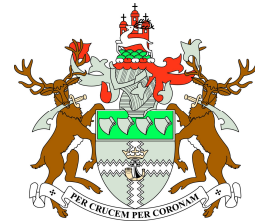


Council Agenda



Epping Forest District Council

NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 28 June 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 Chief Executive will read the following announcement:

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

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

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

2. MINUTES (Pages 9 - 40)

To approve as a correct record and sign the minutes of the meeting held on 24 May 2011 (attached).

3. DECLARATIONS OF INTEREST

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

4. ANNOUNCEMENTS

(a) Apologies for Absence

(b) Announcements

To consider any announcements by:

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

(c) LightBulb Apprenticeship Programme

The LightBulb based in Basildon provide training and consultancy services in Essex and the surrounding counties. The LightBulb Apprenticeship Programme delivers apprenticeships to match the needs of employers.

Summer North joined the Council as part of the Future Jobs programme and was given a one year contract as an ICT Apprentice. LightBulb oversee and mentor Summer by setting projects and tasks in order for her to complete and pass an NVQ.

Chris Askew, Customer Support Supervisor in ICT, is Summer’s line manager providing guidance, support and the opportunity to gain experience of working in ICT.

LightBulb have introduced awards this year and Summer has received an award for the apprentice who has interacted best with her employer and the apprenticeship

programme. Chris has also received an award for employer of the year.

Summer and Chris will be attending the meeting to receive their awards from the Chairman of the Council.

(d) Travel Plan

The District Council agreed to introduce its own Travel Plan in September 2009 and, since then, in partnership with Essex County Council, has been developing a number of initiatives as part of that Plan. In view of the progress the Council has made on the Travel Plan, it has been awarded the Bronze Standard accreditation.

The Award is in recognition of the measures put in place by the Council including completion of a staff travel survey to obtain information about travel patterns and ideas for improvements, flexi-working, development of a car sharing scheme, provision of personal alarms, promotion of cycling and walking to work as a healthy way to travel including a Cycle2Work Scheme, provision of route maps and timetables for local public transport and promotion of its benefits, and 'Green Driving Tests' for staff.

Harvey Panrucker, Sustainable Travel Planning Manager, Essex County Council, will say a few words about Travel Plans and together with the Chairman of the Council will present the award to Councillor Smith, the Safer and Greener Portfolio Holder and Chris Overend, Policy Officer who has helped develop the Plan.

The Council will strive for accreditation to Silver, and ultimately to Gold, Standard by building on existing initiatives and introducing ideas in other areas.

5. PUBLIC QUESTIONS (IF ANY)

To answer questions asked after notice in accordance with the provisions contained in paragraph 9.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to the Chairman of the Overview and Scrutiny Committee; or
- (c) to any Portfolio Holder.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

6. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 41 - 62)

To receive reports from the Leader, Chairman of the Overview and Scrutiny Committee and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader and Legal Portfolio Holder;
- (b) Report of the Chairman of the Overview and Scrutiny Committee;
- (c) Report of Environment Portfolio Holder;
- (d) Report of Finance and Economic Development Portfolio Holder;
- (e) Report of Housing Portfolio Holder;
- (f) Report of Leisure and Wellbeing Portfolio Holder;

- (g) Report of Planning and Technology Portfolio Holder;
- (h) Report of the Safer and Greener Portfolio Holder;
- (i) Report of Support Services Portfolio Holder.

7. QUESTIONS BY MEMBERS WITHOUT NOTICE

Council Procedure Rule 10.6 provides for questions by any member of the Council to the Leader, Chairman of the Overview and Scrutiny Committee or any Portfolio Holder, without notice on:

- (i) reports under item 6 above; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

Council Procedure Rule 10.7 provides that answers to questions without notice may take the form of:

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) direct oral answer from the Chairman of the Overview and Scrutiny Committee or, at their request, from another member dealing with that issue as part of an Overview and Scrutiny review;
- (c) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (d) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (e) where the question relates to an operational matter, the Leader, Chairman of the Overview and Scrutiny Committee or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.

In accordance with the Council Procedure Rule 10.8, a time limit of twenty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes to ensure that all political groups and independent members may have their questions answered.

8. MOTIONS

To consider any motions, notice of which has been given under Council Procedure Rule 11.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

9. QUESTIONS BY MEMBERS UNDER NOTICE

To answer questions asked after notice in accordance with the provisions contained in paragraph 10.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;
- (b) to the Leader of the Council;
- (c) to the Chairman of the Overview and Scrutiny Committee or

- (d) to any Member of the Cabinet;.

Council Procedure rule 10.4 provides that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

10. REPORT OF THE CABINET - EPPING FOREST COLLEGE, LOUGHTON - APPROVAL TO DEVELOPMENT WORKS (Pages 63 - 66)

To consider the attached report.

11. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF CONTRACT STANDING ORDERS (Pages 67 - 74)

To consider the attached report.

12. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF OFFICER DELEGATION (Pages 75 - 82)

To consider the attached report.

13. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REPORT 2010/11 (Pages 83 - 122)

To consider the attached report.

14. REPORT OF THE LICENSING COMMITTEE - LICENSING OF SEX ENTERTAINMENT VENUES (Pages 123 - 142)

To consider the attached report.

15. REPORT OF THE LICENSING COMMITTEE - PAVEMENT LICENCES (Pages 143 - 144)

To consider the attached report.

16. PARISH REMUNERATION PANEL - ANNUAL REPORT - 2010/11 (Pages 145 - 148)

(Parish Remuneration Panel) To consider the attached report.

17. EPPING FOREST MEMBERS' REMUNERATION PANEL - SIXTH ANNUAL REPORT - 2010/11 (Pages 149 - 158)

(Independent Remuneration Panel) To consider the attached report.

18. STANDARDS COMMITTEE - ANNUAL REPORT 2010/11 (Pages 159 - 170)

To consider the attached report.

19. REPORT OF THE ELECTORAL & COMMUNITY GOVERNANCE REVIEW COMMITTEE (Pages 171 - 186)

To consider the attached report.

20. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

21. 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:** 24 May 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.30 pm

Members Present: Councillors Mrs A Grigg (Chairman), K Angold-Stephens (Vice-Chairman), K Avey, R Barrett, R Bassett, A Boyce, W Breare-Hall, Ms R Brookes, K Chana, Mrs T Cochrane, R Cohen, Mrs D Collins, D Dodeja, C Finn, Mrs R Gadsby, P Gode, J Hart, Ms J Hart, D C Johnson, Mrs S Jones, P Keska, J Knapman, Ms Y Knight, Mrs J Lea, L Leonard, Mrs M McEwen, J Markham, A Mitchell MBE, 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, G Waller, Ms S Watson, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

Apologies: Councillors J Collier, D Jacobs, A Lion, G Mohindra and S Packford

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)

1. 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.

2. FORMER DISTRICT COUNCILLOR ROBERT O'MALLEY

It was with much sadness that the Chairman informed the Council of the death of former District Councillor Robert O'Malley.

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

The Chairman advised the Council that she had attended Robert O'Malley's funeral on behalf of the District Council.

Councillor S Murray and Mr I Willett, Assistant to the Chief Executive, paid tribute to the memory of Robert O'Malley.

The Council stood for a minute's silence in tribute to the memory of former District Councillor Robert O'Malley.

3. DISTRICT COUNCIL ELECTIONS - 5 MAY 2011

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

| | |
|------------------|--|
| 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 presented declaration of acceptance of office certificates to the four of the five newly elected members present, Councillors Avey, Keska, Mitchell and Waller.

4. RETIRING CHAIRMAN OF THE COUNCIL - YEAR OF OFFICE

Councillor Grigg addressed the Council on her year of office. She thanked the Council for affording her the privilege of being elected Chairman to the Council for the past year which had been very enjoyable. The Chairman advised that she had been conscious of the need for budget cuts and had tried to minimise civic expenditure costs where possible. She expressed thanks to Councillor Angold-Stephens, the Vice-Chairman, for his support during the year and for standing in for her at short notice on some occasions.

Councillor Grigg said that she had attended many memorable events during her year of office. She referred to the Chigwell Riding Trust Christmas Service which had left a lasting impression on her seeing children with severe disabilities taking part in a nativity play.

The Chairman also referred to meeting scouts undertaking work in Epping Forest with enthusiasm despite the very wet conditions. She referred to her attendance at the annual St George's Day Scout Parade at Windsor and to a visit to the Lee Valley White Water Centre where she had enjoyed several runs down the course in a raft.

The Chairman referred to the strong community links between Bodo in Norway and North Weald and stated how much she had enjoyed her visit to Bodo for the Norwegian Parade Day.

The Chairman also referred to her attendance at the opening of a new ramp for young people with disabilities at the Lambourne End Centre.

She thanked members for their support during the year including their sponsorship, purchasing of raffle tickets and attending the Christmas Carol service. She also thanked staff for the support and advice she had received during her year of office.

The Chairman reported that she had raised approximately £8,500 for her chosen charities.

Councillors Collins, Wixley, Stallan, J M Whitehouse and the Acting Chief Executive, D Macnab on behalf of the staff, expressed their appreciation for the hard work and enthusiasm shown by Councillor Grigg during her year of office.

5. ELECTION OF CHAIRMAN

The nomination of Councillor K Angold-Stephens for the office of the Chairman of the Council having been formally moved by Councillor Pond and seconded by Councillor Morgan, it was:

RESOLVED:

That Councillor K Angold-Stephens be elected Chairman of the Council for the ensuing year.

Councillor Angold-Stephens thereupon made a declaration of acceptance of the office of Chairman of the Council and thanked the Council for his election. He advised that he would do his best to reach the high standards set by the previous Chairman and referred to some of his experiences which he hoped would enable him to meet the expected demands during the coming year. He announced that his charities would be St Clare Hospice and Home Start Epping Forest and he expressed the hope that members would give generous support to these during the year. He advised that he proposed to organise several events for his charities including a Members' and Officers' golf day, a walk, a quiz, hopefully an abseil of the Church Langley Water Tower and, if possible, a white water rafting event at the Lee Valley White Water Rafting Centre. Councillor Angold Stephens stated that his aim would be to help the community throughout his year of office during a time of financial constraint. He advised that he proposed to be a non-voting Chairman of the Council unless his casting vote was required or he felt that an issue was contrary to policy or would be detrimental to the reputation of the District.

Councillor Angold-Stephens in the Chair

6. PAST CHAIRMAN'S BADGE/ESCORT'S BADGE

The new Chairman presented Councillor Grigg with a past Chairman's Badge of Office.

Councillor Grigg presented the Escort's Badge to Mrs Jill Angold-Stephens.

7. APPOINTMENT OF VICE-CHAIRMAN

The nomination of Councillor Rolfe for the office of Vice-Chairman of the Council having been formally moved by Councillor Breare-Hall and seconded by Councillor Collins, it was:

RESOLVED:

That Councillor Rolfe be appointed Vice-Chairman of the Council for the ensuing year.

Councillor Rolfe thereupon made a declaration of acceptance of office of Vice-Chairman of the Council and thanked the Council for his appointment. He congratulated Councillor Angold-Stephens on his election as Chairman of the Council and assured him that he would give him full support during the coming year.

8. MINUTES**RESOLVED:**

That the minutes of the Council meeting held on 29 March 2011 be taken as read and signed by the Chairman as a correct record.

9. DECLARATIONS OF INTEREST

There were no declarations of interest by members of the Council under this item.

10. ANNOUNCEMENTS**(a) Announcements by the Chairman of the Council****(i) Leader of the Council**

The Chairman announced that on 18 May 2011, Councillor Collins had submitted a notice of resignation as Leader of the Council. The Chairman and Councillors Stellan, Stavrou, Sartin, Murray, Whitbread, Wagland and Morgan expressed their appreciation for the hard work and enthusiasm shown by Councillor Collins during her five years as Leader of the Council.

(ii) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to Vera O'Malley, the widow of former District Councillor Robert O'Malley.

(b) Announcements by the Leader of Council and Portfolio Holders

There were no announcements under this heading.

(c) Members not seeking re-election or not re-elected

The Council noted that A Green, J Hedges and B Judd had not sought re-election on 5 May 2011. In addition P Brooks and C Edwards had not been re-elected.

Councillor J M Whitehouse acknowledged the contributions made to the Council by A Green and P Brooks. Councillor R Brookes acknowledged the contribution made to the Council by P Brooks. Councillor Wagland acknowledged the contributions made to the Council by A Green, J Hedges, B Judd and C Edwards.

In recognition of her 12½ years' service, the Chairman presented an award to Pat Brooks. Pat Brooks thanked the Council for the award.

11. REPORT OF THE APPOINTMENTS PANEL**(a) Leader of the Council**

By leave of the Council, the Chairman took the second recommendation of the Panel before other items, namely consideration of the appointment of a Leader of the Council. The nomination of Councillor Wagland for the office of Leader of the Council having been formally moved by Councillor Philip and seconded by Councillor Johnson, it was:

RESOLVED:

That Councillor Wagland be appointed Leader of the Council.

(b) Leader and Council Appointments**(Mover: Councillor Wagland – Chairman of the Panel)**

Councillor Wagland reported on appointments which she had made to the Cabinet and Cabinet Committees and to Outside Organisations carrying out executive functions.

Councillor Wagland also reported recommendations of the Appointments Panel in relation to the membership, chairmanship and vice-chairmanship of Committees, Sub-Committees and Panels (non-executive bodies), and to Outside Organisations carrying out Council, regulatory or non-Cabinet functions. Councillor Wagland and Councillor Philip reported on changes made to nominations since the Panel had met.

The Council voted on appointments where the number of nominations exceeded the number of places available.

RESOLVED:

- (1) That in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the constitution of political groups as set out in Appendix A to these minutes be noted;
- (2) That the appointments made by the Leader of the Council to the Cabinet and Cabinet Committees and the allocation of portfolios as set out in Appendix B to these minutes be noted;
- (3) That the Membership, Chairmanship and Vice-Chairmanship of Committees, Sub-Committees and Panels (non-Executive bodies) as set out in Appendix C to these minutes be approved;
- (4) That appointment to the Essex Localism Initiative – Local Highways Panel be deferred pending completion of the Essex County Council Partnership Review and that the meeting of the Panel scheduled for 16 June 2011 be cancelled;
- (5) That Group Leaders confirm nominations to the Proper Officer for appointments to be made to Panels by the Overview and Scrutiny Committee by 26 May 2011;

(6) That the appointments made by the Leader of the Council to Outside Organisations carrying out Executive functions as set out in Appendix D to these minutes be noted;

(7) That appointments to Outside Organisations carrying out Council, regulatory or non-Cabinet functions be as set out in Appendix E to these minutes.

12. SCHEME OF OFFICER DELEGATION - COUNCIL AND REGULATORY FUNCTIONS

RESOLVED:

That the Scheme of Officer Delegation for Council and Regulatory Functions, as set out in Part 3 of the Constitution as amended be agreed.

13. SCHEME OF OFFICER DELEGATION - EXECUTIVE FUNCTIONS

The Council noted new and revised Officer Delegation in respect of Executive Functions approved by the Leader of the Council following the 2010/11 review as set out in Appendix F to these minutes.

14. ANNUAL REPORT OF THE EXECUTIVE - 2010/11

(Mover: Councillor Collins – Leader of the Council in 2010/11)

Councillor Collins summarised the Annual Report of the Executive for 2010/11.

Councillor Collins answered questions from members during which (a) Mr D Macnab, Acting Chief Executive, declared an interest and left the meeting following a question about the appointment of a new Chief Executive, (b) Councillor J M Whitehouse declared a personal non-prejudicial interest in a reference to the redevelopment of the St John's Road area, Epping by virtue of being a resident of that road, and (c) Councillor J H Whitehouse declared a personal non-prejudicial interest in relation to the Furniture Exchange scheme by virtue of being involved in the promotion of that scheme.

Councillor Wagland advised that she had taken note of all of the matters raised by members and these would be taken into account by the new Cabinet.

15. COUNCIL MEETINGS - 2011/12

RESOLVED:

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)

CHAIRMAN

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APPENDIX A

ANNUAL COUNCIL MEETING - 24 MAY 2011 CONSTITUTION OF POLITICAL GROUPS AND GROUP LEADERS

Local Government and Housing Act 1989 – Notice of Constitution of Political Groups and Group Leaders

Conservative Group:

Councillor Lesley Wagland (Group Leader)

Councillor John Philip (Deputy Group Leader)

Councillor Ken Avey

Councillor John Knapman

Councillor David Stellan

Councillor Rodney Barrett

Councillor Yolanda Knight

Councillor Syd Stavrou

Councillor Richard Bassett

Councillor Jeane Lea

Councillor Haluk Ulkun

Councillor Anthony Boyce

Councillor Alan Lion

Councillor Gary Waller

Councillor William Breare-Hall

Councillor Ann Mitchell

Councillor Sylvia Watson

Councillor Kewal Chana

Councillor Maggie McEwen

Councillor Antony Watts

Councillor Diana Collins

Councillor Gagan Mohindra

Councillor Elizabeth Webster

Councillor Ricki Gadsby

Councillor Sarah Packford

Councillor Chris Whitbread

Councillor Anne Grigg

Councillor Bill Pryor

Councillor John Wyatt

Councillor James Hart

Councillor Brian Rolfe

Councillor David Johnson

Councillor Brian Sandler

Councillor Susan Jones

Councillor Mary Sartin

Councillor Paul Keska

Councillor Penny Smith

Members 37

Liberal Democrats Group:

Councillor Jon Whitehouse (Group Leader)

Councillor Derek Jacobs (Deputy Group Leader)

| | | |
|-----------------------|---|-----------------------------|
| Councillor Dev Dodeja | Councillor Peter Spencer Councillor Jill Sutcliffe | Councillor Janet Whitehouse |
|-----------------------|---|-----------------------------|

Members 6

Loughton Residents' Association Group:

Councillor Caroline Pond (Group Leader) Councillor Ken Angold-Stephens (Deputy Group Leader)

| | | |
|---|---|--|
| Councillor Rose Brookes Councillor Tessea Cochrane Councillor Richard Cohen | Councillor Colin Finn Councillor Jennie Hart Councillor Lance Leonard | Councillor John Markham Councillor David Wixley |
|---|---|--|

Members 10

APPENDIX B

Leader Appointments:

(a) Deputy Leader

| | 2011/12 |
|---------------|-------------|
| Deputy Leader | John Philip |

(b) Other Cabinet Members/Allocation of Portfolios

| Portfolio Title | Portfolio Holder 2011/12 | Deputy Portfolio Holder |
|-------------------------------------|-----------------------------|--|
| Leader + Legal | Lesley Wagland | |
| Finance and Economic Development | Gagan Mohindra | David Johnson (Estates) Alan Lion (Perf. Mgt) |
| Leisure and Wellbeing | Ricki Gadsby | Jeane Lea |
| Environment | John Knapman | |
| Housing | Maggie McEwen | Sylvia Watson |
| Safer and Greener | Penny Smith | Kewal Chana |
| Planning and Technology | John Philip | Sue Jones |
| Support Services | John Wyatt | Brian Sandler |

Cabinet Committee Memberships (not part of pro rata allocations)

(a) Finance and Performance Management Cabinet Committee

Leader

Finance and Economic Development Portfolio Holder (Chairman)

Housing Portfolio Holder

Planning and Technology Portfolio Holder

Safer and Greener Portfolio Holder

(b) North Weald Airfield and Asset Management Cabinet Committee

Leader

Environment Portfolio Holder

Finance and Economic Development Portfolio Holder (Chairman)

Housing Portfolio Holder

Leisure and Wellbeing Portfolio Holder

(c) LDF Cabinet Committee

Leader

(Chairman)

Environment Portfolio Holder

Leisure and Wellbeing Portfolio Holder

Planning and Technology Portfolio Holder

Housing Portfolio Holder

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Committee Appointments 2011-12

| Licensing Committee (15 members) | | | | | |
|---|---------------------|--------------------------------|-------------------|-------------------------------|------------------|
| | | Conservatives | Liberal Democrats | LRA | Independent |
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | A Lion (V/C) | | | R Morgan (Chair) |
| | | A Boyce | D Dodeja | K Angold-Stephens | |
| | | K Chana | J Sutcliffe | L Leonard | |
| | | R Gadsby | | D Wixley | |
| | | M McEwen | | | |
| | | W Pryor | | | |
| | | M Sartin | | | |
| | | P Smith | | | |
| | | G Waller | | | |
| | | | | | |
| Sub-Committee Chairs | | M McEwen, P Smith, M Sartin | | K Angold-Stephens D Wixley | R Morgan |

| Housing Appeals and Review Panel (5 members and 5 substitutes) | | | | | |
|---|---------------------|-------------------------|-----------------------------|-------------------------|-------------|
| | | Conservatives | Liberal Democrats | LRA | Independent |
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | B Rolfe (Chair) | J Sutcliffe (V/C) | | |
| | | R Gadsby | | Jennie Hart | |
| | | Y Knight | | | |
| | | | | | |
| | | P Keska (substitute) | J H Whitehouse (substitute) | T Cochrane (substitute) | |
| | | J Lea (substitute) | | | |
| | | A Mitchell (substitute) | | | |

Staff Appeals Panel (5 members and 5 substitutes)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------------|---------------------|----------------------------|------------------------|------------------------|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | B Sandler (V/C) | J M Whitehouse (Chair) | | |
| | | A Boyce | | T Cochrane | |
| | | Y Knight | | | |
| | | | | | |
| | | W Breare-Hall (substitute) | P Spencer (substitute) | L Leonard (substitute) | |
| | | A Grigg (substitute) | | | |
| | | G Waller (substitute) | | | |
| | | | | | |

Complaints Panel (Pool of 11 members)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------------|---------------------|---------------|-------------------|-----------------|--------------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | H Ulkun (V/C) | | R Cohen (Chair) | |
| | | K Avey | P Spencer | D Wixley | P Richardson (BNP) |
| | | P Keska | | | |
| | | Y Knight | | | |
| | | B Rolfe | | | |
| | | B Sandler | | | |
| | | E Webster | | | |
| | | | | | |

District Development Control Committee (15 members)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|---------------------------|---------------------|--------------------------------------|-------------------|-----------|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | B Sandler (Chair) R Bassett (V/C) | | | |
| | | A Boyce | D Dodeja | C Finn | |
| | | K Chana | J M Whitehouse | J Markham | |
| | | J Hart | | C Pond | |
| | | S Jones | | | |
| | | J Philip | | | |
| | | H Ulkun | | | |
| | | S Watson | | | |
| | | J Wyatt | | | |
| | | | | | |

Overview and Scrutiny Committee (11 members)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|---------------------------|---------------------|-------------------|-------------------|----------------|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | R Bassett (Chair) | | D Wixley (V/C) | |
| | | K Chana | D Jacobs | R Brookes | S Murray |
| | | D Johnson | | | |
| | | S Jones | | | |
| | | M Sartin | | | |
| | | D Stallan | | | |
| | | G Waller | | | |

Joint Consultative Committee (9 members plus 9 staff side representatives)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------------|---------------------|------------------|-------------------|-------------|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | G Mohindra (V/C) | | | |
| | | D Johnson | J H Whitehouse | T Cochrane | |
| | | A Lion | | Jennie Hart | |
| | | J Philip | | | |
| | | G Waller | | | |
| | | J Wyatt | | | |
| | | | | | |
| | | | | | |

Area Plans Sub-Committee South (23 Members - subject to opt in)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|---------------------------|---------------------|----------------------------------|-------------------|-------------------|--------------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | J Hart (Chair) S Watson (V/C) | | | |
| | | R Barrett | D Dodeja | K Angold-Stephens | P Richardson (BNP) |
| | | K Chana | P Spencer | T Cochrane | |
| | | J Knapman | J Sutcliffe | R Cohen | |
| | | A Lion | | C Finn | |
| | | G Mohindra | | Jennie Hart | |
| | | B Sandler | | L Leonard | |
| | | H Ulkun | | J Markham | |
| | | L Wagland | | C Pond | |
| | | | | D Wixley | |
| | | | | | |

Area Plans Sub-Committee East (19 Members)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|---------------------------|---------------------|----------------------------------|-------------------|-----|--------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | A Boyce (Chair) S Jones (V/C) | | | |
| | | K Avey | D Jacobs | | R Morgan |
| | | W Breare-Hall | J H Whitehouse | | P Gode (Lab) |
| | | D Collins | J M Whitehouse | | |
| | | A Grigg | | | |
| | | P Keska | | | |
| | | M McEwen | | | |
| | | S Packford | | | |
| | | J Philip | | | |
| | | B Rolfe | | | |
| | | D Stallan | | | |
| | | C Whitbread | | | |
| | | G Waller | | | |
| | | | | | |

| Area Plans Sub-Committee West (14 Members) | | | | | |
|---|---------------------|------------------------------------|-------------------|-----|-------------|
| | | Conservatives | Liberal Democrats | LRA | Independent |
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | J Wyatt (Chair) E Webster (V/C) | | | |
| | | R Bassett | | | J Collier |
| | | R Gadsby | | | |
| | | D Johnson | | | |
| | | Y Knight | | | |
| | | J Lea | | | |
| | | A Mitchell | | | |
| | | W Pryor | | | |
| | | M Sartin | | | |
| | | P Smith | | | |
| | | S Stavrou | | | |
| | | A Watts | | | |
| | | | | | |
| | | | | | |

| Audit and Governance Committee (3 members plus 2 co-opted persons) | | | | | |
|---|---------------------|-----------------|-------------------|--------|-------------|
| | | Conservatives | Liberal Democrats | LRA | Independent |
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | A Watts (Chair) | | | |
| | | S Watson | | C Finn | |
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**Waste Management Partnership Board
(2 Members plus 2 Officers and 4 representatives of the Council's Waste Management Contractor)**

| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------------|---------------------|-------------------|-------------------|-----|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | J Knapman (Chair) | | | |
| | | G Waller | | | |
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Leisure Management – Contract Monitoring Board (6 members)

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| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------------|---------------------|---------------|-------------------|-----------|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | | | | |
| | | G Mohindra | J M Whitehouse | R Brookes | |
| | | R Gadsby | | | |
| | | J Knapman | | | |
| | | S Packford | | | |
| | | | | | |
| | | | | | |

“Olympic Champion”

| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------|--|---------------|-------------------|-----|-------------|
| MEM. 2011/12 | | E Webster | | | |
| | | | | | |
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| | | | | | |

Standards Committee (3 members)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------------|---------------------|---------------|-------------------|-----|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | | | | |
| | | A Grigg | J H Whitehouse | | |
| | | A Mitchell | | | |
| | | | | | |
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Committee for the Appointment of the Chief Executive (7 members cross party)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------------|---------------------|---------------|------------------------|--------------|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | | J M Whitehouse (Chair) | C Pond (V/C) | |
| | | A Grigg | | | S Murray |
| | | M McEwen | | | |
| | | J Philip | | | |
| | | L Wagland | | | |
| | | | | | |

Electoral and Community Governance Review (5 members and five deputies)

| | | Conservatives | Liberal Democrats | LRA | Independent |
|-------------------------------|---------------------|--|-------------------------|-----------------|-------------|
| MEMBERSHIP 2011/12 | Chairman/Vice Chair | C Whitbread (Chair) D Stallan (V/C) | | | |
| | | J Philip | D Jacobs | C Finn | |
| | | | | | |
| | | M Sartin (Deputy) | J M Whitehouse (Deputy) | C Pond (Deputy) | |
| | | S Watson (Deputy) | | | |
| | | L Webster (Deputy) | | | |
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APPENDIX D

Leader Appointments

Representation on Outside Organisations – Appointments by Leader Organisations Carrying Out Executive Functions

| Organisation and Allocation Category | | Representation for 2011/12 |
|--------------------------------------|--|--|
| 1. | Civil Enforcement of Parking and Traffic Regulations Outside London (PATROL) – Adjudication Joint Committee (Executive) | Mrs P Smith |
| 2. | Crime and Disorder Strategy Panel (Executive) | Mrs P Smith J Knapman (deputy) |
| 3. | East of England Local Government Association (Executive) | Mrs L Wagland |
| 4. | Enfield Essex Herts Border Liaison Group (Executive/Local) | R Bassett Mrs P Smith Mrs M Sartin (Mrs J Lea, W Pryor, J Wyatt as deputies) |
| 5. | Epping Forest District Local Strategic Partnership (Executive) (a) LSP Board (b) Health Equalities Group (c) Safer Communities Partnership (d) Sustainable Communities Group (e) Epping Forest Children's Partnership | (a) Mrs L Wagland, J Philip (b) B Sandler (c) Mrs P Smith (d) Mrs S Jones (e) R Barrett |
| 6. | Essex On-Line Partnership (Executive) | J Philip |
| 7. | Harlow Stansted Gateway Transportation Board (HSGTB) (Executive) | G Mohindra J Knapman (deputy) |
| 8. | Highways Panel (West Area) (Executive) | Mrs P Smith K Chana (deputy) |
| 9. | Housing Repairs Advisory Group (Executive) | M McEwen - Housing Portfolio Holder G Mohindra - Finance and Economic Development Portfolio Holder Chairman Housing Scrutiny Panel Vice Chairman Housing Scrutiny Panel |
| 10. | Local Government Association - General Assembly (Executive) | Mrs L Wagland J Philip (Deputy) |

| Organisation and Allocation Category | | Representation for 2011/12 |
|---|---|-----------------------------------|
| 11. | Local Government Information Unit Management Committee (Executive) | Mrs L Wagland J Philip |
| 12. | Northern Essex Parking Partnership (Executive) | P Smith J Knapman (Deputy) |
| 13. | Waste Partnership Member Board (Executive) | J Knapman P Smith (deputy) |
| 14. | Waste Partnership - Inter-Authority Member Working Group (Executive) | J Knapman P Smith (deputy) |

Council Appointments

Representation on Outside Organisations Organisations Carrying Out Council Regulatory or Non-Cabinet Functions

| Organisation and Allocation Category | | Representation for 2011/12 |
|--------------------------------------|---|--|
| 1. | Care and Repair - Management Committee | K Avey S Watson J H Whitehouse |
| 2. | Epping Forest Citizens' Advice Bureau | R Cohen S Packford (A Mitchell and W Pryor deputies) |
| 3. | Campaign to Protect Rural England (Essex Branch) | A Boyce Y Knight (deputy) |
| 4. | Epping Forest Community Transport Steering Group | A Lion |
| 5. | Epping Forest Housing Aid Committee | S Watson |
| 6. | Grange Farm Managing Trustees | Appointment for the period 1 June 2011 for four years: D Johnson B Scrutton P Smith |
| 7. | Leisure Centres Liaison Groups -Ongar Leisure Centre - Epping Sports Centre - Loughton Leisure Centre - Waltham Abbey Swimming Pool | D Jacobs P Keska K Avey W Breare-Hall R Barrett R Brookes D Johnson W Pryor |

| Organisation and Allocation Category | | Representation for 2011/12 |
|--------------------------------------|--|--|
| 8. | Local Councils' Liaison Committee | K Angold-Stephens R Morgan B Rolfe P Smith B Sandler |
| 9. | Local Government Association - Rural Commission | A Boyce (voting member) M McEwen |
| 10. | Museums in Essex Committee | R Gadsby |
| 11. | Police and Community Consultative Group – Epping Forest | K Chana H Ulkun |
| 12. | Princess Alexandra Hospital - Partnership Governor | G Waller |
| 13. | Roding Valley Meadows Local Nature Reserve (a) Management Committee (b) Working Group | S Murray S Murray |
| 14. | Stansted Airport Consultative Committee | M Sartin G Waller |
| 15. | Stansted Airport Community Trust Fund | R Morgan |
| 16. | Town Centre Partnerships (a) Buckhurst Hill Town Centre Partnership (b) Epping Town Centre Partnership (c) Loughton Broadway Town Centre Partnership (d) Loughton High Road Town Centre Partnership (e) Ongar Town Forum - Steering Group (f) Waltham Abbey Town Partnership | J Sutcliffe H Ulkun W Breare-Hall S Packford Jennie Hart J Knapman R Barrett D Wixley D Jacobs P Keska R Gadsby J Lea |

| Organisation and Allocation Category | | Representation for 2011/12 |
|---|---|-----------------------------------|
| 17. | Voluntary Action Epping Forest | W Pryor |
| 18. | Waltham Abbey Royal Gunpowder Mills Ltd | W Pryor |
| 19. | Waltham Abbey Tourist Information Centre - Joint Management Committee | J Lea A Mitchell E Webster |
| 20. | Waste Management and Street Cleansing – Loughton Stakeholders' Group | R Barrett C Finn L Leonard |

Representation on Outside Organisations - Appointments Held by Officers

Appointments by Leader – Organisations Carrying Out Executive Functions

The following appointments have been made by the Leader of the Council in accordance with Council minute 121 – 17 February 2009 as they fall within the 'Executive' category.

| Number: | Organisation and Committee Responsible | Representative |
|----------------|--|---|
| 1 | Access Group – Joint Management Team | Special Needs Manager |
| 2 | Essex Archaeological and Historical Congress | Epping Forest District Museum Officer |
| 3 | Museum Service (South Eastern) | Epping Forest District Museum Officer |
| 4 | National Society for Clean Air (SE Division) | Director of Environment and Street Scene (or representative) |
| 5 | Standing Conference – Investigation of Air Pollution | Director of Environment and Street Scene (or representative) |
| 6 | Roding Valley Meadow Local Nature Reserve Consultative Group | Director of Planning and Economic Development (or representative) |

Organisations Carrying Out Council Regulatory or Non-Executive Functions

This Appendix indicates those organisations where the Council determined on 25 April 1995 that the representatives should be officers.

| Number: | Organisation and Committee Responsible | Representative |
|----------------|--|--|
| 1 | East Anglian Home Safety Committee | Director of Environment and Street Scene (or representative) |
| 2 | Essex Water Safety Liaison Committee | Director of Environment and Street Scene (or representative) |
| 3 | Victoria County History Association | Epping Forest District Museum Officer |
| 4 | Voluntary Action Epping Forest (see also member appointments schedule) | Policy Officer (+ 1 member delegate) |

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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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Report to Council

Date of meeting: 28 June 2011

Subject: Overview and Scrutiny report to Council – June 2011

Chairman: Councillor Richard Bassett



Recommendation:

That the Overview and Scrutiny progress report from April 2011 to the present be noted.

