

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, 14 December 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

WEBCASTING NOTICE

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

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

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

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

BUSINESS

1. WEBCASTING INTRODUCTION

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

2. The Chief Executive will read the following announcement:

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

By entering the chamber’s lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

2. PARISH COUNCILLOR JASON SALTER

The Council is invited to stand for a minute’s silence in tribute to the memory of Parish Councillor Jason Salter who died recently.

Jason Salter was a member of the Abbess, Beauchamp and Berners Roding Parish Council. He was one of the Town/Parish Council representatives on the Standards Committee from 2001 until 2007 and from 2009 .

He was also Vice-Chairman of the Local Councils’ Liaison Committee.

3. MINUTES (Pages 9 - 38)

To approve as a correct record and sign the minutes of the meeting held on 2 November 2010 (attached).

4. DECLARATIONS OF INTEREST

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

5. 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.

6. 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.

7. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 39 - 60)

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.

8. 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.

9. 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.

10. QUESTIONS BY MEMBERS UNDER NOTICE (Pages 61 - 62)

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.

11. REPORT OF THE CABINET - REVIEW OF EXECUTIVE CONSTITUTION

Report to follow after the Cabinet meeting on 6 December 2010.

12. REPORT OF THE CABINET - INTER AUTHORITY AGREEMENT

Report to follow after the Cabinet meeting on 6 December 2010.

13. REPORT OF THE CABINET - THE SUSTAINABLE COMMUNITY STRATEGY (Pages 63 - 90)

To consider the attached report.

14. REPORT OF THE CABINET - UNPLANNED EMERGENCY ITEMS - FUNDING (Pages 91 - 92)

To consider the attached report.

15. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - STATUTORY GUIDANCE ON DUTY TO RESPOND TO PETITIONS (Pages 93 - 104)

To consider the attached report.

16. REPORT OF THE COMMUNITY GOVERNANCE REVIEW COMMITTEE - COMMUNITY GOVERNANCE REVIEW - MORETON, BOBBINGWORTH AND THE LAVERS (Pages 105 - 106)

To consider the attached report.

17. REPORT OF PLANNING SERVICES SCRUTINY PANEL - NEW HOMES BONUS CONSULTATION

To consider a report to follow after the Planning Services Scrutiny Panel meeting on 2 December 2010

In the light of the tight timescale for responding to the Government's consultation, the Overview and Scrutiny Committee authorised the Scrutiny Panel to report direct to the Council.

18. REPORT OF THE CHIEF EXECUTIVE APPOINTMENT COMMITTEE (Pages 107 - 110)

To consider the attached report.

19. RODING VALLEY RECREATION AREA COMMITTEE

Recommendations:

(1) That the Council determine the category of appointments (Executive/Local/Pro-rata) to be made to the Roding Valley Recreation Area Committee; and

(2) That, two members be appointed to the Roding Valley Recreation Area Committee

(Assistant to the Chief Executive) Arrangements have been concluded between this Council, Loughton Town Council and Buckhurst Hill Parish Council to establish a Roding Valley Recreation Area Committee under the terms of the tripartite lease agreement.

The District Council is entitled to appoint two councillors. The constitution of the Committee will specifically exclude councillors from representing more than one Council. Thus, if a member of this Council is appointed as one of its two representatives, he or she cannot also be appointed as a Parish/Town Council representative.

20. LOCAL GOVERNMENT AND HOUSING ACT 1989 - NOTIFICATION OF MEMBERSHIP OF POLITICAL GROUPS (Pages 111 - 112)

To consider the attached report.

21. REFERENDUM - 5 MAY 2011- APPOINTMENT OF COUNTING OFFICER

Recommendation:

To note the appointment of Mr I Willett as Counting Officer (designate) for the Referendum provided for under the Parliamentary Voting System and Constituencies Bill (PVSC Bill) to be held on 5 May 2011

(Assistant to the Chief Executive) Clause 2(1) of Schedule 1 of the PVSC Bill states that the Counting Officer for the Referendum to be held on 5 May 2011 is the person who is the Returning Officer for elections of councillors of a district, county or borough that forms the voting area.

In accordance with that clause, Jenny Watson, Chair of the Electoral Commission and Chief Counting Officer for the Referendum has confirmed the appointment of Mr I Willett as Counting officer (designate) for the Epping Forest District. The appointment will take effect immediately on commencement of clause 2 of Schedule 1 of the Bill once it is enacted.

22. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

23. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
24	Report of the Cabinet - Supplementary DDF Estimate - Options for a Development Agreement for the Potential Langston Road Project	3
25	Report of the Cabinet - Supplementary DDF Estimate - External Legal Fees	1,3,5 and 7

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.

24. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - OPTIONS FOR A DEVELOPMENT AGREEMENT FOR THE POTENTIAL LANGSTON ROAD PROJECT (Pages 113 - 114)

To consider the attached restricted report.

25. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - EXTERNAL LEGAL FEES (Pages 115 - 116)

To consider the attached restricted report.