



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, 6 November 2012 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read "Glen Chipp".

Glen Chipp
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. MINUTES (Pages 9 - 30)

To approve as a correct record and sign the minutes of the meeting held on 27 September 2012 (attached).

3. DECLARATIONS OF INTEREST

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

4. ANNOUNCEMENTS

(a) Apologies for Absence

(b) Announcements

To consider any announcements by:

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

5. PUBLIC QUESTIONS (IF ANY)

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

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

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

6. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 31 - 46)

To receive reports from the Leader and members of the Cabinet on matters falling within their area of responsibility:

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

7. QUESTIONS BY MEMBERS WITHOUT NOTICE

Council Procedure Rule 12.6 provides for questions by any member of the Council to the Leader or any Portfolio Holder, without notice on:

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

Council Procedure Rule 12.7 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) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (d) where the question relates to an operational matter, the Leader 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 12.8, a time limit of twenty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes to ensure that all political groups and independent members may have their questions answered.

8. MOTIONS

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

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

9. QUESTIONS BY MEMBERS UNDER NOTICE

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

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

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

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

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

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

10. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - LANGSTON ROAD RETAIL PARK - PLANNING FEES (Pages 47 - 48)

To consider the attached report.

11. REPORT OF THE CABINET - NON DOMESTIC RATES - NNDR1 FORM (Pages 49 - 50)

To consider the attached report.

12. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - PLANNING APPEAL COMPENSATION BUDGET (Pages 51 - 52)

To consider the attached report.

13. REPORT OF THE CABINET - SUPPLEMENTARY CAPITAL ESTIMATE - GUARANTEED INVESTMENT - SLM (Pages 53 - 54)

To consider the attached report.

14. OVERVIEW AND SCRUTINY (Pages 55 - 60)

- (a) Report of the Chairman of the Overview and Scrutiny Committee;
- (b) Reports of the Overview and Scrutiny Committee (if any); and
- (c) Reports of Constitution & Member Services Standing Panel (attached).

15. REPORT OF THE STANDARDS COMMITTEE - CODE OF MEMBER CONDUCT AND PARTICIPATION BY MEMBERS (Pages 61 - 64)

To consider the attached report.

16. REPORT OF THE STANDARDS COMMITTEE - NEW STANDARDS ARRANGEMENTS - PARISH/TOWN COUNCIL DELEGATION ARRANGEMENTS (Pages 65 - 66)

To consider the attached report.

17. REPORT OF THE LICENSING COMMITTEE - GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (Pages 67 - 98)

To consider the attached report.

18. POLICE AND CRIME PANEL

Recommendation:

That a deputy be appointed to the Council's representative on the Police and Crime Panel for Essex, Councillor M Sartin for the remainder of the current Council year.

The Police and Crime Panel for Essex has requested each District/Borough/City Council to appoint a deputy for their representative.

The appointment is for the rest of the current Council year.

19. WEST ESSEX WELLBEING JOINT COMMITTEE

Recommendation:

To consider a recommendation from the Cabinet to appoint two members to represent the Epping Forest District on the West Essex Wellbeing Joint Committee

(Leader of the Council) Wellbeing is fundamental to the success of the communities of West Essex. The community leaders in West Essex; Epping Forest, Harlow and Uttlesford District Councils, along with the County Council and the West Essex Clinical Commissioning Group, are committed to working in partnership (and with other partners) to develop and implement a Community Wellbeing Strategy for West Essex.

Whilst local partnership arrangements for wellbeing may be developed within each District Council area, the partners in West Essex propose to create a West Essex Wellbeing Joint Committee to provide a governance structure for partnership working.

The Joint Committee will consist of representatives from each of the partners and co-optees from the CCG with full voting rights. The Joint Committee will decide on co-optees/invitees from other partners, but will seek to keep the membership of the Committee to a maximum of 15. The Joint Committee will determine the chairmanship of the Committee on an annual basis with rotation between the partners.

It is important to state that this will not be accountable to, nor a part of, the Essex Health and Wellbeing Board but a Joint Committee of the three District Councils. This

provides West Essex with a formal locally accountable democratic governance structure with authority to act and the ability to make formal representations to both the Essex Health and Wellbeing Board and to other key players outside of Essex.

The Joint Committee will additionally fulfil the role of a Local Health and Wellbeing Partnership for the purposes of the Essex Health and Wellbeing Board. This avoids duplication and provides a direct route to, and from, the Essex Health and Wellbeing Board.

The Cabinet at its meeting on 22 October 2012 decided that the Council should participate in the Joint Committee and asked the Council to appoint two member representatives.

20. REPRESENTATION ON OUTSIDE ORGANISATION - GRANGE FARM MANAGING TRUSTEES

Recommendation:

To appoint a managing trustee in place of Councillor D Johnson

(Leader of the Council) The Council at its Annual Meeting on 24 May 2011 appointed Councillors D Johnson and P Smith and Mr B Scrutton as managing trustees of the Grange Farm Centre Trust for a four year period commencing 1 June 2011.

The Trust has asked the Council to appoint a trustee in place of Councillor Johnson who has not found it possible to attend meetings. The appointment would be for the balance of the four year period.

21. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

- (a) To receive from Council representatives the reports (attached - if any) on the business of joint arrangements and external organisations and to receive answers to any questions on those bodies which may be put without notice; and
- (b) To request written reports from representatives on joint arrangements and external organisations for future meetings.

22. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24

hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Council **Date:** Thursday, 27 September 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.56 pm

Members Present: Councillors B Rolfe (Chairman), Mrs M Sartin (Vice-Chairman), K Angold-Stephens, K Avey, R Bassett, A Boyce, Mrs H Brady, W Breare-Hall, G Chambers, K Chana, T Church, Mrs T Cochrane, R Cohen, C Finn, Mrs R Gadsby, L Girling, Mrs A Grigg, Ms H Kane, P Keska, Mrs J Lea, L Leonard, Mrs M McEwen, H Mann, A Mitchell MBE, G Mohindra, R Morgan, Mrs C Pond, B Sandler, Ms G Shiell, Mrs P Smith, D Stallan, Ms S Stavrou, Mrs T Thomas, H Ulkun, Mrs L Wagland, G Waller, Ms S Watson, A Watts, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and N Wright

Other Councillors:

Apologies: Councillors P Gode, Ms J Hart, D Jacobs, Mrs S Jones, J Knapman, Ms Y Knight, A Lion, J Markham, S Murray, P Spencer, Mrs E Webster and J Wyatt

Officers Present: D Macnab (Deputy Chief Executive), R Palmer (Director of Finance and ICT), C O'Boyle (Director of Corporate Support Services), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), S G Hill (Senior Democratic Services Officer), T Carne (Public Relations and Marketing Officer), D Butler (Young Persons Officer), L Eales (Youth Council Administrator) and G Chipp (Chief Executive)

Also in Attendance: Glen Chipp (Chief Executive Designate)

37. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive, on behalf of the Chairman of the Council reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

38. MINUTES

RESOLVED:

That the minutes of the meeting held on 31 July 2012 be taken as read and signed by the Chairman as a correct record.

39. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Breare-Hall declared a non-pecuniary interest in agenda item 11 (Report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being a

member of Epping Town Council. The Councillor stated that he would remain in the meeting for the consideration and voting on this matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Whitbread declared a non-pecuniary interest in agenda item 11 (Report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being a resident of Epping. In addition the Councillor made the following statement:

"I wish to state that:

(a) in my own response as a local resident to the public consultation, I stated that I was opposed to the provision of a supermarket;

(b) my view has always been that the approved Development Brief should achieve the twin goals of revitalising the High Street economy and preserving its essential character;

(c) it has never been my view that maximising the financial or return on the Council's land holding in that area should be the only objective of the authority, community benefits are equally important in my mind; and

(d) the decision as to whether a supermarket or indeed any other form of development will form part of the Brief is not mine as Leader of the Council but one for the whole Council."

The Councillor advised that he would remain in the meeting for the consideration and voting on this matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a non-pecuniary interest in agenda item 11 (report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being an Epping Town Councillor. He also declared a disclosable pecuniary interest in this item by virtue of being a resident of St John's Road, Epping within the Development and Design Brief Area. The Councillor advised that he would leave the meeting for the consideration and voting on this item.

(d) Pursuant to the Council's Code of Member Conduct, Councillor J H Whitehouse declared a non-pecuniary interest in agenda item 11 (Report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being a County Councillor representing the Epping and Theydon Bois Division. The Councillor advised that she would remain in the meeting for the consideration and voting on this matter.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Avey declared a non-pecuniary interest in agenda item 11 (Report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being a member of Epping Town Council. The Councillor advised that he would remain in the meeting for the consideration and voting on this matter.

40. ANNOUNCEMENTS

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

(i) Mr G Chipp – Chief Executive

The Chairman welcomed to the meeting Glen Chipp, the Council's new Chief Executive who would be commencing employment with the Council the following week.

(ii) Attendance at Events

The Chairman reported on his attendance at some events held since the last Council meeting. On 24 August he had visited a scout conservation project held in Epping Forest in conjunction with Epping Forest Centenary Trust, with funding from the City of London. Members noted that this yearly event involved approximately 100 explorer scouts camping at High Beach and carrying out conservation work at sites throughout the Forest under the guidance of Epping Forest Centenary Trust.

The Chairman reported that it had been a privilege to entertain the Mayor of Bodo, veterans and serving senior military officers from the Royal Norwegian Air Force on Friday 7 September and the weekend of 8 and 9 September. The seven veterans in attendance aged between 91 and 96 had formed part of the 331 and 332 squadrons which had been stationed at North Weald during the 2nd World War. He advised that speeches and presentations had reaffirmed the ties of friendship between the two communities forged during the Second World War.

The Council noted that the Chairman had attended a Battle of Britain Service held at St Andrew's Church, North Weald which had included the laying up of the old Standard of 56 Squadron the Royal Air Force. The Chairman stated that the service had been a very moving experience.

The Chairman advised that he would report to the next Council meeting on the Civic Lunch which had been held earlier in the day at the Lambourne End Outdoor Education Centre.

The Chairman reported with regret that the District Council had lost for the first time in five years the Annual Petanque match with Epping Town Council. He pointed out that the Town Council team had comprised two members who were also District Councillors.

(iii) Epping Forest District Youth Council

The Chairman welcomed members of the Youth Council to the meeting.

(iv) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to Parsonage Court, Loughton.

(b) Announcements by the Leader of the Council

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

(c) Announcements by Portfolio Holders

There were no announcements made by Portfolio Holders under this heading.

41. PUBLIC QUESTIONS

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

42. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

The Council received written reports from the Asset Management and Economic Development Portfolio Holder, the Environment Portfolio Holder, the Finance and Technology Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning Portfolio Holder, the Safer, Greener and Highways Portfolio Holder and the Support Services Portfolio Holder.

The Chairman invited the Leader to provide an oral report and other members of the Cabinet to give an oral update of their written reports.

(a) Leader of the Council

Councillor Whitbread reported that since the last meeting of the Council he had attended a number of external meetings of importance to the future of the District as well as hosting a number of key internal meetings.

The Leader advised that he had attended a meeting of the Essex Leaders and Chief Executives' Forum which had concentrated on the Whole Essex Community Budget Project and the potential for Essex authorities to bid to Central Government for a "City Deal" for growth. The Council noted that Essex was one of only four Community Budget pilots nationally, designed to explore how statutory agencies could work together more collaboratively on a number of key issues, increase efficiency and deliver savings. He reported that a number of business cases had been developed for submission to the Department for Communities and Local Government and the Treasury. He emphasised that although being engaged in the development of the business cases and supporting their aspirations in principle he had been consistent in stating that any future joint working on community budgets would not be at the expense of any loss of sovereignty to this Council and certainly at no financial disadvantage.

Councillor Whitbread reported that on 7 September, as Chairman of the Local Strategic Partnership, he had hosted a visit of the West Essex Economic Development Alliance, led by its Chairman, Nick Barton, who was Chief Executive of BAA Stansted Airport. He advised that the visit had also been attended by the Asset Management and Economic Development Portfolio Holder and a range of partners across West Essex, the Lee Valley Regional Park Authority and the Chairman of the London Anglia Growth Partnership. A number of locations across the District had been visited designed to demonstrate the potential and priority areas within the emerging local economic development strategy. The tour had finished with a visit to Valley Growers in Waltham Abbey who produced a third of Britain's cucumbers.

The Leader reported that he had met with Eleanor Laing MP, the Planning Portfolio Holder, the Acting Chief Executive and the Director of Planning and Economic Development to discuss the Local Plan and, in particular, the Issues and Options consultation process. Councillor Whitbread thanked local ward members, the vast majority of whom had been very helpful and supportive at the local consultation meetings, in support of the Council's Planning Officers.

The Leader reported that he had chaired the LSP Steering Group on 14 September when consideration had been given to the affects of the downsizing of the County Council's Youth Service in the District and the cessation of the Connexions Service.

Councillor Whitbread said that he was keen to see how best the Council could help meet the needs of young people in the District.

The Leader advised that he had attended the dedication of the commemorative Olympic Shield on the Highbridge Roundabout, Waltham Abbey funded by the "Olympic Look and Feel" money. The plaque had been unveiled by the Waltham Abbey Town Mayor and Etienne Stott, one of the gold medal winning canoeists.

In closing the Leader drew members' attention to the Medium-Term Financial Forecast presented to the Finance and Performance Management Cabinet Committee. He emphasised that despite uncertainty about the future of local government financing this Council continued to benefit from prudent financial decisions and policies.

