

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Council **Date:** Thursday, 27 September 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.56 pm

Members Present: Councillors B Rolfe (Chairman), Mrs M Sartin (Vice-Chairman), K Angold-Stephens, K Avey, R Bassett, A Boyce, Mrs H Brady, W Breare-Hall, G Chambers, K Chana, T Church, Mrs T Cochrane, R Cohen, C Finn, Mrs R Gadsby, L Girling, Mrs A Grigg, Ms H Kane, P Keska, Mrs J Lea, L Leonard, Mrs M McEwen, H Mann, A Mitchell MBE, G Mohindra, R Morgan, Mrs C Pond, B Sandler, Ms G Shiell, Mrs P Smith, D Stallan, Ms S Stavrou, Mrs T Thomas, H Ulkun, Mrs L Wagland, G Waller, Ms S Watson, A Watts, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and N Wright

Other Councillors:

Apologies: Councillors P Gode, Ms J Hart, D Jacobs, Mrs S Jones, J Knapman, Ms Y Knight, A Lion, J Markham, S Murray, P Spencer, Mrs E Webster and J Wyatt

Officers Present: D Macnab (Deputy Chief Executive), R Palmer (Director of Finance and ICT), C O'Boyle (Director of Corporate Support Services), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), S G Hill (Senior Democratic Services Officer), T Carne (Public Relations and Marketing Officer), D Butler (Young Persons Officer), L Eales (Youth Council Administrator) and G Chipp (Chief Executive)

Also in Attendance: Glen Chipp (Chief Executive Designate)

37. 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.

38. MINUTES

RESOLVED:

That the minutes of the meeting held on 31 July 2012 be taken as read and signed by the Chairman as a correct record.

39. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Breare-Hall declared a non-pecuniary interest in agenda item 11 (Report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being a

member of Epping Town Council. The Councillor stated that he would remain in the meeting for the consideration and voting on this matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Whitbread declared a non-pecuniary interest in agenda item 11 (Report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being a resident of Epping. In addition the Councillor made the following statement:

"I wish to state that:

(a) in my own response as a local resident to the public consultation, I stated that I was opposed to the provision of a supermarket;

(b) my view has always been that the approved Development Brief should achieve the twin goals of revitalising the High Street economy and preserving its essential character;

(c) it has never been my view that maximising the financial or return on the Council's land holding in that area should be the only objective of the authority, community benefits are equally important in my mind; and

(d) the decision as to whether a supermarket or indeed any other form of development will form part of the Brief is not mine as Leader of the Council but one for the whole Council."

The Councillor advised that he would remain in the meeting for the consideration and voting on this matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a non-pecuniary interest in agenda item 11 (report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being an Epping Town Councillor. He also declared a disclosable pecuniary interest in this item by virtue of being a resident of St John's Road, Epping within the Development and Design Brief Area. The Councillor advised that he would leave the meeting for the consideration and voting on this item.

(d) Pursuant to the Council's Code of Member Conduct, Councillor J H Whitehouse declared a non-pecuniary interest in agenda item 11 (Report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being a County Councillor representing the Epping and Theydon Bois Division. The Councillor advised that she would remain in the meeting for the consideration and voting on this matter.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Avey declared a non-pecuniary interest in agenda item 11 (Report of the Cabinet – Development and Design Brief – St John's Road Area, Epping) by virtue of being a member of Epping Town Council. The Councillor advised that he would remain in the meeting for the consideration and voting on this matter.

40. ANNOUNCEMENTS

(a) Announcements by the Chairman of the Council

(i) Mr G Chipp – Chief Executive

The Chairman welcomed to the meeting Glen Chipp, the Council's new Chief Executive who would be commencing employment with the Council the following week.

(ii) Attendance at Events

The Chairman reported on his attendance at some events held since the last Council meeting. On 24 August he had visited a scout conservation project held in Epping Forest in conjunction with Epping Forest Centenary Trust, with funding from the City of London. Members noted that this yearly event involved approximately 100 explorer scouts camping at High Beach and carrying out conservation work at sites throughout the Forest under the guidance of Epping Forest Centenary Trust.

The Chairman reported that it had been a privilege to entertain the Mayor of Bodo, veterans and serving senior military officers from the Royal Norwegian Air Force on Friday 7 September and the weekend of 8 and 9 September. The seven veterans in attendance aged between 91 and 96 had formed part of the 331 and 332 squadrons which had been stationed at North Weald during the 2nd World War. He advised that speeches and presentations had reaffirmed the ties of friendship between the two communities forged during the Second World War.

The Council noted that the Chairman had attended a Battle of Britain Service held at St Andrew's Church, North Weald which had included the laying up of the old Standard of 56 Squadron the Royal Air Force. The Chairman stated that the service had been a very moving experience.

The Chairman advised that he would report to the next Council meeting on the Civic Lunch which had been held earlier in the day at the Lambourne End Outdoor Education Centre.

