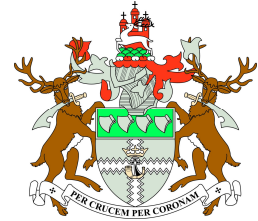


# Council Agenda



## 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, 2 November 2010 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'D Macnab'.

**DEREK MACNAB**  
Acting Chief Executive

**Democratic Services  
Officer:**

Council Secretary: Ian Willett  
Tel: 01992 564243 Email: [iwillett@eppingforestdc.gov.uk](mailto:iwillett@eppingforestdc.gov.uk)

#### WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

## **BUSINESS**

### **1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you are 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 - 26)**

To approve as a correct record and sign the minutes of the meeting held on 28 September 2010 (attached).

### **3. DECLARATIONS OF INTEREST**

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

### **4. ANNOUNCEMENTS**

#### **(a) Apologies for Absence**

#### **(b) Announcements**

To consider any announcements by:

- (i) the Chairman of the Council;
- (ii) the Leader of the Council; and
- (iii) any other Cabinet Member.

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

Epping Upland have met all the relevant criteria to be reaccredited for quality parish status. North Weald Bassett Parish Council have met all the relevant criteria to be accredited for quality parish status.

Canon John Brown, Chairman of the Essex County Accreditation Panel will say a few words on quality status and together with the Chairman of the Council will make presentations to: (a) Councillor Ann Pegrum, Vice-Chairman of Epping Upland Parish Council or Councillor Penny Smith, Chairman of Epping Upland Parish Council and Mrs Val Evans the Clerk of Epping Upland Parish Council; and (b) Councillor Cyril Hawkins, Chairman or Councillor Brian Eldridge, Vice-Chairman of North Weald Bassett Parish Council and Mrs Sue De Luca, Clerk of the North Weald Bassett Parish Council.

**(d) Customer Service Excellence Award – Housing Directorate**

Following a detailed written submission and a rigorous assessment process undertaken by an external assessor, the whole of the Housing Directorate has been awarded the Government Standard for Customer Service Excellence in the public sector.

Customer Service Excellence replaces the former Charter Mark Award, which has been held by the Housing Directorate for the past six years.

To obtain the Customer Service Excellence Award, organisations must meet 57 separate assessment criteria. They must demonstrate that they: engage and consult with their customers; measure customer satisfaction with the service; provide information and easy access to services; co-operate with other providers, partners and communities; have service delivery standards; deal effectively with problems; achieve timely service delivery, and have a positive organisational culture.

The Chairman of the Council will present the Customer Service Excellence Award to Councillor David Stellan, Housing Portfolio Holder and Alan Hall, Director of Housing.

**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 27 - 34)**

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 Environment Portfolio Holder;
- (d) Report of Finance and Economic Development Portfolio Holder;
- (e) Report of Housing Portfolio Holder;
- (f) Report of Legal and Estates Portfolio Holder;
- (g) Report of Leisure and Wellbeing Portfolio Holder;
- (h) Report of Operational Planning and Transport Portfolio Holder;
- (i) Report of Performance Management Portfolio Holder;
- (j) Report of the Safer and Greener 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 5 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. NON-HOUSING ASSETS WITHIN THE HOUSING REVENUE ACCOUNT (Pages 35 - 42)**

To consider the attached reports:

- (a) Report of the Cabinet; and
- (b) Report of Joint Housing and Finance and Performance Management Scrutiny Panel.

**11. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - DEPUTIES TO PORTFOLIO HOLDERS (Pages 43 - 52)**

To consider the attached report.

**12. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ADDRESSING CABINET AND OVERVIEW AND SCRUTINY COMMITTEE MEETINGS (Pages 53 - 58)**

To consider the attached report.

**13. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - CANCELLATION OF MEETINGS - EXTREME WEATHER CONDITIONS (Pages 59 - 62)**

To consider the attached report.

**14. REPORT OF THE LICENSING COMMITTEE - STATEMENT OF LICENSING POLICY (Pages 63 - 80)**

To consider the attached report.

**15. REPORT OF THE LICENSING COMMITTEE - LICENSING OF SEX ENTERTAINMENT VENUES (Pages 81 - 84)**

To consider the attached report.

**16. REPORT OF THE LICENSING COMMITTEE - PAVEMENT LICENCES (Pages 85 - 88)**

To consider the attached report.

**17. REPORT OF THE LICENSING COMMITTEE - TEMPORARY ROAD CLOSURE ORDERS (Pages 89 - 90)**

To consider the attached report.

**18. STANDARDS COMMITTEE - ANNUAL REPORT 2009/10 (Pages 91 - 114)**

To consider the attached report.

The report will be presented by Mr Jason Guth, Vice Chairman of the Standards Committee as the Chairman (Mr Richard Crone) is unable to attend this evening's meeting.

**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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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.

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## EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

**Committee:** Council **Date:** 28 September 2010

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.10 pm

**Members Present:** Councillors Mrs A Grigg (Chairman), K Angold-Stephens (Vice-Chairman), R Barrett, 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, Mrs R Gadsby, P Gode, A Green, J Hart, Ms J Hart, Ms J Hedges, D Jacobs, D C Johnson, Mrs S Jones, J Knapman, Mrs J Lea, L Leonard, J Markham, Mrs M McEwen, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, Mrs P Richardson, B Sandler, Mrs M Sartin, Mrs P Smith, P Spencer, D Stallan, Mrs J Sutcliffe, H Ulkun, Mrs L Wagland, Ms S Watson, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

**Apologies:** Councillors R Bassett, A Boyce, C Finn, B Judd, W Pryor, B Rolfe, Ms S Stavrou and Mrs E Webster

**Officers Present:** D Macnab (Acting Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), G Lunnun (Assistant Director (Democratic Services)), I Willett (Assistant to the Chief Executive), T Carne (Public Relations and Marketing Officer) and R Perrin (Democratic Services Assistant)

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### 62. 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.

### 63. MINUTES

#### RESOLVED:

That the minutes of the Council meeting held on 27 July 2010 be taken as read and signed by the Chairman as a correct record.

### 64. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Collins declared a personal interest in agenda item 11 (Report of the Cabinet – Epping Forest College, Loughton – Replacement of Restrictive Covenants) by virtue of being Chairman of the Corporation Board of Epping Forest College. The Councillor advised that she had determined that her interest was prejudicial and that she would leave the meeting for the consideration and voting on the matter.

### 65. ANNOUNCEMENTS

(a) **Announcements by the Chairman of the Council**

**(i) Attendance at Events**

The Chairman reported on her attendance at the Costermongers Harvest Festival Parade and Service held at St Mary's Bow Bells at which there had been many Pearly Kings and Queens present. The Chairman drew attention to the work undertaken by the Pearly Kings and Queens in raising funds for charities.

The Chairman also reported on her attendance at the Annual Service of Remembrance for the Battle of Britain held at St Andrew's Church, North Weald which had been a special occasion this year being the 70<sup>th</sup> Anniversary.

Councillor Mrs Grigg advised that she had visited the National Scout Conservation Project in Epping Forest. The Chairman reported that together with Councillor Stallan she had represented the District Council in the annual Petanque Challenge Match against Epping Town Council at which the District Council had been successful again.

**(ii) Race for Life**

The Chairman thanked members for sponsoring her for this event.

**(iii) Flowers from the Meeting**

The Chairman advised that the flowers from the meeting would be sent to Councillor Cyril Hawkins, Chairman of North Weald Bassett Parish Council who was due to have a major operation.

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

There were no announcements by the Leader under this heading.

**(d) Announcements by Portfolio Holders**

There were no announcements by Portfolio Holders under this heading.

**(e) Quality Parish Status – Reaccreditation – Ongar Town Council**

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 a presentation to Councillor Diana Roberts, the Vice-Chairman of Ongar Town Council and Mr Mark Squire, the Clerk and Responsible Financial Officer of Ongar Town Council in recognition of the Town Council being reaccredited for Quality Parish Status.

Canon Brown advised that the concept of Quality Parish Status had been introduced in March 2003 following the Government's Rural White Paper. The standard for quality status had been revised in 2008 with a national standard set. He reported that currently there were 697 Quality Parish Councils nationally of which 183 had been reaccredited. 42 Parish/Town Councils in Essex had been awarded Quality Status and 22 had been reaccredited for the latest standard. Canon Brown congratulated Ongar Town Council for meeting the standard required and praised the layout of their annual report, the availability of business cards, the use of reply paid envelopes for consultation exercises, the publication of leaflets, the subsidising of a minibus, the holding of councillors' surgeries and an investment in Christmas lights. He also congratulated the Clerk on achieving distinction in the Certificate in Local

Council Administration. Canon Brown suggested that Ongar Town Council was well placed to deliver the power of wellbeing, a role already being undertaken by 10 local councils in Essex.

The Chairman of the Council, Canon Brown, Councillor Roberts and Mr Squire moved to the well of the Chamber for the formal presentation and photographs.

**(e) Essex Strategic HR Partnership – Virtual Network Essex**

The Chairman reported that at the Annual Learning Pool Conference, the Essex Strategic HR Partnership had won an award for partnership working. The award had been given in recognition of the work the Partnership had undertaken on the ViNE – Virtual Network Essex. She advised that the ViNE was used by all of the cohorts of the Evolution Training Programme and would be developed to allow apprentices and other workers to network.

Councillor Mrs Grigg reported that the ViNE Project had been awarded £500,000 from Improvement East to develop the network across the Eastern Region.

The Chairman made a presentation to Paula Maginnis, Assistant Director of Human Resources and Julie Dixon, Learning and Development Officer in the Corporate Support Services Directorate in recognition of the work undertaken by this Council in relation to the project following which photographs were taken.

**66. STATUTORY STATEMENT OF ACCOUNTS - 2009/10**

The Chairman obtained the agreement of the Council to bring this item forward as Councillor Green, mover of the report was feeling unwell.

**Mover: Councillor Green, Chairman of the Audit and Governance Committee**

Councillor Green reported that following a recommendation from the Audit and Governance Committee meeting on 21 June 2010, the Council had approved the Statutory Statement of Accounts 2009/10 at its meeting on 29 June 2010. The accounts had been approved without an Annual Governance Statement as the Audit and Governance Committee had asked for the draft presented to them on 21 June 2010 to be reworded.

Councillor Green advised that the audit of the Annual Statutory Statement of Accounts had revealed some errors in the accounts. He explained that where a material error was discovered, the Director of Finance and ICT was required to report the amendment to the Audit and Governance Committee.

Councillor Green reported that the material error related to a sum of £25.5 million which had been made as an entry in the Revaluation Reserve but should have gone to the Capital Adjustment Account. He advised that the correction of this technical error and the movement between these accounts had no effect on the General Fund or the Housing Revenue Account balances.

Councillor Green invited the Council to reapprove the revised Statutory Statement of Accounts which had been considered by the Audit and Governance Committee again on 20 September 2010. He advised that the Auditors had indicated that they would issue an unqualified opinion on the revised Statutory Statement of Accounts and they had also confirmed that the Council was making adequate arrangements to secure value for money.

Report as first moved **ADOPTED**

**RESOLVED:**

That the Statutory Statement of Accounts 2009/10 be reapproved.

**67. PUBLIC QUESTIONS (IF ANY)**

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

**68. 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 Environment Portfolio Holder, the Finance and Economic Development Portfolio Holder, the Housing Portfolio Holder, the Legal and Estates Portfolio Holder, the Leisure and Wellbeing Portfolio Holder and the Performance Management Portfolio Holder.

The Chairman invited the Leader and the Safer and Green Portfolio Holder to provide oral reports and other members of the Cabinet to give an oral update of their written reports.

**(a) Leader of the Council**

The Leader advised that local authorities were required to draw up plans for Local Enterprise Partnerships (LEPs) to replace Regional Development Agencies. The Leader reported that she had attended meetings as a result of which work had been undertaken with a view to the submission to the Government of a bid for a West Essex LEP. However, shortly before the deadline for the submission of a bid it had become clear that the Government were expecting bids to cover larger areas than West Essex. As a result it had been decided to submit a bid for an Essex/Kent LEP. In due course a Board would be set up for this LEP which would include one member representing West Essex authorities. The Leader apologised that the timescale for submitting the bid had prevented her from consulting other members.

Councillor Collins reported that she had attended a meeting of Council Leaders at Essex County Council at which there had been further discussions regarding shared services in the current economic climate. A further meeting was to be held on 11 November 2010 with an external facilitator. The Leader assured the Council that she would not enter into any commitment regarding shared services prior to seeking the views of members of this Council.

The Council noted that a joint meeting of the Cabinet and Management Board had been held at which consideration had been given to budget savings likely to be required. The Leader reported that savings of between 25% and 40% might be required and the full extent would not be known until after the Comprehensive Spending Review on 20 October 2010. Members noted that future joint meetings would be held on a quarterly basis.

Councillor Collins reported that at the recent Constitution and Member Services Scrutiny Panel meeting, consideration had been given to the appointment of Deputy Portfolio Holders. The proposals had been agreed by the Panel and would now be considered by the Overview and Scrutiny Committee, the Cabinet and in due course the Council.

The Leader reported on the improved level of GCSE A-C passes including English and Maths in schools in the district. She referred to the percentage increases on the previous year and congratulated the schools for their achievements.

Councillor Collins reported on the nominations which had been made to the Chief Executive Appointment Committee. Members noted that the Conservative Group nominations were Councillors Collins, Green, Grigg and Whitbread; the LRA nomination was Councillor Pond; the Liberal Democrats Group nomination was Councillor J M Whitehouse; and Councillor Murray had been nominated to represent the non-affiliated members. The Leader advised that subject to receiving advice on one issue, steps would now be taken to arrange meetings of the Committee.

**(b) Environment Portfolio Holder**

Councillor Sartin reported that currently a recycling figure of 60% was being achieved. She thanked residents of the district for their commitment to recycling.

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

In the absence of Councillor Stravrou, Councillor Whitbread reported on the proceedings of a recent meeting of the Local Highways Panel. The Panel had discussed at length the outstanding Parking Reviews and the impact the delay was having on residents within the areas under review. Members noted the Panel was recommending to the Cabinet that a phased approach be taken to the Parking Reviews starting with Epping so that costs could be worked out for the remaining reviews in Buckhurst Hill and Loughton Broadway. Councillor Whitbread advised that the recommendations of the Panel would form part of a report to be submitted to the Cabinet which would offer a number of options for the way forward. Councillor Whitbread also reported that the Local Highways Panel had decided to pursue a six month Ranger Service and had rejected a suggestion of a reduced five months service. He pointed out that this Service enabled the speedy resolution of minor highway repair works and had proved to be very popular under the Highways Localism agenda.

**(d) Safer and Greener Portfolio Holder**

Councillor Smith reported that the Safer, Cleaner, Greener Scrutiny Panel at its next meeting on 7 October 2010 would be considering cross-border work in relation to the Community Safety Partnership. She advised that there would be a presentation on displacement of criminality solutions. A CCTV officer would also be present to discuss the operation of CCTV around the district following the adoption by the Cabinet on 13 September 2010 of a Code of Practice. Councillor Smith advised that members of the public and Town and Parish Council representatives would be most welcome at the meeting.

The Portfolio Holder advised that draft character appraisals had been prepared for the York Hill, Baldwins Hill and Staples Road Conservation Areas and these were currently the subject of public consultation. She advised that a successful public meeting had been held in relation to these proposals and she drew attention to the ways in which responses could be made to the consultation exercise.

Councillor Smith reported that the Communities and Local Government Department had announced proposals for streamlining the making of tree preservation orders. A report would be submitted to a future Planning Services Scrutiny Panel meeting to enable a response to be formulated to the consultation paper.

**69. QUESTIONS BY MEMBERS WITHOUT NOTICE****(a) Budget Savings**

Councillor Murray referred to the Leader's report regarding budget savings and asked how long after the announcement of the Comprehensive Spending Review would councillors, residents and staff be advised of the impact of savings to be made by this Council.

Councillor Collins advised that a medium term financial strategy was in place which was expected to cover most eventualities. She advised that there were currently no plans to cut services, especially statutory services. She drew attention to the requirement for no increase in Council Tax for the next two years and pointed out that a prudent approach would need to be taken to all expenditure.

**(b) Enforcement**

Councillor Phillip congratulated the Legal and Estates Portfolio Holder on recent enforcement successes but questioned whether consultation letters in relation to planning and enforcement matters were sufficiently clear for the public to understand the issues.

Councillor Wagland agreed that good enforcement commenced with good communication and an understanding of the issues. She pointed out, however, that in some cases the technical issues involved made it difficult to present a clear picture to the public. She advised that she had recently looked at one of the Council's letters in relation to planning objections and had concluded that this could be made clearer. She referred to a recent meeting with all Directors at which enforcement in general had been discussed and a commitment given to an improvement in communication. Councillor Wagland invited Councillor Phillip as Chairman of the Planning Services Scrutiny Panel to include this issue on the work programme of the Panel.

