

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

**Committee:** Council **Date:** 27 March 2012

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.47 pm

**Members Present:** Councillors K Angold-Stephens (Chairman), B Rolfe (Vice-Chairman), K Avey, R Barrett, R Bassett, A Boyce, W Breare-Hall, Ms R Brookes, K Chana, Mrs T Cochrane, R Cohen, Mrs D Collins, D Dodeja, Mrs R Gadsby, P Gode, Mrs A Grigg, J Hart, Ms J Hart, D Jacobs, P Keska, J Knapman, Ms Y Knight, 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 M Sartin, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs J Sutcliffe, H Ulkun, Mrs L Wagland, Ms S Watson, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse and J Wyatt

**Apologies:** Councillors C Finn, D C Johnson, Mrs S Jones, Mrs J Lea, A Lion, G Waller and D Wixley

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

**Also in Attendance:** R Crone (Chairman of the Standards Committee)

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### **124. 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.

### **125. MINUTES**

#### **RESOLVED:**

That the minutes of the Council meeting held on 14 February 2012 be taken as read and signed by the Chairman as correct record.

### **126. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor Watson declared a personal interest in any matters on the agenda concerning a Service Level Agreement with Buckhurst Hill Parish Council by virtue of being Chairman of that Parish Council. The Councillor advised that she had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration of any discussion thereon.

(b) Pursuant to the Council's Staff Code of Conduct, Mr D Macnab (Acting Chief Executive), Ms C O'Boyle (Director of Corporate Support Services) and Mr R Palmer (Director of Finance and ICT) declared personal interests in agenda item 16 (Committee for the Appointment of a Chief Executive). They advised that they had determined that their interests were prejudicial and that they would leave the meeting for the consideration and voting on the matter.

## 127. ANNOUNCEMENTS

### (a) Announcements by the Chairman of the Council

#### (i) Councillor Colin Finn

The Chairman advised the Council that Councillor Colin Finn was currently recovering from urgent treatment in hospital and was expected home shortly. The Council expressed their best wishes to Councillor Finn for a speedy recovery.

#### (ii) Youth Councillors

The Chairman welcomed Youth Councillors to the meeting.

#### (iii) Attendance at Events

The Chairman reported on his attendance at the official opening of the Limes Centre, Chigwell which had also been the launch of a special healthy living festival for Limes Farm. He drew attention to the attractive new building which had been provided and thanked all the officers involved in this project, especially Julie Chandler (Assistant Director – Community Services and Customer Relations).

The Chairman reported on his attendance at the official opening of two projects in North Weald which had been funded through a grant received via Community Infrastructure Funding.

The Chairman advised that he had formed part of the judging panel for the County Council's Big Society Fund at which some difficult decisions had been taken regarding the allocation of funds.

The Council noted that on 28 February 2012, the Chairman together with the Vice Chairman had hosted a visit to the Civic Offices by pupils from Braeside School. The Chairman reported that on 28 February 2012 he had also attended the unveiling of a mosaic in the garden of the Epping Forest District Museum which had been created to commemorate the Museum's 30<sup>th</sup> anniversary.

The Chairman announced that he had attended the official opening of the Restore Community Centre in The Broadway, Loughton on 9 March 2012. He reminded members that the Centre would provide a multi agency presence with health, police and Council officers available to work with and support the local community.

Members noted that on 10 March, the Chairman had attended the opening of the new ground for Colebrook Royals Football Club at The Grange, Chigwell. The Chairman pointed out that Colebrook Royals FC which had been established in 1997 now fielded a total of 23 teams including three girls' teams. Over 400 had been present at the opening to witness Sir Trevor Brooking CBE unveiling a plaque. The Chairman expressed his thanks to Chigwell School for their support in relation to the project.

The Chairman reported that he had attended a Youth Makes Music concert at Chigwell School on 16 March 2012 which had been organised by the Rotary Clubs of Loughton and Buckhurst Hill and Chigwell.

**(iv) Chairman's Charity – Abseil**

The Chairman reminded members that he would be undertaking an abseil of the Water Tower at Church Langley on 5 May 2012. He asked members to support him by completing the sponsorship form which would be available in the Members' Room after this meeting.

**(v) The Floral Display**

The Chairman announced that he intended to send the flowers from tonight's meeting to Leonard Davis House, North Weald.

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

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

**(c) Announcements by Portfolio Holders**

The Portfolio Holders advised that they had no announcements to make under this heading.

**(d) Councillor S Packford**

The Council noted the resignation of S Packford as a District Councillor with effect from 16 March 2012.

