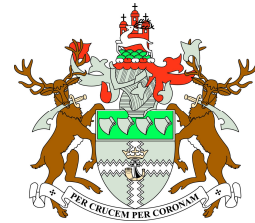


Council Agenda



**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, 13 December 2011 for the purpose of transacting the business set out in the agenda.

DEREK MACNAB
Acting Chief Executive

**Democratic Services
Officer:**

Council Secretary: Ian Willett
Tel: 01992 564243 Email:
democraticservices@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. DAVE SMITH

The Council is invited to stand for a minute’s silence in tribute to the memory of Dave Smith, one of the Council’s carpenters, who passed away suddenly on Sunday 13 November 2011.

Dave gave over 15 years loyal service to the Council, and was a dedicated and conscientious carpenter who earned the respect of his managers, his colleagues and the tenants with whom he came in contact.

3. MINUTES (Pages 7 - 22)

To approve as a correct record and sign the minutes of the meeting held on 1 November 2011 (attached).

4. DECLARATIONS OF INTEREST

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

5. ANNOUNCEMENTS

(a) Apologies for Absence

(b) Announcements

To consider any announcements by:

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

6. PUBLIC QUESTIONS (IF ANY)

To answer questions asked after notice in accordance with the provisions contained in

paragraph 9.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

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

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

7. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 23 - 40)

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 the Environment Portfolio Holder;
- (d) Report of the Finance and Economic Development Portfolio Holder;
- (e) Report of the Housing Portfolio Holder;
- (f) Report of the Leisure and Wellbeing Portfolio Holder;
- (g) Report of the Planning and Technology Portfolio Holder;
- (h) Report of the Safer, Greener and Highways Portfolio Holder;
- (i) Report of the Support Services Portfolio Holder.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

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

- (i) reports under item 7 above; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

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

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

request that a response be given direct to the questioner by the relevant Chief Officer.

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

9. MOTIONS

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

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

10. QUESTIONS BY MEMBERS UNDER NOTICE

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

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

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

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

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

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

11. REPORTS OF THE CABINET

To follow, if any from the meeting to be held on 5 December 2011.

12. REPORT OF OVERVIEW AND SCRUTINY - AUDIT AND GOVERNANCE COMMITTEE - APPOINTMENT OF PORTFOLIO HOLDER ASSISTANT (Pages 41 - 44)

(Chairman – Overview and Scrutiny Committee) To consider the attached report.

13. REPORT OF OVERVIEW AND SCRUTINY - REPORTING BY SCRUTINY PANEL CHAIRMEN AT COUNCIL MEETINGS (Pages 45 - 48)

(Chairman – Overview and Scrutiny Committee) To consider the attached report.

14. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

- (a) To note that there are no reports from Council representatives on the business of joint arrangements and external organisations; and
- (b) To request written reports from representatives on joint arrangements and external organisations for future meetings.

15. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt 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.

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

- Committee:** Council **Date:** 1 November 2011
- Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.58 pm
- Members Present:** Councillors K Angold-Stephens (Chairman), B Rolfe (Vice-Chairman), R Barrett, R Bassett, A Boyce, W Breare-Hall, Ms R Brookes, Mrs T Cochrane, R Cohen, Mrs D Collins, D Dodeja, C Finn, Mrs R Gadsby, P Gode, Mrs A Grigg, Ms J Hart, D Jacobs, D C Johnson, Mrs S Jones, P Keska, Mrs J Lea, L Leonard, Mrs M McEwen, J Markham, A Mitchell MBE, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, Mrs P Richardson, B Sandler, 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 and J Wyatt
- Apologies:** Councillors K Chana, J Hart, Ms Y Knight, A Lion, S Packford, W Pryor, Mrs M Sartin and D Wixley
- Officers Present:** D Macnab (Acting Chief Executive), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), T Carne (Public Relations and Marketing Officer) and G J Woodhall (Democratic Services Officer)
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76. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive 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.

77. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 27 September 2011 be taken as read and signed by the Chairman as a correct record.

78. DECLARATIONS OF INTEREST

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

79. ANNOUNCEMENTS

(a) Announcements by the Chairman of the Council

(i) Attendance at Events

The Chairman reported on his attendance at an information afternoon held at the recently extended Careline Centre at Parsonage Court, Rectory Lane, Loughton. He advised that the afternoon had celebrated the first anniversary since the completion of the extension and had presented an opportunity to bring members up to date with

the range of services offered by Careline. He referred to the dedicated staff at the Centre.

The Chairman advised that on 1 October 2011 he had attended the Special Constabulary Muster Parade which recognised Special Constables who had done outstanding work within the community along with the officers that had recently been promoted. He reported that Special Constables volunteered their time for a minimum of 16 hours every four weeks and that the majority undertook this work in addition to a normal full day's work.

The Chairman reported that he had enjoyed the King Harold Day held at Waltham Abbey on 8 October 2011. He advised that the event had been informative and had been well attended by the public.

The Chairman referred to his attendance at the Council's Celebrating Success event at which presentations had been made to District Council staff who had achieved professional qualifications in a variety of work-related areas during the past 12 months.

The Chairman said that he had enjoyed the New Horizons Bowls Gala Day and he thanked officers in Community and Cultural Services for organising the event.

The Chairman stated that on 6 October 2011 Councillors and staff had participated in a white water rafting event held in aid of his charity. He advised that a DVD had been made of the event which was shown to the Council.

(ii) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to Pelly Court, Hemnall Street, Epping.

(b) Announcements by the Leader of Council

The Leader advised that she had no announcements to make under this heading.

(c) Announcements by Portfolio Holders

(i) Leisure and Wellbeing Portfolio Holder

Councillor Gadsby, Leisure and Wellbeing Portfolio Holder, reported that in the early hours of 30 October 2011 the Epping Forest District Museum had been broken into. A number of display cases had been damaged and a number of items had been stolen. Some of the items had subsequently been recovered by the Police but others were still missing. Councillor Gadsby reported that the Museum had been closed on Monday and Tuesday of this week so that the damage could be repaired. She said that the Police were continuing to investigate the theft and that she could not give any further details at this stage. She stated that on completion of the investigation decisions would be made on whether there was a need for further improved security.

(d) The Alan Ball Local History Award

The Chairman announced that the Council had been the joint winner for 2010 of the Alan Ball Local History Award for the best work of local history produced under the auspices of a local authority. He reported that the award was made by the Library Services Trust, part of the Chartered Institute of Library and Information Professionals.

The Chairman continued that the award had been for the life and art of Octavius Dixie Deacon, a 52 page colour book by Chris Pond and Richard Morris. The Chairman reported that the Epping Forest District Museum had purchased a number of sketch books by Deacon, an artist and publisher, who had lived in Loughton from the 1870s until 1916. A joint project had been agreed, whereby the Museum would digitise the sketches and paintings and make them available free to the Loughton and District Historical Society, who had undertaken to research Deacon's life and work, and write a comprehensive introduction, and publish them in book form, at their own expense and at cost price.

The Chairman welcomed Michael Saich from the Awarding Committee and invited him to say a few words about the award. Mr Saich advised that Alan Ball had been a former Chief Librarian of the London Borough of Harrow and he had written a lot of local history publications. The object of the award was to encourage local authorities to produce items of local history of high standard. Mr Saich advised that Alan Ball had taken part in the judging and the award Committee had congratulated the Council on a well produced book and its collaboration with the local society.

The Chairman invited Chris Pond to address the meeting. Mr Pond referred to the current difficult times for local authorities and suggested that the project represented a good example of partnership working between a public authority and a local society. He advised that as a result of publication of the book, the work of Deacon had been made known to a wider audience and that as a result of locating further works it was possible that a second volume of the book would be published in the future.

The Chairman invited Mr Saich to make the formal presentation of the award to Councillor Gadsby, Leisure and Wellbeing Portfolio Holder and he invited them to join him together with Chris Pond and Tony O'Connor, the Council's Museum Services Officer in the well of the Chamber for photographs.

80. PUBLIC QUESTIONS (IF ANY)

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

81. FIRE ALARM

At this stage in the proceedings the fire alarm sounded. The meeting was adjourned and the Council Chamber vacated.

On returning to the Chamber the Chairman thanked members for taking part in what had been a fire drill. He reminded members that normally they would have been required to assemble at the War Memorial but that as it had been a test a concession had been made requiring them to vacate to the corner of Homefield Close only.

Councillor Markham drew attention to the fact that the doors at the top of the staircases had not opened automatically and had required members to use their swipe cards in order to access the stairs. The Acting Chief Executive thanked Councillor Markham for drawing this to his attention and undertook to get officers to resolve this fault in the system.

82. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET

The Council received written reports from the Chairman of the Overview and Scrutiny Committee, the Environment Portfolio Holder, the Finance and Economic Development Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning and Technology Portfolio Holder, the Safer, Greener and Highways Portfolio Holder and the Support Services Portfolio Holder. The Council also received a supplementary written report from the Planning and Technology Portfolio Holder.

The Chairman invited the Leader and Legal Portfolio Holder to provide an oral report, and the Chairman of the Overview and Scrutiny Committee and the other members of the Cabinet to give an oral update of their written reports.

