

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 21 February 2006

Place: Civic Offices, Epping **Time:** 7.30 - 9.45 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, T Farr, Mrs R Gadsby, P Gode, R Goold, A Green, Mrs A Grigg, R Haines, Mrs H Harding, J Hart, M Heavens, D Jacobs, D Kelly, J Knapman, Mrs J Lea, A Lee, J Markham, L Martin, Mrs M McEwen, P McMillan, S Metcalfe, R Morgan, Mrs S Perry, Mrs C Pond, Mrs P Richardson, T Richardson, Mrs P K Rush, Mrs M Sartin, B Scrutton, Mrs P Smith, D Stallan, Ms S Stavrou, G Stollar, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, M Woollard and K Wright

Apologies: Councillors K Faulkner, R Glozier, F Maclaine, S Murray and D Spinks

Officers Present: J Scott (Joint Chief Executive), P Haywood (Joint Chief Executive), I Willett (Head of Research and Democratic Services), J Preston (Head of Planning and Economic Development), R Palmer (Head of Finance), G Lunnun (Democratic Services Manager) and T Carne (Public Relations and Marketing Officer)

70. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 13 December 2005 be taken as read and signed by the Chairman as a correct record.

71. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins, Mrs A Haigh, R Morgan, D Stallan and Ms S-A Stavrou declared personal interests in agenda item 13(a) (Election of Verderers of Epping Forest – 2006) by virtue of being acquainted to one of the candidates seeking re-election. They declared that their interests were not prejudicial and that they would remain in the meeting for the duration of the consideration of the item and voting thereon.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 5(a) (Report of the Cabinet – Supplementary Estimates – 2005/06) (Recommendation 2). He declared that his interest was not prejudicial and that he would remain in the meeting for the duration of the consideration of the item and voting thereon.

72. ANNOUNCEMENTS

(1) Chairman's Announcements

(a) Celebration of Faith Service – 5 February 2006

The Chairman thanked members and officers for the support given to the Celebration of Faith Service held at Theydon Bois Village Hall. He said that he considered the event to have been a great success and he had received many letters of thanks from persons who had attended.

(b) Chairman's Quiz Night – 24 February 2006

The Chairman thanked members and officers for supporting his quiz night which had been sold out.

(c) Charity Walk – 2 April 2006

Members noted that the Chairman's Charity Walk would begin at the Lambourne End Centre, Manor Road, Lambourne End at 11 am and would follow a circular route of approximately 4 miles. He expressed the hope that he would be joined by many members and officers and requested that they returned the forms which had been sent to them.

(d) Flowers

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

(2) Member Computer Training – Award of Certificates

The Chairman handed certificates to those members who had completed recent IT training.

73. PUBLIC QUESTIONS

(a) Street Cleansing – Epping

By Councillor B Rolfe, Epping Town Mayor to Councillor D Jacobs, Portfolio Holder for Environmental Protection

"As a member of Epping Town Council and the current Town Mayor, I have received a number of complaints about the decline in local street cleaning throughout the town. Would the Portfolio Holder for Environmental Protection comment whether this has anything to do with the recent problems concerning the Council's waste contractors delivering their collection services."

Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection

"It is the case that operational difficulties with the Council's waste collection service may sometimes impact upon street cleansing. However, Epping High Street has a dedicated street cleansing resource consisting of two crews, one with a cleansing barrow and the other with a motorised sweeper who are present throughout most of the day. This should result in the main High Street areas being cleansed to a reasonable standard. Councillor Rolfe in his question refers to street cleansing "throughout the town" and it would be helpful if he could provide officers with precise details of the locations so that they can investigate his concerns in detail".

74. REPORTS OF THE CABINET**(a) 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 regarding requests for DDF and CSB supplementary estimates.

