Council Bulletin and in the minutes of this meeting.

**Response of Councillor Whitbread, Finance and Economic Development Portfolio Holder**

Councillor Whitbread advised that the total expenditure in relation to consultants over the three year period had been £1,267,889. In relation to agency staff the figure had been £2,028,477. He continued that total expenditure of both consultants and agency staff was therefore £3,296,366.

The full response of Councillor Whitbread was as follows:

### Cost of External Consultants & Agency Staff

Year	Consultants	Agency Staff	Total	Note
2007/08	298,618	797,808	1,096,426	
2008/09	394,892	658,525	1,053,417	(a)
2009/10	574,379	572,144	1,146,523	(b)
<b>Total</b>	<u>1,267,889</u>	<u>2,028,477</u>	<u>3,296,366</u>	

#### Notes

- (a) Consultants figure includes £145,376 for spending by Forward Planning on Gypsy and Traveller related work.
- (b) Consultants figure includes £289,594 for spending by Accountancy on VAT to produce net income of £1.1million.

### Cost Excluding Exceptional Items

Year	Consultants	Agency Staff	Total
2007/08	298,618	797,808	1,096,426
2008/09	249,516	658,525	908,041
2009/10	284,785	572,144	856,929
<b>Total</b>	<u>832,919</u>	<u>2,028,477</u>	<u>2,861,396</u>

#### Supplementary question from Councillor J M Whitehouse to Councillor Whitbread

What assessment is undertaken to ensure that best value is achieved in relation to the engagement of agency staff?

Councillor Whitbread undertook to respond to Councillor Whitehouse in writing and to publish his response to this supplementary question in the Council Bulletin.

**87. NON-HOUSING ASSETS WITHIN THE HOUSING REVENUE ACCOUNT**

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

Councillor Whitbread reported on proposals for transferring non-housing assets from the Housing Revenue Account to the General Fund.

Councillor Morgan who had chaired a joint Housing and Finance and Performance Management Scrutiny Panel which had considered this matter reported on the views of that meeting. He advised that due to the unprecedented financial situation in which the country found itself and the likely impact of the comprehensive spending review on the Council's resources, the transfer of the non-housing assets to the General Fund had been recommended for approval, enabling all residents of the District to benefit.

**Report as first moved ADOPTED**

**RESOLVED:**

That the non-housing assets listed in Appendix 1 to these minutes be transferred to the General Fund.

**88. ORDER OF BUSINESS**

The Chairman sought leave of the Council to bring forward Item 18 (Standards Committee – Annual Report 2009/10).

**RESOLVED:**

That the order of business be amended and that Item 18 be taken as the next item of business.

**89. STANDARDS COMMITTEE - ANNUAL REPORT 2009/10**

**Mover: Mr Jason Guth, Independent Member and Vice-Chairman of the Standards Committee**

Mr Guth current Vice-Chairman of the Committee presented the report on behalf of the former Chairman of the Committee.

**Report as first moved ADOPTED**

**RESOLVED:**

That the Annual Report of the Standards Committee be noted.

**90. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - DEPUTIES TO PORTFOLIO HOLDERS**

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

Councillor Morgan reported on proposals for introducing Deputies to Portfolio Holders.

**First Amendment moved by Councillor McEwen and seconded by Councillor Philip**

“That the words “between 3 and 10 Deputy Portfolio Holders” be deleted from Appendix 2 and the words “up to 10 Deputy Portfolio Holders” substituted.

**Carried**

**Second Amendment moved by Councillor J M Whitehouse and seconded by Councillor Brooks**

“That Recommendation (4) be deleted and replaced with “That Special Responsibility Allowance be not applied to Deputy Cabinet Member positions””.