(a) Leader and Legal Portfolio Holder

Councillor Wagland reported that she had recently attended a meeting of the South East Local Enterprise Partnership covering Essex, Kent and East Sussex. The Leader advised that this Council now had a key role on a broadband sub group of the Partnership and this role would be filled by Councillor Philip, Deputy Leader of the Council. Councillor Wagland reported that John Spence, formerly Chairman of the West Essex Alliance, had been appointed Chairman of the Partnership. She suggested that this would benefit the Council as he understood the issues relating to this District. She advised that John Spence was on record as saying that he wished to be part of a Local Enterprise Partnership which added value, only centralised if this was more effective and efficient than a local solution and aimed to become the most enterprising economy in England. Councillor Wagland reported that it had been made clear the Local Enterprise Partnership would be focussed on actions and not a talking shop. She advised that the first priority which had been identified related to transport projects which would either benefit the region as a whole or would be of local importance in order to secure economic progress. The Partnership had recognised that in order to move forward on such projects it would be necessary to explore various ways of funding.

Councillor Wagland advised that the Council had hosted a breakfast meeting of the West Essex Alliance. As it had been necessary for John Spence to stand down as Chairman of the Alliance, Vance Rowe, a local businessman, had taken over as Chairman. The meeting had identified employment issues as being of key importance and reference had been made to the shortage of semi-skilled workers in West Essex, the need to link skills to the ambitions of colleges and employers and the acceptance of new retail developments as presenting opportunities not threats. The Leader advised that she would include the West Essex Alliance Vision in the Council Bulletin.

Councillor Wagland reported that she had attended a meeting of the North London Strategic Alliance which comprised East Anglia corridor authorities. The key issue had been investment and reference had been made to identified employment areas (clusters) including a high tech one in Hackney which had produced 30,000 new jobs in a year. The Leader advised that Anglia Ruskin University were attempting to use the concept to get some sites set up in Essex for Life Sciences employment. Reference has also been made to an existing cluster in the Lea Valley for the growing of vegetables and distribution.

The Leader reported that together with Councillor Bassett she had met County Councillor T Chapman who had taken over as the County Council's Highways

Portfolio Holder. Councillor Chapman had advised that she had been addressing a backlog of work and the need to make significant reductions in the highways budget. The County Council Portfolio Holder had advised that the Highways Service would soon be put out to tender and that it was her aim to try to get some local input into the Highways Service. The County Council Portfolio Holder had acknowledged that Loughton had been poorly served from a Highways Service prospective and that she would attempt to address this in the future. The County Council Portfolio Holder had expressed concern at the reception County Highways officers had received at local Highways Panels but she had been advised that in the main this was due to County Council officers not being solution driven or being sufficiently briefed on issues. The Leader reported that she had been advised that the strategic arrangements for winter gritting would be similar to last year although town and parish councils wishing to stockpile salt would be provided with more manageable bags.

The Leader advised that following the meeting with Steve Quartermain, the Chief Planner at the Department for Communities and Local Government, she had arranged for Mark Beard, Barrister, to advise the Council on elements of the Council's existing Local Plan which could be carried forward into the new plan and thereby achieve savings in time and resource.

Councillor Wagland reported that following the Dale Farm eviction, this Council's legal officers were supporting officers at Brentwood Borough Council to prevent a possible incursion onto a site which was 80% within Brentwood Borough and 20% within Epping Forest District. Officers had also issued advice to landowners about their rights in relation to trespass.

(b) Housing Portfolio Holder

Councillor McEwen, Housing Portfolio Holder, advised that the previous day the Government had issued a consultation document outlining their proposals to reduce the amount of Feed In Tariff payable to those that installed solar PV to generate electricity. The consultation document had set out a reduction of as much as 47% which would have a significant effect on the content of the report that had been considered by the Housing Scrutiny Panel on 25 October 2011 and was due to go to the Cabinet in December. Councillor McEwen advised that together with officers she would be analysing the impact of the consultation document with a view to determining whether the scheme was now viable.

(c) Planning and Technology Portfolio Holder

Councillor Philip, Planning and Technology Portfolio Holder, reported that arising from the discussion with Steve Quartermain, Chief Planner at the Department for Communities and Local Government, it appeared that there would be a transitional period, probably of 12 months from April next year during which existing Local Plan policies could carry weight. He advised that in order to ensure that the Council had a new Local Plan was in place before the transitional arrangements expired, he had spoken to the Council's Forward Planning Team with a view to this Council's submission being ready by the end of the calendar year 2012. Councillor Philip pointed out that this would involve a significant amount of work for the Council, both for members and officers.

Councillor Philip also drew attention to the progress being made in relation to a new website for the Council.

83. QUESTIONS BY MEMBERS WITHOUT NOTICE**(a) Heritage Lottery Fund Application**

Councillor Watts referred to the written report of the Finance and Economic Development Portfolio Holder regarding the submission of a first stage application to the Heritage Lottery Fund for the Town Heritage Initiative and invited the Portfolio Holder to join him in welcoming this as a unique opportunity to harness some £2 million with the aim of creating Waltham Abbey as a first class visitor centre and visitor experience, building on existing attractions and acting as a stimulant and catalyst for the redevelopment/regeneration of the area.

Councillor Mohindra, Finance and Economic Development Portfolio Holder, agreed that this presented an exciting opportunity. The £10,000 per annum part funding of the Olympic Regeneration Officer could result in potentially in excess of £2 million investment in the area with this Council's contribution being some £600,000 not necessarily in cash but support in kind. Councillor Mohindra continued that the Cabinet was fully aware of the legacy issues and advised that he would be working closely with Councillor Watts and other local members to secure a successful bid.

(b) Merger of Hospitals

Councillor Johnson asked the Chairman of the Overview and Scrutiny Committee to confirm that accident and emergency services would not be affected by the proposed merger of Barts and The London, Whipps Cross and Newham NHS Trusts.

Councillor Bassett, Chairman of the Overview and Scrutiny Committee, confirmed that this was the case.

(c) Olympic Games – Parking Issues

Councillor Jon Whitehouse referred to the reference in the written report of the Leisure and Wellbeing Portfolio Holder to the proposed restrictions on parking within the Waltham Abbey area during the Olympic Games next year and asked if any steps were being taken to alleviate possible parking issues which would arise in the District as a result of the public travelling to the Olympic site in Stratford on the Central Line.

Councillor Gadsby, Leisure and Wellbeing Portfolio Holder, advised that she would publish a written response to this question in the Council Bulletin.

(d) Leisure/Sports Facilities

Councillor Grigg asked the Leisure and Wellbeing Portfolio Holder for details of the 2010/11 income share amount agreed with SLM and how this compared to the amount paid to the Council in 2009/10.

Councillor Gadsby, Leisure and Wellbeing Portfolio Holder, advised that she would publish a written answer to this question in the Council Bulletin.

(e) Council Website

Councillor Jennie Hart asked the Finance and Economic Development Portfolio Holder if there would be different areas within the new website enabling residents to select different parts of the District in order to find out information about shops and what was on offer.

Councillor Mohindra, Finance and Economic Development Portfolio Holder, advised that he had a meeting the following week with officers following which he would be able to update members on the proposals.

(f) Installation of Solar Photovoltaic Panels to Council Dwellings

Councillor Jacobs referred to the oral report given by the Housing Portfolio Holder regarding the Government proposals to reduce the amount of Feed In Tariff payable to those who installed solar PV to generate electricity and asked the Portfolio Holder if it would be possible to bring forward proposals in order to take advantage of current tariffs.

Councillor McEwen, Housing Portfolio Holder, advised that she would discuss this possibility with officers but doubted whether it would be possible in the timescale available.

(g) Ongar Recycling Centre

Councillor Jacobs advised that it was his understanding the relevant County Council Portfolio Holder had made a decision to close the Ongar Recycling Centre and asked if there was any further information available about a possible alternative which had been mentioned by this Council's Environment Portfolio Holder at the last meeting of the Cabinet.

Councillor Wagland, Leader and Legal Portfolio Holder, in the absence of Councillor Knapman, stated that this was a decision for the County Council and it was her understanding that this was not a matter for the District Council or Town/Parish Councils. However, she undertook to investigate the position further and to publish an item in the Council Bulletin.

(h) Loughton Leisure Centre – Public Swimming

Councillor Brookes asked the Leisure and Wellbeing Portfolio Holder if she would investigate the possible increased use of both pools at Loughton Leisure Centre for public swimming.

Councillor Gadsby, Leisure and Wellbeing Portfolio Holder, advised that she would consider this suggestion.

(i) North Essex Parking Partnership

Councillor Markham asked the Safer, Greener and Highways Portfolio Holder if the Council would receive a better service as a result of the North Essex Parking Partnership and whether the Council would still be able to take decisions regarding free parking in its car parks on Saturdays leading up to Christmas and the provision of parking restrictions.

Councillor Smith, Safer, Greener and Highways Portfolio Holder, advised that she had attended a meeting of the Partnership the previous week at which there had been a discussion on the issue of parking charges. The Portfolio Holder reported that it was the long term intention of the Partnership to harmonise pricing across the Partnership area but that in the foreseeable future, each district would retain its own parking charge levels. She continued that the Partnership would be maintaining separate links on its website for the various member authorities so that the public could access information about their local areas. She also advised that steps were

being taken to introduce payment on line for a one day pass. Councillor Smith advised that the Partnership's website was Parkingpartnership.org.