Report as first moved **ADOPTED**

RESOLVED:

(1) That a DDF supplementary estimate of £9,000 be approved for 2005/06 in order to offset the loss of income and meet the costs associated with providing free car parking spaces at the Quaker Lane car park in Waltham Abbey;

(2) That a DDF supplementary estimate of £110,000 be approved for 2005/06 to enable a one-off payment to be made to the Council's waste management contractor, South Herts Waste Management, relating to end of lease vehicle costs and monthly payments for the contractor in relation to the collection of garden waste; and

(3) That a CSB supplementary estimate of £8,000 be approved for 2005/06 to enable graffiti removal services to be undertaken during the remainder of the municipal year.

(b) Local Area Agreement for Essex

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

The Portfolio Holder for Finance and Performance Management presented a report regarding the Local Area Agreement for Essex which was a contract between local and central government intended to secure improvement across a number of areas for a three year period. The Portfolio Holder reported that since the matter had been considered by the Cabinet a "near final" draft of the Agreement had been released which differed from the one considered by the Cabinet. As a result of the Government's recently launched "Respect Agenda" one of the priorities in the Local Area Agreement had been changed to two priorities. The revised draft had also introduced the possibility of achieving stretch performance and reward grant by incorporating the Local Authority Local Public Service Agreement but no real detail had been given. In view of these changes the Portfolio Holder sought leave of the Council to amend the recommendations of the Cabinet.

Members noted that in relation to the financial implications, the Council would be identifying aligned funds which would mean the sums would contribute towards the priorities but would continue to be managed by the Council.

Report as amended by the Portfolio Holder **ADOPTED**

RESOLVED:

That the Council supports the principles of the Local Area Agreement in general, recognising that all of the targets could see benefits for the population of the Epping Forest District and, in particular, agrees to target its activities on the following priorities and notes the suggested addition of priority 8:

Priority 3 – ensure development is designed to promote healthier living in the built environment (both targets);

(8)(new) – keep vulnerable children and young people safe; these reflect the Council's housing duties and participation in the Crime and Disorder Reduction Partnership (three targets, one of which carries reward grant);

Priority 10 (amended) – reduce crime, the harm caused by illegal drugs and reassure the public, reducing the fear of crime (four targets, one of which carries reward grants);

Priority 11 (amended) – build respect in communities and reduce anti-social behaviour (one target); and

Priority 12 (renumbered) – actively manage our environment (three targets all of which carry a reward grant).

(c) Council Budgets and Council Tax Declaration 2006/07**(Mover: Councillor J Knapman, Finance and Performance Management Portfolio Holder)**

The Portfolio Holder submitted a report on the budgets and Council Tax declaration for 2006/07 and drew attention to two tabled schedules, an amended Annex 3 (revenue expenditure, income and financing) and Annex 7 (analysis of major precepting authorities and a summary of Council Tax rates including all precepts). He apologised for the tabled schedules but pointed that the final grant figures from central government had shown a difference of £630 between the previously rounded-up figures and the actual figures and this had necessitated fresh calculations. Also, the Cabinet at its meeting on 6 February 2006 had considered several further bids for growth in 2006/07 which had to be taken into account. The Portfolio Holder sought leave of the Council to change the figures in recommendations 7(b), (c) and (d) of the report as follows in order to reflect the final grant figure:

(b) £60,149,495;

(c) £18,374,224; and

(d) £8,632,408

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. The Council was informed that the proposed increase of 2.46% in the District Council Tax was the lowest in Essex and as a result, the District Council Tax would be the third lowest in the County. If the Council's guideline to link Council Tax increases to the retail price index only in the following three years was achieved and the two authorities at present setting a lower Council Tax continued with their current trends, this Council would be setting

the lowest District Council Tax in the county in two years time. He said that some members had questioned why the District Council Tax had to be raised at all in view of the Council's favourable financial position. In response he had pointed out that such an approach would result in the Council's longer term guidelines regarding balances being breached in the fourth year of the four year forecast.

The Portfolio Holder drew attention to the main items in the CSB growth/savings schedule. He advised that there would be a net increase in growth of £773,000 which included a sum of £582,000 in respect of changes to the concessionary fares scheme. A net amount of £996,000 was proposed for DDF (one-off expenditure).

