

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

**Committee:** Council **Date:** 16 February 2010

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 pm - 10.25 am

**Members Present:** Councillors Mrs P Smith (Chairman), Mrs A Grigg (Vice-Chairman), K Angold-Stephens, R Barrett, R Bassett, A Boyce, Mrs R Brookes, Mrs P Brooks, A Clark, M Cohen, J Collier, Mrs D Collins, D Dodeja, Miss C Edwards, R Frankel, Mrs R Gadsby, P Gode, A Green, Ms J Hedges, J Knapman, R Law, Mrs J Lea, A Lion, J Markham, Mrs M McEwen, R Morgan, S Murray, J Philip, Mrs C Pond, G Pritchard, W Pryor, Mrs P Richardson, B Rolfe, B Sandler, Mrs M Sartin, P Spencer, D Stallan, Ms S Stavrou, Mrs J Sutcliffe, H Ulkun, Mrs L Wagland, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

**Apologies:** Councillors K Chana, Mrs S Clapp, Miss R Cohen, Mrs A Haigh, J Hart, D Jacobs, G Mohindra, P Turpin, A Watts and Mrs E Webster

**Officers Present:** P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), J Boreham (Assistant Public Relations and Information Officer) and S G Hill (Senior Democratic Services Officer)

### **129. WEBCASTING INTRODUCTION**

Mr I Willett, Assistant to the Chief Executive, reminded all 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.

### **130. MINUTES**

#### **RESOLVED:**

(1) That the minutes of the Council meeting held on 22 December 2009 be taken as read and signed by the Chairman as a correct record subject to the outcome of further consideration of Minute 119 (Contract of Employment – Post XEX01) later in the meeting after the exclusion of the public and press; and

(2) That the minutes of the Extraordinary Council Meeting held on 19 January 2010 be taken as read and signed by the Chairman as a correct record.

### **131. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor S Murray declared a personal interest in agenda item 12 (Report of the Cabinet – Sports Leisure Management – Contract Extension Negotiations – Supplementary Capital

Estimate) by virtue of being a member of the Loughton Leisure Centre. The Councillor advised that he had determined that his interest was prejudicial and that he would leave the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillors M Cohen and J Markham declared personal interests in agenda item 12 (Report of the Cabinet – Sports Leisure Management – Contract Extension Negotiations – Supplementary Capital Estimate) by virtue of being members of the Loughton Leisure Centre. The Councillors advised that they had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 12 (Report of the Cabinet – Sports Leisure Management – Contract Extension Negotiations – Supplementary Capital Estimate) by virtue of his wife and children being members of Ongar Leisure Centre. The Councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

(d) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 12 (Report of the Cabinet – Sports Leisure Management – Contract Extension Negotiations – Supplementary Capital Estimate) by virtue of being a member of Epping Sports Centre. The Councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for consideration and voting on the matter.

(e) Councillors J Collier and W Pryor advised that they would not be voting on Item 14 (Report of the Cabinet – Budgets and Council Tax Declaration 2010/11).

## **132. ANNOUNCEMENTS**

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

The Chairman, Councillor Mrs P Smith, reminded members that a quiz in aid of her charity would be held at Theydon Bois Village Hall on 19 February 2010. She advised that the quiz was now fully booked.

The Chairman reported that she would be sending the flowers from tonight's Council meeting to Councillor Rebecca Cohen who was recovering from recent surgery.

### **(b) Announcements by the Leader of the Council and other Members of the Cabinet**

Councillor Mrs M Sartin, Environment Portfolio Holder, reported that councils in partnership with Keep Britain Tidy would be launching a countywide campaign on 26 February 2010 against fast food litter. The campaign would include press releases, the display of over 1000 posters, litter awareness and targeted litter monitoring services. The aim would be to work closely with local businesses to reduce litter and make areas cleaner and more attractive. Councillor Mrs Sartin advised that this District was one of five which would receive a visit from an Ad Van displaying the anti litter message. The Ad Van would be visiting this District on 22 February 2010. She advised that more information would be made available following the visit of the Ad Van and agreed to respond to any specific questions from members about the campaign at a later date.

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

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

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

The Council received written reports from the Chairman of the Overview and Scrutiny Committee, the Community Safety and Transport Portfolio Holder, the Environment Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder and the Performance Management Portfolio Holder.

The Chairman invited the Leader, the Chairman of the Overview and Scrutiny Committee and Members of the Cabinet to provide an oral report or an oral update of their written reports.

**(a) Leader of the Council**

Councillor Mrs Collins announced that together with Councillor Ms Stavrou she had interviewed staff nominated for staff awards and had been impressed with the hard and innovative of work demonstrated. A lunch was to be held for the nominated officers, their Directors and appropriate Portfolio Holders on 23 February 2010 at which the winners would be announced. A formal presentation of awards to the winners would take place at the Civic Awards Dinner on 18 March 2010.

The Leader advised that she had attended a dinner at Harlow Civic Centre to celebrate the liaison between Harlow College and Anglia Ruskin University which would provide higher education in the town from September 2010.

