

**Scrutiny Standing
Panel Agenda**



**Constitution and Members Services Scrutiny Standing
Panel
Tuesday, 19th November, 2013**

You are invited to attend the next meeting of **Constitution and Members Services Scrutiny Standing Panel**, which will be held at:

**Committee Room 1
on Tuesday, 19th November, 2013
at 7.00 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

M Jenkins - The Office of the Chief Executive
Tel: 01992 564607
Email:democraticservices@eppingforestdc.gov.uk

Members:

Councillors J Philip (Chairman), A Watts (Vice-Chairman), R Cohen, Mrs R Gadsby, Mrs M McEwen, R Morgan, Mrs C Pond, Mrs M Sartin, D Stallan, Mrs J H Whitehouse and G Waller

SUBSTITUTE NOMINATION DEADLINE:

18:00

1. APOLOGIES FOR ABSENCE

2. NOTES OF THE LAST MEETING (Pages 3 - 6)

To agree the notes of the last Panel meeting held on 24 September 2013 (attached).

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

4. DECLARATION OF INTERESTS

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

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

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

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

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 7 - 12)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

The OSC is about to formulate next years OS work plan incorporating a programme for this Panel. In view of this, the Panel may wish to bring forward suggestions/ideas on topics for inclusion in its work programme for next year.

6. REVIEW OF LICENSING - STAFFING AND BUDGET (Pages 13 - 38)

(Director of Corporate Support Services) To consider the attached report.

7. PROCESS REVIEW ON APPOINTMENT OF VICE-CHAIRMAN OF COUNCIL (Pages 39 - 46)

(Assistant to the Chief Executive) To consider the attached report.

8. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

9. FUTURE MEETINGS

The next programmed meeting of the Panel will be held on 6 June 2006 at 7.30 in Committee Room 1 and then on:

7 August 2006
10 October 2006
04 December 2006
8 February 2007
2 April 2007

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON TUESDAY, 24 SEPTEMBER 2013
IN COMMITTEE ROOM 1
AT 7.00 - 8.45 PM**

Members Present: J Philip (Chairman), A Watts (Vice-Chairman), R Morgan, Mrs C Pond, Mrs M Sartin, Mrs P Smith, D Stallan, Mrs J H Whitehouse and G Waller

Other members present:

Apologies for Absence: R Cohen, Mrs R Gadsby and Mrs M McEwen

Officers Present I Willett (Assistant to the Chief Executive), S G Hill (Senior Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

11. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel meeting held on 25 June 2013 be agreed.

12. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor Mrs P Smith was substituting for Councillor Mrs R Gadsby.

13. DECLARATION OF INTERESTS

It was noted that there were no declarations made pursuant to the Member's Code of Conduct.

14. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Terms of Reference were noted.

(b) Work Programme

It was noted that Item 9 Review of Polling Stations was scheduled for January 2014.

15. PROCESS REVIEW ON APPOINTMENT OF VICE-CHAIRMAN OF COUNCIL

The Panel received a report from the Senior Democratic Services Officer regarding the Vice Chairman of Council – Appointment Review.

At the annual meeting of the Council it was agreed that the Overview and Scrutiny Committee would be asked to undertake a review of the process for the nomination

to and appointment of the Vice Chairman of Council. Subsequently, the committee had delegated that review to this Panel. At the Panel meeting on 25 June, members asked for a further report with information regarding how other local authorities arranged their appointment process for the position of Vice Chairman of Council.

Points System

The Points System was operated by the Council during the period 2000 – 07. The system created a rotational system linked to numbers of Councillors in any group. The system was replaced with the current system by May 2007.

Firstly it took control of the appointment process away from the members, and secondly, no independent members would ever have been made Chairman, as it was based on group strengths.

Online Research

During the summer, the Council received help from a student intern Roisin Perry, who had undertaken online research with other authorities. Over 80 other local authorities had been looked at. It was advised that a majority of other authorities did not have a defined process except that the Vice Chairman was appointed at the annual meeting.

The Panel supported the following:

- (1) The individual elected to the office of Chairman of Council should be elected on merit by the Council at its annual meeting.
- (2) The appointment of the Vice Chairman of the Council should be undertaken by the Council on the basis of merit in accordance with the following provisions:
 - (a) Nominees for the office of Vice-Chairman of the Council should be required to submit a nomination form supported and signed by not less than 15 serving District Councillors by the date on which the Appointments Panel holds its first meeting in any municipal year;
 - (b) Nominees for Vice-Chairman of the Council may be Councillors from any political group on the Council or any independent or unaffiliated Councillor;
 - (c) Nominations should be considered by the Appointments Panel for onward recommendation to the Annual Council meeting;
 - (d) The person appointed by the Council as Vice-Chairman of the Council should normally be elected as the Chairman of the Council for the following Council year;
 - (e) If, a Vice-Chairman was unable to be elected as Chairman of the Council following their year as Vice-Chairman, the procedure outlined in (a) to (c) above, should also apply to the election of a new Chairman; and

- (f) The Council may suspend the operation of the appointment process set out under (a) to (c) above, at an Annual Council meeting. A motion to that effect giving reasons as to why this would be in the best interests of the Council could only be adopted if the equivalent of 65% of Council members present at the meeting voted in favour.

RESOLVED:

That a revised version of Constitution Article 5 be prepared by officers incorporating these proposals for consideration at the next Panel meeting plus consultation with all members via the member's Bulletin.

16. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the Panel would update the Overview and Scrutiny Committee on the progress made concerning the Process Review on Appointment of Vice-Chairman of Council.

17. FUTURE MEETINGS

The next meeting of the Panel was scheduled for Tuesday 19 November 2013 at 7.00p.m. in Committee Room 1.