**Lost**

**Report as amended ADOPTED****RESOLVED:**

- (1) That positions of Deputy Portfolio Holders be introduced and included in the Council’s Constitution;
- (2) That the proposed amendments to Article 6 of the Constitution and the Executive Procedure Rules as shown in Appendix 2 to these minutes be approved;
- (3) That the Member Role Statement for Deputy Portfolio Holders set out in Appendix 3 to these minutes be approved; and
- (4) That the application of Special Responsibility Allowance to Deputy Cabinet member positions be deferred until 2011/12 to allow more time for these new positions to be assessed in their initial period of operation.

**91. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ADDRESSING CABINET AND OVERVIEW AND SCRUTINY COMMITTEE MEETINGS****Mover: Councillor Morgan – Chairman of the Committee**

Councillor Morgan presented a report on proposals for regulating arrangements for members of the public or other organisations to address meetings of the Cabinet and the Overview and Scrutiny Committee.

**Amendment moved by Councillor Judd and seconded by Councillor Breare-Hall**

“That the following changes be made to Appendices 1 and 2 in order to provide greater flexibility in managing requests by the public to address Cabinet and the Overview and Scrutiny Committee meetings:

- (a) delete sub-paragraph (vii) in both Appendices.
- (b) amend sub-paragraph (x) (to be renumbered (ix) of Appendix 1 to read as follows:

“the Leader of the Council shall have discretion as to whether to limit the number of persons wishing to address the Cabinet if it is considered that the number of such speakers will unduly delay the proper despatch of business at any meeting;

(c) amend sub-paragraph (x) (to be renumbered (ix) of Appendix 2 to read as follows:

“the Chairman of the Overview and Scrutiny Committee shall have discretion as to whether to limit the number of persons wishing to address the Committee if it is considered that the number of such speakers will unduly delay the proper despatch of business at any meeting”.

**Carried**

### **Report as amended ADOPTED**

#### **RESOLVED:**

- (1) That provision be made in the Executive Procedure Rules in the Constitution to regulate arrangements for members of the public or other organisations to address Cabinet meetings on agenda business;
- (2) That the proposed additional clause in the Executive Procedure Rules set out in Appendix 4 to these minutes be approved;
- (3) That these arrangements be reviewed in 12 months time; and
- (4) That similar provision be made in the Overview and Scrutiny Procedure Rules as set out in Appendix 5 to these minutes in order to provide similar arrangements to operate at Overview and Scrutiny Committee meetings.

### **92. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - CANCELLATION OF MEETINGS - EXTREME WEATHER CONDITIONS**

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

Councillor Morgan reported on proposals to regularise the arrangements for the cancellation of meetings due to extreme weather conditions.

#### **Report as first moved ADOPTED**

#### **RESOLVED:**

- (1) That the Constitution be amended to provide procedures for the cancellation of meetings; and
- (2) That the proposed amendment to the Council Procedure Rules as set out in Appendix 6 to these minutes be approved.

### **93. REPORT OF THE LICENSING COMMITTEE - STATEMENT OF LICENSING POLICY**

**Mover: Councillor Brooks – Chairman of the Committee**

Councillor Brooks submitted a report on a review of the Council's Licensing Policy.

Pursuant to the Council's Code of Member Conduct, Councillor Murray declared a personal interest in this item by virtue of being a member of the Methodist Church. 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.

Councillor Murray questioned why the Methodist Church had not been consulted on the proposals. He was advised that the request for inclusion of the Church as a consultee had been received after the consultation period but that the Church would be included in future consultations.

**Report as first moved ADOPTED**

**RESOLVED:**

That the Statement of Licensing Policy attached to the report of the Committee be adopted.

**94. REPORT OF THE LICENSING COMMITTEE - LICENSING OF SEX ENTERTAINMENT VENUES**

**Mover: Councillor Brooks – Chairman of the Committee**

Councillor Brooks reported that the Policing and Crime Act 2009 had amended Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the licensing of sexual entertainment venues, where relevant entertainment was provided before a live audience for the financial gain of the entertainer or organiser. She submitted proposals for delegation of the functions and on licensed fees.