**(c) Parking Review – The Broadway Loughton**

Councillor Jenny Hart stated that the District Council was under an obligation to the County Council to undertake The Broadway, Loughton Parking Review but not the Epping or Buckhurst Hill Reviews. She submitted that residents in the locality of The Broadway were suffering as a result of the delay in undertaking the review and questioned why this area was being given a lesser priority than Epping and Buckhurst Hill.

In the absence of the Operational Planning and Transport Portfolio Holder, Councillor Whitbread responded to the question. He drew attention to the District Council's significant investment in improvements to The Broadway area which had been undertaken in recent years and pointed out that parking was a County Council function with the reviews only being initiated by the District Council on behalf of the County Council in view of a lack of action by the County Council. He pointed out the need to consider carefully the allocation of the District Council's budget for Parking Reviews and suggested that pressure should be applied to the County Council and not the District Council.

**(d) Vacant Posts/Performance**

Councillor P Brooks referred to the savings on the salaries budget due to vacant posts and to the failure to achieve key performance indicator targets in relation to

certain services. She asked whether active steps were still being taken to fill vacant posts.

Councillor Whitbread advised that a sensible approach was being taken to staff vacancies and that he did not believe the performance targets were being adversely affected by current vacancies. He reported that in relation to Housing Benefits the performance was improving and that steps were being taken to improve the performance in relation to Housing Repairs.

**(e) Langston Road Retail Park Proposal**

Councillor Markham referred to the report of the Legal and Estates Portfolio Holder regarding the interest expressed by a number of national multiple retailers. He drew attention to rumours being discussed by residents and asked what type of companies had expressed an interest in the development.

Councillor Wagland advised that expressions of interest had been lodged by a number of multiples concerned with out of town retail development. She emphasised that no planning application had been submitted yet and that attempts would be made as far as possible to protect existing businesses in The Broadway.

**(f) Parking Reviews**

Councillor J M Whitehouse asked whether the report to be submitted to the Cabinet in October would seek to identify a way forward or simply report on progress.

In the absence of the Operational Planning and Transport Portfolio Holder, Councillor Whitbread advised that he understood the report would contain a number of options and would be aimed at progressing the reviews as quickly as possible.

**(g) Displacement Criminality Solutions**

Councillor Richardson referred to the oral report of the Safer and Greener Portfolio Holder and asked for clarification of the meaning of displacement criminality solutions.

Councillor Smith advised that intelligence suggested that the shared borders with Greater London and the easy access routes into the district had a specific impact on acquisitive crime in the district with many offences being committed by offenders living outside of the district. The proposal was for representatives of the Metropolitan Police and their respective Community Safety Partnerships to work together with Essex Police and the Local Community Safety Partnership sharing information, intelligence and best practice. By working together on issues of common concern it was likely that there would be a reduction in the chances of displacement when crime reduction measures were implemented.

**(h) New Licence Conditions for Park Home Sites**

Councillor Johnson referred to the Housing Portfolio Holder's report following the recent meeting of the Housing Scrutiny Panel and asked for an indication of the timescale for considering responses to the consultation exercise and the taking of the final decision.

Councillor Stallan took the opportunity to thank Councillor Murray as Chairman of the Housing Scrutiny Panel for undertaking a detailed review of the proposed new licence conditions for all of the Park Home sites in the district. He advised that

consultation with all Park Home residents on the report to the Panel and the Panel's recommendations would commence in October and run for a period of approximately six weeks. The matter was then expected to be reported to the Cabinet in January 2011 for a decision. Councillor Stallan advised that he had asked for all members of the Council to receive a copy of the consultation document.

**(i) Salt Gritting Bins**

Pursuant to the Council's Code of Member Conduct, Councillor Sutcliffe declared a personal interest in this matter by virtue of being a member of Buckhurst Hill Parish Council. The Councillor advised that she had determined that her interest was not prejudicial.

Councillor Sutcliffe advised that the Buckhurst Hill Parish Council had been informed by Essex County Council that salt gritting bins would no longer be provided at the request of Parish Councils. Also the decision was being applied retrospectively to orders placed earlier in the year. Councillor Sutcliffe stated that she did not understand the approach being taken by the County Council since Parish Councils paid for the supply of the bins. She asked if this matter could be pursued with the County Council.

In the absence of the Operational Planning and Transport Portfolio Holder, Councillor Whitbread said that he would ask Councillor Stavrou to take up this matter with the County Council and that a copy of their response would be printed in the Council Bulletin.

**(j) Public Order Incident – Cottis Lane, Epping**

Councillor Breare-Hall advised that local residents had expressed concern about a public order incident in Cottis Lane the previous weekend. He asked what steps the Council could take to prevent the reoccurrence of such an incident.

Councillor Smith, Safer and Greener Portfolio Holder advised that an active police investigation was underway in relation to the incident and that it would be inappropriate to comment in detail. She confirmed that the Community Safety Team was liaising with the Police and that if on completion of the investigation the Police were concerned about the management of any licensed premises they would be able to seek a review of the appropriate licence.

**(k) Car Park Signage – The Broadway, Loughton**

Councillor Knapman advised that whilst Essex County Council were prepared to arrange for Highway Rangers to put up direction signs to the car parks in The Broadway they were not prepared to pay for the signs. He asked if the District Council would be prepared to fund the provision of the signs.

In the absence of the Operational Planning and Highways Portfolio Holder, Councillor Collins, Leader of the Council, advised that the Portfolio Holder was reviewing budgets and hopefully money would be identified which could be used to secure the provision of the signs.

**(l) Performance Reward Grant Cutbacks**

Councillor Murray referred to a question he had asked at the last Council meeting regarding the decision of Essex County Council to withdraw funding from a range of local projects for children and young people. He pointed out that in relation to his



previous question the Leisure and Wellbeing Portfolio Holder had agreed to provide members with a full report as to how the decision of the County Council would impact on various groups. Councillor Murray asked when that report would be made.

In the absence of the Leisure and Wellbeing Portfolio Holder, Councillor Collins, Leader of the Council, advised that responses were awaited from the County Council and as soon as these were received members would be made aware of the position in the Council Bulletin.

**(m) Parking Charges in LUL Car Parks**

Councillor Stallan drew attention to the increase in parking charges at LUL Stations in the district and in the absence of the Operational Planning and Transport Portfolio Holder asked the Finance and Economic Development Portfolio Holder if he agreed, having regard to the current economic climate, that it was the worse possible time to increase such charges. He also asked the Portfolio Holder if he would write to Transport for London to express concern about the increases with a copy of the representations being sent to local Members of Parliament and the Mayor of London.

Councillor Whitbread agreed that it was inappropriate to introduce such dramatic increases in charges at the current time and pointed out that the District Council had taken the decision not to increase charges in its car parks.

**(n) Void Council Property**

Councillor R Brookes drew attention to the Council's Housing Waiting List of over 5,000 applicants and asked the Housing Portfolio Holder to investigate why the property, 1 Mowbrey Gardens, Loughton had been void for so long. She pointed out that recently neighbours had designed and erected an estate agents board stating that the property had been empty for eight months and questioning why this had been allowed to happen.

Councillor Stallan agreed that with such a long waiting list it was important to let empty properties as quickly as possible. He stated that he was not aware of the reasons for this particular property remaining vacant for so long and said he would take up this matter with officers. Whilst not condoning the action taken by neighbours he stated that he understood their frustration.

**70. MOTIONS**

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

**71. QUESTIONS BY MEMBERS UNDER NOTICE**

**(a) Housing Benefit**

**By Councillor Murray to Councillor Whitbread, Finance and Economic Development Portfolio Holder**

"Following the recent cutbacks planned for Housing Benefit announced by the present coalition government could the Portfolio Holder please give the best possible estimate of:

(a) the number of Epping Forest District claimants that could face a cut in their Housing Benefit entitlement;

- (b) the number of Epping Forest District families that might face real difficulties in paying their rent; and
- (c) the number of Epping Forest District families that could possibly be forced into giving up their existing privately rented home to find cheaper accommodation.”

Councillor Whitbread, having regard to the length of his proposed reply obtained the leave of the Council not to read the following reply in full. He also undertook to publish the reply in the Council Bulletin.

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

“The final details of the possible changes are still to be confirmed, so it is difficult to be precise at this stage. However, I can provide some information on the three aspects to the current proposals.

Firstly, changes may be implemented in April 2011 capping Local Housing Allowance (the amount of Housing Benefit payable) to the four bedroom rate and a general capping on all the bedroom rates. This will affect those authorities with very high rents such as London Boroughs. On the evidence currently available, it appears that this change will have little, if any, impact on this district.

Secondly, under the current system it is possible for a tenant to receive more Housing Benefit than they are paying in rent. This will not be permitted under the proposed amendments. This change will affect a small number of claimants in the district who will lose this “top up”.

The final aspect of the changes is the reduction in the Local Housing Allowance rate from the 50th percentile to 30th percentile. Clearly the effect here will be determined by the buoyancy of the rental market and hence the difference between the 50th and 30th percentiles, which may vary considerably across different areas. The LHA rate is currently based on the median rent for a particular size of accommodation in a given area. The system works by grouping areas that the Department for Work and Pensions has determined as having similar characteristics into what are called Broad Rental Market Areas. This district is currently split into three BRMAs, with the north of the district being in the Harlow and Stortford BRMA, Waltham Abbey being in the South East Herts BRMA and the south of the district being in the Outer North East London BRMA.

The reduction to the 30th percentile rent may take effect from October 2011. This change will impact on all authorities and this district will suffer from having generally higher rents compared to the current LHA rates. A provisional study has been done looking at the effect based on rents in June 2010 and this is summarised for the three BRMAs below –

#### Harlow and Stortford BRMA

Accommodation	Current LHA £	New LHA £	Reduction £	Reduction %
Shared	78	70	8	10.3
1 Bed	127	121	6	4.7
2 Bed	160	150	10	6.3
3 Bed	201	184	17	8.5
4 Bed	276	239	37	13.4

Outer North East London BRMA

Accommodation	Current LHA £	New LHA £	Reduction £	Reduction %
Shared	71	63	8	11.3
1 Bed	150	144	6	4.0
2 Bed	190	178	12	6.3
3 Bed	230	207	23	10.0
4 Bed	299	276	23	7.7

South East Herts BRMA

Accommodation	Current LHA £	New LHA £	Reduction £	Reduction %
Shared	76	69	7	9.2
1 Bed	138	136	2	1.4
2 Bed	178	167	11	6.2
3 Bed	219	201	18	8.2
4 Bed	293	272	21	7.2

These tables illustrate that the effect on claimants across the district will vary depending on where they live and the accommodation they occupy. Whilst someone occupying one bedded accommodation in the South East Herts BRMA will only lose £2 per week, someone occupying four bedded accommodation in the Harlow and Stortford BRMA could lose £37 per week.

I am sorry that I cannot give more precise answers to the questions posed but I hope Members will understand what a complex issue this is and that details of how these changes will be implemented are still to be confirmed. Questions exist over whether this new regime will just be for new claims and the level of protection, if any, for existing claims. A further question also exists over Discretionary Housing Payments as the budget for these may be increased to provide some mitigation to the changes”.

**72. REPORT OF THE CABINET - REVISED COUNCIL'S TREASURY MANAGEMENT STRATEGY STATEMENT AND INVESTMENT STRATEGY 2010/11 TO 2012/13**

The Chairman announced that the Audit and Governance Committee had considered the Strategy at its meeting on 20 September 2010 and had requested an additional analysis. The Chairman sought the leave of the Council to withdrawal of this report pending further consideration of the matter by the Audit and Governance Committee and possibly the Cabinet.

**RESOLVED:**

That the report be withdrawn.

**73. REPORT OF THE CABINET - EPPING FOREST COLLEGE, LOUGHTON - REPLACEMENT OF RESTRICTIVE COVENANTS**

**Mover: Councillor Wagland – Legal and Estates Portfolio Holder**

Councillor Wagland reported on covenants and a right of pre-emption which were vested in the District Council, previous decisions of the Council in relation to these matters and the current situation. She advised that due to the limited timescale

between the meeting of the Cabinet and the Council it had been necessary to prepare the report in advance of the Cabinet meeting. The recommendations in the report therefore reflected those submitted to the Cabinet and whilst recommendations (1), (3) and (4) had been adopted by the Cabinet, recommendation (2) had been altered. By leave of the Council, the Portfolio Holder read the amended recommendation.

### **Report as amended ADOPTED**

#### **RESOLVED:**

(1) That the right of pre-exemption in respect of the land shown edged thick black on Plan A (attached) and edged thick black on Plan C (attached) which are part of Epping Forest College be released unconditional;

(2) That the covenant which restricts the use of the land shown edged black on Plan A be fully released in return for a side-letter or words in the Deed of Release with respect of the College providing replacement sports facilities when their funding situation allows;

(3) That the Director of Corporate Support Services, in consultation with the Portfolio Holder for Legal and Estates, be authorised to negotiate any reasonable variations to the covenant which restricts the use of the land shown edged thick black on Plan C; and

(4) That the Director of Corporate Support Services be authorised to agree minor variations to the new covenants if necessary.

(In accordance with paragraph 15.5 of the Council Procedure Rules, Councillors Murray and Jenny Hart requested that it be recorded that they voted against resolution (2) above).

#### **74. REVIEW OF OFFICER DELEGATION 2010/11**

The Council noted that the Leader of the Council had approved the delegation to the Acting Chief Executive of certain executive functions which had previously been exercisable by the Chief Executive.

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

##### **(a) Waltham Abbey Town Partnership**

Councillor Gadsby advised that King Harold Day had been judged the best event/festival of the year at the recent Essex Tourism Awards and would be going forward to the Regional Awards. She also reported that this year, King Harold Day would be held on 16 October 2010.

##### **(b) Stansted Airport Consultative Committee**

Councillor Sartin, as the Council's representative on the Stansted Airport Consultative Committee, reported on grants available to local organisations from Stansted Airport. She advised that the Stansted Airport Passenger Community Fund provided grants to local organisations within a 20 mile radius of the Airport. The funds made available were generated from unwanted foreign currency from passengers passing through the Airport and staff at the Airport.

Councillor Sartin reported that the District Council was represented on the Stansted Airport Community Trust Fund by Councillor Morgan who would report on grants recently allocated to organisations in this district.

Councillor Sartin reported that in addition the BAA Communities Trust – Stansted Community Fund offered grants to a wide range of community organisations and charitable groups within a 40 mile radius of the Airport. Councillor Sartin advised that she had recently been appointed to the Panel set up to consider applications from this fund and had been surprised at the lack of any applications from organisations within this district. She suggested there was a need to increase the awareness level of the availability of this fund and asked members to assist. Councillor Sartin said that she would publish information about this fund in the Council Bulletin. Members noted that the Panel met four times a year to consider grant bids and that the next meeting would be held on 17 February 2011.

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

Councillor Morgan advised that the Trust encouraged applications for projects which protected and enhanced the social, economic and environmental wellbeing of the community within a 10 mile radius of the Airport. As a result only organisations within certain parts of the district were eligible. The maximum grant available to an organisation was normally £2,000 and grants were not normally given to organisations which received statutory core funding. The funds were generated from fines imposed on operators flying off track or using excessively noisy aircraft. Councillor Morgan reported that at a recent meeting 46 applications had been approved totalling £70,000. Two grants had been made to organisations within the Epping Forest District – Matching Green Cricket Club and Moreton Village Hall.

**(d) West Essex Area Children's Trust Board**

Councillor Wagland reported that the District Council had not been pursued by the County Council for refusing to enter into the agreement suggested by the County Council. She reported it was still not clear what the role of the District Councils would be under new structures which would see changes to the existing Children's Trust arrangements. Councillor Wagland pointed out that Essex Children's Services had again been designated unsatisfactory by Ofsted and concerns had been expressed about the lack of improvement being made. She drew attention to the District Council Task and Finish Panel which had been established and encouraged members to attend. She advised that the Trust Board continued to devote time to discussing strategies and structures with little attention being given to children.