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Agenda Item 5

TERMS OF REFERENCE - STANDING PANEL

Title: Constitution and Member Services
Status: Standing Panel
Terms of Reference: 1. To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee. 2. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.
Chairman: Councillor J Philip

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Constitution and Member Services Standing Panel (Chairman – Cllr J Philip)			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Review of Essex County Council Elections 2 May 2013	25 June 2013	COMPLETED	25 June 2013; 24 September; 19 November 14 January 2014; and 18 March
(2) Officer Employment Procedure Rules	25 June 2013	COMPLETED	
(3) Conventions regarding Relationships between Officers and Councillors	25 June 2013	COMPLETED	
(4) Process Review on Appointment of Vice Chairman of the Council	19 November 2013		
(5) Review of Licensing	19 November 2013		
(6) Petitions Scheme	19 November 2013	Deferred to a later date	

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**Report to Constitution and Members
Services Scrutiny Standing Panel
Date of meeting: 19th November 2013**



Portfolio: Support Services & Safer Greener and Transport

Subject: Premises Licences – Review

Officer contact for further information: Alison Mitchell Assistant Director (Legal)

Committee Secretary: Mark Jenkins

Recommendations:

- (1) That the Panel undertakes a review of the recommendations of the Licensing Services Task and Finish Panel (as amended by the Council);**
- (2) To consider matters relating to the review that should be raised with the Licensing Committee at their Extra-ordinary meeting on 3 December 2013 including whether Scrap Metal Dealers Licences and any other licence to which members of the public do not have the right to make a representation should be heard at a day time meeting.**
- (3) To note the proposed report to the Cabinet seeking “in principle” funding; and**
- (4) To consider the outcomes of the review and make, if appropriate, recommendations to the Overview and Scrutiny Committee and Cabinet on:**
 - (i) The continuation or amendment of the new Licensing Subcommittee meeting procedures; and**
 - (ii) The level of funding required to continue with evening and the additional level of meetings.**

BACKGROUND

1. Until the decision of the Council on 23rd April 2013, the Licensing Sub-Committees met during the day and heard all types of licensing applications. There was usually one meeting a month but, because of statutory time limits, there were occasions when two meetings were held. For the period April 2012 until March 2013 there were fourteen meetings.
2. The Authority followed the statutory procedure for undertaking consultations which prescribes that a notice is placed in a local paper and displayed on the premises.
3. Concerns had been raised that the public and Councillors who are employed during the daytime were not able to attend the sub-committee meetings and that there was not sufficient advertising of the premises applications to bring the application to the attention of members of the public.
4. The Licensing Services Task and Finish Panel was established in September 2012

under the Chairmanship of Cllr. Mrs. P Smith:

- a. To review the operation and effectiveness of the Licensing Sub-Committees structure.
- b. To have regard of the Licensing Act 2003 on consultations.
- c. To review the feasibility of moving some meetings to the evening.
- d. To review the feasibility of creating a new Licensing Sub-Committee structure to enable local councillors and interested persons to have more input.
- e. To review the most appropriate methods of informing people of their rights to make representations in respect of Licensing Applications and review hearings.

2. The Panel's final recommendations were reported to the Overview and Scrutiny Committee as follows:

“Composition of Licensing Committees and sub-committees

- 1) That a Licensing Committee of 15 members continues as it is currently set up at present.
- 2) That one calendared meeting be included in a time table to be held during the day per month to consider applications relating to taxi licences.
- 3) That one calendared meeting be included in a time table to be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings) to consider all other applications regarding licences;
- 4) If there were more than one application relating to a premises licence a month additional meetings be organised for each application;
- 5) That these new procedures be reviewed after 12 months of operation;
- 6) That the Constitution and Member Services Standing Panel be asked to carry out the review;

Notification of Premises Applications

- 7) That notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of the application premises;
- 8) The envelopes should state that “Important – Notice of Licensing Consultation”
- 9) That the draft sample letter informing the occupiers of the application which was considered by the Panel and as annexed be used when notifying residents provided that it is updated when required (similar letters will be prepared for other types of licences); and
- 10) An interim 6 month report be submitted to the full Licensing Committee.

Financial Implications

- 11) That Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000 as detailed in the Resource Requirements on page 13 “

3. The report was the considered by full Council on 23rd April 2013. It was decided as follows:

Report as first moved ADOPTED

RESOLVED:

(1) That, having considered the comments of the Overview and Scrutiny Committee, the Licensing Committee and the Cabinet, the recommendations set out in the report of the Licensing Services Task and Finish Panel be adopted subject to (2) below;

(2) That recommendation (5) in the report of the Panel be amended to reflect the view of the Overview and Scrutiny Committee that a review of operation of the new scheme be commenced at nine months rather than one year; and

(3) That a District Development Fund supplementary estimate in the sum of £63,770.72 for 2013/14 be approved.

REVIEW

4. This Panel is asked to carry out the review of the licensing committee and sub-committee meeting arrangements set out in numbers 1 – 6 of the Licensing Services Task and Finish Panel. The new procedure for consultations started after 23rd April 2013 and the first application to come before the evening meeting of the Licensing Sub-committee after the implementation of the new procedure was on 6th June 2013.

5. The new procedures have led to an increase in the number of sub-committee meetings. For a comparable period from 1st June to 31st October in 2012 and in 2013 members are referred to the table attached as Appendix 1 to this report

5 meetings were held in 2012/13, and

20 meetings were held in 2013/14.

2 meetings of the Full Licensing Committee were held in each period.

The reasons for the increase in meetings arose because:

- The taxi licensing meetings are now held separately during the daytime from other licensing applications held at night.
- Only one premises licence application is held in an evening whereas in the daytime meetings two could be heard as well as taxi applications.
- In 2012 there were 7 premises applications which went to the sub-committee whilst in 2013 there were 15.

6. The Council's decision required that the review of the new arrangements should take after nine months of the introduction of separate meetings but this report has been prepared earlier because the budget for the continuation of the meetings ends in March 2014 and it will be necessary to put money into the next year's budget if members decide to continue with the consultation requirements and evening sub-committee meetings. A report will be made to Cabinet requesting finance which will be dependent upon the decision of Overview and Scrutiny Committee and the Licensing Committee.