Report.

Overview and Scrutiny Committee Meeting – 11 April 2011.

1. The Committee at their meeting on Monday, 11 April 2011 received two presentations. The first was from Jeannie Wright, the Principal of Epping Forest College. She gave an interesting talk on the current situation of the College and where she wanted to take it in the future. Her aim was to develop a 'student centred college' while maintaining a strong financial position and staying community centred. The Committee noted that they had made excellent progress over recent years after their recent troubles.

2. The other presentation was from Dawn Roche and Richard Morgan in their capacity as Magistrates. They spoke of the work they did as Magistrates and the way they interacted with the local community. They also updated the Committee on the new circumstances magistrates will find ourselves in when the budget cuts hit and the number of benches are reduces from 6 to 2 and the closure of the Magistrate Court in Epping at the end of the year.

3. The Committee next considered a report from the Constitution and Member Services Standing Panel on member training for 2011/12. They had examined the training available for members from a number of different sources and recommended the use of e-learning, joint courses with officers, the publication of training records on the website, a clear schedule of mandatory courses and a tour of the district for new members. They also asked for a Saturday training session to be held again this year. The Committee supported their findings.

4. The Committee next considered the Constitution and Member Services Standing Panel report on the Officer Delegation Review. This report updated the delegation schedule and listed any proposed changes both for Council functions, Executive functions and planning delegation. However, there was some uncertainty over the wording in Appendix 3, on household applications. The Committee decided to agree the report, on the understanding that the wording would be looked at and amended if necessary by the Assistant to the Chief Executive, before it went to the Council meeting for consideration.

5. The last report from the Constitution and Member Services Standing Panel was a Review of Contract Standing Orders. This annual review updated contract standing orders and recommended that the review of Financial Regulations and the review of Contract Standing Orders be carried out on alternative years in the future. This was agreed along with

their other recommendations and the report will be going to full Council for their approval.

6. The next report came from the Safer Cleaner Greener Standing Panel and updated the Committee on the arrangements for the new Police and Crime Commissioners (PCC), due to be established next year after elections. The report gave the background, objectives and powers that a PCC would have and set out the possible scrutiny that would need to be carried out once the PCC was in place. The Committee noted the report and agreed that the Safer Cleaner Greener Standing Panel should be kept updated on the progress on the work for the new Police and Crime Commissioner; and that they be tasked with monitoring the use of police resources during the Olympic period.

7. The other report of the Safer Cleaner Greener Panel was on a Home Office Consultation Paper on "More effective responses to Anti-social Behaviour". This consultation reviewed how anti-social behaviour was dealt with by the police and professionals. On consideration, our Committee agreed the suggested replies to the consultation.

8. They then reviewed their draft annual report and work programme. They noted that they had not received any items for their reserve work programme for the next year except for a request to review the rules on the notification of substitutes at meetings. The Committee agreed that this item would sit well in the Constitution and Member Services Standing Panel.

9. I would like to remind members that if they have any topics they would wish Scrutiny to look at in the new year, they should complete a form and return it to Democratic Services as soon as possible.

Overview and Scrutiny Committee Meeting – 31 May 2011

10. At their first meeting of the year with a new Chairman, the Committee received the Key Objectives Outturn report for 2010/11. The key objectives are adopted annually by the Cabinet and reviewed on a six monthly basis both by Overview and Scrutiny and the Cabinet. We reviewed the key objectives and commented on each one in turn.

11. They next considered the final report of the Children Services Task and Finish Panel. This will be going to the July meeting of the Cabinet. The Committee thoroughly endorsed this report, agreeing with their recommendations, and which they commend to the Cabinet. They also wished to congratulate the Members and Officers concerned on an excellent piece of scrutiny work, which the Committee would like publicised on our website and would encourage every member to read. They agreed that should the recommendations be endorsed by Cabinet then O&S would be a suitable place to take the recommendations further and to work on detailed resource and costing implications.

12. We went on to endorse the Overview and Scrutiny Annual report for submission to the June Council meeting. We also agreed the membership of the Standing Panels, agreed our upcoming work programme and discussed what we wanted to ask the representative from London Underground at our next meeting.

Report to the Council

Committee: Cabinet **Date:** 28 June 2011
Subject: Environment Portfolio **Item:** 6(c)
Portfolio Holder: Councillor John Knapman

Recommending:

That the report of the Environment Portfolio Holder be noted

Waste

I am pleased to be able to inform members that based upon the provisional data issued by Essex County Council, we are now the second highest performing authority in Essex for recycling, with an outturn of 59.14%. Given the difficulties over the winter period this is an excellent result and I would like to thank our residents for their continued enthusiasm for recycling.

We shall shortly be undertaking a resident satisfaction survey in respect of our waste services. The outcome of this will be important as we move towards developing the next waste contract.

Environmental Health

At the meeting in March the then Portfolio Holder informed Members of the need to put into place new arrangements for the provision of a pest control treatment service for our residents following the collapse of our service provider. Members will be aware that the Council has entered into a contractual relationship with Rentokil, who are providing a subsidised service to our residents with additional discounts for those on defined benefits. Despite the fact that the treatment of all pests is now being charged for, the new arrangements have been reasonably well received and are working well. The contract will need to be renewed early next year which will provide a further opportunity to review the level of service provided.

As part of their overarching responsibility for food safety throughout England and Wales, the Food Standards Agency (FSA) undertook a review of the Council's food safety service. Whilst it found the inspections and investigations to be well undertaken, they did raise concerns around some of the Council's record keeping and administrative systems. I am pleased to report that a recent re-inspection by the FSA has shown a considerable improvement, with some of our processes now considered to demonstrate 'best practice'. The full inspection report will be presented to the Safer, Cleaner, Greener Scrutiny Panel at a future meeting.

Neighbourhoods

The Council's Environment & Neighbourhood Officers have recently been out in Loughton High Road, targeting littering offenders. In three hours the officers witnessed 11 littering offences, and subsequently issued Fixed Penalty Notices for the offences. Prior to the operation the officer visited the area and asked a number of shops to put up some "No littering" posters. It is important to note that cigarette butts and chewing gum deposited on the street are also classified as litter under the Environmental Protection Act 1990 and, along with 'normal litter', can attract fines of up to £2,500 if the case goes to court.

This activity will be repeated on a quarterly basis with areas being targeted. It is also intended to authorise Police Community Support Officers to be able to issue fixed penalty notices for littering.

To date 17 Fixed Penalty Notices have been issued, of which 14 were for littering. One went to Court attracting a fine of £80 and £150 costs and another is proceeding to Court. Most however have been paid by the recipients.

Report to the Council

Committee: Cabinet

Date: 28 June 2011

Subject: Finance and Economic Development Portfolio

Portfolio Holder: Councillor Gagan Mohindra

Item: 6(d)

Recommending:

That the report of the Finance & Economic Development Portfolio

Holder be noted

Accountancy

In recent years the Accounts and Audit Regulations have required the approval at June Council of the draft Statutory Statement of Accounts. The latest update of the Regulations has removed this requirement so the Accounts will not be presented to Council until September, when the audited set will be on the agenda. The outturn reports for both revenue and capital were presented to the Finance and Performance Management Cabinet Committee on 20 June and the Finance and Performance Management Scrutiny Panel on 21 June. I do not want to repeat the contents of those reports but, as not all of you will have attended one of those meetings, it is worth giving you the headlines.

The revenue outturn showed that the additional focus on the need for savings proved more successful than had been anticipated. The revised estimates had reduced the anticipated use of reserves from £544,000 to £309,000 but the outturn actually saw £281,000 being added to the General Fund Reserve. These savings arose from a range of Council services including, building maintenance, utilities and waste management as well as the salary savings under the external recruitment freeze.

The capital outturn detailed spending of £9.9 million on a range of schemes, this was £1.5 million lower than the revised estimate. However, this was due to slippage on schemes rather than savings and so the budgets will be carried forward to complete the schemes in the current financial year. The largest underspends were on the Housing General Fund budgets as the Open Market Shared Ownership Scheme and the Affordable Housing Contributions to Housing Associations were both delayed.

Elsewhere on the agenda you will have seen the changes to the Treasury Management Strategy Statement. This is a preliminary step to put the Council in the position where it can take on the borrowing necessary when the Housing Subsidy System is reformed. The payment to the Government is likely to be in the order of £180 million but this will free the Council from the current requirement to make annual payments of £11 million. As the exact amount of borrowing is confirmed and the structure of it determined further reports will be made to Cabinet and Council.

Benefits

The performance data for 2010/11 was reported to the Finance and Performance Management Scrutiny Panel on 21 June and I would like to take this opportunity to highlight the improvements in the processing times. The average time taken to process a new benefit claim in 2009/10 was 33.41 days, performance for 2010/11 was more than 10 days better than this with an average of 22.96 days. There was a smaller improvement in processing changes of circumstance where the average time taken has reduced from 4.85 days in 2009/10 to 4.67 days in 2010/11. The targets for the year were to process new claims in 25 days and changes of circumstance in 8 days so these were both achieved.

Revenues

Collecting local taxes remains challenging in these difficult economic circumstances. The collection statistics for 2010/11 were also reported to the Finance Scrutiny Panel and 97.85% of Council Tax was collected in the year. This marginally exceeded the target of 97.8%. Performance on Non-Domestic Rates fell just short of the target of 98%, with 97.47% being collected. I should remind Members that these are just the in year collection rates and that the amounts not collected in year continue to be pursued.

Economic Development

A "London 2012 and Essex Procurement Business Breakfast" event is being held at Stansted on 30 June. This event is to show businesses how to register on *CompeteFor* the official 2012 system as there are still hundreds of 2012 contracts to be let. Essex County Council will also be explaining how businesses can get involved with supplying to them. There is a separate exhibition area where our staff and staff from Harlow and Uttlesford Councils will be engaging with businesses to discuss procurement opportunities. This event is being run in conjunction with the Federation of Small Businesses and Essex Chambers of Commerce.

Performance Management

(a) Key Performance Indicators 2010/11 - Outturn

The Finance and Performance Management Cabinet Committee and Scrutiny Panel have recently reviewed outturn performance against the Council's Key Performance Indicators (KPIs) for 2010/11. In adopting a suite of forty-eight KPIs for 2010/11, a target was set for at least 70% to achieve target performance by the end of the year.

The Secretary of State for Communities and Local Government announced changes to existing performance arrangements in October 2010, including the cessation of the National Indicator Set, a number of indicators from which were part of the KPI suite. Whilst the majority of the National Indicators continued until 31 March 2011, eight were subsequently ceased by the government, and the requirement for the Council to collect and report data against these indicators for 2010/11 was removed.

The outturn position with regard to the achievement of target performance for the remaining forty KPIs for 2010/11 is as follows:

- (a) 25 (62.5%) achieved the performance target for 2010/11;
- (b) 14 (35.0%) did not achieve the performance target for 2010/11;
- (c) 1 (2.5%) cannot currently be reported, as outturn performance is awaiting the completion of the final accounts process for the year.

The Council did not therefore achieve its overall aim of achieving target performance for at least 70% of the KPIs for 2010/11. However, of the 14 KPIs that did not achieve the performance target for 2010/11, the outturn for 7 (50.0%) indicators was within 5% of the target for the year.

The Cabinet Committee and the Scrutiny Panel have agreed proposals for a revised set of KPIs for 2011/12 and, at their respective meetings in late June 2011, considered a corporate KPI performance improvement target for the current year, which I will report to the Council.

(b) Corporate Strategy Tool 2011/12

The Finance and Performance Management Scrutiny Panel has received a demonstration of a new interactive 'Corporate Strategy Tool', which enables users to explore the Council's current Medium-Term Aims, Key Objectives and KPIs, and to examine current levels of performance.

The tool is designed to help users to understand the links and relationships between the authority's aims, objectives and indicators, and how these relate to the Sustainable Community Strategy, the Corporate Plan, and the Council's service directorates and portfolios. The tool can be used to view the most up-to-date quarterly performance reports for each of the KPIs, and to scrutinise indicator definitions and the current Business Plan for each directorate and service area.

The Corporate Strategy Tool was developed by the Performance Improvement Unit, and will be updated on an annual basis. The tool has recently been published on the Council's website, and supports the Medium-Term Aim of being recognised as an innovative and transparent authority.

Estates

There is a lot going on in the Estates Section currently but much of this is work in progress that it would not be appropriate to report on at this stage. One area where I hope to be able to report positive progress to Council in the near future is the Langston Road Development. A meeting is due to take place shortly with Essex County Council to take forward the highways issues and if these can be resolved it should allow the scheme to proceed to a subsequent meeting of the District Development Control Committee.

Having commented on a number of performance indicators already, there are two relating to Estates that are worth a mention. There is a Local Performance Indicator (LPI) that measures rent arrears as a percentage of rental income and at the end of 2010/11 this was 3.1%, down from 4.3% in 2009/10. The occupation rate for commercial and industrial property is also measured as a LPI and this has remained at the 2009/10 level of 97.63%.

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Report to the Council

Committee: Cabinet **Date:** 28 June 2011
Subject: Housing **Item:** 6(e)
Portfolio Holder: Councillor Maggie McEwen

Recommending:

That the report of the Housing Portfolio Holder be noted.

Official Opening of Rural Housing Scheme – School Lane, Abbess Roding

I am pleased to report that the Secretary of State for Communities and Local Government, The Rt. Hon. Eric Pickles MP, officially opened another rural housing scheme in the Epping Forest District in May 2011, at School Lane, Abbess Roding.

The 6 affordable homes (rented and shared ownership) have been provided by Hastoe Housing Association, one of the Council's Preferred Housing Association Partners, through the Council's "Rural Exceptions Planning Policy". Under the Policy, the Council gives planning permission for the development of affordable housing on sites that would not normally receive planning permission, provided that the homes remain affordable in perpetuity and are only let to local people with housing need who have a close connection with the village or surrounding villages.

Hastoe Housing Association worked closely with the Parish Council and the Housing Directorate to bring the scheme to fruition. Guests at the Official Opening had the opportunity to visit the new homes and speak to the new residents, all of whom are delighted to be living in their new homes, in an area with which they have a close connection.

Appointment of Repairs Management Contractor - Mears

The previous Housing Portfolio Holder kept members up to date with the progress to appoint a private repairs management contractor, for a period of up to 9 years, to manage and improve the Housing Repairs Service.

I am pleased to report that the contract with the successful tenderer, Mears, has now commenced, and the designated Housing Repairs Manager from Mears, Mike Gammack, has taken up his position at the Epping Depot and is already identifying improved ways of working.

The contract requires Mears to significantly improve the Council's performance on response and void property repairs and, in order for Mears to receive performance payments, the company must ensure that at least 98% of emergency, urgent and routine repairs are completed within 4 hours, 3 days and 2 weeks respectively, whilst maintaining 98% tenant satisfaction.

In addition, Mears has to deliver 5 key projects in the first year, including the installation of its own streamlined repairs IT system, the introduction of an appointment system for all

repairs and mobile technology for the Council's repairs workforce, and the provision of a more cost-effective supply chain for repairs materials - for the Council to benefit from the purchasing power of Mears to reduce unit costs.

Mike Gammack will be giving a presentation to members of the Housing Scrutiny Panel on 19 July 2011, explaining how Mears intend to implement the identified improvements.

The Repairs Advisory Group, comprising members, officers and representatives from the Tenants and Leaseholders Federation, will be meeting quarterly to review performance and progress with the improvements.

Council Housing Stock – Feasibility into the Benefits of the Feed-in Tariff

In order to meet stringent international greenhouse gas emission targets, the Government has introduced a financial incentive known as the "Feed-in Tariff" (FIT). This is a sum of money paid to a person or organisation who generates electricity from renewable sources, such a photo-voltaic (solar) panels or wind turbines.

The FIT is paid in two ways, the *Generation Tariff*, which is paid for the actual generation of electricity, and the *Export Tariff*, which is paid if the electricity is fed in to the National Grid. In addition, any electricity generated is available for use, free of charge, by the house-holder or the organisation. These outcomes are often referred to as the "Triple Benefit" of the FIT.

Once the solar panel and/or wind turbine has been installed, the Tariffs provide an income, which is funded by the Government for each unit of electricity generated and is guaranteed for a 25-year period.

In view of the potential savings that can be made to tenants' fuel bills, and the potential income to the Council from the FIT, the Director of Housing has commissioned specialist consultants to provide a report on how the Council can benefit from this opportunity, through the installation of photo voltaic panels on the roofs of Council properties.

It is envisaged that the report will be received in the near future and reported to the Housing Scrutiny Panel on 19th July 2011 for further discussion.

Remodelling of Jessopp Court, Waltham Abbey from a Scheme for Frail Older People to a Sheltered Housing Scheme

Essex County Council has advised the Council that it intends to phase-out the provision of an on-site, 24-hour care service at Jessopp Court, Waltham Abbey, which has been a joint-provision for frail older people requiring more care and support than in sheltered housing since 1992.

Under the joint-working arrangements, the County Council has been responsible for providing the on-site staffing and personal care to tenants, and for responding to emergency alarm calls on a twenty-four hour basis. The District Council is responsible for the building and undertaking the landlord functions, including repairs and maintenance.

The County Council has assessed that Jessopp Court does not meet its new Extra Care Standards and that there is no scope for adapting the premises to make it fit for purpose as an Extra Care Scheme.

As a result of the County Council's decision, it will be necessary for the scheme to be re-modelled into a sheltered housing scheme, to accommodate residents with lower levels of

care and support needs in the future, and for the Council to provide a Scheme Manager at the scheme. I will be reporting to the Cabinet on this issue at its meeting 18th July 2011.

Existing residents and their families have been consulted by the County Council to explain the position, and the existing residents are currently having their current and future care needs assessed by the County Council's Adult Social Care Team.

Private Sector House Condition Survey

The Housing Directorate is about to commence a Private Sector House Condition Survey to assess the condition of the 44,000 owner-occupied and privately-rented homes in the District. It is a legal requirement that local authorities keep the condition of the private sector housing stock in their district under review, in order to put suitable arrangements in place to meet their statutory responsibilities.

The Stock Condition Survey involves specialist consultants surveying 1,000 randomly-selected properties across the District.

The survey will take around 2 months to complete and, once the survey results have been analysed, officers will report the findings to the Housing Scrutiny Panel in October 2011. The results will help to determine the direction of the Council's Private Sector Renewal Strategy 2012-2015, which will be presented to the Cabinet for approval early in 2012.

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Report to the Council

Committee: Cabinet

Date: 28 June 2011

Subject: Leisure and Wellbeing Portfolio

Portfolio Holder: Councillor Ricki Gadsby

Item: 6(f)

Recommending:

That the report of the Leisure and Wellbeing Portfolio Holder be noted

Leisure/sports facilities

Despite the recessionary times, the leisure centres managed by Sports and Leisure Management have continued to perform well, and, subject to final agreement between us, it is likely that the Council will benefit this year from the profit share arrangements built into the contract

Olympic Games

It will soon be just a year to the opening of the 2012 Olympic Games. The Council continues to be involved across a wide range of issues regarding the White Water Centre just across the border in Broxbourne, with officers from all the authorities involved moving now from the planning phase into the operational phase. We now know that the Olympic Torch will stay overnight in Chelmsford and we await to learn the route it will take and the communities it will visit as it passes through Essex.

With just one year to go before the start of the London 2012 Games, Community Services are holding a free event for young people aged 11 to 18 as part of the London 2012 Open Weekend. The event which is taking place at Town Mead on Sunday 24 July 2011 includes screenings of the popular dance film "Street Dance" and the skateboard classic "Lords of Dog Town", sessions with the Tottenham Hotspur Foundation freestyles and football coaches, a skate and BMX jam, hair braiding and nail art stalls, and dance workshops with the star of "Street Dance", Kofi Agyemang. The event is being produced by EFDC in partnership with Waltham Abbey Town Council.

North Weald Airfield (Operational)

The annual "Fun Day" took place on Sunday 5 of June, with funds being raised for a number of national and local charities including St Clare Hospice, the Herts & Essex Air Ambulance, Guide Dogs for the Blind and Help for Heroes. The day was a celebration of the 70th anniversary of the American Eagles Squadron being based at North Weald during World War 2. Despite the somewhat unsettled weather, the event was very well attended. My thanks go to all the people who helped to make the day such a success, particularly Weald Aviation and the staff at North Weald Airfield.

Epping Forest District Museum

Gallery Refurbishment at the Museum has seen the creation of the 'Your History' Gallery. The new display picks up the history of the area at the start of the 18th Century and follows it through to the end of the 20th Century. By focusing on themes of work, home life

and shopping, it reflects the changes in the District and the lives of its residents over the last 300 years, including the story of the Cottis Iron Foundry and local dairy industry, which produced 'Epping Butter' extolled in the Victorian Mrs Beeton's 'Book of Household Management'.

The Museum is joint winner of the 2010 prestigious Alan Ball Local History Award for the best work of local history produced under the auspices of a local authority. The award is made by the Library Services trust, part of CILIP, the professional body for those engaged in information work. The award is for *The Life and Art of Octavius Dixie Deacon*, by Chris Pond and Richard Morris.

With support of the Museum Libraries and Archives Council/ Victoria and Albert Museum Purchase Fund, the Museum has recently acquired a number of new items including two Bronze Age founders hoards dating to circa 1500 BC from Ongar and a medieval crucifix dating from the late fifteenth to early sixteenth century, which was found in North Weald.

9 July 2011 is the public opening of the 'I Love Music' exhibition, which showcases the talent and influence of music artists, bands, radio and venues of the eastern region. From the birth of radio at Chelmsford to current festivals via the many bands who played at the 'Wakes Arms' public house in the 60's and 70's. The exhibition will feature two major loans from the Victoria and Albert Museum; one of 60 pop icon, Sandy Shaw's dresses and an early poster for the Knebworth Festival.

Summer programme

Community Services will be providing a varied and exciting holiday programme for 2 to 19 year olds across the district, including play schemes, play in the park, dance workshops, fitness sessions, trampolining, football, theatre productions, the Epping animated games and much more. 2011 Summer Brochure is available now from Community Services or from the Council's website.

Football Freestyle Competition

Sports Development and Tottenham Foundation are providing an open event for under 11's to 16 years+ at a arrange of venues across the district. Apart from general prizes, the winner of the 16+ category will also win a 6 month contract as a Tottenham Hotspur Foundation Football Freestyler. The final is being held on Saturday 16 July.

New 3G Astroturf Pitch at Waltham Abbey

On Monday 6 June, Cabinet approved the award of building contract for the 3G synthetic football pitch at Townmead, to AMB Sports Ltd for the total sum of £504,583.00. As per the original Cabinet decision, the Council will be entering into a joint management agreement with Waltham Abbey Town Council.

Community Arts

EFDC artists Sonja Zelic and Helen Palmer have started work with residents and groups on the Limes Farm Estate to create a new artwork for the newly refurbished Limes Farm Hall. The artwork will also be part of the Epping Forest District Museum's China in the East programme.

Aiming High for Disabled Children funding

Following the submission of a detailed funding application, a total of £46,000 was recently secured by Community Development, via the Essex Aiming High for Disabled Children Fund. This was for the improvement of play spaces at Hillyfields, Loughton and Larsens Park, Waltham Abbey to provide accessible play opportunities for children with

disabilities. Funding paid for improved pathways, accessible swings, roundabouts and interactive sensory boards.

Youth Councillors assist with City Of London's "Branching Out" Consultation

Youth Councillors were invited to visit Epping Forest in April to view the Heritage Lottery funded work being carried out by the City Of London and to take part in the related consultation. Tree surgeons joined the Youth Councillors and explained their apprenticeship scheme. The Youth Councillors also toured the new Visitor Centre next to the Queen Elizabeth's Hunting lodge. The project includes the renovation of two Victorian coach houses and the Butlers Retreat Tea Shop. Youth Councillors gave feedback on the work to date and input a number of innovative ideas to encourage more young people to use the forest area.

Youth Council produce their "How Safe are U?" personal safety DVD

Youth Councillors have been working hard to produce a Personal Safety DVD for schools to raise pupils' awareness of staying safe. Key messages include; travelling safely on public transport, personal safety, care of personal belongings and alcohol awareness. The project has been funded by the Youth Opportunity Fund and has included work in partnership with the Ignite Youth Group at St Marys Church Loughton, Roding Valley High School and Essex County Council. The DVD will be completed by July.

Youth Councillors are also producing a 'How to Report a Crime' leaflet for young people. They consulted with 80 of their peers and the majority said that they did not know how to report a crime or an incident. Youth Councillors are also producing worksheets for schools in the district to support the DVD and to ensure that pupils understand the key messages.

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Report to the Council

Committee: Cabinet

Date: 28 June 2011

Subject: Planning and Technology Portfolio

Portfolio Holder: Councillor John Philip

Item: 6(g)

Recommending:

That the report of the Finance & Economic Development Portfolio Holder be noted

Planning

(a) Planning Performance

The end of year KPI information is being presented to the Finance & Performance Management Scrutiny Panel on 21st of June. With the quarterly indicators only our appeals target was not met. In detail:

LPI 45 Appeals - The Q4 Target was 28.00%, but the Performance was 35.80%, so that doesn't meet the target. We will continue publicising the appeals performance at our Area Plans meetings so that members are aware of the successful appeals. The expectation is that for the current year we will track Appeal performance separately for Officer delegated decisions and for Committee decisions.

NI 154 Net additional homes - .Q4 target 180, performance 356. The target was met and was significantly up on last year's figures.

It is particularly pleasing to see that both Planning application processing targets have been met this year. I will be tracking this closely to see if the movement to a four weekly cycle of Area Committees is having a significant effect.

NI157a Planning application processing (majors) - Q4 Target 81.00% , Performance 84.62%.

NI157b Planning application processing (minors) - Q4 Target 80.00%, Performance 80.55%.

