

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

**Committee:** Council **Date:** 14 December 2010

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.45 pm

**Members Present:** Councillors Mrs A Grigg (Chairman), K Angold-Stephens (Vice-Chairman), R Barrett, R Bassett, W Breare-Hall, Ms R Brookes, Mrs P Brooks, Mrs T Cochrane, R Cohen, Mrs D Collins, Ms C Edwards, C Finn, Mrs R Gadsby, P Gode, J Hart, Ms J Hart, Ms J Hedges, D Jacobs, D C Johnson, B Judd, J Knapman, Mrs J Lea, L Leonard, A Lion, Mrs M McEwen, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, W Pryor, Mrs P Richardson, B Rolfe, B Sandler, Mrs M Sartin, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs J Sutcliffe, H Ulkun, Mrs L Wagland, Ms S Watson, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

**Apologies:** Councillors A Boyce, K Chana, J Collier, D Dodeja, A Green, Mrs S Jones, Ms Y Knight and J Markham

**Officers Present:** D Macnab (Acting Chief Executive), R Palmer (Director of Finance and ICT), C O'Boyle (Director of Corporate Support Services), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), I White (Forward Planning Manager), S G Hill (Senior Democratic Services Officer), P Seager (Chairman's Secretary) and T Carne (Public Relations and Marketing Officer)

### **98. 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.

### **99. PARISH COUNCILLOR JASON SALTER**

It was with much sadness that the Chairman informed the Council of the death of Parish Councillor Jason Salter.

Members were informed that Jason Salter had been a member of the Abbess, Beauchamp and Berners Roding Parish Council and had been one of the Town/Parish Council representatives on the Standards Committee from 2001 until 2007 and from 2009.

The Chairman of the Council, Councillors D Collins, L Wagland, M McEwen, P Smith, Mr I Willett, Assistant to the Chief Executive, and Miss C O'Boyle, Director of Corporate Support Services paid tribute to the memory of Jason Salter.

The Council stood for a minute's silence in tribute to the memory of Parish Councillor Jason Salter.

**100. MINUTES****RESOLVED:**

That the minutes of the Council meeting held on 2 November 2010 be taken as read and signed by the Chairman as a correct record.

**101. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillors K Angold-Stephens, R Brookes, S Murray, C Pond, P Richardson and D Wixley declared personal interests in agenda item 19 (Roding Valley Recreation Area Committee) by virtue of being members of Loughton Town Council. The Councillors advised that they had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillors P Spencer, J Sutcliffe and S Watson declared personal interests in agenda item 19 (Roding Valley Recreation Area Committee) by virtue of being members of Buckhurst Hill Parish Council. The Councillors advised that they had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 11 (Report of the Cabinet – Review of Executive Constitution) by virtue of having responded to the consultation exercise. The Councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of voting on the matter.

(d) Pursuant to the Council's Staff Code of Conduct, Mr D Macnab, Acting Chief Executive declared a personal interest in agenda item 18 (Report of the Chief Executive Appointment Committee) by virtue of the references to him in the report. He advised that he had determined that his interest was prejudicial and that he would leave the meeting for the consideration and voting on the matter.

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

The Chairman reported on her attendance at the King Harold School Presentation Evening at which awards had been presented by Mark Hunter, Great Britain Olympic Gold Medallist in rowing.

The Chairman also reported on her attendance at the Chigwell Riding Trust for Special Needs Christmas Carol and Nativity Service which had been very moving.

Councillor Mrs Grigg advised that she had been excited by her visit to the Lee Valley Whitewater Centre which was to be the venue for canoe slalom during the London 2012 Olympic Games. The Chairman advised that the Centre had been opened by HRH The Princess Royal and was the first new 2012 venue completed by the Olympic Delivery Authority.

**(ii) Flowers from the Meeting**

The Chairman advised that the flowers from the meeting would be sent to Chigwell Riding Trust for Special Needs.

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

There were no announcements by the Leader under this heading.

**(c) Announcements by Portfolio Holders**

There were no announcements by Portfolio Holders under this heading.

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

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

**104. 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, the Operational Planning and Transport Portfolio Holder, the Performance Management Portfolio Holder and the Safer and Greener Portfolio Holder.

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

**(a) Leader of the Council**

The Leader advised that she had attended a meeting with the Leaders of other authorities in the County to discuss possible savings. In relation to parking enforcement the County Council favoured an approach of dividing the County into two areas, north and south. Under the County Council proposals this Council would be included in the north area and was one of only two authorities in that area which currently did not make a loss on the service. The Leader reported that there now appeared to be acceptance of the need to consider the outsourcing of the new contract.

Councillor Collins advised that the meeting of Leaders had been informed of the County Council's arrangements for winter gritting of highways. She advised that during the recent inclement weather the main roads of the County appeared to have been treated quickly.

The Leader advised that the meeting had also discussed working together on procurement to achieve more savings. She advised that the County Council wished to share property assets but this did not appear to be an issue for this District in view of the lack of suitable County Council accommodation. She advised that proposals for a County Waste Authority had not received support.