7. The applications are not received in a regular manner and the numbers of meetings

held in each month was as follows:

Month	Day time	Evening	Full Licensing Committee (day)
June	1	2	
July	1	2	
August	1	0	
September	1	5	1
October	1	6	1

8. If the same level of meetings is held over the latter part of the year it is estimated that approximately 48 sub-committee meetings would be held before April 2014. There are likely to be at least 4 committee meetings in financial year. Into this mix the licensing of Scrap Metal dealers and sites has now been added by government, the likelihood of temporary road closures and these are likely necessitate additional meetings.

9. As a consequence of the review last year, members approved a temporary post of Democratic Services Assistant to help deal with the increase in meetings and administration and a temporary post in Licensing to undertake work arising from the 150 metre radius consultation and the increased numbers of meetings. This provision ceases in May 2014.

10. If members are to continue the current processes, the permanent retention of these posts is necessary. This is against the background of steadily increasing levels of meetings supported by Democratic Services which, with internal meetings and webcasting of meetings, has risen to 390 supported meetings and events in the last year. New licensing requirements of scrap metal dealers means that the Licensing service has had increasing levels of work.

COSTS

11. For the period 1st May 2013 until 31st October 2013 the costs are as follows:

CONSULTATION

GIS. time in identifying properties within 150 metres	£300.00
Printing/envelopes	£645.00
Temporary officer appointed to support the new consultation procedure (assuming that a temp had been employed from 1 st May to 31 st Oct)	£10,958.00

EVENING COMMITTEES

Legal officer	£769.86
Committee Officer salary (£21,000 pa pro rata)	£10,500.00
Committee officer (evening meeting allowance)	£ 769.86
1 or 2 licensing officers	£1,184.52

Total to date £25,127.24

If these figures are projected forward for the pro rata for the whole year the costs will be £50254.48

12. A report has been prepared for the Cabinet meeting on 2 December 2013 which seeks in principle approval to the provision of Continuing Services Budget (CSB) for 2014 onwards for these costs pending the results of the review by this Panel and the views of the Licensing Committee on matters of licensing policy.

CONSULTATION

13. Forms were handed out to those who attended the meetings and those returned are attached. The comments are mostly positive and adverse comments relate to the facilities not the timing. These forms are attached as Appendix 2

14. Members were asked to comment and emails received are attached as Appendix 3.

SCRAP METAL

15. The licensing authority has recently taken on the responsibility for licensing Scrap Metal Dealers. Prior to the change in regulations dealers were required to register. Limited information was obtained and entered onto a public register. The Council had 10 applications on the register and officers were uncertain as to numbers of applications for licences that would be received. There are currently 10 applications but more are expected as dealers become aware of the legislation. In addition, the Licensing Committee has required officers to carry out compliance visits for each premises twice yearly. This is a continuing addition to the Licensing services workload

16. No applications have yet lead to a reference to the Licensing sub-committee. However, more applications are expected and this will increase the sub-committee workload. The decision of the Council required that only taxi licence hearings should take place during the day. However, only the police and other regulatory bodies may object to an application for a scrap metal dealer's licence. Members may consider that any hearings for Scrap Metal Licences and any other licence where members of the public cannot object should take place during a daytime meeting.

ROAD CLOSURES

17. Essex County Council has until recently undertaken temporary road closures to allow street parties etc. to take place. The County Council has decided that it will no longer make these road closures and are referring applicants to the District Council's Licensing Service. This was reported to the last meeting of the Licensing Committee who decided that: they could not make a decision as to whether to recommend that the District exercise those powers until it had more information. However not to do so could put other authorities and individuals at a disadvantage e.g. Waltham Abbey Festival of Lights and could lead to a judicial review if both council's refuse to undertake this work.

18. This Authority has the power to make road closures and courts are likely to require the Council to have considered an individual application prior to refusal. Whilst the County Council was making road closures orders for these purposes it would have been an adequate defence that this work was being undertaken by the Highways Authority. However, if challenged now there would be no such defence.

19. Consultations with other Districts, who undertake this work, indicated the numbers of road closures are likely to be about 22 annually but also more applications will be received when events such as Golden Jubilees occur. The Authority needs adequate staffing level and supporting resources to be able to cover the usual expected annual workload.

20. Having reviewed the procedure from a neighbouring authority, if this work is to be undertaken, and there seems little option but to do so at present, then it is estimated that additional staff time equally 8 hours per month would be required. Although there is no formal appeal permitted under the Act, if a party disputed a decision the matter would be referred to the sub-committee. Under the current rules this hearing would take place in an evening.

CONCLUSION

21. The consultation process means that there is an increased workload in the licensing service arising from increasing contact with members of the public and greater requirements to mediate. The increases in the numbers of meetings adds to workload for Democratic Services and Licensing and adds to the numbers that member will be required to attend. Changes in legislation mentioned above may increase the numbers of meetings but it is expected that this will be to a small extent.

22. The evening meetings and the additional time spent in discussions with those making representations and applicants' means that Licensing officers are delaying other areas of work such as compliance visits.

23. The workload in the Democratic Services has increased in arranging additional sub-committee meetings from the 24 set at the beginning of the year. This is against the background of steadily increasing levels of meetings supported by Democratic Services which, with internal meetings and webcasting of meetings, has risen to 390 supported meetings and events in the last year and the likelihood that posts in the Service will be lost in the Directorate Restructuring.

24. The introduction of evening meetings has doubled the number of meetings of the sub-committee. The requirement for additional consultations has further increased the numbers of hearings held. Members are asked to review the recommendations regarding the composition of the meetings and consider:

- whether evening meetings should continue.
- If the Panel decide that evening meetings remain to consider whether those applications for which the members of the public have no right to object should be heard during the daytime meetings. ,
- That they inform the Overview and Scrutiny Committee and Cabinet that it is their view that the recommendations should be fully funded as set out in this report.