The Council noted the four-year forecast for 2006/07-2009/10 including the proposed use of balances over those years.

The Portfolio Holder thanked the members and officers for the work they had undertaken in relation to the budget.

The Head of Finance drew attention to the Annexes regarding the Council's prudential indicators and treasury management strategy and his report as Chief Financial Officer on the robustness of the estimates for the purpose of the Council's 2006/07 budgets and the adequacy of the reserves.

The Portfolio Holder answered questions from members on the proposals. Members thanked the Portfolio Holder and the officers for achieving a prudent budget.

Report as amended by the Portfolio Holder **ADOPTED**

RESOLVED:

Budget

- (1) That the list of CSB growth for the 2006/07 budget (set out in Annex 1) be approved;
- (2) That the list of District Development Fund items for the 2006/07 budget (set out in Annex 2) be approved;
- (3) That the revenue estimates for 2006/07 and the draft Capital Programme for 2006/07 be approved as set out in Annexes 3, 4(a)-(k) and 5 including all contributions to and from reserves as set out in the attached Annexes;
- (4) That the four-year financial forecast be approved as set out in Annexes 8A and 8B;
- (5) That the 2006/07 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 5% from £61.10 to £64.15, be approved;

Declaration of Council Tax

- (6) That it be noted that on 2 December 2005, the Finance and Performance Management Portfolio Holder in consultation with the Chairman of the Overview and Scrutiny Committee calculated the following amounts for

the year 2006/07 in accordance with regulations made under Section 33(5) and 34(4) of the Local Government Finance Act 1992:

(a) 53,140.9 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	Band D Equivalents
Essex County Council (General Expenses)	53,140.9
Essex Police Authority	53,140.9
Essex Fire Authority	53,140.9
Epping Forest District Council (General Expenses)	53,140.9
Abbess, Beauchamp & Berners Roding	198.4
Buckhurst Hill	5,116.3
Chigwell	5,906.5
Epping Town	4,942.0
Epping Upland	406.6
Fyfield	413.9
High Ongar	555.0
Lambourne	923.1
Loughton Town	12,701.4
Matching	305.5
Moreton, Bobbingworth and The Lavers	649.0
Nazeing	2,067.1
North Weald Bassett	2,514.2
Ongar	2,571.3
Roydon	1,306.8
Sheering	1,315.7
Stanford Rivers	352.2
Stapleford Abbots	492.1
Stapleford Tawney	56.1
Theydon Bois	1,942.5
Theydon Garnon	59.9
Theydon Mount	103.4
Waltham Abbey Town	8,002.9
Willingale	239.0

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 2006/07 in accordance with sections 32 to 36 of the Local Government Finance Act 1992:

(a) £78,523,719 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) £60,149,495 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) £18,374,224 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) £8,632,408 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) £183.32 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) £2,582,129 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- (g) £134.73 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	152.37
Buckhurst Hill	203.73
Chigwell	164.61
Epping Town	200.49
Epping Upland	160.55
Fyfield	150.68
High Ongar	150.62
Lambourne	161.81
Loughton Town	179.66
Matching	156.01
Moreton, Bobbingworth and The Lavers	150.91
Nazeing	160.92
North Weald Bassett	174.14
Ongar	181.85
Roydon	154.82
Sheering	151.83
Stanford Rivers	163.69
Stapleford Abbots	144.10
Stapleford Tawney	156.12
Theydon Bois	165.65
Theydon Garnon	150.09
Theydon Mount	146.12
Waltham Abbey Town	219.77
Willingale	149.79

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 these minutes, 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 2006/07 the major precepting authorities have stated that the amounts shown in Annex 7 Part A 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 as the amounts of Council Tax for the year 2006/07 for each of the categories of dwellings shown;

(10) That the Council's policy of retaining revenue balances at no lower than £3.7M or 25% of the net budget requirement whichever is the higher for the four year period to 2008/09 be amended to no lower than £3.7M or 25% of the net budget requirement whichever is the higher during the four year period up to and including 2009/10;

(11) That the recommendations included in the report on the Prudential Indicators and the Treasury Management Strategy for 2006/07 (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 2006/07 budgets and the adequacy of the reserves be noted.

