

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 29 June 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.40 pm

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

Apologies: Councillors Mrs C Edwards, C Finn, J Knapman, Ms Y R Knight, Mrs J Lea, G Mohindra, R Morgan, W Pryor, Mrs P Richardson, P Spencer and Mrs J H Whitehouse

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)), A Hendry (Democratic Services Officer), P Maddock (Assistant Director (Accountancy)) and T Carne (Public Relations and Marketing Officer)

22. 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.

23. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 25 May 2010 be taken as read and signed by the Chairman as a correct record subject to the substitution of "R Cohen" for "Rebecca Mellissa Cohen" in the list of members present.

24. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor S Murray declared a personal interest in agenda item 9 (Questions by Members Under Notice – Roding Valley Recreation Area) by virtue of using the area on a regular basis. The councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of this item.

(b) Pursuant to the Council's Code of Member Conduct, Councillors P Gode and B Judd declared personal interests in agenda item 10 (Report to the Cabinet – Community Governance Review – Greensted/Ongar Town) by virtue of being members of Ongar Town Council. The councillors had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration of and voting on this item.

25. ANNOUNCEMENTS

(a) Announcements by the Chairman of the Council

(i) Attendance at Events

The Chairman reported on her attendance at the Alderton Junior and Roydon Primary Schools as part of a West Essex Partnership initiative to raise aspirations and recognise the achievements of children in primary schools. She advised that she had been impressed with the enthusiasm of the children and she looked forward to attending a visit to Nazeing Primary School shortly.

The Chairman also reported on her attendance at a Volunteers Awards Tea organised by Voluntary Action Epping Forest at which she had presented major volunteer awards. She referred to the delight shown by volunteers at receiving unexpected awards.

Councillor Mrs Grigg reported on her attendance at the Ninefields Community Centre to open art sculpture and entrance refurbishment works.

The Chairman thanked officers and members who had participated in the Officers and Members Golf Day at Chigwell Golf Club and helped to raise approximately £800 for her charities.

(ii) Flowers from the Meeting

The Chairman announced that in view of the high temperature in the Council Chamber due to a fault with the air conditioning she would delay until the close of the meeting making a decision on sending the flowers to an organisation or individual.

(iii) Director of Environment and Street Scene

The Chairman advised that John Gilbert had returned from his voyage and she asked members to hand to him their sponsorship money in aid of her charities if they had not already done so.

(iv) Race for Life

The Chairman announced that she would be running the Race for Life at North Weald Airfield in July and she invited members to sponsor her.

(b) Announcements by the Leader of Council

There were no announcements by the Leader under this heading.

(c) Announcements by Portfolio Holders

There were no announcements by Portfolio Holders under this heading.

26. PUBLIC QUESTIONS

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

27. 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 Environment Portfolio Holder, the Finance and Economic Development Portfolio Holder, the Housing Portfolio Holder, the Legal and Estates Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, and the Operational Planning and Transport 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 reported that as part of the initiative by the West Essex Partnership to help raise aspirations and recognise the achievements of children in primary schools she had attended Limes Farm Infants School, the Leverton Infants School and Lambourne Primary School to present awards.

The Leader referred to a recent meeting with two of the three local Members of Parliament and local County Councillors. They had discussed recent ministerial announcements regarding the abolition of regional bodies, Comprehensive Area Assessment and regional strategies. Members noted that some of the intentions required legislation and that pending clarification there was uncertainty about how various functions would be undertaken in the future. In relation to planning the Government had indicated a return to local decision making but it was unclear how this would be achieved in relation to issues such as the expansion of Harlow. The Leader reported that she had a meeting the following day with representatives of Harlow and Uttlesford Councils to discuss a number of issues.

Councillor Mrs Collins advised that she had written to the new Secretary of State for Communities and Local Government, the Right Hon Eric Pickles MP to seek removal of the Gypsy and Traveller Development Plan Document Direction. A reply was expected in the near future and when received would be circulated to all Members of the Council.