Resource implications:

Budget provision: There is none in the budget. Depending upon the decision of this Panel a report will be made to the Cabinet asking for resources to be renewed for the future funding of this initiative.

Personnel: 2 additional members of staff required.

Land: None

Community Plan/BVPP reference:

Relevant statutory powers:

Dangerous Wild Animals Act 1976

Gambling Act 2005

Guard Dogs Act 1975

House to House Collections Act 1939

Licensing Act 2003

Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982

Pet Animals Acts 1951 & Pet Animals Act 1951 (Amendment Act) 1983

Riding Establishments Acts 1964 & 1970

Scrap Metal Dealers Act 1964

The Game Act 1831

Town Police Clauses Act 1847

Town Police Clauses Act 1889

Zoo Licensing Act 1981

Scrap Metal Dealers Act 2013

Any Regulations, Orders, Byelaws or other subsidiary legislation made under the above Acts.

Background papers:

Reports and decisions of the Licensing Services Task and Finish Panel, Overview and Scrutiny, Licensing Committee, Council

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Key Decision reference: (if required)

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June to October 2012			
12 June 2012	<p>LUXE ESSEX 126 HIGH ROAD, LOUGHTON ESSEX IG10 4BE</p> <p>The Members who presided over the application were Councillors R Morgan (Chairman), A Boyce and R Gadsby.</p> <p>In attendance on behalf of the application were the agent Mr Hoddinott, owners Mr N Iyapah & Mr A Kundra, General Manager Mr D Privett and the Accountant Mr K Iyapah.</p> <p>In attendance as objectors were Mr Richardson, Environmental Health Technical Officer Epping Forest District Council and Mr Thompson, Enforcement Officer, Epping Forest District Council.</p>		<p>1 x applicant</p> <p>1 x accountant</p> <p>1 x general manager</p> <p>No objectors</p>
12 June 2012	<p>ZARA EXPRESS 23 THE BROADWAY DEBDEN IG10 3SP</p> <p>The Members who presided over the application were Councillors R Morgan (Chairman), A Boyce and K Angold-Stephens.. In attendance were the applicants Y Yaman and Mr Damis Yaman</p>		<p>2 x applicants</p> <p>No objectors</p>
10 July 2012 meeting	<p>THEYDON BOIS CAMP SITE</p> <p>The Members who presided over the application were Councillors Mrs M Sartin (Chairman), K Chana and R Morgan.</p> <p>.In attendance on behalf of the application were Mr M H Beckett, the applicant, and Mr K Hoddinott of James-Motion, Licensed Property Valuers and Brokers.</p> <p>In attendance as objectors were Ms S Sowerby a local resident and member of the Theydon Bois Action Group and Resident's Association, Parish Councillor P Gooch, Vice-Chairman of Theydon Bois Parish Council and Chairman of the Parish Council Planning Committee, and local residents Dr J and Mrs Warren, Mr D Jones and Mr F Sparks.</p> <p>Also in attendance as an observer was Mr P Jones, Divisional Licensing Officer, Licensing Department, Harlow Police Station.</p>		<p>1 X applicant and representative</p> <p>4 X objectors</p>

	<p>THE ACADEMY FOOTBALL AND SPORTS LTD, LANGSTON ROAD, LOUGHTON, ESSEX IG10 3TQ The Members who presided over the application were Councillors Mrs M Sartin (Chairman), R Morgan and L Leonard.</p> <p>In attendance on behalf of the application were Mr Nathan representing The Academy Football and Sports Ltd, Mr M Woodward, the applicant.</p> <p>In attendance as objectors were Mr N Helm, barrister representing the Bank of England and Mr P Jones, Divisional Licensing Officer, Licensing Department, Harlow Police Station. In attendance was Mr K Hoddinott as an observer.</p>		<p>2 x applicants 2 X objectors</p>
7 August 2012	<p>APPLICATION TO RENEW A SEX ESTABLISHMENT LICENCE - UNIT 11G,CHASE FARM, VICARAGE LANE, NORTH WEALD CM16 6AL The three Councillors that presided over this item were Councillors K Angold-Stephens, R Morgan and P Smith. In attendance on behalf of the application was Mr Shazad Ahmed, the applicant. There were no objectors in attendance..</p>		<p>1 x applicant No objectors</p>
4 September meeting 2012	<p>THE WHEATSHEAF, 15 YORK HILL, LOUGHTON The members who presided over the application were Councillors R Morgan, A Boyce and P Spencer.</p> <p>In attendance was the site applicants Mrs Janet Smith, Mr James Smith and Mr Peter Smith. In attendance as an objector was Mr David Linnell on behalf of the Loughton Residents Association and a number of local residents. District Councillor Mrs C Pond was also in attendance. For the District Council was David Baker, of the Council's planning</p>		<p>3 applicants 1 x objector</p>
	<p>SHELL UK, 124 MANOR ROAD, CHIGWELL The Members who presided over the application were Councillors R Morgan, A Boyce and T Thomas.</p> <p>In attendance was the site operator Mr G Nareshkumar with Mr N Nareshkumar, and their legal rep</p>		<p>1 x applicant 1 x rep</p>
	<p>June to October 2013 Planned meetings in bold</p>	Duration	Attendance
6 June 2013	<p>VARIATION OF LICENCE FOR GAYNES PARK . In attendance was Mr .G Chisenhale-Marsh the applicant, his legal representative Mr. K Hoddinott and John O'Connor the manager of the Coach House. Also in attendance was Mr Nigel Bush the objector and his representative Mr. I Coward.</p>	<p>18.30- 21.32 2.32</p>	<p>2 x applicants 1 rep 1 objector 1 other</p>
11 June 2013	Taxis only		