Councillor Collins advised that the first Local Enterprise Partnership meeting scheduled to take place in Dartford had been cancelled due to the inclement weather. She advised that together with the Deputy Leader of the Council she had

met John Spence, a business representative on the Local Enterprise Partnership. They had discussed the need to take steps to acquire funds for this District.

The Leader advised that a joint meeting of the Council's Management Board and Cabinet was to be held on the following day and that later in the week there was to be a meeting of the Cabinet, local Members of Parliament and local County Councillors.

Councillor Mrs Collins advised that she had appointed Deputy Portfolio Holders as follows:

<b>Portfolio/Portfolio Holder</b>	<b>Deputy</b>
Leader (Councillor D Collins)	Councillor James Hart
Environment (Councillor M Sartin)	Councillor S Jones
Finance and Economic Development (Councillor C Whitbread) )	Councillor D Johnson
Performance Management ) (Councillor R Bassett) )	
Housing (Councillor D Stallan)	Councillor W Breare-Hall
Legal and Estates (Councillor L Wagland)	Councillor B Judd
Leisure and Wellbeing ) (Councillor B Rolfe) )	Councillor R Gadsby
Operational Planning and Transport ) (Councillor S Stavrou) )	
Performance Management (Councillor R Bassett)	Councillor A Lion (Performance Management issues only)
Safer and Greener (Councillor P Smith)	Councillor R Barrett

The Leader also advised that as Councillor A Green, Chairman of the Audit and Governance Committee, would not be seeking re-election in May 2011, Councillors S Watson and A Watts would be shadowing his duties until that time.

**(b) Environment Portfolio Holder**

Councillor Sartin advised that she had agreed to update members on the number of fixed penalty notices issued. She reported that one notice had been issued in relation to waste. She continued that no notices had yet been issued in relation to litter.

**(c) Finance and Economic Development**

Councillor Whitbread referred to the tabled initial analysis of grant funding for the Council. He emphasised that the figures were provisional and were still subject to

detailed checking but they demonstrated the significant challenge facing the Authority over the next four years.

The Portfolio Holder pointed out that the Council would receive a reduction of £1.37 million (15.7%) in grant in 2011/12 and a further reduction of £0.9 million (12%) in 2012/13. He also drew attention to the funding available to Councils that chose to freeze their Council Tax in 2011/12 which had been the stated intention of this Council for some time.

Councillor Whitbread drew attention to a new funding stream with respect to New Homes Bonus, encouragement to local authorities to provide new housing. He also pointed out that revenue from Council Tax was anticipated to increase over the four year period as a result of new homes being built, not due to an increase in the level of District Council Tax.

Councillor Whitbread advised that having regard to work already undertaken the Council was on target to achieve the £557,924 of savings required for 2011/12. However in 2012/13 there would be a need to identify savings or increased income equating to approximately £1.488 million. He cautioned that as an organisation which was already lean, this would not be easy. Members would need to make some very difficult decisions about future priorities and would need to form a view about the use of balances and how much they were prepared to increase fees and charges. The Portfolio Holder pointed out that despite these challenges the advantage this Council had over many other authorities in the region was that it had more time to plan and manage any programme of efficiencies by virtue of the fact that it had already identified savings for next year.

**(d) Housing Portfolio Holder**

Councillor Stellan drew attention to his written report regarding the proposed withdrawal of funding by Essex County Council for Caring and Repairing in Epping Forest. He advised that he expected to receive an update of the position later in the week and that he would include details in the Council Bulletin when received.

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

Councillor Stavrou reported on the proceedings of a recent meeting of the Local Highways Panel.

She advised that a feasibility study had been carried out to evaluate the impact of providing pedestrian facilities as part of the improvements to the A1168 Chigwell Lane/Langston Road/Oakwood Hill junction. Members noted that computer modelling software and existing traffic and pedestrian counts had indicated that traffic queues on Oakwood Hill and Chigwell Lane southbound would increase significantly if pedestrian facilities were to be included. As a result a decision had been taken not to pursue the provision of pedestrian facilities.

The Portfolio Holder advised that the Panel had received an oral presentation on the County Council's winter gritting arrangements. She advised that full details of the arrangements would be appended to the minutes of the Panel meeting but pointed out that 46 parishes across the county had been included in a new pilot scheme aimed at ensuring that salt was used appropriately. Loughton Town Council, Nazeing and Theydon Bois Parish Councils had been included in the pilot and would receive initially a one tonne bag of salt. The Portfolio Holder advised that members of the Panel had raised concerns over the lack of consultation regarding this pilot

scheme and the difficulties which would be faced by town/parish councils in storing and using the salt.

**(f) Safer and Greener**

Councillor Smith advised that a decision had been taken earlier in the day not to close Harlow Magistrates Court. She advised that the County Court at Harlow would be closed although it was possible a facility would be included within the Magistrates Court.