**Report as first moved ADOPTED**

**RESOLVED:**

(1) That the amendment to the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 made by Section 27 of the Policing and Crime Act 2009 to licence sexual entertainment venues from 14 December 2010 be adopted;

(2) That the delegations to the Committee, Sub-Committee and Officers be as set out in Appendix 7 attached to these minutes and appropriate amendments be made to the Council's Constitution; and

(3) That the fees in respect of the issue of a Sexual Entertainment Venue licence be £3,000 and £1,500 on renewal.

**95. REPORT OF THE LICENSING COMMITTEE - PAVEMENT LICENCES**

**Mover: Councillor Brooks – Chairman of the Committee**

Councillor Brooks submitted a report on the provisions of the Highways Act 1980 which allowed applications to be made to local authorities for permission to place tables, chairs, portable advertising boards and similar objects on pavements which were adopted as highways.

**First amendment moved by Councillor Jacobs and seconded by Councillor J M Whitehouse**

“ (1) That the following words be deleted from recommendation (3): “a fee of £250 per annum be charged for a consent to five or more tables and associated chairs” ; and replaced with:

“a fee be charged for a consent to tables and associated chairs at a rate of £50 per table” ; and

(2) That the figure “£150” be replaced with the figure of “£30”.

Following debate and by leave of the Council, Councillor Jacobs withdrew his amendment.

**Second Amendment moved by Councillor Whitbread and seconded by Councillor Stallan**

“That the report of the Licensing Committee be referred back to that Committee for further consideration”.

**Carried**

**RESOLVED:**

That the report of the Licensing Committee be referred back to that Committee for further consideration.

**96. REPORT OF THE LICENSING COMMITTEE - TEMPORARY ROAD CLOSURE ORDERS****Mover: Councillor Brooks - Chairman of the Committee**

Councillor Brooks submitted a report regarding the provisions of the Town Police Clauses Act 1847 to make temporary road closures for street parties, fetes, processions etc. She advised that the proposals before the Council had been formulated having regard to recent guidance from the Secretary of State for Communities and Local Government suggesting it should be made easier for communities to apply for the temporary closure of a highway to enable street parties and fetes to be held.

**Amendment moved by Councillor J H Whitehouse and seconded by Councillor Whitbread**

“That the report be referred back to the Licensing Committee for further consideration and at that time officers present a more detailed explanation of the process, costs of the County Council and fees”.

**Carried**

**RESOLVED:**

That the report be referred back to the Licensing Committee for further consideration and at that time officers present a more detailed explanation of the process, costs of the County Council and fees.

**97. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

There were no reports on the business of joint arrangements and external organisations under this item.

