

Overview and Scrutiny Committee Monday, 28th February, 2011

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services Officer: Simon Hill, Senior Democratic Services Officer, The Office of the Chief Executive
email: shill@eppingforestdc.gov.uk Tel: 01992 564249

Members:

Councillors R Morgan (Chairman), K Angold-Stephens (Vice-Chairman), R Barrett, W Breare-Hall, Ms R Brookes, Mrs R Gadsby, Mrs A Grigg, D Jacobs, D C Johnson, G Mohindra, J Philip and J M Whitehouse

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

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 who 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.

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 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. APOLOGIES FOR ABSENCE

3. SUBSTITUTE MEMBERS

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

4. MINUTES (Pages 7 - 14)

Decisions required:

To confirm the minutes of the meetings of the Committee held on 24 January 2011.

5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

6. NATIONAL CENSUS PRESENTATION

To receive a presentation from a David Vernazza, the officer charged with organising the Census for our region, on the background, aims and objectives of the upcoming national census.

7. CALL IN - CABINET DECISION ON TOWN CENTRES OFFICER POST AND THE FUTURE MANAGEMENT OF TOWN CENTRES (Pages 15 - 34)

To consider a call-in of the Cabinet’s Decision on ‘Town Centres Officers and the

Future Management of Town centres' (C-053-2010/11). Call-in papers and report are attached.

8. RESTRICTIVE COVENANT - 35 DENNY AVENUE, WALTHAM ABBEY. (Pages 35 - 56)

To consider the attached report.

9. APPOINTMENTS AT ANNUAL COUNCIL (Pages 57 - 62)

(Councillor M McEwen – Chairman, Constitution and Members Services Scrutiny Panel) To consider the attached report.

10. STATUTORY OFFICERS - PROTOCOLS (Pages 63 - 82)

(Councillor M McEwen – Chairman, Constitution and Members Services Scrutiny Panel) To consider the attached report.

11. COUNCILLOR ACCOUNTABILITY STATEMENTS (Pages 83 - 106)

(Councillor M McEwen – Chairman, Constitution and Members Services Scrutiny Panel) To consider the attached report.

12. WIRELESS BROADBAND WITHIN THE EFDC AREA

(Report by David Newton) In response to a Members request, the District Council have carried out an investigation into the feasibility of assisting in the provision of wireless broadband connectivity to rural areas currently suffering from slow or no broadband access.

Following a meeting with a representative from the Federation of Small Business (FSB) an additional meeting was arranged with Essex County Council (ECC), who had previously funded a similar project. ECC provided a £10,000 loan to a Company (Buzcom), to supply coverage to the Maldon area. Unfortunately, ECC funding for future projects has been withdrawn.

The District Council have concerns around the selection process for potential suppliers and the risk of being associated with a business should it not perform well. It is felt that this is a commercial issue and as such the market should determine whether it is viable to enhance broadband facilities within these areas.

13. WORK PROGRAMME MONITORING (Pages 107 - 132)

(a) Updated Schedule

The Committee are asked to note the updated schedule.

(b) Next Year's Work Programme

The work programme for next year will be considered at the April meeting of this Committee. Members should start thinking of any work they would like the Committee to consider to go into next year's Work Programme and bring it to the April Meeting. A request form is attached

14. CABINET REVIEW

RECOMMENDATION:

To consider any items to be raised by the Chairman at the Cabinet meeting on 7 March 2011.

(Assistant to the Chief Executive). Under the Overview and Scrutiny rules the Committee is required to scrutinise proposed decisions of the Executive. The Chairman is also required to report on such discussions to the Cabinet.

The Committee is asked to consider the 7 March 2011 Cabinet agenda (previously circulated) to see whether there are any items that they wished to be raised at the Cabinet meeting.

15. 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 Paragraph Number	Information
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.