**76. EXCLUSION OF PUBLIC AND PRESS**

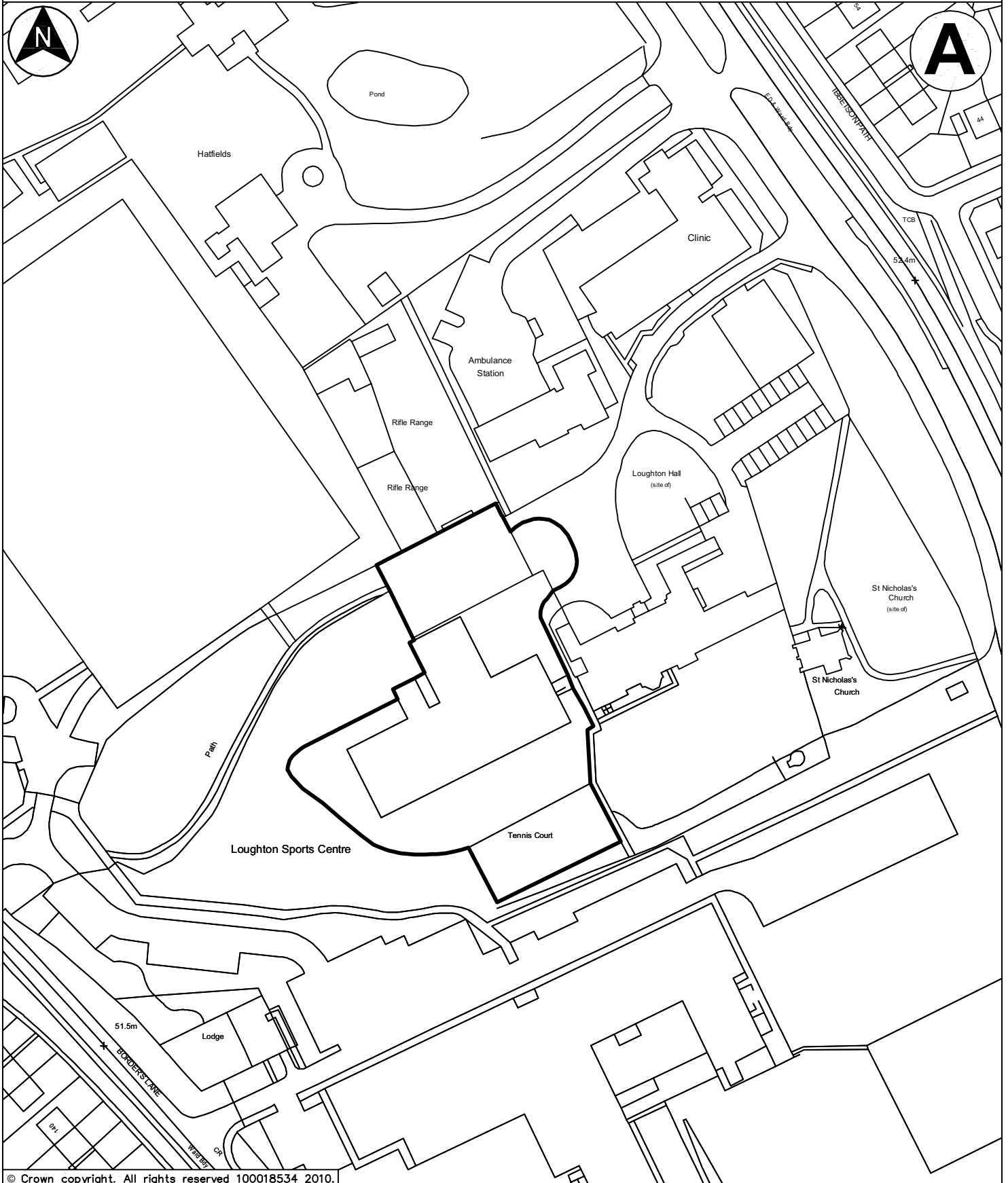
The Chairman reported that there were no items to be considered in private session.

**CHAIRMAN**

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# EPPING FOREST DISTRICT COUNCIL

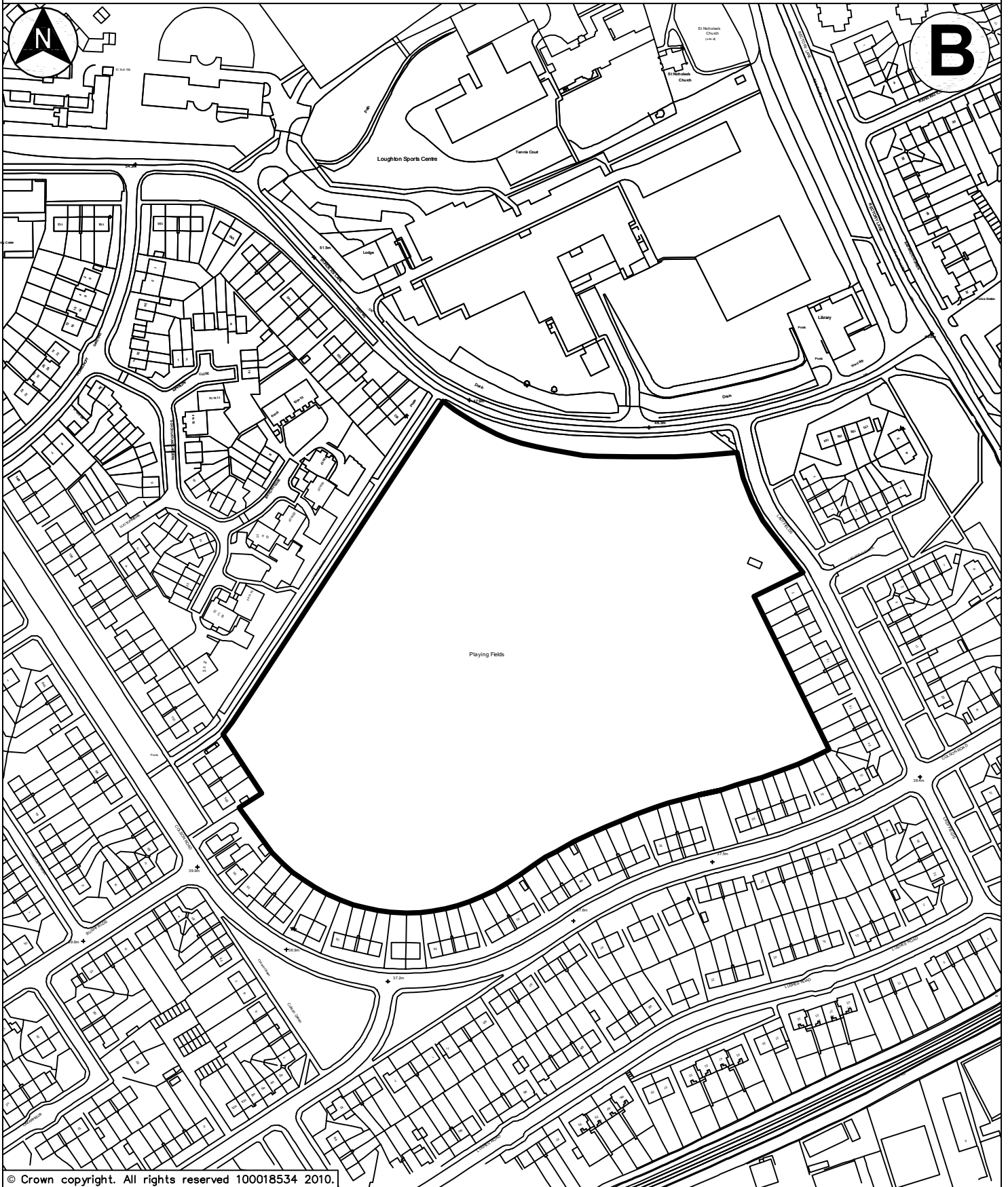


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John Gilbert M.C.I.E.H.M.R.S.H. Director of Environment & Street Scene Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992564000	Project	Content	Date
	Land Plan		13.08.10
	Drawing No.	Epping Forest College Sports Hall	Scale
20100800			1:1250
			Drawn by
			Robert Irwin



# EPPING FOREST DISTRICT COUNCIL

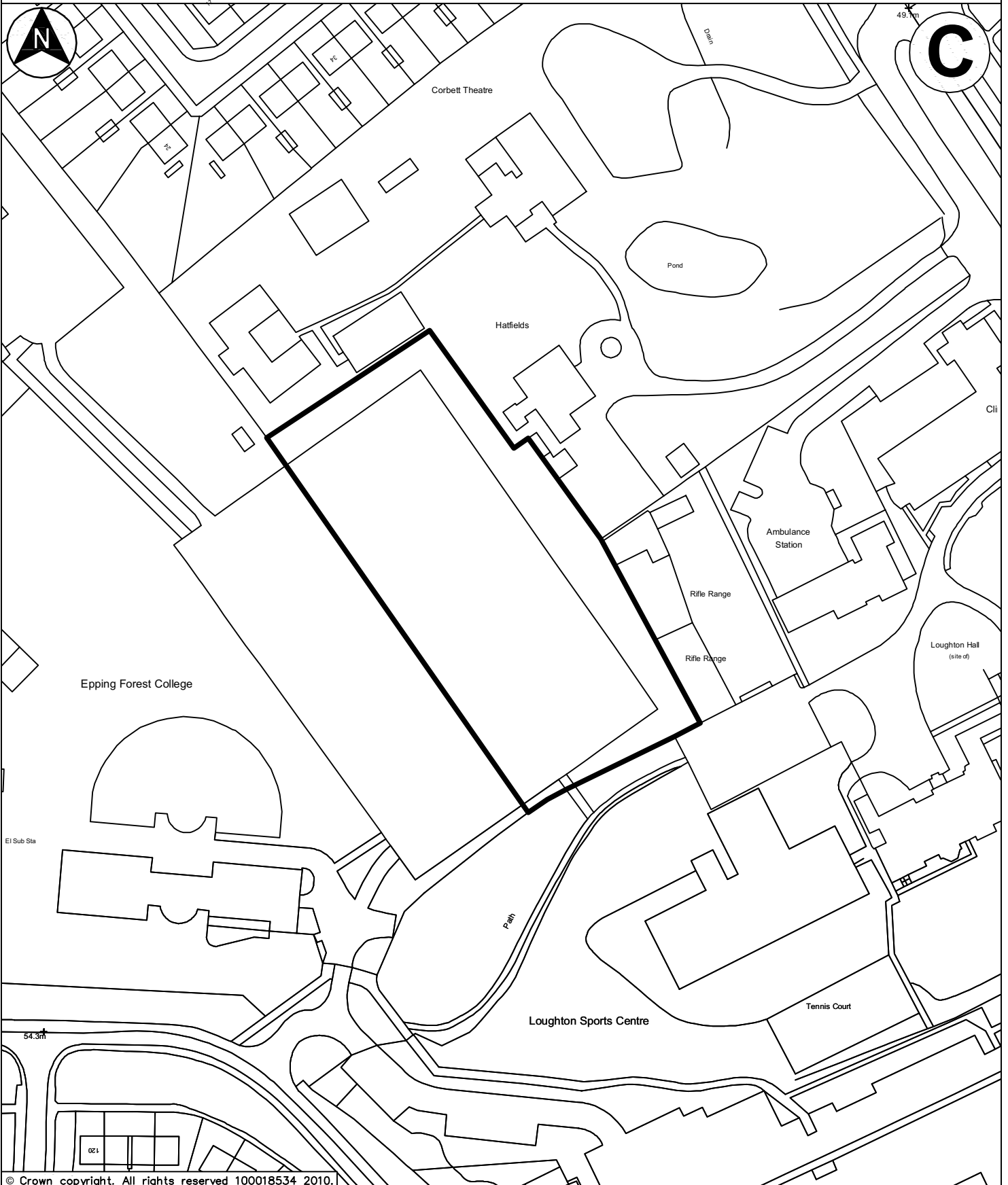


John Gilbert M.C.I.E.H.M.R.S.H. Director of Environment & Street Scene Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992564000	Project <b>Land Plan</b>	Content Borders Lane Land	Date <b>13.08.10</b>
	Drawing No. <b>2010080001</b>		Scale <b>1:2500</b>
<b>Page 24</b>		Drawn by <b>Robert Irwin</b>	





# EPPING FOREST DISTRICT COUNCIL



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John Gilbert M.C.I.E.H.M.R.S.H. Director of Environment & Street Scene Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992564000	Project <b>Land Plan</b>	Content Epping Forest College Car Park Land	Date <b>13.08.10</b>
	Drawing No. <b>201008004</b>		Scale <b>1:1250</b>
	<b>Page 25</b>		Drawn by <b>Robert Irwin</b>

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

**Committee: Cabinet**

**Date: 2 November 2010**

**Subject: Finance and Economic Development Portfolio**

**Portfolio Holder: Councillor Chris Whitbread**

**Item: 6(d)**

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**Recommending:**

**That the report of the Finance & Economic Development Portfolio**

**Holder be noted**

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### **Accountancy**

The details of the Comprehensive Spending Review (CSR) were revealed on 20 October. The information provided at this stage is at a high level and the precise effects on individual Council's are unlikely to be known until early December. There appears to be some small differences between the Department for Communities and Local Government and the Treasury on some of the figures.

My comments are based on the Treasury figures and these show an average 28% reduction in real terms in grant over the next four years. The Medium Term Financial Strategy (MTFS) had allowed for a 25% reduction on a cash basis and so the announcement is broadly as we had anticipated. One clear difference between our assumptions and the CSR is in the timing of the reductions. The MTFS had spread the grant reduction evenly over the first three years of the period whereas the CSR has the greatest reduction in the first two years followed a by a minimal adjustment in the third year before another reduction in the fourth. Of course this is all subject to the changes in the revenue grant formula calculations as whatever the average reduction is there will be authorities that are considerably better off and some that are much worse off.

Capital funding from all departments to Councils will fall by 45% over the CSR. This will not have a significant effect on the Council as the largest area of capital spend that benefits from grant funding is Disabled Facilities Grants and they are a protected part of the review.

There is also a statement that "local authorities who freeze their council tax next year will have the resultant loss to their tax base funded at a rate of 2.5% in each year of the Spending Review period". This is consistent with the June budget announcement but there is still insufficient detail to calculate how this will translate into actual money.

The CSR also confirmed the earlier announcement that reform of the Housing Revenue Account subsidy system will go ahead. This should place the Council's Housing Revenue Account on an even better financial footing in the years ahead.

## **Benefits**

The performance data for the second quarter will be reported to the Finance and Performance Management Scrutiny Panel on 9 December. However, I would like to take this opportunity to highlight the improvement in the processing times for new claims in the second quarter. The average time taken to process a new benefit claim in 2009/10 was 33.41 days. The first quarter of 2010/11 showed an improvement to 29.45 days and a further significant improvement was achieved in quarter two with the average new claim being processed in 19.74 days. The combined figure for the first half of the year is 24.95 days, which is just inside the challenging target of 25 days.

## **Revenues**

Collecting local taxes is getting even more difficult. I have previously advised Members that, despite the difficult economic circumstances, collection statistics for 2010/11 had shown a slight improvement on 2009/10. This trend has now been reversed, the latest figures at the end of September show 52.43% of Council Tax has been collected, compared to 52.47% last year, and 56.30% of Non-Domestic Rates, compared to 56.41% last year. These differences are quite small and performance targets for the year can still be achieved.

## **Economic Development**

At the Council meeting 28 September it was reported that a proposal had been submitted to Government for a Local Enterprise Partnership (LEP) covering Kent and Greater Essex. According to most recent press reports it is understood that 22 of the 56 bids submitted nationally are set to be given the green light. It is suggested that the Kent and Greater Essex bid is on the list to be given the go-ahead but official confirmation is still awaited. More is to be published on the powers to be granted to LEPs in a White Paper due to be published at the end of October and similarly more information is awaited on the funding available to these new structures.

On 14 October the Council and partners held a further event for local businesses that was well attended and received strong feedback. The evening event at North Weald addressed topics highlighted by business, including marketing/social networking and access to finance.

Recent research has identified that just 14.4% of residents spend on comparison (non-food) shopping expenditure is spent in the district. In response the Town Centres Officer is developing a loyalty card initiative for the district's town centres. It is intended that this will be launched late this year in the run-up to Christmas. The scheme will be free for businesses and residents alike and is a great opportunity to encourage people to spend in Epping Forest rather than further afield.

Other current projects include pop up shops whereby landlords are encouraged to rent out any vacant units for a short amount of time to new enterprises who want to pilot the idea of a retail unit. The first of these began in October in Ongar High Street. Also a number of activities are being planned in the district and neighbouring Harlow to celebrate Enterprise Week in mid November.

The Olympics offers challenges and opportunities for the economic future of the District and a variety of discussions are underway and initiatives under development

through vehicles such as the Town Centre Partnerships and the Chamber of Commerce.

When receipt of the final grant of £71,584 under the Local Authority Business Growth Incentive Scheme was announced to Cabinet on 19 July, it was agreed that these funds would be ring fenced for economic development purposes. I was given delegated authority, in consultation with Officers and business support organisations, to allocate the funding to appropriate schemes within the District to promote economic development. Having undertaken appropriate consultations I have decided that the money should be allocated for the following projects:-

- (a) £10,000 to increase the grant for the Tourist Information Centre in Waltham Abbey by £5,000 per annum for two years;
- (b) £2,500 to the Chamber of Commerce to assist the Chamber in its delivery of a programme of events and support to local businesses in conjunction with the Council;
- (c) £2,500 to help establish the loyalty card scheme described above;
- (d) £40,000 be used to keep parking charges frozen for another year and accordingly this amount be credited from the District Development Fund to the General Fund balance; and
- (e) the balance of £11,584 to be kept available for other appropriate economic development and regeneration projects.

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

**Committee:** Cabinet **Date:** 2 November 2010  
**Subject:** Housing Portfolio **Item:** 6 (e)  
**Portfolio Holder:** Cllr David Stallan

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### **Recommending:**

**That the report of the Housing Portfolio Holder be noted**

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### **Annual Report to Tenants 2010**

It is a requirement of the Tenant Services Authority's (TSA's) new Housing Regulatory Framework that all council and housing association landlords must publish an Annual Report for tenants, by the 1<sup>st</sup> October each year, explaining how the landlord meets the TSA's new National Housing Standards.