The Leader drew attention to the coalition Government requirement for local authorities to publicise all spending over £500 and to a request from Grant Shapps MP, Minister for Housing and Local Government, seeking views on what burdens currently imposed on local government could be reduced or removed in order to achieve savings. She advised that all local authorities had been asked to identify five such burdens and that following consultation with members and officers a list had been submitted on behalf of the Council.

The Leader advised that she had received information which indicated that cuts by Essex County Council both in the core funding and performance reward grants to LSPs were likely. Members noted that schemes not yet commenced could not proceed and that without adequate funding it was difficult to envisage how LSPs could continue with the good work they had undertaken.

The meeting noted that the Leader had attended a joint Leaders/Chief Executives meeting regarding shared services in Essex. Consultants' reports were awaited but it was difficult to envisage how a number of services could be shared in view of the current financial position of several authorities.

Finally, the Leader advised that together with other Cabinet members she had met the County Council's Highways and Transportation Portfolio Holder to discuss parking reviews and other local issues.

(b) Operational Planning and Transport Portfolio Holder

Councillor Stavrou advised that, as reported together with other Cabinet members she had met Councillor Norman Hume, the County Council's Highways and Transport Portfolio Holder. She advised that a note was being prepared outlining the District Council's understanding of the issues raised and actions to be taken and that once this had been agreed a report would be submitted to the next meeting of the Cabinet. However, in relation to the three outstanding parking reviews all work had been suspended pending clarification of the costs of advertising and implementation.

The Operational Planning and Transport Portfolio Holder reported on a recent meeting of the Local Highways Panel at which Essex County Council officers had presented budgets of £2.8m capital and £1.9m revenue for the Epping Forest District for 2010/11. She pointed out that these amounts were subject to confirmation by the County Council as budgets were still being finalised and that pending completion of that exercise County Council officers were only able to issue orders for up to 50% of the budget value until authorised to release the whole budget. Members noted that in setting its budgets the County Council was giving priority to the maintenance of the highway network.

Councillor Stavrou advised that the County Council representatives at the meeting had confirmed that localism was an important element of the Highway Service enabling the community to influence highway issues. The Portfolio Holder pointed out that this had been achieved in the last year by Panel members putting forward items and influencing priorities. She advised that some 30 schemes had been included in the locally determined revenue budget of £129,275 which was part of the £1.9m revenue budget. This budget was to be spent on the provision of a Highway Ranger service (£60,000), disabled bays, signage and lineage, completion of some five schemes outstanding from 2009/10 and undertaking schemes put forward by the Panel but not included in the County Council's Work Programme for the current year. The Portfolio Holder invited members to submit suggestions for works to be undertaken by Highway Rangers with requests being made to Rosa Tanfield at Essex County Council by 9 July 2010. Members noted that the types of work which could be carried out by Highway Rangers would be published in the Council Bulletin. Members also noted that Parish and Town Councils were being invited to submit schemes.

(c) Performance Management Portfolio Holder

Councillor Bassett apologised for not submitting the written report which he had prepared but appeared not to have been received by officers. He undertook to circulate that report with the Council Bulletin.

He advised that the key objectives for 2010/11 had now been finalised and agreed and that work was progressing on the new Council Plan for 2010/14. Members noted that the Finance and Performance Management Cabinet Committee had reviewed the outcome of the key performance indicators for 2009/10. A range of 58 KPIs had been measured with an ambitious target of at least 80% to achieve target performance by the end of the year. The Portfolio Holder advised that results had been mixed and that final performance against a number of indicators was not yet available as they were reliant on external organisations. The Portfolio Holder advised that in reviewing the results for 2009/10 several conclusions had been made as to how matters could be improved.

The Portfolio Holder also advised that the Corporate Risk Register had recently been reviewed and a new risk had been identified to cover possible disruption to services during the London Olympics.

The meeting noted that Essex County Council had made a decision to create a powerful partnership operation to mastermind the county's response to emergency or disaster and to deal with the effective recovery from any such incident building on the Fire Service's lead resilience role in chairing the Essex Resilience Forum. The framework explored the role and resilience of individuals and communities before, during and after an emergency. A report on the considered response to the consultation would be forthcoming shortly.

