

Council Agenda



Epping Forest District Council

NOTICE OF COUNCIL MEETING

You are hereby summoned to the Annual 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, 24 May 2011 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 Chairman or 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. FORMER DISTRICT COUNCILLOR ROBERT O’MALLEY

The Council is invited to stand for a minute’s silence in tribute to the memory of former District Councillor Robert O’Malley who died recently.

Robert O’Malley represented the Loughton (South) and Loughton Forest wards from 1974 until 1982. He was Chairman of the Council in 1978/79. He was also a member of the former Chigwell Urban District Council and Chairman of that Council in 1972/73.

3. DISTRICT COUNCIL ELECTIONS - 5 MAY 2011

The Chairman to welcome the following newly elected and re-elected members of the Council following the elections held on 5 May 2011:

Councillor	Ward
Penny Smith	Broadley Common, Epping Upland and Nazeing
Hal Ulkun	Buckhurst Hill West
Paul Keska	Chipping Ongar, Greensted and Marden Ash
Ken Avey	Epping Hemnall
Sarah Packford	Epping Lindsey and Thornwood Common
Kewal Chana	Grange Hill
Richard Morgan	Hastingwood, Matching and Sheering Village
Brian Rolfe	Lambourne
Richard Bassett	Lower Nazeing
Gary Waller	Lower Sheering
Anne Grigg	North Weald Bassett
Mary Sartin	Roydon
Peter Gode	Shelley
Syd Stavrou	Waltham Abbey High Beach
Antony Watts	Waltham Abbey Honey Lane
Lillian Mitchell	Waltham Abbey North East
Liz Webster	Waltham Abbey Paternoster
Ricki Gadsby	Waltham Abbey South West

The Chairman to present declaration of acceptance of office certificates to the five newly elected members, Councillors Avey, Keska, Mitchell, Packford and Waller.

4. ELECTION OF CHAIRMAN

To elect a Chairman of the Council for the municipal year 2011/12. Nominations received will be tabled. The new Chairman will then make a declaration of acceptance of office.

5. APPOINTMENT OF VICE-CHAIRMAN

To appoint a member to be a Vice-Chairman of the Council for the municipal year 2011/12. Nominations received will be tabled. The new Vice-Chairman will then make a declaration of acceptance of office.

6. MINUTES (Pages 7 - 18)

To approve as a correct record and sign the minutes of the meeting held on 29 March 2011 (attached).

7. DECLARATIONS OF INTEREST

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

8. 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) Members Not Seeking Re-Election or Not Re-Elected

To note that:

- (i) Andy Green, Janet Hedges and Blane Judd did not seek re-election on 5 May 2011; and
- (ii) Pat Brooks and Charlotte Edwards and were not re-elected on 5 May 2011.

Pat Brooks has been invited to attend the meeting to receive an award in recognition of her 12½ years' service. She represented the Chigwell Row ward from May 1998 until May 2002 and the Waltham Abbey North East ward since November 2002.

9. REPORT OF THE APPOINTMENTS PANEL

Report to follow regarding:

- (a) Notice of Constitution of Political Groups, Group Leaders and Deputies;
- (b) Appointments made by the Leader to the Cabinet, Cabinet Committees and Outside Organisations carrying out Executive Functions;

- (c) Membership, Chairmanship and Vice-Chairmanship of Committees, Sub-Committees and Panels (Non-Executive Bodies);
- (d) Appointments to Outside Organisations carrying out Council, Regulatory or non-Cabinet Functions.

The Council will need to vote on (c) and (d) where the number of nominations exceeds the number of places available.

10. SCHEME OF OFFICER DELEGATION - COUNCIL AND REGULATORY FUNCTIONS

Recommendation:

That the scheme of officer delegation for Council and regulatory functions, as set out in Part 3 of the Constitution as amended be agreed.

The Constitution requires that the scheme of delegation be agreed at the Annual meeting. The current scheme has been issued in Part 3 of the Council's Constitution.

11. SCHEME OF OFFICER DELEGATION - EXECUTIVE FUNCTIONS (Pages 19 - 22)

To note new and revised officer delegation in respect of Executive Functions approved by the Leader of the Council following the 2010/11 review.