As far as the annual indicators are concerned we have achieved target in the supply of ready to develop housing sites, at 144% against a target of 100%. This is down on last year as a result of housing developments being completed. As we go forward we need to ensure that this supply remains available and will be part of the input into our Local Development Framework. On that front the LDF target was not met and I will be examining the options to bring this critical activity forward.

(b) Building Control

Over the last year the ring fenced account for Building Control has delivered a small surplus. This is on top of a similar achievement the previous year. At that point we were one of only two Essex Local Authorities that achieved this. It is especially pleasing to have succeeded here in a climate of reduced building development. We expect this to be, again, the exception in Essex.

(c) Government Consultation on Gypsy Roma Traveller

The Planning Scrutiny Panel discussed a response to the current consultation. A number of changes of detail and emphasis were raised and a report will be on the agenda for the Council meeting.

Technology

(a) Disaster Recovery (DR)

The current situation of two computer suites at the same physical location is recognised as not being a satisfactory DR solution. A secure location at Council's Careline facility in Loughton has been identified and agreed by Cabinet as a suitable external DR site. The project is progressing well with a feasibility study into cabled and wireless broadband solutions currently underway. It is expected that when implementation occurs there will be a significant improvement in our restoration time for critical services. This will help to ensure our business continuity

(b) Telephony Upgrade (VOIP)

With a significant proportion of external communication with the Council being via the telephone system it has been identified that the current telephony switch is reaching 'end of life', with parts and maintenance charges becoming significantly expensive. We are examining the implementation of an expandable Voice Over Internet Protocol (VOIP) solution, which will utilise the existing data network for connectivity. A number of meetings with potential suppliers have taken place to establish the best phased approach to migrate from this analogue to VOIP technology. The adoption of this approach will not only reduce costs, but will ultimately make a Disaster Recovery telephony solution more easily achievable.

(c) Information at Work (I@W) – Environment & Street Scene rollout

The next stage of the implementation of the Corporate Document Management System is being planned. Benefits, Planning and Housing Directorates are already benefiting from this application, which improves document storage and availability. The next stage of the implementation will commence in the Autumn.

(d) Internet/Intranet replacement.

The current intranet solution, which is based around a content management system, is no longer fit for purpose. A system based on open source software (free software) has been developed internally to replace this and is currently being trialled locally, with good feedback received. It is anticipated that this solution could be used in the development of a new website to replace the current implementation. The current solution is perceived to be very

inflexible and actually achieved a poor rating in the latest SOCITM (Society of IT Management) survey.

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Report to the Council

Committee: Cabinet

Date: 28 June 2011

Subject: Safer and Greener Portfolio

Item: 6(h)

Portfolio Holder: Councillor Penny Smith

Recommending:

That the report of the Safer and Greener Portfolio Holder be noted

Community Safety

The annual outturn figures for overall crime in the District show a very small increase (less than 1%) on 2009/10. This is however a little disappointing given that a reduction of 2% had been sought. Within this increase there are however a number of significant improvements such as Anti-social behaviour reported to the Police where a reduction of 957 incidents (19%) has been achieved.

Crucial Crew was held from June 13 through to June 24 at Gilwell Park and over 1,275 children have attended from across the District including state, private and home schooled pupils. A wide range of agencies worked together to deliver the event including British Transport Police, Sainsburys, The Ambulance Service and for the first time, ignite, who run activities for young people in Loughton. This year we were very pleased that the new High Sheriff, Lady Ruggles-Brise, was able to attend. The High Sheriff's fund has contributed towards the Crucial Crew Handbooks distributed to all pupils attending the event.

The Safer Communities Team and Essex Police CCTV Van demonstrated equipment at the American Eagle Fun Day & Flying at North Weald Airfield on Sunday 5 June giving the members of public the opportunity to see how our redeployable cameras and ANPR equipment operate in the District. We currently have four redeployable cameras installed across the District and on one camera alone we have identified a number of incidences of fly tipping in progress, the details of which have been passed to the Neighbourhoods Team for further investigation. In April this year, in Crown Court, a defendant was imprisoned for four years for robbery. Part of the evidence used was CCTV provided by the Council.

Finally a CCTV clip provided by the Safer Communities Team showing cash point crooks in action has been viewed more than 328,000 times on the Essex Police website, accounting for around 20% of all page views on the Essex Police website.

Parking

The North Essex Parking Partnership has now been formally established and I shall be attending the inaugural meeting, in Chelmsford on the 28 June.

Epping Parking Review has regrettably fallen behind schedule, due in some part to changes in Cabinet responsibilities at the County and the restructure of the County

highways service. I understand that the new County Cabinet Member with responsibility for highways, Councillor Mrs Chapman, is urgently considering the outcome of the formal consultation exercise. Unfortunately, the delay with the Epping review will mean a similar delay in the Buckhurst Hill and Broadway reviews which are scheduled to follow on. If further information on progress is available before the meeting I will provide that orally on the night.

Local Highways Panel

The future of Local Highways Panel is currently under consideration and therefore the next meeting has been cancelled.

Sustainability etc

On Green matters, NI 185(KPI 58)- Council CO2 emissions it is being suggested that to improve on this indicator, the first step will be for the Council to collate all possible data on energy and fuel use within its buildings, through the Environmental Co-ordinator, with help from the Facilities Management Team. On NI 187(KPI 59) - Fuel Poverty, the Environmental Co-ordinator is working on new definitions, targets, and improvement plans. These items will be discussed at the September meeting of the Finance and Performance Scrutiny Panel, and they can then come to the Safer Cleaner Greener Panel at their October meeting.

Countrycare reaches 25 - in April 2011, Countrycare reached its twenty-fifth year. In addition to raising approximately £300,000 of external grant funding since 2000, Countrycare have been playing a key role in managing the countryside in the district and educating the population regarding nature conservation. The District Council now has nine Local Nature Reserves and 222 Local Wildlife Sites. Countrycare also works with Parish and Town Councils to manage many other smaller sites. Volunteers, schools, youth groups and community groups are involved in project days to manage these sites, improving access and biodiversity with woodland and grassland management. Countrycare's longevity and success has been in no small part down to the fantastic community support it has enjoyed. Whether through the help of volunteers on project days or support from the Parish and Town Councils and community groups across the district, it would have not been possible to achieve so much without this input. A series of events are being held over the summer to celebrate the service's 25 years and information is available on the Council's and Countrycare's website.

Loughton Tree Strategy - The draft stage of the Loughton Tree Strategy is now completed. It is a comprehensive review of Loughton's trees, as part of the wider natural environment, and in their social and historic context. The strategy includes key objectives for action. It differs from previous tree strategies in being designed first and foremost as a document to be viewed on our website as a pdf, which means that it can be full colour, with far more photographs. The next stage will be to share the draft with partners, in particular the Town Council and local tree wardens, and to submit the document to members for approval.

Report to the Council

Committee: Cabinet

Date: 28 June 2011

Portfolio Holder: Councillor Gagan Mohindra (Finance and Economic Development)

1. EPPING FOREST COLLEGE, LOUGHTON - APPROVAL TO DEVELOPMENT WORKS

Recommending:

That, pursuant to the restrictive covenant in paragraph (b) of the Third Schedule of a Conveyance dated 1 May 1952, approval be given as landowner of the adjoining lands to a scheme of works to be carried out on land known as the former Loughton Sports Hall as shown by a black verge on the plan attached to this report.

Background

1. The current Epping Forest College site was transferred in 1952 to Essex County Council by the then London County Council. The transfer was subject to covenants and a right of pre-emption which are now vested in the District Council (as successor to the London County Council in this case).
2. The covenants restrict the use of the land to use for the purposes of the Education Act 1944 and/or the National Health Services Act 1946 and require approval for the erection of any building.

Previous Decisions

3. To enable Epping Forest College to re-design and rationalise its campus it wishes to sell the former Loughton Sports Hall site shown by black verge on the plan attached to this report.
4. In order to achieve this aim the Council at its meeting on 28 September 2010 agreed that the right of pre-emption in respect of that land should be released unconditional. The Council also agreed that the covenant which restricted the use of that land should be fully released in return for a side letter or words in a Deed of Release with respect to the College providing replacement sports facilities when their funding situation allowed.
5. The Deed of Release of covenants and the side letter have been agreed but have not yet been completed.

Current Request

6. The College on its own behalf and that of its purchaser, Rubyrose is now seeking the Council's approval for the demolition of the Sports Hall and the construction in its place of a new 85 bed care home development with car parking and landscaped secure garden areas in accordance with planning permission EPF/2439/10.

7. In support of its request the College has pointed out:
 - (a) the proposed development has already received the approval of the Council as Planning Authority and accords fully with all relevant development regulations;
 - (b) the proposed development does not harm or prejudice the interests and reputation of the Council;
 - (c) the proposed development does not interfere with or inhibit the Council's ability to discharge any of its statutory powers and/or duties; and
 - (d) the giving of approval would be consistent with the Council's exercise of well-being powers, to enter into or facilitate transactions which will bring significant benefit to the local population.
8. The current request relates to the covenant which requires that buildings shall not be erected on the land except in accordance with layout and site plans first submitted to and approved by the Council.

Covenants

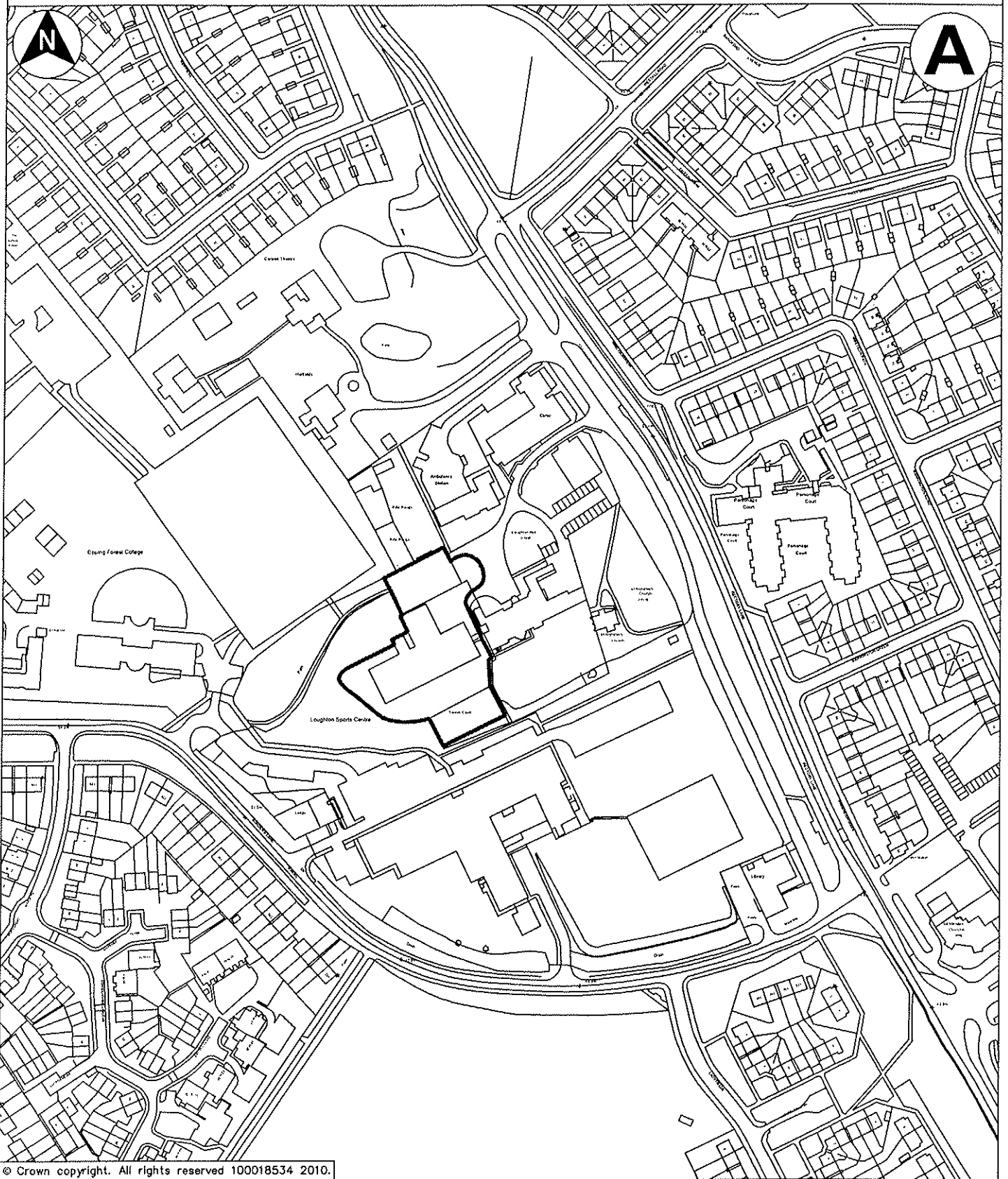
9. Covenants may be released and modified in a number of ways and the most used ways through the Lands Tribunal. In 1998 the Council sought specialist advice from Montagu Evans, Chartered Surveyors on the removal of the restricted covenant relating to the use of the land. A compensation payment would normally be payable to reflect the increase in the value of the land resulting from the development potential. The advice confirmed that if the Council refused to release the covenant, the matter would be referred to the Lands Tribunal which would be likely to agree to the release. The level of compensation would be restricted to the difference in the value of the land with and without the covenant when the transfer took place in 1952, accordingly it would be nominal..

Reasons for Recommendation

10. The Council's only interest in the outstanding covenant is as landowner of the adjoining lands to which the benefit is attached.
11. The former Sports Hall buildings are life expired and obsolete and will be replaced by new facilities meeting modern energy performance standards.
12. Accordingly we recommend as set out at the commencement of this report.



EPPING FOREST DISTRICT COUNCIL



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|--|-------------|--|--------------------------|
| John Gilbert M.C.I.E.H.M.R.S.H. Director of Environment & Street Scene Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992564000 | Project | Content | Date |
| | Land Plan | Epping Forest College Sports Hall Rectory Lane Loughton | 13.08.10 |
| | Drawing No. | | Scale |
| | 2010100066 | | 1:2500 |
| | | | Drawn by Robert Purse |

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Report to the Council

Committee: Overview and Scrutiny Committee

Date: 28 June 2011

Chairman: Councillor R Bassett

1. REVIEW OF CONTRACT STANDING ORDERS – 2010/11

RECOMMENDING:

- (1) That the schedule of amendments to Contract Standing Orders set out in the Appendix to this report be approved;**
- (2) That the proposed changes to CSOs C4(1)(g) (Contract Renewals) and C7(6)(a) (Ad Hoc Tender Lists) be reviewed in 2012/13; and**
- (3) That Contract Standing Orders and Financial Regulations be reviewed in alternate years in future, viz**

**2011/12 – Financial Regulations
2012/13 – Contract Standing Orders**

1. Introduction

- 1.1 This report deals with the annual review of Contract Standing Orders by the Constitution and Member Services SSP.

2. Review of Contract Standing Orders

- 2.1 The Appendix to this report sets out detailed changes to Contract Standing Orders which we are recommending from this year's review. The Appendix excludes a number of minor textual changes (renumbering, typographical errors and various cross references) which can be made by officers when the Contract Standing Orders are prepared for publication.
- 2.2 We draw the Council's attention to the fact that none of the changes proposed represent fundamental differences with the version which has been in use for a number of years. The Panel's attention is however drawn to the more significant proposals, namely:
 - (a) provision for tender acceptance terms to be agreed in advance avoiding the need for the Cabinet or a Portfolio Holder to accept tenders (C19(2));
 - (b) introduction of a 10% tolerance when comparing pre-quotation estimates with the value of quotations received in determining whether a Portfolio Holder needs to accept the lowest tender (C20(3));
 - (c) transfer of responsibility for approving ad hoc tendering lists from Portfolio Holders to Chief Officers so as to maintain confidentiality (C7(6)(a));
 - (d) more controls on sub-contracting by main contractors; and

- (e) definition of “arithmetical errors” in relation to C7(6)(a) (Ad Hoc Tenders).
- 2.3 We recommend that the changes under 2.2(a) and (e) above be reviewed again in 2012/13 to assess whether they have been effective.
- 3. Guidance and Training for Staff Engaged in Procurement**
- 3.1 The SSP’s review of Contract Standing Orders revealed that improved guidance on procurement is required. The Essex Procurement Hub is now available to the Council but there remains some lack of clarity as to how Contract Standing Orders relate to that system.
- 3.2 An Officer Working Party is now working on a flowchart which will be an operational document, guiding procurement officers through the steps and choices in the process. It will also be used as an on line training aid. We were happy to support this initiative.
- 4. Future Reviews of Contract Standing Orders and Financial Regulations**
- 4.1 We noted that reviews of Contract Standing Orders and Financial Regulations are currently carried out once a year. In the case of Financial Regulations, very few changes have arisen in recent years. For Contract Standing Orders, there has been a number of changes but this trend is now regarded as counter-productive in some ways because the various changes have merely served to increase the need for clarification with relevant staff.
- 4.2 We support recommendation of the SSP that reviews of Financial Regulations and Contract Standing Orders should be in alternate years, with the next review of Contract Standing Orders taking place in 2012/13 and Financial Regulations during 2011/12. This will provide more stable rules and give greater weight to training and guidance as the means of dealing with problems. Procurement via Contract Standing Orders will increasingly be secondary to use of the Essex Procurement Hub and our view is that the Council should not need to review these procedures so often.
- 4.3 Changes to Contract Standing Orders require an amendment to the Constitution, requiring approval of this Committee and the Council. We therefore recommend as set out at the commencement of this report.

REVIEW OF CONTRACT STANDING ORDERS (CSOs)

| CSO Number/Subject | Present Wording | Proposed Amendment | Comments |
|--|---|--|--|
| C1(6)(a) (Definitions) | “For the purposes of these Standing Orders, the expression (a) “Chief Officer” means the Chief Executive, the Deputy Chief Executive or a Service Director.” | ADD “Assistant Service Director” | To reflect current operational practice and Directorate delegation arrangements. |
| C1(12) (Definitions) | “These Contract Standing Orders apply to procurement of goods and services...” | DELETE “goods and services”. SUBSTITUTE “goods, services or works”. | To clarify the range of activities involved. |
| C2(1) (Selection of Tendering Method) | “(1) A chief Officer is required, prior to the invitation of tenders or quotations, to determine the correct procurement procedure in accordance with the provisions of Standing Orders, based on the best estimate available at that time of the contract sum.” | ADD new paragraph (to be numbered (2)) as follows: “(2) A Chief Officer who is of the opinion that tenders or quotations are only likely to be available from a single source, shall compile and record auditable evidence which justifies his or her decision not to pursue procurement by competition.” | Single source procurement is not available as an option in Contract Standing Orders. However, the new paragraph (2) introduces this means of procurement as this situation does arise in practice. The Chief Officer is required to compile evidence which justifies his or her decision. |
| C4 (1)(g) (Contract Renewals) | “Where the Council has procured services, supplies or works through a competitive process and the services, supplies or works are considered to represent best value in terms of quantity and price, then the relevant Chief Officer should be enabled to continue for a period of no more than 4 years... to appoint that service provider...” | DELETE: “4 years” and SUBSTITUTE: “2 years” | Contract renewals over a period of up to 4 years put value for money at risk due to changes in the market. Renewals should be limited to two years only, after which the market should be tested once more. This change should be subject to further review in 2012/13 when CSO’s are recommended to be reviewed again. |

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| CSO Number/Subject | Present Wording | Proposed Amendment | Comments |
|--|---|---|--|
| C4 (3) (Notification of Contracts to Chief Internal Auditor) | “Chief Officers will notify the Chief Internal Auditor of all individual purchases and contracts... over £25,000 in value whatever the period of the contract...” | ADD new sentence to C4(3) as follows: “These requirements shall apply equally to procurement under the Essex Procurement Hub or Contract Standing Orders.” | Additional reference to the Essex Procurement Hub is to clarify that all contracts are to be notified. |
| C6(1) (Restricted Tendering – for Contracts Exceeding £50,000 in Value) | “... A Chief Officer will resolve that invitation to tender for a contract be limited to those persons or bodies whose names are on Constructionline...” | ADD new paragraph to C6 (to be numbered (1)) as follows: “(i) For the purposes of this Standing Order restricted tendering is defined as any procurement where large numbers of applicants to join a tendering process are anticipated. Such tendering arrangements will consist of: (a) the pre-qualification stage – where potential suppliers are required to demonstrate their financial standing and technical ability to meet the Council’s requirements. Account will be taken at this stage of the potential suppliers’ past performance experience in equivalent contracts with the Council or similar bodies, health and safety, environmental and equality procedure checks and any references thought appropriate. (b) the tendering stage – where suppliers shortlisted at the pre-qualification stage are invited to tender. | Definition of “restricted tendering” will assist interpretation of requirements by Chief Officers. |

| CSO Number/Subject | Present Wording | Proposed Amendment | Comments |
|---|--|--|--|
| <p>C7(6)(a) (Ad Hoc Tender Lists – Contracts over £2 million)</p> | <p>“After the expiry of the period specified in the public notice and the contract notice, invitations to tender for the Contract shall be sent to</p> <p>(a) not less than five persons or bodies who have applied for permission to tender and who have been selected as suitable by the appropriate Portfolio Holder”</p> | <p>DELETE: “Portfolio Holder” in (a) and</p> <p>SUBSTITUTE: “Chief Officer”</p> <p>ADD after “Portfolio Holder” the following:</p> <p>“but only in respect of contracts valued in excess of £50,000 but less than the EU procurement thresholds”</p> <p>NB A clerical amendment of “four” to “ five” will be made.</p> <p>ADD new paragraph 6(d) as follows:</p> <p>“(d) In exercising their delegated authority under paragraph (a) above, Chief Officers will record the criteria used in decisions on the ad hoc list of tenderers and be required to supply a copy to the Chief Internal Auditor for audit purposes.</p> | <p>C7(6)(a) relates to approval of ad hoc tendering lists after public notice. Authority is currently required from Portfolio Holders but it is recommended that this should be amended to refer to the appropriate Chief Officer. This will avoid premature disclosure of the list of competitors via the Portfolio Holder decision process. Clarification of the contracts which are involved is also recommended, namely those contracts above £50,000 in value but below the EU limit</p> <p>It is proposed that a new paragraph (d) be added requiring Chief Officers to record their decisions for audit purposes.</p> <p>It is also recommended that this change in procedure be reviewed in 2012/13.</p> |
| <p>C8(2) (Open Tendering)</p> | <p>“For the purposes of this Standing Order, procedures should comply with the requirements of... C16 (Opening of Tenders)”</p> | <p>ADD new paragraph (to be numbered (3)) as follows:</p> <p>“(3) The procedures for the opening of tenders may be varied in accordance with CSO 19 (relating to pre-tender estimates).”</p> | <p>To clarify that arrangements for tender opening and the circumstances where a Portfolio Holder need not supervise (see CSO 19 below).</p> |

| CSO Number/Subject | Present Wording | Proposed Amendment | Comments |
|--|--|--|--|
| C10(a)(1)(i)(Contractor Selection – All Contracts Valued at More Than £25,000) | <p>“(1) For contracts in excess of £25,000, under no circumstances shall an invitation to quote be given to any person or body:</p> <p>(i) whose names do not appear on Constructionline unless the trade required is not included on Constructionline...”</p> | DELETE (i) | This section is unduly restrictive and does not reflect the procurement options available via the Essex Procurement Hub and Contract Standing Orders. Constructionline remains an option for some types of contract. |
| C12 (Sub Contractors and Nominated Suppliers) | ADD NEW PARAGRAPH TO BE NUMBERED (3) | ADD new paragraph as follows: “(3) Any contractor appointed by the Council to perform any contract shall not appoint a Sub Contractor to perform any part of that contract or any supplier without the prior written consent of the Council”. | This Contract SO relates to a Sub Contractor or supplier which may be nominated by the relevant Chief Officer to the appointed contractor. Any such Sub Contractor or supplier may only be nominated by the Chief Officer if competitive quotations are obtained in according with contract standing orders. At present this CSO does not deal with a main contractor who wishes to sub contract. The proposed amendment is proposed in order to require that any such appointment is approved in advance by the Council. |
| C14(1) (Appointment of Consultants) | “... The Council’s standard forms of appointment for consultants shall apply in all cases unless the Director of Corporate Support Services directs otherwise. These are set out on the Council’s intranet.” | ADD new sentence at the conclusion of paragraph (1) as follows: “All Chief Officers shall be required to take advice from the Council’s legal staff on the form of contract to be used and specific provisions to be included therein before any contract is executed.” | Places a responsibility on Chief Officers to consult fully with legal staff throughout the contract process so as to avoid complications at a later stage. |

| CSO Number/Subject | Present Wording | Proposed Amendment | Comments |
|---------------------------------------|--|---|--|
| C14(2) (Engagement of Consultants) | “The engagement of consultants shall be in accordance with Standing Orders...” | ADD reference in (2) to C14(1) (Legal Advice on Contracts) – see preceding item | Ditto |
| C18 (Alterations) | <p>“(a) Quotations and tenders shall not be altered after the date stipulated for their return, save that the relevant Chief Officer shall permit correction of arithmetical errors if he is satisfied that such errors were made inadvertently.</p> <p>(b) If an error is identified before the closing date for the return of tenders, all the tenderers shall be informed of the error and invited to adjust their tenders.</p> <p>(c) If an error in the specification is identified after the closing date for the return of tenders, all tenderers shall be given details of the error and afforded the opportunity of withdrawing the offer or submitting an amended tender.”</p> | <p>ADD following note after (c):</p> <p>“NOTE: For the purposes of paragraph (a) above the term “arithmetical error” is defined as an error in addition, subtraction, multiplication or division which has no impact on the results of the tendering exercise. Where omissions or similar errors occur in the tender which, if corrected would change the outcome of the tendering exercise, such corrections will not be undertaken except as a result of further consultation with all tenderers. “</p> | Definition of what is an arithmetical error would assist in the interpretation of this CSO. Arithmetical error should not include errors which affect the value of the tender (e.g. major omissions from the costed tender specification). |

| CSO Number/Subject | Present Wording | Proposed Amendment | Comments |
|---|--|---|---|
| <p>C19(2) (Acceptance of Quotations £25,000 - £50,000)</p> | <p>“(1) A Chief Officer may accept the lowest quotation received in respect of a contract not exceeding £50,000 in value or amount; a quotation other than the lowest received shall not be accepted until the relevant Portfolio Holder has considered a report...”</p> <p>(2) Paragraph (1) above shall not apply where: ...</p> | <p>ADD new paragraphs (to be numbered (2)(c) and (d)) as follows:</p> <p>“(c) the relevant Chief Officer has obtained approval in advance of the terms under which quotations will be accepted from the Cabinet or the relevant Portfolio Holder and acceptance of a quotation is fully in compliance with that decision.</p> <p>(d) in cases where quotations received exceed the limit of £50,000, provided that the lowest quotation exceeds the pre-contract estimate by no more than 10%</p> | <p>Currently C19(2) requires a Chief Officer to obtain the approval of the Portfolio Holder if other than the lowest price quotation is to be accepted.</p> <p>This applies to quotations in the range of £25,000 - £50,000. To avoid delays in letting contracts, it is recommended that, provided that the Chief Officer has agreed the terms of acceptance in advance including the basis of evaluation and the proposal to accept a tender other than the lowest accords with those terms, the Chief Officer may make the decision.</p> <p>New paragraph (d) would enable the Chief Officer to accept the lowest quotation even if it exceeds the £50,000 limit, provided it is no more than 10% above the pre-tender estimate.</p> |
| <p>C20(3) (Acceptance of Tenders – Contracts Exceeding £50,000)</p> | <p>“(3) A tender other than the lowest received may only be accepted after acceptance by the Cabinet or the Council on the recommendation of the appropriate Chief Officer to the Portfolio Holder concerned.”</p> | <p>AMEND first sentence of (3) by the addition of the following:</p> <p>“... unless the terms for accepting a tender have been approved in advance and the acceptance of other than lowest tender is fully in compliance with that approval.”</p> | <p>See above.</p> <p>The same exception is applied to tendering for contracts in excess of £50,000. Contracts over £1 million are excluded however as still requiring Cabinet or Council approval.</p> |

Report to the Council

Committee: Overview and Scrutiny Committee

Date: 28 June 2011

Chairman: Councillor R Bassett

1. OFFICER DELEGATION 2010/11 REVIEW

RECOMMENDING:

- ...
- (1) That the schedule of changes to Council delegation (Appendix 1) be approved including clarification of paragraphs (f) and (h) of the attached Appendix 2;**
 - (2) That the revised schedules be incorporated in the Constitution; and**
 - (3) That the schedules of delegation be re-configured on a Directorate basis in future.**

Report:

1. Introduction

- 1.1 We have carried out the annual review of officer delegation. This review is designed to keep these documents up-to-date and to reflect current statutory requirements and operational needs.
- 1.2 Such delegated authorities are agreed in one of two ways:
 - (a) approval by the Council in respect of Council (i.e. non-executive and regulatory) functions; or
 - (b) approval of the Leader of the Council for Executive (or Cabinet) functions.
- 1.3 This report brings forward updates to the delegation schedule, including those which have already been approved by the Council or the Cabinet during the last 12 months.

2. Proposed Changes

- 2.1 Appendix 1 sets out changes to delegation of Council functions. The remaining appendices show changes which have already been approved.
- 2.2 We are recommending that the format for the officer delegations used in respect of the Planning Directorate (see Appendix 2) should be used for the entire schedule in future. We feel that this is clearer for use by the public, officers and members and will also make the updating of the schedule easier.

3. Planning Delegation – Householder Applications

- 3.1 During our review, we noted the decisions of the District Development Control Committee on delegation to officers as set out in Appendix 2. Two queries arose in relation to this delegation.