28. QUESTIONS BY MEMBERS WITHOUT NOTICE**(a) Coalition Government Request for Ideas on Reducing Burdens on Local Government**

Councillor Murray referred to the letter received from Grant Shapps, MP, Minister for Housing and Local Government and asked the Leader what consultation had taken place with other members prior to formulating a response. He also suggested that the Leader appeared to have shown a lack of enthusiasm for some of the recent coalition Government initiatives.

Councillor Mrs Collins apologised if she had given a wrong impression about the Government initiatives and emphasised that her concern had been the number of such initiatives which had been received within a very short space of time and the need to decide how to deal with issues in the absence of some of the organisations which had been or were to be abolished. The Leader pointed out that the letter from Grant Shapps had been received on a Tuesday with a reply required by the following Friday.

The matter had been considered at Management Board level and officers had produced a list of suggestions which had been viewed by members of the Cabinet and reduced to the requested number of five. Councillor Mrs Collins outlined some of the suggestions which had been put forward and offered to provide a full list in the Council Bulletin.

(b) Leisure Facilities – Free Swimming for those aged 60 and over

Councillor Wixley asked the Leisure and Wellbeing Portfolio Holder if free swimming for those aged 60 and over would be ceasing.

Councillor Rolfe advised that he had received confirmation that the Council would not be receiving a Government Grant of £39,000 which formed the basis of the funding for the project. He advised that the effect of this would be discussed at a pre-Cabinet meeting and he would advise all members of the outcome as soon as possible.

(c) Council's Non-Operational Land and Properties

Councillor Wixley asked the Legal and Estates Portfolio Holder whether consideration had been given to the community use of public houses owned by the Council. He drew attention to the role which had been played by the Winston Churchill Public House on Debden Day and suggested that as public houses provided a valuable community asset they should not be lost.

Councillor Mrs Wagland advised that she shared the views of Councillor Wixley's on a personal level but that as a Portfolio Holder she had to take account of all aspects in relation to the future of the Council's non-operational properties.

(d) Council's Summer Holiday Activity Programme

Councillor Philip drew attention to the Council's Summer Holiday Activity Programme and asked if in future increased provision could be made for young people in their mid-teens.

Councillor Rolfe advised that he would be happy to discuss this possibility with Leisure Officers for future years.

(e) SLM Capital Investment

Councillor P Brooks asked the Leisure and Wellbeing Portfolio Holder if the SLM guaranteed capital investment of £250,000 over three sites would be divided equally between the sites.

Councillor Rolfe advised that he would need to seek further advice from officers and would report further in due course.

(f) Parking Reviews

Councillor Sutcliffe asked the Operational Planning and Transport Portfolio Holder if the letter to be sent to County Councillor Hume could be copied to relevant Ward Councillors so that they could respond to their constituents about the future of these schemes.

Councillor Stavrou advised that she envisaged the reply from County Councillor Hume would be more illuminating and that copies of that would be circulated when received.

(g) Healthworks Project for Young People

Councillor Dodeja asked the Leisure and Wellbeing Portfolio Holder for a definition of young children at which this project was aimed.

Councillor Rolfe advised that the project had only recently been agreed and that he would provide further details to members in due course.

(h) Council Car Park, Church Hill, Loughton

Councillor Markham asked the Legal and Estates Portfolio Holder for an update on the future of the car park in Church Hill, Loughton. He drew attention to the proposal to refurbish the petrol filling station at The Broadway, Loughton, and asked if this was likely impact on the future of the petrol filling station adjoining the car park in Church Hill.

Councillor Mrs Wagland advised that she was meeting officers later in the week to discuss issues included within her Portfolio and she would raise this issue and report back to members in due course.

(i) Car Parking – The Broadway, Loughton

Councillor Mrs J Hart advised that there were two off-street car parks in the vicinity of The Broadway. The one in Burton Road free on Saturdays but the one in Vere Road was subject to charges. She asked the Operational Planning and Transport Portfolio Holder if having regard to the location of the Vere Road car park in relation to the shops and the fact that it was some distance from the Underground Station and unlikely to be attractive to commuters an exception could be made to policy so that both car parks could be free on Saturdays. She also asked if additional signage could be provided drawing attention to location of the car parks.