12. ANNUAL REPORT OF THE EXECUTIVE - 2010/11

(Leader of the Council) To follow.

13. COUNCIL MEETINGS - 2011/12

Recommendation:

That during 2011/12 ordinary meetings of the Council be held on the following dates:

**28 June 2011
26 July 2011
27 September 2011
1 November 2011
13 December 2011
14 February 2012
16 February 2012 (Thursday)(reserve date for budget meeting)
27 March 2012
22 May 2012 (Annual meeting)**

At its meeting on 15 February 2011, the Council adopted a calendar of meetings for the period from May 2011 to May 2012 which included ordinary meetings of the Council for the year.

It is a requirement of the Constitution that a programme of ordinary meetings of the Council be approved at the annual meeting of the Council. The dates set out above are those adopted on 15 February 2011.

14. 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
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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EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 29 March 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.40 pm

Members Present: Councillors Mrs A Grigg (Chairman), K Angold-Stephens (Vice-Chairman), R Barrett, R Bassett, A Boyce, W Breare-Hall, Ms R Brookes, Mrs P Brooks, K Chana, Mrs T Cochrane, Mrs D Collins, D Dodeja, Ms C Edwards, C Finn, Mrs R Gadsby, A Green, Ms J Hart, J Hart, D Jacobs, Mrs S Jones, J Knapman, Ms Y Knight, Mrs J Lea, L Leonard, A Lion, Mrs M McEwen, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, 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 R Cohen, P Gode, Ms J Hedges, D C Johnson, B Judd, J Markham, W Pryor, Mrs P Richardson, B Rolfe and B Sandler

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

143. 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.

144. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 22 February 2011 be taken as read and signed by the Chairman as a correct record.

145. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 10 (Report of the Cabinet – Adoption of the West Essex Local Investment Plan) to the extent of references in that document to development of the St John's Road area, Epping by virtue of being a resident of that road. The Councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

146. ANNOUNCEMENTS**(a) Announcement by the Chairman of the Council****(i) Attendance at events**

The Chairman reported on her attendance at a community tree planting ceremony held at the new Lee Valley White Water Centre. She advised that the local Member of Parliament, the Mayor of Waltham Abbey and the Chairman of the Lee Valley Regional Park Authority had also been present and they had all formed part of twelve key planters. Despite being very wet the planting had been undertaken successfully.

The Chairman thanked members for attending the Civic Awards event and the staff for organising the event. The Chairman reported that Norma Green OBE of Waltham Abbey had been a worthy winner of the Epping Forest District Citizen of the Year award.

Councillor Grigg reported on her attendance at the Essex Book Festival held at St Mary's Church, Loughton at which Peter Sissons had signed copies of his new book "When One Door Closes" and had given a very interesting talk on his time at the BBC.

The Chairman advised that she had been present together with the Leader of the Council and the Housing Portfolio Holder at the official opening of Railway Meadow in Ongar, a new young parents scheme providing supported housing accommodation for young parents aged 16-25 from the Epping Forest, Brentwood and Uttlesford districts.

Councillor Grigg also reported on her attendance at the Loughton Youth Music Festival at which she had enjoyed performances by many talented young people.

(ii) Flowers from the Meeting

The Chairman advised that the flowers from the meeting would be sent to Councillor Peter Gode who was currently unwell.

(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.

147. PUBLIC QUESTIONS (IF ANY)

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

148. 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 thanked the Chairman for a very enjoyable Civic Awards evening.

Councillor Collins advised that she had signed the Memorandum of Understanding with other West Essex authority leaders.

The meeting noted that the Leader, together with the Acting Chief Executive, had recently met with the Chief Executive of the South West Essex PCT and had raised the issue of involvement by this Council in the new General Practitioner Consortium which was being established. The Leader advised that the PCT Chief Executive was involved in securing substantial reductions in PCT management in order to meet the savings required by the Comprehensive Spending Assessment. The Leader further advised that District Council involvement in health boards remained to be clarified.