Councillor Mrs Collins reported that two meetings had been held regarding the Gypsy and Traveller Development Plan Document. Officers had been summoned to Go East to meet senior civil servants and had been questioned on the need for a meeting with a Minister and on the Council's approach to the Direction to make suitable provision for Gypsies and Travellers in the District. She advised that she was now waiting to hear whether the Minister would agree to meet Council members and officers. The Leader reported that if a meeting was to be held it would be with Shahid Malik, Parliamentary Under Secretary of State for Communities and Local Government and not the Minister of Housing and Planning. The Council's representatives at a meeting would be herself, Councillor Mrs A Grigg, the Director of Planning and Economic Development and the Assistant Director of Planning (Policy and Conservation). Members noted that Eleanor Laing M.P. and Bill Rammell M.P. had also expressed a wish to be present at any meeting.

The Leader advised that following a meeting with Counsel a number of bullet points had been identified for discussion with the Minister and officers had produced additional graphs as suggested at the meeting with Go East officials showing the Council's performance in relation to authorities in the Eastern Region as opposed to authorities only in Essex. She explained that the graphs showed the Epping Forest District as being the fifth highest provider of sites in the Eastern Region and emphasised the inconsistent approach which had been taken by central government in only making Directions in relation to Epping Forest District, Brentwood Borough and South Cambridgeshire District. She pointed out that the graphs also showed that only an additional 10 to 15 pitches needed to be found by the end of 2011 in order to meet the required number of tolerated sites. She suggested that this could be achieved through the normal planning process and that there was therefore no justification in maintaining the Direction. However, Counsel had advised that whilst

the Minister might be persuaded to suspend the Direction he was unlikely to revoke it at this stage.

The Leader reminded members that the Council was investing in the future of young people. Working across Epping Forest, Harlow and Uttlesford the Local Strategic Partnerships had succeeded with 30 partners in a bid of just over £1,000,000 to bring career opportunities to young unemployed people in the three districts from the Government's Future Jobs Fund. The Council was already employing some of these young people and was at interview stage with others. She advised that there were only two such schemes running in the East of England and that if the scheme in West Essex could be seen as successful there was a possibility of attracting additional Government funds.

**(b) Environment Portfolio Holder**

Councillor Mrs M Sartin confirmed that she would be attending the launch of the campaign against fast food litter with Keep Britain Tidy on 26 February 2010, following which she would provide members with more information.

**135. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**(a) Local Businesses Rateable Values**

Councillor Mrs L Wagland drew attention to the meeting of the Overview and Scrutiny Committee of 28 January 2010 at which members had questioned the District Valuation Officer in relation to the setting of local business rateable values. She advised that the Valuation Officer had confirmed that he would be impartial between the Government and business rate payers in the setting of rateable values and that he had agreed to reconsider the recent increases in the area and the effect they were having on local businesses. She asked the Chairman of the Overview and Scrutiny Committee what steps would be taken to ensure that the position was reconsidered.

Councillor Morgan, Chairman of the Overview and Scrutiny Committee advised that he would pursue the matter and report back to members.

**(b) Gritting of Highways**

Councillor P Spencer asked the Community Safety and Transport Portfolio Holder to confirm that Queen's Road, Buckhurst Hill would in future be on the schedule of roads to be gritted at times of adverse weather.

Councillor Ms S-A Stavrou stated that she would raise this matter at the next meeting with Highways Officers.

**(c) Shared Ownership of Residential Properties**

Councillor Mrs J H Whitehouse drew attention to the report of the Housing Portfolio Holder in relation to Leader Lodge, North Weald. She questioned why the building was being converted into flats to be sold on a shared ownership basis to first time buyers and asked the Portfolio Holder what he considered to be the right balance between rented properties and properties which could be sold.

Councillor Stallan stated that some members would recall that his predecessor (former Councillor Michael Heavens), had proposed that Leader Lodge be demolished and sold for private residences. Councillor Stallan continued that Area

Plans Sub-Committee East had refused permission for that scheme and that when he had become Housing Portfolio Holder he had pursued a scheme to retain the building and to convert it into four flats with an annex providing an additional two flats. He said he was always aware of the need to balance the provision of social housing with the opportunity of assisting those wishing to acquire their own property. In relation to Leader Lodge it had been decided that sale of the flats on a shared ownership basis to first time buyers was more appropriate. Councillor Stallan continued that he did not know what was the right balance between social housing and making provision for those wishing to get onto the housing market and that on each occasion all appropriate options were considered before a decision was reached.

**(d) Waltham Abbey Swimming Pool – New Sports Hall**

Councillor Mrs P Brooks asked the Leisure and Wellbeing Portfolio Holder whether the proposal to build a new Sports Hall at Waltham Abbey Swimming Pool was still going ahead.

Councillor B Rolfe, Leisure and Wellbeing Portfolio Holder, stated that a feasibility study was being undertaken and that pending consideration of that study nothing definite had been decided.