The Chairman reported with regret that the District Council had lost for the first time in five years the Annual Petanque match with Epping Town Council. He pointed out that the Town Council team had comprised two members who were also District Councillors.

(iii) Epping Forest District Youth Council

The Chairman welcomed members of the Youth Council to the meeting.

(iv) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to Parsonage Court, Loughton.

(b) Announcements by the Leader of the Council

The Leader advised that he had no announcements to make under this heading.

(c) Announcements by Portfolio Holders

There were no announcements made by Portfolio Holders under this heading.

41. PUBLIC QUESTIONS

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

42. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

The Council received written reports from the Asset Management and Economic Development Portfolio Holder, the Environment Portfolio Holder, the Finance and Technology Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning Portfolio Holder, the Safer, Greener and Highways Portfolio Holder and the Support Services Portfolio Holder.

The Chairman invited the Leader to provide an oral report and other members of the Cabinet to give an oral update of their written reports.

(a) Leader of the Council

Councillor Whitbread reported that since the last meeting of the Council he had attended a number of external meetings of importance to the future of the District as well as hosting a number of key internal meetings.

The Leader advised that he had attended a meeting of the Essex Leaders and Chief Executives' Forum which had concentrated on the Whole Essex Community Budget Project and the potential for Essex authorities to bid to Central Government for a "City Deal" for growth. The Council noted that Essex was one of only four Community Budget pilots nationally, designed to explore how statutory agencies could work together more collaboratively on a number of key issues, increase efficiency and deliver savings. He reported that a number of business cases had been developed for submission to the Department for Communities and Local Government and the Treasury. He emphasised that although being engaged in the development of the business cases and supporting their aspirations in principle he had been consistent in stating that any future joint working on community budgets would not be at the expense of any loss of sovereignty to this Council and certainly at no financial disadvantage.

Councillor Whitbread reported that on 7 September, as Chairman of the Local Strategic Partnership, he had hosted a visit of the West Essex Economic Development Alliance, led by its Chairman, Nick Barton, who was Chief Executive of BAA Stansted Airport. He advised that the visit had also been attended by the Asset Management and Economic Development Portfolio Holder and a range of partners across West Essex, the Lee Valley Regional Park Authority and the Chairman of the London Anglia Growth Partnership. A number of locations across the District had been visited designed to demonstrate the potential and priority areas within the emerging local economic development strategy. The tour had finished with a visit to Valley Growers in Waltham Abbey who produced a third of Britain's cucumbers.

The Leader reported that he had met with Eleanor Laing MP, the Planning Portfolio Holder, the Acting Chief Executive and the Director of Planning and Economic Development to discuss the Local Plan and, in particular, the Issues and Options consultation process. Councillor Whitbread thanked local ward members, the vast majority of whom had been very helpful and supportive at the local consultation meetings, in support of the Council's Planning Officers.

The Leader reported that he had chaired the LSP Steering Group on 14 September when consideration had been given to the affects of the downsizing of the County Council's Youth Service in the District and the cessation of the Connexions Service.

Councillor Whitbread said that he was keen to see how best the Council could help meet the needs of young people in the District.

The Leader advised that he had attended the dedication of the commemorative Olympic Shield on the Highbridge Roundabout, Waltham Abbey funded by the "Olympic Look and Feel" money. The plaque had been unveiled by the Waltham Abbey Town Mayor and Etienne Stott, one of the gold medal winning canoeists.

In closing the Leader drew members' attention to the Medium-Term Financial Forecast presented to the Finance and Performance Management Cabinet Committee. He emphasised that despite uncertainty about the future of local government financing this Council continued to benefit from prudent financial decisions and policies.

(b) Finance and Technology Portfolio Holder

Councillor Stavrou reported that on 20 September, the Finance and Performance Management Cabinet Committee had considered the Annual Outturn Report on the Treasury Management and Prudential Indicators 2011/12 and the Financial Issues Paper for the budget 2013/14. She pointed out that recommendations on those matters would be considered by the Cabinet on 22 October.

The Portfolio Holder advised that the Council was in a stronger financial position than had been anticipated. This was due to a greater level of savings in 2011/12. She continued that there were uncertainties and challenges to be faced and the level of Government funding for 2013/14 would not be known until late December 2012. Councillor Stavrou advised that through the proposals to retain business rates the Government was adding to the existing incentive of the New Homes Bonus to encourage authorities to promote growth and economic development. Members noted that those authorities that were more successful in growing their Council Tax base and rating list would gain at the expense of others.

Councillor Stavrou reported that despite the uncertainties she was confident that the Cabinet would be able to recommend a nil increase for the District Council Tax for 2013/14.

(c) Planning Portfolio Holder

Councillor Bassett reported that "Drop-In" sessions had been held across the District in relation to the Local Plan Consultation, Community Choice—Issues and Options. He advised that 927 members of the public had attended the first 13 sessions.