Councillor Collins advised that she had participated in trainee interview practice and compilation of CVs as part of the Future Jobs Fund. She reported that the current programme would continue to the end of the scheme which was scheduled to be September 2011. The Leader reported that the Government was now advocating an increase in the number of apprenticeship opportunities and she expressed the hope that it would be possible for the Council to increase its participation in this initiative.

Councillor Collins drew attention to the Government announcement regarding a new bursary scheme to help the most vulnerable 16-19 year olds continue in full time education. She advised that this would be of great benefit to some of the students attending Epping Forest College.

The meeting noted that at a recent Essex Leaders/Chief Executives meeting, ideas had been exchanged in relation to the Government's "Big Society". Councillor Collins advised that the County Council had sought ideas on initiatives and that she would continue to liaise with other leaders in this respect.

The Leader advised that she had attended another meeting of the Essex/Kent/East Sussex Local Enterprise Partnership which had been held at Dartford. The Leader advised that the Partnership had not yet submitted a funding bid to the Government although the first round of bids finished on 21 April 2011.

Councillor Collins advised that she had attended the opening of the new dual carriageway from the M11 junction at Hastingwood into Harlow. She advised that the new traffic signals and roundabout appeared to be working well and had eased traffic congestion in the area.

Finally, Councillor Collins reported on a recent meeting between Cabinet members, local Members of Parliament and local County Councillors at which there had been a useful exchange of views.

(b) Environment Portfolio Holder

Councillor Sartin drew attention to the Road Show Exhibition for the Waste Service which had been provided for members in the Civic Offices car park immediately before this meeting.

(c) Finance and Economic Development Portfolio Holder

Councillor Whitbread drew attention to the references in his written report to the Council's Benefits Section which indicated that despite increases in caseload and the number of documents being processed performance had continued to improve. He praised the staff in the Section and all staff in the Finance and ICT Directorate for their recent work in connection with the budget process.

(d) Operational Planning and Transport Portfolio Holder

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

She advised that following a road safety audit it had been established that the cost of providing a zebra crossing at Manor Road, Chigwell was outside of the remit of the Panel. As a result a recommendation was being made to the County Council to undertake the scheme.

The Portfolio Holder advised that further discussions had taken place regarding a pedestrian crossing in Ongar and there would be further consultation with the Town Council and one of the local ward members.

Councillor Stavrou reported that virtually all of the maintenance schemes for 2010/11 had been completed, or were due to be completed by the end of the financial year. She continued that early indications suggested that the level of funding available to the Panel for 2011/12 would be similar to that received in 2010/11 (approximately £130,000). She advised that as a twelve month Highway Rangers service would require the entire budget, the Panel had opted for an eight month service, leaving a sum of approximately £43,000 available for additional schemes. She advised that an upper limit of £15,000 was being recommended for schemes and that those in excess of that figure would be discussed by the Panel with the option of being referred to the County Council for funding.

Councillor Stavrou said that there had been a discussion on the future format of the Panel. As a result she would be arranging a meeting with the County Council Portfolio Holder and she would keep members informed of the outcome of discussions.

Councillor Stavrou said that she had expressed concerns about the frequency of accidents on Crooked Mile, Waltham Abbey and that she would press the County Council to introduce some road safety measures aimed at reducing the number of accidents once current police investigations had been completed.

149. QUESTIONS BY MEMBERS WITHOUT NOTICE**(a) General Practitioner Consortium**

Councillor Murray drew attention to the changes in the PCT arrangements and the NHS. He asked the Leader of the Council if she had any information in relation to the possibility of health-related companies taking over local health trusts.

Councillor Collins said that she currently had no information regarding the financing of the new arrangements but pointed out that the Council had always had a very good relationship with its local GPs and she expected this to continue.

(b) Manor Road, Chigwell – Pedestrian Crossing

Councillor Knapman thanked the Operational Planning and Transport Portfolio Holder on behalf of Chigwell residents for pursuing the provision of a pedestrian crossing on Manor Road, Chigwell although it was disappointing that the cost of the scheme had taken the matter outside of the control of the Local Highways Panel.

Councillor Stavrou, Operational Planning and Transport Portfolio Holder assured the Council that although this matter had been referred to the County Council she would continue to press for a satisfactory outcome.