75. REPORT OF THE DISTRICT DEVELOPMENT CONTROL COMMITTEE - TREE PRESERVATION ORDERS PROCEDURAL CHANGES AND DELEGATED AUTHORITIES

(Mover: Councillor Mrs A Grigg – Chairman of the Committee)

The Chairman of the District Development Control Committee presented a report recommending changes in the way that Tree Preservation Orders were dealt with by the Council which required amendment of the Constitution.

Report as first moved **ADOPTED**

RESOLVED:

(1) That Item (8) (page C12 of the Constitution) of the Terms of Reference of the four Area Plans Sub-Committees be amended to read as follows:

“To determine the confirmation of those Tree Preservation Orders which are opposed”; and

(2) That Item (2) of the Terms of the Reference of the District Development Control Committee be amended to read as follows:

“To determine any recommendation of an Area Plans Sub-Committee which relates to potential decisions liable to give rise to claims for costs or compensation including development control matters and enforcement and planning requirements (including recommendations of no action) but excluding works in relation to Tree Preservation Orders”.

76. DISTRICT COUNCIL ELECTIONS (MAY 2006) - ELECTORAL PILOT

The Returning Officer presented a report on proposals for conducting an electronic electoral pilot in May 2006. Members noted that since the report had been prepared, he had received confirmation from the Department for Constitutional Affairs that the Council's application had been agreed.

The Returning Officer advised that the pilot involved an electronic check of postal votes signatures, provision for electors to track postal votes, e-counting of all ballots, amendment of the ballot paper to change the security mark, removal of the need for a witness signature on the postal vote statement and utilisation of an A4 size ballot paper, conduct of voter engagement with pre-poll information to households and allowing children into polling stations, allowing voters to register after the election is called.

The Returning Officer advised that members would be kept informed about progress with the pilot through the weekly Members' Bulletin and reports to the Constitutional Affairs Standing Scrutiny Panel.

Report as amended by the Returning Officer **ADOPTED**

RESOLVED:

(1) That, in accordance with the requirements of the Department for Constitutional Affairs, the Returning Officer be authorised on behalf of the Council:

(a) to sign a contract with Demsoft (the Government's approved contractor) for the delivery of all elements of the pilot including technical development and support, equipment and systems development;

(b) to agree staged payments to Demsoft as set out in the contract to meet the Company's costs of the pilot, namely £92,700;

(c) to advise Demsoft and the Department for Constitutional Affairs that the actions under (a) and (b) above are subject to written agreement by the Department for Constitutional Affairs to reimburse the total cost of the pilot to

this Council, less the Council's standard election costs, including all payments to Demsoft;

(2) That the Council notes that if any of the conditions set out in (1)(c) above are not met, the Council will be unable to proceed with the pilot; and

(3) That the Council notes that as Demsoft is the Government's approved contractor, there has been no competitive tendering exercise in respect of this contract and, with that in mind, the Council's own Contract Standing Orders have been deemed to be waived.

77. MOTIONS

(a) Pay and Display Car Parks

The Council considered the following motion moved by Councillor M Colling and seconded by Councillor P McMillan:

"This Council calls upon the Portfolio Holder for Civil Engineering and Maintenance to review the current off-street parking arrangements with a view to introducing free parking in all the Council's pay and display car parks on Saturdays".

Amendment moved by Councillor J M Whitehouse and seconded by Councillor M Woollard:

"That the following words be added to the end of the motion:

; and taking into account the following issues:

- (i) the viability of local town centres and particularly retail businesses;
- (ii) the effect on the Continuing Services Budget;
- (iii) any implications for the maintenance of car parks and the Council's aim of providing safer and more secure car parks by upgrading a car park each year; and
- (iv) implications for the parking control contract".