Councillor Bassett stressed that it was important the public should understand that the Council had made no decisions at present and that the consultation exercise related to a list of issues and options on which views were being sought. At the end of the consultation period all of the responses would be considered and later in the year a series of workshops for councillors would be held as part of that process. He advised that following those workshops a number of "preferred options" would be chosen which again would be subject to a consultation exercise before a final Plan was submitted for public examination.

The Portfolio Holder urged the public to engage with the process as the Local Plan would shape the District for the next 20 years. He drew attention to the various ways in which responses could be made to the consultation exercise.

43. QUESTIONS BY MEMBERS WITHOUT NOTICE**(a) Epping and Buckhurst Hill Parking Reviews**

Councillor J M Whitehouse drew attention to the written report of the Safer, Greener and Highways Portfolio Holder in which it was stated that the Epping Parking Review had been completed. He advised that certain roads in Epping had not been painted with the appropriate yellow lines and asked the Portfolio Holder when this work would be undertaken. He also sought information about the progress of the Buckhurst Hill Parking Review.

Councillor Waller stated that he had consulted the District Council representatives for Buckhurst Hill on the proposals for that area and the consultation exercise was due to be completed the following day. He advised that following that process discussions would take place with the County Council as implementation would be a matter for that authority although the District Council had set aside funds for the review. Councillor Waller said that there was a programme for the replacement of yellow line markings on highways but he did not have the details to hand. He reported that future traffic regulation order schemes would be considered by the North Essex Parking Partnership and priorities would be determined. He said that he hoped to be able to inform members about proposed schemes in the near future.

(b) Local Plan Issues and Options Consultation

Councillor Wagland asked the Planning Portfolio Holder if he agreed that the comment included in his written report about the non-receipt of leaflets by residents was an understatement bearing in mind that residents of Chigwell had not received leaflets.

Councillor Bassett pointed out that the distribution of leaflets had been only one method of drawing attention to the consultation exercise. He pointed out that numerous methods had been used to publicise the process including the Council's website, press briefings and liaison with parish and town councils. In relation to the distribution of leaflets he advised that the company used by the Council had used GPS tracking and had been able to show extensive coverage of the District. He acknowledged that an area of Chigwell had been missed and apologised for that omission. He also advised that letters had been sent to those who had suggested land for inclusion in the Issues and Options document and to the statutory bodies. He undertook to place an item in the Council's Bulletin explaining the consultation exercise in more detail.

(c) Housing Register

Councillor Wixley drew attention to the Housing Portfolio Holder's written report regarding steps to reduce the size of the Housing Register. He asked the Portfolio Holder if such reduction had been taken into account in relation to the preparation of the Local Plan and the number of houses to be built.

Councillor Stallan, Housing Portfolio Holder, stated that he would liaise with the Planning Portfolio Holder on this matter and that they would publish a reply in the Council Bulletin.

(d) Precedence of the Local Plan over Development Briefs and Consultancy Exercises

Councillor Watson drew attention to the advice of Counsel that the Local Plan would take precedence over the Design and Development Brief for the St John's Road Area, Epping. She asked whether the same considerations would apply in relation to the results of the consultation exercise proposed for North Weald Airfield.

Councillor Grigg, Asset Management and Economic Development Portfolio Holder drew attention to the report to be considered later in the meeting regarding the Development and Design Brief for the St John's Road Area, Epping and in particular, the advice of Counsel regarding the inclusion of wording within the Brief regarding the status of the Local Plan. She continued that the outcome of the proposed consultancy exercise in relation to North Weald Airfield would also play a material part in the Council's ongoing Local Plan process. She advised that in order to ensure that the consultancy exercise dovetailed with the Local Plan process it would be necessary for package 1 of the proposals as described in the report to be considered later in the meeting to be undertaken, reported and considered by the Council by April next year.

(e) Tenancy Deposit Protection

Councillor Gadsby advised that Tenancy Deposit Protection (TDP) Schemes ensured that deposits paid by private tenants were kept safe and would be returned to the tenant at the end of their tenancy if they met the terms of the tenancy agreement and did not damage the property. She continued that landlords were under a statutory obligation to protect their tenants' deposits using a TDP Scheme if they had let a property on an assured short-hold tenancy which started on or after 6 April 2007. Councillor Gadsby stated that experience from a recent Housing Appeals and Review Panel meeting suggested that not all landlords were aware of their responsibilities to place deposits into a protection scheme. She asked the Housing Portfolio Holder if he agreed that there appeared to be a lack of Central Government publicity about TDP schemes and if so whether he would consider issuing some publicity locally.

Councillor Stallan advised that he had also been present at the recent Housing Appeals and Review Panel meeting and had been surprised about comments made at that meeting in relation to tenancy deposit protection. He said he would establish from Housing Officers what checks were made on private landlords whose details were provided to prospective tenants and would provide further details in the Council Bulletin. He continued that if he established the need for further steps to be taken locally he would suggest that consideration be given to the matter by the Housing Scrutiny Panel.