**105. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**(a) Caring and Repairing in Epping Forest**

Councillor Murray asked the Housing Portfolio Holder if he could give any assurances in relation to the funding of this service having regard to the proposed withdrawal of funds by the County Council.

Councillor Stallan, Housing Portfolio Holder stated that the Director of Housing was in discussions with County Council officers about the delivery of this service. Strong representations were being made for the protection of this front line service drawing attention to the impact of any reduction in the service.

**(b) Health Works Project**

Councillor P Brooks referred to the reduction in funding for this project and asked the Leisure and Wellbeing Portfolio Holder how this would affect the budget.

Councillor Rolfe, Leisure and Wellbeing Portfolio Holder stated that he could not provide any information on this matter at present.

**(c) Caring and Repairing in Epping Forest District**

Councillor J H Whitehouse asked the Housing Portfolio Holder if he agreed that it was important to retain this service at its current standard.

Councillor Stallan, Housing Portfolio Holder gave an assurance that this view would be made known to the County Council. He confirmed that as soon as he received further information from the County Council he would share this with all members.

**(d) Highways – Winter Gritting Arrangements**

Councillor Finn referred to the detrimental effects of using salt mixed with molasses.

Councillor Stavrou, Operational Planning and Transport Portfolio Holder noted the views of Councillor Finn but pointed out that the County Council had already made its decision in relation to the salt being used during this winter.

**(e) Fixed Penalty Notices**

Councillor Wixley asked why the public notice regarding the introduction of fixed penalty notices had only appeared in the Loughton and Buckhurst Hill edition of the Ilford Recorder and not in the Epping Forest Guardian.

Councillor Sartin, Environment Portfolio Holder, advised that she was not aware of the arrangements made for placing a public notice but pointed out that the public

awareness campaign had also involved the issue of press releases and publicity on the front page of the Council's website. She agreed to provide a written answer in the Council Bulletin in relation to Councillor Wixley's question.

**(f) Discontinuation of the Choice-Based Lettings Free Sheet**

Councillor R Brookes questioned how residents not having access to Broadband would be notified of the advertisement of available properties.

Councillor Stallan, Housing Portfolio Holder, emphasised that approximately 92% of all expressions of interest in available properties had been made via the website. He continued that the free sheets were rarely used and approximately 80% of all free sheets had to be destroyed each fortnight. He pointed out that discontinuation of the free sheets would save approximately £18,000 per annum. The Portfolio Holder confirmed that officers would print off copies of all vacancies from the website and make black and white copies available at Council Offices and Information Desks. He invited Councillor Brookes to approach officers if she had details of residents who would face difficulties with the new arrangements.

**(g) Community Services – External Funding Schedule 2009/10**

Councillor Wixley asked the Leisure and Wellbeing Portfolio Holder to thank officers for the external funding they had secured via competitive bidding processes.

Councillor Rolfe, Leisure and Wellbeing Portfolio Holder agreed to pass on those comments to the appropriate officers.

**(h) Educational Maintenance Allowance**

Councillor Murray asked the Leader of the Council if she had any intention to make representations to the Government in relation to its decision to discontinue Educational Maintenance Allowance. He pointed out that this would deter 16 year olds from low income families from staying in education.

Councillor Collins advised that she had already drafted a letter making such representations to The Rt Hon Michael Gove MP, Secretary of State for Education on behalf of Epping Forest College. She agreed to add the Council's views in that letter.

**(i) Publication of Expenditure Over £500**

Councillor J M Whitehouse asked what progress was being made in advertising the Council's expenditure on items over £500.

Councillor Whitbread, Finance and Economic Development Portfolio Holder advised that details would be published early in the New Year. He pointed out that although some authorities were already publishing details it had been decided to await Government guidance before providing this information.

**(j) Housing Development – Millfield, High Ongar**

Councillor McEwen referred to the decision of the Cabinet to develop the vacant Council-owned land to the rear of 25/29 Millfield, High Ongar for affordable housing. She stated that local residents would be surprised by this decision and asked if the development could be a rural housing scheme.

Councillor Stallan, Housing Portfolio Holder confirmed that the Cabinet had agreed that the land should be developed for affordable housing. He advised that he was not sure whether it would be possible to pursue a rural housing scheme but he agreed to discuss this matter with officers and to advise Councillor McEwen of the outcome of these discussions.

**(k) Loyalty Card Initiative for the District's Town Centres**

Councillor J H Whitehouse pointed out that the Finance and Economic Development Portfolio Holder had agreed to report further to this meeting on the introduction of a loyalty card initiative for the District's town centres. In view of the lack of any written report she asked the Portfolio Holder to update the Council.

Councillor Whitbread, Finance and Economic Development Portfolio Holder apologised for not providing a written report to the Council. He stated that he hoped to launch the scheme early in the New Year and that details would be made available to members in the Council Bulletin. Publicity would also be given by way of a press release and the Council's website.

**(l) Park Homes**

Councillor Rolfe requested an update on the consultation exercise in relation to the licensing of Park Homes.