**(e) Performance Improvement and Savings**

Councillor K Angold-Stephens asked the Performance Management Portfolio Holder how he proposed to achieve £600,000 savings in 2012 and further savings in future years as the written report which he had provided did not identify any savings of that level.

Councillor R Bassett, Performance Management Portfolio Holder, advised that together with officers steps were being taken to identify areas where it might be possible to improve efficiency or save money. He advised that within two to three months approximately £100,000 of savings had already been identified towards the target figure of £300,000 for the current year. He advised that other areas were being investigated but that figures were not yet available. He pointed out that officers were very receptive to finding savings and were reviewing all areas to identify ways in which efficiency could be improved or money saved. He stated that he would continue to update members on progress throughout the year.

**(f) Waste Recycling Sacks**

Councillor R Frankel asked the Environment Portfolio Holder if residents could be advised that they could use stocks of garden waste sacks for dry recycling.

Councillor Mrs M Sartin, Environment Portfolio Holder, stated that she saw no reason why this advice could not be given and she would approach officers.

**(g) Waste Management – Review of Collection Service During Recent Adverse Weather Conditions**

Councillor S Murray drew attention to the review to be undertaken with a report to the Safer, Cleaner, Greener Standing Scrutiny Panel.

He asked the Environment Portfolio Holder if arrangements could be made for a wider input from Councillors not on the Panel and suggested that a pro forma could be included within a future Council Bulletin.

Councillor Mrs M Sartin, Environment Portfolio Holder, advised that officers were currently collating information following which reports would be made to SITA and the Waste Partnership Board before the matter was considered by the Safer, Cleaner, Greener Standing Scrutiny Panel. She confirmed that all members could contribute to the review either in response to a pro forma in the Bulletin if that was thought appropriate or by email or letter to the Environment and Street Scene Directorate.

**(h) Epping Parking Review**

Councillor J M Whitehouse asked the Community Safety and Transport Portfolio Holder when she expected notice to be given of the Epping Parking Review.

Councillor Ms S-A Stavrou stated that it had been expected that notice would be given by mid February but that the matter was still with legal officers and hopefully notices would be displayed by the end of the month.

**(i) Forest Road, Loughton – Bus Service**

Councillor Mrs P Richardson asked the Community Safety and Transport Portfolio Holder if she was aware of concern being expressed by residents in Forest Road regarding the use of that road as part of a proposed new bus route and whether the residents could make representations to seek a diversion of the route.

Councillor Ms S-A Stavrou stated that she was not sure whether the Councillor was referring to public transport or possibly to the Shopping and Leisure Bus which was being trialled from High Beach Village to Loughton with County Council support. She stated that this bus would be running once a week but that she was not sure whether the route had yet been finalised. She advised that if the proposal related to public transport the matter should be taken up with Essex County Council but that she would investigate the situation regarding the Shopping and Leisure Bus and that if any residents wished to express their concern to her she would take forward those concerns.

**(j) Mother and Baby Unit – Ongar**

Councillor G Pritchard asked the Housing Portfolio Holder if the Mother and Baby Unit in Ongar was still on course to be delivered in June 2010.

Councillor D Stallan, Housing Portfolio Holder, stated that although a recent planning application had been refused he understood that the opening date was still set for June 2010.

**(k) Buckhurst Hill Parish Council – Lease of Land in Roding Valley**

Councillor P Spencer asked the Leisure and Wellbeing Portfolio Holder about the budget implications of the Buckhurst Hill Parish Council not having signed a lease in relation to the recreational area.

Councillor B Rolfe, Leisure and Wellbeing Portfolio Holder stated that he was aware of the situation but that no provision had been made in the budget. He agreed to advise members when he had further information about the situation.

**136. MOTIONS**

The Council was advised that there were no motions for consideration at this meeting.

**137. QUESTIONS BY MEMBERS UNDER NOTICE****(a) Brookways, Roundhills, Waltham Abbey – Accident****By Councillor A Watts to Councillor D Stallan, Housing Portfolio Holder**

In the absence of Councillor Watts, the Chairman read his question to the meeting.

“In the light of the recent unfortunate accident at Brookways on Roundhills, could the Housing Portfolio Holder please assure myself and the residents that lighting within this area will be reviewed”.

**Response read by Councillor D Stallan, Housing Portfolio Holder.**

“Firstly, I would like to express my sincere condolences to the family of this man who was so tragically killed as a result of this very unfortunate accident. The Police are still investigating the circumstances of the accident, so I am unable to answer any questions relating to the incident.

Although we won't know what role lighting may, or may not have played in this tragedy until the Police investigation is complete, I have asked officers in Housing to look at the lighting of the car park. We will carry out our own review as quickly as possible to establish what changes or enhancements to the area could be appropriate. Once we have completed the assessment we will then be able to compare it to other sites and prioritise it accordingly.”

**138. REPORT OF THE CABINET - FUTURE DEVELOPMENT OF KEY SITES WITHIN THE DISTRICT - SUPPLEMENTARY ESTIMATE****Mover: Councillor M Cohen – Legal and Estates Portfolio Holder**

The Portfolio Holder submitted a report seeking a DDF supplementary estimate in order to procure specialist external advice on the development potential of key sites within the District.