(b) Finance and Technology Portfolio Holder

Councillor Stavrou reported that on 20 September, the Finance and Performance Management Cabinet Committee had considered the Annual Outturn Report on the Treasury Management and Prudential Indicators 2011/12 and the Financial Issues Paper for the budget 2013/14. She pointed out that recommendations on those matters would be considered by the Cabinet on 22 October.

The Portfolio Holder advised that the Council was in a stronger financial position than had been anticipated. This was due to a greater level of savings in 2011/12. She continued that there were uncertainties and challenges to be faced and the level of Government funding for 2013/14 would not be known until late December 2012. Councillor Stavrou advised that through the proposals to retain business rates the Government was adding to the existing incentive of the New Homes Bonus to encourage authorities to promote growth and economic development. Members noted that those authorities that were more successful in growing their Council Tax base and rating list would gain at the expense of others.

Councillor Stavrou reported that despite the uncertainties she was confident that the Cabinet would be able to recommend a nil increase for the District Council Tax for 2013/14.

(c) Planning Portfolio Holder

Councillor Bassett reported that "Drop-In" sessions had been held across the District in relation to the Local Plan Consultation, Community Choice—Issues and Options. He advised that 927 members of the public had attended the first 13 sessions.

Councillor Bassett stressed that it was important the public should understand that the Council had made no decisions at present and that the consultation exercise related to a list of issues and options on which views were being sought. At the end of the consultation period all of the responses would be considered and later in the year a series of workshops for councillors would be held as part of that process. He advised that following those workshops a number of "preferred options" would be chosen which again would be subject to a consultation exercise before a final Plan was submitted for public examination.

The Portfolio Holder urged the public to engage with the process as the Local Plan would shape the District for the next 20 years. He drew attention to the various ways in which responses could be made to the consultation exercise.

43. QUESTIONS BY MEMBERS WITHOUT NOTICE**(a) Epping and Buckhurst Hill Parking Reviews**

Councillor J M Whitehouse drew attention to the written report of the Safer, Greener and Highways Portfolio Holder in which it was stated that the Epping Parking Review had been completed. He advised that certain roads in Epping had not been painted with the appropriate yellow lines and asked the Portfolio Holder when this work would be undertaken. He also sought information about the progress of the Buckhurst Hill Parking Review.

Councillor Waller stated that he had consulted the District Council representatives for Buckhurst Hill on the proposals for that area and the consultation exercise was due to be completed the following day. He advised that following that process discussions would take place with the County Council as implementation would be a matter for that authority although the District Council had set aside funds for the review. Councillor Waller said that there was a programme for the replacement of yellow line markings on highways but he did not have the details to hand. He reported that future traffic regulation order schemes would be considered by the North Essex Parking Partnership and priorities would be determined. He said that he hoped to be able to inform members about proposed schemes in the near future.

(b) Local Plan Issues and Options Consultation

Councillor Wagland asked the Planning Portfolio Holder if he agreed that the comment included in his written report about the non-receipt of leaflets by residents was an understatement bearing in mind that residents of Chigwell had not received leaflets.

Councillor Bassett pointed out that the distribution of leaflets had been only one method of drawing attention to the consultation exercise. He pointed out that numerous methods had been used to publicise the process including the Council's website, press briefings and liaison with parish and town councils. In relation to the distribution of leaflets he advised that the company used by the Council had used GPS tracking and had been able to show extensive coverage of the District. He acknowledged that an area of Chigwell had been missed and apologised for that omission. He also advised that letters had been sent to those who had suggested land for inclusion in the Issues and Options document and to the statutory bodies. He undertook to place an item in the Council's Bulletin explaining the consultation exercise in more detail.

(c) Housing Register

Councillor Wixley drew attention to the Housing Portfolio Holder's written report regarding steps to reduce the size of the Housing Register. He asked the Portfolio Holder if such reduction had been taken into account in relation to the preparation of the Local Plan and the number of houses to be built.

Councillor Stallan, Housing Portfolio Holder, stated that he would liaise with the Planning Portfolio Holder on this matter and that they would publish a reply in the Council Bulletin.

(d) Precedence of the Local Plan over Development Briefs and Consultancy Exercises

Councillor Watson drew attention to the advice of Counsel that the Local Plan would take precedence over the Design and Development Brief for the St John's Road Area, Epping. She asked whether the same considerations would apply in relation to the results of the consultation exercise proposed for North Weald Airfield.

Councillor Grigg, Asset Management and Economic Development Portfolio Holder drew attention to the report to be considered later in the meeting regarding the Development and Design Brief for the St John's Road Area, Epping and in particular, the advice of Counsel regarding the inclusion of wording within the Brief regarding the status of the Local Plan. She continued that the outcome of the proposed consultancy exercise in relation to North Weald Airfield would also play a material part in the Council's ongoing Local Plan process. She advised that in order to ensure that the consultancy exercise dovetailed with the Local Plan process it would be necessary for package 1 of the proposals as described in the report to be considered later in the meeting to be undertaken, reported and considered by the Council by April next year.

(e) Tenancy Deposit Protection

Councillor Gadsby advised that Tenancy Deposit Protection (TDP) Schemes ensured that deposits paid by private tenants were kept safe and would be returned to the tenant at the end of their tenancy if they met the terms of the tenancy agreement and did not damage the property. She continued that landlords were under a statutory obligation to protect their tenants' deposits using a TDP Scheme if they had let a property on an assured short-hold tenancy which started on or after 6 April 2007. Councillor Gadsby stated that experience from a recent Housing Appeals and Review Panel meeting suggested that not all landlords were aware of their responsibilities to place deposits into a protection scheme. She asked the Housing Portfolio Holder if he agreed that there appeared to be a lack of Central Government publicity about TDP schemes and if so whether he would consider issuing some publicity locally.

Councillor Stallan advised that he had also been present at the recent Housing Appeals and Review Panel meeting and had been surprised about comments made at that meeting in relation to tenancy deposit protection. He said he would establish from Housing Officers what checks were made on private landlords whose details were provided to prospective tenants and would provide further details in the Council Bulletin. He continued that if he established the need for further steps to be taken locally he would suggest that consideration be given to the matter by the Housing Scrutiny Panel.

(f) Local Plan Consultation – Community Choice – Issues and Options

Following on from her earlier question, Councillor Wagland asked how many Chigwell residents had received a leaflet regarding the consultation exercise. She pointed out that many residents of Chigwell did not have access to the other methods of communication outlined by the Portfolio Holder and suggested that if comparatively few residents had been notified there could be questions raised about the soundness of the Local Plan.

Councillor Bassett, Planning Portfolio Holder replied that he would be happy to extract the relevant information from the schedules listing the methods of communication and that he would place those extracts in the Council Bulletin.

(g) Changes/Relaxation of Certain Planning Rules

Councillor Wixley advised that certain London Borough Councils were challenging the Government's changes/relaxation of certain planning rules. He said that those councils had been described as rebels and he asked the Planning Portfolio Holder if this Council would consider becoming a rebel.

Councillor Bassett, Planning Portfolio Holder, said that he had concerns about the Government proposals but was currently awaiting clarification of the position of the London Borough Councils. He said that when he received clarification he would consider this Council's position.

44. MOTIONS

(a) Appointment of Independent Persons under the Localism Act 2011

Moved by Councillor J H Whitehouse and seconded by Councillor Stallan

"That this Council –

(a) deplores the loss of expertise of experienced independent members from the previous Standards Committee because of the Government's decision not to permit them to be appointed as independent persons for a term of office which extends beyond June 2013;

(b) agrees that, not only is this excluding experienced people with considerable expertise, but has also wasted considerable investment in training and advice provided for independent members by Council officers;

(c) notes that the role of independents has not changed fundamentally under the new standards arrangements; and

(d) calls upon the Government to amend the legislation to allow independent members of the previous Standards Committees to apply to become independent persons under the new standards arrangements on a continuing basis and makes representations to that effect to the Secretary of State for Communities and Local Government."

Amendment moved by Councillor Whitbread and seconded by Councillor Bassett

"That the words "and the other two local members of Parliament" be inserted after the words "Local Government" in paragraph (d)."

Carried

Motion as amended ADOPTED

RESOLVED:

That this Council –

- (a) deplores the loss of expertise of experienced independent members from the previous Standards Committee because of the Government's decision not to permit them to be appointed as independent persons for a term of office which extends beyond June 2013;
- (b) agrees that, not only is this excluding experienced people with considerable expertise, but has also wasted considerable investment in training and advice provided for independent members by Council officers;
- (c) notes that the role of independents has not changed fundamentally under the new standards arrangements; and
- (d) calls upon the Government to amend the legislation to allow independent members of the previous Standards Committees to apply to become independent persons under the new standards arrangements on a continuing basis and makes representations to that effect to the Secretary of State for Communities and Local Government and the other two local Members of Parliament.

45. QUESTIONS BY MEMBERS UNDER NOTICE

(a) Pyrles Lane Nursery, Loughton

By Councillor Angold-Stephens to Councillor Breare-Hall, Environment Portfolio Holder

“As a consequence of the application for outline planning permission to build houses on the Pyrles Lane Nursery site, Loughton, it is proposed to move the plant nursery to a much smaller site -

(a) .Does Councillor Breare – Hall agree that downsizing the nursery so that the skilled horticultural staff are no longer able to grow their own plants to enhance the district, is a retrogressive step, and that even if a cost saving can be demonstrated, it is not environmentally sound to only use expensive imported plants; and

(b) Small plants bought in to grow on, also eventually need space, so does he further agree that in the current climate of self-sufficiency and sustainability, the Council should be seeking an adequate site to grow its own plants thereby setting a good example of Localism at work in the district?”

Response of Councillor Breare-Hall, Environment Portfolio Holder

“Should it be necessary to relocate the site of the Nursery, the Council's skilled horticultural staff will continue to produce plants that enhance the District. Any plants that are bought in will be sourced in the UK, not overseas, and will be provided against a detailed specification drawn up to guarantee the type, quality and quantity of plant stock required. That this can be achieved whilst also saving in the order of £45,000 per annum is progressive, not retrogressive.

The points made in (a) and (b) were explored in some detail at the Overview and Scrutiny Committee meeting held on the 17th of July, when the call-in on the Asset Management Portfolio Holder's decision (AMED/002/2012-13) to make an outline planning application for housing development on the location of the Pyrles Lane Nursery was considered. Having heard the views of the call-in proponents and the response of the Portfolio Holder, Overview and Scrutiny Committee resolved that the original Portfolio Holder decision should remain, without amendment.

The Council is having to take a strategic view of its depot holdings and requirements as part of its reviews of landholdings, future housing requirements and financial situation. Should the result of this be that the nursery service is required to relocate I am confident it will be able to maintain its current excellent service”.

Supplementary Question by Councillor Angold-Stephens

Councillor Angold-Stephens asked the Portfolio Holder if he had taken into account the capital cost of relocating the nursery including the cost of putting the alternative site in Oakwood Hill into an acceptable condition.

Response of Councillor Breare-Hall, Environment Portfolio Holder

Councillor Breare-Hall stated that he had not considered those matters.

(b) Loughton High Road

By Councillor Mann to Councillor Waller, Safer, Greener and Highways Portfolio Holder

“(a) What pressure if any, is being put on the County Council to rejuvenate Loughton High Road, which is now beginning to look in quite a bad state of repair, many broken pavers that have become trip hazards, many displaced kerb stones, several places where pavers have been lifted and replaced with tarmac that has sunk and have also become trip hazards, chewing gum or similar that have become ingrained; and

(b) What is the annual maintenance budget for Loughton High Road both for EFDC and ECC responsibilities?”

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

“(a) The maintenance of the public highway lies with Essex County Council as the Highways Authority. Therefore, whilst I and indeed any other Member of Council can make the County Council aware of highway defects, using the County’s points of contact, the ultimate decision rests with them in respect of the priority accorded to a particular location. I can therefore only suggest that the Member and other Loughton Members use those points of contact, and if they are of the view that the response received is inadequate, that they seek the assistance and support of their County Council Member.

(b) This Council does not make any budgetary provision for highway maintenance. This Council does of course fund the district street cleansing service and also budgets for the maintenance of street furniture such as seats, street name plates and litter bins. Street cleansing costs in the order of £1.5 million per annum and street furniture etc. in the order of £55,000 per annum. However, it is not possible to disaggregate these budgets to establish costs for any given location. There is no specific budget allocation for the removal of chewing gum from paved surfaces, which is an expensive exercise normally involving the use of specialist contractors. However, officers are investigating whether there are cost effective and as this is a matter for the Environment Portfolio Holder I understand that Councillor Breare-Hall will be reporting to Members in due course”.

Supplementary Question by Councillor Mann

You stated that approximately £55,000 per annum was spent on street furniture, can you advise what proportion of that sum was spent in relation to Loughton High Road.

Response of Councillor Waller, Safer, Greener and Highways Portfolio

As advised in my answer to your original question it is not possible to disaggregate the budget to establish costs for any given location.

(c) Town Centre Partnerships**By Councillor Angold-Stephens to Councillor Grigg, Asset Management and Economic Development Portfolio Holder**

“(a) Can the Asset Management and Economic Development Portfolio Holder explain why the Council failed to provide its normal grants in time for the events planned by the various TCP’s in 2011, the result of which was that the chairmen had to subsidise the events out of their own pocket for several months and, in the case of Debden, the summer Debden Day event had to be cancelled? The absence of the appropriate officer should have been no excuse as their duties should have been delegated to another officer during their absence. Fortunately TCP funding did come through in time this year; and

(b) Can the Portfolio Holder assure members and the TCP’s that the problems that occurred in 2011 will not happen in future?”