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

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

**129. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET**

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

**(a) Leader and Legal Portfolio Holder**

Councillor Wagland thanked the Chairman and the officers involved, especially Pat Seager (Chairman's Secretary) for organising a very enjoyable Civic Awards evening.

Councillor Wagland advised that earlier in the day John Houston, Local Strategic Partnership Manager, had helped to complete a bid by Waltham Abbey for some of the money available as a result of the Mary Portas Review of Town Centres. She announced that the Town Centre Partnership and the Town Council as well as the Local Strategic Partnership and the Chamber of Commerce, local businesses and

Council officers had worked hard together to produce a bid within a very tight timescale.

Councillor Wagland reported that she had attended a meeting of Essex Leaders and Chief Executives at which County Councillor Castle had made a presentation regarding the Olympics. He had emphasised the role being played by the county of Essex and had drawn attention to the fact that the torch mechanism had been designed in Basildon and manufactured in Harlow. Councillor Wagland stated that there had been some discussion about the number of contracts secured by Essex companies in relation to the Olympics and that as part of the legacy over 5,000 Essex companies would receive training in PPQ and procurement which should be of great assistance to them in securing contracts in the future. The Leader pointed out that this would be the first Olympics to incorporate an "Inspire Mark" which would enable places and events to use the branding "Inspired by the Olympics". In relation to transport issues information was expected shortly from the London Councils' Transport Adviser which would hopefully provide a better picture of the overall transport arrangements in and around London. Councillor Wagland also reported that the meeting had discussed the proposed Council Tax benefit changes and the difficulties which would arise due to the necessary software not being available when required. She advised that representations were continuing to be made to the Government about this aspect. The meeting had been advised that in relation to Community Budgets, 15 projects were being pursued across the four areas of focus.

Councillor Wagland reported that she had attended a further meeting of the South East Local Enterprise Partnership. A further £16 million funding had been attracted to add to the previously allocated £33 million for the Growing Places Fund. She advised that the Partnership had called for reports on the Third River Crossing and Aviation Capacity. Representations were being made about the shortage of engineers having regard to the number of construction projects being promoted by the Government.

The Leader advised that she had attended a full board meeting of the Local Strategic Partnership at which concern had been expressed about children's deprivation in this district catching up with that in Harlow. Information was awaited from Essex County Council regarding 16-19 year olds not in employment, education or training, the tracking of whom had been lost following the demise of the Connexions service.

The Leader advised that she had received good feedback in relation to the Local Strategic Partnership Stakeholder Conference at which there had been a good attendance.

The Council noted that a meeting of the West Essex Alliance had received a presentation on how existing airports in the South East could accommodate air traffic within the next 10 to 15 years. The Alliance was also investigating the possibility of an initiative to replace the Jobs Fund and officers were working on a bid for such a scheme.

Councillor Wagland advised that together with the Deputy Leader she had met representatives of the Corporation of London and the Lee Valley Regional Park in relation to the production of the Local Plan.

The Leader referred to the advertisement which had appeared in the Municipal Journal regarding the Chief Executive vacancy.

In relation to the legal aspects of her Portfolio, Councillor Wagland advised that the defendants in relation to the Council's health and safety prosecution regarding the

unfortunate death of a child at a nursery in Buckhurst Hill had entered a not guilty plea.

The Leader reported that in her view a totally disproportionate amount of time and money was being spent on trying to resolve neighbour disputes. She said that she was looking to support ward councillors with initiatives in relation to such matters and would welcome any suggestions.

**(b) Finance and Economic Development Portfolio Holder**

Councillor Mohindra drew attention to the key points for local government in the recent Budget.

**(c) Leisure and Wellbeing Portfolio Holder**

Councillor Gadsby referred to the press launch which had been held to publish the torch route for the Olympics and at which it had been announced that the torch would visit the District on 7 July 2012 at approximately 8 am.

Councillor Gadsby referred to the success in obtaining external funding of over £180,000 for a range of sports and community activities.

**(d) Planning and Technology Portfolio Holder**

Councillor Philip referred to the National Planning Policy Framework which had been announced earlier in the day and also to the Planning Policy for Traveller Sites which had been published the previous day. The Portfolio Holder reminded members that both policy documents had been subject to consultation and this Council had made comments some of which had been taken into account in the final versions of the documents. He stated that the Policy Framework placed emphasis on sustainable development with economic, social and environmental aspects being taken into account. He also stated that the Green Belt continued to be recognised as an area for restraint not to be overridden by the presumption for sustainable development. He pointed out that as expected a period of 12 months had been specified for transitional cover pending adoption of new Local Plans.