The Council's 16-page *Annual Report to Tenants 2010* was published by this year's deadline, and has been distributed to all tenants, along with a leaflet setting out the Council's latest agreed (Local) *Housing Service Standards*. The TSA has reported that around 15% of all social landlords failed to produce an Annual Report by the deadline, which the TSA will take into account when considering landlords' compliance with the Regulatory Framework, which could result in a landlord having a Short Notice Inspection by the Audit Commission.

Arrangements are being made to provide all Members of Council with a copy of the *Annual Report to Tenants 2010* and the latest *Housing Service Standards*.

### **Official Opening of Railway Meadow Young Parent Scheme, Ongar**

I have previously reported that Railway Meadow, the new Young Parent Scheme in Ongar to be provided by East Thames Housing Group, is under construction.

Once complete, it will provide supported housing in the form of 13 self-contained flats for young parents from the Epping Forest, Brentwood and Uttlesford Districts, for around nine months each. The young parents will be supported with parenting skills by one full-time and one part-time support worker, assisted by the Health Visitor Service. The building will also provide a play room, office, communal garden and communal lounge/kitchen.

It was originally intended that each local authority would be able to have nomination rights to four 1-bedroom flats each (with the one 2-bedroom flat allocated to the person in the most need of two bedrooms). However, following concerns raised by Brentwood BC about their ability to provide sufficient numbers of nominees, it has now been agreed that Brentwood BC will only have nomination rights to one flat, and that Epping Forest DC's nomination rights will increase to eight flats, which is to be welcomed, since it involves no cost to the Council.

The scheme is due for completion in early January 2011, from when residents will start moving in. Following an invitation from the Leader of Council, it is pleasing to announce that the Rt. Hon. Eric Pickles MP, Secretary of State for Communities and Local Government, and MP for Brentwood and Ongar, has agreed to officially open the scheme on 18<sup>th</sup> March 2011. Unfortunately, due to the number of guests to be invited from all partner organisations, the number of guests that can be invited from each organisation, including members from this Council, has had to be limited to a small number.

### **Proposed New Contract for Home Improvement Agencies**

At present, each District in Essex has a Home Improvement Agency (HIA) to provide advice and practical assistance to older homeowners and private tenants on technical housing issues – e.g. providing assistance with grant applications; specifying, tendering and administering repair works; and providing Handyperson Services. These are currently run by a number of different organisations (mostly housing associations) experienced in the provision of HIAs. Epping Forest DC is the only district that provides its HIA in-house (Caring and Repairing in Epping Forest – C.A.R.E.).

However, the County Council's Supporting People Team has announced its intention to tender the provision of HIA services across Essex through just **two** contracts – one covering North Essex and one covering South Essex, with the objective of obtaining savings from economies of scale. A number of concerns have been raised about the proposal, by both existing HIA providers and district councils throughout the County, who can see a number of practical difficulties with the proposed operational arrangements and are sceptical about the scope for savings.

However, it is pleasing to report that it is not the Supporting People Team's intention to include the Epping Forest District, and the Council's HIA (C.A.R.E.), within the two new county-wide contracts, because it is successfully operated in-house by the Council – although C.A.R.E. will be required to work to the same (new) specification as the two proposed new contracts.

### **Funding for Handyperson Service's Internal Decorating Scheme for Older and Disabled Occupiers**

The Council has secured £15,000 additional funding from the County Council's Supporting People Budget this year (2010/11) for the Council's Handyperson Service, run by C.A.R.E.

It is proposed that the additional funding will be used to introduce an Internal Decorating Scheme for Older and Disabled homeowners and private tenants, whereby the Council's decorating contractors (already appointed through framework agreements) decorate one room, up to a maximum cost (probably £300 – covering materials and labour).

Since the funding is only for one year, and will only fund the decoration of rooms in a relatively small number of properties (around 50), it is proposed that a referral process and associated criteria will be introduced to ensure that the service is targeted at those people and properties in most need.

This is separate from the successful Internal Decoration Scheme for Older and Disabled *Council tenants*, which has been in existence for many years, and will continue – funded from the Housing Revenue Account (HRA).



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

The County Council's Occupational Therapy (OT) Service undertakes assessments for disabled adaptations in respect of both Council properties (funded by the HRA) and non-Council properties (funded by mandatory, means-tested Disabled Facilities Grants - DFGs). The need for, and expenditure on, disabled adaptations has increased over recent years.

Regrettably, due to a restructure of the County's Occupational Therapy Service, apparently resulting in a reduced number of OTs, backlogs of assessments for disabled adaptations for both Council properties and DFGs have lengthened. Clearly, this has resulted in increasing delays in tenants and DFG applicants having adaptations undertaken to their home.

It is also understood that the County OT Service is undertaking a review of its operations, which could result in a decision to not undertake any assessments for disabled adaptations on behalf of district councils in Essex. If such a decision is made, it will be necessary for all the district councils to make alternative arrangements for disabled adaptation assessments, funded from their own resources. I will keep members informed of progress with this important and sensitive area.

## **Review of Housing Allocations Scheme 2010**

At the time of writing, the Cabinet is due to consider some proposed changes to the Housing Allocations Scheme, following the Annual Review of the Allocations Scheme by the Housing Scrutiny Panel, and subsequent consultation with interested parties which, for the first time this year, included consultation with all of the Council's tenants and housing applicants through *Housing News*, in accordance with new Government Guidance on Housing Allocation Schemes.

By the time of this Council meeting, the Cabinet will have made its decisions on the proposed changes, which includes the proposed introduction of penalties for housing applicants who refuse two offers of suitable accommodation *for which they have expressed an interest* through the Choice Based Lettings Scheme within any three-month period. Such applicants will be ineligible to express an interest in any property for a period of six months. Following the expiry of the six-month period, the applicant will be able to participate again, retaining their former position on the Housing Register. This change is being proposed because, during the 2009, 184 offers of Council accommodation - made in response to expressions of interests from applicants - were subsequently refused by the applicant. This has an adverse effect on empty property re-let times and results in a loss in rental income and subsequent delays in offers to other interested applicants.

The other main proposed changes include:

- Giving applicants with mobility problems priority for bungalows and ground floor flats, above those in the same band - regardless of their waiting time; and
- Placing within Band 3, applicants (living within the District) wanting to move to be nearer to their place of work, or to take up an offer of permanent employment or a long term (full-time) training opportunity - in order to comply with the Government's latest Guidance on Allocation Schemes, to assist with mobility.

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

**Committee:** Cabinet

**Date:** 2 November 2010

**Subject:** Non-Housing Assets within the Housing Revenue Account

**Portfolio** Councillor Whitbread

**Item:** 10

**Holder:** (Finance & Economic Development)

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### **Recommendation:**

**That the non-housing assets listed in the attached Appendix be transferred to the General Fund**

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### **Introduction**

1. The Finance and Performance Management Cabinet Committee met on 18 May 2010 to consider a response to the Department of Communities and Local Government (CLG) prospectus on the dismantling of the Housing Revenue Account (HRA) subsidy system. Within the report a recommendation was agreed to provide a further report to Cabinet on the opportunity to transfer to the General Fund the non-housing assets currently held within the HRA.

2. The non-housing assets within the HRA are commercial properties; this includes shops in the Broadway and elsewhere, a petrol station and pubs. These properties were transferred over to the Council around the same time as the Council dwellings from the Greater London Council. These properties are situated in or around the housing estates and therefore were left within the HRA.

3. During the recent exercise in considering the Government proposal to dismantle the HRA subsidy system, the prospectus highlighted the following in relation to the operation of the HRA ring-fence:

(a) estates are no longer purely Council estates and it can be the case that Council tenants are in the minority on some estates;

(b) Government's policy is that the HRA remains a ring-fenced account and should still primarily be a landlord account, containing the income and expenditure arising from a housing authority's landlord functions; and

(c) highlighted the need to be fair to both tenants and Council Tax payers and that there should be a fair and transparent apportionment of costs and income between the HRA and General Fund.

4. The Council already has a number of commercial properties within the General Fund, e.g. at Brooker Road and Oakwood Hill, so the income from these premises benefits all Council Tax payers. There are no statutory requirements for

properties to remain within the HRA and be held only for the benefit of Council tenants.

### Impact on the HRA

5. Work has been undertaken including reviewing the HRA manual, to consider the transfer out of the HRA. An authority can appropriate land and property which it holds for one purpose, but no longer requires for that purpose, for another purpose. To do so, requires consent of the Secretary of State under section 19(2) of the Housing Act 1985. The Council has been in contact with Communities and Local Government and initial views from them suggest that this is a straightforward and common occurrence.

6. A list of the proposed commercial properties is shown at Appendix 1. These were last valued at 31 March 2009. A small sample from each shopping parade has been reviewed by the Council's Estates Service and applied to the other properties in the parade. A formal valuation will be undertaken if the properties are to be transferred to the General Fund.

7. The table below shows the net gain to the General Fund from purchasing the properties from the HRA. The gain is achieved from the rental income from the commercial properties being transferred to the General Fund. This is off set by the cost of managing these properties and by a charge made for the purchase of them. The purchasing charge is the valuation price of the properties multiplied by the Average Interest Rate (this is the average rate of return on our investments in the year). Updated guidance taking into account requirements under the new International Financial Reporting Standards (IFRS) is still awaited, the valuation of properties will be undertaken by Estates Services and will need to be in line with this guidance when issued by CIPFA / RICS.

	<b>2008/09 Actual</b>	<b>2009/10 Actual</b>	<b>2010/11 Estimate</b>
Valuation of properties	£15,451,640	£15,451,640	£15,451,640
Average Interest Rate	5.56%	1.93%	1.80%
<b>Charge to the General Fund</b>	<b>£859,000</b>	<b>£298,000</b>	<b>£278,000</b>
Rental income from Properties	£1,671,000	£1,600,000	£1,754,000
Costs from properties	£269,000	£355,000	£379,000
<b>Net income from properties</b>	<b>£1,402,000</b>	<b>£1,245,000</b>	<b>£1,375,000</b>
<b>Net gain on General Fund / loss on HRA</b>	<b>£543,000</b>	<b>£947,000</b>	<b>£1,097,000</b>

8. There are still a number of operational issues that need to be resolved, for example where a shop is leased with the flat above the shop, the shop will be transferred, but the flat will remain with the HRA. Costs from properties have increased between 2008/09 and 2009/10, the main reason being the introduction of a recharge from the General Fund for CCTV cameras as a number of them are situated within Housing property or on Housing Land.

9. Revised five and thirty year business plans have been calculated taking into account the changes mentioned above, removing the previously anticipated pay award out of the 2011/12 figures, and adjusting the Capital Expenditure Charged to Revenue in years 2011/12 to 2014/15. When the previous five year forecast was presented in March it was necessary to build in additional contributions to capital of £7.55 million over the period to manage the HRA balance down to £3.75 million at the end of 2014/15. The amended forecast reduces the additional contributions to capital to £4.55 million and leaves the HRA with a balance of £3.85 million at the end of 2014/15. This still leaves the contributions to capital higher than prior to the five year forecast being agreed in March 2010.

10. The previous thirty year forecast projected that the HRA would fall into deficit in year 28. The amended forecast predicts the HRA could now fall into deficit in year 12, although this is before: reducing 2010/11 and 2012/13 budgets for no pay awards, generating a saving of £116,000 and £250,000 respectively; and any savings that are likely to be required as part of the 2011/12 estimate process.

11. A revised 30 year business plan under self financing has also been constructed. The results show little effect to the plan, with the total debt to be repaid by year 18, capital expenditure to be fully met and HRA revenue balances to be around £350 million in 30 years.

### **Resource Implications**

12. The General Fund would benefit from an additional income of approximately £1,097,000 in 2010/11, whilst the HRA would lose income of the same amount. This would not have an impact on Council tenants' rents for future years, as there is a mechanism in place for setting Council rents which does not include commercial properties income within the calculation.

13. The HRA, Housing Repairs Fund and Major Repairs Reserve balances as at 31 March 2010 are £6.089 million, £4.157 million, and £5.730 million respectively.

### **Consultation**

14. The Tenants & Leaseholders Federation (TLF) have been consulted and they are strongly opposed to the transfer of the shops to the General Fund. They consider that this would have an impact on the service for tenants due to the contribution to capital being reduced. They are also of the view that members would find it more difficult to be able to set rent below the rent restructuring level. The Federation further suggested that the valuation is too low and to make an informed decision on the possible transfer, an up to date valuation should be provided.

15. The Vice-Chairman of the Federation addressed our meeting on 13 September 2010 and made the following points:

(a) the list of non-housing assets currently within the HRA has been valued at £15.5million, which appears very low; the Federation feel that the Council should have an up-to-date valuation of the properties provided before the matter is considered further and a decision made;

(b) some important pieces of information have not yet become available, such as the outcome of the Government's Comprehensive Spending Review or the review of the

financing arrangements for Housing Revenue Accounts; any decision should be postponed until all the relevant information had become available;

(c) the transfer would have a detrimental impact upon the quality of housing services provided to tenants, particularly from year 12 onwards, and the Council would find it more difficult to set rents below the restructuring level;

(d) the report submitted to the Cabinet stated that there were no equalities issues with the proposed transfer; however as Council tenants would be disproportionately affected.

He also handed in a petition calling upon the Council not to proceed with the proposed transfer.

## **Conclusions**

16. We are of the opinion that the Council has to be fair to both its tenants and other residents within the district. The Council is facing a cut in its Revenue Support Grant and it is important to protect front line services. A decision could be deferred until after the Comprehensive Spending Review but the budget setting process for 2011/12 has already commenced and any deferral of the decision would require further savings in the Continuing Services Budget of £500,000.

17. We acknowledge that further valuations will need to take place before a transfer.

18. Accordingly, to ensure that the HRA is operated on the correct basis as a landlord account and to ensure that the benefit of the rental income is shared amongst all residents and not confined to the HRA, we recommend as set out at the commencement of this report.

19. At our meeting it was suggested that the issue should be considered by the Housing Scrutiny Panel and the Finance and Performance Management Scrutiny Panel before being discussed by the full Council. We suggested that a joint meeting of those Panels should take place with views being submitted direct to the full Council.

APPENDIX 1

1 Lower Queens Road, Buckhurst Hill	548 Limes Avenue, Chigwell
4 Lower Queens Road, Buckhurst Hill	550 556 Limes Avenue, Chigwell
5 Lower Queens Road, Buckhurst Hill	558 Limes Avenue, Chigwell
8 Lower Queens Road, Buckhurst Hill	560 Limes Avenue, Chigwell
	562 Limes Avenue, Chigwell
28 & 38 Parklands	
29 & 36 Parklands	48-50 The Street
30 & 34 Parklands	
31 & 32 Parklands	113 – 117 Upshire Road
	119 Upshire Road
20 & 22 St Peter's Avenue	121 Upshire Road
24 & 26 St Peter's Avenue	123 Upshire Road
28 & 30 St Peter's Avenue	
32 & 34 St Peter's Avenue	11-13 The Broadway
	12-14 The Broadway
74 Roundhills	15 The Broadway
76 Roundhills	16 The Broadway
78 Roundhills	17/19 The Broadway
80 Roundhills	18 The Broadway
82 Roundhills	20 The Broadway
	21 The Broadway
36 The Broadway	22 The Broadway
38 The Broadway	23 The Broadway
39 The Broadway	24 The Broadway
40 The Broadway	25 The Broadway
41 The Broadway	26 The Broadway & Flat 61A
42 The Broadway	27 The Broadway
43 The Broadway	28 The Broadway
44 The Broadway	29 The Broadway
45 The Broadway	30 The Broadway
46-48 The Broadway	31 The Broadway
47-49 The Broadway	32-34 The Broadway
50 The Broadway	33-37 The Broadway
51 The Broadway	57 The Broadway + Garage 292
52 The Broadway	58 The Broadway
53 The Broadway	59 The Broadway
54 The Broadway	60 The Broadway
55 The Broadway	61 The Broadway
56 The Broadway	62 The Broadway
64 The Broadway	67 The Broadway & Flat 22A
65 The Broadway	68 The Broadway
66 The Broadway	69 The Broadway
70 The Broadway	71 The Broadway
72 The Broadway	73 The Broadway
74 The Broadway	80 The Broadway
76 The Broadway	82 The Broadway
78 The Broadway	
58 & 78 Borders Lane	60 Borders Lane
62 Borders Lane	64 Borders Lane
66 Borders Lane	68 Borders Lane
70 Borders Lane & Flat 90	72 Borders Lane
74 Borders Lane	76 Borders Lane & Flat 96

83 Loughton Way, Buckhurst Hill	142 Loughton Way, Buckhurst Hill
144 Loughton Way, Buckhurst Hill	146 Loughton Way, Buckhurst Hill
148 Loughton Way, Buckhurst Hill	150 & 152 Loughton Way, Buckhurst Hill
154 Loughton Way, Buckhurst Hill	156 Loughton Way, Buckhurst Hill
158 Loughton Way, Buckhurst Hill	160 Loughton Way, Buckhurst Hill
162 Loughton Way, Buckhurst Hill	164 Loughton Way, Buckhurst Hill
15 Market Square	16 Market Square
17 Market Square	18 Market Square
19 Market Square	
34 Pyrles Lane	36, 38 & 40 Pyrles Lane
42 Pyrles Lane	44 Pyrles Lane & Flat 72a
46 Pyrles Lane	48 Pyrles Lane
50 Pyrles Lane	52 Pyrles Lane & Flat 62 & Garage
1-4 Hillhouse	5 Hillhouse
6 Hillhouse	7 Hillhouse
8 Hillhouse	9 Hillhouse
10 Hillhouse	11 Hillhouse
12 Hillhouse	
6, 7 & 14 Longcroft Rise	24 & 25 Fir Trees
Petrol Filling Station	Public House Sir Winston Churchill
	Public House The Cottage Loaf
2-18 Torrington Drive	Public House Gun Makers Arms
	Public House Spencers (Golden Lion)
70 Wellfields	Public House The Black Deer
63 Wellfields	Public House Clydesdale
17 & 18 Maynard Court	



## **Report to Council**

**Date of meeting: 2 November 2010**

**Subject: Non-Housing Assets within the Housing Revenue Account**



**Report of the Joint Housing and Finance and Performance Management Scrutiny Panel**

**Chairman: Councillor Richard Morgan**

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### **Recommendation:**

**That due to the unprecedented financial situation the Country finds itself in and the likely impact of the forthcoming Comprehensive Spending Review on the Council's resources, the transfer of the non-housing assets to the General Fund is recommended for approval, enabling all residents of the District to benefit.**

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### **Report**

#### **History**

The Cabinet met on 13 September 2010 to consider the transfer of the non-housing assets (shops, pubs and a petrol station) from the Housing Revenue Account (HRA) to the General Fund. The Cabinet agreed to recommend to the full Council that all non-housing assets should be transferred from the HRA to the General Fund from 2011/12, following an updated valuation of the assets.