Response of Councillor Grigg, Asset Management and Economic Development Portfolio Holder

“Firstly I was not responsible for this Portfolio during 2011.

However, I have instigated a discussion with the Chairmen of the Partnerships, as such a meeting did not take place in the last year; this took place on 25 September this week.

I understand that some important decisions were taken in 2011 which reduced both budgets and staff available to support these functions, and that budgetary pressures to save or reduce budgets when there are underspends were important. Remaining staff simply do not have the capacity to provide the same level of service that we were once providing.

The meeting explained to the Chairs that there is thus budget to support the administration of the Town Centre Partnerships, but there is no longer an ongoing budget to support Special projects. We are trying to honour the outstanding requests which were or have been made, including those which were not fully signed off because the requisite meeting of the Chairs had not taken place.

As a result of the meeting consideration is being given to future working arrangements with the Partnerships.

If a special projects fund was to be re-instated it would require a decision of Council to approve a CSB budget of £6,000 as a growth item”.

Supplementary Question by Councillor Angold-Stephens

Can you give an assurance that future payments will be made in a timely manner and in view of the need to maintain vibrancy in town centres are you willing to look again at re-instating a special projects fund.

Response of Councillor Grigg, Asset Management and Economic Development Portfolio Holder

As I have already explained there is currently only budget provision to support the administration of town centre partnerships and the issue of payments for special projects does not arise.

I am supportive of town centre partnerships and recognise their value. I am examining other ways of working with town centre partnerships and, if necessary, I will do my best to ensure that there is adequate budget provision made to support working with them.

(d) Loughton Broadway Parking Review

By Councillor Girling to Councillor Waller, Safer, Greener and Highways Portfolio Holder

"My apologies but as a newly appointed ward Councillor for Loughton Broadway with some significant transport experience I would appreciate your answers to the following:

The footfall of commuters using Epping, Debden (Loughton Broadway) and Buckhurst Hill London Underground stations are:

	TfL LU Performance updates 2003-2011				Population	Schools	Net cost £
	2008	2009	2010	2011			
Buckhurst Hill	1.600m	1.722m	1.790m	1.850m	10,738	3 pr & 0 Sec	610,006
Epping	2.480m	2.780m	2.860m	3.100m	11,047	5 pr & 1 Sec	624,650
Loughton Broadway	1.760m	1.896m	2.020m	2.120m	13,445	3 Pr & 2 Sec	244,300
						Total	1,478,956

If the figures for Loughton Station are added the commuter footfall for Loughton and Debden is at least as much as Epping and Buckhurst Hill together.

Epping and Buckhurst Hill have now had the luxury of 2 parking reviews whilst Debden which has the most schools in one ward/area has been budgeted with less expenditure than both schemes and the Loughton review was scrapped altogether although, taken together with Debden, it is the part of the District with the highest demand for commuter parking. These schemes have been in the pipeline since 2004/5.

The new local plan focuses on areas where there is high population to propose new development, but planning Highways schemes, improvements and repairs are not prioritized in the same way. Surely, high population leads to high car use and therefore more pressure on the highway?

It seems ludicrous that Loughton Broadway has been singled out for significant housing and retail expansion (Langston Road and The Broadway Development) compared with Buckhurst Hill and yet we are third in line to receive a parking review.

According to the 'Parking Reviews in Epping, Buckhurst Hill and Loughton Broadway'

report to Cabinet on 25th October 2010 £922,956 (page 26) was spent on these three reviews in 2010.

(a) Can the Portfolio Holder confirm that after spending in excess of £75k of tax payers' money (Oct 2010 figure) on drafting the Loughton Broadway Parking Review, the scheme will continue, with an agreed timeline for implementation; and

(b) Has the Portfolio Holder considered any other way of expediting the Loughton Broadway parking review bearing in mind the Highways stated manpower limitations?"

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

"(1) At the time of the Cabinet meeting on 20 October 2010, there was a remaining budget of £520,000. Since that time work has continued on the Epping review and at the conclusion of that review it is estimated that the budget remaining will be in the order of £370,000. The Buckhurst Hill and Broadway reviews will have to be undertaken within that remaining budget. Until such time as the scope of the review is confirmed, I am unable to state unequivocally what resources will be available to undertake a review at The Broadway. Once the position with Buckhurst Hill is clear I will be able to provide the Member with information on how we might proceed at The Broadway.

(2) As I have indicated above, until such time as the scope Buckhurst Hill review is known, I will be unable to consider how best to proceed with the review at The Broadway. I can however assure the Member that if the financial circumstances allow me to commence the Broadway review earlier, I will do so".

Supplementary Question by Councillor Girling

Can you guarantee that some budget provision will be kept in reserve in order to undertake the Loughton Broadway Review.

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

A large proportion of the costs are attributable to advertising proposals in accordance with statutory requirements. It is my understanding that these requirements are being simplified and that the costs of advertising in future will be less. Taking this into account and bearing in mind that the Buckhurst Hill Review will be a targeted review I am determined to ensure that sufficient budget is left in order to undertake the Loughton Broadway Review.

46. STATUTORY STATEMENT OF ACCOUNTS 2011/12

Mover: Councillor Watts – Chairman of the Audit and Governance Committee

Councillor Watts submitted a report which had been considered by the Audit and Governance Committee. He advised that in order to allow members time to consider the Statutory Statement of Accounts they had been issued with the Council agenda prior to the completion of the external audit and to consideration of the accounts by the Audit and Governance Committee. He drew attention to tabled pages which represented the final version of the Statement incorporating the views of the external auditors and the Committee. Councillor Watts advised that the external auditors had concluded that they were satisfied that, in all significant respects, the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2012.

Councillor Watts thanked the Director of Finance and ICT and his staff and the external auditors for their work in relation to the preparation of the Statutory Statement.

Councillor Stavrou, Finance and Technology Portfolio Holder thanked Councillor Watts for his report. She drew attention to the Council's financial position as set out in the Statement.

Report as first moved ADOPTED

RESOLVED:

That the Statutory Statement of Accounts for 2011/12 be adopted.

47. REPORT OF THE CABINET - DEVELOPMENT AND DESIGN BRIEF - ST JOHN'S ROAD AREA, EPPING

Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder

By leave of the Council, Councillor Grigg substituted the words "compared with" for the word "balanced" in the last paragraph on page 20 of the Brief. The Council approved this change.

At the request of Councillor Grigg, the Monitoring Officer responded to a question raised by Councillor Avey. The Monitoring Officer advised that she had been informed by Essex County Council that it was in no doubt about its ownership of land in the area. She asked Councillor Avey to provide documentary evidence to the contrary if he wished to dispute this view.

In response to a further question, Councillor Grigg stated that copies of the Brief had been sent to the County Council and to Epping Town Council but no responses had yet been received so she was unable to confirm that they endorsed the content of the Brief.

In moving the recommendations Councillor Grigg drew attention to the advice of Counsel which had been sought following the meeting of the Cabinet.

RESOLVED:

(1) That the following wording be added to the Development and Design Brief as part of the introduction:

"The Local Plan is currently in preparation at the Regulation 18 consultation stage. The outcome of the responses to the consultation may further influence any proposals provided within the Design and Development Brief. The Local Plan will take precedence over the Design and Development Brief";

(2) That, subject to (1) above, and to the substitution of the words "compared with" for the word "balanced" in the last paragraph of page 20 of the Brief, the Development and Design Brief for the St John's Road Area, Epping attached as an Appendix to the report of the Cabinet be adopted as non-statutory planning guidance having the status of a material planning consideration in the assessment of any future planning applications for the site; and

(3) That the Development and Design Brief be reviewed following consideration of the Community Choices consultation responses in relation to the relevant area.

(Recorded in accordance with Council Procedure Rule 17.5 that Councillor J H Whitehouse abstained from voting on this matter).

48. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - NORTH WEALD AIRFIELD CONSULTANCY

Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder

Report as first moved **ADOPTED**

RESOLVED:

That a Supplementary District Development Fund estimate of £150,000 be approved to enable a further consultancy exercise to be undertaken in relation to the future potential development of North Weald Airfield.

(Recorded in accordance with Council Procedure Rule 17.5 that Councillors J H Whitehouse and J M Whitehouse voted against the resolution.)

49. OVERVIEW AND SCRUTINY

(a) Report of the Chairman of the Overview and Scrutiny Committee

The Council received a written report from Councillor Morgan, 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) Report of the Constitution and Member Services Scrutiny Standing Panel – Audit and Governance Committee – Review of Constitution Article 11

Mover: Councillor Sartin, Chairman of the Panel

Councillor Sartin sought leave of the Council to change the wording of recommendation (1)(e) to read "co-opted members of the Committee to be subject to the same attendance standards as apply to councillor members of the Committee during their terms of office as set out in paragraph (b)(iii) above". The Council approved this change.

The Council noted the legal requirement under the Local Government and Housing Act 1989 for the adoption of the recommendation concerning the removal of the requirement for the three seats for councillors on the Committee to be allocated according to pro rata rules to be approved with no member of the Council voting against.

Report as amended ADOPTED**RESOLVED UNANIMOUSLY:**

(1) That the following alterations to the terms of reference of the Audit and Governance Committee as set out in Article 11 of the Constitution be approved:

(a) removal of the requirement for the three seats of councillors on the Committee to be allocated according to pro rata rules;

(b) inclusion of new membership requirements for the three councillor seats, namely:

(i) that the seats should be allocated so they are not all drawn from one political group and are also open to councillors who are not affiliated to any political group;

(ii) that the three councillors concerned should be appointed on the basis of experience, aptitude and interest on the recommendation of the Council's Appointments Panel;

(iii) that formal attendance standards be operated in respect of the three councillor members when re-appointment is under consideration by the Council's Appointments Panel;

(iv) that the Chairman and co-opted members of the Audit and Governance Committee be consulted informally about the appointment or re-appointment of councillors at the appropriate time;

(c) appointment of the Chairman and Vice-Chairman to be the responsibility of the Committee rather than the Annual Council meeting;

(d) the offices of Chairman and Vice-Chairman of the Committee to be open to councillors or co-opted members on an equal basis provided that where the Chairman is a councillor, the Vice-Chairman shall be one of the co-opted members and vice versa;

(e) co-opted members of the Committee to be subject to the same attendance standards as apply to councillor members of the Committee during their terms of office as set out in paragraph (b)(iii) above;

(f) co-opted members to serve for overlapping terms of three years subject to the following conditions:

(i) a maximum of two consecutive three year terms as of right subject to the attendance review set out in (e) above on an annual basis; and

(ii) re-appointment for a third and fourth term to be allowable subject to success in open competition following a public advertisement at the conclusion of the second three year term;

(g) determination of starting dates for the new three-year terms of office for the existing co-opted members to be delegated to the Audit and Governance Committee; and

(2) That appropriate revisions be made to Article 11 of the Council's Constitution.

(ii) Report of the Constitution and Member Services Scrutiny Standing Panel – Members' Complaints Panel - Limits of Jurisdiction

Mover: Councillor Sartin, Chairman of the Panel.

Report as first moved ADOPTED

RESOLVED:

(1) That Annex 1 (Section 1) of the Terms of Reference of the Complaints Panel be amended to include the following additional exclusions:

"(n) where a complainant's claim for financial compensation or reimbursement has already been considered but rejected by an independent body which has the legal authority to determine such claims;

(o) where the complainant disagrees with a decision made by the Council but has neither suggested nor provided any evidence that there was any administrative fault in the way that decision was made;

(p) where the only remedy requested by the complainant is financial in nature and the amount requested is less than £150"; and

(2) That appropriate amendments be made to the Council's Constitution.

(iii) Report of the Constitution and Member Services Scrutiny Standing Panel – Substitutions at Meetings

Mover: Councillor Sartin, Chairman of the Panel

Report as first moved ADOPTED

RESOLVED:

(1) That Operational Standing Order 14 (Non Executive Bodies) be amended as follows:

(a) by deleting existing paragraphs 14(1) and (3);

(b) by re-numbering existing paragraph 14(4) as paragraph (1); and

(c) by amending paragraph 14(2) to read as shown in the Appendix to these minutes; and

(2) That appropriate amendments be made to the Council's Constitution.

50. STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT PERSONS

Mover: Councillor Smith, Chairman of the Panel appointed to interview candidates for the appointment of Independent Persons

Councillor Smith reported the recommendations of the Panel following interviews held on 18 and 25 September 2012. She reported brief biographies of those recommended for appointment.

Councillor Smith thanked members of the Interview Panel and the officers supporting the Panel for their work in arranging and undertaking the interviews.

RESOLVED:

(1) That the following persons be appointed as Independent Persons for the purposes of Section 28 of the Localism Act 2011:

Mr P Adams

Mr D Cooper

Mr J Guth (Independent member of the former Standards Committee) (until 30 June 2013)

Mr R Pratt;

(2) That Mr K Adams be appointed as reserve member; and

(3) That arrangements be made for the new members to receive appropriate training before they take up their appointments.

51. CALL-IN AND URGENCY - DATA CO-OPERATION AGREEMENT

The Council noted that the Chairman of the Council had agreed that the decision of the Planning Portfolio Holder, to waive Contract Standing Order C27(1) (Assignments) to allow the requirement in the Data Co-operation Agreement (DCA) whereby Geo Place may assign any of the Benefits of the Agreement or transfer any of its burdens of the Agreement with the prior written consent of the Authority Contracts Executive, should be treated as a matter of urgency and should not be subject to call-in.

52. DECISIONS TAKEN BY THE LEADER OF THE COUNCIL

The Council noted decisions taken by the Leader of the Council in relation to representation on the Essex Countywide Traveller Unit and the South East Local Enterprise Partnership and West Essex Alliance.