Councillor P Spencer questioned whether one of the sites was the car park in Church Hill, Loughton.

Councillor Cohen advised that the advice was required in relation to sites in general and was not directly applicable to any particular site.

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

That a DDF supplementary estimate for 2009/10 in the sum of £15,000 be approved in order to procure specialist external advice on the development potential of key sites within the District.

**139. REPORT OF THE CABINET - REPLACEMENT OF VEHICLE - GROUNDS MAINTENANCE - SUPPLEMENTARY CAPITAL ESTIMATE**

**Mover: Councillor Mrs M Sartin – Environment Portfolio Holder**

The Portfolio Holder submitted a report seeking a supplementary capital estimate to acquire a new vehicle for the Council's Grounds Maintenance Section.

**Report as first moved ADOPTED**

**RESOLVED:**

That a supplementary capital estimate in the sum of £26,000 for 2009/10 be approved in order to fund the purchase of a Ford Transit LWB Double Chassis Cab 2.4 TDCI for the Council's Grounds Maintenance Section in place of a present leased vehicle.

**140. REPORT OF THE CABINET - SPORTS LEISURE MANAGEMENT - CONTRACT EXTENSION NEGOTIATIONS - SUPPLEMENTARY CAPITAL ESTIMATE**

**Mover: Councillor B Rolfe – Leisure and Wellbeing Portfolio Holder**

The Portfolio Holder submitted a report seeking a supplementary capital estimate to undertake infrastructure works at Loughton Leisure Centre and to replace equipment at Epping Sports Centre and Ongar Leisure Centre.

Councillor J M Whitehouse asked if a contract extension with Sports Leisure Management would be flexible enough to allow for discussions to take place regarding the possible relocation of Epping Sports Centre to a more appropriate location if that opportunity arose during the course of the contract.

Councillor Ms R Brooks requested that in negotiating an extension of the contract, Sports Leisure Management be advised that whilst the Council acknowledged the need for savings there was an expectation that the facilities would be open as much as possible and would provide a good service for residents.

Councillor Rolfe confirmed that these matters would be taken into consideration.

**Report as first moved ADOPTED**

**RESOLVED:**

That a supplementary capital estimate of £930,000 for 2009/10 be approved for infrastructure works at Loughton Leisure Centre and replacement equipment at Epping Sports Centre and Ongar Leisure Centre with consequent reductions in management fees for Sports Leisure Management.

**141. REPORT OF THE CABINET - 148 BROOKER ROAD, WALTHAM ABBEY - PURCHASE OF LEASEHOLD**

**Mover: Councillor M Cohen – Legal and Estates Portfolio Holder**

The Portfolio Holder submitted a report seeking a supplementary capital estimate in order to acquire the leasehold interest in the property.



Councillor Cohen advised that the decision of the Cabinet had been to request a capital supplementary estimate of £220,000. However that figure had included a sum of rent arrears which would be written off. The sum required to purchase the leasehold interest was £210,000 and he asked the Council to agree this sum for the capital supplemental estimate and not £220,000.

In accordance with Section 100B(4) of the Local Government Act 1972 and Council Procedure Rule 3.2, the Chairman had deemed this item as urgent business in order to prevent any undue delay in completing the purchase.

**Report as first moved ADOPTED.**

**RESOLVED:**

That a capital supplementary estimate for 2009/10 in the sum of £210,000 be approved for the purchase of the leasehold interest of 148 Brooker Road, Waltham Abbey.

**142. REPORT OF THE CABINET - CALENDAR OF COUNCIL MEETINGS - 2010/11**

**Mover: Councillor Mrs D Collins – Leader’s Portfolio**

The Leader of the Council submitted a report proposing a calendar of meetings for the period May 2010-May 2011.

Councillor Mrs L Wagland drew attention to the proposal to hold meetings of the Finance and Performance Management Cabinet Committee and the Finance and Performance Management Scrutiny Panel on the same evening when considering the prospective budget for 2011/12 in January 2011. She questioned whether it would be more appropriate for the Cabinet Committee to be held before the Scrutiny Panel on that evening.

Councillor J Philip asked if it would be possible for the meeting of full Council approving budgets and declaring the Council Tax in February 2011 not to be held during school half term.

Councillor M Cohen advised that 8 September 2010 was a Jewish holiday and requested that the meeting of Area Plans Sub-Committee South scheduled for that day be changed.

It was agreed that the rationale for holding the Finance and Performance Management Scrutiny Panel before the Finance and Performance Management Cabinet Committee be explained to Councillor Wagland in writing. Members noted that the full Council meeting in February 2011 had to be held during school half term having regard to the notification of precepts from other authorities and the need to declare the Council Tax and get bills printed etc. The Council agreed that officers should find an alternative date for the meeting of Area Plans Sub-Committee South currently scheduled for 8 September 2010.