(c) Education in the Epping Forest District

Councillor Murray asked the Leader of the Council if she could give any advice to the Head Teachers of local schools, particularly secondary schools, which despite Government assurances that they would not be affected by the Comprehensive Spending Review now faced substantial cuts of up to £200,000 in their budgets.

Councillor Collins stated that this was a matter of great concern but suggested that in order to keep more young people in education there needed to be improved standards locally, particularly in relation to the grades being achieved for English and Maths. She advised that some students attending the College had only achieved Cs in non-academic subjects and that this made it very difficult for the College to get them to a level for obtaining A levels. She drew attention to the Council's successful participation in the Future Jobs Fund and advised that steps would be taken to build on the opportunities for apprenticeships which appeared to be the only area in which there was likely to be an increase in Government funding.

(d) Business Rates

Councillor Jennie Hart asked the Leader of the Council if she agreed that the new proposals for the retention of business rates by local authorities would lead to the current financially sound authorities becoming even better off.

Councillor Collins advised that she understood the new proposals would result in Central Government giving more grant to the less well-off areas and reducing the grant payable to other areas. As a result she did not agree that those areas less well off at present would suffer from the new proposals.

(e) Local Schools – Special Measures

Councillor Knapman asked the Leader of the Council if she shared his delight that no school in the Epping Forest District or in the County of Essex was currently in special measures.

Councillor Collins agreed that this was very good news.

(f) Off-Street Parking Programme

Councillor J M Whitehouse asked the Housing Portfolio Holder what progress was being made in relation the off-street parking works which had been agreed and had

been the subject of a recent tendering exercise. He also asked when the re-assessment of the criteria in relation to the outstanding list of identified sites would be undertaken.

Councillor Stallan advised that he was not sure about the timescale for undertaking the schemes which had been the subject of the recent tendering exercise. He confirmed that there would be a re-assessment of the criteria in relation to the outstanding list of identified sites as agreed by the Housing Scrutiny Panel. He agreed to keep Councillor Whitehouse informed about progress in relation to both matters.

150. MOTIONS

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

151. QUESTIONS BY MEMBERS UNDER NOTICE

There were no questions by members of the Council under notice in respect of this item.

152. REPORT OF THE CABINET - ADOPTION OF THE WEST ESSEX LOCAL INVESTMENT PLAN

Mover: Councillor Collins – Leader of the Council and Chairman of the Local Development Framework Cabinet Committee

The Leader submitted a report on the West Essex Local Investment Plan which had been considered by the Local Development Framework Cabinet Committee and the Cabinet. Councillor Collins advised that the Homes and Communities Agency required all local authorities to produce a Local Investment Plan setting out its approach to development in its district over a three year period. Members noted that the Homes and Communities Agency would not provide funding for affordable housing and infrastructure in districts where the local authority had not produced a Local Investment Plan.

The Leader reported that at the suggestion of the Homes and Communities Agency, in view of the proposed growth of Harlow, which could potentially involve and affect neighbouring districts to Harlow, the three West Essex Local Authorities, together with Harlow Renaissance, Essex County Council and others had been working together to produce a joint Local Investment Plan for West Essex.

In response to concerns expressed by members about emphasis being placed on the growth of Harlow, the Leader acknowledged that one of the key aims of the Plan was to support the growth of Harlow as a sub-regional centre. She pointed out however that there were no statements or commitments given as to the way such support would be provided by this Council, or to the extent of such support. She emphasised the importance of consultation and taking residents' views into account.

Some members also expressed concern about the delay in progressing a development brief for the St John's Road area in Epping. The Leader acknowledged some delay but pointed out that the land was in different ownerships and those owners had different views on how to proceed as a result of which it was proving to be a very challenging exercise. In addition she advised that further traffic survey work was required on the various options before public consultation could be undertaken. She assured members that all the previously identified possible options would be part

of a consultation exercise with residents and that she would ensure that the consultants working on the brief proceeded without undue delay.