53. APPOINTMENT OF HEAD OF PAID SERVICE AND DELEGATED AUTHORITIES EXERCISED BY THE CHIEF EXECUTIVE

The Council considered a report of the Monitoring Officer.

Members noted that in accordance with Section 100B (4)(b) of the Local Government Act 1972, together with the Council Procedure Rules contained in the Constitution, the Chairman had agreed this item should be reported as a matter of urgency by reason of the forthcoming date of commencement of employment of the new Chief Executive.

RESOLVED:

(1) That Minute 57 of the Council meeting on 27 July 2010 (Appointment of Acting Chief Executive as Head of Paid Service) and Minute 58 of the same Council meeting (Exercise of the Chief Executive's Delegated Authorities by the Acting Chief Executive) be rescinded;

(2) That the Chief Executive, Mr G Chipp, be confirmed as the Council's Head of Paid Service with effect from 1 October 2012 in accordance with Section 4(1) of the Local Government and Housing Act 1989; and

(3) That the delegated authorities exercisable by the Chief Executive and currently held by the Acting Chief Executive on a temporary basis, revert to Mr G Chipp with effect from 1 October 2012.

54. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

The Chairman informed members that there were no reports to be considered on the business of joint arrangements and external organisations.

No requests were made for written reports to be made by representatives on joint arrangements and external organisations at the next meeting.

CHAIRMAN

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OPERATIONAL STANDING ORDERS – NON-EXECUTIVE BODIES

14. Appointment of Substitute Members of Committees, Sub-Committee, Panels, (inc. Overview and Scrutiny Standing Panels), Boards and Working Groups

- (1) A Leader, Deputy Leader or other appointed member of a political group shall be authorised to nominate to the Assistant to the Chief Executive substitute members from that group in respect of any committee, sub-committee, panel, board or working group of the Council, subject to the following conditions:
- (i) notice being given to the Assistant Director Democratic Services by not later than 60 minutes before the commencement of the meeting concerned.;
 - (ii) any political group member so appointed shall be notified to the Assistant Director Democratic Services at the beginning of each Council year;
 - (iii) the substitution notification deadline shall be included on every agenda where substitution is permitted under the Council's Constitution.
- (2) It shall be competent for the Chief Executive, in circumstances where a political group notifies that a Councillor from that group will be temporarily unable to attend a Committee for a period of 8 weeks by reason of serious illness or other incapacity, to approve a substitute member and to report to the Council on action taken.

Report to the Council

**Subject: Asset Management and
Economic Development**

Date: 6 November 2012

Portfolio Holder: Councillor Mrs A Grigg

Recommending:

That the report of the Asset Management and Economic Development Portfolio Holder be noted.

North Weald Airfield

Although it has now been some time since the Olympic Games ended, I should inform Members that the use of the Airfield as a Park and Ride facility for the Olympic White Water Centre worked very well, although the numbers of vehicles using the facility were much less than the Olympic authorities had anticipated. The removal of the park and ride facilities went as planned and there were no unscheduled disruptions to Airfield activities throughout the Olympic period.

Halcrow are in the process of being appointed to undertake some non invasive testing of the structure of the main runway. This testing is intended to ensure that the runway is suitable for its current uses and will also inform the strategic review of the Airfield mentioned below in this report.

Following a discussion at the North Weald Airfield and Asset Management Cabinet Committee, Cabinet at its meeting in September agreed to commission a strategic review of the Airfield, to be undertaken as part of the development of the new Local Plan. A brief has been drawn which will be considered at the meeting of the Cabinet Committee on the 29th of October. A procurement exercise is currently way, using a Government Procurement Service Framework Agreement and the intention is that this review should be completed and reported back to Members in time for the recommended outcome(s) to become part of the Local Plan "Preferred Options" consultation scheduled to commence in the summer of 2013.

There is a proposed letting of the offices at the Control Tower to Accountants for a term of five years, with a mutual break clause on the third anniversary. The rent is to be £5,200 per annum rising to £6,000 per annum after one year. The approximate area of the offices is 500sqft.

Oakwood Hill Depot, Loughton

Detailed design plans are now being progressed by our consultants in respect of the Oakwood Hill depot. Local Ward Councillors will be consulted on the design plans.

Depot for Waste Management Service

Alternative locations continue to be investigated for the relocation of the depot for the waste management service, in addition to alternative procurement options. Ward Councillors will be consulted as agreed at the recent North Weald Airfield and Asset Management Cabinet Committee.

Langston Road Retail Park

Negotiations are continuing with Polofind regarding a joint development of both sites. The Leader of Council and the Portfolio Holder for Asset Management and Economic Development have recently met with Colliers International to discuss financial matters in relation to the Langston Road site.

Report to the Council

Subject: Environment

Date: 6 November 2012

Portfolio Holder: Councillor W Breare-Hall

Recommending:

That the report of the Environment Portfolio Holder be noted.

Waste Management

I am pleased to report that there has been some improvement in our recycling figures with the quarter 2 outturn at 62%. This is just a little less (0.2%) than the same quarter last year. In a similar vein, the results for dealing with litter and detritus are also ahead of target.

Members may be aware that one of our refuse freighters was involved in a serious road accident in the early part of September. Whilst it would be inappropriate for me to go into the details, which are the subject of ongoing investigations, I am pleased to report that, although the Sita driver was hospitalised for a short period, there were no serious injuries sustained. I am also pleased to report that despite the accident and the consequential loss of the freighter involved, refuse collection services on that day were not disrupted and arrangements made to ensure that the damaged freighter was promptly replaced.

Environmental Health & Neighbourhoods

Two conditional cautions for minor waste offences have been issued recently, such as placing waste in another resident's communal bins and small deposits of fly-tipped waste that cost the Council additional expenditure to clear. If the Council has incurred additional clearance costs a conditional caution is issued, which requires the offender to pay the clearance and investigation costs. An offender who admitted depositing waste in Oakley Court in Loughton was issued with a caution and required to pay £193.53 costs. Also in Loughton, LuXe was recently issued with a formal caution for breaching a noise abatement notice, after admitting their guilt and taking further positive action to prevent any further breach of the notice.

Key Performance Indicator 24 (How well have we done in both reducing fly-tipping and taking action against those believed to be responsible) has fallen from grade 1 to grade 3 in the last quarter (with the level of fly-tipping and enforcement action statistically staying the same compared with the previous 12 months). Calculation of the grade is not straightforward; it depends on comparing two years of annual data and adding weighting to the size of incidents and types of enforcement action. To reach grade 1 or 2 the amount of fly tipping has to be reduced by more than 5% compared with the previous 12 month period. The level of fly-tipping in the Epping Forest District is affected by wider economic pressures, which inevitably makes its

annual reduction more difficult to achieve. However, the team aim to target fly-tipping on housing land, that could be classed as waste mismanagement by residents rather than typical fly-tipping at remote locations. Measures will include education, enforcement and practical action if it is established that the means to dispose and store waste is inadequate. The team has recently been working with colleagues in Roundhills, Waltham Abbey, to ensure that residents are aware of the correct waste procedure and, wherever possible, store their waste on their own property. It is hoped that this will lead to a reduction in the amount of bagged recycling waste that is left out on the highway and other public spaces, which may be recorded as fly-tipping, especially if the waste is contaminated.

The team also intend to increase the number of checks on local businesses to try and ensure that waste does not get into the hands of unlicensed waste carriers with the intention of disposing of it illegally. In most cases, with routine checks, businesses will be given prior warning and an opportunity to ensure they comply with the law before formal action is considered. The Council recognises that disposing of waste correctly can be a significant expense for businesses, but disposing of waste illegally can simply push the cost of clearance and disposal on to others. Subject to police resources, the team are also looking into re-introducing stop/checks on waste carriers in rural areas.

New CCTV in the Broadway has proved effective in providing a number of leads for fly-tipping investigations. What has become apparent is that a number of people drive to the Broadway and use the communal bins provided for residents. Not only is this an offence, it leads to the bins provided for residents being filled up too quickly, leading to further deposits around the bins and possibly further fly-tipping. We are currently looking at improving warning signs and the possibility of locking communal bins, mindful of the fact that, in the short term, this may lead to more fly-tipping.

Very few new complaints have been received in relation to the Epping - Ongar Railway (EOR). A briefing note has recently been sent to all complainants explaining the law and limitations on possible formal action, but also reaffirming our commitment to investigate complaints. Officers have recently met with EOR and have been reassured that EOR will assist with the investigation of any complaints and, where reasonably possible, will take steps to minimise any disturbance. We have asked interested parties to contact us if they have a specific complaint that they would like us to investigate further.

The team have recently been adding more information to the Council's website on environmental issues and the work they carry out, and hope to enhance this further in the coming weeks and months. New pages have been added on fixed penalty notices and littering. Suggestions from Members for further improvements are most welcome.

The Dog Control Orders (DCO) consultation has been completed and is due to be reported to Cabinet on 3rd December 2012.

Land Drainage

I attended a meeting of the Bobbingworth former landfill site Local Liaison Group on 26 September 2012. I undertook a tour of the site and am pleased to report that it has come a very long way from being a source of pollution. It is now a tranquil and attractive open space for everyone to enjoy and a great testament to the hard work of all those involved in reaching this point. I am also pleased to report that we have been successful in achieving Queen Elizabeth II Field designation for the site from

Fields in Trust. A robust commemorative plaque received from the Trust will be placed on site.

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Report to the Council

Committee: Cabinet

Date: 6 November 2012

Subject: Housing

Portfolio Holder: Councillor D Stallan

Recommending:

That the report of the Housing Portfolio Holder be noted.

Welfare Reform Mitigation Action Plan

Thank you to all members who attended the Presentation arranged for 26 September to hear from the Chartered Institute of Housing their Key Findings from their study into the impact and implications of the welfare reforms on the Council, Council tenants, private tenants and homelessness in Epping Forest.

In response to the introduction of the welfare reforms, the Director of Housing has established a Welfare Reform Mitigation Project Team, comprising officers from Housing and Benefits, to produce and deliver a Welfare Reform Mitigation Action Plan. The Action Plan was due to be considered and adopted at the Cabinet meeting on 22nd October 2012.

It is proposed that most of the cost of the measures to assist our residents to mitigate the impact of the reforms will be funded by the Housing Revenue Account, from the Housing Improvements and Service Enhancements Budget for next year. This budget has been established as a result of the additional resources becoming available to the Housing Service as a result of HRA Self Financing in March 2012.

It is also proposed that progress with the Action Plan is reviewed by the Housing Scrutiny Panel at its quarterly meetings.

New Tenure Policy and Housing Allocations Scheme

In my last report to Council I explained that, in order to give officers some guidance on the initial approach to take in drafting a Tenancy Policy and revising the Housing Allocations Scheme for discussion by the Housing Scrutiny Panel (and, ultimately, adoption by the Cabinet), I had set out my provisional views on the key principles to be followed on these two important issues in a Portfolio Holder Decision.

I am pleased to report that good progress has been made by officers on these two important issues. As a result, an extraordinary meeting of the Housing Scrutiny Panel is being arranged for 17 December 2012 in order to consider a proposed Tenancy Policy and a new Housing Allocations Scheme.

In advance of the meeting, the draft Housing Allocations Scheme proposed by officers will be sent to an external legal advisor to ensure that it complies with the provisions of the Localism Act and the new Government Guidance. This is considered very important, due to the amount of change in the legislation and that, as a result, the review of the Scheme has been the most comprehensive for many years.

The Scrutiny Panel will be asked to consider a draft new Allocations Scheme, very different from the current Allocations Scheme, including:

- The possible reduction in the number of priority bands
- Whether to introduce a local eligibility criteria for applicants joining the Housing Register
- Reviewing the current residency criteria
- The approach to be taken with existing applicants who may not meet with any new eligibility criteria (including the residency criteria)
- The introduction of a separate Supplementary Waiting List for those people over 60 years of age who are wanting to move into sheltered, and in particular difficult-to-let, accommodation who do not meet the new eligibility criteria and who could be considered for vacancies if there is no interest from eligible applicants
- Additional priority being given to spouses, civil partners and children of existing and former members of the Armed Forces, in addition to those already granted to Armed Forces Personnel
- The sizes of accommodation that should be offered to applicants, depending upon their household composition

With regard to the Council's new Tenancy Policy, at its meeting on 22 October 2012, the Cabinet is due to adopt the West Essex Tenancy Strategy - which sets out the matters which all registered housing providers (housing associations and councils in West Essex) must have regard to when formulating their own tenancy policies.

The new Tenancy Policy being drafted by officers complies with all of the requirements of the Tenancy Strategy. The Scrutiny Panel will be asked to consider the draft Tenancy Policy, including:

- The types of tenancies granted (i.e. secure and flexible (fixed term) tenancies)
- The circumstances when a tenancy of a particular type will be granted and the length of the term
- The circumstances when a flexible tenancy term of less than 5 years will be granted
- The circumstances when another tenancy will be granted on the expiry of a flexible tenancy - on the same or another property
- How applicants/tenants can appeal against the length or type of tenancy, or a decision not to grant a further tenancy
- How the needs of vulnerable people will be taken into account
- The approach to the provision of advice and assistance to flexible tenants if another tenancy is not granted at the end of the term

Following the Housing Scrutiny Panel meeting, the Council will be consulting with the Tenants and Leaseholders Federation, Town and Parish Councils and partner agencies on both documents. The Cabinet will then be asked to consider and adopt the final version of the Housing Allocations Scheme and Tenancy Policy at its meeting in March 2013, with an effective date of 1st June 2013.