**Report as amended ADOPTED**

**RESOLVED:**

That the calendar of meetings from the period May 2010 – May 2011 attached as an Appendix to the report be adopted subject to the meeting of

Area Plans Sub-Committee South due to be held on 8 September 2010 being rescheduled.

**143. REPORT OF THE CABINET - BUDGETS AND COUNCIL TAX DECLARATION 2010/11**

**Mover: Councillor C Whitbread – Finance and Economic Development Portfolio Holder**

The Portfolio Holder submitted a report regarding Budgets and Council Tax Declaration for 2010/11.

The Portfolio Holder reported on the process for preparing the budget which had involved all members through Overview and Scrutiny, the Finance and Performance Management Cabinet Committee and the Cabinet.

Councillor Whitbread advised that the Council could not operate in a vacuum and had suffered the same pressures as businesses and individuals. He asked members to take account of the state of the economy in considering the budget. He suggested that recovery from the recession was very fragile and that it would be easy to step back into recession.

Councillor Whitbread drew attention to the latest version of the Medium Term Strategy which required significant savings from 2011 onwards and he referred to the work already underway to achieve those savings.

The Portfolio Holder advised that the Council had continued to assist residents and local businesses in coping with the recession. For the second year running it had been possible to freeze parking charges and to maintain free parking on Saturdays in many car parks. He pointed out that the Council had assisted businesses in The Broadway, Loughton by reducing their rents if they had been adversely affected by the Town Centre Enhancement works. He stated that during the past year as the Council's Business Champion he had attended a number of Business Forums. The revaluation of Business Rates had been a matter of great concern. Businesses had suffered from the rises and it was apparent that many small businesses would now fall outside of small business rate relief. He stated that he estimated possibly up to 250 local businesses would be affected and that he would continue to look at ways in which the Council could support them.

Councillor Whitbread drew attention to some key issues which had been addressed in setting budgets. He advised that there was likely to be a reduction in grant as part of the next Comprehensive Spending Review (CSR). Best estimates were that the grant would fall at 10% over the next CSR but it could be higher possibly between 15% and 20%.

Councillor Whitbread advised that the Council's CSB contained a number of income streams that had been adversely affected, to varying degrees, by the current state of the housing market. The main areas of income related to the housing market were Land Charges, Building Control and Development Control. Investment income was also less than the estimate as interest rates had fallen lower than anticipated and seemed set to remain at 0.5% for months to come.

The Portfolio Holder advised that a key priority for 2010/11 would be to use some of the budget allocated for the Customer Transformation Programme to improve the Housing Benefit reception area. He also drew attention to the pressure on Housing

Benefits due to the recent recession with an increase of claimants of between 25% and 30%.

Councillor Whitbread drew attention to the next triennial valuation of the Pension Scheme and the future of the National Concessionary Fares Scheme. A potential threat beyond 2010/11 was the removal of the National Concessionary Fares function from districts and the associated reworking of the grant formula which could adversely impact on the Council's overall financial position. Councillor Whitbread stated that this was an example of how councils' services changed and evolved over time and required a flexible approach.

The Portfolio Holder advised that the budget as submitted produced a District Council Tax (Band D) of £148.77 for 2010/11, (£146.61 for 2009/10) which represented a 1.5% increase. This represented the second lowest District Council Tax in the county and taking account of the four year Medium Term Strategy of not increasing the tax by more than 2.5% per annum the Council was on course of having the lowest District Council Tax in the county. He emphasised that in becoming the lowest the aim would be to maintain that position.

Councillor Whitbread drew attention to the substantial reserves in the Council's Capital Account and the Housing Revenue Account. He advised that the Capital Programme provided for £55,000,000 expenditure over the next five years with emphasis being placed on schemes which would either cut revenue costs or generate income.

The meeting noted that the average rent increase for 2010/11 was 2.4% for Council dwellings.

The Portfolio Holder commended the budget to the Council.

**Amendment moved by Councillor J M Whitehouse and Seconded by Councillor R Frankel**

“(1) That recommendations (3) and (4) be deleted and replaced with:

(3) That the revenue estimates for 2010/11 and the draft capital programme for 2010/11 be approved as set out in Annexes 3, 4, (a-i) and 5 including all contributions to and from reserves as set out in the attached Annexes with the exception that:

the contribution from revenue reserves shall be set at £675,296 (General Fund £668,296/HRA £7,000) resulting in the sum of £20,454,498 to be met from government grants and local taxation (figure 7c) and thus a Council Tax increase of 0.0%.

and that the medium term financial forecast set out in Annexes 8a and 8b be amended as necessary; and

(2) That the following figures be substituted for those currently set out in recommendation (7).