Councillor Philip advised that in relation to the provision of Traveller sites, there was an expectation that authorities would agree pitch targets with neighbouring authorities. He also advised that there would be a need to continue to consider applications from all travellers and not just those with local connections.

Councillor Philip emphasised that these policy documents were now in force.

**(e) Support Services Portfolio Holder**

Councillor Wyatt reported that the Youth Council elections had taken place and he advised members of those elected. He congratulated the successful candidates and advised that together with the Chairman and Vice Chairman of the Council he would be meeting the new Youth Councillors at an induction session during the following week.

Councillor Wyatt also reported on his attendance at a Rest Centre Exercise organised by the Council's Emergency Planning Team. He praised the staff and representatives from other organisations involved in the exercise and paid special thanks to Paul Banks, the Head Teacher of Roding Valley High School, his staff and the students.

**130. QUESTIONS BY MEMBERS WITHOUT NOTICE****(a) Heritage Assets Review – Buckhurst Hill**

Councillor Watson suggested that Buckhurst Hill was possibly the only part of the District with no designated Conservation Area. She advised that many local residents wanted such an area established in order to protect the unique character of Buckhurst Hill. She sought an assurance from the Planning and Technology Portfolio Holder that he would assist Buckhurst Hill to ensure that they were not at a disadvantage in relation to the Heritage Assets Review which would form part of the Evidence Base for the Local Plan.

Councillor Philip, Planning and Technology Portfolio Holder advised that the Council had appointed consultants to undertake a review of Conservation Areas and heritage assets including possible boundary changes and the inclusion or removal of assets from the local list. He stated that the consultants would engage with local community groups and parish councils to ensure that their views were taken into account. He emphasised that this would be part of the Evidence Base for the Local Plan and the consultants would be required therefore to produce a technical report based on fact which could be defensible. Accordingly, the Council would not dictate to the consultants what should be included in the report but would be seeking their views. The Portfolio Holder advised however that it would be useful if Buckhurst Hill Parish Council and other local councils could compile information which they considered justified the designation of an area and provide that to the consultants. As all local councils would be treated in a similar fashion the Portfolio Holder gave an assurance that Buckhurst Hill would not be at a disadvantage.

**(b) Recycling Centres**

Councillor Spencer asked the Environment Portfolio Holder if he would approach the London Borough of Redbridge and Hertfordshire County Council regarding the use of their recycling centres by Epping Forest residents on Wednesdays when the recycling centres at Chigwell and Waltham Abbey would be closed.

Councillor Knapman, Environment Portfolio Holder explained the reason for the reduction in hours at the local recycling centres and pointed out that there were problems in trying to negotiate arrangements for recycling in a London Borough or another County. He stated that officers were looking at other ways of increasing the options available.

**(c) Essex Police Plan**

Councillor Murray asked the Safer, Greener and Highways Portfolio Holder if she shared his concern and that of many residents that the four year plan of Essex Police to cut uniformed officers by approximately 400 would result in less police on the frontline. He also asked the Portfolio Holder if there was any guarantee that the new senior police officer for the area would stay longer than any of his predecessors.

Councillor Smith, Safer, Greener and Highways Portfolio Holder reported that she understood from the Police that the new arrangements were working very well. She stated that the four year plan had been reported to members and there had been a presentation to the Scrutiny Panel which had gone into great detail in relation to the proposals. Councillor Smith stated that the aim of the Police was to deliver a better service focussed on neighbourhood policing and at present she thought that this aim would be met. Councillor Smith advised that whilst she did not know how long the

new Senior Police Officer would be in post, he had to date engaged very well with the Safer Communities Partnership and was expected to continue to do so in the future.

**(d) External Funding – Special Inclusion Project for Disabled Children and Young People**

Councillor Richardson drew attention to the report of the Leisure and Wellbeing Portfolio Holder which stated that there was potential for the Council to secure a further £38,000 for a special inclusion project subject to success in the first two years. She suggested that such funding was needed on a permanent basis and asked the Portfolio Holder if she shared those views.

Councillor Gadsby, Leisure and Wellbeing Portfolio Holder stated that she hoped funding could be secured for the continuation of the project.

**(e) External Funding – Wellbeing Project for Older People**

Councillor Brookes asked the Leisure and Wellbeing Portfolio Holder if she could give details of the Wellbeing Project for Older People which had attracted funding in excess of £70,000.

Councillor Gadsby stated that she would respond to Councillor Brookes in writing.

