

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 27 September 2005

Place: Civic Offices, Epping **Time:** 7.30 - 8.15 pm

Members Present: Councillors B Sandler (Chairman), Mrs A Haigh (Vice-Chairman), K Angold-Stephens, S Barnes, D Bateman, Mrs M Boatman, Mrs D Borton, Mrs P Brooks, R Chidley, M Cohen, M Colling, Mrs D Collins, Mrs J Davis, J Demetriou, R D'Souza, K Faulkner, Mrs R Gadsby, R Goold, A Green, Mrs A Grigg, Mrs H Harding, J Hart, M Heavens, D Jacobs, J Knapman, Mrs J Lea, F Maclaine, J Markham, L Martin, Mrs M McEwen, P McMillan, S Metcalfe, R Morgan, S Murray, Mrs S Perry, Mrs P Richardson, Mrs P K Rush, Mrs M Sartin, B Scrutton, Mrs P Smith, D Spinks, D Stallan, Ms S Stavrou, C Whitbread, Mrs J H Whitehouse, J M Whitehouse and K Wright

Apologies: Councillors R Glozier, P Gode, D Kelly, A Lee, Mrs C Pond, T Richardson, G Stollar and M Woollard

Officers Present: P Haywood (Joint Chief Executive), J Scott (Joint Chief Executive), J Boreham (Assistant Public Relations and Information Officer), M Mootoo (Human Resources Consultant), I Willett (Head of Research and Democratic Services) and G J Woodhall (Democratic Services Assistant)

Others Invited: I Anderson (Public Questioner) and P Smith (Business Link in Essex).

37. RECENT DEATHS - KEN JONES, FORMER COUNCILLOR KEN JUDD AND MRS CHARLOTTE KELLY

(a) Ken Jones, Former District Recreation Officer

It was with much sadness that the Chairman informed the Council of the death of the Council's first District Recreation Officer Ken Jones over the weekend of 17 and 18 September 2005. Ken Jones had been appointed by the Shadow District Council on 1 March 1974 and had served as District Recreation Officer until February 1982. He had been instrumental in establishing the Leisure Department in its present form. Ken Jones had also been a Justice of the Peace, as well as a Fellow of the Royal Society for the encouragement of arts, manufacturers and commerce.

(b) Former Councillor Ken Judd

It was with regret that the Chairman reported the death of former Councillor Ken Judd over the weekend of 24 and 25 September 2005. Former Councillor Judd had been a member of the District Council from 1977 to 1981 representing Nazeing. During his time with the Council he had been Chairman of the Joint Works Committee, Vice-Chairman and Chairman of a Plans Sub-Committee, as well as a member of the Housing Management Sub-Committee, Housing Committee and Personnel Sub-Committee.

(c) Mrs Charlotte Kelly

It was the Chairman's sorrowful duty to inform the Council of the death of Mrs Charlotte Kelly, wife of Councillor Doug Kelly, over the weekend of 24 and 25 September 2005. The Chairman reminded members that Mrs Kelly had been the Chairman's lady in 2003/03, and had given Councillor Kelly enormous support during his year of office, particularly with his charity appeal. The Chairman undertook to inform members of the funeral arrangements when they had been finalised.

All present stood for a minute's silence in tribute to Ken Jones, former Councillor Ken Judd and Mrs Charlotte Kelly.

RESOLVED:

That the Council's condolences be recorded to the families of:

- (a) Former District Recreation Officer Ken Jones;
- (b) Former Councillor Ken Judd; and
- (c) Former Chairman's Lady Mrs Charlotte Kelly.

38. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 28 July 2005 be taken as read and signed by the Chairman as a correct record.

(Recorded in accordance with Council Procedure Rule 15.5 that Councillor R Chidley voted against the confirmation of the minutes of the last meeting)

39. DECLARATIONS OF INTEREST

There were no declarations pursuant to the Council's Code of Member Conduct.

40. CHAIRMAN'S ANNOUNCEMENTS

(a) Flowers

The Chairman announced that the flowers from tonight's meeting would be sent to St Clare's Hospice.