7b - £92,657,826 (total gross income)  
 7c - £20,454,498 (sum to be met from government grants and local taxation)  
 7e - £203.04 (basic amount of Council Tax including parish precept)  
 7g - £146.61 (Band D Council Tax)  
 7h – Part of the Council's Area amount

Abbess, Beauchamp and Berners Roding £173.86  
Buckhurst Hill £215.86  
Chigwell £182.27  
Epping Town £228.19  
Epping Upland £174.51  
Fyfield £168.67  
High Ongar £175.24  
Lambourne £178.45  
Loughton Town £195.79  
Matching £176.31  
Moreton Bobbingworth and the Lavers £163.67  
Nazeing £180.99  
North Weald Basset £197.89  
Ongar £215.25  
Roydon £168.16  
Sheering £167.63  
Stanford Rivers £174.21  
Stapleford Abbots £159.76  
Stapleford Tawney £165.90  
Theydon Bois £198.88  
Theydon Garnon £162.28  
Theydon Mount £160.45  
Waltham Abbey Town £241.07  
Willingale £164.94

7i – Consequential amendments”

**Lost**

**Report as first moved ADOPTED**

RESOLVED:

- (1) That the list of CSB growth for the 2010/11 budget (set out in Annex 1) be approved;
- (2) That the list of District Development Fund items for the 2010/11 budget (set out in Annex 2) be approved;
- (3) That the revenue estimates for 2010/11 and the draft Capital Programme for 2010/11 be approved as set out in Annexes 3, 4 (a-i) and 5 including all contributions to and from reserves as set out in the attached Annexes;
- (4) That the medium term financial forecast be approved as set out in Annexes 8 a and 8 b;
- (5) That the 2010/11 HRA budget be approved and that the application of rent increases and decreases in accordance with the Government's rent reforms and the Council's approved rent strategy, resulting in an average increase of 2.4% from £74.81 to £76.61, be approved.

Declaration of Council Tax

- (6) That it be noted that on 26 October 2009, the Finance and Economic Development Portfolio Holder in consultation with the Chairman of the Overview and Scrutiny Committee calculated the following amounts for the year 2010/11 in accordance with regulations made under Section 33(5) and

34(4) of the Local Government Finance Act 1992:

(a) 54,370.4 being the amount calculated by the Council in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as the Council Tax Base for the year;

(b) Part of the Council's Area	Tax Base
Essex County Council (General Expenses)	54,370.4
Essex Police Authority	54,370.4
Essex Fire Authority	54,370.4
Epping Forest District Council (General Expenses)	54,370.4
Abbess, Beauchamp & Berners Roding	201.8
Buckhurst Hill	5,288.1
Chigwell	5,998.6
Epping Town	5,025.8
Epping Upland	412.2
Fyfield	411.5
High Ongar	558.8
Lambourne	937.8
Loughton Town	12,928.4
Matching	330.5
Moreton, Bobbingworth and The Lavers	677.2
Nazeing	2,095.3
North Weald Bassett	2,578.3
Ongar	2,750.0
Roydon	1,324.2
Sheering	1,358.0
Stanford Rivers	369.6
Stapleford Abbots	504.9
Stapleford Tawney	71.5
Theydon Bois	1,976.0
Theydon Garnon	61.9
Theydon Mount	108.9
Waltham Abbey Town	8,155.6
Willingale	245.5

being the amounts calculated by the Council in accordance with Regulation 6 of the Regulations as the amounts of the Council Tax Base for the year for dwellings in those parts of the area to which one or more special items relate;

(7) That the following amounts be now calculated for the year 2010/11 in accordance with sections 32 to 36 of the Local Government Finance Act 1992:

(a) £113,112,324 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) - (e) of the Act;

(b) £92,540,386 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) - (c) of the Act;

(c) £20,571,938 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the Council in accordance with Section 32(4) of the Act as its budget requirement for the year;

- (d) £9,415,130 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non Domestic Rates and Revenue Support Grant and increased by the amount the Council estimates will be transferred in the year from its Collection Fund to the General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988 and the amount which the Council estimates will be transferred from the Collection Fund to the General Fund pursuant to the Collection Fund (Community Charges) (England) Directions 1994 made under Section 98(4) of the Local Government Finance Act 1988;
- (e) £205.20 being the amount at (c) above, less the amount at (d) above, all divided by the amount at (6)(a) above, calculated by the Council in accordance with Section 33(1) of the Act as the basic amount of its Council Tax for the year;
- (f) £3,068,124 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- (g) £148.77 being the amount at (e) above, less the result given by dividing the amount at (f) above by the amount of (6)(a) above, calculated by the Council in accordance with Section 34(2) of the Act as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;

(h) Part of the Council's Area	Amount £
Abbess, Beauchamp & Berners Roding	176.02
Buckhurst Hill	218.02
Chigwell	184.43
Epping Town	230.35
Epping Upland	176.67
Fyfield	170.83
High Ongar	177.40
Lambourne	180.61
Loughton Town	197.95
Matching	178.47
Moreton, Bobbingworth and The Lavers	165.83
Nazeing	183.15
North Weald Bassett	200.05
Ongar	217.41
Roydon	170.32
Sheering	169.79
Stanford Rivers	176.37
Stapleford Abbots	161.92
Stapleford Tawney	168.06
Theydon Bois	201.04
Theydon Garnon	164.44
Theydon Mount	162.61
Waltham Abbey Town	243.23
Willingale	167.10

being the amounts given by adding to the amount at (7)(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (6)(b)

above, calculated by the Council in accordance with Section 34(3) of the Act as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate;