Councillor Ms Stavrou advised that free parking on Saturdays across the District had been agreed by the current administration. A consistent approach had been taken as to the number and location of these car parks and she did not consider it possible to make an exception to policy at The Broadway as this would be unfair to other areas. The Portfolio Holder agreed to investigate the possibility of providing additional signage to the car parks.

(j) Current Economic Climate

Councillor Murray asked the Leader of the Council if she had given any thought as to how the Council would deal with the current difficult economic climate and cuts in Government funding. He asked if attempts would be made to provide services more efficiently or whether some non-statutory services would need to cease.

Councillor Mrs Collins advised that provision had been made for a 3% year on year reduction in the budget for the next three years. However, the Government now required a 25% reduction over five years which equated to over 6% a year. In the light of this there would be a need to review carefully all budgets and savings would be made as and when identified. The Leader advised that if possible non-statutory services would be maintained but that careful consideration would need to be given to future budgets in view of the reductions required. She confirmed that all members would be involved in making decisions on these matters.

29. MOTIONS

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

30. QUESTIONS BY MEMBERS UNDER NOTICE**(a) Roding Valley Recreation Ground Lake**

By Councillor S Murray to Councillor B Rolfe, Leisure and Wellbeing Portfolio Holder

“Could the Portfolio Holder please update members as regards the following:

- (a) the plans for the Roding Valley Recreation Ground Lake;
- (b) the progress made on these plans (including the control of fishing by bailiffs), with implementation dates if relevant; and
- (c) what other plans are in place to deal with the anti-social behaviour of some fishermen (usually not locals) before the implementation of any longer term arrangements”.

Response read by Councillor B Rolfe, Leisure and Wellbeing Portfolio Holder

“I will reply to the three parts of the question in turn:

(a) The plans for the Roding Valley Recreation Ground Lake

The last meeting of the Roding Valley Lake Group consisting of Epping Forest District Council officers, Parish/Town Council representatives and the Environment Agency representatives was held on 12 May 2010.

The update on the situation is as follows:

- (i) the fishing platform installed last year has sustained some damage to the lower board, this is being repaired.
- (ii) land bank erosion

There are two critical areas. One area was completed last year. The area by the footpath is now being dealt with and should be finished by the end of June. Much of the erosion is caused by geese and it is planned to consider installing a gravel area to enable the birds to get in/out of the water without continually eroding the banks.

There is another potential worn area by the old slipway and this area is being assessed to see if planting reed beds will help.

- (iii) Erosion of the main river bank

The Environment Agency is monitoring the river erosion. Loughton Town Council is concerned about three areas in their part of the Roding Valley and its impact on the path.

- (iv) Reed Beds

Reed beds are being planted in one area of the lake to improve water quality. Works will be started in one month to six weeks.

(v) Platforms

Platforms for use by fishermen are being installed and will be linked to the footpath.

(vi) Funding

The Environment Agency has assisted by grant funding part of the platform work and also the reed planting programme. Essex County Council helped to fund the platform for use by disabled people.

(vii) Fish Stock

The Environment Agency has donated some fish and those were released into the lake on June 18th.

(b) The progress made on these plans (including the bailiffing of fishing) with implementation dates if relevant

An attempt has been made to interest a fishing club in managing the site but to date this has been unsuccessful. The Environment Agency has supplied a list of clubs and those clubs will be approached to see if they will assist the Council to manage fishing activities in a better way.

(c) What other plans are in place to deal with the anti-social behaviour of some fishermen (usually not locals) before the implementation of any longer term arrangements

The Council has been dealing with some anti-social behaviour issues in the Roding Valley. Loughton Town Council have a member of staff who patrols their managed area of the Roding Valley. Management of the lake by a fishery club will improve management on the site. Once the management agreement for the part of the recreation area which is in Buckhurst Hill has been resolved, management responsibilities on the areas adjacent to the lake will be much clearer."

Councillor Murray advised that he did not wish to ask a supplementary question arising out of the original question or the response.