(b) Chairman's Quiz Night

The Chairman's Quiz Night had been re-scheduled for Friday 24 February 2006 at Theydon Bois Village Hall. The Chairman was pleased to announce that the services of Mr I Willett had been retained as Quizmaster, and urged members to support the event, which was in aid of his charity appeal.

(c) Royal Gunpowder Mills Visit

The Chairman had been disappointed to discover that only four members had replied to his invitation to visit the Royal Gunpowder Mills in Waltham Abbey. As a consequence, the visit had been cancelled and the time and effort of the officers who had organised the trip had been wasted. The Chairman urged members to respond to future invitations, preferably in the affirmative.

(d) Investors In People – Re-accreditation of Epping Forest District Council

Mr P Smith, Chief Executive of Business Link in Essex, presented the Chairman with a plaque in recognition of the Council's re-accreditation for the nationally recognised Investors In People award. In a short address to the Council, Mr Smith stated that he had been impressed with the Management Development programmes that had been put in place, and that the re-accreditation was a notable achievement for the Council.

41. PUBLIC QUESTIONS**(a) Epping High Street – Parking**

By Mr I Anderson to Councillor D Spinks, Portfolio Holder for Civil Engineering and Maintenance

"In view of the report in the Epping Guardian on 13 January this year – 8 months ago, that new parking bays are to be introduced onto the eastern side of the High Street giving free parking for periods of one hour, could the Council now tell me when this work is scheduled to be carried out?"

Response by Councillor D Spinks, Portfolio Holder for Civil Engineering and Maintenance

"The making of road traffic orders is a complex technical and legal process. Unfortunately, the Cabinet decision to proceed with the order-making process coincided with the negotiations on changes to the highway service, which of course resulted in the highway service reverting to the County Council with effect from 1 April 2005, and this has resulted in delays.

The road traffic orders have been prepared and were forwarded to the County Council for their legal service to undertake the public advertisement in the middle of August. It is anticipated that this process will be complete by mid-October, although I cannot be absolutely certain that this will be achieved. Assuming that it is, the County Portfolio Holder will consider any objections made to the making of the orders and provide his views to me as Portfolio Holder. If there are no objections or the objections are not upheld, the orders will be made, a process that should be completed by the end of January 2006.

Following the making of the orders the County Council will arrange for the relevant highway works and lining to be undertaken."

In response to a supplementary question by Mr Anderson, the Portfolio Holder also undertook to consider the installation of temporary parking controls in that section of the High Street in Epping if there are any further delays, particularly over the Christmas period.

42. REPORTS OF THE CABINET**(a) Treasury Management Policies and Investment Practices**

(Mover: Councillor J Knapman – Portfolio Holder for Finance and Performance Management)

The Portfolio Holder for Finance and Performance Management presented a report regarding the Treasury Management Policies and Investment Practices of the

Council and explained that the proposed change in investment limits for the highest rated counterparties from £5,000,000 to £8,000,000 was a very low risk measure.

Report as first moved **ADOPTED**.

RESOLVED:

That, in respect of the highest rated counterparties, the increase in the maximum investment limits from £5,000,000 to £8,000,000 be approved.

(b) Corporate Customer Contact Centre – Scoping Study Report

(Mover: Councillor S Metcalfe – Portfolio Holder for Corporate Support Services and ICT)

The Portfolio Holder for Corporate Support Services and ICT presented the Scoping Study Report for the Corporate Customer Contact Centre. The Portfolio Holder remarked that this would be the most important decision that the Council would make for a considerable time, as it would put the local residents at the centre of all the Council's activities. The Cabinet had already approved the concept of the Customer Contact Centre as the best option for the future, and further reports would be forthcoming to the Council regarding the implementation.

Report as first moved **ADOPTED**.

RESOLVED:

That, spearheaded by a Corporate Customer Contact Centre, a Customer Service Transformation Programme be implemented.