Councillor Stallan, Housing Portfolio Holder stated that the consultation exercise would commence at the beginning of the following week. He advised that documents would be delivered by hand by Council officers to the affected residents and confirmed that all members of the Council would receive copies of the consultation document. Councillor Stallan advised that the consultation period would run until 21 January 2011.

**(m) Epping Parking Review**

Councillor J H Whitehouse drew attention to the consultation arrangements in relation to the Epping Parking Review. She pointed out that although the consultation period ran until 7 January 2011 the documents on deposit at the Civic Offices would be unavailable during the Christmas/New Year break. She asked what alternative arrangements would be made for residents to view the documents.

Councillor Stavrou, Operational Planning and Transport Portfolio Holder advised that the period of consultation had been extended in recognition of the Christmas/New Year break. She advised that the documents were also available for inspection at County Hall, Epping Library and on the County Council's website.

**(n) Park Homes**

Councillor Murray referred to the earlier response of the Housing Portfolio Holder and questioned whether a consultation exercise on such an important issue should take have been commenced immediately before Christmas. He asked the Portfolio Holder why the consultation had not been delayed until the New Year.

Councillor Stallan, Housing Portfolio Holder advised that it had been necessary to commence the consultation without delay. He accepted that undertaking the consultation period over the Christmas/New Year break was not ideal but he pointed out that a longer than normal consultation period had been allowed to reflect this situation.



**(o) Park Homes**

Councillor Webster asked the Housing Portfolio Holder if the consultation period could be extended until the end of January as residents might have difficulty responding as a result of being affected by inclement weather.

Councillor Stallan, Housing Portfolio Holder reported that the consultation documents had already been printed with the consultation period specified. He assured members that the consultation documents would be delivered by hand the following week irrespective of the weather. He continued that in the event of further inclement weather during December/January he would consider an extension of the consultation period if necessary.

**(p) Brochure on Local Development Framework**

Councillor Jenny Hart pointed out that some residents had not received this brochure early enough in order to attend the published workshops. She asked the Leader of the Council if she was aware of this situation.

Councillor Collins, Leader of the Council stated that the Council had paid for the brochures to be delivered and that if Councillor Hart could provide details of properties which had not received the brochure she would ask officers to pursue the matter.

**106. MOTIONS**

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

**107. QUESTIONS BY MEMBERS UNDER NOTICE****(a) Fees and Charges**

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

“With regard to the services for which the Council levies fees or charges, which services are:

- (a) operated so as to generate a surplus;
- (b) operated on the basis of full cost recovery;
- (c) operated on the basis of marginal cost recovery;
- (d) operated so that income makes a contribution to costs only?”

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

Councillor Whitbread advised that his response had been tabled in view of the detailed figures included within it. He undertook to reproduce the full reply in the Council Bulletin and as part of the minutes of the meeting.

... The full response of Councillor Whitbread is attached as Appendix 1 to these minutes.

**Supplementary Question from Councillor J M Whitehouse to Councillor Whitbread**

"In the light of the Localism Bill does the Portfolio Holder have any plans to look at the Council's approach to fees and charges?"

Councillor Whitbread advised that there would be a need to look at fees and charges but this would be a careful balancing act. He emphasised that it would be necessary to commence consideration of such issues earlier than in previous years.

**108. REPORT OF THE CABINET - REVIEW OF EXECUTIVE CONSTITUTION****Mover: Councillor Collins - Leader of the Council**

Councillor Collins reported that the Council was required by Sections 33 A-O of the Local Government Act 2000 (as amended) to consult the public about the form of executive constitution which the Authority intended to operate from the Annual Council meeting in May 2011. She drew attention to the results of a consultation exercise and emphasised that the Council was required to pass a resolution by 31 December 2010 to give effect to its choice of executive constitution.

**Report as first moved ADOPTED****RESOLVED:**

- (1) That the Council notes the results of the consultation under Section 33 of the 2007 Act, namely that 108 persons responded, 56 of whom were in favour of the Elected Mayor and Cabinet option and 52 in favour of the current Leader and Cabinet option;
- (2) That the Council notes that 108 respondents is a very small percentage of the total population of the District and this, along with the balanced number of votes for the two options, does not present a case for pursuing the Elected Mayor and Cabinet option as this is an insufficient measure of public opinion to justify a costly referendum on a system which the Government intends to change;
- (3) That, for the reasons set out below, the Council resolves to continue the present Leader and Cabinet system from May 2011 because it is not convinced that the Elected Mayor and Cabinet option will achieve enhanced economy, effectiveness and efficiency in the provision of Council services for the following reasons:
  - (a) a referendum now would be based on an Elected Mayor option which may be superseded under new legislation;
  - (b) the cost of holding a referendum now (up to a maximum of £160,000) would not be an efficient use of Council resources in advance of the new legislation;
  - (c) that any referendum on an Elected Mayor based on new options would be more effective in gauging public opinion and more efficient in the use of Council resources;

(d) that the present Leader and Cabinet system is the only option which will enable the Council to manage services with minimum disruption in the difficult financial circumstances facing the Authority;

(e) that a change to an Elected Mayor system might divert attention from the Council's ability to achieve greater economy in service provision which the Government's Comprehensive Spending Review will require; and

(4) That the Council notes that if a verified petition for a mayoral referendum with the correct number of signatures is received, the Authority will be obliged to hold a referendum under the provisions of the 2007 Act.