**CHAIRMAN**



## APPENDIX 1

### **FLATS OVER PREMISES**

24 & 25 Fir Trees & Flat	Abridge	40 The Broadway	Debden, Loughton
		41 The Broadway	Debden, Loughton
1 Lower Queens Road	Buckhurst Hill	42 The Broadway	Debden, Loughton
4 Lower Queens Road	Buckhurst Hill	43 The Broadway	Debden, Loughton
5 Lower Queens Road	Buckhurst Hill	44 The Broadway	Debden, Loughton
8 Lower Queens Road	Buckhurst Hill	45 The Broadway & Flat 41A	Debden, Loughton
		46-48 The Broadway	Debden, Loughton
142 Loughton Way	Buckhurst Hill	47-49 The Broadway	Debden, Loughton
144 Loughton Way	Buckhurst Hill	50 The Broadway	Debden, Loughton
146 Loughton Way	Buckhurst Hill	51 The Broadway	Debden, Loughton
148 Loughton Way	Buckhurst Hill	52 The Broadway	Debden, Loughton
150 & 152 Loughton Way	Buckhurst Hill	53 The Broadway	Debden, Loughton
154 Loughton Way	Buckhurst Hill	54 The Broadway	Debden, Loughton
156 Loughton Way	Buckhurst Hill	55 The Broadway	Debden, Loughton
158 Loughton Way	Buckhurst Hill	56 The Broadway	Debden, Loughton
		57 The Broadway + Garage 292	Debden, Loughton
160 Loughton Way	Buckhurst Hill	58 The Broadway	Debden, Loughton
162 Loughton Way	Buckhurst Hill	59 The Broadway	Debden, Loughton
164 Loughton Way	Buckhurst Hill	60 The Broadway	Debden, Loughton
		61 The Broadway	Debden, Loughton
28 Parklands & Flat 38	Coopersale	62 The Broadway	Debden, Loughton
29 Parklands & Flat 36	Coopersale	64 The Broadway	Debden, Loughton
30 Parklands & Flat 34	Coopersale	65 The Broadway	Debden, Loughton
31 Parklands & Flat 32	Coopersale	66 The Broadway	Debden, Loughton
		67 The Broadway & Flat 22A	Debden, Loughton
11-13 The Broadway	Debden, Loughton	68 The Broadway	Debden, Loughton
12-14 The Broadway	Debden, Loughton	69 The Broadway	Debden, Loughton
15 The Broadway	Debden, Loughton	70 The Broadway	Debden, Loughton
16 The Broadway	Debden, Loughton	71 The Broadway	Debden, Loughton
17/19 The Broadway	Debden, Loughton	72 The Broadway	Debden, Loughton
18 The Broadway	Debden, Loughton	73 The Broadway	Debden, Loughton
20 The Broadway	Debden, Loughton	74 The Broadway	Debden, Loughton
21 The Broadway	Debden, Loughton	76 The Broadway	Debden, Loughton
22 The Broadway	Debden, Loughton	78 The Broadway	Debden, Loughton
23 The Broadway & Flat 21A	Debden, Loughton	80 The Broadway	Debden, Loughton
24 The Broadway & Flat 24 A/B	Debden, Loughton	82 The Broadway & Flat 80B	Debden, Loughton
25 The Broadway	Debden, Loughton		
26 The Broadway & Flat 61A	Debden, Loughton		
27 The Broadway	Debden, Loughton	50 The Street & Flat 48	High Ongar
28 The Broadway	Debden, Loughton		
29 The Broadway	Debden, Loughton	58 Borders Lane & Flat 78	Loughton
30 The Broadway	Debden, Loughton	60 Borders Lane	Loughton
31 The Broadway	Debden, Loughton	62 Borders Lane	Loughton
32-34 The Broadway	Debden, Loughton	64 Borders Lane	Loughton
33-37 The Broadway	Debden, Loughton	66 Borders Lane	Loughton
36 The Broadway	Debden, Loughton	68 Borders Lane	Loughton
38 The Broadway	Debden, Loughton	70 Borders Lane & Flat 90	Loughton
39 The Broadway	Debden, Loughton	72 Borders Lane	Loughton
		74 Borders Lane	Loughton
		76 Borders Lane & Flat 96	Loughton