**(f) Olympic Games – London Underground Services**

Councillor Watson asked the Leisure and Wellbeing Portfolio Holder for details of the steps being taken to address the concerns of many local residents about the adequacy of London Underground services during the period of the Olympic Games.

Councillor Gadsby, Leisure and Wellbeing Portfolio Holder advised that Transport for London had announced that there were no plans for changing services except for providing some additional trains in the late evening/early morning. She pointed out that the Council had been advised that the Central Line was already operating to full capacity and that the number of commuter passengers during the Olympic Games was expected to be reduced as the Games coincided with school holidays. She stated that the position was under constant review by the various responsible authorities.

**(g) Olympic Games – Central Line**

Councillor Murray asked the Leader of the Council what steps were being taken to ensure that local residents who used the Central Line for commuting would be able to continue to use that service as required during the period of the Olympic Games.

Councillor Wagland, Leader of the Council advised that this was a matter outside of the control of the Council but that strong representations had been made to the relevant authorities at every opportunity. She advised that data had recently been released which showed that some 10% of tickets for the mountain bike activity in Essex had been allocated to local people within walking distance of the venue. She also stated that statistics would be available shortly indicating that a large number of people who normally used the Central Line would not be doing so during the duration of the Olympic Games as they had chosen to spend the time elsewhere. She also drew attention to incentives being offered to commuters to stagger their working hours during the duration of the games. Councillor Wagland confirmed that she would continue to make representations about these concerns whenever the opportunity arose.

**(h) Traffic Regulation Orders**

Councillor J H Whitehouse drew attention to the current Government consultation on making changes to the Traffic Regulation Order process and asked the Safer, Greener and Highways Portfolio Holder if she would make this consultation exercise known to all members of the Council so that they could respond as individuals and if she would respond on behalf of the Council suggesting alternative means of publishing the making of such orders.

Councillor Smith, Safer, Greener and Highways Portfolio Holder said that the North Essex Parking Partnership would be making a response to the Home Office in relation to the consultation paper and added that she would arrange for details of the consultation document to be published in the Council Bulletin. She also stated that she would discuss the possibility of a response on behalf of the Council with the appropriate Scrutiny Panel Chairman.

**(i) Fire Safety in Flat Blocks**

Councillor Jennie Hart asked the Housing Portfolio Holder what measures would be taken to ensure that concrete stairs in flat blocks were slip resistant if the proposal to remove carpets from such stairs was implemented.

Councillor McEwen, Housing Portfolio Holder stated that no special measures were currently being considered as there was little evidence to suggest that concrete stairs without carpets would be a hazard. She agreed that the matter could be considered in the future if necessary.

**(j) Borders Lane, Loughton - Footpath**

Councillor Leonard stated that a long-established footpath between Borders Lane and Loughton Hall had recently been closed. He asked the Safer, Greener and Highways Portfolio Holder if the correct procedures had been undertaken to secure this closure.

Councillor Smith, Safer, Greener and Highways Portfolio Holder stated that Essex County Council Highways were aware of this issue and were investigating the matter.

**(k) Council Tenants – Tree Planting**

Councillor Stellan asked the Housing Portfolio Holder if she agreed with the suggestion of one member that tenants wishing to plant a tree in their garden should first seek the consent of the Council or whether she felt such an issue was best dealt with by inclusion of advice within the Tenants' Handbook.

Councillor McEwen, Housing Portfolio Holder said that she was surprised at the suggestion about seeking consent as there was a desire to minimise regulation where possible.

**(l) St John's Road, Epping Development – Consultation Exercise**

Councillor Whitbread sought an assurance from the Finance and Economic Development Portfolio Holder that any option which did not receive the support of the majority of respondents to the consultation exercise would not be pursued.



Councillor Mohindra, Finance and Economic Development Portfolio Holder stated that he could not give such an assurance. He pointed out that the District Council was a minority land owner and there would be a need to take account of the views of the other parties involved. He said he looked forward to considering the results of the consultation exercise.

**(m) Traffic Sign – A414**

Councillor Grigg asked the Safer, Greener and Highways Portfolio Holder if she would take steps to secure the reinstatement of the Epping Forest boundary sign on the A414 coming out of Harlow. She stated that the sign had been removed whilst road widening works had been undertaken but these had been completed for many months.

Councillor Smith, Safer, Greener and Highways Portfolio Holder stated that she would give the matter her urgent attention.

**(n) St John's Road, Epping Development – New Homes Bonus**

Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in this item by virtue of being a resident of St John's Road, Epping. The Councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting and ask a question.