20 June 2013	STREET TRADING APPLICATION – RECTORY LANE LOUGHTON In attendance was Mr. P Taylor the applicant, and his daughter Ms. J Taylor.	18.30 – 19.15 0.45	2 x applicants No objectors
9 July 2013	taxis		
18 July 2013	PREMISES LICENCE - 295 HIGH ROAD, LOUGHTON IG10 1AL The three Councillors that presided over this item were Councillors R Morgan, A Boyce and A Mitchell. In attendance was the Applicant, Mr. N Coskun, and his wife. There were no objectors in attendance.	18.30 – 19.05 0.35	2 x applicants No objectors
24 July 2013	44, QUEENS ROAD BUCKHURST HILL ESSEX The three Councillors that presided over this item were Councillors A Boyce, P Smith and L Leonard. In attendance on behalf of the application were Mr. Hoddinott, the authorised agent, Mr. & Mrs. Linch, the premises owners and Hazel Scott, designated premises supervisor. In attendance on behalf of the objectors were Mr. & Mrs. Forrester, Mr. Freeman and Mr. Rory Worrington..	18.30 – 19.53 1.23	2 x applicants 1 x rep 4 objectors 1 other
6 August 2013	Taxi only		
15 August 2013	Cancelled		
5 September 2013	APPLICATION FOR A PREMISES LICENCE - MULBERRY HOUSE, HIGH ONGAR, ESSEX CM5 9NL The three Councillors that presided over this item were Councillors P Smith K Chana and H Mann. In attendance on behalf of the application were Mr. Thirsk, the authorised agent and Mr George, the premises owner. .	18.30 – 19.03 0,33	1 x applicant 1 rep
10 TH September 2013	LICENSING COMMITTEE		
10 September 2013	Taxis only		
11 September 2013	MEZESPHERE, 112-120 HIGH ROAD, LOUGHTON IG10 4HJ The three Councillors that presided over this item were Councillors A Boyce, P Keska and H Mann. In attendance on behalf of the application were Licensing Consultant, F Fender and the applicant Mrs. A Ozkan. In attendance on behalf of the objectors was Pastor R Brown	18:30 – 19:30 1.00	1 x applicant 1 x rep 1 other

12 September	<p>APPLICATION FOR PREMISES LICENCE - LIL'S PIE AND MASH, UNIT 3C THE MALTINGS, SAWBRIDGEWORTH CM1 9JX</p> <p>The three Councillors that presided over this item were Councillors R Morgan, K Angold-Stephens and P Spencer.</p> <p>In attendance, on behalf of the application were Ms. J Morgan and Mr. C McAvoy, the applicants, there were no objectors present.</p>	18.30 – 19.25 0.33	2 x applicants No objectors
16 September 2013	<p>PREMISES LICENCE VARIATION - NU BAR, 153 HIGH ROAD, LOUGHTON IG10 4LF</p> <p>The three Councillors that presided over this item were Councillors Angold-Stephens, Gadsby and Boyce</p> <p>In attendance on behalf of the applications were: B-E Jung, Counsel; A Perera, Greene King; and M Cleary, operator of the premises.</p> <p>In attendance having made objections to the application were: S Weston, Loughton Residents Association and Loughton Town Council; A Richardson, resident; M Roach, resident; and D Roach, resident.</p> <p>Also in attendance was D Baker, Planning Officer with Epping Forest District Council.</p>	18.30 – 20.25 1.55	three x applicants one representative 4 objectors
24 September 2013	<p>WALTHAM ABBEY EXPRESS, 1 FARM HILL ROAD, WALTHAM ABBEY, ESSEX, EN9 1NE</p> <p>The three Councillors that presided over this item were Councillors L Leonard, P Keska and P Spencer.</p> <p>In attendance on behalf of the application were Ms E Guler, the applicant's solicitor and Mr Hazar, the applicant. In attendance objecting to the premises was a resident Mr Emery, Councillor Kane, Peter Jones from the Essex Police and two members of the public.</p>	18.30 – 21.30 3.00	1 x applicant 1 x solicitor 5 x objectors
1 October 2013	<p>CARLTON LONDON CAFE BAR, 38 CHIGWELL LANE, LOUGHTON IG10 3NY</p> <p>The three Councillors that presided over this item were Councillors P Spencer, A Boyce and P Smith.</p> <p>The applicant, Mr H Dheansa attended the meeting. There were no objectors present.</p>	18.30 – 18.50 0,25	1 x applicant
3 October 2013	<p>MARTINS THE NEWSAGENTS, 273-277 HIGH STREET, EPPING, ESSEX, CM16 4DA</p> <p>The three Councillors that presided over this item were Councillors P Smith, A Mitchell and P Keska.</p> <p>In attendance on behalf of the application were Anne-Marie Taylor, the applicant's solicitor and Pauline Tait, the Area Manager.</p> <p>There were no other people present.</p>	18.30 – 18.55 0.25	2 x applicant 1 x solicitor No objectors
7 October 2013	<p>9 HILL HOUSE, WALTHAM ABBEY Hill Hose Waltham Abbey</p> <p>The applicant and her licensing agent attended</p>	18.30 – 20.10 1.40	

8 October 2013 —	taxis only		
9th October 2013	LICENSING COMMITTEE		
10 October 2013	<p>THE WHITE HOUSE, MARKET PLACE, ABRIDGE, ROMFORD, ESSEX RM4 1UA The three Councillors that presided over this item were Councillors T Boyce, M Sartin and P Spencer.</p> <p>In attendance on behalf of the application were Mr Robert Jordan, the applicant's solicitor and Mr & Mrs Mathialagan, the owners.</p> <p>In attendance objecting to the application was Mr David Bermange.</p>	18.30 – 19.20 0.50	2 applicants 1 x objector
14 October 2013	<p>APPLICATION FOR A NEW PREMISES LICENCE MEZESPHERE , 74 HIGH ROAD, Epping Forest District Council The three Councillors that presided over this item were Councillors Morgan, Gadsby and Leonard Mr F Fender, the Applicant's Licensing Consultant and Agent and Ms Irfan Taskiran , the applicant were in attendance.</p>	18.30 – 19.05 0.35	2 x applicants
17 October 2013	<p>APPLICATION FOR TRANSFER OF A SEX ESTABLISHMENT LICENCE - SHOP - 105 EPPING NEW ROAD, BUCKHURST HILL, IG9 5TQ The three Councillors that presided over this item were Councillors K Angold-Stephens, R Morgan and B Rolfe .</p> <p>In attendance on behalf of the application were the applicant Mr David Bales and his son. There were no other people present.</p>		2 x applicants No objectors
24th October 2013	Cancelled		