(i) the amounts shown in Annex 6 to this report, being the amounts given by multiplying the amounts at (7)(h) above by the number which is the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

(8) That it be noted that for the year 2010/11 the major precepting authorities have stated that the amounts shown in Annex 7 Part A (tabled) are the precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown;

(9) That, having calculated the aggregate in each case of the amounts at (7)(i) and (8) above, the Council in accordance with Section 30(2) of the Local Government Finance Act 1992 hereby sets the amounts in Annex 7 Part B (tabled) as the amounts of Council Tax for the year 2010/11 for each of the categories of dwellings shown;

(10) That the Council's policy of retaining revenue balances at no lower than £4.0M or 25% of the net budget requirement whichever is the higher for the four year period to 2012/13 be amended to no lower than £4.0M or 25% of the net budget requirement whichever is the higher during the four year period up to and including 2013/14;

(11) That the recommendations included in the report on the Prudential Indicators and the Treasury Management Strategy for 2010/11 (set out in Annex 9) be approved; and

(12) That the report of the Chief Financial Officer on the robustness of the estimates for the purposes of the Council's 2010/11 budgets and the adequacy of the reserves (see Annex 10) be noted.

#### **144. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REVIEW OF CONTRACT STANDING ORDERS**

**Mover: Councillor R Morgan, Chairman of the Overview and Scrutiny Committee**

Councillor Morgan submitted a report recommending amendments to Contract Standing Orders following the annual review.

**Report as first moved ADOPTED**

#### **RESOLVED:**

(1) That the amendments to Contract Standing Orders set out in Appendix 1 to these minutes be approved; and

(2) That the revised Contract Standing Orders be published in the Constitution.

**145. REPORT OF THE DISTRICT DEVELOPMENT CONTROL COMMITTEE - ESSEX COUNTY COUNCIL REVISED PARKING STANDARDS - ADOPTION AS SUPPLEMENTARY GUIDANCE**

**Mover: Councillor B Sandler, Chairman of the District Development Control Committee**

Councillor Sandler submitted a report proposing adoption of supplementary guidance of new parking standards issued by Essex County Council.

**Report as first moved ADOPTED**

**RESOLVED:**

That, having given further consideration to the representations made by Go East, the new parking standards issued by Essex County Council, entitled "Parking Standards Design and Good Practice for Essex" be adopted as supplementary guidance.

**146. STANDARDS COMMITTEE - INDEPENDENT MEMBER VACANCIES**

The Council considered a report of the Monitoring Officer drawing attention to two Independent Member vacancies on the Standards Committee which would arise in May 2010.

**RESOLVED:**

(1) That five members together with the current Independent Chairman of the Standards Committee as a non-voting Chairman form a Standards Committee Selection Panel;

(2) That the Group Leaders of the four groups on the Council each nominate one member and that a fifth member representing members not affiliated to a group form the Selection Panel;

(3) That in the event of more than one non-affiliated member expressing an interest to take part, the place be decided by the drawing of lots;

(4) That the Selection Panel be authorised to:

(a) agree a short-list of applicants for interview for the Independent member vacancies on the Standards Committee which will arise in May 2010;

(b) interview the persons short-listed; and

(c) make recommendations to the Council on appointments;

(5) That the Monitoring Officer be authorised to:

(a) place an advertisement in a local newspaper and on the Council's website inviting applications;



- (b) prepare an applicant's pack, including application form, a job description, person specification and terms of reference of the Committee; and
- (c) make arrangements for suitable training of the new members when appointed; and
- (6) That in the event of only one appointment being made Grenville Weltch continue to be an Independent Member of the Committee until May 2011.

#### **147. LOCAL HIGHWAYS PANEL - CHAIRMAN**

Members noted that at the Annual Council meeting on 24 May 2009 the Council had elected Councillor R Bassett as Chairman and appointed Ms S-A Stavrou as Vice-Chairman of the Local Highways Panel. This had been recognised as an interim arrangement pending the latter becoming fully familiar with her new Portfolio Holder responsibilities.

The Leader of the Council advised that there had now been four meetings of the Panel and it was considered appropriate to change the Chairman and Vice-Chairman to reflect their current Portfolio Holder responsibilities.

##### **RESOLVED:**

- (1) That Councillor Ms S-A Stavrou be elected Chairman of the Panel for the remainder of the current municipal year; and
- (2) That Councillor R Bassett be appointed Vice-Chairman of the Panel for the remainder of the current municipal year.

#### **148. NORTH WEALD AIRFIELD AND ASSETS MANAGEMENT CABINET COMMITTEE - TERMS OF REFERENCE**

The Leader of the Council reported that in accordance with paragraph 4.1 of the Council's Scheme of Delegation, the terms of reference for the North Weald Airfield Strategy Cabinet Committee had been amended so as to enable that Committee to review all of the Council's property assets not just those at North Weald Airfield. Members noted that the change had been made to recognise the contribution which asset rationalisation would have to improving service provision and assisting with the Council budgets and financial planning.

##### **RESOLVED:**

That the following decisions taken by the Leader of the Council be noted;

- (a) extension of the terms of reference of the North Weald Airfield Strategy Cabinet Committee as set out in paragraphs 2.1 – 2.5 of Appendix 2 to these minutes;
- (b) renaming of the Committee "North Weald Airfield and Asset Management Cabinet Committee" and
- (c) authorising all appropriate amendments to Appendix 4 of Part 3 of the Constitution (Responsibilities for Functions).

**149. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS****(a) West Essex Children's Trust Board**

Councillor Mrs L Wagland reported that she had attended her first meeting of the West Essex Children's Trust Board. She advised that a considerable amount of time had been spent debating the remit of the Board and its relationship to equivalent bodies. Councillor Mrs Wagland stated that, bearing in mind that the intention was for the Board to only meet five times a year and this had been the second meeting of the current year, she had concerns about the way in which the Board was functioning. Councillor Wagland reported that there had been a workshop on Obesity amongst Children an issue which was being well addressed in Essex. However, it appeared that little attention was being given to Safeguarding Children an area in which Essex performed particularly badly.

Councillor Mrs Wagland advised that it had also been proposed that there should be an agreement in relation to the pooling of resources between Uttlesford, Harlow and Epping Forest and she had expressed views about this suggestion to the Leader of the Council and the Chief Executive as it was likely the proposals would be coming before the Council shortly.

Councillor Mrs Wagland drew attention to a summary of a serious case review in Doncaster which had criticised the equivalent body in that area. In the light of her experiences of the first meeting of the Board she stated that she had real concerns and together with District Council officers was working hard to try to make sense of the approach being taken.

**150. EXCLUSION OF PUBLIC AND PRESS****RESOLVED:**

That in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph No</b>
2	Minutes of the Council Meeting held on 22 December 2009	1
22	Contract of Employment – Post XEX01	1

**151. MINUTES OF THE COUNCIL MEETING HELD ON 22 DECEMBER 2009**

The Leader of the Council suggested that there had been an omission from the minutes of this meeting and invited the Council to agree an amendment to those minutes.

**Motion moved by Councillor Mrs D Collins and seconded by Councillor C Whitbread.**

“That the words “and stated that she had no input whatsoever in either the contract of 2007 or the negotiations” be added to the end of the third paragraph of the preamble of Minute 119 (Contract of Employment – Post XEX 01)”.

**Carried**

**RESOLVED:**

That the minutes of the Council meeting held on 22 December 2009 be taken as read and signed by the chairman as a correct record subject to the addition of the words “and stated that she had no input whatsoever in either the contract of 2007 or the negotiations” at the end of the third paragraph of the preamble of Minute 119 – Contract of Employment – Post XEX 01.

**152. CONTRACT OF EMPLOYMENT - POST XEX/01**

Councillors M Cohen and J M Whitehouse submitted a report seeking changes to the delegated authority approved by the Council in August 2009 relating to the contract of employment of Post XEX01.

The Chairman of the Council had determined that this matter should be deemed urgent business in accordance with Section 100(B)(4) of the Local Government Act 1972 and referred to this meeting for consideration in order to progress the matter.

**RESOLVED:**

(1) That the following recommendations of Councillor M Cohen (with the support of Councillor J M Whitehouse) be adopted:

Delegated Authority to conduct negotiations

(a) that the delegated authority set out in Council Minute 62(e) of the Council meeting 17 August 2009 be amended by substituting “Councillors M Cohen and J M Whitehouse” for “Leader and Deputy Leader” so as to read:

“authorises Councillor M Cohen and Councillor J M Whitehouse to negotiate directly with the post holder to achieve a resolution of this matter and the terms of any such agreement”.

(b) that Councillors M Cohen and J M Whitehouse be authorised to negotiate with the post holder regarding the cost of his fair and reasonable legal expenses incurred solely in relation to obtaining legal advice on the terms of this agreement, whether a completed agreement is entered into or

not and subject to those charges being fully particularised in the said account, notwithstanding the ceiling of £1,000 previously advised;

(c) that Councillors M Cohen and J M Whitehouse be authorised to take such steps as might be necessary to regularise any procedural or constitutional irregularity (if any) that may exist or be necessary to complete this matter and to expend such sums as may be reasonable and properly required (within the budget already approved for external legal advice) to ensure that the Council's position is protected;

(2) That an extraordinary Council meeting be held before the next ordinary Council meeting in April 2010 in order to:

(a) approve the terms of the compromise agreement to be further negotiated with the post holder;

(b) approve arrangements for signing of the compromise agreement on behalf of the Council; and

(c) receive a report on the correctness of the constitutional procedures adopted in this matter, following external legal advice as requested at the Council meeting on 22 December 2009 (Minute 119(1)).

**CHAIRMAN**