- 3.2 Paragraph (f)i deals with householder applications. The Scrutiny Panel had asked the Assistant to the Chief Executive to check the position after their meeting and to include clarification in this report.
- 3.3 After discussion at our meeting, we are recommending revised wording for paragraph (f) which distinguishes between a number of development categories involved. We are also recommending that the number of objections required to trigger reference to an Area Plans Sub-Committee a minimum of 5 in the case of certain minor and defined “other” categories of planning application. There is no change from how the delegated procedure has been operating but it adds clarity. This will avoid an excessive number being referred to meetings.
- 4. Planning Delegation – Planning Applications Referred to Committee by Members**
- 4.1 We also reviewed the wording of paragraph (h) of Appendix 2. This relates to the circumstances in which a Councillor can require, on planning grounds, that an application should be referred to an Area Plans Sub Committee rather than being dealt with by the Director of Planning and Economic Development under delegated powers.
- 4.2 Once again, we feel that the wording should be clarified to make clear:
- (a) that the Councillor requesting the call in should represent a ward within the relevant Area Plans Sub area;
 - (b) that if that member is not the Ward Councillor for application site, he or she should have notified the Ward Councillor in advance; and
 - (c) that call in requests should be made within 4 weeks of the receipt of the application being notified in the Council Bulletin.
- 5. Conclusions**
- 5.1 We recommend as set out at the commencement of this report.

NEW AND REVISED OFFICER DELEGATION PROPOSALS – COUNCIL FUNCTIONS

| NO. | DELEGATION REF/STATUS | PRESENT WORDING/ DELEGATED OFFICER(S) | PROPOSED CHANGE |
|-----|--|--|--|
| 1 | CL39 (Freedom of Information) REVISED | <p>The present delegation in respect of FOI applications does not cover the Re-Use of Public Sector Information Regulations 2005.</p> <p>Officer Delegated: Assistant to the Chief Executive.</p> <p>In addition, in view of the increasing number of applications under the 2005 regulations for data collected from the Council's CCTV installations by the Police, Legal Firms and Insurance Companies, it is recommended that the Director of Environment and Street Scene be delegated to deal with those applications.</p> | <p>ADD additional paragraphs as follows:</p> <p>“To be responsible in accordance with the Council's policy for administering requests for information under the Re-Use of Public Sector Information Regulations 2005, including the level of fees and charges to be made if information supplied is to be re-used”.</p> <p>(Officer Delegated: Assistant to the Chief Executive).</p> <p>“To be responsible for administering requests under the 2005 Regulations in respect of use of CCTV data, taking account of the Council's policy and charging arrangements”.</p> <p>(Officer Delegated: Director of Environment and Street Scene).</p> |

| NO. | DELEGATION REF/STATUS | PRESENT WORDING/ DELEGATED OFFICER(S) | PROPOSED CHANGE |
|-----|--|---|---|
| 2 | <p>NEW – Planning Delegation</p> <p>Approved by District Development Control Committee on 7.12.10 (Minute 30).</p> | <p>Consolidation of various delegated authorities exercised by the Director of Planning and Economic Development under one Directorate Heading.</p> | <p>See Appendix 2 to the report.</p> <p>To clarify the wording of item (f) of Schedule A, we are proposing that the existing wording be substituted with the following:</p> <p>(f) Those applications recommended for approval where there are more than two expressions of objections are received, material to the planning merits of the proposal to be approved, apart from approvals in respect of householder type developments, telecommunication masts, shop fronts and vehicular crossovers and “other” category developments (changes of use, advertisements, listed building consents, conservation area consents), where more than four expressions of objections material to the planning merits of the proposal to be approved are received.</p> <p>To clarify the wording of part (h) of Schedule A, we are proposing that the existing wording be substituted with the following:</p> <p>(h) Applications referred by a District Councillor, who’s own ward must be in the relevant Area Plans Sub-Committee and who has firstly notified the relevant Ward Councillors in advance, so long as the referral has been requested in writing to Officers within 4 weeks of that applications notification in the Council Bulletin.</p> |

Planning & Economic Development Delegations Schedule Number 1: Development Control

| Function: | Principal Relevant Legislation (*see note) | Relevant Details: | Exceptions: |
|---------------------------------|---|---|-------------|
| Care of the environment. | <p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36</p> <p>Planning (Hazardous Substances) Regulations 1992</p> | <p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p> | No |
| Development Control | <p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p> <p>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2</p> | <ol style="list-style-type: none"> 1. Subject to Schedule A below, which are matters to be determined by committee, to determine or decline to determine any: <ol style="list-style-type: none"> a. planning applications, b. applications for approval of reserved matters, c. applications arising from any condition imposed on any consent, permission, order or notice, d. advertisement consents, e. listed buildings and conservation areas consents, f. discharge of conditions and g. non-material and minor material amendments. 2. To agree the precise wording of additional/ revised conditions to be attached to planning permissions, at members' request. 3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees. 4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development. 5. In relation to agricultural development, to determine whether to require the formal submission of details. 6. To determine applications in relation to certificates of lawful use and development. | Yes |

| | | | |
|--------------------|--|---|----|
| | | 7. To obtain and use necessary powers of entry to the land in relation to the above. | |
| Enforcement | <p>Town and Country Planning Act 1990 (as amended), Part 8, section 171-190, 196a,b,c, 215-219, 224, 324 and 325.</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38 and 88.</p> | <p>Authority for Director of Planning & Economic Development or Director of Corporate Support Services to:</p> <ol style="list-style-type: none"> 1. Issue Stop notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy. 2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised. 3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the Director of Corporate Support Services, or their nominee, having regard to the evidence considers the circumstances to require urgent action. 4. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices. 5. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant. 6. Obtain and use powers of entry necessary in relation to the above. | No |

- Note: the authority to be updated to take into account changes in the relevant legislation. All references are to the legislation as currently amended.

Schedule A: Matters to be Determined by the Relevant Committee

- (a) applications contrary to the provisions of an approved draft or Development Plan, and which are recommended for approval;
- (b) applications contrary to other approved policies of the Council, and which are recommended for approval;
- (c) applications for major commercial and other developments, (e.g. developments of significant scale and/or of wide concern) and which are recommended for approval;
- (d) applications for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and which are recommended for approval)
- (e) the councils own applications on its land or property which are for disposal;
- (f) those applications recommended for approval where there are more than two expressions of objection material to the planning merits of the proposal to be approved and received, apart from:
 - 1. approvals in respect of householder developments and
 - 2. "other" category developments (i.e. changes of use, advertisements, listed building consents, Conservation Area consents, lawful development certificates, agricultural notifications, as well as telecommunications masts, shop fronts and vehicle crossovers),.
- (g) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;
- (h) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member concerned has notified the Ward Councillor in advance;
- (i) applications where recommendation conflicts with a previous resolution of a Committee;
- (j) applications submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) or on behalf of a member of staff of Planning and Economic Development (and/or spouse/partner) and also in those cases where a councillor is an objector in a purely personal capacity;
- (k) any other application which the Director of Planning and Economic Development considers it expedient or appropriate to present to committee for decision (e.g. those raising issues not covered by existing policies, or of significant public interest, or those with a significant impact on the environment)
- (l) an application which would otherwise be refused under delegated powers by the Director of Planning and Economic Development but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

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Report to Council

Date of meeting: 28 June 2011

Subject: Annual Overview and Scrutiny Report to Council

Committee: Overview and Scrutiny

Chairman: Councillor R Bassett



Item: 14

Recommendation:

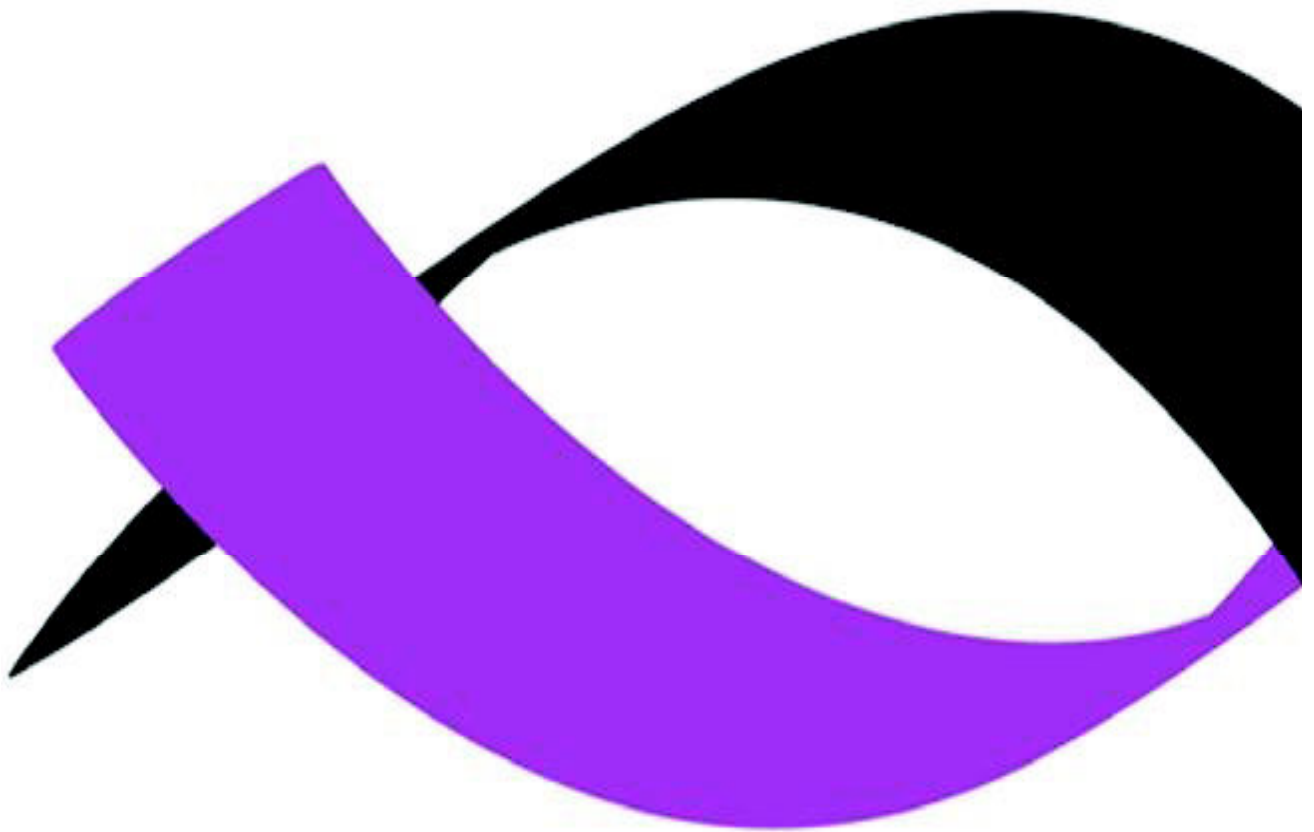
That the work undertaken by the Overview and Scrutiny Committee, the Scrutiny Standing Panels and the Task and Finish Panels during the past municipal year as detailed in the annual report be noted.

Report:

1. This report was produced in accordance with Overview and Scrutiny Procedure Rule 24 of the Constitution that requires an annual report to be submitted to the Council at the start of each year.
2. This is the tenth annual report to the Council and the sixth under the new scrutiny regime instituted by the Council in April 2005, incorporating the Scrutiny Standing and the Task and Finish Panels.

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Overview and Scrutiny Annual Report 2010-2011



Epping Forest District Council

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OVERVIEW AND SCRUTINY ANNUAL REPORT: MUNICIPAL YEAR 2010/2011

Introduction

Welcome to the sixth report of the Overview and Scrutiny Structure of Epping Forest District Council. The Overview and Scrutiny Committee and Panels are charged with reviewing Cabinet decisions, the Corporate Strategy, the Council's financial performance and also scrutinising the performance of the public bodies active in the District by inviting reports and presentations from them.

At the beginning of the 2010/11 municipal year the Overview and Scrutiny Committee agreed to the setting up of five Standing Panels and one Task and Finish Panel for the year.

What is Scrutiny?

- Scrutiny in local government is the mechanism by which public accountability is exercised.
- The purpose of scrutiny in practice is to examine, question and evaluate in order to achieve improvement.
- The value of scrutiny is in the use of research and questioning techniques to make recommendations based on evidence.
- Scrutiny enables issues of public concerns to be examined.
- At the heart of all the work is consideration of what impact the Cabinet's plans will have on the local community.
- However, the overview and scrutiny function is not meant to be confrontational or seen as deliberately set up to form an opposition to the Cabinet. Rather the two aspects should be regarded as 'different sides of the same coin'. The two should compliment each other and work in tandem to contribute to the development of the authority.

Alongside its role to challenge, the scrutiny function has also continued to engage positively with the Cabinet and there continues to be cross party co-operation between members on all panels.

Scrutiny has continued to provide valuable contributions to the Council and the Cabinet remained receptive to ideas put forward by Scrutiny throughout the year.

This year the rules of the Overview and Scrutiny Committee have been altered so that members of the public have the opportunity to address the Committee on any agenda item.

The Overview and Scrutiny Committee

The Committee coordinated with the Cabinet about their work plans for the year and pre scrutinised their agenda and reports at its meetings the week before Cabinet would meet. Liaisons with the Cabinet would take place to discuss the wider work programme that would be approved and reviewed annually. This acted as a troubleshooting exercise, unearthing problems before they arose.

The Committee also engaged with external bodies in order to scrutinise parts of their work that encroached on the District and its people.

Four call-ins were received this year (for details, see Scrutinising and Monitoring Cabinet Work on page 7). These were on the Housing Portfolio Holders decision on the adoption of the standard caravan site licence conditions for permanent residential sites; the Leisure and Wellbeing Portfolio Holders decision on the suspension of the new sports hall at the Waltham Abbey Swimming Pool site; the Leisure and Wellbeing Portfolio Holder decision for a £35,000 reduction in the Community Arts budget; and the Finance and Economic Development Portfolio Holders report on the discontinuance of the Town Centre Officer Post.

Standing Scrutiny Panels

A Lead Officer was appointed to each panel to facilitate its process. The Overview and Scrutiny Committee agreed the terms of reference for each of the Panels on the basis of a rolling programme. The Standing Panels have a 'rolling programme' to consider ongoing and cyclical issues. Five Standing Scrutiny Panels were established, dealing with:

- i. Housing
- ii. Constitution and Member Services
- iii. Finance and Performance Management
- iv. Safer Cleaner Greener.
- v. Planning Services

Standing Panels reported regularly to the Overview and Scrutiny Committee on progress with the work they were carrying out.

Task and Finish Panels

The Task and Finish reviews are restricted to dealing with activities which are issue based, time limited, non-cyclical with clearly defined objectives on which they would report responses and set a deadline to report to the Overview and Scrutiny Committee. Only one Task and Finish Panel was established during the year and that was the 'Provision for Children Services Task and Finish Panel'.

OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee consisted of the following members:

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

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

The Overview and Scrutiny Committee's main functions are to monitor and scrutinise the work of the executive and its forward plan, external bodies linked to the District Council and the Council's financial performance. It is tasked with the consideration of call-ins, policy development, performance monitoring and reviewing corporate strategies.

The Committee's workload over the past year can be broken down as follows:

(a) Scrutinising and monitoring Cabinet work

The Committee reviewed and commented on the Cabinet's Forward Plan and work programme where they identified areas for further consideration. The Committee has a proactive role in this area through carrying out pre-scrutiny work. This involved receiving and considering the Cabinet agenda a week prior to the Cabinet meeting.

(b) Call-ins

The Committee considered four (and a half) call-ins this year. The first one in July 2010 was a call-in of the Housing Portfolio Holder's Cabinet report on the adoption of the Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest. The call-in referred to the consultation process and the proposed limiting to 1 metre of the height of fences and hedges between park homes. After a long discussion the Committee decided to refer the decision back to the Portfolio Holder for further consideration.

Taking the Committee's comments into consideration, the Portfolio Holder altered his final report to reflect the concerns raised and that before the Cabinet reconsider the report that the Housing Scrutiny Panel be asked to consider the relevant issues in depth and make suitable recommendation to the Cabinet. This they did in September 2010 and made several recommendations substantively modifying the original decision and taking into account the representations made via the call-in and subsequent meetings with the residents.

The second call-in in September 2010 was about the suspension of the new Sports Hall at Waltham Abbey Swimming Pool and to reconsider it as part of the annual review of the Council's Capital Programme. However the call-in did not want the decision deferred indefinitely. On



consideration the Committee confirmed the original decision.

The third call-in happened in January 2011 and was about the Cabinet decision regarding the reductions in the Community Arts budget. That was a £35,000 reduction in projects and the deletion of a part-time arts administrator with Community Arts. The Committee noted that it would deliver Community Arts programme in a more cost effective way and not cut significantly the services that the Council provided and on that provision the Committee confirmed the original decision.

The fourth call-in happened in February 2011. The Committee considered the call-in of a decision by the Cabinet of a Finance and Economic Development Portfolio Holder report regarding the discontinuance of the Town Centre Officer post. The call-in was concerned that this decision was contrary to the Council's stated intention to support local businesses and the regeneration of our high streets; also there was no indication of who was going to carry out an investigation into Town Centre Management. On consideration the Committee decided not to support the call-in and confirmed the Cabinet's decision, which could then be actioned.

There was a fifth, partial call-in. This was left over from a call-in from last year when, in April 2010 the Committee considered a call-in of a decision by the Housing Portfolio Holder approving a variation of the restrictive covenant placed on the sale of a property in Waltham Abbey granting permission as a privately rented shared accommodation. The option of releasing the restrictive covenant was ruled out, as a variation would allow the Council to maintain control and deal with any issues that may arise. This was also to be the subject to a Planning Appeal following the refusal of planning consent for change of use.

This call-in came back to the February 2011 meeting, when the Housing Portfolio Holder reported that the Planning Inspector had granted planning permission for change of use for the property but had also set a number of conditions mainly relating to the provision of parking spaces. There was also legal advice given, noting that if covenants were not released, the owners of the property could apply to the Upper Tribunal for the covenant to be released and then, costs would become an issue.

It was agreed that the decision to vary the Covenant on this property was taken on the completion of the conditions as set by the Planning Inspector.

(c) Standing Panels work programme monitoring

The Committee received regular updates from the Chairmen of the various Scrutiny Panels reporting on the progress made with on their current work programme. This allowed the Committee to monitor their performance and when necessary adjust their work plans to take into account new proposals and urgent items.

(d) Items considered by the committee this year

This year the Overview and Scrutiny Committee received presentations on, and considered such topics as:

Presentations:

- (i) In June 2010 the Committee received a presentation from London Underground Limited who updated the Committee on their current projects at their stations within our district. They also said they were in the planning stage for the 2012 Olympics and were currently forecasting the demand for their service. They were also looking at the opening times of the ticket offices saying that only one in twenty tickets were bought at ticket offices, the rest were mostly on oyster card journeys.



- (ii) In July the Committee received a presentation from the Local Strategic Partnership, outlining their work over the last year. They were carrying out some good partnership working in the district and securing external resources to support various schemes. They had also set up a new website, developed an electronic newsletter, webcast their board meetings and hosted major consultation events.

They were looking forward to meeting the challenges of the public sector deficit and helping agencies to work better together.

- (iii) In September 2010 the Committee received a presentation from Tim Jones, the CEO of 'Connect Plus' the company that has the contract to maintain the M25. He informed the Committee that the company had a 30 year contract with the Highways Agency and were responsible, amongst other things, for remedial works, updating and enlarging some carriageways.



- (iv) In November 2009 the Youth Council in the persons of Jenkin Patel, Annie Armitage, Duncan Haslan and Ellis Spicer gave the Committee a flavour of the work they had undertaken over the last year. They were also there to ask for funding for their work for the coming year. Some of the highlights of what they had organised were:

- the Epping Forest Promoting democracy Youth Conference;
- undercover survey of all youth projects and clubs;
- an online survey on what type of activities young people like to do in their spare time;
- a 'Speed Meeting' event with adult councillors;
- they also bid for, and secured £8,440 from the Youth opportunity Fund;
- and took part in the Safer Communities Question Time event.

The committee agreed that they should receive their funding and recommended this to the Cabinet.

- (v) In February 2011, the Committee welcomed David Vernazza, the officer charged with organising the census for our region, who was there to speak about the background, aims and objectives of the upcoming national census.

He informed the Committee that the census had been going since 1801 and was of historical value as an indicator of the past and where we were going to as a society. Central Government raises about £100 billion in taxes and the information gathered by the census was used for redistributing funds to local communities. The Committee

noted that there was a need to understand how society was changing and what the trends in aging were.

(vi) In April the Committee received a presentation on Community Magistrates from two JPs, Councillor Richard Morgan and Dawn Roche, both local Magistrates, who gave the Committee a talk on the work of the Community Magistrates. Unfortunately with the coming cuts, the Epping Court would close by the end of the year, one of the current nine courts in Essex that will eventually be cut down to five. Harlow had been due to close as well but has been reprieved and will now stay open.

There were 6 benches in Essex with a 105 magistrates. This would be amalgamated into two benches. They deal with all types of offences from drugs, murder, rape to traffic violations and fines for other minor offences. They always sit in threes and are on call 7 days a week, twenty four hours a day. They have to be available so that they can sign warrants for the police at any hour of the day when needed.

Magistrates come from all walks of life and from most occupations, the only restrictions being from the legal professions. Anyone can apply to be one. It takes two years of training, from application to sitting on their first bench. They have a continuous training programme to keep them abreast of developments in the law.

(vii) The Committee also received a presentation from the Principal of Epping Forest College, Jeannie Wright, at their April 2011 meeting. The Committee noted that their strategic aims were to develop as a learner centred organisation, have out outstanding learning and teaching, have highly skilled and innovative staff, maintain a strong financial curriculum meeting needs. position and have a local and regional

They currently had full time students rate has grown over noted that the college was from that of a had to retain their achieve good



in excess of 2000 and their success the years. It was success rate for a measured differently school. A college students as well as results.

They also offer apprenticeships through their employer-responsive training unit and cater to students from 16 up to adults; offering a large range of topics, the largest being business administration and law, followed by art and design.

They have tried hard to develop an open and honest relationship with the community and this has been helped by establishing adult education classes; they have also developed strong links with the local schools.

They had a successful Ofsted inspection last March, which said that they had a relaxed atmosphere, hard working staff and well behaved students. They have also strengthened their governing body with the governors carefully monitoring performance. Staff morale was high and their learners feel safe and are well behaved.

Other topics considered:

(i) In July, the Committee reviewed the recent 2010 elections consisting of the Parliamentary and local elections. They reviewed the problems posed and the advantages had by holding such joint elections. They noted that 7,125 postal votes had been issued with approximately 85% being returned. It was agreed that the difficult dual elections had been carried out successfully with no problems being reported.



(ii) In October they considered the proposal to create Deputy Portfolio Holders to shadow the Cabinet Members in their roles as Portfolio Holders. The Committee agreed that this would help develop Councillors for future roles.

(iii) In November they received an interim report from the Children Services Task and Finish Panel which raised concerns on the commissioning of services by Essex County Council on an Essex wide basis. They noted this was in complete contrast to the Government's Plans for a 'Big Society' and 'Placed Based Budgeting'. The Task and Finish Panel would be raising their concerns with Essex County Council and a formal letter was sent to the ECC outlining their concerns.

(iv) Also in November the Committee scrutinised the Cabinet's Forward Plan for the year ahead, noting that things had changed radically since last year. They now had to be very careful on what they spent money on in the next year and be prudent wherever they could.

(v) The Committee also considered the statutory guidance on the duty to respond to petitions and what this would mean to the Council.

(vi) In January 2011 the Committee received a report from the Finance and Performance Management Standing Panel on the refurbishment and extension of the finance reception area of the Civic Offices. They noted that the Audit Commission Inspectors were highly critical of the benefit/finance reception areas and that a company had been commissioned to undertake a feasibility study to identify options in addressing these concerns. They proposed three options, each rising in cost to a maximum of £302,255.85 (Option 3). On consideration the Committee decided to recommend option 3 to the Cabinet.

The Cabinet would have to take a view if the expenditure was warranted during this exceptional financial period.

(vii) Also in January the Committee received the Council's draft Budget for the forthcoming year. They noted that the Finance and Performance Management Standing Panel and the Finance and Performance Management Cabinet Committee had previously gone through the budget with a fine tooth comb and although they were not happy with all the savings that the Council had to make, they understood the necessity for it as a result of the reduced level of funding from Government.

(viii) They also received two reports from the Constitution and Member Services Standing Panel; one was for the introduction of e-invoicing and the other was for amending the constitution to remove the guillotine on Cabinet meetings and the requirement to hold a minimum of 12 Cabinet meetings a year. They agreed both reports.

(ix) In February they considered a follow up report of a call-in (see call-ins above) they had first considered in April 2010, on the approval of a variation of a restrictive covenant placed on the sale of a premises in Waltham Abbey. The option of releasing the restrictive covenant was ruled out as a variation would allow the Council to maintain control and deal with any issues that may arise.

It was agreed that the decision to vary the restrictive covenant be taken on the completion of the conditions set out by the Planning Inspector.

(x) They also considered and agreed proposals to agree Members Appointments at Annual Council and Statutory Officers protocols.

(xi) At their last meeting in April 2011 they considered the future member training programme, the Officer Delegation review for 2010/11, the review of Standing Orders, a report on Police and Crime Commissioners and a consultation exercise from the Home Officer on "More effective responses to Anti-social behaviour". This followed the Governments stated intention to review the way anti-social behaviour was dealt with by police and professionals and to ensure they have the tools and powers they need to deal with this type of behaviour and to provide the type of service that local communities wished to see.

(e) Case Study: Rebalancing the Licensing Act

At our meeting in September we considered a consultation document on licensing entitled "Rebalancing the Licensing Act 2010". We formulated the Council's formal response to the proposals, which sought views on whether to give local licensing authorities additional powers to regulate licensing in their area.



The consultation asked us to express our views on "localism" proposals, allowing people who live in the area and understand the character of the area more chance of imposing the right opening hours on premises based on the specific character of the vicinity rather than national policy.

We supported the ideas on the night time levy, making licence reviews automatic for those found to be persistently selling alcohol to children; and licence fees being based on full cost recovery so that local residents don't subsidise the local licensing system.

We have expressed our opposition to any further deregulation of licensing as although a large proportion of the trade act responsibly there are still those who do not. Licensing in general and the sale of alcohol in particular has a wide reaching effect on society, from a personal health perspective to the social consequences of

anti social behaviour and worse. It is essential that these activities are strictly controlled

We await the Governments response with interest.



STANDING PANELS

1. HOUSING SCRUTINY STANDING PANEL

The Housing Scrutiny Standing Panel consisted of the following members:

Councillor S Murray (Chairman)
Councillor Mrs R Gadsby (Vice Chairman)
Councillors R Barrett, D Dodeja, Mrs A Grigg, Ms J Hart, Ms J Hedges, Mrs S Jones, Mrs J Lea, L Leonard, A Lion and Mrs J Whitehouse.

The Lead Officer was Alan Hall, Director of Housing. The Panel also appreciated the Housing Portfolio Holder, Councillor D Stallan, attending the meetings to help them with their deliberations.

Mrs Molly Carter, the Chairman of the Tenants and Leaseholder Federation, who attends the meetings as a non-voting co-opted member to provide the views of residents and stakeholders, also took part in Panel discussions.

Terms of Reference

The Housing Scrutiny Standing Panel is tasked to undertake reviews of a number of the Council's public and private sector housing policies and to make recommendations arising from such reviews to the Housing Portfolio Holder, Overview and Scrutiny Committee or Cabinet as appropriate. They also undertake specific projects related to public and private sector housing issues, as directed by the Overview and Scrutiny Committee.

The Panel scrutinised a number of important issues over the last year, which included:

(i) **Homeless Prevention Service** – the Panel received a presentation from the Housing Options Manager on the District Council's Homelessness Prevention Service, which became fully operational in 2006, forming an integral part of Housing options. This service has so far reduced demand on costly temporary accommodation, reduced unnecessary homeless applications and provided effective Housing options for households with housing difficulties.



(ii) **Tenant Satisfaction Survey** – they received a report on the Tenant Satisfaction Survey - in comparison with other stock retaining councils. They noted that the Tenant Support Survey was no longer required by government and consideration was being given to whether or not the council should continue to carry out such surveys voluntarily. A recent comparison of the 2008 survey result found that our District Council was in the top 10% nationally.

(iii) **Review of Proposed New Licence Conditions for Permanent Residential Park Homes Sites** – In September 2010 they held a special public meeting devoted to a review of proposed licence conditions for permanent Residential Park Homes. In

2008 the government produced new standards for permanent residential mobile home sites (Model Standards 2008 for Caravan Sites) which provided a framework upon which councils could base conditions on for re-licensing sites. A report went to Cabinet, but two aspects of the decision was called in for review. The Overview and Scrutiny Committee considered the call-in and referred the two issues back to the Cabinet for further consideration. They asked the Housing Scrutiny Panel to undertake a detailed review of all the proposals and report back to the Cabinet. The



two issues specifically raised were i) that insufficient consultation had been undertaken with residents and members and ii) that insufficient consideration had been given to the impact on the privacy of residents by requesting the lowering of hedges and fences to one metre and requesting existing hedges/fences to remain at two metres.

The Panel received several public representations at this meeting and also received background information and comments from Fire Officers. The Panel engaged in a long debate, taking into account the public's comments, on the merits of the new model standards and made several recommendations to the Cabinet about what should be included in the new site licences.

This would hopefully take the public's concerns on board while enabling the council to discharge its responsibilities for licensing such sites.

(iv) New National Housing Policies- they received a presentation on the new National Housing Policies and Legislation. This proposed new legislation would have significant effect on the Council, its tenants and housing applicants. These draft proposals are due to come into effect next April (2012).

(v) Housing Service Standards and Schemes – the Panel agreed or commented on a range of Housing Service Standards and schemes covering all of the Housing Directorate's main areas of activity. These included the Housing Strategy, Housing Standards (2010), the Housing Charter, Housing Service Strategy on the Private Rented Sector, a review of the Housing Key Performance Indicators, the Housing Customer Perspective Programme – Final Action Plan, the Homelessness Strategy Action Plan, the Housing Revenue Account Business Plan 2010/11 (six month progress report), the Housing Service Strategy on Anti-social Behaviour and a consultation paper on 'Local Decisions - A fairer Future for Social Housing'.