(f) Local Plan Consultation – Community Choice – Issues and Options

Following on from her earlier question, Councillor Wagland asked how many Chigwell residents had received a leaflet regarding the consultation exercise. She pointed out that many residents of Chigwell did not have access to the other methods of communication outlined by the Portfolio Holder and suggested that if comparatively few residents had been notified there could be questions raised about the soundness of the Local Plan.

Councillor Bassett, Planning Portfolio Holder replied that he would be happy to extract the relevant information from the schedules listing the methods of communication and that he would place those extracts in the Council Bulletin.

(g) Changes/Relaxation of Certain Planning Rules

Councillor Wixley advised that certain London Borough Councils were challenging the Government's changes/relaxation of certain planning rules. He said that those councils had been described as rebels and he asked the Planning Portfolio Holder if this Council would consider becoming a rebel.

Councillor Bassett, Planning Portfolio Holder, said that he had concerns about the Government proposals but was currently awaiting clarification of the position of the London Borough Councils. He said that when he received clarification he would consider this Council's position.

44. MOTIONS

(a) Appointment of Independent Persons under the Localism Act 2011

Moved by Councillor J H Whitehouse and seconded by Councillor Stallan

"That this Council –

(a) deplores the loss of expertise of experienced independent members from the previous Standards Committee because of the Government's decision not to permit them to be appointed as independent persons for a term of office which extends beyond June 2013;

(b) agrees that, not only is this excluding experienced people with considerable expertise, but has also wasted considerable investment in training and advice provided for independent members by Council officers;

(c) notes that the role of independents has not changed fundamentally under the new standards arrangements; and

(d) calls upon the Government to amend the legislation to allow independent members of the previous Standards Committees to apply to become independent persons under the new standards arrangements on a continuing basis and makes representations to that effect to the Secretary of State for Communities and Local Government."

Amendment moved by Councillor Whitbread and seconded by Councillor Bassett

"That the words "and the other two local members of Parliament" be inserted after the words "Local Government" in paragraph (d)."

Carried

Motion as amended ADOPTED

RESOLVED:

That this Council –

- (a) deplores the loss of expertise of experienced independent members from the previous Standards Committee because of the Government's decision not to permit them to be appointed as independent persons for a term of office which extends beyond June 2013;
- (b) agrees that, not only is this excluding experienced people with considerable expertise, but has also wasted considerable investment in training and advice provided for independent members by Council officers;
- (c) notes that the role of independents has not changed fundamentally under the new standards arrangements; and
- (d) calls upon the Government to amend the legislation to allow independent members of the previous Standards Committees to apply to become independent persons under the new standards arrangements on a continuing basis and makes representations to that effect to the Secretary of State for Communities and Local Government and the other two local Members of Parliament.

45. QUESTIONS BY MEMBERS UNDER NOTICE

(a) Pyrles Lane Nursery, Loughton

By Councillor Angold-Stephens to Councillor Breare-Hall, Environment Portfolio Holder

“As a consequence of the application for outline planning permission to build houses on the Pyrles Lane Nursery site, Loughton, it is proposed to move the plant nursery to a much smaller site -

- (a) .Does Councillor Breare – Hall agree that downsizing the nursery so that the skilled horticultural staff are no longer able to grow their own plants to enhance the district, is a retrogressive step, and that even if a cost saving can be demonstrated, it is not environmentally sound to only use expensive imported plants; and
- (b) Small plants bought in to grow on, also eventually need space, so does he further agree that in the current climate of self-sufficiency and sustainability, the Council should be seeking an adequate site to grow its own plants thereby setting a good example of Localism at work in the district?”

Response of Councillor Breare-Hall, Environment Portfolio Holder

“Should it be necessary to relocate the site of the Nursery, the Council's skilled horticultural staff will continue to produce plants that enhance the District. Any plants that are bought in will be sourced in the UK, not overseas, and will be provided against a detailed specification drawn up to guarantee the type, quality and quantity of plant stock required. That this can be achieved whilst also saving in the order of £45,000 per annum is progressive, not retrogressive.

The points made in (a) and (b) were explored in some detail at the Overview and Scrutiny Committee meeting held on the 17th of July, when the call-in on the Asset Management Portfolio Holder's decision (AMED/002/2012-13) to make an outline planning application for housing development on the location of the Pyrles Lane Nursery was considered. Having heard the views of the call-in proponents and the response of the Portfolio Holder, Overview and Scrutiny Committee resolved that the original Portfolio Holder decision should remain, without amendment.

The Council is having to take a strategic view of its depot holdings and requirements as part of its reviews of landholdings, future housing requirements and financial situation. Should the result of this be that the nursery service is required to relocate I am confident it will be able to maintain its current excellent service”.

Supplementary Question by Councillor Angold-Stephens

Councillor Angold-Stephens asked the Portfolio Holder if he had taken into account the capital cost of relocating the nursery including the cost of putting the alternative site in Oakwood Hill into an acceptable condition.