Councillor J M Whitehouse pointed out that provision had been made in the Council's District Development Fund for New Homes Bonus and bearing this in mind he asked the Finance and Economic Development Portfolio Holder and the Planning and Technology Portfolio Holder if they agreed that this could be a potential source of funding if the Council decided to invest in community or leisure facilities as part of the St John's Road development.

Councillor Mohindra, Finance and Economic Development Portfolio Holder advised that provision had been made in the District Development Fund rather than the Continuing Services Budget due to uncertainty about the longer term Central Government funding arrangements. He said that he did not have a monopoly on good ideas for development of the area and he encouraged everyone to respond to the consultation exercise.

Councillor Philip, Planning and Technology Portfolio Holder pointed out that when the Local Plan was in place there would also be the possibility of funding infrastructure by means of Community Infrastructure Tariffs as well as New Homes Bonus.

**(o) Council's Nursery Service**

Councillor Pond asked the Environment Portfolio Holder when he expected to submit a report on the future of the Council's Nursery Service.

Councillor Knapman, Environment Portfolio Holder stated that the matter was being considered and a report would be submitted in due course.

**131. MOTIONS**

The Chairman reported that there were no motions to be considered at this meeting.

**132. QUESTIONS BY MEMBERS UNDER NOTICE****(a) General Fund Underspend**

Councillor J M Whitehouse asked the Finance and Economic Development Portfolio Holder the following question:

“Please list the following figures:

- (i) estimated General Fund underspend for 2011/12; and
- (ii) actual General Fund underspend for 2010/11, 2009/10, 2008/09”.

Councillor Mohindra, Finance and Economic Development Portfolio Holder read the following reply:

“(i) When the budget was set for 2012/13 at Council in February, the estimates for 2011/12 were revised as part of that process. The third quarter financial monitoring reports that were made to the Finance and Performance Management Cabinet Committee on 19 March and the Finance and Performance Management Scrutiny Panel on 20 March state that the outturn is expected to be in line with the revised estimates. Therefore, at this stage it is not anticipated that there will be either a significant General Fund underspend or overspend for 2011/12;

(ii) The actual General Fund underspends, compared to the revised estimates, for previous years are listed below –

2010/11 - £579,000  
2009/10 - £702,000  
2008/09 - £432,000”.

Councillor J M Whitehouse asked a supplementary question arising from the reply. He pointed out that approximately £1.7 million had been added to the Council's reserves over the last three years based on the revised estimates and he asked the Portfolio Holder if he agreed that this provided a possible means of funding for potential community or leisure facilities.

Councillor Mohindra pointed out that Council had recently taken on a £185 million debt and that there were still many other uncertainties in relation to the future financing of Local Government. He advised that the £1.7 million had been accrued at times when the Council had been in a healthy financial position in order to provide some flexibility in more difficult times and to ensure that decisions could be taken which would be of benefit to the community.

**(b) Changes to the Right to Buy for Council Tenants**

Councillor J M Whitehouse asked the Housing Portfolio Holder the following question:

“According to your report, under the new Right to Buy arrangements the Council may use only 30% of the receipts from additional Right to Buy sales to fund replacement housing. Given this, how will you ensure that each dwelling sold is replaced by a new affordable home on a “one-to-one basis” without eating into other Council resources including those required for the Council's intended additional affordable homes and Council House Building Programme.”

Councillor McEwen, Housing Portfolio Holder read the following reply:

“The rationale behind borrowing more than the Housing Revenue Account Capital Financing Requirement to make the self-financing payment was to provide flexibility to the Housing Revenue Account in the future. That flexibility was primarily to allow for an expansion of the house building programme in future years. However, given the changes to “Right to Buy”, some of this funding can instead be used to support a scheme of one-to-one replacements. Because the Council has this flexibility it should be possible to deal with this additional challenge without reducing either of the programmes that members have already agreed to enhance the existing stock and commence new house building”.

Councillor Whitehouse asked a supplementary question arising from the reply. He asked if the extra borrowing to be taken on for one-to-one replacements could be entirely supported from the 30% receipts received.

Councillor McEwen stated that she would respond to this supplementary question in writing.

### **133. REPORT OF THE CABINET - PAY POLICY STATEMENT 2012/13**

**Mover: Councillor Wyatt, Support Services Portfolio Holder**

Councillor Wyatt submitted a report proposing the adoption of a Pay Policy Statement for 2012/13.

**Report as first moved ADOPTED**

**RESOLVED:**

That the Pay Policy Statement for 2012/13 attached to the report of the Cabinet be approved and published on the Council's website.

### **134. ORDER OF BUSINESS**

The Chairman sought leave of the Council to bring forward agenda item 15 (Report of the Epping Forest District Standards Committee).