#### **109. REPORT OF THE CABINET - INTER-AUTHORITY AGREEMENT**

**Mover: Councillor Collins – Leader of the Council**

Councillor Collins reported on the underlying principles and the outcomes contained in a Memorandum of Understanding prepared by the West Essex District Councils' Group. She sought leave of the Council to the deletion of the word "first" in the final bullet point of the Memorandum of Understanding.

**Report as amended ADOPTED**

**RESOLVED:**

(1) That the underlying principles and the outcomes contained in the Memorandum of Understanding prepared by the West Essex District Councils' Group attached as Appendix 2 to these minutes be endorsed; and

(2) That the agreement be formally approved and the Leader of the Council authorised to sign it on behalf of the Council.

#### **110. REPORT OF THE CABINET - THE SUSTAINABLE COMMUNITY STRATEGY**

**Mover: Councillor Collins – Leader of the Council**

Councillor Collins reported that the Council was required under the Local Government Act 2000 to agree a Sustainable Community Strategy. She advised that the strategy set out how partners from the public, private and voluntary sectors would unite together to improve the economic, social and environmental wellbeing of the local community. Members noted that the Local Strategic Partnership had drafted the strategy following data analysis and consultation.

**Report as first moved ADOPTED**

**RESOLVED:**

That the Sustainable Community Strategy 2010 to 2031 "Putting Epping Forest First" be approved.

#### **111. REPORT OF THE CABINET - UNPLANNED EMERGENCY ITEMS - FUNDING**

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

Councillor Whitbread reported on an increase in District Development Funding and on the need to finance one-off unplanned emergency works.

**Report as first moved ADOPTED**

**RESOLVED:**

That the increase in District Development Funding of £27,790 from the refund of National Non-Domestic Rates for Waltham Abbey Sports Centre be utilised to finance the following one-off unplanned emergency works totalling £25,693:

- (a) emergency ditch work at North Weald Airfield;
- (b) investigation of the bund at North Weald Airfield;
- (c) security at Roding Valley; and
- (d) security at North Weald Airfield (two incidents).

**112. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - STATUTORY GUIDANCE ON DUTY TO RESPOND TO PETITIONS**

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

Councillor Morgan reported that the Overview and Scrutiny Committee had received a report from the Constitution and Member Services Standing Panel which had considered the implications of the Local Democracy, Economic Development and Construction Act 2009, and subsequent statutory guidance, in respect of the duty to respond to petitions. He emphasised that the Council was required to agree a scheme and to introduce its e-petitions system with effect from 15 December 2010.

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

“That recommendation (1)(e) be deleted and replaced by the following:

“(e) a percentage threshold of 0.75% of the District’s population (900) in terms of signatories to a petition required to trigger attendance of a “Senior Officer” at an Overview and Scrutiny meeting to give evidence on a matter”.

**Lost**

**Report as first moved ADOPTED**

**RESOLVED:**

- (1) That the revised petition scheme be approved as shown in the Appendix to the report incorporating the following elements:
  - (a) requirements for and arrangements for responding to petitions;
  - (b) each petition to be open for signature for a period of up to three months following its receipt by the District Council;
  - (c) involvement of partner organisations in the petitions process;

- (d) a percentage threshold of 2% of the District's population (2,400) in terms of signatories to a petition required to trigger a debate at full Council;
  - (e) a percentage threshold of 1% of the District's population (1,200) in terms of signatories to a petition required to trigger attendance of a "Senior Officer" at an Overview and Scrutiny meeting to give evidence on a matter;
  - (f) publication on the Council's website; and
  - (g) provision of a facility for making electronic petitions to be in place by 15 December 2010;
- (2) That the Assistant to the Chief Executive be authorised to publish the new petitions scheme in the Constitution together with consequential changes to the Council Procedure Rules and the Overview and Scrutiny Procedure Rules and to make other necessary amendments to the Constitution; and
- (3) That the operation of the revised petitions scheme and its impact be reviewed in the summer of 2011.

**113. REPORT OF THE COMMUNITY GOVERNANCE REVIEW COMMITTEE - COMMUNITY GOVERNANCE REVIEW - MORETON, BOBBINGWORTH AND THE LAVERS**

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

Councillor Philip reported on a proposed change to the name of the Committee, its terms of reference and the current position on the review of the Moreton, Bobbingworth and the Lavers Parish Council.

**Report as first moved ADOPTED**

**RESOLVED:**

- (1) That the name of the Committee be changed to "Electoral and Community Governance Review Committee";
- (2) That the terms of reference of the Committee be extended to allow the Committee to respond directly to any proposed Parliamentary Constituency review consultation if there is insufficient time to submit recommendations to the Council, all such responses to be subject to ratification at the next available Council meeting; and
- (3) That the current position on the review of the Moreton, Bobbingworth and the Lavers Parish Council be noted.