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Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name: FRANK FENDER

Q2 Address: HIGHFIELD CLOSE, NEWPORT PAGNELL, BUCKS [REDACTED]

Q3 Telephone: [REDACTED] Q4 Email: fonk@fflicensingolutions.co.uk

Q5 Are you the applicant or are you making a representation?
 Applicant Representation

Q6 Reason for attending:
Representing the applicant to obtain a new premises licence

Q7 At what time of the day would you prefer the meetings to be held?
 Daytime Evening

Q8 Facilities

	Yes	No
Were the facilities satisfactory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you find the officers helpful/informative?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you have any difficulties in your travel arrangements to the offices?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q9 Please add any comments below.

Premises were locked on our arrival. Had to wait outside until doors were opened to allow access. Weather was not conducive to waiting outside - applicants / agents need to prepare properly and waiting like that is not good preparation.

[REDACTED]

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

AYSEGUL OZKAN

Q2 Address:

WOODWARDS, HARLOW, ESSEX, [REDACTED]

Q3 Telephone:

[REDACTED]

Q4 Email:

ayshe@ygtlogistics.com

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

PREMISES LICENCE

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

EVERYBODY WAS VERY HELPFUL AND FRIENDLY.

Nuala Clark

From: frank@fflicensingolutions.co.uk
Sent: 15 October 2013 19:18
To: Nuala Clark
Subject: Re: Mezesphere Epping

Thanks Nuala

It was nice to meet you also - it has been a pleasure to work with your authority, both in respect of the licensing officers and the officers and councillors at the 2 hearings. Very helpful, very friendly, and very efficient. Thank you, and I look forward to having more clients in your area - fingers crossed!!

Kind regards

Frank

Frank Fender
FF Licencing Consultants
90 Highfield Close
Newport Pagnell
Bucks
MK16 9AZ
Tel: 07846 747833

on Oct 15, 2013, **Nuala Clark** <nclark@eppingforestdc.gov.uk> wrote:

Good morning Frank,

I have attached the formal decision letter for your records, I confirm that the licence will be sent to you shortly.

I was very pleased to meet you and Ayesha yesterday and look forward to working with you again in the future.

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

Pauline Tait

Q2 Address:

110 HIGH STREET RAHEIGH, ESSEX, [REDACTED]

Q3 Telephone:

[REDACTED]

Q4 Email:

ptait@mcolls.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

On Behalf of martin mcolls

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

Having attended a few license sub committee meetings over the years, I have to say that this was the most organised & professional one that I have attended, and the officers that were on duty that day are a credit to Epping Forest Council



Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

MATHIALA RAN MYI LUAHANAM.

Q2 Address:

FIR TREES ABRIDGE

Q3 Telephone:

[Redacted]

Q4 Email:

mali001@hotmail.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

Relating off licenses premises

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes



No



Did you find the officers helpful/informative?



Did you have any difficulties in your travel arrangements to the offices?



Q9 Please add any comments below.



Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name: UNADKAT

Q2 Address: 4 Wilhouse Waltham Abbey Essex

Q3 Telephone: [Redacted]

Q4 Email: abbeynews76@btinternet.com

Q5 Are you the applicant or are you making a representation?
 Applicant Representation

Q6 Reason for attending: license application (premises).

Q7 At what time of the day would you prefer the meetings to be held?
 Daytime Evening

Q8 Facilities

	Yes	No
Were the facilities satisfactory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you find the officers helpful/informative?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you have any difficulties in your travel arrangements to the offices?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q9 Please add any comments below.

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

FRANK FENDER

Q2 Address:

HIGHFIELD CLOSE, NEWPORT PANELL, Bucks ~~ALLEN ST~~

Q3 Telephone:

~~01296 411111~~

Q4 Email:

frank@fjlicensingolutions.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

Representing the applicant

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

No preference

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

I deal with many licensing authorities daily, and I would like to say that the licensing officers have been very helpful in all aspects of the process. Thank you.

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

AYSEGUN OZKAN

Q2 Address:

WOODWARDS, HAZELW, ESSEX

Q3 Telephone:

~~0207 310 9200~~

Q4 Email:

aishao@hotmail.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

PREMISES LICENCE

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

MR. HELEN KANE

Q2 Address:

FARM HILL ROAD

Q3 Telephone:

~~XXXXXXXXXX~~

Q4 Email:

helen@samkane.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

OBJECTOR AS I LIVE NEARBY AND LOCAL COUNCILLOR ADDRESSING LOCAL CONCERNS

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

THE LEGAL ADVISOR WAS VERY HELPFUL / THE WHOLE PROCEN IS LONG-WINDED BUT IS PERFORMED IN A PROFESSIONAL WAY



Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

MR PETER JONES

Q2 Address:

% ESSEX POLICE, EPPING POLICE STN. CM16 4AP

Q3 Telephone:

~~XXXXXXXXXX~~

Q4 Email:

peter.jones@essex.pnn.police.uk.

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

On and for Essex Police to detail representation.

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

During adjournments access to a hot drinks machine & snack machine would be useful, especially after a lengthy meeting.

From: Kim Tuckey
Sent: 29 October 2013 08:45
To: Alison Mitchell
Subject: FW: Licensing meetings

For info
From: Peter Spencer
Sent: 28 October 2013 15:09
To: Kim Tuckey
Subject: Licensing meetings

I understood that some working members wanted evening meetings so that they could attend. I believe that not all of them volunteered to join the committee and not all of the rest have been able to attend anyway.

Many more meetings have been needed as only one application is now being heard at each meeting so the members of the committee usually comprise those who are free during the day.