**RESOLVED:**

That agenda item 15 be taken as the next item of business.

### **135. REPORT OF THE EPPING FOREST DISTRICT STANDARDS COMMITTEE**

**Mover: Mr R Crone, Chairman of the Committee**

Mr Crone submitted a report following consideration by the Standards Committee of changes made to the regulation of standards of conduct for elected and co-opted councillors which would come into effect under the Localism Act 2011 on 1 July 2012. He pointed out that from 1 July 2012, the Council had to have in place arrangements for standards in accordance with the requirements of the 2011 Act.

Councillor Wagland drew attention to the section of the report advising that existing independent members of the Standards Committee could not become “independent persons”. She advised that whilst this was clear from the wording of the Act the Government had since acknowledged that it had not been their intention.

Accordingly there was a possibility that further provisions would be made to enable existing independent members to fulfil the role of “independent persons”.

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

“That a Standards Committee be appointed to assume responsibility for the new standards arrangements which will come into operation on 1 July 2012”.

**Carried**

The Chairman drew attention to the need for a further detailed report to be considered by the Council and obtained leave of the Council to restrict decisions at this meeting to the establishment of a Committee and the possibility of existing independent members continuing to have a role in the new arrangements.

**RESOLVED:**

(1) That a Standards Committee be appointed to assume responsibility for the new standards arrangements which will come into operation on 1 July 2012;

(2) That, if future legislation permits, existing independent members of the present Standards Committee be invited to be “independent persons” under the new arrangements; and

(3) That an extraordinary Council meeting be held on 18 June 2012 to receive a further detailed report on the new standards regime to enable decisions to be made on the following arrangements to come into operation on 1 July 2012 as required by the Localism Act 2011:

- (a) Proper Officer;
- (b) Standards Committee – Terms of Reference, Constitution and Arrangements for Parish and Town Councils;
- (c) Code of Conduct – Adoption;
- (d) Dealing with Complaints – Procedures and Monitoring Officer’s Authorisations;
- (e) Independent Persons – Register, Advertisement, Appointment Arrangements and Remuneration;
- (f) Registers of Members’ Interests – Preparation, Maintenance and Publication, Format and Standing Order; and
- (g) Dispensations – Determination.

**136. REPORT OF THE CABINET - SUPPLEMENTARY DDF REQUEST FOR OLYMPIC TORCH RELAY**

**Mover: Councillor Gadsby, Leisure and Wellbeing Portfolio Holder**

Councillor Gadsby submitted a report seeking a supplementary District Development Fund estimate in order to provide funding for the management and public safety of the Olympic torch.

**Report as first moved ADOPTED**

**RESOLVED:**

That a supplementary District Development Fund estimate of £15,000 for 2012/13 be approved in order to provide funding for the management and public safety of the Olympic torch.

**137. REPORT OF THE CABINET - EQUALITY OBJECTIVES 2013 - 2016**

**Mover: Councillor Gadsby, Leisure and Wellbeing Portfolio Holder**

Councillor Gadsby submitted a report on the requirements set out in the Equality Act 2010 for the adoption of equality objectives by all public authorities.

**Report as first moved ADOPTED**

**RESOLVED:**

That the Council's Equality Objectives for 2013 to 2016 be adopted.

**138. REPORT OF THE FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - AMENDED TREASURY MANAGEMENT STRATEGY STATEMENT**

**Mover: Councillor Mohindra, Chairman of the Finance and Performance Management Cabinet Committee**

Councillor Mohindra advised that the Cabinet at its meeting on 12 March 2012 had considered a report on the self-financing of the Housing Revenue Account and had agreed that an amended Treasury Management Strategy Statement should be considered by the Finance and Performance Management Cabinet Committee and that Committee should then report thereon to this Council meeting.

Councillor Mohindra submitted a report drawing attention to proposed changes to the Prudential Indicators and the explanatory text supporting the overfunding of the Housing Revenue Account Capital Financing Requirement.

**Report as first moved ADOPTED**

**RESOLVED:**

That the amended Treasury Management Strategy Statement and annual Investment Strategy 2012/13 to 2014/15 as attached to the report of the Finance and Performance Management Cabinet Committee be approved.

**139. OVERVIEW AND SCRUTINY****(a) Report of the Chairman of the Overview and Scrutiny Committee**

The Council received a written report from Councillor Bassett, the Chairman of the Overview and Scrutiny Committee.

**(b) Reports of the Overview and Scrutiny Committee**

The Chairman announced that there were no reports to be considered under this item.