## **FLATS OVER PREMISES CONTINUED**

34 Pyrles Lane	Loughton	1-4 Hillhouse	Waltham Abbey
36,38,40 Pyrles Lane	Loughton	5 Hillhouse	Waltham Abbey
42 Pyrles Lane	Loughton	6 Hillhouse & Flat 13	Waltham Abbey
44 Pyrles Lane & Flat 72a	Loughton	7 Hillhouse	Waltham Abbey
46 Pyrles Lane	Loughton	8 Hillhouse	Waltham Abbey
48 Pyrles Lane	Loughton	9 Hillhouse	Waltham Abbey
50 Pyrles Lane & Flat 76	Loughton	10 Hillhouse	Waltham Abbey
52 Pyrles Land & Flat 62 & Garage	Loughton	11 Hillhouse	Waltham Abbey
		12 Hillhouse	Waltham Abbey
6 & 7 Longcroft Rise & Flat 14	Loughton		
		74 Roundhills	Waltham Abbey
20 St Peter's Avenue & Flat 22	Shellys, Ongar	76 Roundhills	Waltham Abbey
24 St Peter's Avenue & Flat 26	Shellys, Ongar	78 Roundhills	Waltham Abbey
28 St Peter's Avenue & Flat 30	Shellys, Ongar	80 Roundhills	Waltham Abbey
32 St Peter's Avenue & Flat 34	Shellys, Ongar	82 Roundhills	Waltham Abbey
15 Market Square	Waltham Abbey	113-117 Upshire Road	Waltham Abbey
16 Market Square	Waltham Abbey	119 Upshire Road	Waltham Abbey
17 Market Square	Waltham Abbey	121 Upshire Road	Waltham Abbey
18 Market Square	Waltham Abbey	123 Upshire Road	Waltham Abbey
19 Market Square	Waltham Abbey		

## **NO FLATS OVER PREMISES**

83 Loughton Way (House)	Buckhurst Hill	70 Wellfields (House)	Loughton
Petrol Filling Station	Debden, Loughton	17 & 18 Maynard Court	Waltham Abbey
Public House Sir Winston Churchill	Loughton	548 Limes Avenue	Chigwell
Public House The Cottage Loaf	Loughton	550 556 Limes Avenue	Chigwell
Public House Gun Makers Arms	Loughton	558 Limes Avenue	Chigwell
Public House Spencers (formerly The Golden Lion)	Loughton	560 Limes Avenue	Chigwell
Public House The Black Deer	Loughton	562 Limes Avenue	Chigwell
Public House Clydesdale	Loughton		
2-18 Torrington Drive	Debden, Loughton		

### **SUGGESTED CONSTITUTIONAL AMENDMENTS – DEPUTY PORTFOLIO HOLDERS**

#### **1. Executive Procedure Rules**

**ADD** New Paragraph (to be numbered).

“The Leader of the Council may appoint up to 10 Deputy Portfolio Holders who shall –

- (a) assist the designated Cabinet Member in shaping and developing the strategic priorities of the Council as it relates to the allocated portfolio.
- (b) assist the designated Cabinet Member in monitoring performance in specified areas relating to the allocated portfolio.
- (c) where appropriate and where permissible under the Council’s Constitution, represent the designated Cabinet Member at meetings or visits.

Such appointments shall be at the discretion of the Leader and shall be notified to Council at its annual meeting. The term of office of any Deputy Portfolio Holder shall be for one year from the Annual Council meeting concerned but may be varied by the Leader at any time.

Deputy Portfolio Holders shall not be members of the Cabinet, or any Cabinet Committee and may not exercise any executive powers, which shall be reserved to Cabinet members either collectively or individually.

Deputy Portfolio Holders may, however, be invited to speak at Cabinet or Cabinet Committee meetings on matters where they assisted Cabinet members but may not vote.”

#### **2. Article 7 – The Executive**

**ADD** New Paragraph (to be numbered 7.05):

“Deputy Portfolio Holders

The Leader of the Council shall also, at his or her discretion, appoint Deputy Portfolio Holders on an annual basis in accordance with the Executive Procedure Rules contained in the Constitution.”

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**ESSEX COUNTY COUNCIL – MODEL JOB DESCRIPTION FOR DEPUTIES TO CABINET MEMBERS**

**Purpose**

To assist and work with the designated Cabinet Member with their responsibility for allocated portfolios.

**Duties and Responsibilities**

1. To assist the designated Cabinet Member in shaping and developing the strategic priorities of the Council as it relates to the allocated portfolio.
2. To assist the designated Cabinet Member in monitoring performance in specified areas relating to the allocated portfolio.
3. Where appropriate and where permissible under the Council's Constitution to represent the designated Cabinet Member at meetings or visits.