Carried

Motion as amended **ADOPTED**

RESOLVED:

That the following motion stand referred to the Cabinet as an executive matter:

"This Council calls upon the Portfolio Holder for Civil Engineering and Maintenance to review the current off-street parking arrangements with a view to introducing free parking in all the Council's pay and display car parks on Saturdays; and taking into account the following issues:

- (i) the viability of local town centres and particularly retail businesses;
- (ii) the effect on the Continuing Services Budget;

(iii) any implications for the maintenance of car parks and the Council's aim of providing safer and more secure car parks by upgrading a car park each year; and

(iv) implications for the parking control contract".

78. QUESTIONS BY MEMBERS

(a) Handypersons' Scheme

By Councillor Mrs J H Whitehouse to Councillor M Heavens, Portfolio Holder for Housing

"As the funding for the Handypersons' Scheme, which assists older people with minor repairs and falls prevention works, has not been increased since it was started in 1999, would the Portfolio Holder agree to review the funding of this scheme with a view to increasing the money available for the project and for staffing?"

Response by Councillor M Heavens, Portfolio Holder for Housing

"The Handypersons' Scheme is a very successful and important component of the Council's "Care and Repair" service. As the question states it provides a very necessary service to the vulnerable elderly in the District.

In general terms the demand for the service outstrips the resources available and this is managed by restricting individual requests for assistance and the level of financial support. This is therefore an appropriate time to review the service and its funding and I am happy to ask the Chairman of the Overview and Scrutiny Committee to consider placing this matter on the work programme for the Standing Scrutiny Panel on Housing".

By leave of the Council, the Portfolio Holder for Housing added the following supplement to his answer:

"Although the budget for 2006/07 includes a DDF (one-off) increase of £3,000, I am of the view that more funds are needed".

(b) Waste Management Literature

By Councillor Mrs J H Whitehouse to Councillor D Jacobs, Portfolio Holder for Environmental Protection

"Are you aware of the literature which is being delivered in many parts of the District which says that you, as the Portfolio Holder, have "forced through proposals to impose £1,000 fines on householders who persistently leave additional black sacks as well as full wheelie bins" and will you clarify the situation as it seems that your report to Cabinet on 14 November 2005 has been misrepresented?"

Response by Councillor D Jacobs, Portfolio Holder for Environmental Protection

"I am grateful to the Councillor for raising this matter. I think it important for all members to understand the law and how it functions in this regard.

Sections 34 and 46 of the Environmental Protection Act 1990 (EPA) empower waste collection authorities (WCA - district, borough and unitary authorities) to take action in respect of the management of waste in their areas. Section 34 deals with the "Duty of Care", which requires all those who handle waste, including domestic householders, to exercise a duty of care over what happens to it. It means for example that if a householder employs someone to remove waste on their behalf, they must satisfy themselves that the person they employ will handle that waste properly. Section 46 enables a waste collection authority to prescribe how a householder should put out their waste for collection, and this can include the type of container to be used for specific materials and where it should be placed for collection.

Whilst the Duty of Care powers are important, it is section 34 which is of greater significance, especially where a waste collection authority has invested in new systems of collection which require the separation of all recyclable materials from the waste stream. Section 34 empowers a WCA to take legal action against a householder who refuses to comply with these requirements.

Section 45 of the EPA places the Council under a general duty to collect all household waste put out for collection. Defra has issued guidance to WCAs that, provided residents have been properly informed of the requirements to separate out waste and only use the prescribed containers, WCAs do not have to collect waste put out incorrectly e.g. "side waste".

In the event that a WCA feels it necessary to take action because a householder, despite all available help, guidance and assistance being provided, refuses to comply, the EPA empowers action through the Courts or via a fixed penalty notice. The fine is set by statute, and is a maximum of £1,000 for conviction in a Magistrates' Court or £100 if the householder prefers to have the matter dealt with by a fixed penalty notice.

Cabinet were requested in November 2005 to delegate the use of these powers to a range of waste management and other officers. Cabinet agreed to do so, but also resolved that they did not wish to see these powers used until Cabinet had received a report on the first phases of the wheeled bin roll out. This report was intended to be presented to the February 2006 Cabinet but has been delayed because it was thought that Cabinet would be better served in its consideration if more time were to elapse and more wheeled bins implemented. It is therefore proposed to bring that report to Cabinet at its April meeting.