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

**Mover: Councillor Philip – Chairman of the Panel**

Councillor Philip reported the views of the Panel on a Government consultation on the "New Homes Bonus" Scheme.

**Amendment moved by Councillor Wagland and seconded by Councillor Whitbread**

“That an additional representation be made to the Government in a form to be agreed with officers drawing attention to the risk of Judicial Review if planning merits are not at the core of any decision”.

**Carried**

**Report as amended ADOPTED**

**RESOLVED:**

That the annotated version of the report to the Panel on 2 December 2010 by the Director of Planning and Economic Development containing suggested responses and recommendations on the comments to be made be approved subject to an additional response regarding the risk of Judicial Review.

**115. REPORT OF THE CHIEF EXECUTIVE APPOINTMENT COMMITTEE**

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

Councillor Collins submitted a report on procedural requirements, options for delivering the role of Chief Executive and the position of the Deputy Chief Executive.

**Report as first moved ADOPTED**

**RESOLVED:**

(1) That this Committee be delegated the task under Regulation 3(i) and Part II of Schedule 2 to the Local Authorities (Standing Orders) Regulation 2001 of notifying the Proper Officer of the person to whom it is intended to make an offer of the position of Chief Executive;

(2) That the Assistant to the Chief Executive be appointed as Proper Officer under those regulations;

(3) That the action being taken by the Committee in relation to the recruitment of a Chief Executive be noted as follows:

(a) the provisional timetable outlined in the report; and

(b) the deadline for deciding when recruitment should be launched (1 March 2011); and

(4) That Mr D Macnab’s appointment as Acting Chief Executive (including Acting Head of Paid Service) be extended to 31 August 2011 on the same terms as agreed by the Council pursuant to the decisions made on 27 July 2010, subject to this appointment being terminated at an earlier date if it proves possible to appoint a Chief Executive at an earlier date or the Council decides to pursue another collaborative arrangement for a Chief Executive.

**116. RODING VALLEY RECREATION AREA COMMITTEE**

The Assistant to the Chief Executive reported that since the agenda for this meeting had been despatched, representations had been made on behalf of Buckhurst Hill Parish Council, namely that the Parish Council had not yet been able to reach a decision on being party to the Agreement or in joining the new Committee to manage the Recreation Area. He advised that in the light of these representations the Council had two options as to how to proceed –

(a) to establish the Committee with representatives from Loughton Town Council and this Council only with the Buckhurst Hill Parish Council joining in as and when the Parish Council had made those decisions; or

(b) to defer the establishment of the Committee until Buckhurst Hill Parish Council had resolved to join.

**Motion moved by Councillor Murray and seconded by Councillor Gode**

“That the Committee be established with representatives from Loughton Town Council and this Council only with the Buckhurst Hill Parish Council joining in as and when the Parish Council has made decisions on being a party to the agreement or in joining the new Committee”.

**Carried**

**RESOLVED:**

(1) That the Committee be established with representatives from Loughton Town Council and this Council only with the Buckhurst Hill Parish Council joining in as and when that Parish Council has made decisions in relation to being a party to the agreement or on joining the new Committee;

(2) That the category of appointments to be made to the Roding Valley Recreation Committee be determined as local;

(3) That Councillors K Angold-Stephens and S Murray be appointed to the Roding Valley Recreation Committee to represent the District Council for the remainder of the current municipal year.

**117. LOCAL GOVERNMENT AND HOUSING ACT 1989 - NOTIFICATION OF MEMBERSHIP OF POLITICAL GROUPS**

The Council was advised that one Conservative councillor had not yet signed the Conservative Group membership notification under the Local Government and Housing Act 1989.

**RESOLVED:**

(1) That the position be noted; and

(2) That pro rata memberships be reviewed at the next Council meeting and that in the meantime political groups and independent members be advised of the likely effect on group allocations.

**118. REFERENDUM - 5 MAY 2011- APPOINTMENT OF COUNTING OFFICER**

The Council noted that Clause 2(i) of Schedule 1 of the Parliamentary Voting System and Constituencies Bill stated that the Counting Officer for the Referendum to be held on 5 May 2011 was the person who was the Returning Officer for elections of councillors of a district, county or borough that formed the voting area. Members noted in accordance with that clause, Jenny Watson, Chair of the Electoral Commission and Chief Counting Officer for the Referendum had confirmed the appointment of Mr I Willett as Counting Officer (Designate) for the Epping Forest District.

**RESOLVED:**

That the appointment of Mr I Willett as Counting Officer (Designate) for the Referendum provided for under the Parliamentary Voting System and Constituencies Bill to be held on 5 May 2011 be noted.

**119. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

The Council received a written report (tabled) from Councillor Webster, the Council's Olympic Champion.