Response of Councillor Breare-Hall, Environment Portfolio Holder

Councillor Breare-Hall stated that he had not considered those matters.

(b) Loughton High Road

By Councillor Mann to Councillor Waller, Safer, Greener and Highways Portfolio Holder

“(a) What pressure if any, is being put on the County Council to rejuvenate Loughton High Road, which is now beginning to look in quite a bad state of repair, many broken pavers that have become trip hazards, many displaced kerb stones, several places where pavers have been lifted and replaced with tarmac that has sunk and have also become trip hazards, chewing gum or similar that have become ingrained; and

(b) What is the annual maintenance budget for Loughton High Road both for EFDC and ECC responsibilities?”

Response of Councillor Waller, Safer, Greener and Highways Portfolio Holder

“(a) The maintenance of the public highway lies with Essex County Council as the Highways Authority. Therefore, whilst I and indeed any other Member of Council can make the County Council aware of highway defects, using the County’s points of contact, the ultimate decision rests with them in respect of the priority accorded to a particular location. I can therefore only suggest that the Member and other Loughton Members use those points of contact, and if they are of the view that the response received is inadequate, that they seek the assistance and support of their County Council Member.

(b) This Council does not make any budgetary provision for highway maintenance. This Council does of course fund the district street cleansing service and also budgets for the maintenance of street furniture such as seats, street name plates and litter bins. Street cleansing costs in the order of £1.5 million per annum and street furniture etc. in the order of £55,000 per annum. However, it is not possible to disaggregate these budgets to establish costs for any given location. There is no specific budget allocation for the removal of chewing gum from paved surfaces, which is an expensive exercise normally involving the use of specialist contractors. However, officers are investigating whether there are cost effective and as this is a matter for the Environment Portfolio Holder I understand that Councillor Breare-Hall will be reporting to Members in due course”.

Supplementary Question by Councillor Mann

You stated that approximately £55,000 per annum was spent on street furniture, can you advise what proportion of that sum was spent in relation to Loughton High Road.

Response of Councillor Waller, Safer, Greener and Highways Portfolio

As advised in my answer to your original question it is not possible to disaggregate the budget to establish costs for any given location.

(c) Town Centre Partnerships**By Councillor Angold-Stephens to Councillor Grigg, Asset Management and Economic Development Portfolio Holder**

“(a) Can the Asset Management and Economic Development Portfolio Holder explain why the Council failed to provide its normal grants in time for the events planned by the various TCP’s in 2011, the result of which was that the chairmen had to subsidise the events out of their own pocket for several months and, in the case of Debden, the summer Debden Day event had to be cancelled? The absence of the appropriate officer should have been no excuse as their duties should have been delegated to another officer during their absence. Fortunately TCP funding did come through in time this year; and

(b) Can the Portfolio Holder assure members and the TCP’s that the problems that occurred in 2011 will not happen in future?”

Response of Councillor Grigg, Asset Management and Economic Development Portfolio Holder

“Firstly I was not responsible for this Portfolio during 2011.

However, I have instigated a discussion with the Chairmen of the Partnerships, as such a meeting did not take place in the last year; this took place on 25 September this week.

I understand that some important decisions were taken in 2011 which reduced both budgets and staff available to support these functions, and that budgetary pressures to save or reduce budgets when there are underspends were important. Remaining staff simply do not have the capacity to provide the same level of service that we were once providing.

The meeting explained to the Chairs that there is thus budget to support the administration of the Town Centre Partnerships, but there is no longer an ongoing budget to support Special projects. We are trying to honour the outstanding requests which were or have been made, including those which were not fully signed off because the requisite meeting of the Chairs had not taken place.

As a result of the meeting consideration is being given to future working arrangements with the Partnerships.

If a special projects fund was to be re-instated it would require a decision of Council to approve a CSB budget of £6,000 as a growth item”.

Supplementary Question by Councillor Angold-Stephens

Can you give an assurance that future payments will be made in a timely manner and in view of the need to maintain vibrancy in town centres are you willing to look again at re-instating a special projects fund.

Response of Councillor Grigg, Asset Management and Economic Development Portfolio Holder

As I have already explained there is currently only budget provision to support the administration of town centre partnerships and the issue of payments for special projects does not arise.

I am supportive of town centre partnerships and recognise their value. I am examining other ways of working with town centre partnerships and, if necessary, I will do my best to ensure that there is adequate budget provision made to support working with them.

(d) Loughton Broadway Parking Review

By Councillor Girling to Councillor Waller, Safer, Greener and Highways Portfolio Holder

"My apologies but as a newly appointed ward Councillor for Loughton Broadway with some significant transport experience I would appreciate your answers to the following:

The footfall of commuters using Epping, Debden (Loughton Broadway) and Buckhurst Hill London Underground stations are:

	TfL LU Performance updates 2003-2011				Population	Schools	Net cost £
	2008	2009	2010	2011			
Buckhurst Hill	1.600m	1.722m	1.790m	1.850m	10,738	3 pr & 0 Sec	610,006
Epping	2.480m	2.780m	2.860m	3.100m	11,047	5 pr & 1 Sec	624,650
Loughton Broadway	1.760m	1.896m	2.020m	2.120m	13,445	3 Pr & 2 Sec	244,300
						Total	1,478,956

If the figures for Loughton Station are added the commuter footfall for Loughton and Debden is at least as much as Epping and Buckhurst Hill together.