**(c) Reports of Overview and Scrutiny Panels****(i) Constitution and Member Services Scrutiny Panel – Appointments at Annual Council meeting – Review****Mover: Councillor Stallan, Chairman of the Panel**

Councillor Stallan submitted a report of the Panel following a review of the operation of the new Appointments Panel set up last year.

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

(1) That the Appointments Panel continue to operate without changes to its terms of reference and continue in operation thereafter until any further review is necessary;

(2) That the Protocol on the Allocation of Chairmanships and Vice-Chairmanships and Outside Organisations (except for Sections 6(a) to (c) in the Protocol – the provision for pro-rata for chairmen) be suspended for a further period of one year and then reviewed;

(3) That Article 5 of the Constitution (in relation to the nomination of the Vice Chairman appointment to Council) be amended by the inclusion of the following words at the end of Article 5.02(c) “and notified each year to the Appointments Panel for consideration and onward recommendation to the Annual Council meeting”; and

(4) That meetings of the Appointments Panel be held on 10 and 15 May 2012 (if necessary).

**(ii) Constitution and Member Services Scrutiny Panel – Housing Appeals and Review Panel – Terms of Reference****Mover: Councillor Stallan, Chairman of the Panel**

Councillor Stallan submitted a report following a review of two aspects of the Housing Appeals and Review Panel's terms of reference: the order of presentation at Panel meetings and the exclusion of appeals against banding decisions under the Housing Allocations Scheme.

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

(1) That the existing order of proceedings at meetings of the Housing Appeals and Review Panel be retained but a new paragraph (to be numbered (7)) be added to the Panel's terms of reference as follows:

“(7) If requested by the appellant/applicant or their representative, the Chairman may agree to (6)(b)–(d) taking place after (e)–(g) and to (h) and (i) being reversed”, and that the Constitution be amended accordingly;

(2) That the appellant/applicant be informed prior to the meeting of their right to change the order of presentation if wanted, as set out in (1) above;

(3) That the arrangements set out in (1) above be reviewed after six months; and

(4) That paragraph 1(i) (relating to the banding of an applicant, in accordance with the Housing Allocations Scheme in being at the time of the decision) be removed from the terms of reference of the Housing Appeals and Review Panel and the Constitution be amended accordingly.

**(iii) Constitution and Member Services Scrutiny Panel – Review of Financial Regulations**

**Mover: Councillor Stallan, Chairman of the Panel**

Councillor Stallan submitted a report of the Panel following a review of the Council's Financial Regulations.

**Report as first moved ADOPTED**

**RESOLVED:**

That the schedule of amendments to Financial Regulations as set out in Appendix 1 to these minutes be approved and pages G9-11 be deleted from the Constitution.

**(iv) Constitution and Member Services Scrutiny Panel – Officer Delegation – 2011/12 Review**

**Mover: Councillor Stallan, Chairman of the Panel**

Councillor Stallan submitted a report of the Panel following a review of officer delegation.

**Report as first moved ADOPTED**

**RESOLVED:**

(1) That the schedule of changes to Council delegation as set out in Appendix 2 to these minutes be approved; and

(2) That changes to executive delegations to be incorporated in the Constitution, once these have been signed off by the Leader of the Council be noted.

**140. COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE**

**Mover: Councillor J M Whitehouse, Chairman of the Committee**

Councillor Whitehouse submitted a progress report on the recruitment of a Chief Executive.

**Report as first moved ADOPTED**

**RESOLVED:**

- (1) That the current position concerning the recruitment of a Chief Executive as set out in the report of the Committee be noted;
- (2) That the agenda for the extraordinary Council meeting to be held on 18 June 2012 include an item seeking confirmation of an appointment to the position of Chief Executive; and
- (3) That, in order to provide continuity throughout the recruitment process and, subject to the results of the May District Council elections, the Council agrees that the current Chairman, Vice Chairman and members of the Committee be reappointed at the Annual Council meeting.

**141. POLICE AND CRIME PANEL - APPOINTMENT OF REPRESENTATIVE**

The Council considered the appointment of a representative to the shadow Police and Crime Panel for Essex. Members were advised that there was no business to be considered by the Shadow Panel until June of this year and that an appointment could therefore await the Annual Council meeting.

**RESOLVED:**

- (1) That the appointment of a representative to the shadow Police and Crime Panel for Essex be deferred until the Annual Council meeting;
- (2) That the proposal that Essex County Council will act as host authority be noted; and
- (3) That the intention that the Cabinet will identify funds (£2,000) for 2012/13 and subsequent years in respect of this Council's contribution towards the establishment and operation of the Panel by the County Council be noted.