31. REPORT OF THE CABINET - COMMUNITY GOVERNANCE REVIEW - GREENSTED/ONGAR TOWN

Mover: Councillor Mrs D Collins – Leader of the Council

The Leader submitted a report following a request for a Community Governance Review of the rural part of the Greensted Parish Ward of Ongar Town to the Parish of Stanford Rivers.

In presenting the report the Leader drew attention to an e-mail received earlier in the day from a representative of Greensted residents expressing disappointment at the recommendations of the Cabinet. As a result it had been suggested that representatives of the Ongar Town Council should meet with residents of Greensted to discuss the issues further.

An amendment moved by Councillor Jacobs and seconded by Councillor J M Whitehouse to defer consideration of the matter pending the outcome of the meeting

between representatives of the Town Council and residents of Greensted was withdrawn following debate.

By leave of the Council, the Leader amended the recommendations of the Cabinet to clarify the extent of the proposed transfer.

Report as amended ADOPTED

RESOLVED:

That a Community Governance Review in respect of the Greensted Ward of Ongar Town Council be not pursued for the following reasons:

- (a) the representations made for the proposed transfer of the rural part of the Parish Ward of Ongar Town to the Parish of Stanford Rivers do not make a strong enough case for reflecting the identities and interests of residents of that Ward more effectively and conveniently than the present arrangements;
- (b) the case presented does not provide a convincing justification for concluding that the concerns expressed by Greensted residents and in particular those from Greensted Green will be better served by transferring the Ward to a different Parish Council; and
- (c) the absence of any view expressed by the Stanford Rivers Parish Council.

32. COMMUNITY GOVERNANCE REVIEW - MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL

Mover: Councillor Mrs D Collins – Leader of the Council

The Leader submitted a report following a request for a Community Governance Review for the Moreton, Bobbingworth and The Lavers Parish Council area.

Report as first moved ADOPTED

RESOLVED:

- (1) That this Council agrees to embark on a Community Governance Review for the Moreton, Bobbingworth and The Lavers Parish Council area;
- (2) That the Council publishes this decision and the reasons for launching the review, namely:
 - (a) the proposal of Moreton, Bobbingworth and The Lavers Parish Council for revised warding for the three Lavers Parishes will achieve a more balanced electoral representation across the Parish area;
 - (b) the review will enable this Council to assess whether the local community support this proposal and wish to raise any other governance issues; and
- (3) That a new Committee be established to be responsible for progressing the review and making recommendations to the Council with

membership and terms of reference as submitted by the Returning Officer in a separate report.

33. **COMMUNITY GOVERNANCE REVIEWS - APPOINTMENT OF NON EXECUTIVE COMMITTEE**

Mover: Councillor Mrs D Collins – Leader of the Council

The Leader reported that following consideration of the earlier report concerning the Community Governance Review requested by Moreton, Bobbingworth and The Lavers Parish Council, the Cabinet had requested the Returning Officer to draw up terms of reference for its preferred option for taking that review forward, namely a Non Executive Committee.

The Leader reported on the proposed terms of reference of the Committee which would report direct to the Council on specific reviews or policy.

First amendment moved by Councillor Mrs D Collins and seconded by Councillor C Whitbread

“That recommendation (1) be amended by the addition of a new sub-paragraph (a) (iii) as follows:

“(iii) to report to the Council with a preliminary assessment of the steps required to achieve a reduction in the number of District Councillors serving on this Authority, including the question of changing to whole Council elections every four years with a view to assisting the Council in making decisions on those matters;” and

That an additional recommendation to be numbered (4) be approved as follows:

“(4) That the need for a larger membership for the proposed Committee be kept under review bearing in mind its future workload”.

By leave of the Council, Councillor Mrs Collins withdrew the above amendment and moved the following alternative amendment which was seconded by Councillor C Whitbread:

“(1) That paragraphs (a) and (b) of recommendation (1) be amended to read:

“(a) To consider and make recommendations to the Council on:

(i) requests for community governance reviews and how and when they should be carried out;

(ii) any future Parliamentary and District reviews;

(iii) the outcome of such reviews;

(b) To be responsible for progressing such reviews, including conducting public consultation in accordance with the Local Government and Public Involvement in Health Act 2007; and

(c) To keep under review the need for a larger membership for the Committee bearing in mind its future workload.”