Epping and Buckhurst Hill have now had the luxury of 2 parking reviews whilst Debden which has the most schools in one ward/area has been budgeted with less expenditure than both schemes and the Loughton review was scrapped altogether although, taken together with Debden, it is the part of the District with the highest demand for commuter parking. These schemes have been in the pipeline since 2004/5.

The new local plan focuses on areas where there is high population to propose new development, but planning Highways schemes, improvements and repairs are not prioritized in the same way. Surely, high population leads to high car use and therefore more pressure on the highway?

It seems ludicrous that Loughton Broadway has been singled out for significant housing and retail expansion (Langston Road and The Broadway Development) compared with Buckhurst Hill and yet we are third in line to receive a parking review.

According to the 'Parking Reviews in Epping, Buckhurst Hill and Loughton Broadway'

report to Cabinet on 25th October 2010 £922,956 (page 26) was spent on these three reviews in 2010.

(a) Can the Portfolio Holder confirm that after spending in excess of £75k of tax payers' money (Oct 2010 figure) on drafting the Loughton Broadway Parking Review, the scheme will continue, with an agreed timeline for implementation; and

(b) Has the Portfolio Holder considered any other way of expediting the Loughton Broadway parking review bearing in mind the Highways stated manpower limitations?"

Response of Councillor Waller, Safer, Greener and Highways Portfolio Holder

"(1) At the time of the Cabinet meeting on 20 October 2010, there was a remaining budget of £520,000. Since that time work has continued on the Epping review and at the conclusion of that review it is estimated that the budget remaining will be in the order of £370,000. The Buckhurst Hill and Broadway reviews will have to be undertaken within that remaining budget. Until such time as the scope of the review is confirmed, I am unable to state unequivocally what resources will be available to undertake a review at The Broadway. Once the position with Buckhurst Hill is clear I will be able to provide the Member with information on how we might proceed at The Broadway.

(2) As I have indicated above, until such time as the scope Buckhurst Hill review is known, I will be unable to consider how best to proceed with the review at The Broadway. I can however assure the Member that if the financial circumstances allow me to commence the Broadway review earlier, I will do so".

Supplementary Question by Councillor Girling

Can you guarantee that some budget provision will be kept in reserve in order to undertake the Loughton Broadway Review.

Response of Councillor Waller, Safer, Greener and Highways Portfolio Holder

A large proportion of the costs are attributable to advertising proposals in accordance with statutory requirements. It is my understanding that these requirements are being simplified and that the costs of advertising in future will be less. Taking this into account and bearing in mind that the Buckhurst Hill Review will be a targeted review I am determined to ensure that sufficient budget is left in order to undertake the Loughton Broadway Review.

46. STATUTORY STATEMENT OF ACCOUNTS 2011/12

Mover: Councillor Watts – Chairman of the Audit and Governance Committee

Councillor Watts submitted a report which had been considered by the Audit and Governance Committee. He advised that in order to allow members time to consider the Statutory Statement of Accounts they had been issued with the Council agenda prior to the completion of the external audit and to consideration of the accounts by the Audit and Governance Committee. He drew attention to tabled pages which represented the final version of the Statement incorporating the views of the external auditors and the Committee. Councillor Watts advised that the external auditors had concluded that they were satisfied that, in all significant respects, the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2012.

Councillor Watts thanked the Director of Finance and ICT and his staff and the external auditors for their work in relation to the preparation of the Statutory Statement.

Councillor Stavrou, Finance and Technology Portfolio Holder thanked Councillor Watts for his report. She drew attention to the Council's financial position as set out in the Statement.

Report as first moved ADOPTED

RESOLVED:

That the Statutory Statement of Accounts for 2011/12 be adopted.

47. REPORT OF THE CABINET - DEVELOPMENT AND DESIGN BRIEF - ST JOHN'S ROAD AREA, EPPING

Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder

By leave of the Council, Councillor Grigg substituted the words "compared with" for the word "balanced" in the last paragraph on page 20 of the Brief. The Council approved this change.

At the request of Councillor Grigg, the Monitoring Officer responded to a question raised by Councillor Avey. The Monitoring Officer advised that she had been informed by Essex County Council that it was in no doubt about its ownership of land in the area. She asked Councillor Avey to provide documentary evidence to the contrary if he wished to dispute this view.

In response to a further question, Councillor Grigg stated that copies of the Brief had been sent to the County Council and to Epping Town Council but no responses had yet been received so she was unable to confirm that they endorsed the content of the Brief.