(vi) Presentation on term of appointment for the Private Repairs Management Contractor – the Panel received a presentation on the housing repairs service, covering the repairs refresh programme, the repairs advisory group, repairs management contractor and the restructuring of the repairs service.

(vii) HRA Business Plan – The Panel also received a report on the Housing Revenue Account (HRA) Business Plan for 2011-12. The Government requires all local authorities to produce an annual Business Plan for their Housing Revenue Accounts which deals with the Council's plans and performance for the delivery and quality of its housing services to its tenants

Case Study: Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites

The Housing Scrutiny Standing Panel's major piece of work this year was the Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites.

The review had come about because in April 2008, the Government produced new standards for permanent residential mobile home sites, these provided a framework upon which councils could base the conditions they attach when re-licensing sites. In June 2010 the Housing Portfolio Holder presented a report to the Cabinet on proposed new licence conditions for all new and existing permanent residential park home sites within the District. However, two aspects of the decision were called-in by five Council members for Overview and Scrutiny review. The Overview and Scrutiny Committee at its July 2010 meeting referred the matter to the Housing Services Scrutiny Standing Panel with a view to making recommendations to the Cabinet.

The Panel met on 8 September 2010 for an extra-ordinary meeting. Following lengthy discussion involving two invited senior Fire Service officers, the Panel recommended that certain licence conditions be excluded from the site licences for park home sites that comprised only one park home, that all residents and site owners would be consulted on both the licence conditions proposed by the Cabinet and the Panel's recommendations, and that the results of the consultation be reported to the Cabinet.

2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

The Constitution and Member Services Standing Panel consisted of the following members:

Councillor Mrs M McEwen (Chairman)
Councillor K Chana (Vice Chairman)
Councillors R Cohen, Miss C Edwards, Mrs J Hedges, J Markham, J Philip, Mrs M Sartin, D Stallan, Mrs J Sutcliffe and Mrs J H Whitehouse.

The Lead Officer was Ian Willett, Assistant to the Chief Executive.

Terms of Reference

To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee and to report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of issues over the last year, which included:

(i) **E-petitions** – They considered the E-petitions legislation and our duty to respond. They considered the main provisions identified in the Act and highlighted issues for consideration for enhancing the Councils current petition scheme.

(ii) **Review of General, District and Parish Elections** – The Panel reviewed the combined general and local elections that took place in May 2010, receiving a report from the Returning Officer and fed back their findings and views to the Returning Officer and the main Overview and Scrutiny Committee.



(iii) **Cancellation of Meetings** – They considered a report on the effects of extreme weather conditions on meetings. During the recent severe weather with the associated difficult transport conditions one or two meetings had to be cancelled at short notice due to safety concerns and the ability to meet the quorum. They recommended that the constitution should provide clear procedures for the cancellation of meetings.

(iv) **Deputy Portfolio Holders** – They considered the desirability of establishing the posts of deputies to the Portfolio Holders. They proposed that the appointments should be for one years duration, that the deputies would not have decision making powers but could assist in the compiling of reports. The constitution would have to be altered to introduce Deputy Portfolio Holders as formal appointments. On their

recommendation the Council has now established the role of Deputy Portfolio Holders.

(v) Public address at Cabinet and Overview and Scrutiny Committee Meetings – The Panel looked at and agreed that provision be made to enable members of the public or other organisations to address the Cabinet and the Overview and Scrutiny Committee and that these arrangements be reviewed in 12 months time.

(vi) Statutory Officer Protocols and Member Accountability – In November they looked at and made recommendations on the draft protocols regulating relations between Statutory Officers and the Council, namely the Head of Paid Services, the Monitoring Officer and the Chief Financial Officer. They also looked at and revised the Member Accountability Statements based on the Model provided by the Improvement and Development Agency.

(vii) Guillotine at Cabinet Meetings – They agreed that the Cabinet no longer be required to complete all meetings by 10pm and that the requirement for a set number of meetings per year be deleted.

(viii) Appointments at Annual Council – The Panel reviewed the appointments procedures at the annual Council meeting. They looked at how consultation between Political groups could be improved and discussed if the principles of pro-rata allocations on outside organisations was still fit for purpose, if voting on appointments to outside organisations could be made easier, how the paperwork could be made simpler, other options for making these decisions, the appointment of Chairman and Vice Chairman of the Council and how the ceremonial aspects of Annual Council could be improved.

(ix) Member Training Review – They considered Member's training for the coming years. They considered on line training for individual members via their computer for specific courses; training could be provided in conjunction with certain officer training courses and the publication on the website of training undertaken by all members. They were also in favour of holding a whole day of courses for members (on a Saturday) as last year and would like to see a tour of the district reinstated for new members.

(x) Contract Standing Orders and Officer Delegation – The Panel reviewed the annual report on the review of Contract Standing Orders and Officer Delegation. These reviews are designed to keep these documents up-to-date and reflect current statutory requirements and operational needs.

Case Study: Deputy Portfolio Holders

At the meeting of the Overview and Scrutiny Committee on 1 June 2010, a proposal was made concerning a review of the desirability of establishing Deputies to Portfolio Holders was referred to the Panel for consideration.

Creating Deputy Portfolio Holders would give more members an insight into how the Cabinet worked, providing an experience of working more closely with officers and could spread the Executive workload.

Four specific review items were raised in the proposal which were dealt with in turn:

(1) Statutory restrictions on responsibilities undertaken by a Deputy Portfolio Holder

Legislation prescribed that a Leader and Cabinet Executive must consist of no less than three Councillors (including a Leader) and no more than 10 (including a Leader).

Legislation prescribed that arrangements for the carrying out of Executive functions could be delegated in the following manner:

- to the Cabinet itself;
- to members of the Cabinet individually;
- to any committees of the Executive; and
- to officers of the Council

Deputy Portfolio Holders could not be full members of the Cabinet, and therefore could not participate in its decisions either individually or collectively. However guidance issued in 2000 from the Government suggested the Executive could invite any person considered appropriate to attend its meetings and speak on behalf of an absent Executive member. However, that person would not take formal decisions. The duties and responsibilities of a Deputy Portfolio Holder would be as follows:

- Assisting the designated Cabinet member in shaping and developing the strategic priorities of the Council as it related to the allocated portfolio;
- Assisting the designated Cabinet member in monitoring performance in specified areas relating to the allocated portfolio; and
- Where appropriate and where permissible under the Council's Constitution, represent the designated Cabinet member at meetings or visits.

(2) "Pairing" Assistants with specific Portfolio Holders

The number of appointments could be the same as the number of Cabinet members and each of the Deputies could be allocated to a specific Portfolio Holder assisting with their duties. Alternatively, a smaller number of Deputies could be appointed to act as a "pool" of Deputies for all Cabinet members.

(3) Payment of Special Responsibility Allowances

Payments could be made to Deputy Portfolio Holders by way of a Special Responsibility Allowance. These allowances allowed the Council to determine remuneration for responsibilities which were over and above those of a Councillor, the latter being reflected in the basic allowance.

However, the Council could not make payments to Deputy Portfolio Holders because these were not currently included in the Remuneration Scheme. This option would have to be referred to the Independent Remuneration Panel and its report considered by the Council before the scheme could be amended.

(4) Conclusion

It was for the Council to determine whether it wished to appoint Deputy Portfolio Holders. In practice, these appointments would be made at the discretion of the Leader of the Council. It was suggested that:

- (a) appointments should be for one Council year;

- (b) Deputies should be assigned to specific Portfolio Holders so that roles were clear;
- (c) that Deputy Portfolio Holders did not have decision making powers but could, if the Leader so determined, assist Portfolio Holders in compiling decision reports and reports to the Cabinet with no change to the accountability of the Portfolio Holder for the decisions made;
- (d) in the absence of a Portfolio Holder, another Cabinet member would make decisions, not the Deputy;
- (e) Portfolio Holders would still sign Portfolio Holder reports and present Cabinet reports;
- (f) if deputies were to be involved in drafting reports etc, close liaison arrangements between the Portfolio Holder, the Deputy and the Service Director (s) concerned were necessary;
- (g) Article 6 of the Constitution and the Executive Procedure rules should be altered to introduce Deputy Portfolio Holders as formal appointments within the Council; and
- (h) question of payments of Special Responsibility Allowance to Deputy Portfolio Holders was a matter for the Independent Remuneration Panel and in order to facilitate this the Panel and the Council would need to agree the "Job Description" for these Deputy positions.

The Leader of the Council informed the Panel that, subject to Council approval she intended to make appointments to positions of Deputy Portfolio Holders during the current year.

The Panel concluded that the initial experience would assist in considering the question of a Special Responsibility Allowance.

3. FINANCE AND PERFORMANCE MANAGEMENT STANDING PANEL

The Finance and Performance Management Scrutiny Panel consisted of the following Members:

Councillor G Mohindra (Chairman)
Councillor R Cohen (Vice Chairman)
Councillors W Breare-Hall, Ms R Brookes, D Jacobs, D C Johnson, B Judd, J Philip,
W Pryor, Mrs J Sutcliffe and Ms S Watson.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

Performance Management

1. To review statutory and local performance indicator outturns for the previous year at the commencement of each municipal year, and to determine the following on an annual basis:
 - (a) A basket of 'Key' Performance Indicators (KPIs) important to the Council's core business and corporate priorities; and
 - (b) The monitoring frequency of the KPIs identified by the Panel for the year;
2. To monitor performance against the adopted KPIs throughout the year; and to make recommendations for corrective action in relation to poorly performing indicators;

Corporate Plan

3. To undertake an annual review of performance against objectives, targets and actions contained in the Corporate Plan for 2010 to 2014;

Public Consultation

4. To develop arrangements to directly engage the community in commenting on and shaping the future direction of services to make them more responsive to local needs, including the development of proposals for effective consultation through an annual community conference;
5. To annually review the consultation exercises undertaken by the council over the previous year.

Finance

6. To consider the draft budgets for each portfolio and in so doing to evaluate and rank proposals for either enhancing or reducing services. Members will need to ensure consistency between wider policy objectives and financial demands.
7. To consider financial monitoring reports on key areas of income and expenditure for each portfolio.

ICT

8. To monitor and review progress on the implementation of all major ICT systems and to review of the Web-Casting System.

Value For Money

9. To consider the annual Value for Money Analysis, and to identify any areas where further detailed analysis may be required to be undertaken by a Task and Finish Panel during the year.

Essex Local Area Agreement

10. To monitor performance against the performance indicators contained within the second Essex Local Area Agreement, that the Council 'has regard to'; and to make recommendations for corrective action in relation to poorly performing indicators.

Equality and Diversity

11. To undertake an annual review of progress towards the implementation of the Council's Race Equality, Gender Equality, and Disability Equality Schemes, and performance in relation to other equality and diversity issues.

The Panel scrutinised a number of important issues over the last year, which included:

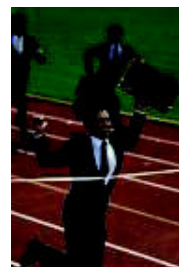
(i) **Council Plan** – They reviewed the Council Plan for 2006 to 2010 up to the end of 31 March 2010. The Council Plan now finished, was to be replaced by a new Corporate Plan to take it from 2010 to 2014 in conjunction with the development of a new Community Strategy for the district by the Epping Forest Local Strategic Partnership.

(ii) **2009-2010 Outturn Reports** – The Panel also considered the Capital and Revenue outturn for the previous year (2009/10). They also considered the outturn report for the Key Performance Indicators (KPI) for last year when 58 KPIs were adopted and noted that this would come down to 49 in the 2010/11 year. They also noted the progress made on the Equality and Diversity legislation and the Council's approach with regards to the equality initiatives.

(iii) **Avoidable Contact** – The Panel received a report on the improvement plan on avoidable contact. They noted that the focus would be on telephone contact where the majority of avoidable contact lay. It was also anticipated that it could be addressed in a much broader range of services by gathering data from all channels of contact, face to face, correspondence, email and telephone.

(iv) **Key Performance Indicators** – Throughout the year the Panel reviewed the quarterly progress of the KPIs and reviewed the KPI improvement plan for each indicator, keeping an eye on any indicators that may not be on track for achieving its proposed target.

(v) **Sickness Absence** - At each quarter the Panel considered the latest absence figures for the year and the improvement plan for bringing down the level of long term sickness.



(vi) **Quarterly Financial Monitoring** - The Panel also considered (on a quarterly basis) the quarterly Financial Monitoring report, keeping them up to date on the key areas of income and expenditure for each portfolio.

(vii) **Fees and Charges** - The Panel considered the proposals for the Councils Fees and Charges as part of the Budget setting process. They noted that under the Comprehensive Spending Review that councils faced significant cuts in government support and there would be less freedom for authorities wishing to raise additional revenue from fees and charges as more were subject to cost recovery only on Government direction. Against this it was felt that fees and charges should be increased by 5% where possible.



(viii) **ICT Update** – The Panel received an update on the Council ICT Systems and the recent UK Society of Information Technology Management benchmarking exercise undertaken for the Council. EFDC came out quite well against other authorities but were found to be deficient in the number of passwords resets, now rectified by a self service password reset system and the old telephony system was highlighted as being expensive. A project to replace this and improve performance and cost is to be included within the next ICT Business Plan. They were also looking at replacing the email system with 'Outlook', migrating servers to virtual servers, investigating mobile working and looking at a Wide Area Network upgrade.

Case Study – National Indicator Set – Abolition and Review

The Secretary of State for Communities and Local Government had recently written to the Leaders and Chief Executives of all local authorities, setting out changes to existing performance arrangements. The new arrangements detailed by the Secretary of State provided for the replacement of the existing National Indicator Set with a single list of data required to be provided to the Government by local authorities, although it was unclear whether the National Indicator Set had ceased immediately, or whether it remained in place until the end of 2010/11.

It was considered appropriate for the Council to continue to monitor and internally report performance against each of the National Indicators that formed part of its adopted set of Key Performance Indicators (KPI) until the end of 2010/11, even if not formally required to do so for the purpose of submitting performance returns to the Government. A number of the existing National Indicators were used as performance measures for the Council's Key Objectives for 2010/11, and therefore clearly needed to be retained until at least the end of the year. This approach had been supported by the Finance and Performance Management Cabinet Committee.

Since the changes to existing performance arrangements were announced by the Secretary of State, a review of the existing KPI set had been undertaken to identify any National Indicators that could be deleted as KPIs for 2011/12, on the grounds that data collection was resource intensive or over burdensome, or where issues of limited value and validity had arisen in respect of data previously collected. As part of this review process, Service Directors highlighted ongoing and future activities in the areas where KPIs could be deleted, in order to ensure that the Council maintained appropriate focus on key areas in the absence of corporate assessment or centralised performance reporting arrangements. This exercise has resulted in proposals for some National Indicators to be carried forward into 2011/12 as Local Performance Indicators.

4. SAFER CLEANER GREENER STANDING PANEL

The Safer, Cleaner Greener Standing Panel consisted of the following members:

Councillor Miss C Edwards (Chairman)
Councillor Ms J Hedges (Vice Chairman)
Councillors W Breare-Hall, A Boyce, Mrs T Cochrane, D Jacobs, Mrs S Jones, B Judd, G Mohindra, Mrs C Pond and P Spencer

The Lead officer was John Gilbert, Director of Environment and Street Scene.

Terms of Reference

1. To approve and keep under review the “Safer, Cleaner, Greener” initiative development programme.

(Note: this development programme will encompass the three main issues and will therefore include matters such as:

- (i) environmental enforcement activity*
 - (ii) safer communities’ activities*
 - (iii) waste management activities (in addition to WMPB information))*
2. To keep under review the activity and decisions of the Waste Partnership Member Board and the Inter Authority Member Working Group.
 3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract
 4. To monitor and keep under review the Nottingham Declaration “action plan” and the Council’s progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council’s Climate Change Strategy from the Green Working Group
 5. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Tip Management Group.
 6. To act as the Council’s Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership.
 - (a) That at least two meetings a year be dedicated as Community Safety Committee meetings.

Work from the Leisure Task and Finish Panel

7. Waltham Abbey Sports Centre / Swimming Pool:
 - To assess the feasibility of providing a new sports hall at the Waltham Abbey Swimming Pool;

- To conclude the assessment commenced in 2007/08 of evaluating the current and potential future management arrangements at Waltham Abbey Sports Centre.

8. The on-going monitoring of the Youth Initiatives Scheme and Play strategy.

The Panel scrutinised a number of important issues over the last year, which included:

(i) **Enforcement Activities** – The Panel were updated on the various enforcement activities of the Council. The Council undertook 303 investigations in the first six months of 2010, of which only 3 resulted in prosecutions, demonstrating how difficult it was to gather sufficient evidence to mount an enforcement action. However, EFDC were in the process of embarking on a joint venture with Essex County Council which would enable Epping to access a regional database and enable officers to identify vehicle registrations numbers and get background information on the vehicle.

(ii) **Safer Cleaner Greener Action Plan** – The Panel scrutinised the SCG Action Plan for the year, noting the work of the Neighbourhood Team, the ‘Crucial Crew’ and the ‘Reality Road Shows’ (for the education on personal safety for school aged children), the CCTV policy and that the Council was currently achieving 100% of its target for removing offensive and racist graffiti within 48 hours of notification.

The Council was working with various partners to reduce crime and anti-social behaviour. Officers had been given approval to introduce fixed penalty notices as an enforcement tool. Also officers would implement and monitor the action of the Local Biodiversity Action Plan.

(iii) **Action Plans and Strategies** - The Panel reviewed and agreed the following action plans: CCTV, the new Tree Strategy and the Safer Cleaner Greener Strategic Action Plan.

(iv) **Sports Hall Provision at Waltham Abbey Swimming Pool** – This was an item left over from the Leisure Task and Finish Panel who looked at the feasibility for providing a new sports hall at Waltham Abbey Swimming Pool. It was noted that the Cabinet, in 2009, agreed to the proposal to build a sports hall at Waltham Abbey Swimming Pool and recommended that Sports and Leisure Management (SLM) undertake the work to the planning stage. The Panel noted that therefore the project was reliant on the planning permission, the agreement by the Cabinet on the future SLM contract and the allocation of the Capital Funding.



(v) **Review of Waste and Recycling Collection Services during Christmas and New Year 2009/10** – The Panel reviewed the waste and recycling collections services during Christmas and New Year 2009/10, covering the period of bad weather conditions (heavy snow, ice) coupled with the bank holiday closure. It turned out that the district had done very well when compared with other authorities, only suspending services for just one day. They noted the action taken to get collection services back to normal, including suspended street cleaning services to divert some crews to grit high streets, main roads and pavements, suspending the normal ‘side waste’ policy and collect any waste placed next to normal collection containers and

hire additional refuse freighters and crews in January 2010 to help clear the backlog. Although the primary responsibility rested with SITA, the company responsible for waste collection, Council Officers also went out to check up on them.



During this time there were also problems with landfill sites and recycling processors which were either closed or inaccessible at various times. This meant that the refuse trucks could not drop off their loads.

The Civic Offices were also closed over Christmas which caused a lot of customer frustration over the period. The case for closing the offices over the Christmas period would be looked at by a separate working group.

(vi) Consultation on Future of Policing - The Panel were asked to comment on a Home Office consultation document on the future of Policing (Policing in the 21 Century: Reconnecting the Police and the People). The consultation document suggested that democratic accountability would be increased by directly elected Police and Crime Commissioners, the abolition of Police Authorities, the creation of Police and Crime Panels and a more independent 'Her Majesty's Inspectorate of Constabulary'. The Panel though broadly content commented specifically that they were concerned by the role of a Police and Crime Commissioner and the type of candidate that may put themselves up for election and were ambivalent about the benefits of the actual post. Any candidate would need significant support from a backup office, which carried the risk of simply replacing one bureaucracy (i.e. Police Authority) with another.



(vii) Consultation on the Future of Licensing – The Panel were also asked to comment on a consultation document on licensing “Rebalancing the Licensing Act 2010”, which was looking to give local licensing authorities additional powers to regulate licensing in their area and allow them to respond more effectively to local concerns. They thought that the area of consultation be widened; there should be other means other than boundary notices and advertisements in the local press to communicate with the local residents, perhaps via Town and Parish Councils; Town and Parish Councils should be made interested parties and authorities should not have to pay compensation if a decision was overturned on appeal.



(viii) Police and Crime Commissioners – The Panel considered a report on the proposed Police and Crime Commissioners. From 2012 regional Police and Crime Commissioners are to be elected in all areas other than the Metropolitan and the City of London Police. The Panel wanted to be kept updated on the progress on the work for the new Police and Crime Commissioner and to monitor the use of police resources during the Olympic period.

(ix) Consultation on ‘more effective response to anti-social behaviour’ – The Home Office were consulting on more effective responses to anti-social behaviour and were looking to open up current legislation and bring it all under one umbrella act.

The Panel considered the document and provided suitable responses to the consultation.



(x) Crime and Disorder Meetings – At their October meeting the Panel reviewed crime and disorder issues. They considered the Community Safety Partnership and cross border work when members of the Epping Forest Community Safety Partnership (CSP) attended the meeting. The Panel were introduced to the cross border officer who was financed by Essex County Council after our Safer Communities Team approached them to appoint a West Essex Cross Border Officer, working on behalf of Epping Forest, Harlow and Brentwood CSPs. A temporary post was agreed.

The Cross Border Officer noted it was difficult to target individuals who ‘commuted’ into the district because of the easy transport links. However, there was now a London wide database in operation, which we had signed up to. This showed up interesting facts such as ‘hot-spots’ of criminality activity and that a small number of individuals were responsible for the majority of crime. Targeted cross border squads could now be put together to target cross border offending.

At the second Crime and Disorder Meeting – the Panel went out to St Mary’s Church Hall in Loughton to hold their meeting. This time the topic of discussion was “Licensing and the Night Time Economy – Managing Expectations”. At this meeting were the Council’s Licensing Officer, Essex Police and members of the Safer Communities Partnership. They were there to discuss the processes of monitoring and the enforcement of the licensing conditions at various premises throughout the district and to answer any questions that arose.

Both the Police and the Licensing officer gave a short presentation on their various roles and duties towards licensed premises and the public. The Safer Communities Partnership had partly funded some police operations into policing licensed premises in Loughton. It allowed proactive measures to be deployed such as knife arches, drug dogs and PCSOs, when needed. They have also linked the pubs and clubs in Loughton High Road by two way radios so that they could share information.



Case Study: Review of Waste and Recycling Collection Services during Christmas and New Year 2009/10

The Panel received a report on waste and recycling collection services during Christmas and New Year 2009/10. This report covered the period of disruption during the period of bad weather (snow fall and icy conditions), coupled with the bank holidays closures. Because of the severe weather in January our contractor could not catch up with the delayed Christmas collections. As it turned out, as a district we did very well compared with other authorities, only suspending services for just one day. The report



highlighted the steps taken to bring services back to normal.

The main actions undertaken to get collection services back to normal were:

- a) Suspend Special Collections (bulky waste item collection) to divert resources to help catch up refuse and recycling collections.
- b) Suspend street cleansing services, divert some crews to grit high streets/main roads and pavements to assist residents.
- c) Divert remaining street cleansing crews to work alongside refuse and recycling crews.
- d) Suspend normal 'side waste' policy and collect any waste placed next to normal collection container until service back to normal.
- e) Street cleansing crews to pile up recycling and residual sacks at easy to access road junctions or the nearest point that a freighter could safely access.
- f) Hire additional refuse freighters and crews in January 2010 to help clear the backlog.

During this time updating information was put on the Council's website to keep the public informed. Although the primary responsibility rested with SITA, Council officers also went out to check up on them. During this time there were also problems with the landfill sites which were either closed or inaccessible at various times. This meant that the refuse trucks could not drop off their loads. The Civic Offices were also closed over the Christmas period which caused a lot of customer frustration over this time. This also meant that no staff were able to update the pre-recorded telephone message that the Council used and members were asked to provide some guidance on staffing over the Christmas period.

Some Councillors noted that neither officers or SITA could be criticised for the bad weather, the entire country had come to a halt during this period. People would understand about the delays if only they were informed what these problems were. There was now a case for looking into not closing the offices down completely over the Christmas period. It may be that a skeletal staff was kept on from all major services, which would solve the updating problem.

Other Councillors thought that this was the wrong time to open the offices at Christmas due to budgetary cuts. Only one member of staff would be needed to update telephone messages.

If the Council was to seriously consider opening over the Christmas period then Councillors would need to know the costs involved and how it would operate. They needed to explore if the website could be updated remotely. Feedback was also needed from other Councils as to what they were doing. These were all good ideas but it all came down to costs. The Panel needed to consider costs before they made any recommendations.



5. PLANNING SERVICES STANDING PANEL

The Planning Services Panel consisted of the following members:

Councillor J Philip (Chairman)
Councillor H Ulkun (Vice Chairman)
Councillors Mrs P Brooks, C Finn, Mrs A Grigg, Mrs S Jones, Mrs M McEwen, J Markham, W Pryor, A Watts and J M Whitehouse.

The Lead officer was John Preston, Director of Planning and Economic Development.

Terms of Reference

1. To consider in detail the provision of Value for Money within the following Planning Services in focusing specifically on:
 - Development Control (including Appeals)
 - Forward Planning
 - Building Control
 - Enforcement
 - Administration and Customer Support
 - Economic Development
 - Environment Team
2. To gather evidence and information in relation to these functions through the receipt of:
 - performance monitoring documents,
 - Best Value Review of Planning Services (updated version)
 - benchmarking exercises,
 - consultation with Planning Committee Members, customers and IT Suppliers.
3. To review the measures taken to improve performance within the directorate.
4. To consider matters which arise through the process that the Government is driving to bring in an East of England Plan. These may range from responding to the views of those who support or oppose us, and how we may support or oppose the views taken by others. This includes how to work in partnership with others to secure delivery of the plan with adequate infrastructure. In particular, those Portfolio Holders with relevant responsibilities to remain tuned in to local views.
5. In association with 4 to keep an overview of work associated with securing a sound New Local Development framework; in particular how the core strategy will cater for the adequate delivery of infrastructure of all types, the limited rolling back of the Metropolitan Green Belt, the provision of affordable housing, and the maintenance of the settlement pattern elsewhere in the District.
6. To consider what changes are practical and desirable to Council policies concerning the Metropolitan Green Belt; including those concerning the extension of existing dwellings, and the reuse of redundant and other

buildings; in particular, are further restrictions necessary (changes in policy required) to ensure that such developments are truly sustainable.

7. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;
8. To report to the Overview and Scrutiny Committee at appropriate intervals on the above. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of important issues over the last year, which included:

(i) Planning Appeals and Counsel – The Panel scrutinised how Planning Appeals and the instructing of Counsel was dealt with and public inquiries were handled by Legal Services and Counsel. They also discussed the insurance cover for the cost of adverse planning appeals. After some research it was agreed that this was not an area where insurance cover could be specifically arranged. The Council was, however, already covered for ‘official indemnity’, where an error or omission in the planning process resulting in a third party suffering a financial loss, could be covered by our insurers.

(ii) ‘Planit’ – The Panel noted that Planit was a monthly newsletter circulated internally seeking to promote staff inclusiveness and open them out to things happening outside their own area of expertise in the planning service. Feedback had been positive and comments for improvements had been taken on board. They looked at the possibility of circulating this to the general public as a means of updating and informing people about planning, but, only if staff time and resources allowed.

(iii) Staffing within Countrycare: The Panel reviewed the staffing arrangements for the District Council’s Countryside management Service. Countrycare had been established in 1986 and had since developed a credible and proven track record for delivering quality projects.



The Panel considered and agreed the proposed Countrycare re-structure to delete one Assistant Countryside Manager Post and create one additional Countryside Assistant post. They also looked into the possibility of extending the volunteer programme and agreed that it was worth pursuing.

(iv) Working with other Councils – The Panel considered the East Hertfordshire Core Strategy consultation document and it would affect the border areas of the district. They provided a draft response to the consultation questioning various aspects of the document such as raising concerns about the additional stress to water resources in the local area, having an evidence led local target for the placement of new local housing, adding an additional objective to safeguard existing important habitats and areas of bio-diversity.

They also commented on Broxbourne Borough Council's pre-submission core-strategy. This was a planning document covering the period 2010-2026 setting out their visions for the future of Broxbourne Borough as a prosperous and sustainable community.

The other consultation document was the Harlow Council Core Strategy in which they considered a report on Harlow Council's Core Strategy issues and options. This document was looking at the Government's intention to abolish Regional Spatial Strategies and their associated housing and employment land targets; and the introduction of the New Homes Bonus to stimulate housing delivery and new neighbourhood plans.

(v) Construction Damage to Highways – The Panel looked at the issue of damage to highways infrastructure during construction work and whether there was a way of forcing developers to make good any damage they had created at their own expense.



They had the Development Manager, Engineering, from Essex County Council attend this meeting. The officer advised that any damage to the highway should be reported to the Highway Office. Although the main difficulty was in gathering evidence and proving who had caused the damage, also how those responsible should pay. Conditions

could and should be made when agreeing an application and it was felt that a code of practice should be developed for contractors.

It was also noted that it was not a planning enforcement function because the damage was not subject to planning control.

Following the meeting, the County Council has now produced simpler procedures for reporting highway problems, which would include the issue of highway damage during construction.

(vi) New Homes Bonus Consultation – The Panel received a consultation paper from the Department for Communities and Local Government on the New Homes Bonus, the coalition Government approach to incentivising local authorities to increase housing supply.

As the district was entirely within the Green Belt with only towns and larger villages excluded by tightly drawn boundaries, how would 'incentivisation' sit with the strategic aim of growth restraint and with the Government committed to protecting the green belt?



It was also unclear how the existence of the bonus should be treated in considering the planning merits of such schemes. There was concern that some observers would argue that some permission had been "sold". They were minded of the general principle that "planning permission may not be bought or sold".

(vii) Tree Preservation Order Consultation Document – The Government was consulting on a proposal to consolidate legislation and streamline the tree preservation order system. They wanted to create a unified system for all TPOs and shorten and simplify the model TPO.