(c) Supplementary Estimates – 2005/06

(Mover: Councillor J Knapman – Portfolio Holder for Finance and Performance Management)

The Portfolio Holder for Finance and Performance Management presented a report in respect of the Supplementary Estimates for 2005/06, which had been agreed by the Cabinet at its last meeting on 5 September 2005. With regards to the clearance of the land behind Landridge Cottages, Paynes Lane, Nazeing, the Portfolio Holder stated that the proposed course of action was the most sensible option, which would also not set a precedent. The Cabinet had been considering the long-term future of the land, including possible compulsory purchase. In relation to Loughton Leisure Centre, the Portfolio Holder for Leisure stated that the proposed works had to be completed prior to the commencement of the contract with Sports and Leisure Management Limited to run the centre. A further report on the outstanding defects would be forthcoming at future Cabinet meetings.

Report as first moved **ADOPTED**.

RESOLVED:

(1) That, in order to carry out works to clear the land to the rear of Landridge Cottages, Paynes Lane, Nazeing of rubbish, a supplementary DDF estimate of £100,000 be approved; and

(2) That, in order to address the problems associated with the overheating of the Boiler and Plant Rooms at Loughton Leisure Centre, a supplementary capital estimate of £18,000 be approved.

(d) Council Tax Discounts for Second Homes

(Mover: Councillor J Knapman – Portfolio Holder for Finance and Performance Management)

The Portfolio Holder for Finance and Performance Management presented a report in respect of Council Tax Discounts for Second Homes. The Portfolio Holder reported that the proposed decrease in Council Tax discount for Class B properties was designed to encourage more of the District's empty housing stock to be returned to use. The Portfolio Holder also reported that a review had been planned regarding Class C properties for 2007/08, whereby it was anticipated that the discount would also be lowered to 10%. However, the Portfolio Holder cautioned that the Council would not receive any of the extra income generated from Class C properties under the current legislation.

Report as first moved **ADOPTED**.

RESOLVED:

That the discount for Class B properties (Second Homes) within the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 be reduced from 50% to 10% with effect from 1 April 2006.

43. REPORT OF OVERVIEW AND SCRUTINY COMMITTEE

(a) Council Motions and Questions – Review of Constitution

The Chairman of Overview and Scrutiny presented a report concerning the operation of questions and motions at Council meetings. The Standing Panel on Constitutional Affairs had recommended that the different deadlines for questions and motions under notice should be standardised, in order to simplify the process for Members. The panel had also recommended that questions and motions should not be accepted for extraordinary meetings of the Council, which should continue to be convened solely for the purpose of the defined business.

The Panel had also noticed that there had been an increasing tendency for the Chairman of the Council to rule that both questions and answers should be taken as read. The Panel had recommended that in order to aid the despatch of business at Council, if both the question and answer was available to members prior to or at the meeting then they could be taken as read, unless the questioner specifically requested that the reply should be given orally.

First amendment moved by Councillor S Murray and seconded by Councillor Mrs J Davis.

“That recommendation (4) be amended such that if the questioner speaks the question then the answer should also be spoken.”

Carried

Report as amended **ADOPTED**.

RESOLVED:

- (1) That, for the submission of written notice of motions and questions by members of the Council, the deadline be set at seven working days prior to the meeting;
- (2) That, for extraordinary Council meetings, questions and motions be excluded from the agenda;
- (3) That the Council procedure rules be amended to require that any adopted motion:
 - (a) stands referred for consideration by the Cabinet if it relates to an executive function; and
 - (b) is subject to consideration and report back to the Council if it involves matters relating to:
 - (i) the policy or budget framework;
 - (ii) the Constitution; or
 - (iii) any other matter requiring the consent of the Council;
- (4) That, provided copies of the reply have been circulated to all members of the Council at the Council meeting, existing practices in relation to questions and answers at Council meetings be amended in order that questions and answers be taken as read unless the questioner specifically speaks the question and requires the answer to be given orally; and
- (5) That the relevant changes be made to the Council's procedure rules.