Carried

Second amendment moved by Councillor D Stallan and seconded by Councillor J Philip

“That in the interests of continuity, named substitutes be appointed to the Committee”.

Carried

The Chairman invited Group Leaders to nominate members and substitutes to the Committee following which the Council elected a Chairman and appointed a Vice-Chairman from the nominated members.

RESOLVED:

(1) That a non executive Committee be appointed with the following terms of reference:

Title: Community Governance Review Committee

Purpose of Committee:

- (a) To consider and make recommendations to the Council on:
 - (i) requests for community governance reviews and how and when they should be carried out;
 - (ii) any future Parliamentary and District reviews;
 - (iii) the outcome of such reviews;
- (b) To be responsible for progressing such reviews, including conducting public consultation in accordance with the Local Government and Public Involvement in Health Act 2007;
- (c) To keep under review the need for a larger membership of the Committee bearing in mind its future workload;

Membership:

5 Councillors and 5 substitutes appointed by the Council in accordance with pro rata requirement.

Chairman and Vice-Chairman:

To be appointed each year by the Council.

Meetings:

The Committee shall meet as when necessary.

The Committee will meet in public session, be open to all District Councillors and shall be authorised to invite external organisations to attend for the purpose of fact finding and consultation.

Conduct of Reviews

The Committee shall be authorised to agree the detailed arrangements for consulting local communities on such reviews subject to the policy and budget approved by the Council.

Policy Issues

The Committee shall if necessary consider and make recommendations to the Council on future policy to be adopted in regard to such reviews;

(2) That the following members and substitutes be appointed to the Committee:

Conservative Group: Councillors J Philip, D Stallan and C Whitbread (substitutes: Councillors Mrs M Sartin, Mrs S Watson, Mrs E Webster)
LRA Group: Councillor D Wixley (substitute: Councillor Mrs C Pond)
Liberal Democrats Group: Councillor D Jacobs (substitute: Councillor J M Whitehouse);

(3) That Councillor J Philip be elected Chairman of the Committee for the current municipal year; and

(4) That Councillor D Stallan be appointed Vice-Chairman of the Committee for the current municipal year.

34. REPORT OF THE CABINET - HOUSING REVENUE ACCOUNT - REFORM

Mover: Councillor C Whitbread - Finance and Economic Development Portfolio Holder

The Portfolio Holder reported that in July 2009, the Department for Communities and Local Government had published a consultation paper "Reform of Council Housing Finance" following a review of Council Housing Finance which had begun in March 2008. Following the conclusion of the consultation the Department had been working on a prospectus for a voluntary offer to local authorities to buy themselves out of the current HRA subsidy system. The issues had been considered by the Finance and Performance Management Cabinet Committee who had taken account of the views of consultants appointed to advise the Council on these matters.

Report as first moved **ADOPTED**

RESOLVED:

That the Council's response to the Government consultation as set out in the Appendix to the report to the Council be approved.

35. STATUTORY STATEMENT OF ACCOUNTS 2009/10

Mover: Councillor A Green - Chairman of the Audit and Governance Committee

Councillor A Green presented a report and the draft Statutory Statement of Accounts for the financial year ending 31 March 2010.

Councillor Green advised that the Committee had also considered the draft Annual Governance Statement which was normally presented with the Statutory Statement of Accounts. The Committee had decided that part of the draft Statement should be reworded, a view endorsed by the external auditor, and an amended version of the Statement would be presented to the next meeting of the Committee. As a result the Committee was unable to recommend the Statement as drafted to Council and it had not been included with the Statutory Statement of Accounts at this time.

Report as first moved **ADOPTED**

RESOLVED:

That the Statutory Statement of Accounts for the financial year ending 31 March 2010 be approved.

36. REPORT OF THE CONSTITUTION AND MEMBERS SERVICES SCRUTINY PANEL - E-PETITIONS

By leave of the Council, Councillor Mrs M McEwen, Chairman of the Panel, made an oral report on this item.