Update and Review of the 30-Year HRA Financial Plan

The HRA Financial Plan forms part of the HRA Business Plan and sets out the anticipated HRA income and expenditure over the next 30 years. The Financial Plan now has a much higher profile than previously, following the introduction of HRA Self-Financing in March 2012, whereby the Council had to make a £185million payment to

the CLG, funded with loans from the Public Works Loan Board (PWLB), as a replacement regime to the former (discredited) Housing Subsidy System.

The HRA Financial Plan within the current HRA Business Plan was approved by the Cabinet on 12th March 2012. When approving the Financial Plan, the Cabinet agreed to ask the Housing Scrutiny Panel to review updates to the HRA Financial Plan twice each year, at its scheduled meetings in October and March.

The Council's HRA Business Planning Consultants, CIH Consultancy, have recently updated the HRA Financial Plan taking account of the latest financial information, budgets and forecasts, and the Housing Scrutiny Panel was due to consider the updated Financial Plan and accompanying report from CIH Consultancy at its meeting on 23rd October 2012.

I am pleased to report that the latest version confirms that the HRA continues to be in a healthy financial position as a result of HRA Self Financing, and will be able to pay off all of the Public Works Loan Board (PWLB) loans on their maturity dates.

Although the interest rates secured by the Council for the PWLB loans on the relevant date in March 2012 were lower than forecast in the previous iteration of the Financial Plan, the resulting surpluses have been negated by, firstly, a lower overall estimated rental income figure over the life of the Plan, now that the effects of the Government's rent restructuring regime on individual Council properties have been factored into the Plan and, secondly, the financial effects of the welfare reforms on the Council.

Having regard to the rent restructuring regime, the Financial Plan assumes an *average* Council rent increase of RPI + 1.76% in April 2013. Since the increase in RPI for September 2012 (which is the RPI increase date used for April rent increases under rent restructuring) has recently been announced at 2.6%, the Financial Plan assumes a rent increase of 4.36% for 2013/14. This can be compared to the average rent increase of 6% in April 2012.

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Report to the Council

Subject: Leisure & Wellbeing **Date:** 6 November 2012

Portfolio Holder: Councillor Mrs E Webster

Recommending:

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

Leisure Services

Cabinet agreed at its last meeting to the use of Council capital moneys to fund the next element of "Guaranteed Investment" (£240,000) to be undertaken by SLM as part of the leisure management contract. The use of the Council's finance in this way, whereby the Council receives a reduction in the monthly management fee in return for the provision of capital, is sensible given that it provides a much better rate of return than is currently available in the money markets. The money is to be spent on a wholesale refurbishment of the changing facilities at Loughton Leisure Centre, which I hope will please all Centre users since we have been receiving complaints lately about the condition of the changing suites.

I am pleased to report that, despite the difficult economic circumstances, attendances and memberships at the Centres is holding up well. This is testament to the type and quality of services being offered to our residents at the Leisure Centres.

Health & Wellbeing

I was pleased to be invited to attend a conference on 12 October run by "One Epping Forest" to discuss some of the implications of the changes in the delivery of health services within the District as we move from Primary Care Trusts to Clinical Commissioning Groups and as the County assumes greater responsibility for the wider public health. Delegates were able to hear about and discuss topics such as how the changes might impact upon our residents, the establishment of needs and priorities (mentioned by in my last report to Council) and what some of the immediate priorities might be. After the conference I was pleased to be able to introduce the County Member with responsibility for these matters, Councillor Dr Ann Naylor, to the Council's officers with responsibilities in this important area. Dr Naylor has kindly agreed to find the time to give a presentation to Members and officers so they can better understand the key issues. This is fast moving subject area and I shall endeavour to keep Members up to date.

I should also mention that Cabinet, at its meeting on 22 October, agreed to the establishment of a West Essex Joint Health & Wellbeing Committee, whose remit will be to ensure that West Essex has a voice in determining priorities and also is able to fight for its fair share of available resources.

Community Services

Sports & Health Development Our team of sports and health experts were heavily involved in the Health Summit and demonstrated some of the excellent work that has taken place with older people through the externally funded Active Health programme.

The team are also in the process of recruiting for the Disability Inclusion programme which is externally funded through Essex County Council and will see the investment of £78,000 over the next two years to support integration of children and young people with disabilities within mainstream sports clubs.

I am pleased to say that construction work on the new 3rd generation Astroturf pitch at Town Mead in Waltham Abbey is now underway and it is hoped that completion will be in mid January 2013.

Community Development: I am delighted to advise members that our Community Development team has been successful in a bid for £23,500 to Neighbourhood Learning in Deprived Communities Fund in conjunction with Epping Forest College. The fund enables training to be provided for adults in subjects including IT and is currently operating in Upshire Primary School.

Our district Youth Councillors were very busy in September and October, including undertaking 'mystery shopping' visits to all of the local clubs for young people. Each of the clubs were rated for the activities provided, facilities available and welcome given to new members and a special presentation evening was held in the Council Chamber on 30th October, where the winning club was presented with the Youth Project of the Year Award.

The new Youth Council – led 'Volunteering programme' was also launched in September with 20 young people from Braeside School, who spent a day working with Countrycare to improve land at Lindersfield in Buckhurst Hill.

Community Arts: I am pleased to advise members of another excellent external funding success for Community Services which will see the provision of 'Transitions' which is a professional development programme for carers working with local people with dementia. The Arts team have secured £39,000 from The Arts Council, Rayne Foundation and Essex County Council to deliver two six month projects across Residential Care homes. The project has already started and is currently being delivered to homes in Waltham Abbey, Theydon Bois, Epping and Buckhurst Hill.

Museum – Exciting work is now being undertaken with designers and architects as part of the second stage funding bid to Heritage Lottery Fund for the £1,165,000.00 towards development of the Museum premises and education programme. Specialists have been brought in as part of an initial HLF award of £27,500 who are working on audience development and education outreach, innovative display storage facilities for the new premises in 37 Sun Street which are to be purchased as part of the bid and on re-design of the existing Museum building. Development plans for the current Museum include showing the beauty of the Tudor part of the building by uncovering some of the more modern alterations.

Report to the Council

Subject: Safer, Greener, Highways

Date: 6 November 2012

Portfolio Holder: Councillor G Waller

Recommending:

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

Safer Communities

We are now just over a week away from the election, on 15 November, of the first ever Police and Crime Commissioner for Essex. I hope that, despite the public showing only limited interest so far, there will be a satisfactory turnout, since this will be a very important role over the next three and a half years. All of the candidates have websites where their backgrounds are set out as well as, importantly, their views on community safety and their priorities for their term of office. I would urge councillors and members of the public to view the information on www.choosemypcc.org.uk and to cast their votes in this important election.

I have recently attended the second Safer Essex CSP workshop where the Reducing Re-offending and Domestic Abuse community budget business cases were discussed. These have been made available for comment and endorsement by Safer Essex partner organisations and were submitted to Whitehall at the end of October.

CCTV cameras installed in The Broadway have reaped dividends by enabling the Council to provide information to the police following recent incidents of disorder, resulting in arrests.

The Panel appointed to conduct the Domestic Homicide Review to which I referred in my last report held its first meeting on 1 October, when Mrs Ann Haigh was appointed to chair it. The next meeting of the Panel will take place on 12 November.

Highways and Parking

The new Local Highways Panel has now been established and its most recent meeting was on 1 November. The Panel consists of seven County and an equal number of District Members. I would remind Members that the Panel is led by the County Council although we are providing the necessary support. Members of the Panel have devoted much time and effort to consultations with town and parish councils to identify appropriate local schemes to take forward.

I attended meetings on 4 October 2012 of the Joint Working Committees for On and Off Street Parking of the North Essex Parking Partnership (NEPP). Members will be aware that responsibility for on and off street parking enforcement operations transferred from the District to NEPP on 1 October 2012. I can inform Members that the transfer went well and there are no issues with enforcement operations across the District.

I also attended the NEPP Joint Working Sub Committee for Traffic Regulation Orders on 18 October in Colchester. The Committee had a large number of schemes for

consideration - some 300 across the Partnership, and Epping Forest alone had 51 requests from residents for on street parking restrictions. I am pleased to say that all eight of the top scoring schemes put forward by the District were approved by the Committee, and NEPP officers will now carry out further feasibility work on these schemes. I have asked that the relevant ward Members are consulted before a public consultation on any scheme is carried out. I intend to take a report to Cabinet on 3 December, setting out the way in which requests for schemes from the District should be vetted and approved in the future.

I am pleased to say that the Epping Parking Review is essentially complete, that some minor correction works remain outstanding and these will be carried out shortly. Members from Buckhurst Hill are currently being consulted on the best way forward in implementing that Review and there will be another meeting with all ward Members shortly. I am hopeful that once the scope of the scheme is agreed, design work can commence.

I have also had meetings with Members from Loughton to discuss parking issues in general, including the Loughton Broadway Review.

Community Transport

There is concern that a shortage of volunteers may limit the number and range of services provided, and a recruitment campaign is being planned.

Further work remains to be carried out before Epping Forest Community Transport can achieve the independent status which has been its objective for some time.

Partnership working with Harlow Community Transport to fulfil the school contracts which began in September 2012 has operated successfully to date.

Countrycare

Two very successful environmental education sessions with local schools have recently taken place. The first of these, commissioned by Ongar Town Council and involving pupils from Chipping Ongar Primary School, saw them building bird boxes and learning about birds, before they visited Cripsey Brook Local Nature Reserve (LNR) to see the boxes installed. The second, with Braeside School in Buckhurst Hill, enabled the pupils to learn about the different types of habitat at Linder's Field LNR, as well as the management techniques employed. In both cases the pupils were very enthusiastic about what they had learned.

Countrycare has also started its programme of traditional hedgelaying at sites in Roding Valley Meadows LNR and Epping Upland Millennium Garden.

Report to the Council

Committee: Cabinet

Date: 6 November 2012

Subject: Support Services Portfolio

Portfolio Holder: Councillor H Ulkun

Recommending:

That the report of the Support Services Portfolio Holder be noted

Police and Crime Commissioner Election – 15 November 2012

The Statement of Persons Nominated for the Police and Crime Commissioner Election for the Essex Police area to be held on 15 November 2012 has now been published and contains six names which can be found on the Council's website.

Since the last Council meeting the Government has advised the Local Counting Officer that the total cost allocation for this district for these elections is £203,000. The election therefore has to be delivered within that amount to be refunded by the Government. However, even expenditure within that target figure will be subject to Government scrutiny to establish that it is being correctly claimed. If expenditure exceeds the target figure, a special case will need to be made by the Local Counting Officer to justify the expenditure and if this is not accepted the additional cost will fall on the Council. I can assure the Council that the Local Counting Officer will work very hard to ensure that total expenditure on this election is in accordance with Government guidance and within the target figure.

The 2012/13 budget shows a figure of £148,000 for this election and this will be revised to £203,000 in line with the Government target. By the same token, income from the Government by way of reimbursement of costs will also be increased to the same figure so that the two figures should balance.

I asked for a comparison to be prepared on how the Government target figure compares with similar elections in the past. I have been advised that the best recent comparison was the referendum held in May 2011 on the voting system. The cost of that referendum (which was reimbursed by the Government) was £160,000. The lower cost for that referendum is attributable to the fact that it took place at the same time as District and Parish Council elections which meant that elements of the cost were shared between different election budgets and the referendum. The difference for November 2012 is that there is no other election being held at the same time as the Police election.

Individual Electoral Registration (IER)

Further information is still awaited from the Government on the funding arrangements for the new IER System. It is clear that there is going to be funding from the Government to assist with the transition from the present householder system to IER, a process that will be costly and complicated. It is also clear that the transitional funding will cover the need for additional staffing. The Registration Officer is already considering where those resources will be identified.

In the longer term however, once the IER system is in place, it will be necessary to review whether there will be increased costs to the Council in comparison with householder registration.

Electoral Registration Canvass (June – September 2012)

The 2012 canvass has now been completed. 33,500 household forms were received in the traditional (i.e. paper) manner whilst a total of 14,500 properties re-registered by the new “remote” methods including text, email or a dedicated phone line. The final percentage return rate for the canvass was 97% following final reminders which were dispatched on 15 September 2012 to the 3000 properties which at that stage had not responded.

Print Operations

I have discussed with officers the implications of the decision of the Overview and Scrutiny Committee at its recent meeting to ask me to review the accounting arrangements for print operations in the Corporate Support Services Directorate. I hope to be able to report back to a future Cabinet meeting and to the Council on my findings.

Website

The new website continues to perform well and has been extremely reliable. In response to user feedback the design has been slightly modified to make key information more prominent. In addition, the menu structure will also be simplified to consolidate the options available, making it easier to navigate. It is anticipated that all of these amendments will be completed by the end of October.

A recent external assessment of Waltham Abbey Museum carried out by VAQAS (Visitor Assessment Quality Assurance Scheme) on behalf of Visit England, praised the content and layout of the new website, commenting on the vast improvement from the previous website.

Car Leasing Review

Members and Officers have jointly been carrying out a review of the present staff car leasing scheme. They are currently finalising proposals on which the trade unions and eligible staff will be consulted. The aim is to submit a report to the Joint Consultative Committee on 26 November and to Cabinet on 3 December for a decision.

Report to the Council

Committee: Cabinet

Date: 6 November 2012

Portfolio Holder: Councillor A Grigg
(Asset Management and Economic Development)

SUPPLEMENTARY DDF ESTIMATE – LANGSTON ROAD RETAIL PARK – PLANNING FEES

Recommending:

That a supplementary District Development Fund estimate of £44,000 be approved for 2012/13 in order to pay the Council's 50% share of additional fees incurred in obtaining outline planning permission for a new retail park at Langston Road, Loughton.