**142. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

The Chairman reported that there were no reports to be considered at this meeting.

**CHAIRMAN**



## REVIEW OF FINANCIAL REGULATIONS 2011/12

Fin Reg Ref	Subject Matter/Present Wording	Proposed Amendments/Comments
	<p data-bbox="819 403 1279 432"><b>Responsibilities of Chief Officers</b></p> <p data-bbox="819 472 1413 903">4.4 A Chief Officer may exercise virements on budgets under his control for cumulative amounts up to £5,000 between detailed account codes within the same cost centre during the year, subject to the agreement of the Chief Finance Officer (for this purpose 'cost centre' refers to the budget book sub-heading, e.g. for Accommodation Services the cost centres are Office Accommodation, Superintendents, Duty Officers and catering).</p> <p data-bbox="819 948 1413 1139">4.5 Where a virement is required, the Chief Officer (or other Officer delegated by them) must send a signed written request to Accountancy detailing the amount and detailed cost codes involves.</p> <p data-bbox="819 1184 1323 1212"><b>Responsibilities of Portfolio Holders</b></p> <p data-bbox="819 1252 1402 1374">4.6 A Portfolio Holder, in consultation with the appropriate Chief Officer, may exercise virements on budgets under their control, within the same cost</p>	<p data-bbox="1447 472 1906 501">DELETE: "Cost Centre" throughout.</p> <p data-bbox="1447 541 2033 598">SUBSTITUTE: "Budget Heading on the same Budget Page"</p> <p data-bbox="1447 1252 1995 1281">Amend "£10,000" to "£25,000" throughout.</p>

	<p>centre or between cost centres, for cumulative amounts up to the greater of £10,000 or 2% of gross cost centre expenditure during the year, following notification to the Chief Finance Officer, and subject to the conditions at 4.9 below. These limits are inclusive of amounts vired under 4.4 above, not in addition to.</p> <p>4.7 Cumulative amounts greater than £10,000 or 2%, whichever is the greater, within the same cost centre or between cost centres during the year require the approval of the Cabinet, following a report to the relevant Portfolio Holder in conjunction with the Chief Finance Officer and the Chief Officer. The report must specify the proposed expenditure and the source of funding and must explain the implications in the current and future financial year.</p> <p><b>Responsibilities of the Chief Finance Officer</b></p> <p>4.8 To prepare jointly with the relevant Chief Officer a report to the Cabinet or Council as appropriate, where revenue virements within the same cost centre, or between cost centres within the same portfolio, in excess of the greater of £10,000 or 2% of gross cost centre expenditure are proposed.</p>	<p>Amend “£10,000” to “£25,000” in line 2.</p> <p>Amend “£10,000” to “£25,000”</p>
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	<p>To maintain a list of approved budget headings.</p> <p>To maintain a register of all approved virements.</p> <p>To monitor that any allocation of an approved budget that is a lump sum budget or contingency intended for allocation during the year is in accordance with the purposes for which it was established and the Cabinet approved scheme for its release. Where any proposed allocation falls outside of these conditions, the allocation will be deemed to be a virement and treated accordingly.</p> <p><b>Responsibilities of Cabinet and Council</b></p> <p>4.9 Cumulative virements within a Portfolio greater than £100,000 or 2% of the total portfolio, whichever is the greater, require the approval of the Council, following a report of the Cabinet in conjunction with the Chief Finance Officer and the relevant Chief Officer(s). The report must specify the cumulative expenditure and sources of funding and must explain the service delivery implications in the current and future financial year.</p>	
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## REVIEW OF OFFICER DELEGATION 2011/12

Delegation Ref	Subject	Existing Wording/ Delegation	Proposed Amendments/ Comment
Schedule 2 Forward Planning and Related Functions Paragraph (2)	Protection of Trees	<p>“Amend, confirm or revoke such orders (i.e. TPOs), subject to reporting any objections regarding the making of the order to the relevant Area Planning Sub Committee for this decision”.</p> <p><b>Delegated to:</b></p> <p><b>Director of Planning and Economic Development.</b></p>	<p><b>ADD:</b> the words “decide not to confirm” after “amend, confirm” in the first line.</p> <p><b>DELETE</b> the words: “subject to reporting any decision not to confirm a contested order” and <b>REPLACE</b> with “subject to reporting any objections regarding the making of the order” in lines 2-4.</p> <p><b>Comment:</b> Current wording does not reflect the present delegation which requires a report to a Sub Committee to be made if a contested order is not confirmed. The current report implies only reporting of objections.</p>

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