(j) Olympic Games – Letting of Properties

Councillor Stallan advised that a number of residents were considering letting their properties for the duration of the Olympic Games. He continued that some councils had warned their residents that such lettings would require permission and some London Borough Councils had quoted a charge of £335 for a change of use permission whereas others were taking a more relaxed attitude. He asked what this Council's policy would be in relation to this matter.

Councillor Philip, Planning and Technology Portfolio Holder, stated that it was his understanding the charges were being made for subletting council property only. However, he said that he would investigate the position further and would publish the outcome of this investigation in the Council Bulletin.

(k) Loughton Leisure Centre – Air Conditioning and Poolside Showers

Councillor Barrett asked the Leisure and Wellbeing Portfolio Holder if she agreed with him that work undertaken in relation to the air conditioning and the poolside showers had resulted in a great improvement.

Councillor Gadsby agreed and thanked Councillor Barrett for his comments.

(l) North Essex Parking Partnership – Free Parking in Car Parks and Current Contribution

Councillor Whitbread asked the Safer, Greener and Highways Portfolio Holder if the Council would continue this year to support local shopkeepers and residents by providing free car parking in Council car parks on Saturdays in the lead up to Christmas. He also referred to the fact that this Council's parking budget had been in surplus prior to the North Essex Parking Partnership and he asked what was the current cost of the Partnership to this Council and if this Council was subsidising other authorities in the Partnership.

Councillor Smith, Safer, Greener and Highways Portfolio Holder stated that the Partnership was currently in a strong financial position and that this Council was not subsidising to an extreme level the other partners. She said that she did not have the figures with her but the Partnership was being supported during the next year or so by a £100,000 contribution from the County Council. The Portfolio Holder assured Councillor Whitbread that officers were scrutinising the financial arrangements of the Partnership on a regular basis. Councillor Smith continued that the Council would continue to support local businesses and residents with free parking on Saturdays in the lead up to Christmas 2011.

84. MOTIONS

(a) Councillors' Remuneration

Moved by Councillor Stallan and seconded by Councillor Johnson

"That this Council calls on the Government, through the Secretary of State for Communities and Local Government, to amend the rules on Councillors' remuneration in order that:

(1) potential candidates who are in receipt of state benefits are able to seek election without placing those state benefits at risk if elected; and

(2) remuneration is based on either a combination of attendance and basic allowance or on attendance at meetings alone”.

Councillor Murray advised that he would support the motion subject to the deletion of the following words in (2):

“either” and “or on attendance at meetings alone”.

Councillors Stallan and Johnson advised that they would accept this change and by leave of the Council amended their motion accordingly.

Motion as amended ADOPTED

RESOLVED:

That this Council calls on the Government, through the Secretary of State for Communities and Local Government, to amend the rules on Councillors’ remuneration in order that:

(1) potential candidates who are in receipt of state benefits are able to seek election without placing those state benefits at risk if elected; and

(2) remuneration is based on a combination of attendance and basic allowance.

(b) Community Toilet Scheme

Moved by Councillor Janet Whitehouse and seconded by Councillor Jon Whitehouse

“(1) That this Council notes:

(a) its public toilet provision currently consists of four Universal Superloos (USL) and one Automatic Public Convenience (APC) located in Buckhurst Hill, Epping, Loughton, Debden and Waltham Abbey;

(b) the rest of the District has no Council provision;

(c) Community Toilet Schemes (which involve some local businesses volunteering to provide public access to their toilet facilities in return for modest payments from the local council) work successfully and cost effectively in other local authorities; and

(2) That the Council therefore resolves:

to investigate the provision of a Community Toilet Scheme across the Epping Forest District to enable better provision of toilet facilities for residents and visitors”.

Amendment moved by Councillor Mohindra and seconded by Councillor Breare-Hall

“That the following amendments be made to the motion:

- (a) deletion of paragraph 1(a) and substitution of the following revised paragraph:

“The public toilet provision provided by the District Council at the High Street (Ongar), Bakers Lane (Epping), Brook Path, the Broadway and Traps Hill (all Loughton), Quaker Lane (Waltham Abbey) and Lower Queens Road (Buckhurst Hill)”;

- (b) deletion of paragraph 1(b) and substitution of the following words:

“The public toilet provision provided by Town and Parish Councils, the Corporation of London, London Underground and businesses in the District”;

- (c) deletion of “modest” from the third line of paragraph 1(c) and the words “work successfully and cost effectively in other local authorities”, the latter to be substituted by the following: “have been introduced by other local authorities”;

- (d) deletion of paragraph (2) of the motion and substitution of the following wording:

“To request the relevant Portfolio Holder to analyse and report to the Cabinet on whether the existing public toilet provision is commensurate with local needs and demand and, if not, to determine whether a possible solution is the introduction of a Community Toilet Scheme”.

Carried

Motion as amended ADOPTED

RESOLVED:

- (1) That the Council notes:

(a) the public toilet provision provided by the District Council at the High Street (Ongar), Bakers Lane (Epping), Brook Path, the Broadway and Traps Hill (all Loughton), Quaker Lane (Waltham Abbey) and Lower Queens Road (Buckhurst Hill);

(b) the public toilet provision provided by Town and Parish Councils, the Corporation of London, London Underground and businesses in the District;

(c) Community Toilet Schemes (which involve some local businesses volunteering to provide public access to their toilet facilities in return for payments from the local council) have been introduced by other local authorities; and

(2) That the Council therefore requests the relevant Portfolio Holder to analyse and to report to the Cabinet on whether the existing public toilet provision is commensurate with local needs and demand and, if not, to determine whether a possible solution is the introduction of a Community Toilet Scheme.

85. QUESTIONS BY MEMBERS UNDER NOTICE

- (a) **Fixed Penalty Notices**

By Councillor Janet Whitehouse to Councillor Knapman, Environment Portfolio Holder

“(1) How many officers from the Environment and Street Scene Directorate are authorised to issue Fixed Penalty Notices for litter offences and when did they start doing this;

(2) How many Fixed Penalty Notices have been issued and for what offences in:

Buckhurst Hill
Chigwell
Loughton
Epping
Theydon Bois
Waltham Abbey
Ongar
the rest of the District; and

(3) How many of these have resulted in prosecution?”

Response of Councillor Knapman, Environment Portfolio Holder (read by Councillor Wagland, Leader and Legal Portfolio Holder in the absence of Councillor Knapman)

(1) 9 Officers - (6 Environment & Neighbourhood Officers, the Environment & Neighbourhood Manager, the Animal Welfare Officer and the Assistant Director (Neighbourhoods)).

It should be noted that no Fixed Penalty Notices (FPN) are issued in the field. Litter offenders are stopped and following an explanation of the offence they have committed they are issued with an incident ticket that records the offence and the offender's details. The incident ticket has no legal standing and is simply a means to record the offence and act as a visible deterrent to others. The evidence is then taken back to the office and checked. If there is sufficient evidence to instigate prosecution proceedings, consideration is then given to offering the offender the opportunity to discharge the offence through a FPN. In normal circumstances, when the offender has cooperated a FPN will be issued for first time offenders.

A FPN can be issued on the basis of any evidence that is sufficient to prosecute a relevant offence through the Courts. Anyone in receipt of a FPN but then fails to pay will normally be prosecuted through the Courts unless additional information comes to light.

15 Police Community Support Officers are being trained by Council officers to enable them to use the same procedures in respect of dog fouling and littering offences. Prosecution or the issue of a FPN will then be dealt with by the Neighbourhood Team as appropriate.

The 1st FPN was issued for an offence that occurred in November 2010.

(2) 28 FPNs have been issued for the offence of littering, in the following locations

Buckhurst Hill - 1
Chigwell - 2
Loughton - 18
Epping - 2
Theydon Bois - 0

Waltham Abbey - 5
 Ongar - 0
 the rest of the District – 0

An additional 7 FPNs have been issued in respect of failure to use the correct waste receptacles (Sections 46 & 47 of the Environmental Protection Act 1990). 5 of these were issued in Loughton and 2 in Buckhurst Hill. No incident ticket is issued in these cases.

(3) Of all of the above, 3 litter related FPNs and 1 waste related FPN have resulted in a prosecution, all of which have been successful.

Although not part of the questions asked, I thought Members would also be interested in the various activities and operations undertaken by the Neighbourhoods Team:

(a) 4 planned operations per quarter targeting litter and dog fouling are being carried out by the Neighbourhoods team (one littering operation in area South, West and East plus one dog fouling operation);

(b) Operations have been completed in High Road, Loughton; Sun Street, Waltham Abbey; High Road, Epping; High Street, Ongar; Larsens Recreation Ground, Waltham Abbey; Nazeingbury Parade, Nazeing; and Queens Road, Buckhurst Hill;

(c) "No littering" posters are provided and displayed by local shops prior to littering operations. In addition to the no littering posters, cigarette pouches are also distributed to information points and via Loughton Pub Watch;

(d) An article was published in the 'Forester' regarding littering and enforcement. A press release was issued regarding an offender prosecuted from an operation in Loughton; and

(e) A reporter from the local Ongar newspaper accompanied Officers on an operation in High Street, Ongar resulting in a two page article in Ongar Gazette "Hitting the street with litter patrol".

(b) Parking Restrictions – The Broadway, Loughton

By Councillor Jennie Hart to Councillor Smith, Safer, Greener and Highways Portfolio Holder

"In view of the Broadway Parking Scheme being the last to be implemented (and this is now accepted), will Councillor Smith assure me that she will support the effort being made by County and District Councillors to get yellow lines painted on dangerous corners and junctions where commuters are persistently parking, and where, in some cases, the requests have been outstanding for years?"