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1. In July 2010 we entered into negotiations with Polofind Ltd to develop jointly a retail park of approximately 10,000 sq metres at Langston Road, Loughton. At that time we entered into an agreement with Polofind to meet half of the cost to be incurred in seeking outline planning permission. The total cost was estimated at £158,910 plus VAT plus disbursements and appropriate budget provision was made to meet half of that amount.
 2. Although a planning application was submitted in December 2010 it was not approved until February 2012 when permission was granted subject to completion of a Section 106 Agreement largely concerned with highway works estimated at £1,700,000. The Section 106 Agreement was completed in July 2012.
 3. The time taken to obtain planning permission was far in excess of what we anticipated and was mainly due to the complexity of the model required by Essex Highways consultant, Mouchel. Additional fees were incurred due to the work carried out by consultants JMP Consulting Ltd, who were engaged to undertake a traffic impact study and modelling, Wolf Bond Planning and Nathaniel Lichfield & Partners. Total fees and disbursements expended amounted to £246,950.86 plus VAT.
 4. We have paid 50% of £158,910 plus VAT but owe Polofind Ltd £44,000 plus VAT to cover half of the shortfall. The VAT can be claimed back.
 5. In seeking a supplementary DDF estimate we ask the Council to bear in mind that the planning permission has in theory provided a large increase in book value of the Council's land assuming that a development agreement can be entered into with the adjoining site owners. The current book value of the site is £1,548,000 (approximately £500,000 per acre) and planning permission for a retail park will show a substantial increase in this value. There will be costs associated with relocating existing services from the site.

6. Negotiations with Polofind Ltd are ongoing regarding the development of the two sites and when these have reached a more advanced stage a further report will be submitted to us for consideration.
7. We recommend as set out at the commencement of this report in order to comply with the terms of the agreement with Polofind Ltd.

Report to the Council

Committee: Cabinet

Date: 6 November 2012

Portfolio Holder: Councillor S-A Stavrou
(Finance and Technology)

NON DOMESTIC RATES – NNDR1 FORM

Recommending:

That authority to approve the NNDR1 form be delegated to the Finance and Technology Portfolio Holder in consultation with the Chairman of the Overview and Scrutiny Committee

1. The Local Government Finance Bill which is currently working its way through the Parliamentary stages is due to come into effect from 1 April 2013. One major component of the new legislation will be the local retention of 50% of Non Domestic Rates (NDR) by billing authorities, shared with County Councils, currently proposed as an 80:20 split. Currently, all the NDR that this Council collects is passed back to the Government and the Council receives a sum back as part of its overall grant funding package.
2. Before the start of each financial year, officers have to send a NNDR1 form to the Department for Communities and Local Government (DCLG). This form specifies the tax base for business properties in the forthcoming year and is used by DCLG to set a schedule of payments that have to be made into the central pool. During the year if the amount of NDR changes significantly officers can submit a NNDR2 form to amend the schedule of payments. After the year end a NNDR3 form is completed with the actual figures for the year and the difference between the estimated and actual amounts is either paid over to or received back from DCLG.
3. In the current system no formal Member approval is required of any of the NNDR forms. The Council is acting as the collection agent for DCLG and the collection and payment over of NDR has little direct effect on the Council's own finances.
4. We have been advised that as retained business rates will in the future provide approximately 45% of the Council's central financing (the remainder still coming from Revenue Support Grant) the NNDR1 form will become a key document in the budget setting process. The Business Rates Retention Technical Consultation that closed on 24 September did not provide a layout for the 2013/14 NNDR1 but stated that the form would be "broadly similar to the current form". The consultation did specify that the start point for the form would be the rating list as at 30 September, which would then be adjusted for anticipated changes using "local intelligence".
5. The consultation set out a process that will require completion of a provisional NNDR1 and its submission to DCLG and the other precepting bodies by mid December. Following any updating or corrections a final version of the form will then need to be sent by 30 January. The consultation stated that this second stage will be

after the NNDR1 has been “signed off by the Council”. We understand that no exact process has been specified for the “sign off” but in various meetings the DCLG and CIPFA have both indicated they would expect Councils to adopt a similar process to the one they use for approving the Council Tax Base.

6. Members may be aware that the current procedure for approving the Council Tax base involves a Portfolio Holder decision being taken by the Finance and Technology Portfolio Holder in consultation with the Chairman of the Overview and Scrutiny Committee. This normally takes place in November each year. We are of the opinion that a similar procedure to this would be appropriate as the formal process to achieve the Council sign off of the NNDR1 form required by DCLG.

7. A decision on this issue could be delayed until the Local Finance Bill is enacted and possible further advice issued by DCLG but this could delay the budget process or necessitate the holding of additional meetings

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

Report to the Council

Committee: Cabinet

Date: 6 November 2012

Portfolio Holder: Councillor Richard Bassett
(Planning)

SUPPLEMENTARY DDF ESTIMATE – PLANNING APPEAL COMPENSATION BUDGET

Recommending:

- (1) That a supplementary District Development Fund estimate of £90,000 be approved for Planning Compensations in respect of Planning Appeals in the Development Control budget; and**
 - (2) That any underspend in 2012/13 be carried forward into successive years until it is spent**
-

1. In the case of planning application and enforcement appeals, costs may be awarded against the Council if the appeal inspector from the Planning Inspectorate considers that the Council has acted unreasonably in its decision making and caused another party, usually the appellant's consultant, unnecessary expense.

2. We have been advised that cost claims are gradually becoming more frequent, mainly because a claim can now be made in the case of written representation type appeals, which is the most common method of appeal. A cost claim is only successful if the planning inspector considers the Council has been unreasonable in its decision making, i.e. where a reason for refusal is not justified or supported. The likelihood of costs being awarded has also increased since the National Planning Policy Framework, which sets out the Government's planning policies and how they are expected to be applied, was published in March 2012 as this gives more weight to evidence based planning decision making and the need for an up to date Local Plan from April 2013.

3. We acknowledge that officers do try to put up a robust defence against any cost claim, but there is still the risk that, particularly in those cases where decisions are closely balanced or where officers' recommendations are overturned at planning committee, there will be an award of cost in favour of the appellant to be paid by the Council. We understand that the withdrawal of an enforcement notice can also be prone to a cost award, as can even dismissed appeals where a reason for refusal has not been substantiated or judged by the planning inspector to be reasonable.

3. Up to 2008, a supplementary DDF was sought each time appeal costs were awarded against the Council. In that year, because of one particularly costly case, the Council approved a contingency budget of £100,000 allocated to the Development Control Appeal budget. Subsequently, where a cost claim has been awarded against the Council, it has been paid out from this amount which has lasted for approximately four years.

4. We have been advised that there is currently £13,252 left in this budget and there are two outstanding cost claims to be paid amounting to almost £35,000 although these are being negotiated as the claims are considered excessive. Accordingly we are recommending that a further sum be allocated to this budget as set out at the commencement of this report.

Report to the Council

Committee: Cabinet

Date: 6 November 2012

Portfolio Holder: Councillor Mrs E Webster
(Leisure and Wellbeing)

SUPPLEMENTARY CAPITAL ESTIMATE – GUARANTEED INVESTMENT – SPORTS AND LEISURE MANAGEMENT

Recommending:

That a supplementary capital estimate of £240,000 for the 2012/13 Capital Programme be approved to enable the upgrading of the changing rooms at the Loughton Leisure Centre to be completed by the end of the 2012 calendar year.

1. The leisure management contract with Sports & Leisure Management (SLM) requires SLM to provide a guaranteed investment of £250,000 into one or more of the facilities on two occasions. The first guaranteed investment provided new fitness equipment at the Epping and Ongar fitness centres. We have been advised that SLM propose with the second tranche to refurbish the changing rooms at Loughton Leisure Centre at an estimated cost of £240,000. This work is required to deal with increasing public concerns over their condition and is an agreed priority between SLM and the Council.
2. SLM have approached us and asked if the Council would prefer to fund the capital expenditure itself and receive a reduction in the annual management fee in lieu. This is the same approach as was taken with the previous guaranteed investment.
3. We have been offered a management fee reduction of £7,350 per month from January 2013 to December 2015 (the end of the current extended contract) on the basis of the Council providing capital of £240,000. The total fee reduction over that period would amount to £88,200 per annum or £264,600 over the entire remaining period of the contract. This use of capital accords with the Council's current policy of utilising capital resources to reduce revenue expenditure and represents an excellent return on that capital investment. The use of the capital for this purpose achieves a rate of return on the investment of approximately 3.5% per annum compared with a rate of return of around 1% or less if £240,000 was invested in the money market at this time.
4. SLM have also offered to make initial payments to facilitate the commencement of works, then be recompensed once the works are fully underway. As with previous arrangements, payments can be made in two instalments, the first when half the work is completed and one when the work is completed. Payments will be subject to confirmation of completed works and a report from Stace LLP (Quantity Surveyors and Consultants).

5. To enable the works to be completed by the end of the calendar year a supplementary capital estimate is required. We recommend as set out at the commencement of this report.

Report to Council

Date of meeting: 6 November 2012

Subject: Overview and Scrutiny report to Council – October 2012

Contact for further information: Councillor R Morgan



Recommendation:

That the Overview and Scrutiny progress report from September 2012 to the present be noted.

Report

Overview and Scrutiny Committee Meeting – 16 October 2012

1. At our meeting on Tuesday, 16 October we had Peter Tollington and Michael Graves both from London Underground Limited (LUL) who came to talk to our Committee and answer questions from members. We also had in attendance Ms Gallagher from the Disability Involvement and Engagement Group who had a question about access at Epping Station and also 13 members from the Youth Council who had prepared their own questions for the London Underground officers.
2. We noted that LUL's preparation and work for the Olympic Games paid off and the summer had proved to be a successful and enjoyable period for LUL. The improvements they had made to the trains and the increase in capacity at Stratford Station had been well received.
3. We had received a lot of questions from members in advance and were able to pass them on to Mr Tollington before he came to the meeting so that he could prepare answers.
4. Finally, we urged them to complete their response to our local plan and the issues and options consultation if they had not done so already.
5. We next considered the Cabinet Agenda for 22 October 2012 and our committee members wanted the following comments brought to the Cabinet's attention:
 - They thought that the guaranteed investment (sports and leisure management) was an excellent idea and should be supported as it would bring a good return on our capital;
 - The new Essex County Traveller Unit would be very useful in dealing with travellers and they urged the Council to join this as soon as it could;
 - They were concerned that there was no evidence given in the planning appeal compensation budget report to enable agreement of the £90,000 asked for; And finally they noted that
 - The Welfare Reform Mitigation Action Plan and the Localisation of Council Tax Support was crucial for the council.

6. We next considered three Constitution and Member Services Standing Panel reports. The first report was amending the terms of reference for the Staff Appeals Panel, deleting all appeals by staff except those involving dismissal. This was agreed and was referred to this Council meeting for agreement.

7. The second was a report on the review of the Council's Petitions Scheme and we agreed the minor amendments recommended and asked that the current Overview and Scrutiny Review Task and Finish Panel be asked to further consider this.

8. The third report was on the electronic delivery of agenda and other information. This report noted Counsel's advice on the Council's current distribution procedures and that wholly electronic notifications would not be lawful and that Council members may not lawfully opt out of hard copy deliveries.

9. The report also asked that the Cabinet be asked to approve DDF bids for:

1. A sum of £4,000 for 2013-14 to fund the installation of electrical outlet sockets in the Council Chamber; and
2. A sum of £1,000 for 2013-14 to continue funding the Mod. Gov App for a further year and to facilitate research by the Council on the use to continue the Mod. Gov App on a permanent basis.

We agreed the recommendations made and commended the DDF bids to the Cabinet.

10. Lastly we received a report on Wireless broadband within the EFDC area. We noted that a company called Buzcom set up separate wireless broadband links in the EFDC area which would enable householders to sign up with them and access their wireless broadband. We also asked that we get someone from BT and Virgin Media to come to a future meeting so that we could quiz them on the future of broadband in our area.

Report to the Council



Date of meeting: 6 November 2012

Subject: Staff Appeals Panel – Terms of Reference

Report of: Constitution and Member Services Scrutiny Panel

Chairman: Councillor M Sartin

Recommendations:

(1) That the terms of reference of the Staff Appeals Panel be amended so as to delete all appeals by staff except those involving dismissal, including those deriving from selection for redundancy;

(2) That this alteration be published in the Constitution; and

(3) That any amendments elsewhere in the Constitution to reflect these changes in the Panel's terms of reference be delegated to the Assistant to the Chief Executive.

Report

1. Introduction

1.1 This report deals with the terms of reference of the Staff Appeals Panel and proposes changes in relation to its jurisdiction in respect of appeals by staff. In respect of re-grading appeals, these proposals derive from a recent review of the Council's job evaluation scheme (by which salaries applicable to staff posts or groups of posts are determined) and in particular the question of an employee's right of appeal.

1.2 In addition, we are making proposals for removing from the Panel's responsibilities other appeals by staff for which the Panel is currently responsible. We are bringing these forward as at the request of the trade unions and the Cabinet and in the light of Counsel's advice.

1.3 The Panel has therefore reviewed the terms of reference of the Staff Appeals Panel to ensure that they accord with the new policy.

2. Job Evaluation

2.1 We were advised that the Council's job evaluation maintenance policy and appeals procedure were introduced in 2003 following the implementation of the National Job Evaluation Scheme as part of the national Single Status Agreement. Implementation of job evaluation is subject to a collective agreement agreed by Council management, the trade unions and members.