Councillor Collins reported that Epping Forest College had signed a contract with Essex University regarding a new building for the Debden Acting School. She advised that although the College still faced some difficulties with capital finance on a day to day basis it had balanced its books.

**120. EXCLUSION OF PUBLIC AND PRESS****RESOLVED:**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<b>Agenda Item Number</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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 & 7

**121. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - OPTIONS FOR A DEVELOPMENT AGREEMENT FOR THE POTENTIAL LANGSTON ROAD PROJECT**

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



Councillor Wagland reported on the need to obtain specialist legal advice on the form of an agreement and on tax implications.

**Report as first moved ADOPTED**

**RESOLVED:**

That a District Development Fund supplementary estimate of £25,000 be approved in order to procure specialist legal and tax advice.

**122. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - EXTERNAL LEGAL FEES**

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

Councillor Whitbread reported on the need for a supplementary DDF estimate for external legal fees in connection with the liquidation of a company providing services to the Council.

**Report as first moved ADOPTED**

**RESOLVED:**

(1) That a supplementary DDF estimate of £30,000 be approved for external legal fees in connection with the liquidation of a company providing services to the Council; and

(2) That the requirements of Contract Standing Order C4 be waived in relation to the appointment of external solicitors.

**CHAIRMAN**

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## Service Operation Policy for Fees & Charges

Estimates 2010/11	Total of all Income £000's	To generate a Surplus	Full Cost Recovery	Marginal Cost Recovery	Contribution to Costs	Comments	APPENDIX 1
<b><u>FINANCE &amp; ICT</u></b>							
Rent Rebates	(14,446)					N/A	
Council Tax Benefit	(10,027)					N/A	
Rent Allowances	(16,698)					N/A	
Non-HRA Rent Rebates	(59)					N/A	
Benefit Administration	(756)					N/A	
Fraud Investigation	(95)					N/A	
Council Tax Collection	(341)				Yes	Court Costs	
NNDR Collection	(214)				Yes	Court Costs	
Concessionary Fares	(120)				Yes	£111k is Govt grant	
Sundry Non-distributable Costs	(66)				Yes		
<b>DIRECT SERVICES TOTAL</b>	<b>(42,822)</b>						
Insurance and Financial Control	(106)				Yes	Commission from Zurich on Insurance Premiums	
Insurance Fund	(202)		Yes			Recharge of premiums to external leaseholders	
<b>DIRECTORATE TOTAL</b>	<b>(43,130)</b>						
<b><u>CORPORATE SUPPORT SERVICES</u></b>							
Brooker Road Industrial Estate	(182)				Yes	Rental Income set at market value	
Langston Road Industrial Estate	(135)				Yes	Rental Income set at market value	
Oakwood Hill Industrial Estate	(400)				Yes	Rental Income set at market value	
Oakwood Hill Workshops Units	(180)				Yes	Rental Income set at market value	
David Lloyd Centre	(115)				Yes	Rental Income set at market value	
Greenyards	(15)				Yes	Rental Income set at market value	
Wayleaves	(3)				Yes	Rental Income set at market value	
Fleet Operations	(302)	Yes				MOT income. Max fees set by VOSA	
Local Land Charges	(177)		Yes				
Public Conveniences	(1)				Yes		
Licensing and Registrations	(103)		Yes			Fees are set by the Council to cover costs.	
Hackney Carriage Licensing	(150)		Yes			Fees are set by the Council to cover costs.	
<b>DIRECT SERVICES TOTAL</b>	<b>(1,763)</b>						
Legal Services	(47)				Yes	Legal charges	
Admin & Secretarial CSS	(3)				Yes	Reimbursement for various supplies	
Epping Offices	(15)				Yes	Charges for refreshments and accomodation.	
Langston Road	(19)				Yes	Electricity recharged to WRVS	
Payroll	(1)				Yes	External work	
<b>DIRECTORATE TOTAL</b>	<b>(1,848)</b>						
<b><u>OFFICE OF THE CHIEF EXECUTIVE</u></b>							
Electoral Registration	(1)				Yes	Sale of Registers	
Elections	(103)		Yes			Full costs recharged to Govt, ECC & Parish Cls	
Grant to VAEF	(12)					N/A	
<b>DIRECT SERVICES TOTAL</b>	<b>(116)</b>						
Chief Executive Policy Group	(369)					N/A	
<b>DIRECTORATE TOTAL</b>	<b>(485)</b>						
<b><u>PLANNING &amp; ECONOMIC DEVELOPMENT</u></b>							
Forward Planning	(8)					N/A	
Town Centre Enhancements	(7)					N/A	
Countrycare	(8)					N/A	
Planning Appeals	(3)				Yes	Misc charges for supplying copies of documents	
Development Control	(623)		Yes			Fees are set by the Government	
Building Control Fee Earning	(598)		Yes			Fees are now set in house to recover full costs, but not to make a surplus	
<b>DIRECT SERVICES TOTAL</b>	<b>(1,247)</b>						
Planning Administration	(2)				Yes	Misc charges for supplying copies of documents	
<b>DIRECTORATE TOTAL</b>	<b>(1,249)</b>						