The Chief benefits were considered to be that new orders would be both easier for the public to understand and for the local Planning Authority to administer.

Other Consultations – The Panel also considered consultations on Essex County Councils Minerals Development Document and the Governments Consultation on Planning Application Fees in England.

(viii) Planning Enforcement Protocol – The Panel received a report reviewing the Planning Protocol Code of Practice as it related to the Enforcement Section of the Planning Directorate. This was asked for because of apparent delays in subsequent action once enforcement action had been authorised.

Members were concerned about receiving information on current enforcement cases as there were about 700 items raised for enforcement per annum. Members could use this information when they received enquiries from the public. It was thought that a secure part of the Council's website could house the information on enforcement cases, but officers were unsure how it could be achieved at present.

(ix) Essex Local Transport Plan – Consultation – Every local highways authority (in this case Essex County Council) must produce a local transport plan for its area. Essex was consulting on a plan covering a period of 15 years. They wanted to identify what the highway authority wanted to achieve by investing in transport over the next 15 years and how this would help achieve sustainable economic growth for the county.

Case Study: East Hertfordshire District Council Core Strategy

The Planning Services Scrutiny Standing Panel held an extra-ordinary meeting on 11 October 2010 to discuss the East Hertfordshire District Council Core Strategy Issues and Options Consultation Document.

The District Council had received a consultation document from East Hertfordshire District Council regarding its Core Strategy issues and Options. The Council had amassed a detailed evidence base for their Local Development Framework, including technical studies on topics like:

- Transport
- Employment
- Climate Change
- Landscape; and
- Housing

They had also conducted community stakeholder sessions, gathering local opinion on future planning policy. This groundwork had led to the preparation of an Issues and Options Stage Consultation document for its future Core Strategy.

As an adjacent local authority, the District Council would be affected by decisions made in the East Herts Core Strategy.

The consultation document addressed the proposed growth of housing and jobs in East Herts District and in and around Harlow, particularly the proposed development north of Harlow, and urban extension to the east, south and west of Harlow. The

members noted that the only viable option for the District Council was to work with other councils more closely. More work was needed with Harlow.

The same evening, members discussed the Broxbourne Borough Council Pre-Submission Core Strategy.

The Core Strategy was a planning document covering the period 2010-2026 setting out a vision for the future of Broxbourne Borough Council as a prosperous and sustainable community. The strategy explained the unique features of the borough identifying the main challenges and key drivers of change for the next 15 years. In the short term, the strategy looked for development focusing on suitable urban sites making best use of land and helping achieve neighbouring regeneration. The Council would make use of the presence and legacy of the 2012 Olympic Games, additionally the development of greater Brookfield was intended to provide high quality shopping and leisure facilities and housing development. In the medium and long term, Broxbourne Borough Council's strategy was to complement suitable urban sites with Green Belt ones, with a focus on delivering larger family homes.

The Panel members' response was to advise caution in approaching consultations. A pro-active position was more advisable to a re-active one. There could be commercial threats to the District if the wrong approach was taken.

TASK AND FINISH PANEL

PROVISION OF CHILDREN SERVICES TASK AND FINISH PANEL

Origin:

The Cabinet at its meeting on 8 March 2010 considered a report about Essex Children's Trust. The Children's Act 2004 provided the legal underpinning for the national framework established by "Every Child Matters: Change for Children" with District Councils having a duty to cooperate in the making of arrangements to improve well being for children and young people 19 years or under. The most specific duty is to safeguard and promote the welfare of children alongside the more general "duty to cooperate" within Children's Trust arrangements.

At the inaugural meeting of the Essex Children's Trust Partnership Board on 27 November 2009 it had been agreed that a Memorandum of Agreement be entered into by all the constituent partners with the aim of demonstrating a commitment to a shared approach and to get all the partners working together to achieve common objectives.



The Cabinet decided that the Memorandum of agreement should not be signed as it did not appear to be clear, concise and contain specific proposals to safeguard the welfare of children or an assurance that Essex County Council would embrace best practice. The cabinet expressed the view that the emphasis appeared to be on bureaucracy rather than results, with as much responsibility as possible delegated to the borough and district councils. The Cabinet also requested that a Task and Finish Scrutiny Panel should be established to examine the Council's approach to Children's Services and its provision throughout the District.

At its meeting on 15 April 2010, the Overview and Scrutiny Committee agreed that a Task and Finish Scrutiny Panel should be established to examine the Council's approach to Children's Services and its provision throughout the District and to review the provision of the Essex County Council Youth Service within the District.

Term of Reference:

1. To review the purpose, operation and effectiveness of Children's Services in Essex and the new Essex structure.
2. To review current provision of children's and young people's services in the District including identifying the level of activity directly provided by the Council and the key responsibilities devolved to the Council under the Children's Trust arrangements.
3. To review the provision of Essex County Council Youth Services in the Epping Forest District, seeking to identify future needs and how these can best be met by the various Agencies involved in the delivery of Young People's Services.

4. To review current arrangements for Safeguarding and Promoting the Welfare of Epping Forest's Children, seeking to identify communication pathways and effectiveness of information sharing, including:
- the Council's own policies and procedures;
 - West Essex Stay Safe Group;
 - ECC Stay Safe Group, and,
 - Essex Safeguarding Children Board

The Panel

Under the Chairmanship of Councillor Mrs Wagland, they gathered evidence and information in relation to the topic through the receipt of data, presentations and by participation in fact finding visits.

They consulted with Partners, Agencies, and Stakeholders. They established key issues and future needs and evaluated all relevant facts in relation to the topic under review in an objective way and to produce recommendations for future action. They sought to establish whether there were any resource implications arising out of the topic under review and advised Cabinet for inclusion in the Budget Process.

The Task & Finish Panel consisted of the following members:

Councillor Mrs L Wagland (Chairman)
Councillors Mrs P Brooks, R Brookes, T Cochrane, Mrs R Gadsby, Ms J Hedges and J Knapman.

The Lead Officer was J Chandler, Assistant Director (Community Services and Customer Relations).

The Panel was set up in response to the potential cuts to Children Services following the funding cuts made by the Government and how they would affect the services provided by Essex County Council and Epping Forest District Council. EFDC's services were primarily provided for children and young people aged 5 years plus, although there are some targeted programmes for under 5's and young people up to 25 years with special needs. The main programmes are mainly centred on sports and health improvement, holiday play schemes, dance, theatre and arts projects and community based initiatives. There was also a wide range of social inclusion work done on Super Output Area's (SOAs) and disadvantaged areas targeted at young people. There were also in-school road shows and projects to promote health, safety and well being (Crucial Crew and Reality Road show).



A significant proportion of the work is funded through external funding secured via competitive application processes to provide initiatives such as social inclusion programmes and programmes targeted at children with additional needs including those with confidence issues, low self esteem, low achievers or those with moderate

disabilities. Where the Council is restricted from applying to funding bodies, voluntary groups and parishes are supported to apply for funding for joint projects.

It was noted that Essex County Council was the key service provider from pre-birth to age nineteen. They were responsible for providing:

- Education (Primary, secondary and targeted);
- Social care;
- Youth services;
- MAAG's – Multi Agency Action Groups (Youth Services, Social Care, Schools, Police etc.);
- Children Centres.

The new structure for Essex CC Children's services had been revised for the second time in two years following a recent Ofsted and now included an 'Improvement Board' at the top overlooking a 'Strategic Joint Commissioning Group'; an Executive; local children's commissioning and delivery boards and local children's partnerships.

It was also noted that ECC were still not performing well in terms of Safeguarding and Child Protection, as their latest 'Ofsted' report was classed as unsatisfactory.

EFDC has its own Safeguarding Policy which had been updated in June 2009 and a Corporate Safeguarding Group which had representatives from all service areas, member representation and the voluntary sector. We were the first council in Essex to do so and this has been praised as an example of best practice in Essex.

At their first meeting the Panel decided that the various members should research different aspects of this theme:

- Councillor R Brookes to look at general activities; trampolining programmes for children with additional needs and to attend the Epping Forest Children's Partnership.
- Councillor T Cochrane would look into the special needs and how to improve its delivery to this district.
- Councillor L Wagland to talk to 'Kids Company' and get their views on Essex County Council services;
- Councillor L Wagland to look at Fostering at Redbridge Council and to get comparative information from them;
- Councillor J Hedges to investigate general services such as Crucial Crew and also to look at obesity.
- Councillor J Knapman to look at and report back on the Essex Safeguarding Children Board;
- Councillor L Wagland to also look at the District's "Killed or Seriously Injured" stats for young people.
- Lead Officer to report back on Essex County Council services in general.

Councillors reported back to the meeting on their findings after undertaking their individual research into their allotted topics.

After their two unfavourable Ofsted reports, ECC had set up a new organisation, the "West Essex Local Children's Commissioning Board" with a new structure designed to change things. They were also looking into commissioning third parties to provide for adolescent and mental health services. At a recent meeting they had made it clear that only £100k was to be made available to our district for all current children services. Officers voiced their concerns about this and are in top level negotiations with ECC at present and will report the outcome to Cabinet.

The Panel were informed of the concerns of officers and Education Leads from Epping Forest, Uttlesford and Harlow Council's on the decisions being taken by Essex in regard to county-wide commissioning.

In November 2010, the Panel provided the Overview and Scrutiny Committee with an interim report on their findings to date. They were very concerned that Essex County Council was pursuing the commissioning of children's services via a preferred partner option, on an Essex-wide approach. This method of commissioning ruled out the opportunity to build on existing successes in a range of locally commissioned work and was also in direct contrast to the Governments' plans for 'Big Society' and 'Place Based Budgeting'.

In March 2011 the Panel invited Essex County Councillor Ray Gooding the Deputy Portfolio Holder for Schools, Children and Families and a 'West' Children's Commissioning and Delivery Board Member to their meeting along with the ECC Director for Commissioning, Schools, Children and Families and the ECC Locality Commissioner in West Essex, where they exchanged views and held a question and answer session.

The Panel produced its final report (available on line) in May 2011 and presented it to the Overview and Scrutiny Committee.



Report to the Council

Committee: Licensing

Date: 28 June 2011

Subject: Licensing of Sex Entertainment Venues

Chairman: Councillor Richard Morgan

Recommendation:

That the Sexual Entertainment Venues and Sex Establishment Licensing Policy and the licence conditions attached be adopted

1. At the Licensing Committee meeting on 13 April 2011, we considered the draft policy for the regulation of sex cinemas, sex shops and sexual entertainment venues. The policy had been the subject of a consultation exercise. The list of those consulted which is attached to the policy was compiled before the election but as the consultation took place after, Robert Halfon MP was invited to comment instead of Bill Rammell.
2. The policy informs applicants and objectors which establishments are required to be licensed, the application process, how objections should be made, the conduct of the hearing and issues relating to the locality which the Authority will take into account when reaching a decision as to whether to grant the licence. Annexed to this policy document are the standard conditions that will be attached to licences for sex establishments unless the Licensing Sub-Committee decide otherwise.
3. We received three replies to the consultation exercise copies of which which were attached to the Licensing Committee agenda. Two of the replies to the consultation made no comment but the Loughton Town Council suggested a number of amendments which we agreed and these have been incorporated into the annexed policy document.
4. The Licensing Committee also agreed a change to the wording of paragraph 8.2 of the policy. This paragraph gives guidance as to the types of localities where the Council would consider it inappropriate having regards to the character of the locality to grant a licence. The policy had provided that there would be a "a general policy presumption against granting the licences" in the areas which were listed in the policy. This has been changed to "shall give strong consideration to the appropriateness of granting licences" in those areas.
5. We also decided that the decision to grant, renew, or vary a licence should only be taken by members of the Licensing Sub-Committee.
6. We would ask the Council to approve the draft policy.

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Proposed

**SEXUAL ENTERTAINMENT
VENUE AND SEX
ESTABLISHMENT
LICENSING POLICY**

Agreed Licensing Committee – 13 April 2011

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Appendix 1

Standard Licence Conditions for Sex Shops and Sexual Encounter Venues.....

Appendix 2

Delegation of Functions

Appendix 3

Consultation.....

1. Introduction

- 1.1 Epping Forest District Council ('the Council') has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that the Authority can licence sex shops, sex cinemas, and sexual entertainment venues in the District. In this policy, we refer to these as "sex establishments" unless we say otherwise.
- 1.2 It is our role as licensing authority to administer the licensing regime in accordance with the law. The 1982 Act and the 2009 Act can be viewed at "<http://www.opsi.gov.uk>".
- 1.3 We consulted on this policy between November 2010 and February 2011 it was approved by the Council on
- 1.3.1 This Statement of licensing policy has been produced in consultation with the Chief Police Officer for Essex, the Fire Authority and bodies representing local holders of premises licenses, the holders of premises, businesses and residents of the area. A list of those consulted is attached as Appendix 1.
- 1.3.2 When preparing this policy the Authority will take account of the legal requirements of the 1982 Act as amended and our duties under:
- Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
 - The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
 - the Provision of Services Regulations 2009 to ensure requirements are:
 - (i) non-discriminatory;
 - (ii) justified by an overriding reason relating to the public interest;
 - (iii) proportionate to that public interest objective;
 - (iv) clear and unambiguous;
 - (v) objective;
 - (vi) made public in advance, and
 - (vii) transparent and accessible.

The Council's policies

- Environmental Health Enforcement Policy
- Enforcement Concordat

Guidance Documents

- Home Office – Sexual Entertainment Venues – Guidance for England and Wales

2. Epping Forest District

- 2.1 Epping Forest is a contrasting mixture of urban and rural life, covering 34,500 hectares. The district has six main centres of population (Buckhurst Hill, Chigwell, Epping, Loughton, Chipping Ongar and Waltham Abbey) and numerous picturesque villages and hamlets, but no natural centre. The majority of the district lies within the Metropolitan Green Belt, designed to restrict the spread of London into the Home Counties.
- 2.2 In the Council Plan 2006 -2010 states that the Council's vision and overall aim is that we want the Epping Forest District to be a safe, healthy and attractive place in which to live and work. We have identified the following themes where we have specific responsibilities:
- **Green and Unique** – Ensuring the protection of the unique, green and sustainable environment of the district;
 - **Homes and Neighbourhoods** - Ensuring that the district has decent housing and clean and attractive neighbourhoods;
 - **A Safe Community** - Ensuring that residents of the district can enjoy local amenities with little fear of being a victim of crime;
 - **Fit for Life** - Ensuring that residents of the district lead a healthy lifestyle by having access to effective, high quality leisure and cultural services;
 - **Economic Prosperity** - Ensuring that the district has a thriving and sustainable economy.

The District currently has two licensed sex shops but no other premises licensed as sex establishments

3. Definition of Sex Establishments

This Policy applies to sex shops, sex cinemas and sexual entertainment venues

Sex Shop

- 3.1 Sex shops are premises whose business consists of, to a significant degree, the selling, hiring, exchanging, lending, displaying or demonstrating of sex articles or other things intended for the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint associated with sexual activity.

Sex Cinema

- 3.2 Sex cinemas are premises (except dwelling houses) which, to a significant degree are used for the exhibition of moving pictures concerned primarily with:
- (a) the portrayal of/primarily deal with/relate to/intend to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity; or

- (b) the portrayal of/primarily deal with/relate to genital organs or urinary or excretory functions.

A premises shall not be treated as a sex cinema if the premises are used for the exhibition of films under the use and authorization of the Licensing Act 2003.

Sexual Entertainment Venue

- 3.3 A Sexual Entertainment Venue (SEV) is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organizer or the entertainer”.
- 3.4 Relevant entertainment is “any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 3.5 The authority considers that the definition of relevant entertainment applies to, although not exclusively, the following forms of entertainment:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows

Premises that are not Sexual Entertainment Venues

- 3.6 Paragraph 2A(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out those premises that are not sexual entertainment venues. These are:
- Sex shops and sex cinemas
 - Premises which provide relevant entertainment on an infrequent basis

These are defined as premises where –

- (a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
- (b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- (c) no such occasion has lasted longer than 24 hours
- Other premises or types of performances or displays exempted by an order of the Secretary of State.

Waiver of the need for a Sexual Entertainment Licence

- 3.7 The Authority can grant a waiver for the requirement to hold a sexual entertainment licence if it considers that to require a licence would be unreasonable or inappropriate. Where a waiver is granted, this may last for such a period the Authority thinks fit, but can be terminated by the Authority at any time with 28 days notice.

4. Application Process

- 4.1 Applicants for the grant, renewal or transfer of a Sex Establishment Licence must complete the prescribed form, giving the full address of the premises, the name, permanent address and age of the Applicant or, where the Applicant is a business, the name and registered or principal office address of the company and the names and private addresses of its directors or others responsible for the management of the company;
- 4.2 In addition to completing the prescribed form, Applicants for a licence must also give public notice of the application by publishing an advertisement in a local newspaper that is circulated within the locality of the premises to be licensed no later than 7 days after the application is made, together with displaying a notice on the premises where it can be conveniently read by members of the public. The notice shall be displayed for a period of must give public notice by 21 days beginning with the date the application was made. The Authority will prescribe the Notice, which will be size A3.
- 4.3 Where an application is submitted electronically, the Authority will serve the Chief Officer of Police a copy of the application within 7 days of the application being submitted, where the application is not submitted electronically, the Applicant must serve notice on the Police no later than 7 days after the date of application.

5. Representations

- 5.1 Objections can be made, in writing, within 28 days from the date of the application. Any person is entitled to object. The objection should be relevant to the grounds set out in paragraph 8.2 below for refusing a licence. Moral grounds or values will not be considered relevant as the Authority does not have the right to refuse on those grounds.
- 5.2 The Authority shall notify the Applicant in writing of the general terms of the objections received within 28 days, though shall not, without the express consent of the objector make public the personal details of the objector
- 5.3 No objection will be considered if they are frivolous or vexatious. Where objections are rejected the objector will be notified of the reasons in writing.

6. Hearings

- 6.1 The application shall be referred to the Licensing Sub-Committee for determination, except where the objections received are frivolous or vexatious. Each application will be determined on its individual merit.
- 6.2 Where the Sub-Committee decides to refuse an application, the Applicant will be provided with reasons for the decision in writing.
- 6.3 The Sub Committee has the power to attach conditions to any grant which it deems necessary, non-discriminatory and proportionate.

7. Refusal of a Licence

7.1 A licence **must not** be granted:

- (a) To a person under the age of 18;
- (b) To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) To a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) To a body corporate which is not incorporated in an EEA State; or
- (e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

7.2 A licence **may be** refused on one or more of the following grounds:

- (a) The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) The number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time of application is determined is equal to, or exceeds the number which the authority consider is appropriate for that locality;
- (d) That the grant or renewal of the licence would be inappropriate, having regard:
 - (i) To the character of the relevant locality; or
 - (ii) To the use to which any premises in the vicinity are put; or
 - (iii) To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8. Relevant Locality

8.1 The Authority acknowledge that the character of a locality is not something that remains static, but which can alter at any time or over a period of time. When determining an application, the Authority will have regard to the character of the relevant locality at the time the application is determined, the use of the premises in the vicinity and the layout, character, condition or location of premises and have regard to any outstanding/unexecuted planning applications.

8.2 The Licensing Committee shall give strong consideration to the appropriateness of granting licences in our area and will take into account whether the premises are:

- (a) Adjacent to, or in the vicinity of places of worship; or
- (b) Adjacent to, or in the vicinity of schools, nurseries or other educational establishments; or
- (c) Adjacent to, or in the vicinity of public buildings or community facilities; or
- (d) Adjacent to, or in the vicinity of family residential areas; or
- (e) Adjacent to, or in the vicinity of a family leisure or shopping areas
- (f) In an area earmarked for regeneration of a particular kind;

and access routes to and from the same.

- 8.3 In considering applications for the grant variation or renewal of a licence, the Authority will also take account of the potential impact of the licensed activity on crime and disorder, and where there are already one or more sex establishments in the locality, the cumulative impact of an additional sex establishment premises.
- 8.4 Each application will be considered on its own merit taking into consideration the above as the Authority consider there may be some suitable locations for sex establishment licences within the District.

9. Licence Conditions

- 9.1 Should the Authority decide to grant an application, conditions will be imposed on the licence, such conditions may seek to restrict:
- The hours of opening and closing
 - Displays and advertisements on or in sex establishments
 - The visibility of the interior of a sex establishment to passers-by
 - Any change of use from one kind of sex establishment to another

- 9.2 The Authority has adopted standard conditions for sex shops and sexual entertainment venues and these are set out as Appendix 1.

10. Duration of Licences

- 10.1 Licences for sex establishments can be granted for up to one year.

11. Appeals

- 11.1 In the event that the Authority refuses an application for the grant, renewal or transfer of sex establishment licence, the Applicant may appeal the decision to the magistrate's court, unless the application was refused under either of the reasons as paragraph 8.2 c) or d) above, in which case the Applicant can only challenge the refusal by way of judicial review. An Appeal can also be made against the imposition of conditions.
- 11.2 Appeals must be made within 21 days from the date of written notification of the decision.

12. Enforcement

- 12.1 The Authority delivers a wide range of enforcement services, aimed at safeguarding the environment and the community and at providing a consistent licensing regime so that businesses can fairly trade. The Authority has adopted the Environmental Health Enforcement Policy to ensure consistency transparency and proportionality. The policy is available on request.

Contact Details

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

<http://www.eppingforestdc.gov.uk>

or

The Licensing Team
Corporate Support Services
Epping Forest DC
Civic Offices
High St
Epping
Essex CM16 4BZ

Tel: 01992 564034
Fax: 01992 561016

Email: licensing@eppingforestdc.gov.uk

General Enquiry Line: 01992 564000

**APPENDIX 1
LICENSING CONDITIONS**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY
THE POLICE AND CRIME ACT 2009**

PART 1

Standard Conditions for all Sex Establishments

Management of the Premises

1. The Licensee or some responsible person nominated by him over the age of 18 and approved in writing by the Council for the purpose of managing the sex establishment ("the manager") shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
4. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
5. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed.
6. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the Premises.
7. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee. This shall not apply to any Performers.

Display of Licence

8. A copy of the Sex Establishment Licence and the Conditions of the Licence made by the authority must be kept exhibited in the public area of the premises.

Age Policy

9. No person under 18 years of age to enter the premises.
10. All customers appearing to be under the age of 25 to be required to provide photographic proof of their age before being allowed access to the shop.

11. No person under 18 years of age is to be employed in the business of the establishment.
12. At all entrances there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age.
13. The Licensee of the premises shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
14. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.

Breach of Licensing Conditions

15. Any breach of legislation or failure to comply with the conditions attached to the Licence may result in prosecution or in the revocation of the Licence.

General

16. The Council may substitute, delete, vary or amend these conditions at any time.

PART 2

STANDARD CONDITIONS FOR SEX SHOPS

Opening of the Premises

1. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday – Saturday 9 am – 6 pm
Sunday 11 am – 4 pm

2. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day or Good Friday.

External Appearance

3. The holder of a sex establishment licence may exhibit on the outside of the Premises the name of the business and a notice, capable of being enclosed by a rectangle one square metre in area or such other size as agreed with the Council, consisting of the words 'Licensed Adult Establishment'.
4. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in condition 3 or otherwise approved by the Council in writing; and
(b) No external loudspeakers may be installed.
5. The windows, doors and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.

State, Condition and Layout of the Premises

6. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to for their automatic closure and such devices shall be maintained in good working order.
7. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the Premises shall be visible when persons are entering or leaving the Premises.
8. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
9. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
10. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
11. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time.

Safety and Security

12. The Licensee shall ensure a suitable closed-circuit television system is installed and maintained to the satisfaction of the Council and police complaint with the codes of practices issued under the Data Protection Act 1998.

Goods Available in Sex Establishments

13. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
14. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

PART 3
STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES

1. Any individual employed on the Premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
2. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") whilst performances are being given under this licence.
3. Performers shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks, and that they are legally entitled to work.
4. (a) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.

(b) Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

(c) The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the Premises and which may be offensive.

(d) The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the Premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from outside of the Premises.
5. The Licensee shall ensure that the number of persons on the premises shall not exceed that as stated by the Fire Officer or where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder. Such a figure will include staff and performers.
6. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.

The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
7. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
8. Performers must dress fully at the end of each performance.

9. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
10. Performers must never be alone in the company of a customer except in an area open to the public within the Premises.
11. The Licensee is to ensure a sufficient number of floor supervisors are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and Customers.
12. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
13. The Licensee must ensure that during the performance of a table dance:
 - (1) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) Customers must remain seated during the entire performance of the dance;
 - (3) For the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only;
 - (4) Performers must not sit or straddle the customer;
 - (5) Performers must not place their feet on the seats.
14. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Performers may not perform any act that clearly simulates any sexual act;
 - (2) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (4) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
 - (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - (6) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

The Licensee must ensure that during performances to which this Licence relates:

- (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
- (2) Customers must remain appropriately clothed at all times.

15. The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of Essex Police, and that any images are (a) retained for a period of at least 31 days and (b) made available on request to a police officer or authorised officer of the Council.
16. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

**APPENDIX 2
DELEGATION OF FUNCTIONS**

| Matter to be dealt with | Full Committee | Sub Committee | Officers |
|---|-----------------------|----------------------|-----------------|
| Application for Licence | | All cases | |
| Application for Variation of a Licence | | All cases | |
| Application for renewal of a Licence | | All cases | |
| Application to revoke a Licence | | All cases | |
| Decision on whether a complaint is irrelevant frivolous vexatious etc | | All cases | All cases |
| All policy matters except the formulation of the licensing policy | All cases | | |

CONSULTATION

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

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

Committee: Licensing

Date: 28 June 2011

Subject: Pavement Licences

Chairman: Councillor Richard Morgan

Recommendation:

That the licences be not granted under S115E of the Highways Act 1980 which would permit items such as tables and chairs to be placed on pavements.

1. At its meeting on 13th October 2010, the Licensing Committee after considering a report and having taken into account the request by Essex County Council and its own Town Centre Manager, recommended that the Council should exercise its powers to issue licences to businesses which wished to place table, chairs, A boards etc on the pavement. We asked the Council to agree a schedule of delegations and the suggested conditions and the recommended fees which were attached to the report.
2. The Council referred the report back to the Licensing Committee for a more detailed explanation of the process, costs of the County Council and the fees that Epping Forest District Council would charge.
3. At our meeting on 13 April 2011 we received a detailed explanation of the procedure which is set out in the Highways Act 1980. This provides that once an application is made the licensing officer:
 - must undertake consultations,
 - prepare a notice and place this outside the premises, and
 - serve notice on neighbouring properties that are affected
 - consult with the highways authority,
 - consult with the planning authority
4. Before a licence can be granted the consent of the owner of any property adjoining the area of pavement must be obtained. The consent of the adjoining owner must not be unreasonably withheld. If there is an objection the question as to whether consent has been unreasonably withheld must be referred to an arbitrator and the procedure in the Act followed. If there were any objections then the application would have to be referred to the Licensing Sub-committee for decision.
5. If the licence were to be granted it would have been made subject to a number of conditions and it will be necessary to monitor compliance and enforce against any breaches of conditions.

6. Officers had suggested the following fees with the intention that the work was self funding:

- £125 per annum for 5 or more tables (and associated chairs),
- £75 per annum for 5 and under.
- If only chairs, boards or other items are placed on the footpath a fee of £75 will be applicable

There are a large number of premises in the district which already place tables and chairs outside their premises and the process set out in the Highways Act for the issue and determination of each licence together with enforcement is time consuming. It was considered that the work could not be carried out by existing staff in the Licensing Section. Essex County Council has not intimated that it would charge a fee to undertake the consultation.

7. We noted that if an application is made, the Highways Act 1980 requires the Council to make a decision. In the past any applications have been referred to Essex County Council which has the same powers as the District, however, Essex County Council has declined to issue licences for streets in the district. Further we noted that there had been some complaints about obstruction of the pavements.

8. Having noted the Council's concerns about the cost to businesses of the licence and the fact that there have not been a large number of complaints, we decided that we would not recommend the granting of licences at this time but we asked that this be kept under review and a further report be submitted to the Licensing Committee in a year's time.

**EPPING FOREST DISTRICT
PARISH REMUNERATION PANEL**

**ANNUAL REPORT
2010/11**

ANNUAL REPORT OF PARISH REMUNERATION PANEL

1. INTRODUCTION

- 1.1 This is the fourth annual report of the Parish Remuneration Panel for the Epping Forest District. The report summarises the Panels' work during the years 2010/11.

2. LEGAL BACKGROUND

- 2.1 We were established under the Local Government Act 2000, which requires the Council to establish a Parish Remuneration Panel to advise on payment of allowances and expenses to local Councillors.
- 2.2 Remuneration Schemes agreed under these arrangements are subject to public notification and copies of remuneration schemes once agreed must be available to the public for scrutiny as must the payments actually made at the end of each financial year.
- 2.3 The membership of the Panel is set out in the report of the District Remuneration Panel. The membership of both Panels is the same.
- 2.4 The Local Authorities (Members Allowances) (England) Regulations 2003 include provisions for Remuneration Schemes in respect of Parish and Town Councils.
- 2.5 Regulations 25-31 are summarised below:

Regulation 25 (Parish Basic Allowance)

- 2.6 This permits a Parish Council to pay an allowance called the Parish Basic Allowance. This may be payable to its Chairman only or to each of its members. If the allowance is payable to each of the Parish Council membership it must be the same amount but there is provision for a higher payment to the Chairman of the Council. In setting a Parish Basic Allowance the Parish Council must have regard to recommendations of a Parish Remuneration Panel.
- 2.7 The regulation allows that where a member is suspended or partially suspended from his or her responsibilities or duties as a member of a Parish Council, provision may be made in a remuneration scheme to withhold the basic allowance during the period of suspension. The regulation also requires that a notice is published in the Parish of any recommendations made by the Remuneration Panel and the actual payments to be made.
- 2.8 A copy of the payment records for each Parish Councillor must be kept available for public inspection and at the end of each year a summary statement for each councillor for all the payments they have received must be publicised.