Response of Councillor Smith, Safer, Greener and Highways Portfolio Holder

Since the formation of the North Essex Parking Partnership, the Office managing requests for and the implementation of junction protection and related traffic signing has changed. For most requests approved prior to the formation of the Partnership, the responsibility remains with the County Council, and for most made after the formation of the Partnership, the responsibility rests with the Partnership. If Councillor Hart will provide me with a definitive list of the locations causing her

concern I shall ask officers to determine which are outstanding with the County Council and which should be brought to the attention of the Partnership. I will then use my best endeavours to ensure that these are progressed accordingly.

Supplementary question by Councillor Jennie Hart:

“Could you clarify whether this is a matter for the North Essex Parking Partnership or the County Council. I was initially advised it would be the North Essex Parking Partnership but subsequently it was suggested that it would be a matter for the County Council in view of the outstanding parking review in relation to the Broadway.”

Response of Councillor Smith, Safer, Greener and Highways Portfolio Holder

As you will be aware from the programme for the outstanding parking reviews it will be some time before the Broadway Parking Review is progressed. Outside of this meeting you have asked me to look into a specific issue and I am pursuing that matter. If you wish to receive any further clarification please speak to me after this meeting.

(c) Staff Vacancies

By Councillor Jon Whitehouse to Councillor Wagland, Leader and Legal Portfolio Holder

“(1) Please list those posts on the Establishment which are:

- (a) vacant;
 - (b) have been vacant for three months or longer;
 - (c) have been vacant for six months or longer; and
- (2) Please identify which of the above posts are:
- (a) currently the subject of an active recruitment process;
 - (b) currently have no activity planned;
 - (c) subject to a recruitment freeze”.

Response of Councillor Wagland, Leader and Legal Portfolio Holder

1(a) (Posts on the establishment which are vacant) -

55 posts are vacant which equates to 47.2 full time equivalents

1(b) (Posts which have been vacant for three months or longer) -

13 posts have been vacant for 3 months to 6 months

1(c) (Posts vacant for six months or longer) -

27 posts have been vacant for 6 months or longer

(Therefore 15 posts have been vacant for less than 3 months)

2(a) (Posts currently the subject of an active recruitment process) -

Of the total 55 vacant posts, 26 are currently being advertised either internally or externally

2(b) (Posts which currently have no activity planned) -

Of the total 55 vacant posts 28 have no activity planned at this time. This includes posts which are under review, contractors are currently carrying out the work (i.e. cleaning) or consultants are being used (i.e. Building Control)

2(c) Posts which are subject to a recruitment freeze) -

There is no recruitment freeze but there are recruitment restrictions in place. Of the total 55 vacant posts, 1 is subject to the recruitment restrictions and has not been advertised.

(d) Parking Restrictions – Station Way, Buckhurst Hill

By Councillor Dodeja to Councillor Smith, Safer, Greener and Highways Portfolio Holder

“As you will be aware the Buckhurst Hill Parking Review area does not include Station Way, Buckhurst Hill. This road includes a shopping parade and Roding Valley Underground Station. The current uncontrolled parking arrangements around the station attract a large amount of all-day commuter parking. This causes problems for local residents and local traders and means shoppers find it difficult to park close to the shops. There have also been a series of accidents in the area.

What plans does the Portfolio Holder have to ensure that parking arrangements in Station Way are reviewed in order to provide a better balance of parking in the area, including limited waiting parking for shoppers?”

Response of Councillor Smith, Safer, Greener and Highways Portfolio Holder

The extent of the Buckhurst Hill Parking Review was agreed following consultation with Members. There followed an informal public consultation exercise. Station Way was never included within that review, although the parking pressures in the area are understood, along with other areas affected by commuters parking near to Central Line stations.

Any changes to parking arrangements in the vicinity of Roding Valley Station will need to be considered by the North Essex Parking Partnership and to that end I will ensure that the area is included in any future programmes of traffic regulation orders.

86. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Mover: Councillor Bassett, Chairman of the Committee

Councillor Bassett submitted a report on a review of polling districts and polling places required under the Electoral Administration Act 2006 to be undertaken by the end of 2011.

Report as first moved ADOPTED

RESOLVED:

- (1) That the proposals for polling districts and places as set out in the Appendix to the report of the Committee be approved; and
- (2) That the proposals be published and copies made available for inspection by the public at the Civic Offices, in at least one place in each local Parliamentary Constituency and on the Council's website.

87. REPORT OF THE ELECTORAL AND COMMUNITY GOVERNANCE REVIEW COMMITTEE**Mover: Councillor Whitbread, Chairman of the Committee**

Councillor Whitbread submitted a report of the Committee following consideration of the initial proposals of the Boundary Commission for England the new Parliamentary Constituencies.

Report as first moved ADOPTED**RESOLVED:**

- (1) That the proposed formal response to the Boundary Commission for England in respect of the new Parliamentary Constituencies be approved as set out in the Appendix to the report of the Committee;
- (2) That a copy of the Council's views be sent to the three local Members of Parliament;
- (3) That the relevant Government Minister be advised (with copies to the local MPs) about the Council's concerns about the constituency boundary at Matching Green; and
- (4) That the action taken by the Committee in authorising the Assistant to the Chief Executive (accompanied by Councillor R Morgan, the local district member for the Matching area) to attend the Commission's hearing about the review on 31 October 2011 in Colchester and present these views in person be confirmed.

88. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - MEMBER REMUNERATION**Mover: Councillor Bassett, Chairman of the Committee**

Councillor Bassett submitted a report of the Committee following a review of a report of the Independent Remuneration Panel on members' allowances.

Report as first moved ADOPTED**RESOLVED:**

That the following recommendation (11) in the report of the Remuneration Panel Report 2010-11 be adopted:

“That the reference to first class rail return fare in the current scheme in relation to travel to meetings outside the District or by members resident outside the District be removed from the Scheme”.

89. EXTENDING PERIOD OF ABSENCE - COUNCILLOR S PACKFORD

The Council considered a request from Councillor Packford for an extension of her period of absence from the Council on health grounds from 16 November 2011.

RESOLVED:

That Councillor Packford’s period of absence from the Council on health grounds be extended until 27 March 2012.

90. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

The Council received written reports from Councillor Morgan in relation to the Stansted Airport Community Trust and from Councillor Pryor in relation to the Waltham Abbey Royal Gunpowder Mills.

CHAIRMAN

Report to Council

Date of meeting: 13 December 2011

Subject: Overview and Scrutiny

Chairman: Councillor Richard Bassett



Recommendation:

That the report of the Overview and Scrutiny Committee Chairman be noted.

Youth Council

1. At the meeting held on Tuesday, 29 November, we received a lively and confident presentation from five members of the Youth Council, who gave an outline of the work they had undertaken over the last year. One of the key themes for them had been young peoples' safety, where they had undertaken projects to address the issues of safety and their fear of crime. One of the things that they had produced in relation to this was a young person's guide to reporting crime, a very useful pocket size guide explaining the reporting system.

2. They had also attended or organised various community projects such as the Intergenerational Fun Day at Ninefields Hall in Waltham Abbey and the Youth Project of the Year Award. They had also acted as a consultative body, taking part in consultations for the LSP, the White Water Rafting Centre, Essex County Council and the City of London, to name but a few.

3. The £12,000 funding from the Council covered the cost of their training, the overall development of the Youth Council and also any event they organised and crucially, their transport costs.

4. We noted that they had also secured £9,425 of funding from external sources with at least another £700 to come in this financial year. Additionally, they had been allocated £1350 from the Council's Safer Communities Partnership to support their work relating to safety and the reporting of crime by young people.

5. The meeting was then opened out to a question and answer session from the committee and other members present. In the end the Committee were impressed with the work done by them and were very happy to recommend to the Cabinet that they receive their DDF bid of £12,000 for the new 2012-13 year.

Call-in

6. We next considered a Call-in by five members of the Cabinet decision (C-032-2011/12) on the Olympic Games "Look and Feel" and Ticket Allocation report. The Committee were told that take up by parishes was limited to just Loughton and as such the total budget for the item would be £3500 and this would now be found from within existing budgets so no DDF supplement would be required. After an interesting debate the Committee decided not to support the call-in and to confirm the Cabinet's decision, which could then be actioned.

Government Consultation

7. We then considered a report on a Government Consultation on the Technical Reforms of Council Tax. It proposed reforms to the Council Tax system from 2013-14. On consideration we agreed with the officers draft responses to the consultation questions especially on not increasing the payment of Council Tax from 10 months to 12 months as the default option

Key Objectives – Progress Report

8. Next we received the Key Objectives – progress report. We noted that it had already been to the Finance and Performance Management Standing Scrutiny Panel and also to the Finance and Performance Management Cabinet Committee. We considered and commented on the current state of the objectives. We also considered that the format of the report should be condensed as it was too long and wasted too much paper.

6 Month O&S Work Programme

9. We next considered our work programmes at the six month mark of the year, prioritising exactly what presentations we wanted before the end of the municipal year and what could be kept in abeyance for the following year. We decided that we wanted the LSP to come to our January meeting and for the PCT and Essex County Councils Children Services to be organised for our March and April meetings. It was also suggested that the Safer Cleaner Greener Standing Panel take over the item looking to get information from the emergency services on their plans for the Olympic period.