These powers exist to enable WCAs to manage waste effectively. This position has been strengthened recently with the passing into law of the Clean Neighbourhoods and Environment Act 2005, which extend the powers available to local authorities to manage the environment more effectively, through enabling the extended use of, for example, fixed penalty notices. Last week the Government published its consultation on the review of its waste management strategy. This consultation includes, controversially, references to an increased role for incineration in managing the country's waste. The people of Essex when consulted a couple of years ago made their position clear in rejecting incineration and preferring instead a high diversion high recycling strategy. The County Council's strategy, which we have endorsed and signed up to, accepts this preference and excludes incineration as a disposal route.

However, for this strategy to succeed, it is critical that local authorities and their residents recognise the demands that this places upon us to achieve the highest levels of recycling. This Council has recently recognised this position by increasing its recycling target from 36% to 40% by March 2007. As Portfolio Holder I agree wholeheartedly with that aspiration.

As the report to Cabinet in November made clear, enforcement powers are seen as a very last resort, when all other avenues have failed such as education, persuasion, the provision of a larger wheeled bin if justified and if necessary enforcement. However, it is essential that these powers are made available in order to be able to deal with those people, who I am sure will be a very small minority, who simply refuse to comply with our reasonable requests and continue to fail to recycle and continue to put out side waste for collection.

To conclude, I cannot force through anything in Cabinet, as I belong to a group which has only two out of the nine Cabinet places. It requires members of other groups to agree waste collection 'back up powers', Cabinet having agreed to delay implementation until an assessment of the new methodology in practice had been made. To give an operational example, Conservative led Braintree District Council has, for some years, operated an alternate weekly wheeled bin collection service in Witham, as part of a government funded high diversion trial. This has resulted in very high levels of recycling. During this period Braintree's officers have visited homes or sent letters to those households persisting with side waste or not recycling properly, but only six notices under section 46 have had to be served and none of these has resulted in a prosecution. Scrutiny Committee has requested that we aspire to a recycling target of 40% in the near future. I have reported in response that 46% would cover the costs of glass recycling through increased recycling credits. This level of recycling is achievable if we all work together to successfully implement the alternate weekly wheeled bin service and make the EPA 'back up powers' available for use as a last resort. To those who disagree I ask this question – what message would it send to the vast majority who are complying with the scheme and recycling as much as possible if we allowed those who persistently fail to do so to continue in that vein?"

79. LOCAL GOVERNMENT REORGANISATION

The Leader of the Council advised that David Milliband, Minister for Communities and Local Government, had announced that the Government was actively considering the case for reorganisation of the 34 "two-tier" English counties. The vision was one of self-confident councils leading and empowering their communities and working with partners to deliver high quality public services. The Minister had advised that a question to be answered was whether the best relationship was between the County and the Districts or between one or more unitary authorities and local neighbourhoods.

An Office of the Deputy Prime Minister press release had emphasised that Ministers had taken no decisions about reorganising the existing structure and were seeking views on the best arrangements for places. Council Leaders were being invited to attend one of eight regional "round table" discussions hosted by ODPM Ministers as part of a wider dialogue on the issues. It was envisaged that a White Paper would be published in Summer 2006 delivering a clear vision for the long-term future of local government including the issue of structure.

Members noted that Group Leaders had discussed this matter at their meeting on 25 January 2006 and had agreed that each group should submit the initial views of that group as a basis for a debate at this meeting.

The Council considered reports submitted by the Independent Group, the Liberal Democrats Group and the Loughton Residents Association Group.

The Leader of the Conservative Group advised that her Group were of the opinion that the formulation of views should be deferred until the White Paper had been published. She stated that the briefings being given by the Office of the Deputy Prime Minister appeared to be sending out different messages to different tiers of authority. She suggested that the aim of the Government was to introduce regional government. She advised of the need to engage local people in the debate.