Report as first moved ADOPTED

RESOLVED:

(1) That the West Essex Local Investment Plan (LIP) be adopted, subject to an exchange of letters taking place between the Chief Executives of the three local authorities in West Essex, following formal resolutions by the relevant executive bodies of each local authority, confirming that:

(a) each District Council gives a commitment that it will not seek to instigate a boundary change in respect of any areas where new housing is developed close to its boundary, other than through mutual agreement with the reasons; and

(b) if a boundary change is instigated by a third party, the affected councils will work together to ensure that any proposed changes are not to the detriment of either council, particularly in relation to the New Homes Bonus and nomination rights to affordable housing;

(2) That in accordance with (1) above, this Council gives a commitment:

(a) that it will not seek to instigate a boundary change in respect of any areas where new housing is developed close to its boundary, other than through mutual agreement with the reasons; and

(b) that, if a boundary change is instigated by a third party, it will work together with the other affected council to ensure that any proposed changes are not to the detriment of either council, particularly in relation to the New Homes Bonus and nomination rights to affordable housing; and

(3) That the Acting Chief Executive be authorised to agree the final version of the LIP, in consultation with the Leader of the Council.

153. REPORT OF THE CABINET - ON STREET DECRIMINALISED PARKING ENFORCEMENT

Mover: Councillor S-A Stavrou – Operational Planning and Transport Portfolio Holder

The Chairman of the Council drew attention to a typographical error in recommendation (5) of the report and advised that the word “services” should read “surpluses”.

The Portfolio Holder submitted a report on proposals of the County Council to create two Parking Partnerships, one for the north of the county and one for the south. She drew attention to the advantages of joining the Partnership and the implications of not joining the Partnership. Councillor Stavrou thanked District Council officers who had worked on this project for many months and also local County Councillors for supporting this Council’s stance on parking enforcement.

Amendment moved by Councillor Whitbread and seconded by Councillor Bassett

“That a further resolution be inserted as follows:

“(6) That this Council will continue to support the areas that currently have free parking on their high streets”.

Carried

Report as amended ADOPTED**RESOLVED:**

- (1) That the Northern Essex Parking Partnership be joined by the Council with effect from 1 April 2011;
- (2) That the Cabinet member with responsibility for parking matters be nominated as the Partnership Board member for the District and that the appointment of a deputy be made by the Leader of the Council at a later date;
- (3) That the off-street parking operation be retained outside of the proposed partnership and delivered through the existing contract with Vinci Park;
- (4) That negotiations be commenced with Vinci Park to enable the permitted two year extension of the contract from September 2012 to August 2014 with respect to off-street operations only;
- (5) That it be noted that all surpluses generated through on-street enforcement activity within the District from 1 April 2011 will be passed onto the new Parking Partnership; and
- (6) That this Council will continue to support the areas that currently have free parking on their high streets.

154. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER PROTOCOLS**Mover: Councillor Morgan – Chairman of the Committee**

Councillor Morgan submitted a report on draft protocols for the three statutory officers of the Council, namely Head of Paid Service, Monitoring Officer and Chief Finance Officer.

Report as first moved ADOPTED**RESOLVED:**

- (1) That the protocols for the three statutory officers and their relationship with the Council as set out in Appendices 1-3 to the report of the Committee be adopted and published as part of the Constitution; and
- (2) That these protocols be reviewed every two years in future.

155. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - MEMBER ACCOUNTABILITY STATEMENTS**Mover: Councillor Morgan – Chairman of the Committee**

Councillor Morgan submitted a report on revised member role accountability statements.

Report as first moved ADOPTED**RESOLVED:**

- (1) That the Member Accountability Statements attached as Appendices 1-10 to the report of the Committee be approved and referred to the Remuneration Panel to assist them in advising the Council on member remuneration;
- (2) That work on Accountability Statements in respect of the Standards Committee be deferred; and
- (3) That Accountability Statements for the Audit and Governance Committee be prepared for future discussion by that Committee and the Council.

156. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL COUNCIL APPOINTMENTS**Mover: Councillor Morgan – Chairman of the Committee**

Councillor Morgan submitted a report on a review of the process of the Annual Council meeting and proposed changes.