2.2 In 2004, a Job Evaluation Maintenance Policy was discussed by the Joint Consultative Committee, which submitted recommendations to the Cabinet on 15 March 2004 for the adoption of the Policy (including appeal arrangements), which was adopted. Since 2003, the policy has accorded the employee a right of appeal to an officer/trade union appeal panel and decisions of the this Appeals Panel are final.

2.3 No changes were sought at that time for the terms of reference of the Staff Appeals Panel, which has since 1974 included responsibility for hearing staff appeals about re-grading. This responsibility has continued to be shown under the Panel's Terms of Reference. Due to organisational changes the job evaluation maintenance policy was

amended following consideration by Joint Consultative Committee in January 2012 with the result that a number of changes to the policy, the maintenance pro forma and additional information sheet were agreed.

2.4 When it recently came to light that the Council's Constitution continued to include re-grading matters within Staff Appeals Panel's terms of reference, 7 members of staff in 4 posts (1 post being a benchmark post which covered 4 employees) appealed and these have subsequently been heard and concluded.

2.5 However, concerns were raised by Unison's Regional Officer on the implementation of the policy and specifically the appeals procedure. As a result both Unison and GMB representatives have withdrawn their support from the job evaluation process until matters are clarified. As a result, the policies, guidelines, procedures and pro formas relating to job evaluation were further reviewed by the officer Job Evaluation Panel and the resultant amendments have now been agreed by the Cabinet.

2.6 Members of the Staff Appeals Panel have indicated that they do not wish to consider job evaluation matters in the future. As there is an existing agreed appeals process, the opinion of the Unison Regional Organiser is that job evaluation appeals should not be submitted to a member Appeals Panel.

2.7 The Council recently obtained legal advice on the Terms of Reference for the Staff Appeals Panel regarding Job Evaluation.

2.8 Counsel's opinion on job evaluation can be summarised as follows:

- (a) the original job evaluation scheme precludes any appeal to the Staff Appeals Panel;
- (b) job evaluation reviews which were not part of the original process can be referred to the Staff Appeals Panel;
- (c) notwithstanding (b) above, the Staff Appeals Panel is not an appropriate forum to hear such appeals since Members are not trained in the Job Evaluation process and a second appeal against job evaluation decisions is not required.

2.9 The local Unison Branch Secretary and the local GMB representative have informed the Council that as the Cabinet has agreed the amended Job Evaluation Maintenance Policy they are willing to re-engage with the job evaluation process.

2.10 The Cabinet has agreed the amended Job Evaluation Maintenance Policy and has asked us to look at the wording in the Constitution. It was for the Cabinet to determine its policy on job evaluation and to conduct employer/employee discussions through the Joint Consultative Committee. It is a matter for our Panel to consider the wording of the Constitution and make recommendations to the Council on this.

3. Scope of the Staff Appeals Panel

3.1 As part of the review of the job evaluation scheme, Counsel was also asked to give additional advice on the other types of staff appeals shown in the Staff Appeals Panel's terms of reference and to advise on whether it is preferable to rely on existing procedures (including appeal arrangements) which are managed at officer level to deal with these items.

3.2 We have reviewed Paragraph 2(a) of those terms of reference which lists the types of appeal as follows:

"(a) The Panel shall be empowered to consider and determine appeals by employees of the Council for the following matters:

- (i) re-grading;
- (ii) grievance;

- (iii) disciplinary;
- (iv) re-deployment;
- (v) redundancy; and
- (vi) dismissal.

3.3 Many Councils limit the involvement of such member-level panels to item (vi) only, relying on operational policies at officer level which have their own appeal mechanisms to deal with the other listed appeals. Counsel advised as follows:

"There has been a suggestion that the remit of the Staff Appeal Panel be further limited, in the context of disciplinary decisions, to appeals against decisions which only involve dismissal.

This is a suggestion which has merit as it would ease the workload on member panels and would focus such panels on the most serious of cases leaving less serious disciplinary matters to be dealt with by those with managerial authority and experience. I do not think that the time and expense of arranging such a panel is really justified when what is at issue is, for example, a written warning."

4. Grievances

4.1 Counsel was subsequently asked to clarify his views on grievance appeals and, in response, expressed the opinion that serious grievances (e.g. about sexual or racial harassment) could be reserved to the Staff Appeals Panel whilst less serious ones could be dealt with at management level. However, Counsel pointed to the difficulty of defining "serious grievances" in this context and the possibility of disputes arising over this definition. He took the view that the Council should either completely exclude grievance appeals or allow them all to be dealt with by the Panel. Counsel advised that this was a decision which was finely balanced but he took the view the safer decision might be to retain all grievance appeals within the jurisdiction of the Staff Appeals Panel.

5. Consultees

5.1 We were asked by the Cabinet to seek the views of staff union representatives and the Chairman of the Staff Appeals Panel on the Staff Appeals Panel role and, with this in mind, we invited them to attend our recent meeting.

5.2 In the event, the local Branch Secretary of UNISON, Mr Peter Freeman, attended the meeting and submitted the views of his members. Unfortunately, the Chairman of the Staff Appeals Panel could not attend but a note of his views was circulated.

5.3 The Chairman of the Staff Appeals Panel's main point was that the highly technical nature of the job evaluation process placed members at a disadvantage in adjudicating on such appeals. The Panel's view was that a second level of appeal was disproportionate bearing in mind that an appeal arrangement already operated at officer level where an Appeals Panel of trained officers could adjudicate on the initial evaluation assessment of their colleagues at the initial Panel meeting. He also commented that all parties need to have full confidence in the Job Evaluation Scheme and that recent events had undermined this. His comments were supported by Mr Freeman and this Panel.

5.4 On the question of grievances we took the view that these should only come to the Staff Appeals Panel if they arose in the context of staff dismissal but not otherwise. Our feeling is that dismissal from the Council's service is the maximum penalty which can be applied to any member of the Council's workforce and it is right and proper that staff should have the opportunity for a final appeal to Councillors before that action is taken. We do not feel that this applies to the other categories of appeal which in our view are better dealt with at officer level.

5.5 In reaching this view, we took note of the advice of the Assistant Director (Human

Resources) that in many neighbouring Councils, Staff Appeals Panels concentrate on dismissal appeals only, relying on internal appeals arrangements for all disciplinary matters short of dismissal, together with appeals about redeployment, and grievances.

6. Changes to the Constitution

6.1 We recommend that the terms of reference of the Staff Appeals Panel be amended by deleting from paragraph 2(a), items (i)-(v) as set out in paragraph 3.2 above. We also recommend that item (vi) should be amended as follows:

"dismissal (including those deriving from selection for redundancy)".

6.2 There will be minor consequential changes to the Constitution as a result of these alterations. We are proposing that these be made by the Assistant to the Chief Executive once the Council has agreed the substantive changes.

Report to the Council

Report of: Standards Committee

Date: 6 November 2012

Chairman: Councillor Mrs P Smith

1. CODE OF MEMBER CONDUCT AND PARTICIPATION BY MEMBERS

Recommending:

That in relation to members having a disclosable pecuniary interest in a matter and wishing to make representations before leaving a meeting where the public have the right to speak:

- (a) no action be taken on adopting an appropriate standing order; and**
 - (b) members be required to seek a dispensation under Section 33 of the Localism Act 2011.**
-

Introduction

1. The Localism Act 2011 removed the national Code of Conduct for Councillors and required councils to adopt their own Codes covering:
 - (a) the seven principles of conduct in public life set out in the Act;
 - (b) registration and declaration of disclosable pecuniary interests and other interests;
 - (c) complaints procedures; and
 - (d) other aspects determined locally.
2. The Council at its meetings on 27 March and 18 June 2012 adopted a model Code of Conduct developed by the Public Law Partnership, the legal services partnership of authorities in Essex, Hertfordshire and Suffolk who work together to share knowledge and resources, so as to ensure that there is a uniform Code across the region. The model Code was adopted subject to review after a period of 12 months.
3. At its meeting on 18 June 2012 the Council noted that the model Code did not include the provisions in the previous national Code for members having an interest to make representations before leaving a meeting where the public have the right to speak. The Council requested us to consider recommending a standing order to provide for the circumstances under which a member could make representations of this kind.

Statutory Provision and Legal Advice

4. In considering the Council's request we have had regard to Section 31 of the Localism Act 2011. This section makes it clear that if a member is present at a meeting of the Council, its Executive or any committee of the Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and has a disclosable pecuniary interest relating to business which is to be

considered at the meeting, he/she must not:

- (a) participate in any discussion of the business at the meeting, or
- (b) participate in any vote on the matter at the meeting.

5. Our attention has also been drawn to the Explanatory Memorandum to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 prepared by the Department for Communities and Local Government. In explaining Section 31 of the Act the Memorandum states that the section bars a member from participating in any discussion in, or vote on, the matter in relation to which the member has a disclosable interest.
6. The Department has also published a Guide for Councillors on the new Standards arrangements in which it states the prohibitions imposed by Section 31 apply to any form of participation, including speaking as a member of the public.
7. We have also received advice from the Council's Solicitor and Monitoring Officer that it would be inappropriate to have a standing order which is contrary to statute and in the event of a challenge the law would prevail.

Conclusion on the Council's Request

8. In the light of the Section 31 of the Localism Act 2011, the advice of the Department for Communities and Local Government and the Council's Solicitor and Monitoring Officer we are of the opinion that it would be unwise to adopt a standing order as suggested.

Dispensation from Section 31 Requirements

9. Section 33 of the Localism Act 2011 allows for the granting of dispensations relieving members from the restrictions of Section 31 if it is considered that:
 - (a) without the dispensation the number of persons prohibited from participating would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - (c) granting the dispensation is in the interests of persons living in the authority's area;
 - (d) without the dispensation each member of the authority's Executive would be prohibited from participating in any particular business to be transacted by the Executive; or
 - (e) it is otherwise appropriate to grant a dispensation.
10. We are of the opinion that the issue of a member having a disclosable pecuniary interest in a matter and wishing to make representations before leaving a meeting where the public have the right to speak should be addressed by way of seeking a dispensation under Section 33 of the Act.
11. The Council has already agreed that requests for dispensation under 9 (b), (c) and (e) in paragraph 9 above will be determined by the Standards Committee and those under paragraphs (a) and (d) by the Monitoring Officer.
12. In discussing this matter we have concluded that the issue would be likely to arise

mainly at meetings considering planning applications. In recommending the use of dispensations we have expressed some concern about the timescale for determining requests, particularly those requiring a decision of the Standards Committee bearing in mind that members will only become aware of a planning application going to committee approximately 10 days before a meeting. Accordingly, if the Council adopts our recommendations we have asked the Monitoring Officer to submit a report to our next meeting suggesting a process for dealing with requests for dispensation bearing in mind the likely timescales involved.

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

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Report to the Council

Report of: Standards Committee

Date: 6 November 2012

Chairman: Councillor Mrs P Smith

1. NEW STANDARDS ARRANGEMENTS – PARISH/TOWN COUNCIL DELEGATION ARRANGEMENTS

Recommending:

That the Monitoring Officer's designation as Proper Officer under Chapter 7 of the Localism Act 2011 be extended to cover action in respect of any Parish/Town Council affiliated from time to time to the District Council's Standards Committee

Introduction

1. The provisions of the Localism Act 2011 make it optional for District and Parish/Town Councils to have a Standards Committee. Following an approach to all 24 Parish/Town Councils in the District to establish their intentions we have been advised of the current position.
2. Six Parish Councils have stated that they wish to join our Committee – Chigwell, Epping Upland (subject to review after one year), Matching, Roydon, Sheering, Willingale. Our Constitution enables representatives from those Councils to attend our meetings in a non-voting capacity (ie. as observers) and we are seeking three nominations from those Councils.
3. Eleven Parish/Town Councils have decided to affiliate to a Joint Standards Committee for Parish and Town Councils established by the Epping Forest Association of Local Councils. Two Parish Councils have advised that they do not wish to affiliate to any Standards Committee and at the time of our meeting replies were awaited from five councils.

The Monitoring Officer

4. The Monitoring Officer is granted powers under Chapter 7 of the Localism Act 2011 to establish and maintain registers of interests of members and co-opted members of the District Council and all Parish and Town Councils in the District.
5. In addition, the Council at its meeting on 18 June 2012 designated the Monitoring Officer as the Proper Officer of the Council to receive and determine or refer to the Standards Committee for determination, applications for dispensation relieving members of the District Council from the restrictions regarding disclosable pecuniary interests.
6. We are proposing an extension of the Monitoring Officer's delegated authority to

cover those Parish and Town Councils affiliated to the District Council's Standards Committee. It could be held that the legislation already provides for this but we consider it is desirable that the matter be recorded formally for the avoidance of doubt and to overcome the possibility of challenge in the future. Our recommendation is drafted in general terms to reflect the fact that the number of affiliated councils may change in the future.

7. The Monitoring Officer is continuing to have discussions with representatives of the Joint Standards Committee for Parish and Town Councils about their arrangements and if necessary we will report to a future meeting on the need for any delegated powers in relation to the Councils affiliated to that Committee.
8. We recommend as set out at the commencement of this report.

Report to the Council

Committee: Licensing

Date: 6 November 2012

Subject: Gambling Act 2005 - Statement of Principles

Chairman: Councillor K Angold-Stephens

Recommendation:

That the attached Gambling Act 2005 – Statement of Principles be adopted for the three year period 31 January 2013 – 31 January 2016.

