

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 2 December 2021

Place: Conference Suite - Civic Offices **Time:** 6.00 - 7.10 pm

Members Present: Councillors H Kane (Chairman), J Share-Bernia (Vice-Chairman), R Balcombe, R Baldwin, R Bassett, N Bedford, P Bolton, R Brookes, L Burrows, I Hadley, S Heap, S Heather, R Jennings, J Jennings, S Jones, S Kane, H Kauffman, P Keska, J Lea, J Leppert, A Lion, T Matthews, C McCredie, L Mead, R Morgan, S Murray, S Neville, C Nweke, A Patel, J Philip, D Plummer, Caroline Pond, C C Pond, S Rackham, B Rolfe, M Sartin, D Stocker, D Sunger, B Vaz, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse, K Williamson and D Wixley

Apologies: Councillors N Avey, H Brady, D Dorrell, J Jogia, J Mclvor, A Mitchell, M Owen, K Rizvi, C Roberts and P Stalker

Officers Present: G Blakemore (Chief Executive), N Dawe (Chief Operating Officer), A Small (Strategic Director Corporate and 151 Officer), N Boateng (Service Manager (Legal) & Monitoring Officer), N Richardson (Service Director (Planning Services)), L Grainger (Joint Implementation Team Manager), Jacqueline Backhaus (Council's Counsel), J Leither (Democratic Services Officer), A Hendry (Democratic Services Officer), T Carne (Corporate Communications Team Manager) and N Cole (Corporate Communications Officer)

50. WEBCASTING ANNOUNCEMENT

The Democratic Services Officer advised Members that following the latest Government guidance, to mitigate the risk of COVID transmission and facilitate social distancing, that the Extraordinary Council meeting had been transferred from the Council Chamber to the Conference Suite.

Due to the late relocation and holding the main item in private session, the meeting would not be webcast. The Apologies for Absence and Declarations of Interest would be published in the minutes.

51. DECLARATIONS OF INTEREST

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

52. EXCLUSION OF PUBLIC AND PRESS

The Chairman read out the following advice to Members:

"Having passed a resolution to exclude the press and public under section 100(A)(4) of the Local Government Act 1972, I hereby respectfully remind all Members that they are required to treat all information and discussions under item 5 as exempt.

Legal advice has been obtained by the Council in order for it to assess its chances of defending the Dowding Way planning appeal and to enable proper reconsideration of the approach by Full Council having regard to all of the facts and law. This advice

and all discussions relating to it are legally privileged and exempt from public disclosure by law.

Any disclosure of exempt information would likely compromise the Council and significantly prejudice its defence of the planning appeal and could result in further financial costs being incurred. Furthermore, any disclosure by Members without the consent of the Council, would be a breach of your duties under Article 2 of the Constitution, the Members' Charter and the Member's Code of Conduct."

RESOLVED:

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
5	Dowding Way, Waltham Abbey.	5

53. DOWDING WAY, WALTHAM ABBEY

The Finance, Qualis Client and Economic Development Portfolio Holder presented a restricted report to Council and advised that the report was subject of the Financial and Governance implications of the Planning Decision at Dowding Way, Waltham Abbey. Legal advice has been prepared by leading Counsel setting out the prospects of successfully defending an appeal against the refusal of the Dowding Way planning application and the financial implications to the Council.

The conclusion of the vote was 35 for the recommendations, 3 against and 6 abstentions. In line with Part 4 of the Council Rules, Councillor C C Pond wished to have recorded that he voted against the recommendations.

RESOLVED:

That the recommendations as detailed in the Private report be agreed.

CHAIRMAN