44. URGENT MOTION - CHAIRMANSHIP OF COMPLAINTS PANEL

The Chairman of Council had determined that under Section 100B(4)(b) of the Local Government Act 1972 the following motion moved by Councillor S Murray and seconded by Councillor Mrs J Davis should be considered at the meeting, in view of the recent publicity concerning the views expressed by the current Chairman of the Complaints Panel.

"That the Council reconsider the appointment of Councillor T Farr to the position of Chairman of the Complaints Panel and resolves at this meeting to:

- (a) terminate his appointment as Chairman of the Complaints Panel effective from today's date; and
- (b) appoint a new Chairman for the remainder of the current Council year."

First amendment moved by Councillor B Sandler and seconded by Councillor Mrs A Haigh.

"That resolution (b) be amended to "That the Group Leaders convene before the next Council meeting in order to resolve the issue of the Chairmanship of the Complaints Panel.""

Carried

Motion as amended **ADOPTED**.

RESOLVED:

- (1) That, effective from today's date, the appointment of Councillor T Farr as Chairman of the Complaints Panel be terminated; and
- (2) That, in order to resolve the issue of the Chairmanship of the Complaints Panel, a meeting of the Group Leaders be convened before the next meeting of the Council.

45. QUESTIONS BY MEMBERS

(a) Waste Management – Revised Collection Arrangements

By Councillor P McMillan to Councillor D Jacobs, Portfolio Holder for Environmental Protection

“The change of day from Tuesday to Friday for refuse and recycling collections from properties in Lippitts Hill, The Owl and The Elms, High Beech has caused much annoyance and confusion for residents;

on the first new collection day for residual waste, Friday 9 September, no collections were made but after complaints were received there was a special collection late evening on Saturday, 10 September;

on Friday, 16 September, the first new collection day for residual waste, green waste and blue boxes, only the contents of the blue boxes were collected initially – I telephoned the Council's contractor on Saturday 17 September to explain the problem, was advised that a collection would be made later in the day but received no explanation of the problem to enable me to report back to residents; I was asked to give my name to which I replied Councillor Peter McMillan and received the reply “I don't care if you are a councillor I just asked your name” – a further collection was made later that morning with all the residual waste and green waste mixed together in the same vehicle;

in view of the above, does the Portfolio Holder agree that such a service is completely unacceptable and will he seek a meeting with the senior management of South Herts Waste Management to seek an explanation as to why the change in day has been handled so badly and an assurance that future collections will be on the correct day and telephone enquiries will be answered politely;

and does the Portfolio Holder also agree that residents are entitled to a full apology in the next edition of the “Forester” together with details of the steps taken to ensure there is no repeat of this situation”

Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection

“All members will be aware, through the Members' Bulletin, of the difficulties which have been, and are continuing to be experienced, from the day change exercise. It is important firstly to understand why this change has been necessary.

As part of the move towards a wheeled bin service it was necessary:

- (a) to reduce the size of the existing rounds; and
- (b) to ensure that all collections (residuals and recyclables) were collected on the same day of the week.

Involving as it does all households and more than 100,000 collections a week, it was inevitable that difficulties would arise. These were set out in the Members' Bulletin but bear repetition as part of this answer:

- (a) some householders did not receive the day change leaflets;
- (b) some householders received an incorrect day change leaflet; and
- (c) some householders received the correct leaflet but failed to read it or take note of its content.

It was a contractual obligation on South Herts Waste Management to deliver the day change leaflets.

This resulted in a mix of missed collections and refuse etc put out on the wrong day, and it is this which has caused the problems to which the Member refers. At its peak in the week commencing 5 September, more than 6,000 calls were made to Environmental Services, a situation which required additional resources to meet this unprecedented demand for information. Whilst the level of calls has declined they are still running at around 500 per day but generally now refer to continuations of missed collections. It is worth noting that an unfortunate number of these calls have been unpleasant and very abusive, and the officers taking the calls have had considerable difficulty in coping.

