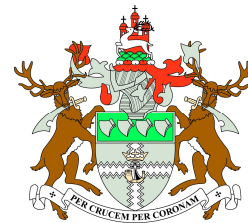


Supplementary Council Agenda



**Epping Forest
District Council**

Council Thursday, 20th February, 2014

Place: Civic Offices, High Street, Epping
Room: Council Chamber
Time: 7.30 pm
Committee Secretary: Council Secretary: Ian Willett
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

6. QUESTIONS BY MEMBERS UNDER NOTICE (Pages 281 - 282)

To answer the attached question from Councillor Leonard asked after notice in accordance with the provisions contained in paragraph 12.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;
- (b) to the Leader of the Council;
- (c) to the Chairman of the Overview and Scrutiny Committee or
- (d) to any Member of the Cabinet;.

Council Procedure rule 12.4 provides that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

7. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 283 - 284)

To receive reports from the Leader and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader;
- (b) Report of the Asset Management and Economic Development Portfolio Holder;
- (c) Report of the Environment Portfolio Holder;
- (d) Report of the Finance and Technology Portfolio Holder;
- (e) Report of the Housing Portfolio Holder;
- (f) