

EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 25 May 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.45 pm

Members Present: Councillors Mrs P Smith (Chairman), Mrs A Grigg (Vice-Chairman), K Angold-Stephens, R Barrett, R Bassett, A Boyce, W Breare-Hall, Mrs R Brookes, Mrs P Brooks, K Chana, Mrs T Cochrane, Rebecca Mellissa Cohen, Mrs D Collins, D Dodeja, Miss C Edwards, C Finn, Mrs R Gadsby, P Gode, A Green, Ms J Hart, J Hart, Ms J Hedges, D Jacobs, D C Johnson, Mrs S Jones, B Judd, J Knapman, Mrs J Lea, L Leonard, A Lion, J Markham, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, W Pryor, Mrs P Richardson, B Rolfe, B Sandler, Mrs M Sartin, P Spencer, D Stallan, Ms S Stavrou, Mrs J Sutcliffe, H Ulkun, Ms S Watson, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

Apologies: Councillors J Collier, Ms Y R Knight, Mrs M McEwen and Mrs L Wagland

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)), S G Hill (Senior Democratic Services Officer), P Seager (Chairman's Secretary), T Carne (Public Relations and Marketing Officer) and R Martin (Website Assistant)

1. WEBCASTING INTRODUCTION

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

2. RETIRING CHAIRMAN OF THE COUNCIL - YEAR OF OFFICE

Councillor Mrs Smith addressed the Council on her year of office.

She thanked the Council for affording her the privilege of being elected Chairman to the Council for the past year which had been very enjoyable.

The Chairman referred to some of the many events she had attended during the year and stated that whilst it was difficult for her to identify a highlight she wanted to draw attention to the visit to North Weald last September of veterans of the Norwegian Air Force. She said that the memories of the events held for them over a 3 day period would remain with her for a very long time.

She thanked staff for the support and advice she had received during her year of office. She also thanked her escort, Ian Hull and others who had generously given up their time to accompany her to events.

The Chairman reported that she had raised in excess of £4,000 for her chosen charity, the Alzheimer's Society (West Essex Branch).

Councillors Mrs D Collins, Mrs C Pond, J M Whitehouse and the Chief Executive, P Haywood on behalf of the staff, expressed their appreciation for the hard work and enthusiasm shown by Councillor Mrs Smith during her year of office.

3. ELECTION OF CHAIRMAN

The nomination of Councillor Mrs A Grigg for the office of the Chairman of the Council having been formally moved by Councillor D Stellan and seconded by Councillor Mrs D Collins, it was:

RESOLVED:

That Councillor Mrs A Grigg be elected Chairman of the Council for the ensuing year.

Councillor Mrs Grigg thereupon made a declaration of acceptance of the office of Chairman of the Council and thanked the Council for her election.

COUNCILLOR MRS A GRIGG IN THE CHAIR

4. APPOINTMENT OF VICE-CHAIRMAN

The nomination of Councillor K Angold-Stephens for the office of Vice-Chairman of the Council having been formally moved by Councillor Mrs C Pond and seconded by Councillor Mrs A Grigg, it was:

RESOLVED:

That Councillor K Angold-Stephens be appointed Vice-Chairman of the Council for the ensuing year.

Councillor Angold-Stephens thereupon made a declaration of acceptance of office of Vice-Chairman of the Council and thanked the Council for his appointment.

5. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 20 April 2010 be taken as read and signed by the Chairman as a correct record.

6. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and Mrs M Sartin declared personal interests in agenda item 20 (Contract of Employment – Post XEX/01). By leave of the Council the Councillors advised that they would explain their interests at the commencement of consideration of this item in private session.

7. ANNOUNCEMENTS**(a) Announcements by the Chairman of the Council****(i) Chairman's Charity Appeal – 2010/11**

The Chairman of Council announced that during her year of office she had decided to make her main charity, Cancer Research UK. She advised that she would also be supporting St Clare Hospice at Hastingwood, Chigwell Riding Trust for Special Needs at Chigwell and the Essex Air Ambulance.

The Chairman reported that she would be taking part in the Race for Life at North Weald Airfield on 21 July 2010 and asked members to sponsor her for this event. She also asked Councillors to sponsor the Council's Director of Environment and Street Screen, John Gilbert who would be raising money on behalf of her charity as he sailed across the Bay of Biscay to Spain next month.

(ii) Charity Golf Day – 15 June 2010

The Chairman referred to this forthcoming event held in support her charity appeal and urged as many Councillors and Officers who were interested in golf to take part.

(iii) Other Events in Aid of the Chairman's Charity

The Chairman advised that with the help of Countrycare she would be organising a walk later in the year and that with the help of officers she would also be holding a quiz.

(iv) Flowers

The Chairman announced that she intended to send the flowers from tonight's meeting to St Clare Hospice at Hastingwood.

(b) Announcements by the Leader of Council

There were no announcements by the Leader for this meeting.

(c) Announcements by Portfolio Holders

There were no announcements by Portfolio Holders for this meeting.

(d) Newly Elected Councillors

The Chairman welcomed Councillors elected/re-elected on 6 May 2010 and asked them to stand as she announced their names.

(e) Members Not Re-Elected

The Council noted that the following members had not been re-elected on 6 May 2010:

Mitchell Cohen, Antoinette Cooper, Roland Frankel and Ann Haigh.

Councillors Mrs D Collins, Mrs C Pond, and J M Whitehouse acknowledged the contributions made to the Council by those members. The Chief Executive and Mr I

Willett also acknowledged the contribution made by Ann Haigh and expressed their best wishes to her for the future.

In recognition of her 14 years' service the Chairman presented an award to Ann Haigh. Ann Haigh thanked the Council for the award. She stated that she had made many friends in all political groups on the Council and expressed the hope that she had made a difference during her terms of office.

8. LOCAL GOVERNMENT AND HOUSING ACT 1989 - NOTICE OF CONSTITUTION OF POLITICAL GROUPS, GROUP LEADERS AND DEPUTIES

(a) Notice of Constitution of Political Groups

The Council noted, in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the constitution of Political Groups on the Council as set out in Appendix 1 to these minutes.

(b) Notification of Group Leaders and Deputies

The Council noted the names of members who had signed notices as indicated above and who would act as Group Leaders and Deputy Group Leaders.

9. APPOINTMENTS MADE BY THE LEADER TO THE CABINET, CABINET COMMITTEES, OUTSIDE ORGANISATIONS AND MEMBER AND OFFICER DELEGATION

The Council noted appointments made by the Leader of the Council in respect the following:

- (a) Cabinet Members (as set out in Appendix 2 to these minutes);
- (b) Portfolio Holder Appointments (as set out in Appendix 2 to these minutes);
- (c) Appointments to Cabinet Committees and the Chairmen of those Committees (as set out in Appendix 3 to these minutes);
- (d) Appointments of Outside Organisations in respect of organisations carrying out executive functions (as set out in Appendix 4 to these minutes);
- (e) Appointments in respect of Outside Organisations carrying out executive functions where the Leader had determined that the representation should be at officer level (as set out in Appendix 5 to these minutes);

The Council received a report of the Leader of the Council on these appointments. The Leader advised that a ninth Portfolio had been created which would be entitled Safer and Greener and that in recognition of that Portfolio the responsibilities of Portfolio Holders were being revised and these would be published in the Council Bulletin and reported to the next Council meeting.

The Leader pointed out that the Safer and Greener Portfolio Holder would be a member of the Finance and Portfolio Management Cabinet Committee in place of the Environment Portfolio Holder.

RESOLVED:

That the schedules of appointments made by the Leader of the Council be noted.

10. MEMBERSHIP, CHAIRMANSHIPS AND VICE-CHAIRMANSHIPS OF COMMITTEES, SUB-COMMITTEES AND PANELS (NON EXECUTIVE BODIES)

Motion Moved by Councillor R Morgan and Seconded by Councillor Mrs P Smith

“That in recognition of the decision made by the Council at its last meeting to appoint six Licensing Sub-Committee Chairmen, the last sentence of paragraph 2 of Appendix 4 of Part 3 (Responsibility for Council Functions) of the Constitution be deleted and substituted with “Any such Sub-Committee shall include, by rota, one of the six Licensing Sub-Committee Chairmen appointed at each Annual Council meeting”.”

Carried

RESOLVED:

(1) That appointments to the membership of Committees, Sub-Committees and Panels be approved as set out in Appendix 6 to these minutes;

(2) That in recognition of the decision made by the Council at its last meeting to appoint six Licensing Sub-Committee Chairmen, the last sentence of paragraph 2 of Appendix 4 of Part 3 (Responsibility for Council Functions) of the Constitution be deleted and substituted with:

“Any such Sub-Committee shall include, by rota, one of the six Licensing Sub-Committee Chairmen appointed at each Annual Council meeting”; and

(3) That the appointment of Chairmen and Vice-Chairman of Committees, Sub-Committee and Panels be approved as set out in Appendix 7 to these minutes.

11. STANDARDS COMMITTEE**(a) District Councillors**

The Council considered nominations for the three places held by members of the Council on the Epping Forest District Standards Committee.

RESOLVED:

That Councillors Mrs A Grigg, Mrs P Smith and Mrs J H Whitehouse be appointed as the Council representatives of the Standards Committee for the ensuing year.

(b) Independent Members

Councillor Mrs P Smith Chairman of the Standards Committee Selection Panel submitted a report on the appointment to vacant Independent seats on the Standards Committee.

RESOLVED:

- (1) That Mr Jason Guth be appointed to the vacant Independent seat on the Standards Committee with immediate effect;
- (2) That Mr Richard Crone be appointed to the forthcoming vacancy once Mr Grenville Weltch has signified when he wishes to resign his seat;
- (3) That arrangements be made for the new members to receive appropriate training before they take up their appointments; and
- (4) That the decision of the Leader of the Liberal Democrats Group to appoint Councillor Mrs P Brooks in place of Councillor Mrs A Haigh on the Selection Panel be noted.

12. AUDIT AND GOVERNANCE COMMITTEE

The Council considered nominations for the three places held by members of the Council on the Audit and Governance Committee. By leave of the Council, Councillor Mrs C Pond withdrew her nomination for one of those seats.

RESOLVED:

That Councillors A Green, A Watts and J M Whitehouse be appointed as the Council members of the Audit and Governance Committee for the ensuing year.

13. EPPING FOREST MEMBERS' REMUNERATION PANEL - APPOINTMENT

By leave of the Council, Mr I Willett submitted a report on the appointment to the vacant position on the Independent/Parish Remuneration Panels.

RESOLVED:

That the appointment of Rosemary Kelly to the vacant position on the Independent/Parish Remuneration Panels be approved.

14. SCHEME OF DELEGATION - COUNCIL AND REGULATORY FUNCTIONS**RESOLVED:**

That the Scheme of Officer Delegation for Council and Regulatory Functions, as set out in Part 3 of the Constitution as amended be agreed.

15. CHIEF EXECUTIVE - REVIEW OF DELEGATED AUTHORITIES

By leave of the Council this report was withdrawn.

16. COUNCIL MEETINGS - 2010/11**RESOLVED:**

That during 2010/11 ordinary meetings of the Council be held on the following dates:

29 June 2010
27 July 2010
28 September 2010
2 November 2010
14 December 2010
15 February 2011
17 February 2011 (Thursday) (reserve date for budget making)
29 March 2011
24 May 2011 (Annual meeting)

17. APPOINTMENTS TO OUTSIDE ORGANISATIONS

The Council considered schedules of nominations by the political groups for Council representations on Outside Organisations carrying out Council, regulatory or non-Cabinet functions. Voting took place in accordance with Council Procedure Rules where nominations exceeded available places.

RESOLVED:

- (1) That representation on Outside Organisations carrying out Council, regulatory or non-Cabinet functions for 2010/11 be determined as set out in Appendix 8 to these minutes;
- (2) That the officer appointments to Outside Organisations listed in Appendix 9 to these minutes be noted; and
- (3) That the schedule of representatives on Outside Organisations with terms of office expiring after the current year as set out in Appendix 10 to these minutes be noted.

18. WORK PROGRAMMES

The Council noted that the Constitution required that the Executive and Overview and Scrutiny should both submit an annual work programme each year on their strategies for the coming year. It was noted that the work programmes were being prepared and would be circulated to all members of the Council when completed.

RESOLVED:

The work programmes for both the Executive and Overview and Scrutiny be circulated to members shortly.

19. ANNUAL REPORT OF THE EXECUTIVE - 2009/10

The Leader of the Council submitted the Annual Report of the Executive for 2009/10.

The Leader drew attention to the improvements made to the Council's Waste Management Service with the Council recycling more than 50% of waste. She also advised that crime had decreased again during the year and acknowledged the roles of the Safer Communities Team and their cooperation with the local Police in achieving this improvement. She advised that an excellent working relationship had been developed with local farmers and the more rural areas and that additional CCTV cameras had been provided and were being monitored regularly.

The Leader drew attention to the increase in Council Tax by only 1.5% this year and advised that steps would continue to be taken to use money wisely and prudently so that good services and value for money could continue to be provided.

Councillor Mrs Collins drew attention to the Gypsy and Traveller Development Plan Document Direction and advised that she would be lobbying the new Secretary of State for Communities and Local Government, the Right Hon. Eric Pickles M.P. to remove the Direction.

Councillor Ms R Brooks drew attention to the recent Audit Commission report on the Council's Benefits Service and asked what steps will be taken to improve this service.

Councillor C Whitbread advised that he had been disappointed with the Audit Commission report but that he did not consider it was a true reflection of the Benefits Section. He acknowledged that improvements were necessary and would be considered in due course.

Councillor Mrs J Sutcliffe expressed disappointment at the lack of progress in relation to Parking Reviews and in particular the Buckhurst Hill Parking Review.

Councillor Ms S-A Stavrou drew attention to a schedule which had been published recently in the Council Bulletin and advised that the timescales specified therein were still appropriate.

20. 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 item of business set out below as it 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:

Agenda Item No	Subject	Exempt Information Paragraph Number
20	Contract of Employment – Post XEX/01	1

21. CONTRACT OF EMPLOYMENT - POST XEX/01

Officers except for C O'Boyle, R Palmer, I Willett and G Lunnun left the meeting for consideration of this matter.

As reported earlier in the meeting Councillors Mrs A Grigg and Mrs M Sartin explained their interests in relation to this matter.

Councillor Mrs Grigg advised that her interest related to one informal meeting which had been held in 2009 with a member of staff of the solicitors who had subsequently been engaged by the Council to advise on this matter. She advised that she had determined that her interest was a personal one and was not prejudicial as the Council was no longer being advised by that person who was no longer employed by the practice. She also pointed out that she had played no other part in the

engagement of the firm and she expressed regret that she had not declared a personal interest at previous Council meetings when this matter had been considered and apologised for that oversight.

Councillor Mrs M Sartin advised that her interest arose because the Leader of the Council had spoken to her husband about staff contract issues and as a result he had mentioned an employment lawyer known to him. The lawyer had been a member of staff at the solicitors subsequently engaged by the Council to advise on this matter. Councillor Mrs Sartin advised that she had not been aware of the discussions between the Leader of the Council and her husband at the time and that she had determined that her interest was a personal one only. She expressed regret that she had not declared this interest at previous meetings of the Council when this matter had been considered and she apologised for that oversight.

Councillor J M Whitehouse submitted a report (tabled) following further negotiations which had taken place since the last meeting of the Council.

The members questioned Councillor J M Whitehouse on the report and formulated decisions. In order to conclude this matter the holder of post XEX/01 was asked to return to the meeting to indicate whether he was prepared to agree the revised terms to terminate his contract including further amendments to the Compromise Agreement and the terms of the Agreement. The postholder returned to the meeting and pointed out that whilst he was yet to receive advice from his solicitor on the latest terms he would be happy to sign the Compromise Agreement amended as outlined by Councillor J M Whitehouse.

The Council expressed their appreciation to the post holder for returning to the meeting and explaining his position.

RESOLVED:

- (1) That the update from Councillor J M Whitehouse on the current position and the background to the report tabled be noted;
- (2) That in response to the post holder's proposal the Council agree to the revised terms requested by the post holder to terminate his contract including the proposed further amendments to the Compromise Agreement and the terms of the Agreement;
- (3) That the External Auditor be consulted about the terms of the proposed Agreement;
- (4) That Councillors J M Whitehouse and Mrs L Wagland be authorised to make any necessary final changes to the Compromise Agreement and the terms of the Agreement in consultation with the Chairman of Council and subject to considering any views expressed by the External Auditor; and
- (5) That the Chairman of Council be authorised to sign the Compromise Agreement on behalf of the Council.

CHAIRMAN