**Skills Required**

**Basic**

1. To show good communication and interpersonal skills.
2. To show the ability to analyse and grasp complex issues.

**Developmental**

3. To develop a good understanding of how local and national government operates.
4. To develop a clear understanding of the operation of the Council and ability to contribute to the work of the Cabinet generally.
5. To develop skills in chairing meetings and facilitating open discussion.

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### PROPOSED REVISION TO EXECUTIVE PROCEDURE RULES

Add new paragraph 5:

**“5. REQUESTS BY THE PUBLIC/OUTSIDE ORGANISATIONS TO ADDRESS THE CABINET**

- (a) Any member of the public or a representative of an outside organisation may address the Cabinet on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at a meeting.
- (b) The following rules shall apply to such requests:
  - (i) requests must relate to any existing agenda item;
  - (ii) requests must not raise new business for the meeting concerned;
  - (iii) all requests must be notified to the Council by 4 pm on the day of the meeting;
  - (iv) requests accompanied by proposals to circulate written material must be received three working days before the meeting in time to be sent to Cabinet members in advance of the meeting;
  - (v) requests need not be in writing;
  - (vi) a maximum of two persons shall be permitted to address the Cabinet on any one agenda item;
  - (vii) a time limit of 3 minutes per speaker shall apply;
  - (viii) the Cabinet shall be able to ask questions on any comments made;
  - (ix) the Leader of the Council shall have discretion as to whether to limit the number of persons wishing to address the Cabinet if it is considered that the number of such speakers will unduly delay the proper despatch of business at the meeting;
  - (x) this procedure shall not apply to Cabinet Committees.”

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**PROPOSED REVISION TO THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

Add new paragraph 19.2 as follows:

“19.2 Any member of the public or a representative of an outside organisation may address the Overview and Scrutiny Committee on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at a meeting. The following rules shall apply to such requests:

- (i) requests must relate to an existing agenda item;
- (ii) requests must not raise new business for the meeting concerned;
- (iii) all requests must be notified to the Council by 4 pm on the day of the meeting;
- (iv) requests accompanied by proposals to circulate written material must be received three working days before the meeting in time to be sent to Overview and Scrutiny Committee members in advance of the meeting;
- (v) requests need not be in writing;
- (vi) a maximum of six persons shall be permitted to address the Committee at any individual meeting;
- (vii) a time limit of 3 minutes per speaker shall apply;
- (viii) the Overview and Scrutiny Committee shall be able to ask questions on any comments made;
- (ix) the Chairman of the Overview and Scrutiny Committee shall have discretion as to whether to limit the number of persons wishing to address the Committee if it is considered that the number of such speakers will unduly delay the proper despatch of business at any meeting”.

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### **CANCELLATION OF MEETINGS – PROPOSED ALTERATIONS TO THE CONSTITUTION**

#### **(a) Council Procedure Rules**

ADD new Procedural Rule (to be numbered 5)

“Cancellation of Meetings

The decision to cancel any meeting of the Council shall be made by the Chairman in consultation with the Chief Executive (or his representative). In circumstances where a meeting has to be cancelled for reasons which are outside the Council’s control at short notice, the decision to cancel shall be made no later than 2 hours before the commencement of the meeting and notified to all Councillors and other interested persons as soon as possible thereafter.”

AMEND existing Procedural Rule 24 by adding the following words:

“The requirements of Procedure Rule 5 (Cancellation of Meetings) above shall apply to the Cabinet, Committees, Panels and Sub-Committees and any other meeting convened by the Authority.

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### LICENSING OF SEX ENTERTAINMENT VENUES DELEGATION OF FUNCTIONS

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for Licence		If an objection made or if officers considered it to be appropriate	If no objection made
Application for Variation of a Licence		If an objection or if officers considered it to be appropriate	All other cases
Application for renewal of a Licence		If an objection or if officers considered it to be appropriate	All other cases
Application to revoke a Licence		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
All policy matters except the formulation of the licensing policy	All cases		

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