Regulation 26 (Parish Travelling and Subsistence Allowance)

- 2.9 This regulation allows an authority to pay to its members travelling and subsistence allowances in connection with a range of duties.
- 2.10 Provisions regarding suspended members also apply. Travelling allowances include allowances in respect of travel by bicycle or any other non-motorised form of transport.

Regulation 27 (Parish Remuneration Panels)

- 2.11 A Parish Remuneration Panel shall consist of those persons who are also members of the Independent Remuneration Panel which advises the District Council.
- 2.12 The Parish Remuneration Panel must not include any member who is also a member of an authority in respect of which it will be making recommendations. At present none of the two members of the Independent Remuneration Panel are members of Parish Councils.
- 2.13 The regulation also requires that the expenses of the Parish Remuneration Panel should be met by all authorities for whom they are considering remuneration schemes.

Regulation 28 (Recommendations of Parish Remuneration Panels)

- 2.14 Parish Remuneration Panels are required to produce a report making recommendations as to:
 - (a) the amount of Parish Basic Allowance.
 - (b) the amount of travelling and subsistence allowance payable.
 - (c) whether the Parish Basic Allowance should be payable only to the Chairman of any such authority or to all its members.
 - (d) whether, if the Parish Basic Allowance is payable to both the Chairman and the other members, the Chairman's allowance is to be set at a higher level.
 - (e) the responsibilities or duties in respect of which member shall receive Parish Travelling and Subsistence Allowances.
- 2.15 It is a requirement of these regulations that a copy of the Remuneration Panel's report should be sent to each authority in respect of which recommendations have been made.

Regulation 29 (Levels of Allowances)

- 2.16 The Parish Remuneration Panel may make recommendations either:
 - (a) to apply the recommended levels of Parish Basic Allowance and Travel and Subsistence Allowance to all authorities; or
 - (b) make different recommendations for different authorities.
- 2.17 The Remuneration Panel may express its recommendation as to Parish Basic Allowance as a percentage of the sum recommended in respect of the District Council and that percentage may be 100%.
- 2.18 The Remuneration Panel may also express its recommendations as to the level of Parish Basic Allowance as a monetary sum, being equivalent to the relevant percentage.

Regulation 30 (Publicity in Respect of Reports of Parish Remuneration Panels)

- 2.19 This regulation requires that once an authority has received a copy of the Remuneration Panel report it shall ensure that copies of the report are available for inspection by the public.

Regulation 31 (Records of Parish Allowances)

- 2.20 Parish and Town Councils are required to keep a record of payments made in respect of Parish Basic Allowance and Parish Travelling and Subsistence Allowance. This record must specify the name of the recipient and the amount and nature of each payment, must be available for inspection, and must be supplied to any person entitled to inspect a record.
- 2.21 The regulation also prescribes as soon as reasonably practicable at the end of the year, the Parish Council shall arrange for the publication for a period of at least 14 days.

3. PARISH/TOWN COUNCIL REMUNERATION SCHEME

- 3.1 In 2004 we approved a scheme for Parish/Town Councils for a period of four years. In 2007/08 we reviewed the scheme.
- 3.2 Our current recommended scheme provides for -
- (a) Parish Basic Allowance - the percentage of the District Council's budget allocated to member remuneration should be applied as a maximum for spending by Parish and Town Councils and no individual payment should exceed the rate for a district councillor;
 - (b) Parish Travelling and Subsistence Allowance - the District Council's rates should be the maximum levels paid;
 - (c) Civic Allowances - civic allowances are outside the scope of the remuneration scheme as they are paid under a separate legal authority;
 - (d) Currency of Schemes - four years before further review unless significant changes were sought.

4. 2010/11 SCHEME

- 4.1 A letter was sent to all Parish and Town Councils in the District inviting proposals for changes for consideration by the Panel.
- 4.2 Two responses were received. Loughton Town Council wishes to continue with its Remuneration Scheme for another year without alteration with the annual parish basic allowance that councillors may claim remaining at £108. Epping Town Council advised that it would be reviewing its scheme in 2011/12. We have agreed the Loughton Town Council proposal.

**EPPING FOREST DISTRICT
REMUNERATION PANEL
SIXTH ANNUAL REPORT 2010/11**

Introduction

This is the sixth annual report of the District Remuneration Panel for the Epping Forest District. The report summarises the Panel's work during the year 2010/11 and indicates further matters for review in the future.

Legal Background

We were established under the Local Government Act 2000, which requires the Council to establish a Remuneration Panel to advise on payment of allowances and expenses to District Councillors.

Remuneration schemes agreed under these arrangements are subject to public notification and copies of Remuneration schemes once agreed must be made available to the public for scrutiny as must the payments actually made at the end of each financial year.

Membership

The Panel currently comprises three independent members, namely:

David Jackman
Rosemary Kelly
Stephen Lye

2010/11 Review

Details of our review undertaken and our recommendations for implementation follow.

Recommendations:

Basic Allowance

- (1) That, having regard to the difference between the current amount in the adopted scheme (£4,300 per annum); and
 - (a) the average amount paid to similar Councils in the same region (£4,500);
 - (b) the amount (£4,625) achieved by applying the current Minimum Adult Wage of £5.53 per hour to a 15 hour week; and
 - (c) the lack of any increase in staff salaries since 2009/10;

no change be made to the amount of basic allowance;

- (2) That the Council again be encouraged to review its level of implementation of the Basic Allowance, currently £3,150 per annum, as it is clear that this is considerably less than the amounts paid to Councillors in similar authorities in the same region and it is considered there is a danger of undervaluing the role which may make it more difficult to attract potential candidates to stand for election in the future;

(3) That at this time no steps be taken to introduce a supplement to the Basic Allowance to be paid to Councillors attending a specified number of meetings/training sessions in view of:

(a) the difficulty of drawing up a workable scheme which complies with statutory requirements and can be monitored efficiently; and

(b) the review being undertaken by the Council of member training including the possible introduction of e-learning;

Special Responsibility Allowances

(4) That no Special Responsibility Allowance be paid to Deputy Portfolio Holders at the current time as they were only appointed in December 2010 and there has been little time to assess the roles being undertaken;

(5) That, based on consultations with the current six Licensing Sub-Committee Chairmen and attendance by members of the Panel at a Sub-Committee training session and as observers at two Sub-Committee meetings, it is considered there are grounds for granting a Special Responsibility Allowance for the role of Licensing Sub-Committee Chairmen;

(6) That, as it is considered the role of Licensing Sub-Committee Chairmen is similar to the role undertaken by Area Plans Sub-Committee Chairmen, a Special Responsibility Allowance be paid totalling £3,225 per annum to be divided equally between the six Licensing Sub-Committee Chairmen;

(7) That the Council determine the level of implementation of the allowance for the Chairmen of the Licensing Sub-Committee taking account of the current implementation level of £2,362 per annum for Chairmen of Area Plans Sub-Committees;

(8) That no further change be made to the amounts of Special Responsibility Allowances, having regard to the similarities in amounts of Special Responsibility Allowances in the Council's current adopted scheme and those of similar authorities in the same region as the Council;

Member Role Accountability Statements

(9) That the steps being taken to revise Member Role Accountability Statements of the various member roles undertaken at the Council be noted;

Co-optee Allowances

(10) That, pending clarification of the timescale for the abolition of the current complaints regime and the future role, if any, agreed by the Council for a Standards Committee, further work on a review of allowances to the independent members of the Standards Committee be deferred;

Travelling Allowances

(11) That the reference to first class rail return fare in the current scheme in relation to travel to meetings outside of the District or by members resident outside of the District be removed from the scheme;

(12) That no change be made to the other aspects of travelling allowances;

Subsistence Allowance

(13) That in order to continue to mirror the rates paid to officers, subsistence payments be revised as follows:

Breakfast up to £3;

Lunch up to £5 (less the average meal cost of £3.50);

Evening meal up to £11.77 (less the average meal cost of £3.50);

Carers' and Childcare Allowances

(14) That no change be made to the scheme in respect of Carers' and Childcare Allowances;

State Benefits

(15) That the attention of Councillors be drawn to the availability of the booklet published by the Local Government Information Unit entitled "Councillors' Tax and Benefits".

Report:

Background:

1. The present legislative framework for Members' Allowances Schemes is contained in the Local Authorities (Members' Allowances) (England) Regulations 2003. Councils are required to establish and have regard to the recommendations of local Remuneration Panels in setting and reviewing their Allowance Schemes. There are no national limits set. However, whilst acknowledging the value of local flexibility and independence provided by Remuneration Panels, the Government feel that it is important that Panel decisions are informed by good practice elsewhere.

2. The Government's "Guidance on Consolidated Regulations on Local Authority Allowances" outlines the main statutory provisions and gives non-statutory advice. A summary is given below:

(a) Basic Allowance:

Each local authority must make provision for a basic, flat rate allowance payable to all members; the allowance must be the same for each councillor and can be paid as a lump sum or in instalments;

(b) Special Responsibility Allowances (SRAs):

Each authority may make provision for the payment of Special Responsibility Allowances for those councillors who have significant responsibilities; the Panel recommends the responsibilities and the levels of allowances;

(c) Co-optees' Allowance:

Each authority may make provision for the payment of an allowance to co-optees for attending meetings, conferences and seminars;

(d) Childcare and Dependant Carers' Allowances:

Local authorities may make provision for the payment for an allowance to those councillors who incur expenditure on the care of children or dependant relatives whilst undertaking particular duties;

(e) Travel and Subsistence:

Each authority may determine the levels of travel and subsistence allowances and the duties to which they should apply;

(f) Pensions:

Each local authority may specify which councillors, if any, should be eligible for inclusion in the Local Government Pension Scheme and which allowances (Basic and/or Special Responsibility) should be pensionable;

(g) Indexation:

Each local authority may determine its allowances should be increased in accordance with the specified index and can identify the index and set the number of years (not exceeding four) for which it should apply;

(h) Backdating:

Each local authority may determine that, where amendments are made to an Allowances Scheme, the allowances as amended may be backdated.

3. The Epping Forest District Council's Members' Allowances Scheme was initially approved by the Council in December 2002 following consideration of a report from this Panel. The scheme has since been reviewed several times by the Panel with recommendations being considered by the Council.

4. Since 2002, the Council, for budget reasons, has not paid the full amounts of allowances recommended by the Panel as set out in the Council's adopted scheme. At its meeting in May 2008, the Council decided to implement a Basic Allowance at a figure of £3,150 per annum (approximately 73%) of the amount of Basic Allowance set out in the scheme - £4,300 per annum.

5. Similarly the Council implemented Special Responsibility Allowances at amounts less than those included in the approved scheme.

Benchmarking

6. In undertaking this review we have taken account of a survey conducted in the Spring/Summer 2008 on behalf of the Local Government Association and the Improvement and Development Agency. A total of 324 (83.9%) of 386 authorities responded to the survey which collected information on Basic Allowance, Special Responsibility Allowances and other allowances paid to members. This is the latest national survey undertaken.

Current Scheme

7. The Council's current scheme includes all of the key elements which the regulations allow, including admission of councillors to the Local Government Pension Scheme, child and carers' allowances, travel and subsistence expenses.

Basic Allowance

8. Basic Allowance is payable to all members to reflect the time and effort required to attend meetings, site visits and to deal with constituent problems and queries. It should also cover any incidental costs, e.g. telephone calls, paper, envelopes. It should also be borne in mind that the allowance recognises that there is a voluntary element to the work undertaken by members and that it does not set out to fully compensate all work undertaken. It is generally considered that the time spent on Council and political business should be “discounted” by between 25-50% in recognition of the public service element. Anything beyond 50% and councillors could be seen to be giving most of their time as public service, i.e. unremunerated, or anything less than 25% could give the impression that councillors are reluctant to recognise the public service element.

9. As advised earlier, this Council’s adopted scheme provides for a Basic Allowance of £4,300 per annum with current implementation being £3,150 per annum. In addition members signing an agreement under the Member Connectivity Scheme receive £500 per annum in their first year of office and £250 in subsequent years.

10. The survey undertaken in 2008 although a little outdated now, showed that the average payment made by other shire districts/boroughs in the same region was £4,505 per annum.

11. The current minimum adult wage of £5.93 per hour applied to a 15 hour week results in an allowance of approximately £4,625.

12. We have noted that there has been no increase in Council staff salaries recently and the option of increasing Basic Allowance in line with a staff increase is not therefore open to us.

13. Having regard to the current amount in the adopted scheme, the average amount paid to similar Councils in the same region, the amount achieved by applying the current minimum adult wage to a 15 hour week and the lack of any increase in staff salaries since 2009/10 we are recommending that no change be made to the amount of Basic Allowance.

Supplement to Basic Allowance – Attendance at Meetings/Training Sessions

14. The Council requested the Panel as part of this review to consider inclusion in the Remuneration Scheme of a supplement to the Basic Allowance to be paid to members attending a specified number of meetings/training sessions. This followed the decision not to introduce voluntary claw back where a member is considered to have failed to fulfil their role.

15. We have concluded that there are difficulties in drawing up a workable scheme and we note that the Council has yet to agree a member training programme for 2011/12. We understand that it is possible that future member training will contain an element of “e-learning” which could be undertaken in members’ homes at a time to suit them.

16. We have been unable to find any other authority which makes provision for a supplement for attending meetings/training sessions. Some authorities have tackled poor attendance at training sessions by introducing personal development plans for individual members which are monitored by Group Leaders or a Member Panel.

17. In view of the difficulty of drawing up a workable scheme which complies with statutory requirements which could be monitored efficiently we are recommending that at this time no steps be taken to introduce a supplement to the Basic Allowance, in relation to attendance.

Implementation

18. We have again discussed the Council's level of implementation of the Basic Allowance, currently £3,150 per annum and we are again recommending that this be reviewed by the Council as this sum is considerably less than the amounts paid to councillors in similar authorities in the same region. Whilst we appreciate the need for restraint in setting the Council's budget and the need to make savings in the current economic climate, we are of the opinion that by paying a Basic Allowance considerably less than similar authorities, there is a danger of undervaluing the role and that this could make it more difficult to attract potential candidates to stand for election in future. Accordingly, we are again inviting the Council to review the level of implementation.

Special Responsibility Allowances (SRAs)

19. The Council's scheme identifies SRAs in common with other authorities, e.g. for the Leader, Cabinet Portfolio Holders, Chairmen of Committees, Panels. The amounts recommended by us in 2008 resulted from multipliers being applied to the recommended amount of the Basic Allowance.

(a) Deputy Portfolio Holders

20. The Council on 2 November 2010 when approving the creation of Deputy Portfolio Holders resolved that the application of SRAs for those positions should be deferred until 2011/12 to allow time for these new positions to be assessed in their initial period of operation.

21. Although the Council made its decision on 2 November 2010 we have noted that councillors were only appointed to the positions on 14 December 2010 and there has been little time therefore to assess the roles being undertaken. We have noted the model job description agreed with the Council for these positions. We are proposing that no Special Responsibility Allowance be paid to Deputy Portfolio Holders at present and that the position be reviewed again in the future when the role being undertaken can be assessed.

(b) Licensing Sub-Committee Chairmen

22. As part of our last review, we resolved that having regard to the increased number of meetings of Licensing Sub-Committees and the nature of business undertaken at those meetings, the Council be asked to give further consideration to the way in which the Chairmen of the Sub-Committees were elected to enable consideration to be given to the payment of a Special Responsibility Allowance.

23. In response the Council decided to appoint a Panel of six Licensing Sub-Committee Chairmen from among members of the Licensing Committee to preside over Sub-Committee meetings by rota.

24. We have been informed that since the appointment of six members at the Annual Council meeting in May 2010 there have been nine meetings of Licensing Sub-Committees and five of the six members have presided over meetings. One member has presided over three meetings, two members have each presided over two meetings and two members have each presided over one meeting. At the time of preparing our report one

member had yet to preside over a meeting but was due to undertake the role at the next scheduled meeting.

25. We have attended meetings of Sub-Committees during recent months to witness the role of Chairmen at these meetings. One Member of the Panel has also attended a training session for members and officers on Licensing law etc.

26. We initially met Councillor Richard Morgan, an experienced Magistrate to discuss the former role of JPs and the current role of councillors in relation to licensing issues.

27. We came to the conclusion that there were grounds for granting a Special Responsibility Allowance for this role. However, we remained undecided about the size and distribution of any SRA and decided to consult the six Licensing Sub-Committee Chairmen to seek their views on the role of being undertaken and the manner in which any SRA might be allocated.

28. The average payment to the Chairmen of Licensing Sub-Committees in the same region is £3,820. Amounts paid by other Essex authorities vary between £1,579 and £8,226. Some of the authorities have Sub-Committees which are not reflected in the 2008 survey and in some authorities the Chairman of the Licensing Committee is also the Chairman of the Sub-Committee.

29. We have concluded that the role of Licensing Sub-Committee Chairmen is similar to the role of an Area Plans Sub-Committee Chairman. Accordingly, we are recommending a total SRA of £3,225 per annum. Taking account of the views of the current six Licensing Sub-Committee Chairmen we are further recommending that the amount be allocated equally between the six members appointed as Chairmen.

30. If the Council adopt our recommendation for the payment of an SRA it will be necessary to decide the level of implementation having regard to the fact that Area Plans Sub-Committee Chairmen currently receive £2,362 per annum.

Special Responsibility Allowances

31. Apart from recommending a Special Responsibility Allowance for Licensing Sub-Committee Chairmen we are proposing that no change be made to the amounts of other Special Responsibility Allowances having regard to the similarities and amounts of Special Responsibility Allowances in the Council's current adopted scheme and those of similar authorities in the same region as the Council.

Member Role Accountability Statements

32. We have been informed that the Council's Constitution and Members' Services Scrutiny Panel at a meeting on 9 November 2010 considered revised draft Member Role Accountability Statements for the various member roles undertaken at the Council.

33. We understand that the Scrutiny Panel agreed that statements based on models produced by the Improvement and Development Agency should be adopted and that the statements which were submitted to the meeting on 9 November 2010 should be revised for consideration at a future meeting of the Scrutiny Panel. We have noted that once the statements have been adopted by the Council they will be referred to us to assist in making recommendations in relation to future allowances.

Co-optee Allowances

34. The Council on 20 April 2010 adopted our recommendation that the allowance paid to the Chairman of the Standards Committee and other independent members of that Committee who chair Sub-Committees should be reviewed in order to recognise the new local assessment regime and the increased workload arising therefrom.

35. However, shortly after the General Election, the Coalition Government announced that it would abolish Standards for England (the national body). At that time it was assumed the announcement related to the central body only but it is now clear that the proposal is to abolish the whole standards regime applicable to councillors in England including the Members' Code of Conduct, Standards Committees in their current guise, Standards for England and the First Tier Tribunal (Local Government Standards for England).

36. The timescale is uncertain as the proposal requires legislation which is included in the Localism Bill currently before Parliament. If and when the proposals are enacted, the determination of all outstanding cases at whatever level at that time will be the responsibility of Standards Committees. Once those cases have been determined the current standards regime will cease. We understand that the Council will be able to continue with the Standards Committee if it wishes but that the role of that Committee will be significantly different as there will be no requirement to include any independent members on the Committee.

37. Pending clarification of the timescale for the abolition of the current complaints regime and the future role, if any, agreed by the Council for a Standards Committee we have deferred undertaking any further work in relation to reviewing the allowances paid to independent members of the Standards Committee.

Travelling Allowances

38. The Council's current scheme applies the same rates as those paid to officers, in common with many other authorities. These are reviewed nationally on an annual basis. At present the rates are 46.9p per mile for use of a vehicle not exceeding 999cc; 52.2p per mile for use of a vehicle not exceeding 1199cc; and 65p per mile for use of a vehicle exceeding 1199cc. The Council's scheme also provides for the payment of some extra pence per mile for carrying passengers. The scheme makes provision for a bicycle allowance of 65p per mile.

39. Travelling allowances are payable in respect of "approved" duties which are defined in the scheme.

40. The current scheme provides that in relation to travel to meetings outside of the District or by members' resident outside the District, claims irrespective of the mode of travel shall not exceed the lower of:

- (a) first class return fare plus underground and other fares from station to destination; or
- (b) the appropriate car mileage.

41. We have been informed that following a request for information under the Freedom of Information Act, a local resident has suggested that reference to first class rail travel is inappropriate in the current economic climate. He continued that Council taxpayers should be confident that they do not have to fund unnecessary costs or extravagance at the present time.

42. We agree with the views of the local resident and are recommending that reference to first class rail return fare should be removed from the Council's scheme.

Subsistence Allowance

43. The Council's current rates mirror the rates paid to officers which are: not exceeding £6.72 for breakfast; not exceeding £9.28 for lunch; not exceeding £3.67 for tea; not exceeding £11.49 for evening meal. These officer rates have previously been reviewed annually and changes have been reflected in the Council's scheme.

44. We were advised that following a review of the rates of subsistence paid to officers new rates are to apply as follows:

Breakfast up to £3;

Lunch up to £5 (less the average meal cost of £3.50);

Evening meal up to £11.77 (less the average meal cost of £3.50).

45. We are recommending that the subsistence payments to councillors should continue to mirror the officers' rates and are recommending accordingly.

Carers' and Childcare Allowances

46. The Council's scheme provides for a childcare/dependant carers' allowance payable at a rate of £8.39 per hour with a maximum of four hours imposed on any one claim.

Allowances are not payable in respect of carers who are members of the councillor's immediate and close family, i.e. parents, children, spouses, co-habitees or members of the same household as the councillor.

47. We have been informed that to date no member of the Council has received this allowance and we see no need to review the amount provided in the scheme.

State Benefits

48. The Council asked us to consider and report on the effect of Member Allowances on State Benefits.

49. The Local Government Information Unit publish a booklet entitled "Councillors' Tax and Benefits". This clearly states the law which is that 'The Basic Allowance and any SRA, co-optees/childcare/dependant carers' allowance' received by a councillor count as earnings for benefit purposes and taxable income for income tax purposes.

50. We wish to draw the attention of councillors to this publication, a copy of which has been placed in the Members' Room.

**EPPING FOREST DISTRICT
STANDARDS COMMITTEE**

**NINTH ANNUAL
REPORT
2010/11**

CHAIRMAN'S FOREWORD

I wish to thank the members of the Standards Committee, together with the Monitoring Officer and her team, for all their support and hard work throughout the year. I believe and trust we have dealt with all complaints in an efficient, professional and fair manner, and credit is due to all those involved in the process.

As a newcomer to the Standards Committee, I have been struck by the amount of resources consumed in investigating many complaints. While it is inarguably correct that we follow the statutory procedure, it is rare that the initial decision reached is then overturned by subsequent appeals. There is a balance between fair treatment of all parties and the resources spent in investigating complaints more than once, and I feel that sometimes this balance is upset as complainants have nothing to lose if their original complaint is not answered to their satisfaction: They therefore follow the process through, maybe in hope rather than expectation that a future panel will find in their favour.

I could also question the motivation for a number of the complaints received, which appear frivolous or 'tit for tat' in nature, which does no credit to the people involved.

As is discussed below, the Standards Committee framework will change should the Localism Bill become law in its current format. Councillors are asked to carefully consider how they wish the public's expectations on conduct of councillors to be managed going forward. One of the strengths of the current process is that it is consistent, thorough and has a degree of independence. As it stands, the Localism Bill will put ownership of conduct matters with the local authority, with no national standards to follow.

Richard Crone
Chairman
Epping Forest District Standards Committee 2010/11

1. INTRODUCTION

- 1.1 This is the ninth Annual Report of the Epping Forest District Standards Committee covering the municipal year 2010/11. The aim of this report is to describe some of the issues which have arisen since our last report and likely future developments.

2. THE COMMITTEE

- 2.1 The 2010/11 membership of the Standards Committee is as follows:
- (a) three independent members (Richard Crone Jason Guth and Murray Wright);
 - (b) three parish representatives (Parish Councillors Daphne Borton, Jason Salter and Brian Surtees) who were nominated by the Epping Forest Association of Local Councils; and
 - (c) three District Councillors: Councillors Mrs A Grigg, Mrs P Smith and Mrs J Whitehouse.
- 2.2 The Standards Committee continues to be supported by Colleen O'Boyle (Solicitor to the Council and Monitoring Officer), Ian Willett (Deputy Monitoring Officer and Assistant to the Chief Executive), Graham Lunnun (Allegations Determination Manager and Assistant Director - Democratic Services), and Simon Hill (Local Assessments Officer and Senior Democratic Services Officer).

3. CHANGES IN MEMBERSHIP

- 3.1 As reported in our 2009/10 report Grenville Weltch left the Committee on 1 August 2010 and we were grateful to him for deferring his retirement until existing casework in which his experience was important had been concluded. His seat on the Committee was taken by Jason Guth, who jointed Richard Crone as a second new member, the latter having succeeded Mary Marshall as member and Chairman. Jason Guth was appointed as the new Vice Chairman.
- 3.2 Following the District Council's Annual Meeting in May 2010, Councillors Penny Smith and Janet Whitehouse rejoined the Committee as District Council representatives. We also welcomed Councillor Anne Grigg as the successor to Councillor Rolfe.
- 3.3 We are sorry to record the death of one of the Committee's long-serving Parish representatives: Jason Salter. Jason had been a member from 2001 when the Committee was first established until 2007 and again from 2009 until his death. He was always an active participant in the work of the Committee often with robust views but a commendable willingness to contribute to our discussions.
- 3.4 Jason Salter was succeeded by Councillor Mrs Sheila Jackman, of Ongar Town Council.

4. STANDARDS COMMITTEE – TERMS OF REFERENCE

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

- 4.2 The duties of the Committee continue to cover a number of statutory elements including proposing and amending the Code of Conduct for the District and Parish/Town Councils, promoting the Code and its values, providing training, responding to consultations, investigating, reviewing, adjudicating on complaints and also giving advice on ethical issues affecting Councillors as they arise. The Committee remains responsible for granting dispensations from the effect of prejudicial interests and for politically restricted staff posts.
- 4.3 In 2010/11, we continued to deal with the complaints which we referred to in last year's report. Sub-Committee arrangements established in 2008/9 to deal with the complaints process have continued to operate and over the period of the last 12 months, there have been no new changes to the role of the Committee.

5. THE YEAR IN REVIEW

- 5.1 This section of the report outlines the main activities of the Committee over the past Council year. Each section reflects the main elements of our terms of reference.

Review of Ethical Framework

- 5.2 We referred in our last Annual Report to a Government Consultation Paper on further changes to the Member Code of Conduct. In June 2007, Councils adopted a new Code of Conduct, but shortly afterwards, a new consultation was launched by the Government of the day to make further clarifications to its provisions, following wide consultation.
- 5.3 The General Election in May 2010 resulted in a new Government being formed and its clear from their pronouncements that the current arrangements will be radically altered.
- 5.4 In our last Annual Report we drew attention to changes which were being discussed by the new Government in regards to a reduction of so called "quangos", including Standards for England. Since then the Government has introduced legislation entitled the "Localism Bill" which has the following main elements:
- (a) the conduct principles governing the activities of Councillors and which underpin the present code of conduct will be abolished;
 - (b) the model code of conduct which applies to all local authorities will be abolished;
 - (c) Standards for England will be abolished and none of its functions will be transferred elsewhere;
 - (d) the First Tier Tribunal (formerly the Adjudication Panel) will lose its jurisdiction over local authority members;
 - (e) registration and declaration of personal interests by Councillors will continue and they will be prohibited from using their position for personal gain;
 - (f) wilful failure to comply with the requirements under (e) above would constitute a criminal offence;
 - (g) the requirement for local authorities to adopt a model code of conduct and for Councillors to abide by the Code will both be abolished;

- (h) local authorities will be free to adopt their own voluntary code;
- (i) the requirement for local authorities to maintain a Standards Committee will be abolished but they may establish a voluntary committee to consider complaints about the conduct of elected or co-opted Councillors;
- (j) if a voluntary Standards Committee is established, local authorities may be able to censure members but could not suspend or disqualify.

5.5 The Bill is scheduled to receive the Royal Assent at the end 2011 or thereabouts. Until the new legislation is fully in effect, the present arrangements will continue. The Bill is also thought likely to increase the influence of the Local Government Ombudsman over complaints against Councils, including a new duty on Councils to implement the Commissioner's findings. There are indications that further changes could be applied in Parliament during the passage of the Bill, including a new code and/or a requirement for a statutory Audit & Governance Committee with an independent Chairman and majority independent membership whose responsibilities might embrace some of the present role of Standards Committees.

5.6 This raises some issues concerning the stance the District Council and Parish/Town Councils intend to take on:

- (a) whether voluntary codes of conduct should be pursued;
- (b) how complaints against Councillors over their conduct are to be dealt with in future;
- (c) whether a District Standards Committee is desirable.

It seems that a voluntary complaints system assumes that a code would be in being against which to measure conduct and also provision for responsibility for assessing misconduct (if proven) and possible public censure.

5.7 We have considered the issue of whether this Standards Committee should continue and our view is that, once the provisions of the legislation are set, we may wish to bring recommendations forward so that the Council decides how to proceed.

5.8 The new duty to register interests and for members of Councils not use their positions for personal gain will depend heavily on what constitutes "wilful" behaviour as opposed to simple mistakes or misunderstandings. Clearly a process for dealing with those matters will need to be devised by the Government.

5.9 We referred last year to the review of the Planning Protocol. No further work on this has been carried out in view of the change in Government which will see the disappearance of the present code and a new standards regime. There is some uncertainty about the final format of the Localism Bill and this will clearly influence the content of the planning protocol. The latter will also be affected by the Bill's intention to clarify rules on predetermination, pre-disposition and bias.

Bias, Pre-disposition and Pre-determination

5.10 The Monitoring Officer has drawn our attention to another aspect of the Localism Bill which will influence the Planning Protocol and member conduct. This relates to the threefold issues of bias, pre-disposition and pre-determination in Council

decision-making. Such matters are not exclusive to the conduct regime and the Bill may challenge the accepted legal position that, in the event of actual bias (“closed mind”) or any appearance of being so, the member concerned should not take part in the decision. Such a finding could generally render decisions unlawful and render the Council liable for costs and to reputational damage.