Also not all members of the public and members are aware that Highways and Law and Order matters cannot always be taken into account.

Evening meetings do not always attract members of the public anyway.

So the extra work needed by members and officers appears to be unnecessary.

Yours sincerely

Cllr Peter Spencer
Buckhurst Hill East

From: Kim Tuckey
Sent: 29 October 2013 08:48
To: Alison Mitchell
Subject: FW: Requested trial evening feedback

From: james hart Sent: 26 October 2013 19:46
To: Kim Tuckey
Subject: Requested trial evening feedback

Kim

Regarding your request for feedback I don't think I can contribute much other than the fact that I think six months is far too short a period to assess the success of the new arrangements.

During this trial period only one application that I was interested in came up. This application regarded the Nu-Bar and the new consultation arrangements were not properly followed so it is difficult to assess the success of the new arrangements.

James

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Report to Constitution and Members Services Scrutiny Standing Panel

Date of meeting: 19 November 2013

Subject: Vice Chairman of Council – Appointment Review

Officer contact for further information: Simon Hill Ext 4249

Committee Secretary: Mark Jenkins Ext 4607



Recommendations/Decisions Required:

- (1) To consider comments made on the draft constitution article for the Appointment of the Vice Chairman of Council; and**
- (2) To make appropriate recommendations to Overview and Scrutiny and Council on the proposed new procedure accordingly.**

1. At the last meeting Members considered a report on a revised method for appointing the Vice Chairman of Council. Following that meeting Officers circulated members wishes articulated at that meeting. The draft section of Article 5 is attached at Appendix 1 to this report. The current Article is attached as Appendix 2.

2. As agreed at that meeting, a wider consultation was undertaken with all members via the Member Bulletin on 18 October 2013. As a result the following comments have been made on the Vice Chairman proposals:

Councillor K Angold-Stephens:

“The LRA is wholly opposed to the increase in nominations for VC from 12 to 15. This discriminates against smaller parties and individual members. Members find it unseemly to go from meeting to meeting to drum up support when they are on their own or part of a small group. This decision would clearly favour a majority party whose members would be able to sign at a group meeting and would almost certainly do so if it was a member of their own party. It thus discriminates in favour of the majority party when the person is supposed to be selected on merit and not on political persuasion. So far our council has been quite fair in its approach but an unscrupulous majority party in the future could make sure their candidate always won which is against the spirit of the job and against the constitution but there would be no way of others being able to successfully challenge that decision. Even 12 is a high hurdle for some individual members but we accept the bar has to be set somewhere.

I am also surprised the report did not recommend a method of supporting nominations by e-mail instead of actual signatures. There must be a way of doing this to avoid the necessity of an individual having to tout their nomination from meeting to meeting to gain a signature or, as recently, travelling around the District to gather signatures.

We accept that finding a solution will not be easy but this proposal does nothing to address the issue and may make matters worse.”

Councillor G Chambers:

"I agree with all comments in the revised section of 5.02 with the exception of section d.

There needs to be a further 15 signatures to endorse the vice chairman to become chairman. This of course would allow members to vote out someone who proves not be suitable during his or her time in office as the vice chair.

Additionally 15 signatures could be sent in opposing the vice chair to become chair which would then mean we would need a vote in chamber. Just feel here needs to be mechanism to remove someone who becomes unsuitable. Perhaps we have this elsewhere in the constitution."

Councillor D Jacobs:

"Please note that i do not agree with proposals outlined in members bulletin 18/10 page 13 5.02 as would wish to see other proposals."

Councillor B Sandler:

"I understand the content and cannot disagree with this style of appointment but this should only be put into operation if the Council does not have a one party majority. I firmly believe that if one party has the control of the Council then that party alone should hold the Office of Chairman and Vice Chairman."

Councillor P Spencer:

"The proposals should look at ways of including suitable candidates from minority parties and independents."

Councillor D Stallan

"I support the proposed amendments to section 5.02 as stated. I have no additional comments to make."

Councillor Janet Whitehouse

"In response to the consultation on the appointment of the Vice Chairman I didn't support the proposals for change at the scrutiny panel and I confirm that I don't support the revised section 5.02 proposals.

I would like all members to have the opportunity to be consulted on all the possibilities that were in the report that came to the scrutiny panel."

3. Members are asked to consider comments made and whether they wish to make recommendations to Overview and Scrutiny Committee for onward consideration by the Full Council.

Draft for Consultation

Prepared by Simon Hill from discussion at Constitution and Members Services Panel discussions on 24 September 2013

Proposed revised section of Article 5 – Chairing the Council

Revised section 5.02 to replace current provisions:

5.02 Election of Chairman of the Council and Appointment of Vice-Chairman of Council

The individual elected to the office of Chairman of Epping Forest District Council shall be elected on merit by the Council at its Annual meeting. This election is subject to the procedure set out below in paragraph 5.02(e)

The appointment of the Vice-Chairman of the Council shall be undertaken by the Council on the basis of merit in accordance with the following provisions:

- (a) Nominees for the office of Vice-Chairman of the Council are required to submit a nomination form supported and signed by not fewer than 15 serving District Councillors when the Appointments Panel holds its first meeting in any municipal year.
- (b) Nominees for Vice-Chairman of the Council may be a Councillor from any political group on the Council or any independent or unaffiliated Councillor;
- (c) Nominations shall be considered by the Appointments Panel for onward recommendation to the Annual Council meeting;
- (d) It is expected that the person appointed by the Council as Vice-Chairman of the Council shall normally be elected as the Chairman of the Council for the following Council year;
- (e) If, for any reason, a Vice Chairman is unable to be elected as Chairman of the Council following their year as Vice Chairman, the procedure outlined in (a) to (c) above shall also apply to the election of a new Chairman.
- (f) The Council may suspend the operation of the appointment process set out under (a) – (c) above at an Annual Council meeting. A motion to that effect and giving reasons as to why this would be in the best interests of the Council may only be adopted if the equivalent of 65% of Council members present at the meeting vote in favour.