Report as first moved ADOPTED**RESOLVED:**

- (1) That the establishment of an Appointments Panel as set out in Appendix 1 to these minutes be approved;
- (2) That Terms of Reference of the Appointments Panel be as set out in Appendix 1 to these minutes;
- (3) That the following dates for the Appointments Panel for 2011 be agreed:

Thursday 12 May 2011 and Tuesday 17 May 2011 (provisional);
- (4) That group nominations be made to the Panel in accordance with the Terms of Reference to the post-election receipt of a notice made under Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 of the proper constitution of a political group under the Local Government and Housing Act 1989;
- (5) That to allow the Appointments Panel to make recommendations to Annual Council on all appointments, the operation of the Protocol on the Allocation of Chairmanships and Vice-Chairmanships and Outside

Organisations (except for sections 6(a) to (c) in the protocol – the provision for pro rata for chairmen) be suspended for the period of one year and then reviewed;

(6) That the Assistant to the Chief Executive ensure the distribution of advice to all Panel members, Group Leaders and non-affiliated members on pro rata requirements and details of all Committee places and Outside Organisation appointments in advance of the electoral period and provide pro rata allocations immediately following the election;

(7) That the following new arrangements for the Annual Council meeting be approved:

(a) that all candidates for the positions of Council Chairman and Vice-Chairman be involved in planning the Annual Meeting;

(b) that a rehearsal be held for all members and officers involved in organising the meetings; and

(c) that, in principle, supplementary tabled schedules of nominations should not be tabled at the Annual Council meeting and that a deadline for nominations be set to ensure that they are made in advance of the Appointments Panel;

(8) That for the purposes of introducing a new system of group constitution and membership signing this year, new forms under Regulations 8 and 9 of the Local Government (Committees and Political Groups) Regulations 1990 be developed to allow individual members to sign to join a political group for introduction from May 2011;

(9) That no changes be made to the Vice-Chairman appointment process contained in Article 5 of the Constitution save all nominations to be notified by Group Leaders to the Appointments Panel by the date of their meeting; and

(10) That the operation of these new arrangements be reviewed by the Constitution and Members Services Scrutiny Panel after one year.

157. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

CHAIRMAN

APPOINTMENTS PANEL TERMS OF REFERENCE

1. Title

The Panel shall be known as the "Appointments Panel".

2. Terms of Reference

(a) To receive and make recommendations to the Annual Council on nominations for the following appointments from political groups and non-affiliated members:

(i) Chairman and Vice Chairman of Council;

(ii) Leader; Deputy Leader and Cabinet members;

(iii) Chairmen; Vice-Chairmen and membership of Cabinet Subcommittees;

(iv) Chairmen; Vice-Chairmen and members of Committees and Sub-Committees (excluding Scrutiny Panels); Panels; Boards Working Groups and similar bodies;

(v) Outside body appointments falling to the Council to fill;

(b) In recommending appointments to the Council, the Panel will:

(i) Propose nominations based on the entitlement of each political group in accordance with the statutory pro rata;

(ii) Ensure that consideration is given to any nominations made by non-affiliated members for any position or appointment;

(iii) Ensure, so as far is practicable, an equitable allocation of Chairmanships and Vice Chairmanships across the political groups or to non-affiliated members having majority support that is not inconsistent with the provisions of the Council's Protocol; and

(iii) Permit schedules of recommended appointments to be circulated to all members prior to the date of the Council meeting.

(c) The Panel shall, in recommending outside body appointments to the Council, do so as to give precedence to local ward members for those that have a 'local' designation and an equitable allocation of places across the political groups of the Council;

3. Membership

- (a) Each statutory Political Group on the Council shall appoint two members from to form the Panel;
- (b) Where an appointed member ceases to be a member of the Council, the appropriate Political Group Leader may nominate a substitute from within their membership;
- (c) All unaffiliated members of the Council shall have the right to attend the Panel meetings and/or submit nominations in accordance with statutory provision.

4. Chairman

- (a) The Chairman of the Panel shall normally be the Leader of the Council but if the Leader is not a member or present, the Chairman shall be determined by the Panel; and
- (b) The Chairman shall be responsible for reporting the recommendations of the Panel to full Council.