Reports from the Constitution and Member Services Standing Panel

10. The Committee went on to receive three reports from the Constitution and Member Services Standing Panel, two of which are on this agenda. The first one concerned the Audit and Governance Committee – appointment of Portfolio Holder Assistants, which we endorsed and recommended to Council. The second report was on reporting by Scrutiny Panel Chairmen at Council and other council body meetings, which we approved and so recommended to Council. Lastly, we considered changes to the member agenda dispatch arrangements which we noted and agreed and so recommended to the Support Services Portfolio Holder.

Draft Terms of Reference for the Senior Recruitment T&F Panel

11. We then reviewed the draft terms of reference and work programme for the newly formed Senior Recruitment Task and Finish Panel and agreed them, noting that they hoped to finish and report back by the end of March 2012.

Upcoming Presentation

12. We then considered the upcoming presentation of the LSP manager at our next meeting and decided we would like him to concentrate primarily on the impact of the new Locality Boards; we also would like to have sight of their progress report before the meeting.

NHS Merger Project

13. Next, we received a report from Councillors Wixley and Chana on their recent visits to the meetings on the proposed merger project of the Barts and East London Healthcare NHS Trusts. We agreed that their written summary of events be published in the Members' Bulletin so that all members could see for themselves what had been proposed.

O&S Joint Training

14. Finally we confirmed arrangements for joint Overview and Scrutiny training with Harlow DC. This would take place on 15 and 29th March 2012 and all members of Overview and Task and Finish Panels should look to attend as we had secured the services of an excellent external trainer.

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Report to the Council

Committee: Cabinet

Date: 13 December 2011

Subject: Environment Portfolio

Portfolio Holder: Councillor John Knapman

Recommending:

That the report of the Environment Portfolio Holder be noted

Waste Management

The updating of the legal and contract documentation between Sita and the Council is nearing completion, cementing into place the two year contract extension and the savings of around £850,000 per annum arising from improved income streams for recyclable materials. The contract with Sita will now come to an end at the end of September 2014.

The County Council has commenced its review of its current Waste Local Plan. Officers from the Environment & Street Scene and Planning Directorates are commencing their review of the County's documents and reports will come forward to Cabinet and Scrutiny in due course.

As we approach Christmas I would like to take this opportunity to inform all residents (and Councillors) about changes to collection arrangements through Christmas and the New Year. In the week after Christmas Day all collections will be displaced by two days, with a catch up day on Saturday 31 December. Collections in the week following New Years Day will also be displaced by 2 days, with catch up Saturdays scheduled for 7 and 14 January. Normal collections will resume on 16 January 2012. I would ask everyone to read their waste collection and recycling calendars carefully to ensure that they put their waste out for collection on the correct day. I would also remind everyone of the importance of recycling their waste through the extended holiday period. There will obviously be more food waste, packaging and glass in the waste stream and we want to recover as much of that as we can. Finally, I would also remind everyone that in recognition of the additional waste that is generated at Christmas, we will collect side waste (i.e. that which doesn't fit into the residual bin) for the first collection after the Christmas break and we will also be collecting real Christmas trees as part of the food and garden waste collection service. Please look at the waste and recycling calendar and Christmas edition of Forester for further information.

Environmental Health and Neighbourhoods

Members may recall a tragic incident some four years ago where a young child died whilst at a day nursery in Buckhurst Hill. Since that time, there have been Police investigations, a lengthy Coroners Inquest and a judicial review of the Crown Prosecutor's decision not to pursue an offence of corporate manslaughter. Once all those processes had been concluded it fell to this Council, as the enforcing agency under the Health & Safety at Work Act, to consider whether action was appropriate under that Act. I can now inform Members that, following an extensive and detailed investigation by the Council's Environmental Health Team, and following consideration by the Council's legal officers and appointed Counsel, the decision has been made to prosecute the company who run the nursery and two individual employees for breaches of the Health & Safety at Work Act. We anticipate the preliminary stages in the Magistrates' Court to commence in January 2012. As Members will appreciate, given the death of a young child, this is likely to be a very high profile prosecution, and I would ask any Member approached for comment by the media to refer all such requests to the Council's Public Relations team.

At the last Council Members received a comprehensive response to a written question regarding fixed penalty notices. I can inform Council that enforcement activity is continuing with a number of cases pending including five for fly-tipping, one for dog fouling, two for breaches of noise abatement notices in domestic premises and two more relating to noise from licensed premises. Action is also proposed for the first time in respect of illegal street trading of cars. Officers have also worked jointly with the Police in a stop/check of vehicles in respect of potential metal theft and fly-tipping.

In the answer at last Council reference was made to the training of PCSOs on the issue of fixed penalty notices and 'incident tickets'. This training has been completed and PCSOs are now able to issue in the same way as the Council's officers. The first fixed penalty notice issued by a PCSO has not been paid, so this too will proceed to prosecution.

I hope this demonstrates to Members the benefits of the Environment & Neighbourhoods Team established under the Safer, Cleaner, Greener initiative and also the benefits of joint working with the Police facilitated through the excellent partnership working with the Police facilitated via the Safer Communities Team.

Land Drainage

I have some encouraging news regarding the Council's working relationship with the Environment Agency regarding flood defence telemetry. I had intended to ask Cabinet at its meeting on 5 December to approve new capital expenditure to provide our own telemetry, on the basis that we could not reach an agreement with the Agency in respect of sharing resources. I held a very positive meeting with the Agency just ahead of that Cabinet, when we were able to agree a form of protocol which should ensure that our officers are made aware of warnings and that when the Agency's resources are stretched they will ask for our assistance. I therefore withdrew the report to Cabinet and I will give a verbal update to Council on progress towards completing that protocol. This is something I wanted all along and once in place the protocol will demonstrate the benefits of partnership working and will provide an extra layer of protection for our residents.

Having said that, it is very important that I reinforce the point that these flood defence assets are for flood alleviation and not flood prevention, and that residents in vulnerable areas should continue to ensure that they take reasonable steps to protect their properties and also participate in the Agency's flood warning schemes. Details can be found on the Agency's and Council's websites or from the Land Drainage Team within Environment & Street Scene.

Report to the Council

Committee: Cabinet

Date: 13 December 2011

Subject: Housing

Portfolio Holder: Councillor Maggie McEwen

Recommending:

That the report of the Housing Portfolio Holder be noted.

Official Opening of Zinc Arts Centre and Tolpuddle House, Ongar by the Earl of Wessex

Together with the Chairman of Council and senior officers I attended the Official Opening of the new Zinc Arts Centre and Tolpuddle House by HRH The Earl of Wessex KG GCVO on 23 November 2011.

The Arts Centre is a wonderful new national facility within our District, which will provide a range of arts activities and education, including residential and vocational courses and supported employment schemes, for people with disabilities. The Centre includes a new theatre and overnight residential accommodation for 41 participants attending courses of up to one week's duration.

Tolpuddle House forms part of the campus, and is a supported housing scheme which comprises nine self-contained flats for young people with mild to moderate learning disabilities. The accommodation is provided by one of the Council's Preferred Housing Association Partners, East Thames, and will accommodate youngsters for up to 3 years, after which move-on accommodation will be provided. The construction costs were subsidised by a capital grant from the Homes and Communities Agency (HCA) following a successful bid by East Thames, supported by the Council.

I think that, like me, all of the visitors were hugely impressed with the quality of the facility and accommodation.

The Earl of Wessex toured the facilities and was treated to a short performance by residents and staff.

Open Market Shared Ownership Scheme with Broxbourne Housing Association

Good progress is being made with Council's innovative and unique Open Market Shared Ownership Scheme with Broxbourne Housing Association (BHA).

The Scheme enables housing applicants on the Council's Housing Register to have an opportunity to get a foot on the home ownership ladder, and select a property on the open market that they would like to purchase on a shared ownership basis.

I am pleased to report that, in November, all of the bespoke legal agreements between the Council and BHA were signed. Following a marketing campaign by

BHA to the Council's tenants and housing applicants earlier in the year, 23 applications were received. These have now been shortlisted using the agreed criteria, and shortlisted applicants have been invited to meet with BHA's nominated independent financial adviser to undertake a financial assessment. This is to ensure that applicants have sufficient income and savings to support their mortgage and rent payments, while also ensuring that applicants are not being able to afford to purchase a property on the open market without the support of the Scheme.

The Scheme will initially assist 8 applicants this year, with a possible extension to a further 6 applicants next year. The operation of the Scheme is only possible due to the Council providing BHA with interest-free loans to purchase the properties selected by the applicants.

One of the benefits of the Scheme is that - apart from assisting local first-time buyers - if house prices increase, the Council's investment in the Scheme will increase proportionately and will be re-couped when shared-owners purchase additional equity shares up to 100% (called staircasing). The receipts would then be re-invested in further equity purchases to assist other applicants. A formal Risk Sharing Agreement forms part of the legal agreements to minimise and mitigate the Council's risk, especially if property prices decrease.

It is expected that the first completions will take place in Spring 2012.

Housing Revenue Account (HRA) Financial Plan

As most members will be aware, in March 2012, the Government will be introducing a major, long-term change in the way that local authority Housing Revenue Accounts (HRAs) are funded. This will involve a change away from the current "HRA Subsidy System" to a new "HRA Self Financing System", under which this Council will need to make a one-off payment to the Government of £186.2m on 28th March 2012, instead of making annual payments to the Government - currently in excess of £11m per annum - for which a substantial proportion will need to be borrowed.