However, members also decided at that meeting that further scrutiny of this proposal should be undertaken and a decision was made to hold a joint meeting of the Finance & Performance Management and Housing Scrutiny Panels to provide views and recommendations on the proposal to this Council meeting.

This Joint Panel met on Tuesday 12 October 2010 to consider the proposed transfer of the non-housing assets to the General Fund.

#### **The Joint Scrutiny Panel Meeting**

Officers introduced the reports giving the background to the proposals and a tabled letter from the Tenants and Leaseholders Federation giving their views. Members questioned officers closely about the background financial details, the long term implications of not moving the assets to the General Fund and the implications for the HRA if the assets were moved.

The relevant Portfolio Holders for Finance and Housing were also there to answer questions from the Panel.

Some members expressed concern about the standard of the housing left to the Council if

the money was transferred out of the HRA and were concerned how that would affect the 'decent home standards' for Council houses.

The Panel explored the options of raising Council rents to cover the shortfall, the exclusion of any flats above shops from the list, and also the possibility of deferring the decision until more information on the issues were known.

The Panel noted that the external auditor had been consulted twice about this proposal and had raised no concerns.

They noted that the Cabinet was of the mind that they should do what was best for the whole District and not just for the housing tenants. The transfer of assets was warranted due to the exceptional financial circumstances of the county as a whole and the expected cuts to be made by the Government to all Council budgets under the upcoming spending review. If the transfer did not happen then the Council would have to deal with the loss of other services currently supported by the General Fund. Transferring the assets would give the Council options.

A minority option was put forward by some members that only properties unrelated to flats or other HRA properties such as the Public Houses and Petrol Stations should be transferred and that more research should be carried out on the remaining flats and shops involved. However this was not supported by the majority of the joint Panel.

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

**Committee:** Overview and Scrutiny Committee

**Date:** 2 November 2010

**Subject:** Deputies to Portfolio Holders

**Chairman:** Councillor Richard Morgan

**Item:** 11

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### **Recommending:**

- (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 this report be approved;**
  - (3) That the Member Role Statement for Deputy Portfolio Holders set out in Appendix 3 to this report be approved;**
  - (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.**
- 

1. At our meeting on 1 June 2010 (Minute 9(b)(ii)) a proposal of Councillor C Whitbread concerning a review of the desirability of establishing Deputies to Portfolio Holders was referred to this Panel for consideration. A copy of this proposal is attached as Appendix 1.
2. We asked the Constitution and Member Services Standing Scrutiny Panel (SSP) to undertake a review of this idea and we have now received the SSP's report.
3. Five specific review items are raised in Appendix 1 and these are dealt with in turn below:
  - (a) Statutory restrictions on what a Deputy Portfolio Holder can undertake on behalf of a Cabinet member or the Cabinet itself**
4. The SSP has advised that Section 11(3) of the Local Government Act 2000 prescribes that a Leader and Cabinet Executive must consist of no less than 3 Councillors (including a Leader) and no more than 10 (including a Leader). Section 15(2) of that Act also prescribes that Executive functions can be carried out in the following ways:
  - (i) by the Cabinet itself;
  - (ii) by Members of the Cabinet individually;
  - (iii) by Cabinet Committees; and

- (iv) by Officers of the Council under delegation.
5. We accepted the SSP's view that Cabinet functions can only be delegated so far as members are concerned to those appointed to the Executive. Thus, Deputy Portfolio Holders could not be full members of the Cabinet and therefore cannot participate in its decisions either individually or collectively.
  6. The Panel has drawn our attention to the guidance on Council Constitutions issued in 2000 by the then Secretary of State, in which he comments:

“The Executive may invite any person it considers appropriate to attend its meetings and to speak on behalf of an absent member of the Executive. However that person will not be able to take formal decisions. Such a role might help to provide an effective link between the Executive and other Councillors and could be an effective developmental role for some Councillors. The Secretary of State advises that it will be inappropriate for such members also to be members of the Overview and Scrutiny Committee dealing with matters on which that person has assisted the Executive”.
  7. The Secretary of State's guidance goes on to say that:

“The Secretary of State believes that allowing formal substitution of Executive members would reduce transparency and blur accountability. An Executive is not therefore able to have formal substitute or deputy members who are not themselves members of the Executive. For the same reason the Executive has no powers to co-opt other Councillors or anyone else onto the Executive. If members of the Executive who have a function delegated to them are absent (for example on sick leave) or unable to act (for example if they have an interest), that function will therefore have to be discharged in accordance with delegations under Section 15 of the Act”. (See paragraph 3 above).
  8. We agree the conclusion of the SSP that Deputy Portfolio Holders can assist Cabinet members in carrying out their duties. We are clear however that they may not substitute for them in making decisions. Responsibility for the Portfolio and accountability for decisions must under the present legal arrangements continue to rest with the appointed Cabinet member. We have been told by the SSP that in some authorities arrangements are in place for Deputy Portfolio Holders to prepare decision documentation for Cabinet reports or Portfolio Holder decisions. In this, they are known to liaise with officers, consult relevant parties and draw up reports. However, in all cases, decisions and Cabinet reports are submitted under the name of a Portfolio Holder who remains accountable for those proposals.
  9. We noted that the SSP paid particular attention to the comments made by the Secretary of State under Paragraph 5 above in connection with possible conflicts of interests between Deputies who are also members of the Overview and Scrutiny Committee. We have not thought it necessary to prescribe in the Constitution that a Deputy Portfolio Holder must not be a member of the Overview and Scrutiny Committee. We are content to rely on the provisions of the Local Government Code of Conduct whereby a Cabinet member (or in this case a Deputy) is precluded from participating in an Overview and Scrutiny review of a decision in which they have been involved. In these circumstances, if a Deputy Portfolio Holder had been involved in compiling a Portfolio Holder decision which is subsequently reviewed by Overview and Scrutiny, this will probably mean that the member would be excluded from that review. We support the recommendation of the SSP that the Code of Conduct should regulate any conflicts of interest which may arise.

**(b) List of Duties and Responsibilities which could be given to Assistant Portfolio Holders**

10. Appendix 3 sets out a proposed “Job Description” for Deputy Portfolio Holders

prepared by the SSP. This is based on a version recently agreed by Essex County Council and was drawn up specifically with questions of remuneration in mind.

11. The job description is divided into two parts:
  - (i) Duties and Responsibilities – which we trust is self-explanatory; and
  - (ii) Skills Required, which is divided into two sections:

Basic skills which Deputy Portfolio Holders would need to demonstrate; and

Developmental skills which a Deputy would be expected to develop so that they can contribute to the work of the Cabinet and the Council as a whole.
- (c) Amendments to the Constitution including Terms of Office appointment etc**
12. We have set out in Appendix 2 to this report suggested amendments to Article 7 of the Constitution and the Executive Procedure Rules. These appointments would be made by the Leader of the Council who would have discretion as to the number of deputies and the individuals to be selected. The Leader would report to each Annual Council meeting on the Deputy Portfolio Holders to be appointed for the ensuing year. Any changes made during the year would also be reported to Council.
13. It is important in our view to retain clarity and accountability in these appointments. We propose that the Leader should specify precisely the nature of the duties to be undertaken by the individual concerned. It should be noted that up to 10 appointments each year can be made.
- (d) Whether Assistants should be “paired” with specific Portfolio Holders**
14. We feel that it will be a matter for the Leader of Council to decide how many Deputies are required and how they should be organised in relation to Portfolio Holders.
- (e) Payment of Special Responsibility Allowances**
15. The SSP has briefed the Committee on whether Deputy Portfolio Holders may receive allowances for undertaking those duties. We understand that this could be by means of a Special Responsibility Allowance. This would require consideration by the Independent Remuneration Panel before it could be adopted. The Panel would report to the Council and the latter would have to take account of its report before making a decision.
16. At this stage, we recommend that as the Deputy Portfolio Holder is a relatively new position, the Council should assess the initial period of operation of these appointments before referring the matter to the Remuneration Panel. The proposed Job Description referred to earlier in this report will be part of that submission.
17. We recommend as set out of the commencement of this report.

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**Request by Member for Scrutiny Review  
2010/11 Work Programme**



Please complete the form below to request consideration of your issue by the  
Overview and Scrutiny Committee

<b>Proposers Name:</b> Councillor C. Whitbread	<b>Date of Request</b> 24.5.10
<b>Supporting Councillors (if any):</b>	
<b>Summary of Issue you wish to be scrutinised:</b>  I wish to propose that the Overview & Scrutiny Committee commission a study of the opportunities for setting up assistants to portfolio holders so as to assist with portfolio holder duties and aid succession planning.  I would like the review to cover the following matters:  (a) any statutory restrictions on what an assistant can undertake on behalf of a Cabinet member or the Cabinet itself; (b) a list of duties and responsibilities which could given to assistants; (c) amendments to the constitution including terms of office, appointment etc; (d) whether assistants should be “paired with specific portfolio holders; (e) Whether a special responsibility allowance could be applicable to such appointments and could be reviewed by the Remuneration Panel on the basis of a designed job description.  The Leader of the Council previously experimented with a similar system which was operated informally but I feel that this would benefit from being in the constitution, as is the case with several other councils of which I am aware.	
<b>NOTE: ENTRIES BELOW RELATE TO ISSUE CATEGORIES OF THE PICK PROCESS. PLEASE REFER TO THE EXPLANATORY NOTES TO THIS FORM FOR FURTHER INFORMATION</b>	
<b>Public Interest Justification:</b>  The main public interest justification is, in my view that Cabinet operations will benefit from wider knowledge of its procedures and responsibilities. In turn this will assist in succession planning as members of the council retire. Although this is essentially an internal procedure, the district will, it is hoped, see the benefits of an orderly Cabinet handover when membership changes.	

**Impact on the social, economic and environmental well-being of the area:**

**There is no direct impact on the well being of the District at present. However there is no procedure of identifying future talent within the elected membership.**

**An effective way of securing a pool of councillors who can step up to being Cabinet members should assist the overall governance of the Council to the benefit of decision making generally.**

**Another benefit will be to allow delegation of portfolio holder workload to ensure that Cabinet work is progressed more effectively.**

**Council Performance in this area (if known: Red, Amber, Green):**

**This has been tried by the Leader of the Council previously on an informal basis.**

**Keep in Context (are other reviews taking place in this area?)**

**Not at present**

**Office Use:**

**Pick score:**

**Considered By OSCC:**



**SUGGESTED CONSTITUTIONAL AMENDMENTS – DEPUTY PORTFOLIO HOLDERS**

**1. Executive Procedure Rules**

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

“The Leader of the Council may appoint between 3 and 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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## ***Report to the Council***

**Report of:** Overview and Scrutiny

**Date:** 2 November 2010

**Subject:** Addressing Cabinet and Overview and Scrutiny Committee Meetings

**Chairman:** Councillor Richard Morgan

**Item:** 12

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### **Recommendations:**

- (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 1 to this report be approved;**
  - (3) That these arrangements be reviewed in 12 months time;**
  - (4) That similar provision be made in the Overview and Scrutiny Procedure Rules as set out in Appendix 2 to this report in order to provide for similar arrangements to operate at Overview and Scrutiny Committee meetings.**
- 

### **Report:**

1. The Constitution and Member Services Standing Scrutiny Panel (SSP) has examined the question of how requests to address Cabinet meetings should be dealt with. There have been occasions over recent months when requests were made by external organisations or individuals to address Cabinet meetings on items of concern which were on the agenda. This has highlighted the fact that there is no specific provision in the Constitution for these representations to be made, reliance being placed on the Leader of Council's discretion as the Chairman at Cabinet meetings.

### **Current Arrangements – Questions by the Public at Cabinet and Council Meetings**

2. The SSP has reviewed the arrangements currently in place for asking questions at Council and Cabinet meetings. At Cabinet, the Executive Procedure Rules allow 15 minutes to be allocated to questions from the public. Any questions which are out of time are then held over until the next meeting. A maximum of two questions per member of the public is allowed and there is no requirement to submit a question in writing beforehand. However, interested people are requested to register their interest by 4.00pm on the day of the Cabinet meeting, giving their name, address and the subject matter in question.

3. At Council meetings the arrangements are a little different: questions must be submitted in writing by midday, seven days before the Council meeting. The person concerned is notified within 48 hours as to whether the question is valid.

4. The Council's arrangements for public questions are helpful in giving guidance on a number of points in connection with addressing Cabinet meetings. However, we agree with the conclusion of the SSP that asking questions is different from making representations. The Panel therefore looked specifically at the Area Plans Sub-Committees where

arrangements exist for the public to make representation on planning matters.

### **Representations at Area Plans Sub-Committees**

5. At Area Plans Sub-Committees a speaker must register with the Council by 4.00pm on the day before the meeting and are allocated a maximum of three minutes (which may be extended at the discretion of the Chairman). This can then be accompanied by a circulation of additional information also at the discretion of the Chairman. There are restrictions on the number of objectors who can speak on any one application.

### **Addressing the Cabinet**

6. We agree with the view of the SSP that the Constitution should make provision for outside organisations and individuals to address the Cabinet on matters of concern. This would be in line with the ability of the public to do so at Area Plans Sub-Committees.

7. Appendix 1 to this report sets out draft revisions to the Executive Procedure Rules to give effect to these proposals. In reviewing the SSP's proposals we have added the following provisions:

- (a) acceptance of written material from those wishing to address the Cabinet provided that it is received in time to be sent to Portfolio Holders before the meeting;
- (b) ability for Cabinet members to ask questions to those addressing the meeting;
- (c) a discretion of the Leader to determine the arrangements for speakers if circumstances are such that priority by date order is not appropriate.

### **Overview and Scrutiny**

8. At present, the Overview and Scrutiny Procedure Rules allow the Committee or a Panel of Overview and Scrutiny to invite members of the public or outside organisations to attend for the purpose of giving evidence or submitting views. We feel, however, that Overview and Scrutiny should have the same provision in its rules as those suggested above in relation to the Cabinet.

9. In practice, the Chairman of the Overview and Scrutiny Committee has been willing to accept such representations on an ad hoc basis but, as with the Cabinet, we feel that this needs to be included in the Constitution. With this in mind, Appendix 2 to this report sets out a new section to be inserted into the Overview and Scrutiny Procedure Rules.

### **Further Review**

10. We recommend that in a year's time, there should be a review of these arrangements. We feel that this review will need to cover the potential for speakers on any item falling into the "for" and "against" categories. Although we have proposed a general discretion for the Leader and the Chairman of the Overview and Scrutiny Committee to adjust the priority based on date of receipt of requests in the light of special circumstances, we feel that this may need further consideration in the light of experience.

11. We recommend as set out at the commencement of this report.

**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 maximum of six persons shall be permitted to address the Cabinet at any individual meeting;
  - (viii) a time limit of 3 minutes per speaker shall apply;
  - (ix) the Cabinet shall be able to ask questions on any comments made;
  - (x) if the number of requests to address the Cabinet exceeds the maximum of six, they will be prioritised by reference to date of receipt unless the Leader of Council feels that there are special circumstances which dictate a different approach;;
  - (xi) 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 two persons shall be permitted to address the Committee on any one agenda item;
  - (vii) a maximum of six persons shall be permitted to address the Committee at any individual meeting;
  - (viii) a time limit of 3 minutes per speaker shall apply;
  - (ix) the Overview and Scrutiny Committee shall be able to ask questions on any comments made;
  - (x) if the number of requests to address the Committee exceeds the maximum of six, they will be prioritised by reference to date of receipt unless the Leader of Council feels that there are special circumstances which dictate a different approach.”