5.11 The Monitoring Officer pointed out that the Bill may seek to clarify the legal position by providing that an indication of views by a Councillor on a particular matter is not to be taken as evidence of a “closed mind”. The kind of situation covered by this might be:

- (a) campaigning;
- (b) discussions with constituents;
- (c) expressing views on local issues and seeking support.

5.12 These are matters of which the Council will need to take in account in the future.

Dispensations and Politically Restricted Posts

5.13 No matters under this item of business have required our consideration in the last year. However, in considering the future of the Standards Committee it will be necessary to ensure some mechanism for dealing with such applications remains.

Adjudicating/Investigating Complaints against Elected Members

... 5.14 Appendix 1 to this report sets out an annual statement of the complaints received by the Standards Committee during the year. Although only one substantive case has reached Assessment as a new case, other less focussed ‘complaints’ have arisen and dealt with by officers by way of advice. This year has also seen the conclusion of three matters, the subject of previous report, that were subject to formal investigation. Case numbers 9/2009, 1/2010 (Local Assessment) and 4/2010 (Hearing) were all found not to have amounted to a breach under the terms of the Code of Conduct.

... 5.15 Appendix 2 sets out a statement of the costs of conducting investigations. By way of explanation, because Epping Forest District Council has a relatively small team of officers handling complaints, it is not always possible, both in terms of the integrity of the process or in terms of the workloads of the individuals concerned, for all investigations to be carried out in house. Sometimes, it is necessary to use external investigators if the Deputy Monitoring Officer (who usually carries out these investigations) is unable to do so because he has been involved in the case previously or because his workload dictates that an additional investigation cannot be undertaken.

5.16 Appendix 2 shows the costs of these external investigations which are based on reliable consultancy figures. Internal investigations are costed on time allocation for the Deputy Monitoring Officer plus other incidental costs such as printing, photocopying. Suffice it to say that all complaint investigations are expensive and have many hidden costs if conducted internally.

5.17 As a guide, the two internal investigations (based on time allocations) completed after the year in question were both costed at around £3,700.

6. NAZEING PARISH COUNCIL – DIRECTION FROM STANDARDS FOR ENGLAND

- 6.1 Work pursuant to the Standards for England Direction to the Monitoring Officer continued during the year.
- 6.2 The Direction to the Monitoring Officer was to take other steps in lieu of complaint investigations to try to resolve the differences within the Parish Council through other action. The Direction was mutually agreed with Standards for England because it was already the view of the Monitoring Officer and the Deputy Monitoring Officer that continuing complaint investigations would not help the situation which exists within the Parish Council.
- 6.3 The Direction consisted of four elements:
- (a) training in the Code of Conduct with particular reference to treating others with respect;
 - (b) mediation and conflict management for two individual Councillors on Nazeing Parish;
 - (c) general conflict resolution training for all members of the Parish Council;
 - (d) training and review of Standing Orders so as to achieve better conduct of Parish Council meetings.
- 6.4 The actions required to comply with the Direction were divided into two programmes. The first was concerning standing orders, management of meetings and related issues on member behaviour. Two training courses were held out of five which were planned, after which the trainer made representations to the Monitoring Officer that the training was unlikely to achieve the objectives set under the Direction. We advised the Monitoring Officer to terminate the programme as soon as possible because we no longer felt that the costs to be incurred could be justified. It was our view that the likelihood of a positive outcome was very unlikely.
- 6.5 We asked the trainer to provide a written assessment of the courses and this was conveyed to Standards for England. The Directive has subsequently been cancelled.
- 6.6 The second phase of training had not progressed beyond initial discussions and further work was terminated. For both elements, the Council incurred fees of £1,500. Looking back on the Direction, this seemed to be a genuine attempt on the part of Standards for England to improve relations and operations within the Parish Council but however high-minded the attempt, the level of spending was not justifiable in our view.

7. CONCLUDING COMMENTS

- 7.1 We would like to emphasise that any member of the Council in the District who has concerns about the present Code of Conduct is always welcome to speak to the Monitoring Officer, her staff or any member of the Committee. We repeat our views as stated in previous reports that the best way of complying with the ethical framework is to seek advice at as early a stage as possible and to remain vigilant at all times in dealings with the public, other Councillors and officers.
- 7.2 We feel that the Council needs to address the new ethical framework once the Government's new legislation is published and we will facilitate that discussion by reporting to the Council so that the Council can decide how to proceed.

Independent Members

Richard Crone (Chairman)
Jason Guth (Vice-Chairman)
Murray Wright

Parish Council Representatives

Daphne Borton
Sheila Jackman
Brian Surtees

District Councillors

Anne Grigg
Penny Smith
Janet Whitehouse

Z:\C\STANDARDS COMMITTEE\0 2011\NINTH ANNUAL REPORT

Epping Forest Assessments Subcommittee

Review of Cases for Annual Report 2010/11

| Year | No. | Case reference no. | Case status | Received - (dd/mm/yyyy) |
|------|-----|--------------------|--|----------------------------|
| 2010 | 1 | EFDC 6/2010 | <p>Complaint made by a member of the Public relating to the conduct of three members of a planning subcommittee.</p> <p>Code Sections – General Obligations, Section 8 Interests</p> <p>Heard 8 November 2010 – Decision not to investigate as no evidence of breach found in all three cases</p> <p>Review requested and heard on 10 January 2011 – Review Panel concurred with the view of the Assessment Panel that no further action was required.</p> | 8/10/2010 |

No cases yet presented to Assessment Panel in 2011

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STANDARDS COMMITTEE
OPERATIONAL BUDGET

| Expenditure | Budget 2010/11 | Actual Outturn 2010/11 |
|---------------------------------------|---------------------------|-----------------------------------|
| Consultants Fees | 5,390.00 | 5,866.88 |
| Advertising | 1,100.00 | 1,073.89 |
| Standards Committee Investigations | 10,000.00 | 3,719.62 |
| Managerial & Professional (R) | 20.00 | 27.00 |
| Office Services (R) | 60.00 | 64.00 |
| Print Operations (R) | - | 170.81 |
| Chief Executive Policy Group (R) | 10,590.00 | 9,622.57 |
| Gross Expenditure | 27,160.00 | 20,544.77 |
| Income | - | - |
| COST CENTRE TOTAL | 27,160.00 | 20,544.77 |

R = Recharges

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Report to the Council

Committee: Electoral and Corporate Governance
Reviews Committee

Date: 28 June 2011

Chairman: Councillor J Philip

1. COMMUNITY GOVERNANCE REVIEW – MORETON, BOBBINGWORTH AND THE LAVERS (MBL) PARISH COUNCIL

Recommending:

(1) That the following proposals arising from the Community Governance Review for MBL Parish be adopted, as they reflect the identities and interests of the communities in the area and are effective and convenient namely:

(a) re-warding of the area comprising the existing Parish Wards of High Laver, Little Laver and Magdalen Laver to form a single ward entitled “The Lavers” as shown on Map 2 (shaded pink) of Appendix 1;

(b) the transfer of those areas of High Laver and Little Laver wards which are part of Matching Green Village to the Parish of Matching (as set out in Appendix 1 (and shaded green on Map 1) to this report);

(c) the re-alignment of the MBL/Matching Parish boundary in Matching Green Village as a consequence of (b) above as shown with a green line in Map1 of Appendix 1;

(d) that MBL Parish, should continue to have a Parish Council with electoral arrangements based on wards;

(e) that no change to the number of Parish Councillors in Matching and MBL Parishes be made;

(2) That an Order be made under Section 92 of the Local Government and Public Involvement in Health Act 2007 to give effect of the proposals arising from the review, subject to a report to this meeting on further consultation with elected Councillors resident in the MBL part of Matching Green village to ascertain the level of public support for a new Matching Parish Council elections in 2012;

(3) That a statutory statement under Section 96 of the Act indicating the Committee’s response to the review (as set out in Appendix 2) be adopted for subsequent publication all respondents to the public consultation;

(4) That the Council make an application to the Local Government Boundary Commission (LGBC) for the following:

(a) the re-alignment of the boundary between North Weald and Nazeing and Ongar and Rural County Electoral Divisions and the District Wards of Moreton and Fyfield and Hastingwood, Matching and Sheering Village to follow the new Parish boundary; and

(b) the holding of an election in 2012 in the District Ward of Hastingwood, Matching and Sheering Village.

Introduction

1. This Committee was established by the Council in June 2010 to carry out a community governance review in respect of MBL Parish Council.
2. Community governance reviews are carried out under the Local Government and Public Involvement in Health Act 2007. Reviews are designed to allow community governance at Parish level to be examined so as to achieve arrangements which are both effective and convenient for local communities whilst reflecting their identities and common interests. These reviews can be used as a basis for creating, altering, disbanding, combining or grouping parishes. They can also be used to review electoral arrangements including such matters as ward boundaries, the number of councillors and the cycle of elections.
3. In this case the review initially focused on warding arrangements within MBL Parish, where the Parish Council wished to change the number of wards in order to achieve a better electoral equality across its area and reduce its election costs. During the consultation on reducing the number of wards, some residents of Matching Green village (in the part within MBL Parish) requested a review to be undertaken of the Parish boundary as it affects the village. This boundary currently divides Matching Green equally between the MBL and Matching Parish.

Consultation

4. Consultation was carried out in two phases. The first phase concerned the parish wards in MBL Parish. A letter, explanatory statement, return pro forma and envelope were sent to each household in the parish wards of High, Little and Magdalen Laver.
5. The second phase involved a wider consultation with electors in Matching Green village (MBL part) and householders in the remainder of the Lavers wards and the whole of Matching Parish. This second phase focused specifically on the question of whether the parish boundary at Matching Green should be altered so as to incorporate the whole of the village in Matching Parish.
6. This consisted of individual letters to electors and householders in the three areas. The letter enclosed a summary sheet of issues that electors and households might wish to consider and this referred to more detailed information which as published on the Council's website. In addition to this we convened a public meeting on 1 April 2011 to hear views in person from local residents. The issue of whether there should be change in the number of councillors to reflect the transfer of electors between the two Parish Councils.
7. We also consulted the two Parish Councils and received comments back from Essex County Council, which has an interest in the County electoral division boundary change. It is known that the County Council consulted the two local County Councillors.

Results of Consultation – First Phase

8. These are set out in more detail in Appendix 3 to this report. In Phase 1, there was strong support for the re-warding of the three Lavers wards into one new parish ward. The Committee accepted this as a firm proposal.
9. The second phase of the consultation was about the Matching Green boundary. In

this case, we had to determine how the electors who would be directly affected by the proposed boundary change could be given priority in assessing the results. In our view, all households in the Lavers Ward and Matching Parish had to be consulted but in our judgement they were less directly affected than those in Matching Green Village (MBL part) which would actually transfer. For this reason, we decided to consult electors within Matching Green Village (MBL part).

10. The results indicated support for the proposed boundary change. Although this was very clear in percentage terms among those who responded, we nevertheless thought carefully about how to interpret those who did not. We took the view that, as the consultation had been publicised widely, the silence of those residents who had not responded could be interpreted as meaning that they saw no adverse effects from the change.
11. We felt that there was a strong case for making the boundary change as we did not consider that any local links were severed by realigning the boundary at Matching Green, this change being preferable to the current situation where a single village community is divided between two parishes. It has been said to us on many occasions that the current boundary is illogical. The Lavers area would retain its individual character whilst having the whole of Matching Green Village in Matching Parish seems to reinforce the community links with the latter as reflected in their common name.

Other Boundaries

12. The proposed boundary change at Matching Green is unusual in that the present Parish boundary is shared by district ward, county electoral division and Parliamentary constituency boundaries. Although the District Council has powers under the 2007 Act to change a parish boundary, it is not able to change those for District Wards or County Divisions. However, the LGBC is able, on application, to make consequential changes to the District and County electoral boundaries if a parish boundary is altered. We think there is a strong argument for re-aligning these County and District boundaries with the revised parish boundary, not least to avoid voter confusion and we recommend that an application under the Act be made to the Commission to make those changes.
13. We have received informal advice from the Commission that they see no fundamental difficulties (subject to looking at the detailed information) in realigning the district and county boundaries. However, a condition of the Commission's approval will be that an out of turn district election must be held in 2012 to ensure that the four year electoral cycle is regained in 2015. District & Parish elections (the latter was uncontested) were held in 2011 for the Matching area.
14. As the Moreton and Fyfield District ward is due to hold elections in 2012, it was obvious to us that if an out of turn election must be held, it should take place in Hastingwood, Matching and Sheering Village District Ward. In some ways it is regrettable that another election would have to be held so soon but we feel the advantages in terms of community governance and avoidance of voter confusion at elections is such that this is an acceptable price to pay for achieving a logical boundary. It may be worth mentioning that the 2011 District election in the ward was contested, which is an exception to the normal situation.

The Parliamentary Boundary

15. A review of Parliamentary Constituencies in England is currently underway. The Committee has been advised that the only way in which the parliamentary boundary at Matching Green can be altered is as a result of the current review. The review is being progressed by a separate Commission. We plan to take advantage of whatever consultation arrangements follow later in the year to press for the

parliamentary boundary at Matching Green to be realigned if it remains at that location.

Other Issues

16. As part of this review, the Council is asked to consider whether there are any other alternative governance arrangements which would better reflect local communities of interest other than parish councils. No such proposals have been notified to us and we have taken the view that there is no reason why the current parish pattern in the area should be discontinued.

MBL Parish

17. Currently, Moreton, Bobbingworth and The Lavers Parish Council has five wards and the proposal is to reduce these to three. This Parish Council area is rural in character with many scattered hamlets and small villages. There was significant, but not overwhelming support, for reducing the number of MBL Parish Councillors but we have accepted the argument put forward by MBL Parish Council that a reduction in the number of wards would still recognise local interests in The Lavers area and that 14 Parish Councillors should be retained to make access to elected members as easy as possible over this wide area.

Matching Parish

18. We have also looked at the position of Matching Parish Council assuming that the transfer of part of Matching Green into its area comes about. Currently Matching Parish Council has seven councillors and elects for the whole parish area without wards. Although Matching Parish Council will receive additional electors as a result of the boundary change, we do not see a case for introducing warding arrangements there based on the members of electors involved. The results of the consultation indicated clearly that among those who responded that there was no support for increasing the number of Parish Councillors. This was also the view of the Parish Council. We are therefore not recommending any changes to the present electoral arrangements, the number of parish Councillors.

Parish Elections in Matching

19. At our last meeting in formulating our proposals for this meeting of the Council, we considered whether the transfer of the Matching Green electors into Matching Parish should warrant an additional Parish Council election in 2012. This is because of the potential "democratic deficit" for those voters who could not take part in the 2011 parish election and will miss the 2012 MBL election. Although Matching Parish Council is not in favour of another election, we have consulted three parish councillors (two from Matching and one from MBL) who live in Matching Green and asked them to canvass the views of local residents on this.
20. As we have explained above, it is likely that if the District ward boundary changes to match the new parish boundary there will be a District Council election in 2012. If the wish of local residents was to have a further election in Matching Parish, this could be held concurrently with the District poll and the costs would thereby be shared. There may of course be a third election in the District in May 2012, namely for an Essex Police Commissioner although this is not yet certain.
21. The cost of a District Council election would be met by this authority. If a Parish election were held at the same time the cost would be shared and the Parish Council will be re-charged for its proportion according to whether it is contested or uncontested.
22. Our Chairman will be reporting to the Council meeting on the results of this further

informal consultation on another Parish Council election in Matching in 2012. If there is public support for such a step, it will be necessary to make provision for this in the order referred to in recommendation (2) in this report.

Conclusions

23. The Council is under a duty to complete community governance reviews within a 12 month period. The Council therefore must at this meeting reach a firm conclusion on the proposals which are now being submitted. There is no scope for deferment or reference back of our proposals, they must be determined at this meeting.
24. We have tried to consult as widely as possible on these changes which, particularly with the Matching Green boundary, are complicated mainly due to the different electoral boundaries which run along the same route. We hope that the Council will agree that support from the local area for the re-warding of MBL Parish and the change in the parish boundary at Matching Green is sufficient to permit our recommendations to be adopted.
25. The new boundary would be reflected in the next published electoral register in early 2012. The new warding arrangements for MBL would come into effect at its scheduled District and Parish elections in May 2012. The electors transferring to Matching Parish would vote in the next ordinary Parish Council election in 2015 unless this Council is minded to hold another election in 2012, those Parish Councillors having a three year term expiring in 2015. Those voters would be voting in a new District election in 2012, for the relevant District Ward.
26. Appendix 2 sets out the form of statutory statement required to be published subject to the council's final decision.
27. We recommend as set out at the commencement of this report.

Background Papers:

Phase 1 and 2 Consultation material.

Consultation responses.

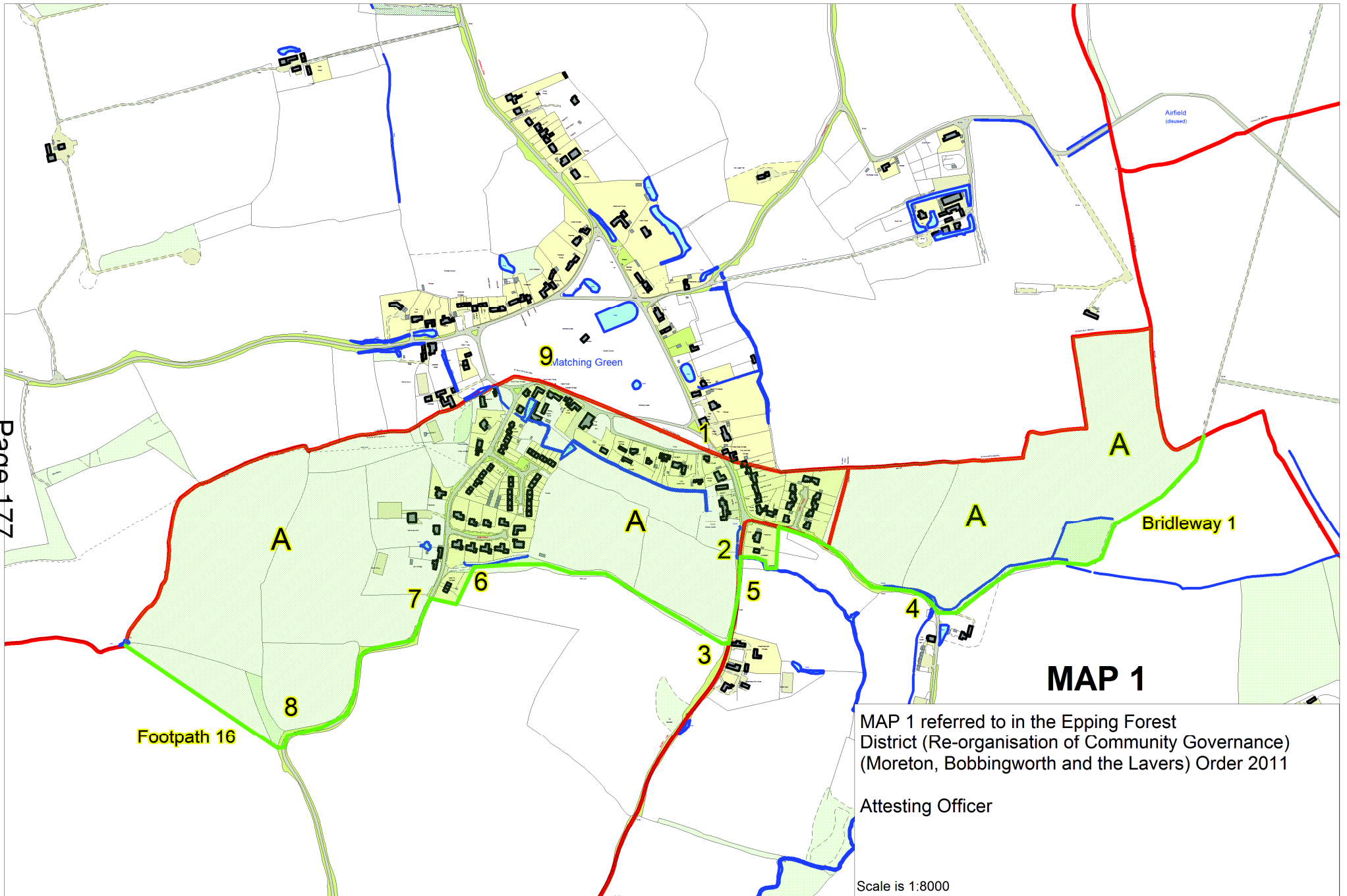
Letter from Local Government Boundary Commission.

Consultation responses from Moreton, Bobbingworth and The Lavers Parish Council.

Consultation responses from Essex County Council

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MAP 1

MAP 1 referred to in the Epping Forest District (Re-organisation of Community Governance) (Moreton, Bobbingworth and the Lavers) Order 2011

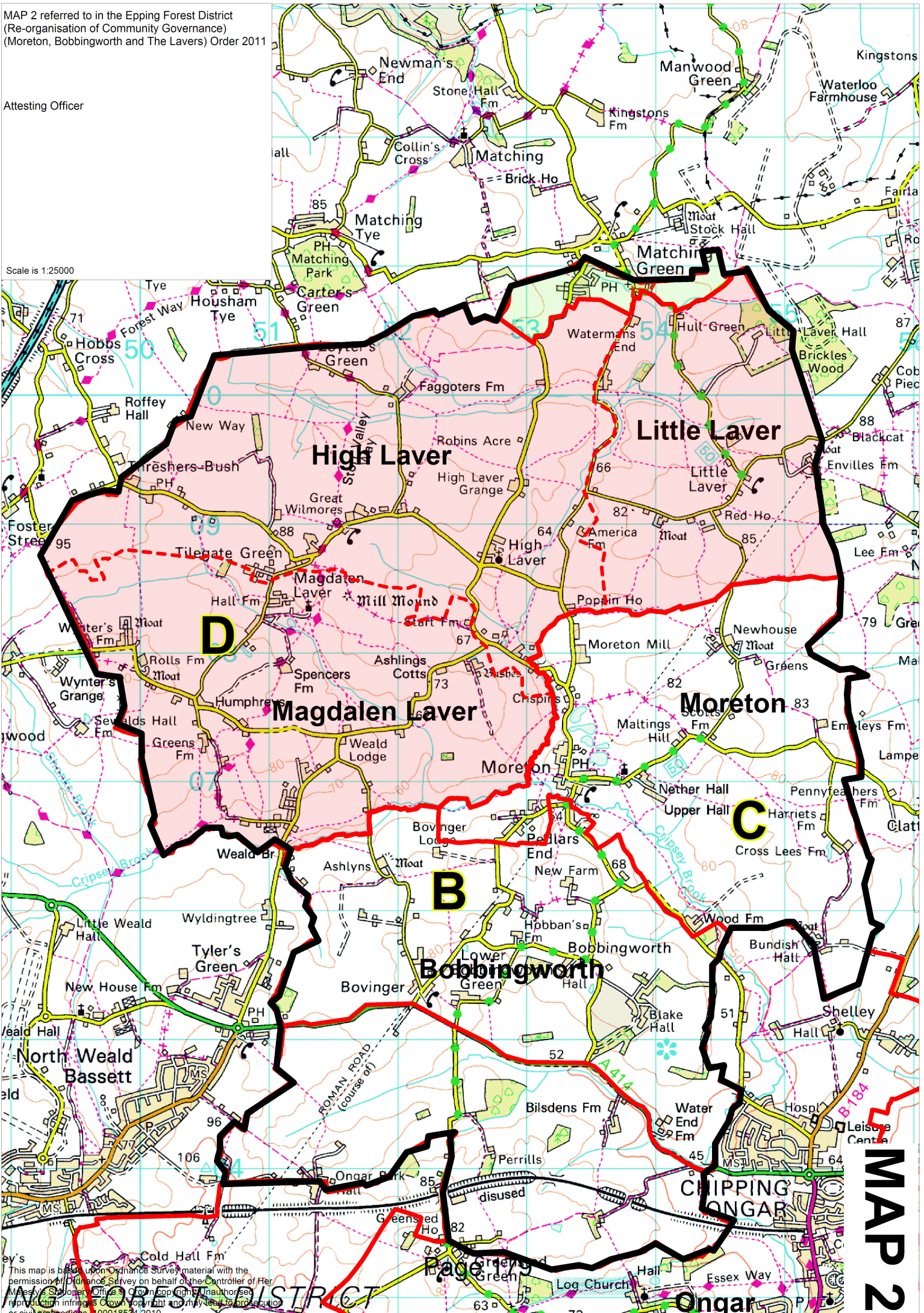
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Attesting Officer

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EPPING FOREST DISTRICT COUNCIL
COMMUNITY GOVERNANCE REVIEW
MORETON, BOBBINGWORTH & THE LAVERS (MBL) PARISH COUNCIL
LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN
HEALTH ACT 2007

The Epping Forest District Council has concluded a Community Governance Review of parish boundaries and parish electoral arrangements for MBL Parish. The Council has now made a Re-organisation Order which gives effect to the Council's decisions.

A copy of the Re-organisation Order, which comes into force on 1 October 2011, along with detailed maps and documents setting out the reasons for the decisions the Council has taken, is available for inspection at Epping Forest District Council, Civic Offices, High Street, Epping, Essex CM16 4LA between 9.00 a.m. and 5.15 p.m. (Monday-Thursday) and 9.00 a.m. and 5.00 p.m. (Friday) or can be viewed on the Council's Website at www.eppingforestdc.gov.uk.

29 June 2011

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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – STATEMENT UNDER SECTION 92

COMMUNITY GOVERNANCE REVIEW – MORETON, BOBBINGWORTH & THE LAVERS (MBL) PARISH COUNCIL

The Epping Forest District Council opened a Community Governance Review in regard to MBL Parish Council at its meeting on 30 June 2010.

The review was occasioned by a request from the Parish Council for its electoral wards to be examined with a view to:

- (a) achieving a ratio of electors to Councillors which was more even across the Parish;
- (b) achieve savings in the costs of administering local elections.

The Parish Council proposed that its 5 Parish Wards be reduced to 3 by combining the wards of High Laver, Little Laver and Magdalen Laver (W1) to form a single new ward to be called “The Lavers”.

This proposal was agreed by the Council at its June 2010 meeting as the terms of reference for a Community Governance Review (W2). As required by the 2007 Act, consultation then took place with all households in the three Lavers wards (W3) and the results reported to a newly-established Committee (titled the Community Governance Reviews Committee) on 18 November 2010 (W4).

The results of the consultation indicated from support from local households for the re-warding and the Committee accepted this as a firm proposal.

The consultation found a significant level of support from respondents for a change in the external boundaries of MBL Parish in the village of Matching Green. The Committee decided on 1.3.11 (W5) that this support was significant enough to carry out further consultation with households in The Lavers area and in the adjoining Parish of Matching. This second round highlighted the view expressed locally that the present route of the Parish boundary was illogical, in that it effectively divided Matching Green in two (W6).

Following the March 2011 Committee meeting, further consultation was launched (W7). This consultation recognised the central importance of electors in Matching Green (but part of MBL Parish) in determining whether a boundary change should be undertaken. For this reason, individual electors in that area rather than households were contacted as these electors were most directly affected.

The objective of the consultation was to understand local opinion on whether all of Matching Green Village should be in Matching Parish.

The results of this consultation were reported to the Committee on 19 May 2011 (W8). There was general support for the boundary change among respondents and, after discussion, the Committee concluded that non-responders could be deemed to have at least acquiesced in the change.

The 2nd round of consultation also explored the need for changes in the number of Councillors in the two Parish Councils, were the boundary change to proceed. MBL residents in The Lavers were asked if one less Councillor were required as the Parish was losing electors. By the same token, Matching householders were asked if an increase in the

number of electors through incorporating all of Matching Green in the Parish warranted one more elected member.

There was little support for these changes in Matching. In MBL, there was a significant but not overwhelming support for one less Councillor for The Lavers ward. However, the Committee accepted the case put forward by the Parish Council that MBL was a large rural area and the removal of one Councillor would make access for electors to their representatives more difficult. The Committee therefore supported the option of no change.

The Committee at its meeting in May 2011 formulated its final proposals for approval by the Council (W9). These included proposals for applying to the Local Government Boundary Commission to change the District Ward and County Electoral Division boundaries so that they continued to be co-terminous with the Parish boundary after the latter was altered. A final informal consultation was also commissioned through 2 Matching Councillors and 1 MBL Parish Councillor who lived in the MBL part of Matching Green Village. This concerned any "democratic deficit" for those Matching Green electors who would transfer to Matching Parish and not be able to participate in a Parish election until 2015.

This consultation was reported to the Council meeting on 28.6.11 along with the other proposals of the Committee.

[NB Statement to be completed following the Council meeting].

CONSULTATION RESPONSES

| ROUND 1 (The Lavers Wards) | |
|------------------------------------|-------------|
| Households Consulted: | 310 |
| | |
| Responses: | 102 (32.9%) |
| | |
| In favour of a single Lavers Ward: | 86 |
| Against a single Lavers Ward: | 16 |

| ROUND 2 (Matching Green Boundary) | |
|---|------------|
| (a) The Lavers Wards (excluding Matching Green Village (MBL Part)) | |
| Households Consulted: | 219 |
| | |
| Responses: | 37 (16.4%) |
| | |
| In favour of boundary change: | 31 |
| Against boundary change: | 6 |
| | |
| In favour of 1 less Councillor: | 26 |
| In favour of No Change: | 11 |
| (b) Matching Parish | |
| Households Consulted: | 273 |
| | |
| Responses: | 60 (27.4%) |
| | |
| In favour of boundary change: | 56 |
| Against boundary change: | 4 |
| | |
| In favour of 1 additional Councillor: | 20 |
| In favour of No Change: | 40 |

| (c) Matching Green Village (MBL Part) | |
|--|-------------|
| Electors Consulted: | 180 |
| | |
| Responses: | 100 (50.5%) |
| | |
| In favour of boundary change: | 81 |
| Against boundary change: | 19 |
| | |
| In favour of 1 additional Councillor in MBL: | 75 |
| In favour of No Change: | 20 |
| | |
| In favour of new boundary: | 80 |
| Against the new boundary: | 19 |