There are two key aspects to this process from the Council's point of view. Firstly, it needs to have a well-thought-through, robust 30-Year Financial Plan for the HRA, setting out all expected housing income and expenditure to meet the Council's housing objectives. Secondly, it needs to consider the treasury management options for borrowing the finance, in order to meet the cost of the payment to the CLG, and to ensure that the Council receives the best terms. This latter process is being led by the Finance and Economic Development Portfolio Holder, on which further information will be provided in due course.

CIHConsult are the Council's HRA Business Planning Consultants, who have produced a detailed report on the issue and the available options for the Council, to assist the Cabinet formulate its proposed strategic approach to the HRA Financial Plan. At the time of writing, the Cabinet is due to agree the Council's strategic approach at its meeting on 5 December 2011.

At the heart of my recommendations to the Cabinet are my intentions that we should grasp the opportunities that self financing presents to: maintain our housing stock to a full, modern, standard; commence a Council Housebuilding Programme for the first time in over 20 years (see below); and use the additional resources that will become available to improve and enhance our housing services to tenants even further.

Prior to the Cabinet meeting, I have attended meetings of both the Tenants & Leaseholders Federation and the Housing Scrutiny Panel (to which members of the Finance and Performance Management Scrutiny Panel were also invited) to listen to their views, before I finalised my recommendations to the Cabinet.

I would like to thank the Scrutiny Panels and the Federation for their constructive comments and views.

Council Housebuilding Programme

The last new Council property was built in June 1985 (19 houses built for sale at Mountbatten Court, Buckhurst Hill) and, since 1977, the Council has sold around 6,160 properties, predominantly through the Right to Buy.

In July 2011 the Cabinet agreed, in principle, to commence a new Council Housebuilding Programme and requested the Housing Scrutiny Panel to consider the detailed issues relating to the best way of implementing such a Programme and to make recommendations to the Cabinet accordingly.

I am grateful to the Housing Scrutiny Panel, which met in October 2011 to consider the implementation issues, and as a result provided the Cabinet with a detailed and comprehensive report on how a Programme could be implemented, which (at the time of writing) is due to be considered by the Cabinet at its meeting on 5th December 2011.

The lead-in period for the commencement of the Housebuilding Programme will be quite lengthy, since the Council will need to move forward from a “standing start”. However, it is anticipated that a start on site for the first development will take place around 2014, with completion in late 2014/15.

Members Information Evening: Housing and Welfare Reforms - 28 February 2012

Under the new Localism Act, housing providers like the Council are being given new powers to make more decisions locally about a range of housing issues. The Council will therefore need to make a number of important decisions in the coming year. These will include:

- **Powers to grant flexible tenancies** - whether or not we continue to provide secure “lifetime” tenancies in all cases in the future, or grant some new tenancies for a fixed term, and if so the length of that term and the circumstances in which this tenancy would be either terminated or extended.
- **Housing Register** - whether or not we wish to take advantage of the new power to be introduced to exclude housing applicants from the Housing Register who do not live within the District.
- **Housing Allocations Scheme** – whether or not we wish to revert to the policy adopted by the Council a number of years ago (which had to be discontinued due to the introduction of legislation at the time but which has now been repealed by the Localism Act) of having a separate Housing Register and Transfer List, perhaps restricting eligibility for houses and bungalows to existing tenants once again.

- **Homelessness** - Whether or not we wish to discharge the Council's homelessness duty by securing accommodation for homeless applicants in the private sector without their agreement, which will now be possible
- **Succession** - Due to the succession rights of new tenants being restricted under the Act to a tenant's spouse, partner or civil partner (thereby excluding family members who are currently eligible), whether or not we wish to provide discretionary succession rights through the tenancy agreement, as now allowed under the Act.

Many of these provisions will come into effect in April 2012, with others (including the changes to housing allocations schemes) being introduced later in the year.

In addition, the new provisions of the Welfare Reform Bill currently passing through Parliament will have a significant impact on the Council's tenants, tenants in the private rented sector and the Council itself.

Bearing in mind the importance of these issues, and the decisions Members will need to make on these matters during 2012, I have asked officers to arrange a Members Information Evening on the housing and welfare reforms, which will be held at **7pm on Tuesday 28 February 2012** in the Council Chamber. A personal invitation will be sent to all members in a few weeks before the event, but you may like to make a note in your diary now.

I would encourage all Members to attend this event, as it is very important that you are all briefed on these major changes which will affect many residents in the District.

Following the Members Information Evening, officers will be working with members to establish our views on each of these issues and to develop our policies for the future.

Report to the Council

Committee: Cabinet

Date: 13 December 2011

Subject: Leisure and Wellbeing Portfolio

Portfolio Holder: Councillor Ricki Gadsby

Recommending:

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

Leisure

My Cabinet colleague, the Portfolio Holder for Safer, Cleaner, Highways, has, in her report made reference to the publication of the traffic regulation order for the Council's off street car parks. I would just like to reaffirm for Members that within that Order is the change to parking enforcement times at Traps Hill car park, which will eliminate the charge for parking between 08.00 and 09.00. I hope that this change will be welcomed by 'early bird' users of the Loughton Leisure Centre.

I would also ask Members and residents to note that the Christmas edition of the Forester Magazine contains the Christmas and New Year opening times for the Council's Leisure Centres. This information can also be found on the Council's website.

Olympic Games

The Olympic Games "Look and Feel" Plan for the Lee Valley White Water Centre and the surrounding areas (including the North Weald Park and Ride) has been submitted by Broxbourne Borough Council to LOCOG for their initial consideration. We expect to hear back from them shortly and in advance of the preferred ordering date for materials of mid December.

I mentioned in my last report of the proposals to consult local residents about local parking arrangements during the Olympic events at the Lee Valley Centre. The final arrangements for this are still being discussed with LOCOG and as promised I will ensure Members are made aware as soon as the arrangements have been finalised.

Members will be aware of the announcement last month that the Olympic Torch will be coming to Waltham Abbey on 7 July 2012. This is very exciting news for Waltham Abbey and for the District as a whole. Although for security reasons I cannot share with you the precise route and timings of the Torch relay, work has already started on establishing a community task force which will oversee the event. Even though the Torch will only be with us for a short part of the day, I hope that we will be able to provide entertainment throughout the day to ensure that this once in a lifetime opportunity to see the Olympic Torch is a success and brings credit to the District.

Community Services

Schools' Trampoline Project - Sports and Health Development has just received £9,627.00 to deliver a Rebound Therapy Trampolining Project starting in January 2012 for 12 schools covering the southern primary schools and a further £7,497.00 for 13 schools for rural schools. The project is a follow on from a successful pilot scheme where children referred by teaching staff, are bussed to the local sports centre and receive 10 weeks of trampolining coaching. Throughout the programme it has been proven that the project helps improve children's self esteem, coordination difficulties and ultimately, educational attainment.

Community Development launched a brand new '**Play in the Forest**' event at High Beach at half term in conjunction with staff from the Corporation of London. Funding for the day was secured by the Youth Council via the Think Big O2 grant and over 100 children and their families attended throughout the day.

Funding of £4800 has been secured from the South Local schools delivery group in order to provide "free" Summer Playscheme places in 2012 for 20 children identified by Head Teachers as having a level of financial or emotional need. This follows on from previous successful placements at Playschemes.

The '**Bang Out of Order**' initiative was delivered in Waltham Abbey and Ongar. Together with the Community Development Team, agencies including Trading Standards, Essex Police and Fire and Rescue came together to provide educational sessions and diversionary activities for young people in order to encourage positive and safe behaviour over the Halloween and Bonfire Night period. A similar project was delivered in Loughton via the Positive Introductions initiative. Again, this was a multi agency project and involved the provision of BMX and skate ramps for a day at Roding Valley High School, a football tournament and two club nights in Loughton High Road.

Epping Forest Youth Council organised the Youth Project of the Year Awards on 22 November. Each youth club was rated by the Youth Council with the overall winner being the Ignite Youth Group from Loughton. 10 clubs attended the prestigious event and feedback has been extremely positive.

In partnership with the Sports Development Team, Community Development have submitted a bid to Essex County Council's Short Breaks fund in order to secure two year funding in the region of £114K to provide additional services for children and young people with disabilities including; facilitated access to sports clubs and supported places at holiday Playschemes. The outcome of the bid is expected at the beginning of February 2012.

Celebrate! – The Council's Arts and Community Development teams delivered a one day course for groups who wishing to celebrate London 2012 or the Queen's Jubilee by organising local events. The workshop included details of licensing, event management and health and safety and was very well received by participants. The event was self funded

Works Like a Charm – An exciting arts programme linked to the Council's new Community Facility at Limes Farm has been underway over the last few months with local residents. Further workshops to create pieces of art to be displayed as part of the Community Art Trail are continuing on the estate when it opens that will focus on ideas from young people for display in the area being used in the evenings as a Youth Centre. Pieces from the project will also be going into the Museum's China in the East touring exhibition leading up to the Olympics. The project is mainly self funded with support from via the Museum as part of London 2012 Stories of the East.

The Very Snowy Christmas – Which is a festive performance for 3 – 7 years by Blunderbus Theatre Company, will be taking place on Monday 19 December 2011 at Epping Hall is already fully booked.