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

**Report of:** Overview and Scrutiny

**Date:** 2 November 2010

**Subject:** Cancellation of Meetings – Extreme Weather Conditions

**Chairman:** Councillor Richard Morgan

**Item:** 13

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### **Recommendations:**

**(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 the Appendix to this report be approved.**

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### **Report:**

1. We have received a report from the Constitution and Member Services Standing Scrutiny Panel (SSP) on arrangements for cancelling meetings.
2. During the severe weather earlier in the year, transport conditions were so difficult, that one or two meetings were cancelled due to safety concerns and the quorum. At that time, the question was raised as to the procedure for cancelling meetings.
3. There are two elements in this process:
  - (a) the decision to cancel; and
  - (b) notifying interested parties.
4. The SSP has informed us that the present protocol (which is unwritten) is that cancellation of meetings, whether due to extreme circumstances or lack of business is a matter that would initially be referred by Democratic Services staff to the Chairman concerned. If the Chairman agrees, it is for Democratic Services staff to communicate this decision to the members of the body concerned, place notices on the website and in reception for the benefit of the public, to cancel accommodation and Superintendent cover, and to advise any other individuals who are known to be due to attend the meeting from the public etc. When meetings are cancelled due to lack of business, this process is usually fairly simply achieved. However, with situations like extreme weather conditions, it often has to be carried out at the last moment.
5. We feel that it would be helpful if there were specific provision for cancellation of meetings in the Constitution and we recommend an alteration to the Council Procedure Rules as set out in the Appendix to this report. We are proposing that the decision to cancel is made no later than two hours before the start of the 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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## ***Report to the Council***

**Committee:** Licensing

**Date:** 2 November 2010

**Subject:** Statement of Licensing Policy

**Item:** 14

**Chairman:** Councillor Pat Brooks

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### **Recommendation:**

**That the attached Statement of Licensing Policy be adopted.**

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The Licensing Act 2003 requires that a Licensing Authority reviews and publishes its licensing policy every three years and for consultation to take place on the proposed policy. A review must be completed before 7 January 2011.

On 14 April 2010, we agreed a draft policy for consultation. The policy was written taking account of the statute and guidance issued by the Secretary of State under Section 182 of the Act. The provisions of the Act require consultation with the following:

- (a) the Chief Officer of Police for the District;
- (b) the Fire Authority for the District;
- (c) such other persons as the Licensing Authority considers to be representative of holders of premises licences, club premises certificates and personal licences issued by the Authority; and
- (d) such other persons as the Licensing Authority considers to be representative of businesses and residents in the area.

The full list of consultees is shown in Appendix 2 to the attached policy.

Four replies were received to the consultation exercise which we considered at our meeting on 13 October 2010. In considering the representations made we took into account of the guidance issued by the Secretary of State and agreed not to adopt any of the suggested amendments to the policy.

We recommend adoption of the attached policy.

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# **STATEMENT OF LICENSING POLICY**

**Made under section 5 of the Licensing Act 2003**

**This policy shall come into force on 7<sup>th</sup> January 2011 and be reviewed  
not later than 6<sup>th</sup> January 2013**

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## **1. Purpose and Scope**

1.1 Epping Forest District Council ('the Council') is the licensing authority under the Licensing Act 2003 ('the Act'). This policy relates to all those licensing activities identified as falling within the provisions of the Act, including granting premises licences, club premises certificates, temporary events and personal licences in the district in respect of the sale and/or supply of alcohol and/or the provision of regulated entertainment and late night refreshment.

1.2 The Act requires that the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act and to regulate licensable activities on, and in the vicinity of, licensed premises. This 'Statement of Licensing Policy' has been prepared in accordance with the Act.

1.3 This 'Statement of Licensing Policy' was prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act.

1.4 This Statement of licensing policy has been produced in consultation with the Chief Police Officer for Essex, the Fire Authority and bodies representing local holders of premises licences, club premises certificates and personal licences, businesses and residents of the area. The policy will be reviewed in not less than three years, or in the light of changes to legislation or circumstances, whichever is sooner.

### **Licensing Objectives**

1.5 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.6 To achieve these objectives the Council will use the full range of measures available to it, including relevant legislation. The Council will work closely with the police, the fire authority, businesses, community representatives and local people in meeting these objectives.

1.7 There are a number of other Council and Government policies, strategies, responsibilities, and guidance documents that have been considered in the formulation of this licensing policy and which will be taken into account in its implementation.

1.8 Applicants must be able to demonstrate that they have considered the four licensing objectives within their operating schedule. Applicants know their premises best and will be expected to address all aspects relevant to the individual style of their premises. Consideration must be given to all of the licensing objectives. There are many control measures that are available to applicants to achieve this goal. Where appropriate

applicants should consider whether or not any additional measure are required in respect of occasional or specific events that it is intended or are likely to attract large audiences.

## **Consultation, Strategies and Policies**

1.9 In developing this Policy Statement, the Council consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

**Details of the consultation on this policy are attached as Appendix 2.**

1.10 The Council will take account of the guidance and strategies listed or any replacement guidance or strategy when preparing its policies and in its decision making.

- Environmental Health Enforcement Policy
- Enforcement Concordat
- The Council Plan – Homes and Neighbourhoods, a Safe Community and Economic Prosperity

### Other Responsibilities

- Responsibilities under Anti Social Behaviour Act 2003
- Race Relations Act 1976
- Equalities Act 2010

### Guidance Documents

- Guidance issued under S182 of the Licensing Act 2003
- A practical guide for dealing with Alcohol related problems issued by the Home Office
- Home Office Safer Clubbing Guide
- LACORS/TSI Code of Practice on Test Purchasing
- Any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- 

Any documentation relating specifically to temporary events such as:

- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events (HSE 1999) (“the Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely’ (HSE 2000) ISBN 07176 1834 X
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0716 150804
- The Guide to Safety at Sports Grounds (The Stationary Office 1997)
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Outdoor Performances Independent Street Arts Network copies of which may be obtained through [www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm)

1.11 The Council will have regard to, and consult with those involved with, local crime prevention, planning, transport, tourism, race equality and cultural strategies. Review or amendment to these strategies will be considered for their impact on this statement of licensing policy.

1.12 Furthermore, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.

1.13 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Development Control Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the Development Control Committee to have regard to such matters when making its decisions.

1.14 The Council recognises its responsibilities under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000. The impact of this policy on race relations will be monitored through the Council's race equality scheme.

### **Regulated Entertainment**

1.15 As part of implementing local cultural strategies, proper account/consultation will be taken of the need to encourage and promote in suitable locations, a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of communities.

1.16 If representations are made concerning the potential for disturbance in a particular neighbourhood, the Council's consideration where disturbance is likely to be of limited extent, will be balanced against the wider benefits to the community. When attaching conditions the Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

### **Applications**

1.17 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits, taking into account:

- the Licensing Act 2003 and the four licensing objectives,
- Government Guidance issued under Section 182 of the Licenseing Act 2003,
- Supporting regulations
- This statement of Licensing Policy, and
- the nature and locality of the premises and the Operating Plan submitted by the applicant.

1.18 The Council requires the applicants to satisfactorily address the licensing objectives, from the design of the premises through to the daily operation of the business, in their Operating Plans, which must be submitted with their application.

1.19 Nothing in this Statement of Policy will:

- Undermine the rights of any person to apply under the Act for a variation of permissions and have the application considered on its individual merits;
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act;
- Prevent any person from applying for a variety of permissions under the Act.

1.20 So far as possible, this policy will not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety at Work etc Act 1974, The Environmental Protection Act 1990, equalities legislation, and the Fire Safety Regulatory Reform Order 2005. Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of a licensing objective.

1.21 When one part of the Council seeks a premises licence from the Licensing Committee, the application will be considered from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee.

1.22 In all cases, the applicants and those making representations have a right to appeal to the magistrates' court against any decision made by the Council.

### **Representations**

1.23 The Chief Officer of Police, the Fire Authority, the Enforcing Authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution and the Child Protection Authority are all known as 'Responsible Authorities'. These Responsible Authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.

1.24 Local residents and businesses, in the vicinity of the premises subject to the application, or their representatives are known as 'interested parties' and are free to raise relevant representations. A Councillor for the District may also make representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. Any representation must not be frivolous or vexatious, and in addition, in the case of reviews, not be repetitious.

1.25 In the absence of any representations the licence must be granted and any representations must be heard at a hearing of the Licensing Sub-committee.

### **Conditions**

1.26 Licence conditions will be tailored to the individual application and only those necessary to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other controls/legislation exist to provide sufficient protection to the public. There are pools of conditions set out in the Guidance issued under Section 182 of the Licensing Act 2003 which an applicant for a licence may wish to draw on as appropriate. The Council may also create its own pool of conditions to assist applicants. In this way.

1.27 Any conditions arising from the operating schedule or as a result of representations will be focused on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned and which are within the control of the individual licensees and others with relevant authorizations.

## **Administration, Exercise and Delegation of Functions**

1.28 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

1.29 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. A table setting out how we will approach this is attached at Appendix 1.

1.30 The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

1.31 The Licensing Committee will expect individual applicants to address the licensing objectives in their Operating Plan, having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

1.32 The Council recognises the advice of the Department of Culture Media and Sport that the views of vocal minorities should not be allowed to predominate over the general interests of the community. The Council will revisit this policy if there is any indication that regulated entertainment is being deterred by its provisions.

## **Cumulative Impact of a Concentration of Licensed Premises**

1.33 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

1.34 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Council can take into account. This will not be confused with 'need', which relates more to the commercial demand for a particular type of premises, and is therefore a matter for planning consideration and does not form part of this licensing policy statement.

1.35 The Council may receive representations from either a Responsible Authority or an interested party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases, the issue of cumulative impact may be taken into account when considering the individual merits of any application.

1.36 The Council will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.

1.37 In determining whether to adopt a 'saturation' policy for a particular area the Council may, amongst other things –

- Gather evidence of serious and chronic concern from a responsible authority or interested parties about nuisance and disorder;
- Identify the area from which problems are arising and the boundaries of that area;
- Make an assessment of the causes;
- Adopt a policy about future applications for premises within that area.

1.38 The Council recognises however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. The Council recognise that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.

### **Advice and Guidance**

1.39 The Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Council, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.

1.40 The Council will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing department/section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

### **Reviews**

1.41 A Responsible Authority and/or interested parties can trigger a review of a premises licence or club premises certificate but an evidentiary basis would be required to be presented to the Licensing Authority. Representations received must be relevant to the promotion of the licensing objectives and submitted in writing. Representations must not be frivolous or vexatious.

1.42 The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the Licensing Objectives occur. However, no more than one review from an interested party will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.



1.43 In addition where premises are associated with serious crime or serious disorder

a senior police officer (Superintendent or above) may apply for a summary review of the premises licence which may result in :-

- a) the modification of the conditions of the premises licence;
- b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- c) the removal of the designated premises supervisor from the licence;
- d) the suspension of the licence.

The initial decision may be determined in the absence of the premises licence holder. A review hearing must then take place within 28 days.

1.44 Where an Interested Party applies for a review, the Licensing Authority has to be satisfied that the person making it qualifies as an Interested Party and that it is relevant. There is no appeal to the decision of the Authority other than by way of judicial review.

1.45 As the Licensing Authority can generally only determine whether a person is an Interested Party by reference to the name and address of the person making the application, this Authority will not consider any application that fails to provide those details.

1.46 The Licensing Authority accepts that in exceptional circumstances, an Interested Party may not wish to provide his/her personal details to the licence or certificate holder. In those circumstances an Interested Party might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can apply for a review.

1.47 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

1.48 No more than one review from interested parties will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

## **Enforcement**

1.49 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to the principles of good inspection and enforcement practice and recognises the Hampton principles by carrying out its regulatory functions in a fair, open and consistent manner.

1.50 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives, and compliance with the specific conditions of their licence and their Operating Plan. The Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

1.51 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises.

## **2. Licensing Objectives**

2.1 The following sections set out the Council's Policy relate to the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

## **3. Prevention of Crime and Disorder**

When considering Crime & Disorder applicants should look to include in their Operating Plan measures to control problems associated with this as required:

- Effective training and supervision of staff
- Adoption of best practice guidance (e.g Safer Clubbing, The National Alcohol Harm Reduction Strategy Toolkit, Pub watch schemes, CCTV, Drug Awareness)

## **4. Public Safety**

When considering Public Safety the applicant should consider whether it is necessary to address the following in their Operating Plan:

- a. Suitable and sufficient risk assessments
- b. Effective and responsible management of premises
- c. Adoption of best practice guidance (eg Guide to Fire Precautions in licenced premises)

## **5. Public Nuisance**

When considering Prevention of public nuisance applicants should consider what measures may be necessary and should take account of the following:

- Adoption of best practice Guidance (eg Good practice Guide on the control of Property, Noise, published by BBPA)
- Ensuring customers leave quietly
- Installation of sound proofing

## **6. Protection of Children from Harm**

6.1 The Council recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes,

take aways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm.

6.2 When deciding whether to limit access to children or not the Council will judge each application on its own individual merits. Examples that may give rise to concern in respect of children would include premises where:

- entertainment of an adult or sexual nature is provided;
- there is a strong element of gambling taking place;
- there is a known association with drug taking or dealing;
- there have been convictions for serving alcohol to those under 18;
- there is a reputation for underage drinking.

6.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.

6.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure the childrens' safety and their protection from harm.

6.5 The options available for limiting access by children could include –

- A limit on the hours when children may be present;
- A limitation or exclusion when certain activities may take place;
- The requirement to be accompanied by an adult;
- Limiting access to parts of the premises;
- An age limitation.

6.6 The Council will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club. In all cases, it is expected that the applicant will have considered the protection of children in their Operating Plan. The Council commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and would expect applicants to consider the Code in their Operating Plan.

6.7 In the case of premises giving film exhibitions the Council would expect licencees or clubs to include in their operating schedules arrangements for restricting children from age-restricted films as classified according to the recommendations of the British Board of Film Clasasification.

6.8 The competent responsible authority in relation to the protection of children from harm is the Essex County Council's Childrens Safeguarding Service.

## **7. Licensing Hours**

The Council recognises that longer licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises whilst ensuring that nuisance is minimised to local residents. Premises will generally be able to sell alcohol during the hours they are permitted to open. Entertainment providers may provide a range of entertainment during their operating hours. When issuing a licence, however, stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in largely residential areas.

## Contact Details

Further information concerning all aspects of licensing can be obtained from our website:

[www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk)

or

Environmental Health Licensing Section  
Epping Forest DC  
Civic Offices  
High St  
Epping  
Essex CM16 4BZ

Tel: 01992 564034

Fax: 01992 564539

Email: [sharcher@eppingforestdc.gov.uk](mailto:sharcher@eppingforestdc.gov.uk)

Environmental Health General Enquiry Line: 01992 564610

## Delegation of Functions

## Appendix 1

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

## Appendix 2

### Consultation

Consultation will be undertaken with those listed below. The majority of those being contacted via email and the rest by post. A copy of the draft policy will be available on the EFDC website. All comments received will be considered and the results of the consultation published on the EFDC website. The consultation period will be three months.

Arriva Bus Company Arts Council England Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors Bill Rammell MP British Transport Police Butler & Mitchells Brewers Roman Catholic Church Church of England Citizens Advice Bureau Consumers Association Cooley Partnership Campaign for the Protection of Rural England Curwens Solicitors Council for Voluntary Services Crime and Disorder Strategy Panel East Herts DC EFDC Councillors EFDC Senior Officers Eleanor Laing MP Environment agency Epping Forest Conservators Epping Forest PCT Epping Magistrates Equity Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Essex Probation Service Essex Tourist Bodies Federation Synagogue Fosket Marr Gadsby & Head	General Municipal and Boilermakers Union Hammonds Solicitors Health and Safety Executive Essex Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Local Taxi Operators LUL Transport for London McMullens Brewery Musicians Union Parish and Town Councils Police & Community Consultative Group Princess Alexandra NHS Trust Ridleys Breweries Rural Community Council of Essex Scottish & Newcastle Retail Somerfield Supermarkets Spirit Group Brewery Transport and General Workers Union Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Licensed Victuallers Association Wiskers & Co Solicitors Whipps Cross NHS Trust  All current holders of licquor, public entertainment, private places of entertainment, cinemas, theatre and late night refreshment houses licences within the district.
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## ***Report to the Council***

**Committee:** Licensing **Date:** 13 October 2010  
**Subject:** Licensing of Sex Entertainment Venues **Item:** 15  
**Chairman:** Councillor Pat Brooks

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### **Recommendations:**

- (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-Committees and Officers be as set out in the Appendix attached and appropriate amendments be made to the Council's Constitution;**
  - (3) That the fees in respect of the issue of a Sexual Entertainment Venue licence be £3,000 and £1,500 on renewal**
- 

1. We received a report that the Policing and Crime Act 2009 has amended Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the licensing of Sexual Entertainment Venues, where 'relevant entertainment' is provided before a live audience for the financial gain of the entertainer or organiser. 'Relevant entertainment' means 'any live display or entertainment of nudity', i.e.; striptease, lap dancing etc. There is an exemption from the requirement to register if there will be less than eleven events held each year at a venue.