Officers have been working very hard, including evenings and weekends to deal with these problems, and have been in constant discussion with South Herts Waste Management. Given the scale of the exercise and the fact that the collection crews had to learn new rounds etc, some leeway was given to allow any problem areas to come to light and then be dealt with. However, last week, officers took the view that sufficient time had elapsed for the crews to have become familiar with the new arrangements and for all missed collections to have been dealt with. They therefore met with South Herts Waste Management to inform them that the full weight of the contract's performance requirements would be brought to bear, which includes financial penalties and a review of the contract itself.

There is no excuse for the contractor's staff to be impolite on the telephone and that has been brought to the contractor's attention. With respect to the mixing of recyclable material and residual waste, whilst this is of course ordinarily completely unacceptable, it was probably collected that way in order to simply remove the backlog of waste from the area.

I am happy to arrange for the "Forester" to contain an explanation for these difficulties and to apologise to those residents who were adversely affected. However, as ever in these matters, and not seeking to minimise the problems caused, the whole District was not affected, and indeed the majority of the District has seen a relatively trouble free changeover to the new arrangements".

(b) Clean Neighbourhoods and Environment Act 2005

By Councillor S Murray to Councillor D Jacobs, Portfolio Holder for Environmental Protection

"Following the recent passage of the Clean Neighbourhoods and Environment Act 2005 what does the Council intend to do to:

- (a) ensure that our refuse collection contractor communicates effectively with all residents across the District in the future; and

(b) use its new powers as regards light nuisance, which is now subject to the same law as noise and smells.”

Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection

“The Clean Neighbourhoods and Environment Act 2005 provides authorities with a range of revised and additional powers. These were set out in my answer to a question at the Council meeting on 28 July 2005. In that answer I stated that I was considering how best to take these matters forward, and I understand that following a request from Councillor Mrs Whitehouse, the Chairman of the Standing Panel on the Environment and Planning has agreed to add consideration of this new Act to the Panel’s work programme. I will be pleased to assist him in that consideration. Most of the new powers become available in April 2006, and guidance is promised from government on how authorities should make use of them. This guidance is yet to be published.

The Standing Panel will report to Members via Cabinet in due course, and ahead of budget setting, since it is clear that the adoption and use of many of the new powers will have resource implications.

With regard to communications, it is in the Council’s interest that effective contractor / customer communications prevail. In the event of advice of a breakdown in these communications, the Council will always contact the contractor with a view to rectification and continuation of future best practice.”

46. CABINET PORTFOLIOS - COUNCILLOR D SPINKS

The Leader of the Council presented a report in relation to covering the duties and responsibilities of the Portfolio Holder for Civil Engineering and Maintenance during the absence of Councillor D Spinks, who was shortly to undergo an operation that would require a period of recuperation. The Council was reminded that his duties had to be covered by the Cabinet, as the Local Government Act 2000 did not permit the use of substitutes for Cabinet posts. The Leader informed the Council that the Portfolio Holder for Planning and Economic Development, Councillor R Glozier, had agreed to act as Portfolio Holder for Civil Engineering and Maintenance as until such time that Councillor Spinks felt fit enough to resume his duties.

The Chairman of the Council passed on the Council’s best wishes to Councillor Spinks for a rapid recovery, and Councillor Spinks intimated that he hoped to return to his duties before Christmas.

RESOLVED:

That, in order to cover the duties of Councillor Spinks during his period of absence due to an impending operation, the Portfolio Holder for Planning and Economic Development Councillor R Glozier be approved as acting Portfolio Holder for Civil Engineering and Maintenance.

47. REPRESENTATION ON OUTSIDE ORGANISATIONS - VOLUNTARY ACTION EPPING FOREST (VAEF)

The Head of Research and Democratic Services presented a report in respect of the Council’s representation on VAEF. The Council were reminded that Councillor Whitbread had been appointed as the Council’s representative at the Annual Meeting, but had found it difficult to attend as meetings were held during the working

day. The Council were reminded that as Voluntary Action Epping Forest applied for grants from the Council, it would be inappropriate to appoint the Portfolio Holder for Community Wellbeing.

RESOLVED:

That Councillor Mrs M Sartin be appointed as the Council's representative on VAEF.

CHAIRMAN