Councillor Mrs McEwen advised that on 24 June 2010 the Panel had received a report on the new procedures for dealing with petitions including the introduction of electronic petitions. She advised that the Local Democracy, Economic Development and Construction Act 2009 required the Council to have arrangements in place by 15 June 2010 to comply with the procedures for dealing with petitions in compliance with the legislation. It also required that an electronic petitions procedure be approved by 15 December 2010.

Councillor McEwen reported that the Panel had concluded that devising a scheme for petitions was a task which would take time and involve careful discussion of all the options available. Accordingly, it had not been possible to deal with these issues at one meeting and the matter would be considered again at the next meeting of the Panel.

The Council noted that although the Act had been given Royal Assent in December 2009, statutory guidance had only been issued in March 2010 and the Council had been given relatively little time to consider what was a complex subject.

Councillor Mrs McEwen assured the Council that pending adoption of the new procedures the Council would continue to deal with petitions in accordance with its current procedure which had operated successfully for many years.

37. GAMBLING ACT 2005 - AMENDED STATEMENT OF PRINCIPLES

Mover: Councillor Mrs P Brooks - Chairman of the Licensing Committee

Councillor Mrs Brooks reported that the Gambling Act 2005 made the Council responsible for issuing various permissions, permits and notices relating to the use of premises for gambling activities within its District. The Act required the Council to make decisions having regards to the Act, regulations, guidance issued by the Gambling Commission and its own policy document referred to in the Act as a Statement of Principles.

Councillor Mrs Brooks submitted a revised Statement of Principles to replace the current Statement which had been placed for three years.

Councillor S Murray questioned the list of consultees contained in Appendix B to the Statement. Councillor Mrs Brooks advised that the Director of Corporate Support Services would write to Councillor Murray advising him how the list of consultees had been compiled.

Report as first moved **ADOPTED**

RESOLVED:

That the Gambling Act 2005 amended Statement of Principles be adopted.

38. APPOINTMENTS OUTSTANDING FROM THE ANNUAL COUNCIL MEETING

(a) Vice-Chairman of the Complaints Panel

The Chairman reported that the appointment of a Vice-Chairman of the Complaints Panel had been deferred at the Annual Council meeting. Members noted that in accordance with the protocol on the Allocation of Chairmanships and Vice-Chairmanships in the Constitution, the appointment should be on the nomination of the LRA Group.

RESOLVED:

That Councillor Ms R Brookes be appointed Vice-Chairman of the Complaints Panel for the municipal year 2010/11.

(b) West Essex Area Forum

The Chairman reported that the appointment of a representative on the West Essex Area Forum had been deferred at the Annual Council meeting. Members noted that the protocol on the Allocation of Appointments to Outside Organisations in the Constitution was not a statutory pro rata requirement and that strict pro rata allocation had not been achieved for several years. Members noted that other authorities appointed their Leaders to attend the West Essex Area Forum.

RESOLVED:

That Councillor Mrs D Collins, Leader of the Council, be appointed as the Council's representative on the West Essex Area Forum for the municipal year 2010/11.

(c) Local Government Association – Rural Commission

The Chairman reported that the appointment of a second representative on the Local Government Association – Rural Commission had been deferred at the Annual Council meeting. At the Annual meeting, Councillor A Boyce had been appointed as the voting representative.

RESOLVED:

That Councillor Mrs M McEwen be appointed as the second representative on the Local Government Association – Rural Commission for the municipal year 2010/11.

39. PORTFOLIO HOLDER RESPONSIBILITIES

The Council noted the Portfolio Holder responsibilities agreed by the Leader of the Council following the creation of a ninth Portfolio.

40. CIVIC OFFICES CONDER BUILDING - CONTRACT FOR NEW WINDOWS AND INFILL CLADDING PANELS - WAIVING OF CALL-IN

Members noted that the Chairman of the Council had agreed that the decision of the Cabinet regarding the award of a contract for new windows and infill cladding panels in the Conder Building at the Civic Offices and the virement of a sum of £40,000 to provide the budget required should be treated as a matter of urgency and should not be subject to call-in.

41. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

There were no reports on the business of joint arrangements and external organisations under this item.

CHAIRMAN