In moving the recommendations Councillor Grigg drew attention to the advice of Counsel which had been sought following the meeting of the Cabinet.

RESOLVED:

(1) That the following wording be added to the Development and Design Brief as part of the introduction:

"The Local Plan is currently in preparation at the Regulation 18 consultation stage. The outcome of the responses to the consultation may further influence any proposals provided within the Design and Development Brief. The Local Plan will take precedence over the Design and Development Brief";

(2) That, subject to (1) above, and to the substitution of the words "compared with" for the word "balanced" in the last paragraph of page 20 of the Brief, the Development and Design Brief for the St John's Road Area, Epping attached as an Appendix to the report of the Cabinet be adopted as non-statutory planning guidance having the status of a material planning consideration in the assessment of any future planning applications for the site; and

(3) That the Development and Design Brief be reviewed following consideration of the Community Choices consultation responses in relation to the relevant area.

(Recorded in accordance with Council Procedure Rule 17.5 that Councillor J H Whitehouse abstained from voting on this matter).

48. REPORT OF THE CABINET - SUPPLEMENTARY DDF ESTIMATE - NORTH WEALD AIRFIELD CONSULTANCY

Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder

Report as first moved **ADOPTED**

RESOLVED:

That a Supplementary District Development Fund estimate of £150,000 be approved to enable a further consultancy exercise to be undertaken in relation to the future potential development of North Weald Airfield.

(Recorded in accordance with Council Procedure Rule 17.5 that Councillors J H Whitehouse and J M Whitehouse voted against the resolution.)

49. OVERVIEW AND SCRUTINY

(a) Report of the Chairman of the Overview and Scrutiny Committee

The Council received a written report from Councillor Morgan, the Chairman of the Overview and Scrutiny Committee.

(b) Reports of the Overview and Scrutiny Committee

The Chairman announced that there were no reports to be considered under this item.

(c) Reports of Overview and Scrutiny Panels

(i) Report of the Constitution and Member Services Scrutiny Standing Panel – Audit and Governance Committee – Review of Constitution Article 11

Mover: Councillor Sartin, Chairman of the Panel

Councillor Sartin sought leave of the Council to change the wording of recommendation (1)(e) to read "co-opted members of the Committee to be subject to the same attendance standards as apply to councillor members of the Committee during their terms of office as set out in paragraph (b)(iii) above". The Council approved this change.

The Council noted the legal requirement under the Local Government and Housing Act 1989 for the adoption of the recommendation concerning the removal of the requirement for the three seats for councillors on the Committee to be allocated according to pro rata rules to be approved with no member of the Council voting against.

Report as amended ADOPTED

RESOLVED UNANIMOUSLY:

(1) That the following alterations to the terms of reference of the Audit and Governance Committee as set out in Article 11 of the Constitution be approved:

(a) removal of the requirement for the three seats of councillors on the Committee to be allocated according to pro rata rules;

(b) inclusion of new membership requirements for the three councillor seats, namely:

(i) that the seats should be allocated so they are not all drawn from one political group and are also open to councillors who are not affiliated to any political group;

(ii) that the three councillors concerned should be appointed on the basis of experience, aptitude and interest on the recommendation of the Council's Appointments Panel;

(iii) that formal attendance standards be operated in respect of the three councillor members when re-appointment is under consideration by the Council's Appointments Panel;

(iv) that the Chairman and co-opted members of the Audit and Governance Committee be consulted informally about the appointment or re-appointment of councillors at the appropriate time;

(c) appointment of the Chairman and Vice-Chairman to be the responsibility of the Committee rather than the Annual Council meeting;

(d) the offices of Chairman and Vice-Chairman of the Committee to be open to councillors or co-opted members on an equal basis provided that where the Chairman is a councillor, the Vice-Chairman shall be one of the co-opted members and vice versa;

(e) co-opted members of the Committee to be subject to the same attendance standards as apply to councillor members of the Committee during their terms of office as set out in paragraph (b)(iii) above;

(f) co-opted members to serve for overlapping terms of three years subject to the following conditions:

(i) a maximum of two consecutive three year terms as of right subject to the attendance review set out in (e) above on an annual basis; and

(ii) re-appointment for a third and fourth term to be allowable subject to success in open competition following a public advertisement at the conclusion of the second three year term;

(g) determination of starting dates for the new three-year terms of office for the existing co-opted members to be delegated to the Audit and Governance Committee; and

(2) That appropriate revisions be made to Article 11 of the Council's Constitution.

(ii) Report of the Constitution and Member Services Scrutiny Standing Panel – Members' Complaints Panel - Limits of Jurisdiction

Mover: Councillor Sartin, Chairman of the Panel.