Background

1. The Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of the Principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The Authority is required to review the policy at least every three years. On 11 April 2012, we agreed a draft policy for consultation.
2. There were seven responses to the consultation. On 19 October we considered the responses. We took into account guidance issued under the Licensing Act 2003 and agreed to adopt a number of the suggested amendments to the policy.
3. Regulations made by the Secretary of State set out the requirements as to the form and publication of the Licensing Authority's Statement of Principles. The attached Statement takes account of the latest guidance issued to Local Authorities by the Gambling Commission and follows the recommended format by Local Government Regulation (formerly Local Authorities Co-ordinators of regulatory Services).

Format of the Statement of Principles.

Part A

4. Part A begins by stating the three licensing objectives which the policy will promote. The aim of the Authority must be to permit the use of premises for gambling so far as they comply with the requirements of the Act.
5. The Statement then states the geographical area that it covers.
6. All Statements must contain a section which designates a body that is competent to advise the authority about the protection of children from harm. Essex County Council's Safeguarding Children Service has been designated for this purpose.
7. An indication is included in the Statement as to who can be regarded as interested parties. Unlike the Licensing Act 2003, Town and Parish Councillors, District Councillors representing the ward and MPs may be objectors without having to provide evidence that they are representing a specific interested party.

8. The Statement includes a section of principles to be applied when asked to exchange information with those bodies listed in the Act. The Authority has not established any protocols with any of those bodies and so general details are included in the Statement.

9. The Statement must contain a section that sets out the principles that will be adopted by the Authority for inspection and where necessary, prosecutions. Paragraph 7 of Section A has been expanded in accordance with the guidance.

Part B - Premises Licences – Consideration Of Applications

10. Part B concerns the consideration of applications in respect of Licensed Premises.

11. It is only possible for one premises licence to be issued for any place. However, different areas in a property can have their own licence. The Statement sets out factors which the Authority will consider when deciding whether an area could be granted a separate licence. Having a separate access is a good indication and the Gambling Commission's guidance is reproduced in the Statement as to what should be considered for the different types of licensed premises when deciding whether premises have a separate access.

12. Where a premises is located can be taken into account when deciding whether a licence should be granted. This section explains what types of areas that would be of particular concern to the Authority but each case must be decided on its merits.

13. The Statement sets out in relation to the three licensing principles what the Authority will take account of when reaching a decision, The section with regards to the Protection of Children from harm has been expanded to take account of the Gambling Commission's guidance.

14. When making a decision, the Authority can attach conditions to a licence. It is helpful for the Authority to inform applicants of the types of issues that it will have regards to when making a decision and what conditions will be considered. A further section has been added to this part of the Statement to strengthen the requirements in respect of children and vulnerable adults.

15. Part B then goes on to set out what the Authority will wish to take account of when deciding applications in respect of the different types of licensed premises.

Part C - Permits/Temporary & Occasional Use Notice

16. There is a greater emphasis in the section upon the applicant being able to demonstrate that he knows the legislative requirements and how he intends to meet these.

Delegation

17. The Statement sets out how the functions are to be delegated and a table of delegations is attached. This has not been changed from that set out in the current Statement of Principles.

Recommendation

18. We recommend that the Statement of Principles attached be adopted.

Gambling Act 2005 Statement of Principles

Epping Forest District Council

This Policy Statement is effective from 31st January 2013 until 31st January 2016

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This Statement of Licensing Principles was approved by Epping Forest District Council on

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 3rd Edition, published May 2009

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, Epping Forest District Council, as the Licensing Authority, must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This Licensing Authority is aware that, as specified in Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with this Statement of Principles

2. Introduction

Epping Forest District Council (the Licensing Authority) is situated in the County of Essex, which contains twelve district or borough councils and two unitary authorities. The district has six main centres of population (Buckhurst Hill, Chigwell, Epping, Loughton, Chipping Ongar and Waltham Abbey) and numerous picturesque villages and hamlets, but no natural centre. The majority of the district lies within the Metropolitan Green Belt, designed to restrict the spread of London into the Home Counties.

The district has a population of approximately 123,900. Approximately half of the population live in the southwest of the district (Buckhurst Hill, Chigwell and Loughton). Most of the rest of the population live in a mixture of market towns, villages and rural hamlets. The local population is set to grow in the coming years. The population is ageing, with the 2001 census profile showing a reduction of under fives and an increase in over seventy fives.

Unemployment in the district is generally low and many residents enjoy a very high standard of living. However, there are also areas of significant disadvantage and the district has four of the wards amongst the ten most deprived in Essex.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement will be published every three years. The statement will also be reviewed from "time to time" and any amended parts re-consulted upon. The statement will then be re-published.

Epping Forest Council consulted widely upon this statement before finalising and publishing.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The list of persons this authority consulted is attached as Appendix B to this statement. The full list of comments made is available via the Council's website.

The policy was approved at a meeting of the Full Council on **xxx 2012**. Copies were placed in the public libraries of the area as well as being available in the Civic Offices and on the website on **xxx 2012**

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Senior Licensing Officer

Address: Civic Offices, High Street, Epping, Essex CM16 4BZ

E-mail: Licensing@eppingforestdc.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted on this Statement of Principles.

4. Responsible Authorities

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area, and;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

This authority designates the Essex County Council's Safeguarding Children Service for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are listed in this policy which is available via the Council's website at: www.eppingforestdc.gov.uk

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b)."

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Persons who are democratically elected such as councillors and MP's may be Interested Parties. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing section.

Telephone 01992 564034
Email: licensing@eppingforestdc.gov.uk
Fax: 01992 56016
Address: Licensing Section, Epping Forest District Council, Civic Offices, High Street
Epping, Essex CM16 4BZ
DX: 40409 Epping

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and

- Targeted: regulation should be focused on the problem, and minimise side effects.

In accordance with the Gambling Commission's Guidance for local authorities, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission. .

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Department at Civic Offices, High Street, Epping Essex CM16 4BZ and email:licensing@eppingforestdc.gov.uk .

8. Licensing Authority functions

The Licensing Authority is required under the Gambling Act 2005 to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;

- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange);
- Maintain registers of the permits and licences that are issued under these functions

The Licensing Authority is not involved in licensing remote gambling at all. This is regulated by the Gambling Commission via Operating Licences.

PART B PREMISES LICENCES – CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

1.1 Decision-making

The Licensing Authority is required by the Act, in making decisions about premises licences, to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this statement of licensing principles.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.

1.2 Definition of Premises

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by barriers made up of ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates;
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's guidance as to the relevant access provisions for each premises type are reproduced below:

"7.25: Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance);
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track”

Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

1.3 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.”

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

1.4 Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As required by the Gambling Commission’s Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. The applicant must show that they have taken into account such issues as the proximity of schools, centres for vulnerable adults or residential areas with a high concentration of families with children. Should any other specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

1.5 Planning:

The Gambling Commission Guidance to Licensing Authorities states:

“7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. “

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

“7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence.”

Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

1.6 Duplication with other Regulatory Regimes

Although the Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, and will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of if the Application. The Authority will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.7 Licensing Objectives

Premises licences granted must be consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to local authorities and would make the following comments:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section).
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

1.8 Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences, which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, winning or prizes.

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;

- The location of gaming machines.

This list is not exhaustive.

1.9 Category C machines or above.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.10 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;

- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

4.1 The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such resolution will be made by Full Council.

5. Bingo premises

This Licensing Authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed to enter bingo premises; however they are not permitted to participate in bingo and if category B or C machines are available for use these must be separated from areas where children and young people are allowed."

6. Betting Premises

Betting machines - This licensing authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

In particular, applicants will be expected to show how they will prevent access to under-18s.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines -Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

(See Guidance to Licensing Authorities, para 20.32).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

8. Travelling Fairs

8.1 It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms

of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which, in the authority's opinion, reflect a change in the operator's circumstances.
- (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change from the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

9.7 The Licensing Authority has noted in the Gambling Commission's Guidance that the licensing authority should not take into account irrelevant matters. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

10. Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. It is for the Licensing Authority, however, to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, repetitious, or will certainly not cause this authority to wish to alter, revoke or suspend the licence.

10.2 Reviews will be carried out:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this statement of licensing principles.

10.3 The Licensing Authority can also initiate a review of a licence for any reason which it thinks is appropriate.

10.4 Once a valid application for a review has been received by the licensing authority, it will publish a notice of the application within 7 days of receipt. Responsible authorities and

interested parties can make representations during a 28 day period which begins 7 days after the application was received by the licensing authority.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

10.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

10.7 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

10.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C
PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)

1.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it must apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (**Section 238**).

1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7).

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles This licensing authority will expect the applicant to show that:

- there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises, CRB checks for staff.
- This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and

- that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits

2.1 Automatic Entitlement: 2 machines

Premises licensed to sell alcohol for consumption on the premises may automatically have two gaming machines, of categories C and/or D. The premises must notify the Licensing Authority of their intention to exercise this right, but they may remove this automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

2.2 Permit: 3 or more machines

If a premises wishes to have more than two machines, then it must apply for a permit. The Licensing Authority will consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and such matters as it thinks relevant.

Each case will be considered on its merits, but, generally, it will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy them that there will be sufficient measures to ensure that under 18 year olds do not have access to “adult only” gaming machines. Measures which will satisfy the authority that there will be no access may include:

- Supervision of machine areas;
- Physical separation of areas;
- Notices / signage;
- The location of gaming machines

This list is not exhaustive.

2.3 As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

2.4 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

2.6 Where an alcohol licensed premises applies for a premises licence for their non-alcohol licensed areas, any such application would need to be applied for, and will be dealt with, as an Adult Entertainment Centre premises licence.

3. Prize Gaming Permits

3.1 Statement of Principals

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm
- Training to cover how staff would deal with:
 - Unsupervised and/or very young children on/around the premises, and
 - Suspected truants

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

3.2 Applicants for a permit must comply with the conditions laid down by the Gambling Act 2005. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

The Licensing Authority may not impose any further conditions.

4. Club Gaming and Club Machines Permits

4.1 Qualifying members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit, The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

4.2 Gambling Commission Guidance states: "Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations." It is anticipated that this will cover bridge and whist clubs... A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations...

4.3 The Licensing Authority is aware that it may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years;
- or
- (e) an objection has been lodged by the Commission or the police.

4.4 Where a premises holds a Club Premises Certificate under the Licensing Act 2003 they may apply using the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

4.5 Objections will not be lodged by the Commission or the police, as these will have been dealt with under the Licensing Act application procedure.

4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for Temporary Use Notices, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

5.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

5.5 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

6. Occasional Use Notices

The Licensing Authority has little discretion as regards these Notices, aside from ensuring that the statutory eight days in a calendar year is not exceeded and will grant such notices where statutory requirements are met.

7. Small Society Lotteries

Lottery licences will be issued in accordance with the Gambling Commission's Guidance to Local Authorities.

APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			(to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX B

LIST OF CONSULTEES

<p> Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors Betting Offices British Transport Police Butler & Mitchells Brewers Roman Catholic Church Church of England Citizens Advice Bureau Consumers Association Cooley Partnership Campaign for the Protection of Rural England Curwens Solicitors Council for Voluntary Services Crime and Disorder Strategy Panel East Herts DC EFDC Councillors EFDC Senior Officers Eleanor Laing MP Environment agency Epping Forest Conservators Epping Forest PCT Epping Magistrates Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Service Essex Probation Service Essex Tourist Bodies Federation Synagogue Fosket Marr Gadsby & Head GamCare </p>	<p> Hammonds Solicitors Health and Safety Executive Essex HM Customs and Excise Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Mcmullens Brewery Methodist Church Other Faith Groups Parish and Town Councils Police & Community Consultative Group Princess Alexandra NHS Trust Ridleys Breweries Robert Halfon MP Rural Community Council of Essex Scottish & Newcastle Retail Spirit Group Brewery Transport and General Workers Union Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Licensed Victuallers Association Whiskers & Co Solicitors </p> <p>All current gambling premises within the district.</p> <p> Disabled Coalition Group Child Protection Essex County Council Gambling Commission HM Revenue & Customs </p>
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APPENDIX C

RESPONSIBLE AUTHORITY'S FOR GAMBLING ACT 2005 APPLICATIONS

<p>Epping Forest District Council Civic Offices High Street Epping Essex CM16 4BZ Att; Mrs K Tuckey- Licensing Unit Tel: 01992 564034 Email: ktuckey@eppingforestdc.gov.uk</p>	<p>Head of Child Protection (Licensing Applications) Essex County Council PO Box 297 County Hall Chelmsford Essex CM1 1YS licensingapplications@essexcc.gov.uk</p>
<p>Harlow Police Station The High Harlow Essex CM20 1HG Att: Peter Jones Tel:01279 625405 Email: peter.jones@essex.pnn.police.uk</p>	<p>Gambling Commission Victoria House Victoria Square Birmingham B2 4BP info@gamblingcommision.gov.uk</p>
<p>Essex Fire & Rescue Service Harlow & Epping Community Command Harlow Service Delivery Point Fourth Avenue Harlow Essex CM20 1DU Att : Community Commander Tel : 01279 420841 Email: he.command@essex-fire.gov.uk</p>	<p>HM Revenue & Customs National Registration Unit Portcullis House Glasgow G2 4PZ nrubetting&gaming@hmrc.gsi.gov.uk</p>
<p>Director of Planning Civic Offices High street Epping Essex CM16 4BZ Tel: 01992 564514 Email: dbaker@eppingforestdc.gov.uk</p>	<p>Pollution & Public Health Unit Civic Offices High Street Epping Essex CM16 4BZ Steve Harcher Tel:01992 564058 Email: sharcher@eppingforestdc.gov.uk</p>