2. If, the Council decides to adopt this provision it may take into account when deciding whether to grant a licence the following:

- (a) the character of the locality;
- (b) the use of other premises in the locality, and
- (c) the layout, character, condition or location of the premises.

3. However, if the Council decides not to licence Sexual Entertainment Venues it will have to carry out a consultation process and, if appropriate, any such entertainment would be regulated by the Licensing Act 2003.

4. We have considered a suggested draft policy and licence conditions and have decided that if the Council adopts our recommendations, these would be made the subject of a consultation process.



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

**Committee:** Licensing **Date:** 2 November 2010  
**Subject:** Pavement Licences **Item:** 16  
**Chairman:** Councillor Pat Brooks

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### **Recommendations:**

- (1) That applications under section 115E of the Highways Act 1980 for consent to erect and place a facility on the highway be determined by officers if no objection is made or by a Licensing Sub-Committee in the event of an objection;**
- (2) That the standard conditions set out in the attached Appendix be applied to consents in accordance with section 115F of the Highways Act 1980;**
- (3) That, in accordance with section 115F of the Highways Act 1980, a fee of £250 per annum be charged for a consent to five or more tables and associated chairs; a fee of £150 per annum be charged for less than five tables and associated chairs; and a fee of £150 per annum if only chairs, boards or other items are to be placed on the highway;**
- (4) That all policy matters except the formulation of the policy relating to these consents be determined by the full Licensing Committee; and**
- (5) That appropriate amendments be made to the Council's Constitution.**

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The Highways Act 1980 allows applications to be made to local authorities for permission to place tables, chairs, portable advertising boards and similar objects on pavements which are adopted as highways.

Essex County Council's Highways Department have asked the District Council to exercise these powers in this District in the light of increasing numbers of tables, chairs, advertising boards and other items being placed on the pavements in the District.

Once an application is made, consultations must be undertaken. A notice must be prepared and placed outside of the premises and served on neighbouring properties which might be affected. The consent of the owner of any property adjoining the area of pavement must be obtained. The Council can impose reasonable conditions and consents are subject to annual renewal.

The grant of such consents is regulated by statute and we have discussed a scheme of delegation, standard conditions and fees.

We are proposing that officers be delegated to determine applications if no objection is made or if officers consider this appropriate. In the event of an objection we are proposing that the application be determined by a Licensing Sub-Committee.

We are proposing that all policy matters except the formulation of the policy relating to these consents be determined by the full Licensing Committee.

We are recommending that a fee of £250 per annum is charged for a consent to five or more tables and associated chairs and a fee of £150 per annum for less than five tables and associated chairs. If only chairs, boards or other items are to be placed on the highway we are proposing a fee of £150.

We recommend as set out at the commencement of this report.

## Standard Consent Conditions – Highways Act 1980

1. Except with the previous written consent of the Council, only the amenities detailed on the consent ('the Amenities') are to be placed on the public highway, and the Amenities are only to be placed on the public highway between the times detailed on the consent on the permitted area specified in the consent ('the permitted area').
2. Any heaters must be to BS Standards (BS EN 60529:1992 (Electric heaters) and BS EN 14543:2005 (Gas heaters)). Access to the controls/pipe/cylinder on the heaters must be restricted to authorised employees of the premises only. .
3. The Council may require the boundary of the permitted area to be defined by shall be a fixed barrier system that is suitably stable not to be easily blown or knocked over.
4. Clear access to the entrance of the adjoining premises must be maintained at all times.
5. The permit holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval of the Council.
6. The permit holder is not permitted to erect the Amenities other than in accordance with the provisions of the permit.
7. The permit holder is not to make or cause to be made any claim against the Council in the event of any property of the permit holders becoming lost or damaged in any way from whatever cause.
8. The permit holder is to indemnify and keep indemnified the Council from and against all actions, costs, claims, proceedings, demands and liability, which may at any time arise or be incurred in consequence of the placing and maintaining the Amenities on the highway or their removal from the highway.
9. The permit holder will hold a Public Liability Insurance indemnity policy throughout the term of the permit up to the value of £5 million against any liability, loss or damage, claim of proceeding whatsoever arising under Statute or Common Law in respect of the placing and maintaining the Amenities on the highway or their removal. The applicant is required to submit proof of this insurance prior to the licence being issued.
10. At the instruction of the Council to remove the Amenities during the permit period for the purpose of:
  - (a) Works in or under or over the highway or for using it in connection with works in, under or over land adjacent to or adjoining it as may be required by Epping Forest District Council, the local highways authority or any statutory undertaker or other person authorized by the Council.
  - (b) Use by emergency services.
  - (c) Any other reasonable cause.

11. Not to cause a nuisance to persons using the highway or any adjacent land or premises. The permit holder is responsible for the keeping of good order within the boundary of the permitted area.
12. To remove the Amenities immediately at the end of the permit period or on any sooner revocation of the licence.
13. To reinstate the highway in the event of a breach of the conditions of the permit. To reimburse Epping Forest District Council if, as a result of a breach of the permit conditions, it is required to carry out any reinstatement works itself.
14. To keep the permitted area free of litter and rubbish, including staining from food and drink spillages.
15. The permitted area must be washed down thoroughly, at the end of every day, using a method sufficient to remove food debris, grease and other spillages that may occur.
16. To make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the amenities, for a distance of up to 10 metres from the boundary of the permitted area.
17. The footway must not be obstructed by patrons standing between tables and between tables and chairs and the curb.
18. The permit holder shall not allow any drink in a glass container of any description to be consumed in the permitted area unless the container is made of toughened glass.
19. The Amenities must be removed from the public highway at the end of the permitted period each day and in any event they must be removed when the business is not trading.

***Note: Permission to place tables and chairs on the highway does not exempt the applicant from complying with any other legislation applying to the premises. In particular, where the premises are licensed for the sale of alcohol, an extension to the liquor licence must be obtained. Planning permission may also be required.***



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

**Committee:** Licensing **Date:** 2 November 2010  
**Subject:** Temporary Road Closures  
**Chairman:** Councillor Pat Brooks **Item:** 17

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### **Recommendation:**

**(1) That in accordance with powers under section 21 of the Town Police Clauses Act 1847, the following fees be charged for applications for temporary road closures in addition to any costs of the County Council and for advertising the event:**

- (a) £150 for a small event; and**
- (b) £400 for a larger event;**

**(2) That applications for a temporary road closure be determined by officers if no objection is made or by a Licensing Sub-Committee in the event of an objection; and**

**(3) That all policy matters except the formulation of licensing policy be determined by the Licensing Committee; and**

**(4) That appropriate amendments be made to the Council's Constitution.**

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The provisions of the Town Police Clauses Act 1847 are used by local authorities to make temporary road closures for street parties, fetes, processions etc.

We have received a report that the Secretary of State for Communities and Local Government has recently issued guidance to make it easier for communities to apply for the temporary closure of a highway to enable street parties and fetes to be held. The guidance directs members of the public to the District Council although Essex County Council also has powers to make closure orders in these circumstances and previously any applications received had been referred to the County's Highways Department.

In the light of the Secretary of State's guidance it is likely that more applications will be made to the District Council and we have considered the delegations necessary and other matters required in order for the District Council to undertake this function.

Although the Secretary of State's guidance sets out the background in respect of the requirements for a making a road closure where small events such as street parties and fetes are to be held a more detailed process will be required in relation for larger public events.

It will be necessary to consult the Highways Authority about applications and the Essex County Highways Department have expressed concerns that the information required by the Secretary of State's guidance may not be sufficient to allow them to agree a road closure. Further information as to their requirements is being sought and will be included in the application process.

We are proposing that a fee of £150 be charged in respect of a small event and £400 in respect of a larger event. Additional costs of the County Council, any advertising or other costs would also be charged.

We are suggesting that the decision to agree an application for a road closure would be made by the officers if no objections are received and if objections are received or the officers consider it appropriate, by a Licensing Sub-Committee.

All matters of policy other than formulation of licensing policy will be agreed by the Council.

**EPPING FOREST DISTRICT  
STANDARDS COMMITTEE**

**EIGHTH ANNUAL  
REPORT  
2009/10**

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## **CHAIRMAN'S FOREWORD**

Although at the time of writing, I am no longer a member of Epping Forest District Council Standards Committee, I am pleased to be associated with the eighth annual report. As noted in the body of the report, I had been a member of the Committee since its inception nine years ago, and Chairman for 2009/10 and the previous two years.

Initially, the Committee's role was to oversee the introduction of the code of conduct and adjudicate on complaints following investigation by the Standards Board for England. Over the years, this has expanded to include the oversight of various protocols the most important being the Planning Protocol and, significantly, local assessment of complaints. The additional workload and the requirement that the make up of the various sub committees have different membership required the Committee to be increased to nine rather than six members.

I very much agree with the views of current members about the need for continuing advice and support following the proposed disbandment of Standards for England. Without this, standards will almost certainly vary and costs rise as each council is forced to produce its own procedural manuals, training materials and advice to Councillors. It is important that Councillors get regular advice, so that standards are maintained resulting in fewer complaints requiring costly investigation.

I would like to thank the officers of the Council and my fellow committee members for all their hard work, help and advice over the past nine years. I believe that the Epping Forest Standards Committee has done its job professionally and fairly and trust that this continues in the years ahead.

Mary Marshall  
Chairman  
Epping Forest District Standards Committee 2009/10

## **1. INTRODUCTION**

- 1.1 This is the eighth Annual Report of the Epping Forest District Standards Committee covering the municipal year 2009/10. The aim of this report is to describe some of the issues which have arisen since our last report and likely future developments.

## **2. THE COMMITTEE**

- 2.1 The 2009/10 membership of the Standards Committee is as follows:

(a) three independent members (Mary Marshall, Grenville Weltch and Murray Wright);

(b) three parish representatives (Parish Councillors Daphne Borton, Jason Salter and Brian Surtees) who are nominated by the Epping Forest Association of Local Councils; and

(c) three District Councillors: Councillors B Rolfe, Mrs P Smith and Mrs J Whitehouse.

- 2.2 The Standards Committee continues to be supported by Colleen O'Boyle (Solicitor to the Council and Monitoring Officer), Ian Willett (Deputy Monitoring Officer and Assistant to the Chief Executive), Graham Lunnun (Allegations Determination Manager and Assistant Director - Democratic Services), and Simon Hill (Local Assessments Officer and Senior Democratic Services Officer).

## **3. CHANGES IN MEMBERSHIP**

- 3.1 Mary Marshall and Grenville Weltch served as Chairman and Vice Chairman of the Committee throughout 2009/10 but during the year, they indicated a wish to step down from the Committee. Both these individuals were founder members of the Committee in 2001 having been instrumental in establishing the Standards Committee and maintaining its important role within the District.

- 3.2 Mary Marshall chaired her last meeting of the Standards Committee on 13 April 2010. Members of the Committee and officers paid tribute to her work as member and

Chairman of the Committee and the Monitoring Officer made a presentation on their behalf to her in appreciation.

3.3 Grenville Weltch, who had also been an independent member since 2001 and Vice Chairman of the Committee from 2008, had signified a wish to step down from the Committee at the end of the year. However, he agreed to continue until 31 July 2010 in order to provide some continuity and experience in view of a number of complaint issues that were to arise. Grenville Weltch's last meeting as a member of the Committee was scheduled for 13 July 2010. It should be recorded that he too was instrumental in establishing the Standards Committee as a recognised body within the District and his experience, like Mary Marshall's, often proved invaluable in dealing with some of the difficult issues that came before the Committee.

3.4 With the departure of two founder members of the Committee, arrangements were put in hand to advertise the two vacancies for independent members on the Committee. Following a press notice, three applicants were interviewed and two appointments made. These two appointments were subsequently ratified at the District Council's Annual Council meeting on 25 May 2010. The two new independent members are:

Mr Richard Crone who lives in Theydon Mount;

Mr Jason Guth, a resident of North Weald.

3.5 To recognise the deferred resignation of Grenville Weltch, it was decided that Mr Jason Guth would be appointed to the vacancy created by the resignation of Mary Marshall immediately following the Annual Council meeting, whilst Richard Crone would take over following the resignation of Grenville Weltch on 1 August 2010.

3.6 As a Committee, we were very pleased that we were able to find two very suitable candidates for the independent member positions after a relatively short recruitment process. This has helped considerably in managing a considerable workload of complaints and other matters which has been referred to the Committee in recent weeks.

3.7 Following the District Council's Annual Meeting in May, we were pleased to welcome back as District Council representatives on the Committee, Councillors Penny Smith and Janet Whitehouse. We were also joined by Councillor Anne Grigg, the Vice

Chairman of the District Council for 2009/10 and Chairman for 2010/11, as a third District Council representative on the Committee. We would like to record our thanks to Councillor Brian Rolfe whom Councillor Mrs Grigg replaced.

3.8 There have been no other changes in membership of the Committee during 2009/10.

#### **4. STANDARDS COMMITTEE – TERMS OF REFERENCE**

4.1 The terms of reference of the Standards Committee are set out in the Local Government Act 2000 and various government regulations. These statutory requirements are also set out in Article 9 of the District Council's Constitution and in a number of Council protocols. The Standards Committee in undertaking its functions, has continued to follow the advice given by the Standards Board for England (now know as "Standards for England").

4.2 The duties of the Committee continue to cover a number of statutory elements including proposing and amending the Code of Conduct for the District and Parish/Town Councils, promoting the Code and its values, providing training, investigating, reviewing, adjudicating on complaints and also giving advice on ethical issues affecting Councillors as they arise. The Committee remains responsible for granting dispensations from the effect of prejudicial interests affecting staff in limited circumstances.

4.3 In 2009/10, we continued to deal with complaints as prescribed in the Local Government Act 2007 which were referred to in last year's report. In regard to politically restricted posts, no cases have arisen during the last year.

4.4 New Sub-Committee arrangements established last year to deal with the complaints process have continued to operate, but over the period of the last 12 months, there have been no new changes to the role of the Committee.

#### **5. THE YEAR IN REVIEW**

5.1 This section of the report outlines the main activities of the Committee over the past Council year (2009/10). Each section reflects the main elements of the current terms of reference.



## **Review of Ethical Framework**

- 5.2 We referred in our last Annual Report to a Government Consultation Paper on further changes to the Member Code of Conduct. In June 2007, councils adopted a new Code of Conduct, but shortly afterwards, a new consultation was launched to make further clarifications on various points which we set out in our Annual Report last year.
- 5.3 Although it was suggested that a revised Code of Conduct was imminent by the then Government, this did not actually take place due to the General Election in May 2010. There is no indication as yet as to whether the proposals of the former Government will see the light of day.

## **Standards for England**

- 5.4 The Council will be aware from press reports that the new coalition Government elected in May last has made a number of pronouncements about the future of so-called “quangos” with a view to reducing the number of such bodies as part of measures for reducing the Government’s budget deficit. One of those “quangos” is Standards for England. Because of this, the future for the ethical framework is difficult to predict. There certainly have been indications from Standards for England that as an organisation it will cease to exist once the necessary legislative changes are made by the Government but there is no indication as to when this might be.
- 5.5 We have received a letter from the Chairman of Standards for England, Dr Robert Chiltern, concerning the current position. In writing to all Standards Committees he invited all these to submit any views about how they see the future once Standards for England has been wound up. As a Committee, we took the opportunity of commenting back to Dr Chiltern with our views on the situation. A copy of our letter ... is set out in Appendix 1 to this report.
- 5.6 In summary, we expressed the hope that the support and advice network established by Standards for England could be re-provided in some form.
- 5.7 We commented on the need for an advice and support network to Monitoring Officers and Standards Committees which seems to be at risk as a result of the disbandment of Standards for England. We also raised the process for referral of local complaints to a higher body in cases where local investigations and adjudications are impractical for

any reason. The status of directions by Standards for England issued prior to disbandment and the statutory timetable for abolishing the organisation were also raised.

- 5.8 On Dr Chiltern's advice, we have sent copies of this letter to the three local Members of Parliament as it will be MPs and the Department for Communities and Local Government which will actually make the decisions on the future of the Standards framework. We also agree with the suggestion of the Monitoring Officer that our comments should be passed to Mr Grant Shapps MP, the Minister for Local Government, who had written at around the same time to all local authorities concerning removal of burdens on local government.
- 5.9 Our principal concern about the demise of Standards for England is that without the national framework of advice and support, differing standards might begin to develop across the country in dealing with complaints. We consider it very important that consistency of approach and outcomes are maintained in dealing with complaints.