Report as first moved ADOPTED

RESOLVED:

(1) That Annex 1 (Section 1) of the Terms of Reference of the Complaints Panel be amended to include the following additional exclusions:

"(n) where a complainant's claim for financial compensation or reimbursement has already been considered but rejected by an independent body which has the legal authority to determine such claims;

(o) where the complainant disagrees with a decision made by the Council but has neither suggested nor provided any evidence that there was any administrative fault in the way that decision was made;

(p) where the only remedy requested by the complainant is financial in nature and the amount requested is less than £150"; and

(2) That appropriate amendments be made to the Council's Constitution.

(iii) Report of the Constitution and Member Services Scrutiny Standing Panel – Substitutions at Meetings

Mover: Councillor Sartin, Chairman of the Panel

Report as first moved ADOPTED

RESOLVED:

(1) That Operational Standing Order 14 (Non Executive Bodies) be amended as follows:

(a) by deleting existing paragraphs 14(1) and (3);

(b) by re-numbering existing paragraph 14(4) as paragraph (1); and

(c) by amending paragraph 14(2) to read as shown in the Appendix to these minutes; and

(2) That appropriate amendments be made to the Council's Constitution.

50. STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT PERSONS

Mover: Councillor Smith, Chairman of the Panel appointed to interview candidates for the appointment of Independent Persons

Councillor Smith reported the recommendations of the Panel following interviews held on 18 and 25 September 2012. She reported brief biographies of those recommended for appointment.

Councillor Smith thanked members of the Interview Panel and the officers supporting the Panel for their work in arranging and undertaking the interviews.

RESOLVED:

(1) That the following persons be appointed as Independent Persons for the purposes of Section 28 of the Localism Act 2011:

Mr P Adams

Mr D Cooper

Mr J Guth (Independent member of the former Standards Committee) (until 30 June 2013)

Mr R Pratt;

(2) That Mr K Adams be appointed as reserve member; and

(3) That arrangements be made for the new members to receive appropriate training before they take up their appointments.

51. CALL-IN AND URGENCY - DATA CO-OPERATION AGREEMENT

The Council noted that the Chairman of the Council had agreed that the decision of the Planning Portfolio Holder, to waive Contract Standing Order C27(1) (Assignments) to allow the requirement in the Data Co-operation Agreement (DCA) whereby Geo Place may assign any of the Benefits of the Agreement or transfer any of its burdens of the Agreement with the prior written consent of the Authority Contracts Executive, should be treated as a matter of urgency and should not be subject to call-in.

52. DECISIONS TAKEN BY THE LEADER OF THE COUNCIL

The Council noted decisions taken by the Leader of the Council in relation to representation on the Essex Countywide Traveller Unit and the South East Local Enterprise Partnership and West Essex Alliance.

53. APPOINTMENT OF HEAD OF PAID SERVICE AND DELEGATED AUTHORITIES EXERCISED BY THE CHIEF EXECUTIVE

The Council considered a report of the Monitoring Officer.

Members noted that in accordance with Section 100B (4)(b) of the Local Government Act 1972, together with the Council Procedure Rules contained in the Constitution, the Chairman had agreed this item should be reported as a matter of urgency by reason of the forthcoming date of commencement of employment of the new Chief Executive.

RESOLVED:

(1) That Minute 57 of the Council meeting on 27 July 2010 (Appointment of Acting Chief Executive as Head of Paid Service) and Minute 58 of the same Council meeting (Exercise of the Chief Executive's Delegated Authorities by the Acting Chief Executive) be rescinded;

(2) That the Chief Executive, Mr G Chipp, be confirmed as the Council's Head of Paid Service with effect from 1 October 2012 in accordance with Section 4(1) of the Local Government and Housing Act 1989; and

(3) That the delegated authorities exercisable by the Chief Executive and currently held by the Acting Chief Executive on a temporary basis, revert to Mr G Chipp with effect from 1 October 2012.

54. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

The Chairman informed members that there were no reports to be considered on the business of joint arrangements and external organisations.

No requests were made for written reports to be made by representatives on joint arrangements and external organisations at the next meeting.

CHAIRMAN

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Appendix

OPERATIONAL STANDING ORDERS – NON-EXECUTIVE BODIES

14. **Appointment of Substitute Members of Committees, Sub-Committee, Panels, (inc. Overview and Scrutiny Standing Panels), Boards and Working Groups**

- (1) A Leader, Deputy Leader or other appointed member of a political group shall be authorised to nominate to the Assistant to the Chief Executive substitute members from that group in respect of any committee, sub-committee, panel, board or working group of the Council, subject to the following conditions:
 - (i) notice being given to the Assistant Director Democratic Services by not later than 60 minutes before the commencement of the meeting concerned.;
 - (ii) any political group member so appointed shall be notified to the Assistant Director Democratic Services at the beginning of each Council year;
 - (iii) the substitution notification deadline shall be included on every agenda where substitution is permitted under the Council's Constitution.
- (2) It shall be competent for the Chief Executive, in circumstances where a political group notifies that a Councillor from that group will be temporarily unable to attend a Committee for a period of 8 weeks by reason of serious illness or other incapacity, to approve a substitute member and to report to the Council on action taken.