The Leader of the BNP Group advised that her Group did not have a lot of confidence in the Government and that changes for changes sake needed to be resisted.

The Leader of the Labour Group advised that her Group would support the abolition of the County Council as it was considered too remote and did not provide value for money.

The Council noted that Essex County Council proposed to establish a small working party under the Leader of that Council to develop an argument to keep the three tiers of authority as currently existed whilst examining the "substantial" back office savings which could come about by amalgamating specialist back office staff so that they could serve the whole county. The Leader of the Council advised that he had been invited to join that working party and he sought the views of the Council on this invitation.

RESOLVED:

- (1) That debate on the proposed restructuring of local government be encouraged among town and parish councils in the District;
- (2) That the "Forester" be used to inform and consult residents on the issues of local government reorganisation;
- (3) That the Leader of the Council be authorised to attend meetings of the working party established by the County Council and to inform members of the outcome of these meetings via the Members' Bulletin;
- (4) That Group Leaders meetings be used for continued discussion with a view to constructing the Council's response to proposals for change; and
- (5) That the Finance and Performance Management Cabinet Committee examine the possible financial consequences for this Council of a reorganisation of local government.

80. CABINET COMMITTEE - WASTE MANAGEMENT CONTRACT

The Council noted that the Cabinet had established a new Cabinet Committee of five Cabinet members to review this contract. The Committee was required to report to the Cabinet by not later than the meeting scheduled to take place on 10 April 2006.

81. LEISURE MANAGEMENT - CONTRACT MONITORING BOARD

The Council was informed that the Cabinet had decided that there should be monthly meetings between the contractor, Sports and Leisure Management Limited (SLM) and officers to consider regular reports and any operational issues. In addition the Cabinet had established a Contract Management Board to allow councillors to meet with the senior management and directors of SLM in order to review the contract at a

more strategic level. The Cabinet had envisaged that the Board would meet three times a year.

Members noted that the Cabinet was proposing that the Board should comprise five cross-party members including the Leisure Portfolio Holder to be appointed each year at the Annual Council meeting. However, as the contract had commenced in January 2006, a meeting of the Board was required before the next Annual meeting in May 2006. The Council considered nominations of Group Leaders to attend the first meeting.

RESOLVED:

That the Council be represented at the first Contract Monitoring Board meeting due to be held in March 2006 by Councillors C Whitbread (Leisure Portfolio Holder), S Barnes, K Faulkner, J Knapman and J M Whitehouse.

82. GARDEN WASTE COLLECTION SERVICE - EMERGENCY AND URGENT FUNDING

(Mover: Councillor D Jacobs, Portfolio Holder for Environmental Protection)

The Portfolio Holder for Environmental Protection submitted a report on urgent action which had been taken in relation to the Council's waste management contract.

Report as first moved **ADOPTED**

RESOLVED:

That the following action authorised as urgent pursuant to paragraph 2.65 of Appendix B to the Council's Financial Regulations and paragraph 21 of the Council's Overview and Scrutiny Rules be noted:

approval of one-off interim funding of £20,000 to support the delivery of the waste collection service for the month of January 2006.

83. ELECTION OF VERDERERS OF EPPING FOREST - 2006

The Council noted that under the Epping Forest Acts 1878 and 1880, an election was held every seven years to appoint verderers to take seats on the Epping Forest and Open Spaces Committee of the Corporation of the City of London.

A meeting of electors for the Northern Forest parishes, including the District Council, would be held on 6 March 2006 for the purpose of nominating and seconding candidates. If a ballot was demanded this would be held on 8 March 2006.

In accordance with Section 100(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council's Procedure Rules, the Chairman had permitted on grounds of urgency, consideration of this item in order to meet the timescale set by the Corporation of the City of London.

RESOLVED:

That the Chairman of the Council, Councillor B Sandler, be authorised to attend the meeting of electors on 6 March 2006 to make any nomination(s) on behalf of the Council and, if necessary, to vote at the poll on 8 March 2006.

CHAIRMAN