5. Meetings

- (a) Meetings of the Panel shall be held as required following elections each Council year at the Civic Offices, Epping at the date and time indicated on the agenda timed so as to enable the prior circulation of their recommendations for nominations to the Council.
- (b) Minutes and agenda of the Panel meetings shall be circulated to the following:
 - Panel Members
 - Group Leaders or Deputy Group Leader not members of the Panel
 - Unaffiliated Members of the Council

6. Effect of Nominations

Nothing in these Terms of Reference precludes any Political Group or non-affiliated member of the Authority from making nominations directly at full Council or from any group or non-affiliated members changing or withdrawing previously made nominations.

7. Officers

The Panel will be supported by the attendance of relevant officers from the Office of the Chief Executive and such other officers as may, from time to time, be required.

NEW AND REVISED OFFICER DELEGATION PROPOSALS – EXECUTIVE FUNCTIONS

NO.	DELEGATION REF/STATUS	PRESENT WORDING/DELEGATED OFFICERS	PROPOSED CHANGE
1	Council Garages/NEW	N/A	<p>In April 2010, the Portfolio Holder for Housing agreed a new policy for sales of Council-owned garages. As part of this policy, the following delegation to the Director of Housing was introduced:</p> <p>“To sell isolated garages in accordance with the Council’s policy”.</p>
2	EX/34 (Land Drainage and Flood Defence) REVISION	<p>The present delegation is based on certain of the Epping Forest District Land Drainage Byelaws 2005, allowing officers to take action. Not all of the current byelaws are listed and it is thought preferable that the delegation should refer to the Byelaws overall not just selected provisions.</p> <p>Delegated Officers:</p> <p>Director of Environment and Street Scene.</p> <p>Assistant Director (Technical Services)</p> <p>Drainage Manager (and relevant staff delegated on their behalf)</p>	Listing of individual byelaws deleted. Heading retained.

NO.	DELEGATION REF/STATUS	PRESENT WORDING/DELEGATED OFFICERS	PROPOSED CHANGE
3	EX47 (Private Sector Housing) REVISION	<p>The present delegation authorises the Director and Assistant Director (Private Sector and Resources) to exercise the powers and duties set out in Appendix A to EX47 and the relevant Portfolio Holder to authorise updates to the legislation listed in Appendix A.</p> <p>However the present delegation does not authorise powers of entry under warrant when required. It is recommended that the delegation be amended to cover this point. Most of the legislation listed in Appendix A specifies entry by warrant but in some cases this is not the case and a separate delegated authority regarding warrants is recommended.</p>	<p>Under a previous Portfolio Holder decision (HSG/012/2010/11) an additional delegation to the officers listed was approved.</p> <p>In addition a new delegated authority has been added as follows:</p> <p>“To exercise the powers and duties set out in Appendix A, including powers of entry by warrant where this is not specified in the legislation listed.”</p>
4	EX53 (Safer, Cleaner, Greener Legislation – Authorisation of Officers) REVISION	<p>EX53 authorises the Director of Environment and Street Scene to exercise functions on behalf of the Council under the schedule of legislation set out in Appendix B.</p> <p>Many of these statutes involve powers of entry via warrants and are duplicated under EX71.</p> <p>Delegated Officers:</p> <p>Director of Environment and Street Scene (or in his absence the Assistant Directors) (Environment) and (Technical) or suitably qualified officers authorised by those postholders.</p>	<p>AMEND EX53 (first paragraph of delegation) to read as follows:</p> <p>“To exercise those functions relating to the management and provision of the Environmental Health Service set out in the list of environmental health legislation as set out in Appendix B, including, where necessary, powers of entry by warrant”.</p>

NO.	DELEGATION REF/STATUS	PRESENT WORDING/DELEGATED OFFICERS	PROPOSED CHANGE
5	CL/78 (Staff Vacancies Review) REVISION – approved by the Cabinet on 31.1.11.	Replacement of existing procedures for reviewing staff vacancies which are delegated to the Management Board/CEF with a new arrangement linked to freezing of external recruitment.	The Acting Chief Executive was authorised as follows: "In consultation with the relevant portfolio holder and the Leader of Council to determine the vacant posts meeting the exception criteria identified in the Council's policy which may be recruited externally."

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