Current provisions

ARTICLE 5 - CHAIRING THE COUNCIL

5.01 Introduction

This article sets out the role, responsibilities and duties of the Chairman of Council. The role, responsibilities and duties fall to the Vice-Chairman in the absence of the Chairman.

5.02 Election of Chairman of the Council and Appointment of Vice-Chairman of Council

The individual elected to the office of Chairman of Epping Forest District Council shall be elected on merit, without regard to party affiliation.

The appointment of the Vice-Chairman of the Council shall also be on the basis of merit and without regard to party affiliation in accordance with the following provisions:

- (a) Nominees for the office of Vice-Chairman of the Council should submit a nomination form signed by not less than 12 District Councillors drawn from at least two political groups
- (b) Nominees for Vice-Chairman of the Council may be drawn from any political group or any independent member serving on the Council;
- (c) The process of agreeing a nomination for Vice-Chairman of the Council shall be co-ordinated by the Leader of the Council in consultation with independent members and the Leaders of all political groups and notified each year to the Appointments Panel for consideration and onward recommendation to the Annual Council meeting;
- (d) It is expected that the person nominated under this article and appointed by the Council as Vice-Chairman of the Council shall normally become the Chairman of the following Council year;
- (e) It shall be open to the Council to suspend the operation of the appointment process at any Annual Council meeting if this is in the best interests of the Council. Such suspension shall, however, only be agreed if 65% of the Council membership support a motion to that effect.

5.03 Overall Responsibilities

The Chairman and Vice-Chairman will be elected by the Council annually. Set out below are the overall responsibilities. It will be noted that these fall into two categories i.e. 'Chairing the Council meeting' and 'Civic/Ceremonial'. Further information on these two roles is set out in 5.04 - 5.06.

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and at which members who are not on the Executive or hold Committee Chairmen are able to hold the Executive and Committee Chairmen to account;
- (d) to promote public involvement and local democratic engagement in the Council's activities;
- (e) to uphold the Members' Charter; and
- (f) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.04 Chairing the Council Meeting

The Chairman shall undertake the following duties:

- (a) to determine that meetings of the Council are properly constituted and that a quorum of members is present;
- (b) to be informed as to the business and objects of meetings;
- (c) to preserve order in the conduct of those present;
- (d) to confine discussion within the limits required by the business to be determined and within a reasonable period of time;
- (e) to rule on the admissibility of motions and amendments put in debate by the Members' of the Council;
- (f) to formulate summaries of those issues arising in debate for the consideration of the meeting;
- (g) to adjudicate on points of order and personal explanation raised at meetings and other incidental issues;
- (h) to determine the proper and most appropriate method of voting on any question before the Council;
- (i) to put relevant questions to the meeting, secure orderly votes thereon and declare the result;
- (j) to inform the Council whether he or she will vote on any matter to be determined;
- (k) to give, if appropriate, a second vote or a casting vote in order to deal with an equality of votes in the circumstances set out in this Article;

(l) to adjourn any meeting of the Council should the circumstances justify or require it, having first of all taken such steps to establish that Members' of the Council support such action;

(m) to read out any motion to exclude the press and public from meetings and to seek the consent of the Council; and

(n) to sign the minutes of Council meetings as a correct record, following approval by the Council.

In carrying out these duties, the Chairman shall at all times act in accordance with legal requirements as advised by the Chief Executive, shall take care to ensure that the rights of individual members shall at all times be protected and, in the conduct of meetings shall disregard considerations arising from political affiliation and shall always have regard to the civic dignity of the Council and the office of Chairman.

5.05 Use of Casting Vote

The Chairman of the Council shall, at all times, have due regard to the requirements of the Constitution and statute law concerning the use of a "second" or "casting" vote. The Chairman shall:

(a) give a "second" vote (after voting previously on the issue) or a "casting" vote (having not voted previously) on any issue on which there is equality of voting;

(b) shall issue a "second" or "casting" vote in favour of the status quo unless there is a legal requirement to vote otherwise than for the status quo;

(c) may decline to give a second or casting vote if an affirmative vote is not required on grounds of urgency or otherwise and an opportunity will arise to consider the matter again, within a reasonable period; and

(d) shall, in the circumstances outlined in (c) above, explain such a decision to the Council.

5.06 Civic/Ceremonial Role

(a) In the carrying out of civic duties on behalf of the Council, the Chairman shall at all times act in a way consistent with the dignity of the office of Chairman and the policies of the Council.

(b) The Chairman of Council as first citizen in the district and the representative of the Queen will take precedence in the absence of firstly the Lord Lieutenant of Essex and secondly the Chairman of Essex County Council. If the Chairman is invited to a function organised by or within the District he/she is always the Guest of Honour.

(c) When the Chairman of Council is invited to carry out duties at an official Council function (e.g. naming of a street or opening of Council buildings), the following people should be invited to attend:

(i) the Chairman of the Committee or member of the Executive responsible for the function;

(ii) the Leader of the Council or a member of Cabinet nominated by him;

- (iii) the Chairman of the Committee is unavailable, the Vice-Chairman of the Committee shall deputise;
 - (iv) district members for the ward in question;
 - (v) the Service Director responsible for the function;
 - (vi) Parish Chairman or Town Mayor;
 - (vii) other members and officers agreed by the Chairman of Council, the Chairman of Committee, the Leader of the Council and the Head of Service; and
 - (viii) the Public Relations and Marketing Officer will attend appropriate functions when the press are invited.
- (d) Separate protocols are included in Part 5 of the Constitution regarding election of Vice-Chairman and the role of the Chairman and Vice-Chairman generally.

5.07 Absence of Chairman and Vice-Chairman

There may be occasions when the Chairman of the Council and Vice-Chairman of the Council cannot attend functions. In these circumstances, the Chairman of the Council shall nominate a past Chairman of the Council or other appropriate member to act on his/her behalf at any such event.

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