Museum Accreditation - The annual 'mystery shopper' inspection by Visit England as part of the VAQAS scheme praised the displays at the District Museum for the way that our exhibitions engage the public and make learning accessible and fun. The inspector praised the welcoming feel of the museum and how it promoted the heritage of the district.

A grant of £1500 has been secured for the Museum from Renaissance in the Regions to purchase equipment to improve how we monitor the environment the collections are displayed in. The Museum has also submitted an application for funding of £25,000 per year (for three years) under the new Arts Council 'Regional Museums Core Funding scheme'. The bid has been supported by a wide range of Museums across the East of England region which value the programme the Epping

Forest Museum has been running under the existing scheme, funding for which ends on 31 March 2012. Decisions around the new scheme will be known by the end of January

A report was presented to Cabinet Committee on 5 December seeking Cabinet approval to enter a shared service arrangement for the management of Broxbourne Borough Council's Lowewood Museum in Hoddesdon. Epping Forest Museum was approached in spring this year with a request to undertake the management of Lowewood following the retirement of Museum staff in January 2012. The benefits for EFDC will include the opportunity to develop the exhibitions programme that will subsequently be displayed at Lowewood, wider opportunities of securing external funding and staff development. If the proposal goes ahead, this will be under a Service Level Agreement from February 2012.

The Museum has a number of Christmas events taking place including a 'Festive food' event on Saturday 3 and 10 December as part of the run up to the holiday period.

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Report to the Council

Committee: Cabinet

Date: 1 November 2011

Subject: Planning and Technology Portfolio

Portfolio Holder: Councillor John Philip

Recommending:

That the report from the Planning and Technology Portfolio Holder be noted.

Technology

(a) *Corporate Website replacement.*

Information and Communication Technology (ICT) presented a demonstration of the new website replacement to the Finance and Performance Scrutiny Panel on 15 November. The current website is not flexible and is expensive to develop, requiring external consultancy to enhance functionality. The new version has been developed in-house based on open-source software and will allow us to realise revenue savings of approximately £15,000 per annum. For those who were unable to attend, a video demonstrating the new website can still be viewed at;

<http://www.youtube.com/watch?v=QFrKZUPgoak>

(b) *Mobile Working Solutions*

ICT are currently working towards a solution which will allow the Facilities Management TREND system to be available on the Corporate Local Area Network (LAN). This system controls many of the Civic Offices environmental systems such as the monitoring and adjustment of the heating system. By integrating this system onto the LAN, many of these types of issues can be addressed remotely without the need for staff to attend on-site and therefore reduce the associated costs.

(c) *SMS (Mobile Phone - Text Messaging) using Outlook.*

ICT have implemented a pilot SMS system which will enable staff working off-site, to use their mobile phone to contact their colleagues using the internal email system. The message sent on the phone appears in the same way as a standard email and can be replied to using the Microsoft Outlook system.

This system is also capable of sending automated text messages to registered external users, to remind them of specific events, for example revised bin collection dates, Council

Tax reminders etc. This system has the potential to benefit the public and is substantially cheaper than other forms of communication. It is anticipated that this system will be available early in the financial year 2012/2013.

(d) Wireless Broadband

The wireless broadband Invitation to Quote (ITQ) is due to close on 30 November. This project will link the computer systems between the Civic Offices and the disaster recovery site in Loughton and will also make wireless broadband connectivity available to residents within Epping Forest District.

Planning

(a) Local Plan

The Planning Advisory Service have come forward to provide Forward Planning with assistance on the delivery of our Local Plan. Two key areas they will focus on are project management and timetable for delivery.

The Localism Act was enacted in November 2011 and covers the abolition of Regional Strategies, and the introduction of Neighbourhood Planning and Community Infrastructure Levy (CIL). The Act allows for a “meaningful proportion” of the Community Infrastructure Levy (CIL) receipts for a particular area to be channelled to the local community to spend as they wish it. A letter was sent to all town and parish clerks, by EFDCs Forward Planning team regarding neighbourhood planning. This included information of how they should proceed should they be interested in pursuing a community plan.

As reported at the last Council meeting, a series of Local Plan related Member information/briefing sessions are being arranged by the Forward Planning team. These will be scheduled in the coming months. Members will be notified via the Bulletin of these events and information will be available and displayed in the Members room.

(b) Development Control

An appeal against the Council's serving of an enforcement notice alleging land raising on land between the M11 motorway and Langston Road has been dismissed by the Planning Inspectorate. The Planning Inspector agreed that the land had been raised by as much as 5 metres in some places through the importation of clay, soils and demolition waste and supported the Council on the planning merits. The owner has 1 year to remove the material. There is however, a planning application for the site, waiting to be made valid, for a warehouse and distribution building and use that includes the land at the current built-up level.

An appeal against the refusal of planning permission for a commuter car-park at The Old Foresters Site, Theydon Bois is now to be decided at a Public Inquiry, date to be agreed in the new year. We are employing highway consultants to defend the highway reason for refusal, including carrying out traffic and parking surveys, given there was no objection raised by Essex County Council and the appellant has also employed their own highway consultants.

Report to the Council

Committee: Cabinet

Date: 13 December 2011

Subject: Safer, Greener and Highways Portfolio

Portfolio Holder: Councillor Penny Smith

Recommending:

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

Community Safety

Epping Forest Safer Communities Partnership organised a number of events to raise the profile of domestic violence during the week 21 to 25 November. These included the opening of a one stop shop in Loughton Broadway staffed by partner agencies with children's activities and information stands. On 25 November there was a small ceremony outside the Civic Offices to raise awareness of the seriousness of domestic violence and its consequences. Four doves were released to symbolise the four tragic deaths in Essex this year as a result of domestic violence.

Since the incidents of disorder in the summer, Essex Police, supported by EFDC Safer Communities Team, have carried out two planned operations in the Loughton Way area of Loughton to arrest those identified on Council public space CCTV. Four people have been arrested and bailed. A second operation around high visibility and increased patrols in the area was carried out to identify persistent nuisance behaviour and to provide reassurance to residents and shopkeepers. One young person has signed up to an Acceptable Behaviour Contract overseen by the Safer Communities Team. A site survey has been conducted to identify improvements in security required at the location.

The Broadway Loughton CCTV Regeneration Project is now going through the procurement process. The Safer Communities Team has now started the consultation process with local residents and details of the planned enhancements will on display at both Loughton and Debden Libraries for perusal.

The Safer Communities Team is hoping that there will be a partial installation of CCTV in Epping High Street before Christmas, and is working with the Epping Town Council and the Council's Facilities Team to achieve this.

Epping Forest Safer Communities Partnership Strategic Assessment for 2012-13 has been completed. Analysis has shown a reduction in overall crime of just over 4% which, in real terms, is 342 offences. In these difficult economic times we have seen increases in acquisitive crime (e.g. burglary, theft) although commercial burglary is bucking the trend and has fallen 2.5%. Anti-social behaviour has seen a significant decrease of over 12% from 4,561 to 3,896 recorded incidents, this being on top of a 7% reduction in the previous year. Overall, all this is a good outcome, demonstrating once again the benefits of partnership working.

Parking matters

The final traffic regulation order for the Epping Parking review was published on 6 October 2011. County Highways officers have since prepared final scheme designs for the signing and lining works and carried out site visits with the contractor. Final preparations are being carried out to commence

works on 16 January 2012. I am having regular meetings with County officers and will be providing regular progress reports to Members.

This Council has also recently published its off street parking traffic regulation order which was approved by Cabinet at its meeting in November this year. This too has a statutory consultation period and as soon as that period is over, officers will collate the responses for my consideration. Once I am content with the Order, the Director of Environment & Street Scene and the Director of Corporate Support Services have delegated authority to sign and seal the Order.

The PricewaterHouseCooper report on income optimisation generated a lot of local concern regarding their proposals to increase car parking charges and/or amend the way charges are applied. Cabinet, at its meeting on 5 December, will consider a recommendation from the Finance & Performance Management Cabinet Committee to maintain the current freeze on car parking charges, which has been in place for the past three years. I will report verbally on the outcome of that consideration.

Report to Council

Date of meeting: 13 December 2011



Report of: Overview and Scrutiny Committee

Chairman: Councillor R Bassett

1. Audit and Governance Committee – Appointment of Portfolio Holder Assistants

Recommending:

(1) That Portfolio Assistants, except those involved with a Portfolio dealing with the Council's finances, be eligible for appointment to the Audit and Governance Committee, subject to careful consideration by the Councillor concerned of the need to declare a prejudicial interest in any matter relating to the relevant Portfolio which comes before that Committee;

(2) That the proposal set out in (a) above be reviewed after one year or if there is a change either in the roles of Portfolio Holder Assistants of the Audit and Governance Committee;

(3) That the designation "Deputy Portfolio Holder" be changed to "Portfolio Holder Assistant"; and

(4) That paragraph 11.6(a) (Councillor Members) of Article 11 of the Constitution (Audit and Governance Committee) be amended to read as follows (changes in bold text underlined):

"11.6(a) (Councillor Members)

Councillors appointed to the Audit and Governance Committee may not also be members of the Cabinet, any Cabinet Committee or any Panel appointed by the Overview and Scrutiny Committee with responsibility for reviewing the Council's finances or financial procedures.