## Service Operation Policy for Fees & Charges

Estimates 2010/11	Total of all Income £000's	To generate a Surplus	Full Cost Recovery	Marginal Cost Recovery	Contribution to Costs	Comments	APPENDIX 1
<b><u>ENVIRONMENTAL HEALTH</u></b>							
Animal Welfare Service	(12)					Yes	
Inspection of Workplaces	(7)					Yes	
Food Inspection	(4)					Yes	
Pest Control	(16)					Yes	
Pollution Control & Monitoring	(1)					Yes	
Industrial Activities - Regulated	(19)					Yes	
Refuse Collection	(111)					Yes	
Street Cleansing	(83)					Yes	
Recycling	(2,136)					Yes	
Abandoned Vehicles	(1)					Yes	
Highways General Fund	(151)					Yes	
Off Street Parking	(1,088)	Yes					
On Street Parking	(518)		Yes				
Safer communities	(7)					Yes	
Loughton Leisure Centre	(57)					Yes	
Waltham Abbey Swimming Pool	(12)					Yes	
Epping Sports Centre	(1)					Yes	
Ongar Sports Centre	(20)					Yes	
Chigwell Row Rec	(1)					Yes	
Playgrounds & Open Spaces	(4)					Yes	
North Weald Airfield	(1,350)	Yes					
<b>DIRECT SERVICES TOTAL</b>	<b>(5,599)</b>						
Grounds Maintenance	(145)		Yes				
<b>DIRECTORATE TOTAL</b>	<b>(5,744)</b>						
<b><u>DEPUTY CHIEF EXECUTIVE</u></b>							
Community Arts	(11)					Yes	
Arts Programme	(14)					Yes	
Museum	(10)					Yes	
Regional Touring Exhibitions	(45)		Yes				
Youth Arts	(56)					Yes	
Lifewalks	(5)					Yes	
New Horizons	(39)					Yes	
Sports Development	(58)					Yes	
Community Development	(32)					Yes	
Active Health	(46)					Yes	
Limes Farm Hall	(13)					Yes	
All Weather Pitch	(2)					Yes	
<b>DIRECT SERVICES TOTAL</b>	<b>(331)</b>						
Deputy Chief Exec. Admin Group	(6)					Yes	
<b>DIRECTORATE TOTAL</b>	<b>(337)</b>						
<b><u>HOUSING GENERAL FUND</u></b>							
Private Sector Housing Grants	(479)		Yes				
Repairs to Private Dwellings	(1)					Yes	
Care & Repair	(90)		Yes				
Handyperson Scheme	(26)		Yes				
Homelessness	(67)					Yes	
Bed & Breakfast Accommodation	(100)		Yes				
Leasehold Services Administration	(287)		Yes				
<b>DIRECT SERVICES TOTAL</b>	<b>(1,050)</b>						
<b>TOTAL GENERAL FUND</b>	<b>(53,843)</b>						
<b><u>HOUSING REVENUE ACCOUNT</u></b>							
<b>GROSS RENT OF DWELLINGS</b>	<b>(25,791)</b>						Set by Government
<b>NON DWELLING RENTS</b>	<b>(2,606)</b>	Yes					
<b>CHARGES FOR SERVICES &amp; FACILITIES</b>	<b>(1,928)</b>		Yes				
<b>TOTAL HRA</b>	<b>(30,325)</b>						

### **The West Essex District Councils' Group - A Memorandum of Understanding**

Epping Forest, Harlow and Uttlesford District Councils when acting together agree to be known as the West Essex Councils Group.

Whilst each Council has its own sovereignty and characteristics, which each partner will continue to recognize and respect, they are committed to working together to promote the interests of West Essex and to improve their organisational economy, efficiency and effectiveness.

#### The Councils collectively recognise:

- The need to promote and to protect the interests of West Essex.
- The need to work together to develop ways to improve their value for money, the performance of their services and their responsiveness to the needs of their communities.
- That significant and continuing constraints on public sector resources mean that there is an increasing need to work collaboratively as the West Essex Councils with each other and with other public, voluntary and private sector organisations to achieve economies and efficiencies.
- The need to maintain their individual roles as community leaders but to work together to develop strategic responses to pan West Essex, sub-regional and national issues.
- Individually, where appropriate, they may need to look beyond West Essex for a solution to a problem affecting their area.

#### The Councils agree to:

- Jointly provide a strong West Essex voice to ensure that its interests are heard at the highest level and that the resource investments and the commissioning of services by others meet the needs of its communities.

- Work jointly on strategic issues where it is appropriate and will benefit the residents and businesses of, and visitors to, the communities of West Essex.
- Develop opportunities to achieve economies of scale, improved efficiency and improved effectiveness through partnership working together.

The Councils therefore undertake to:

- Always look to a West Essex Councils Group approach to the influencing, commissioning and delivery of services for the benefit of the communities they serve wherever it would facilitate best practice, best outcome and value for money.