#### **Planning Protocol – Review**

- 5.10 At our July 2009 meeting, we reviewed the Planning Protocol and the results of consultation with Planning Officers, the public and planning agents in the District. We raised a number of items which we asked the Monitoring Officer to review so as to bring back a revised draft. The point was made to us at that stage that the Planning Protocol needed to take account of changes to the Code of Conduct itself, bearing in mind that, at that time, the Government had stated that a new Code would be issued. The Council will be aware that the two documents are very closely linked.
- 5.11 However, with the continuing delay in the publication of the new Code and now the advent of a new Government which has all these matters under review, it has not been possible to revise the Protocol in accordance with the original timetable.
- 5.12 However, in the coming year, we will proceed to update the Protocol in accordance with our earlier discussions but we may be required to look again at this document once the feelings of the new Government concerning the ethical framework are known.

## **Local Complaint Assessment and Adjudication Process**

- 5.13 We mentioned in our 2008/09 Annual Report, the changes which had been made by the Local Government Act 2007 in regard to Standards Committee responsibilities. At our July 2009 meeting, we took the opportunity of reviewing processes that had been adopted over the previous year to see whether we could learn from the experience of dealing with complaints under the new arrangement.
- 5.14 As a result of that review, we have decided to place more emphasis on mediation and conciliation as a way of avoiding long and costly complaint investigations. We also looked at the question of complaint investigations in terms of specific office holders such as the Leader of the Council, a Standards Committee member, the Chairman of a Council or Cabinet Member, or similar office holders where a local investigation was difficult. We agreed a suggestion of the Monitoring Officer that advice to complainants on this aspect should be reinforced and that the consideration of the case for referral of such complaints to Standards for England should be part of the assessment process.
- 5.15 We also agree a suggestion that in future complaints should, wherever possible, be based on no more than one alleged breach of the Code. Allegations of multiple breaches of the Code often protract investigations and make outcomes more difficult to achieve.
- 5.16 We looked carefully at the various standard letters which we have been using as part of the complaints process. We asked that these letter templates should place more emphasis on strict compliance with timescales, in particular those relating to comments on draft investigation reports.
- 5.17 These various changes have now been incorporated in our procedures but we will continue to monitor how effective they are and whether further changes are required.

## **Dispensations**

- 5.18 At our July meeting, we received a report on a new set of government regulations which change the criteria for granting dispensations for members of the Council. In summary, dispensations may now be granted by a Standards Committee:

(a) where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting; or

(b) where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

5.19 Thus if, for example, there were ten members on a Committee, six of whom would not be able to vote on the item of business concerned, all six could claim a dispensation. However, to decide whether these criteria apply, members must ignore any dispensations that have already been given to others at the meeting. However, even if the criteria apply, members cannot obtain dispensations to allow them to take part in voting at an Overview and Scrutiny Committee on a review of a decision by another body if they were a member at the time the decision was taken.

5.20 We bore in mind that the changes in procedure regarding dispensations require each member individually to give an account of the reasons why they are disbarred from voting and their grounds for seeking a dispensation. Block dispensations on behalf of whole political groups are not acceptable under these rules. The Committee can consider any applications for dispensations and have discretion as to how they apply the guidelines set in the regulations. The Standards Committee can also decide how long the dispensation should apply although it must not be longer than four years in duration.

### **Promoting the Code and its Values and Training**

5.21 The Committee held a training course in the Code of Conduct in June 2009, but training in the Planning Protocol was held in abeyance for the reasons already discussed concerning the new Code of Conduct. However, for 2010/11, we asked that Planning Protocol training should resume based on the current version. We will re-launch the new Planning Protocol, when we have completed our review with further training courses. 2009/10 was a year which saw very few new District Councillors joining the Council and this explains the relatively lower level of training activity over the year.

5.22 We have asked that this report makes mention of the training records over the recent years.

5.23 For District Councillors, we have looked at the training of newly elected members in the last three years. The position is as follows:

	No. of Elected Re-elected District Councillors	Newly Elected Attending Training	Re-elected Attending Training
2008/9	22	50%	0%
2009/10	1	100%	0%
2010/11	21	82%	20%
(To date)			

5.24 Over those three years, the figures for established District Councillors (i.e. in years when they are not elected for the first time or re-elected) attending training courses were as follows:

2008/9	12%
2009/10	3%
2010/11	14%
(part)	

5.25 These figures confirm our view that new members are good at attending initial training but that they do not attend courses in subsequent years. Having said that, the figure for 2009/10 is encouraging in that a high percentage of new members attended initial training with 20% of established members coming to follow up courses.

5.26 We set great store by the attendance of members at annual courses in the Code. The issues relating to the Code are constantly changing and in our view it is important that Councillors keep up to date with these developments. This is particularly relevant as local authority members may be subject to a new standards regime in the future.

5.27 For Parish and Town Councils, we offer the following statistics for the same period:

	No of Places Booked	Actual Attendees
2008/9	19	17
2009/10	10	10
2010/11	24	14

(Part)

Officers have told us that Parish and Town Councillors are ready to book courses but sometimes the number who attend are fewer. The figures bear this out.

5.28 We recommend that need for refresher training in the standards framework be recognised by Councillors at all times.

### **Adjudicating/Investigating Complaints against Elected Members**

... 5.29 Appendix 2 to this report sets out an annual statement of the complaints handled by the Standards Committee and its officers during the year.

... 5.30 Appendix 3 sets out a statement of the costs of conducting investigations. By way of explanation, because Epping Forest District Council has a relatively small team of officers handling complaints, it is not always possible, both in terms of the integrity of the process or in terms of the workloads of the individuals concerned, for all investigations to be carried out in house. Sometimes, it is necessary to use external investigators if the Deputy Monitoring Officer (who usually carries out these investigations) is unable to do so because he has been involved in the case previously or because his workload dictates that an additional investigation cannot be undertaken.

5.31 Appendix 3 shows the costs of these external investigations which are based on reliable consultancy figures. We have asked for internal investigations to be costed and this involves a time allocation of the work carried out by the Deputy Monitoring Officer. This information will appear in the next Annual Report. There are other incidental costs within the Council, such as printing, photocopying, word processing

etc., which have not been taken into account and which apply to all internal investigations and in some respects to external ones. Suffice it to say that all complaint investigations are expensive and have many hidden internal costs if conducted internally. It should be borne in mind that complaints work is merely a part of other duties for established members of staff involved. This includes the administration of the Complaints process and officer time allocations where no recharging is made currently.

- 5.32 As a guide, one costed internal investigation (based on time allocations) completed after the year in question was costed at £3,705.

## **6. NAZEING PARISH COUNCIL – DIRECTION FROM STANDARDS FOR ENGLAND**

- 6.1 For the first time Standards for England have issued the Monitoring Officer with a direction concerning a Parish Council. Such directions are not commonplace and are usually applied by Standards for England where the circumstances are such that it is considered that further complaint investigations are counter productive and other measures are required to try and improve the situation. This Direction concerns Nazeing Parish Council.
- 6.2 We made reference in last year's Annual Report to the number of complaints which involved Nazeing Parish Council Members. These were often complaints by one member against another and Standards for England concluded that these complaints resulted from divisions within that Council, which surfaced in behaviour between members which was causing resentment and a desire to complain. The intervention by Standards for England was triggered by two complaints involving Nazeing Parish Councillors. One was referred to Standards for England for investigation in accordance with current guidance and this led to Standards for England asking for details of the complaint history at Nazeing Parish Council. Subsequently officials met the Monitoring Officer and Deputy Monitoring Officer about the situation.
- 6.3 The result was a direction to the Monitoring Officer to take other steps in lieu of complaint investigations to try to resolve the differences within the Council through measures not related to the complaints process. The Direction was mutually agreed because it was already the view of the Monitoring Officer and the Deputy Monitoring Officer that continuing complaint investigations would not help the situation.

- 6.4 The direction consisted of four elements:
- (a) training in the Code of Conduct with particular reference to treating others with respect;
  - (b) mediation and conflict management for two individual Councillors on Nazeing Parish;
  - (c) general conflict resolution training for all members of the Parish Council;
  - (d) training and review of Standing Orders so as to achieve better conduct of Parish Council meetings.
- 6.5 Having given the direction to the Monitoring Officer, an action plan for the delivery of measures to achieve the objectives of the direction were required by 30.4.10. The cost of this programme falls on the District Council. There is no opportunity under the law for this cost to be re-charged to that Parish Council, other than by agreement.
- 6.6 Extensive discussions have been held with the Clerk of Nazeing Parish Council, the Essex Association of Local Councils and a firm of specialist Solicitors in order to deliver the various elements of the programme. Although final costings have not been determined, it is likely that the costs will be in the order of £5,000. This programme is being facilitated externally – the review of Standing Orders and meeting procedures is being conducted by the Essex Association of Local Councils, whilst training in the Code of Conduct, mediation and conflict resolution will be led by the firm of external solicitors.
- 6.7 For the financial year 2010/11, the Monitoring Officer had already secured additional funding for the Standards Committee in order to deliver this programme, as this could not be accommodated within its normal budget. We would hope as a Committee, that this expenditure of this order will have a productive outcome for Nazeing Parish Council.

## **7. STANDARDS FOR ENGLAND – PERFORMANCE DATA**

- 7.1 At our meeting on 13 April 2010, we reviewed the annual return required to be made to Standards for England concerning the operation of the Committee.



7.2 Since submission, we have been advised by Standards for England that this information is no longer required in view of the demise of that organisation. It remains to be seen how performance information will be dealt with in the future.

## **8. CONCLUDING COMMENTS**

8.1 We would like to emphasise that any member of the Council in the District who has concerns about Code of Conduct issues is always welcome to speak to the Monitoring Officer, her staff or any member of the Committee. We repeat our views as stated in previous reports that the best way of complying with the ethical framework is to seek advice at as early a stage as possible and to remain vigilant at all times in dealings with the public, other Councillors and officers.

8.2 As a Committee, we will continue to look at the issue of complaints and will be aware at all times that a complaint investigation may not always be the right answer to dealing with problems. Some complaint investigations are going to be inevitable but some are avoidable and we and our officer support see this as the way forward both in terms of securing improvements in conduct but avoiding costs resulting from extended investigations with no clear benefit apparent.

### **Independent Members**

Mary Marshall (Chairman)

Grenville Weltch (Vice-Chairman)

Murray Wright

### **Parish Council Representatives**

Daphne Borton

Jason Salter

Brian Surtees

### **District Councillors**

Brian Rolfe

Penny Smith

Janet Whitehouse

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Date: 19 October 2010

Our ref: PU/IW/MC/5/8/1

Your ref:

Doctor Robert Chiltern  
Chair  
Standards for England  
4th Floor  
40 Lever Street  
Manchester M1 1BB

Ian Willett 01992 564243  
Email: iwillett@eppingforestdc.gov.uk

Dear Doctor Chiltern

### **Standards for England – The Future**

I refer to your letter dated 1 June 2010 which has now been considered by the Epping Forest District Standards Committee at its recent meeting.

The Committee noted that you are inviting Monitoring Officers and Standards Committee members to comment on the current situation concerning Standards for England, and the Government's intention to wind up the organisation.

The Committee has asked me to raise the following issues:

#### **(a) Advice and Support**

The Committee values the advice and support network provided by Standards for England and in particular the material contained on its website. Members placed great significance on this information in that it helps to ensure that across the country Standards Committees and Monitoring Officers deal with the ethical framework on a sound basis of advice. This avoids the possibility that, with a looser framework, differing standards of applying the ethical framework might begin to develop. The situation would be similar to Magistrates' Courts working without the framework provided by Crown/County Courts. Disbanding a national standard would be counter-productive in that each local authority would have to produce its own standards with the attendant increased demands on resources and time. Inevitably, inconsistencies would emerge as time goes by.

#### **(b) Referral of Local Complaints**

The Epping Forest District Standards Committee has not always been able to conduct a local investigation or adjudication into complaints against Councillors. In those circumstances, it has been useful to be able to refer such complaints for investigation by Standards for England. The Committee are concerned about what will replace the current arrangements once Standards for England ceases to operate. They feel that the ability of a local Standards Committee to refer a complaint to another Agency where circumstances require this must be retained, albeit in a different form.

The Committee discussed the idea of whether complaints could be referred to another Monitoring Officer/Standards Committee. The difficulty with this approach up to now has been that it has always been on a reciprocal basis without any degree of compulsion. Many Monitoring Officers and Standards Committees have their own ethical framework issues to deal with and it is understandable that it is sometimes difficult to conclude such arrangements.

Standards Committees can, of course, be combined for two or more local authority areas. This has never been an approach which the Standards Committee here has been able to support. Members consider that wherever possible local issues should be dealt with locally. One potential problem with referring complaints to other Monitoring Officers/Standards Committees in areas like this is that many of the neighbouring authorities are London Boroughs. Those Authorities may not always be familiar with the unique problems in Parish Councils.

**(c) Directions by SFE (Standards for England)**

The Committee also feel that some attention needs to be given to the status of Directions issued by Standards for England and which might still be current, even when Standards for England is disbanded. I have already heard it said locally that, with the future of Standards for England uncertain, Directions may not matter any more. I think this is something which the Government needs to address.

**(d) Standards for England**

It is presumed that Standards for England remains in being until such time as the relevant statutes are changed to facilitate abolition. The timescale for this and what is intended to replace Standards for England will be a matter of concern to all Monitoring Officers and Standards Committees, as indeed is the future of the ethical framework itself.

The Committee has asked me to send a copy of this letter to Grant Shapps MP, the Minister for Housing and Local Government. Mr Shapps has already written to Epping Forest District Council seeking ideas on the ways in which the burdens on Local Government can be reduced. The Council has raised the future of the ethical framework if Standards for England is disbanded and the Standards Committee wishes to support this stance.

Yours sincerely

**Ian Willett**  
**Deputy Monitoring Officer**  
**On behalf of Epping Forest District Standards Committee**

# Epping Forest Assessments Subcommittee

## Review of Cases for Annual Report 2009/10

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)
2009	1	EFDC 6/2009	Complaint by Parish Member about a Parish Member Assessment Panel – 27 October 2009 Referred to Standards for England – Ethical Standards Officer appointed for investigation.  <b>Subject to Standards Board Direction</b>	01/10/09
2009	2	EFDC 7/2009	Complaint by member of public against district member: Assessment November 2009 – Result NFA - no prima facie evidence, investigation would not serve useful purpose	14.10.09
2009	3	EFDC 8/2009	Complaint by Parish Member about a Parish Member Assessment Subcommittee held 8 December 2009 – Referred to Standards for England – Case accepted for investigation.  <b>Subject to Standards Board Direction</b>	19/11/09
2009	4	EFDC 9/2009	Complaint by member of public against district member: Assessment Panel 21 December 2009 – referred for investigation by Monitoring Officer  Referred for investigation on 2 February 2010 – Report to be issued in due course.	30/11/09

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)
2009	5	EFDC 10/2009	Complaint by Town Councillor against Town Councillor – Assessment 21/12/2009 – Referred for investigation. Result of investigation was no breach found which was accepted by the Assessment Subcommittee at their meeting on 10 May 2010 - NFA	1/12/09
2010	6	EFDC 1/2010	Complaint by Officer against District Member Assessment Panel 22 March 2010 Referred for investigation in part  Investigator appointed on 14 July 2010 – report due September 2010	2/3/10
2010	7	EFDC 3/2010	Complaint by Town Councillor against Town Councillor – Received 5 May 2010 – Assessment Sub 24 <sup>th</sup> May 2010 – NFA Not serious enough to merit investigation/ Investigation would not serve useful purpose – Review requested 28 May 2010  Reviewed 26 July 2010 – Decision other action mediation – Subject member happy to participate awaiting view of complainant	5/5/10
2010	8	EFDC 4/2010	Case: Parish Councillor, Complaint by member of public – sections 3(1) and 3(2)(b)  Assessment on 30 July 2010 – referred for investigation – P Mears appointed – report due by 15 October 2010	6/7/10

<b>Year</b>	<b>No.</b>	<b>Case reference no.</b>	<b>Case status</b>	<b>Received - (dd/mm/yyyy)</b>
2010	9	EFDC 5/2010	Complaint by Town Councillor against Town Councillor – sections 8 and 10 (interests)  Assessment on 30 July 2010  Result NFA – decision notice 2/8/10 – no appeal received	9/7/10

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## STANDARDS COMMITTEE OPERATIONAL BUDGET

<b>Expenditure</b>	<b>Budget 2009/10</b>	<b>Actual Outturn 2009/10</b>
Consultants Fees	0	4,050.00
Advertising – Public Notices	0	2,493.22
Other Miscellaneous Expenses	10,390.00	470.00
Managerial & Professional (R)	16,140.00	14,970.00
Office Services (R)	110.00	0
Print Operations	0	113.97
Chief Executive Policy Group (R)	9,150.00	9,100.00
<b>Gross Expenditure</b>	<b>35,790.00</b>	<b>31,197.19</b>
<b>Income</b>	<b>0</b>	<b>0</b>
<b>COST CENTRE TOTAL</b>	<b>35,790.00</b>	<b>31,197.19</b>

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