A Portfolio Holder Assistant (other than any assistant involved in any portfolio dealing with the Council's finances) appointed by the Leader of the Council shall be eligible for appointment to the Committee"

(5) That the Standards Committee be asked to issue advice to Portfolio Holder Assistants on how such conflicts of interest should be dealt with and to consult with the Audit and Governance Committee before it is issued;

- (6) That the proposed review by the Audit and Governance Committee of its own constitution including the following specific matters be noted:
- (a) terms of appointment for independent members;
 - (b) method of appointing Councillor members of the Committee (including pro rata rules and appointment by Council rather than political groups);
 - (c) whether the Committee should be increased in size;
 - (d) whether there should be a majority of independent members; and
 - (e) whether there should be separate Audit and Governance Committees; and
- (7) That any review of the Constitution which results from (5) above be added to the work programme for this Panel; and
- (8) That the Audit and Governance Committee be advised of this Panel's view that the number of its members should be increased.

1. Our Constitution and Members Services Panel were requested to review the constitution of the Audit and Governance Committee to clarify whether a Portfolio Holder Assistant can be a member of that body.

CONSULTATION WITH THE AUDIT AND GOVERNANCE COMMITTEE

2. The Audit and Governance Committee reviewed our proposals at its meeting on 22 September 2011. The Committee accepted that, on a trial basis of one year, its membership could include Portfolio Holder Assistants with the exception of any Assistants associated with a portfolio dealing primarily with the Council's finances despite a number of reservations which were expressed as follows:

- (a) although there was currently no legal rule which excluded portfolio holder assistants, there was a preference to avoid conflicts of interest which might arise unless those conflicts were very carefully managed;
- (b) doubts were expressed that the Panel's comments regarding the degree of involvement in the portfolio and the particular skills of individuals really does offset the possible damage to the public perception of whether the Committee was truly independent;
- (c) there was a need for clear advice on conflicts of interest so that portfolio holder assistants who had been involved in matters to be discussed by the Committee know exactly how to respond;
- (d) worries were expressed that, with a membership of only 5, the withdrawal of a Councillor due to a conflict of interest would reduce the Committee to 4 members or less, a possibility which would cause problems in carrying out their duties;
- (e) it was acknowledged that the involvement of portfolio holder assistants might vary greatly between portfolios and individual topics; and
- (f) it was accepted that the Committee should be able to use the talents of

individual members and reducing the pool of Councillors available by excluding portfolio holder assistants, could be counter-productive.

3. The Council's External Auditor also attended the meeting and commented that any special skills contributed by Councillors to the work of the Audit and Governance Committee might outweigh the presence of a portfolio holder assistant as a member.

FURTHER REVIEW BY THE AUDIT AND GOVERNANCE COMMITTEE

4. Recommendation (6) makes reference to a further review being planned by the Committee. A discussion paper will be submitted to a future meeting of the Audit & Governance Committee and we are recommending that any further constitutional changes requested should be referred to this Panel and added to its work programme.

5. This review arose because it is now some years since the Audit and Governance Committee was established and this would be the first overall review of its operations. Government plans for introducing statutory audit committees are also relevant.

CONSTITUTION

6. Recommendation (4) sets out the changes to the Constitution (Article 11, paragraph 11.6) which follows from our recommendation. Consequential changes to other parts of the Constitution will be made by the Assistant to the Chief Executive.

7. We have accepted the view of the Audit and Governance Committee that advice to Portfolio Holder Assistants and how to deal with conflicts of interest should be given by the Standards Committee. We are recommending that there should be consultation between the two Committees before that advice is issued.

DEPUTY PORTFOLIO HOLDERS

8. We are recommending that the term "Deputy Portfolio Holder" should be replaced by "Portfolio Holder Assistant"

9. This is because we feel that "Deputy Portfolio Holder" is a misnomer in that the nominated Councillors are not able under the legislation, to deputise for a Cabinet member. In the event of a Cabinet member being unable to act, it would be the responsibility of the Leader of Council to re-allocate the function to another Cabinet member, including the Leader. We feel that "Portfolio Holder Assistant" more accurately reflects the role.

10. We recommend as set out at the commencement of this report.

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Report to Council

Date of meeting: 13 December 2011

Report of: Overview and Scrutiny Committee

Chairman: Councillor R Bassett



1. Reporting by Scrutiny Panel Chairmen at Council Meetings

Recommending:

(1) that the principle of Scrutiny Panel Chairmen presenting reports at Council and other Council bodies be approved;

(2) that Overview and Scrutiny Procedure Rules 12(3)(h) (Standing Scrutiny Panels) and 13(3)(h) (Task and Finish Scrutiny panels) be amended to read as follows:

“be able, after consideration by the Overview and Scrutiny Committee, to report to the Council, the Cabinet, a Cabinet Committee, a Portfolio Holder or any other Council body”;

(3) that Overview and Scrutiny Procedure Rules 12(4) and 13(3) be further amended by the addition of the following sub paragraphs:

“(i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Scrutiny Panel is involved, in which case any report to another Council body will be in the name of the Overview & Scrutiny and presented by its Chairman

(j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview & Scrutiny Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency;

(4) That, at Council meetings, the written report of the Chairman of the Overview and Scrutiny Committee be dealt with prior to the reports by the Committee or any of its Panels and grouped under a single item relating to Overview and Scrutiny business; and

(5) That the Assistant to the Chief Executive be authorised to make any other consequential amendments to the Constitution arising from the above changes.

Introduction

1. Our Constitution and Member Services Scrutiny Standing Panel has reviewed the presentation of Overview and Scrutiny reports at Council meetings.

Current Procedure

2. Standing and Task and Finish Scrutiny Panels have the status of sub-committees of the Overview and Scrutiny Committee in that they are appointed by the Committee and report on their work programmes and the progress they are making. As such, Panels would not normally report to the Council unless specifically authorised to do so by the Committee.

3. The current arrangements are set out in Overview and Scrutiny Procedure Rules 12 (Standing Scrutiny Panels) and 13 (Task and Finish Scrutiny Panels). The requirements for both types of Panel are the same:

"Panels will be able, with the prior approval of the Overview and Scrutiny Committee, to report direct to the Cabinet, a Cabinet Committee, a Portfolio Holder, another Committee or to the Council with recommendations".

In practice, this procedure is only being exercised in one or two cases of urgency.

General Considerations

4. Most work is carried out by Overview and Scrutiny is conducted through the Standing and Task and Finish Panels. The Constitution envisages that the Overview and Scrutiny Committee will effectively manage the work of those Panels, agreeing their work programme receiving progress reports against deadlines set. Although the Committee itself undertakes some Scrutiny work particularly in questioning representatives from other public bodies about service changes, etc. which might affect the District, most detailed work is nevertheless, conducted through those Panels.

5. Bearing in mind the work undertaken by Panels, it can be argued that it should be the Panel Chairmen, rather than the Chairman of the Overview and Scrutiny Committee, who should present reports as they have detailed knowledge of the matter concerned. Such reports when submitted to the Council might involve changes to Council policies and practices where detailed knowledge of the Panel Chairman is desirable in order to answer questions at Council meetings.

6. On the other hand, the Overview and Scrutiny is constitutionally the counterbalance to the Cabinet. Overview and Scrutiny is required to monitor the work of the Cabinet, if necessary calling in decisions for further review and also to undertake policy work on behalf of the Council whether requested by the Cabinet or otherwise, in a way which is unencumbered by the executive responsibilities of executive members.

7. Because of this, we consider it is important that the role and status of the Chairman of the Overview and Scrutiny Committee is not undermined to such an extent that the position is seen to be less significant than the Panel Chairmen and the Cabinet. In conducting the review and framing our recommendations, we have tried to balance this against what we see as a desirable charge whereby Panels would submit reports at for example Council meetings.

8. Panel reports should in our view still be considered by the Overview and Scrutiny Committee unless there is a need to deal with a Panel report more quickly. In such cases we are recommending that there should be a prior consultation with the Chairman of the Overview and Scrutiny Committee so as to agree the degree of urgency.

Key Changes

9. We are recommending in (2) and (3) above, changes to the Overview and Scrutiny Rules to allow this new reporting procedure to be introduced.

The key features of these changes are as follows:

- (a) reports presented to the Council will be in the name of the Scrutiny Panel;
- (b) the same rules will apply to Standing Scrutiny Panels and Task and Finish Panels;
- (c) all Panel reports will continue to be submitted to the Overview and Scrutiny Committee in the first instance unless the report is urgent in which case the chairman; and
- (d) the procedure will apply to Scrutiny Panel reports which are presented to other Council bodies such as the Cabinet.

Consultation

10. Our Panel consulted all Scrutiny Panel Chairmen together with the Chairman of the Overview and Scrutiny Committee for their views. The closing date of 9 September 2011 was set and any Panel Chairmen or the Chairman of the Overview and Scrutiny Committee were also invited to attend our last meeting if they so wished in order to express their views directly. No adverse comments were received.

Council Agenda

11. We are keen not to give the impression of downgrading the status of the Chairman of the Overview and Scrutiny Committee by allowing Panel Chairmen to present their reports. We re-affirm that the Overview and Scrutiny Committee Chairman still has the key role under the Constitution. To emphasise this, we recommend that the written report of the Overview and Scrutiny Committee Chairman which is already submitted to each Council meeting about recent developments should be transferred from its present position on the agenda alongside Portfolio Holder reports to a new Overview and Scrutiny agenda item which would also cover any Panel reports.

12. We recommend as set out at the commencement of this report.

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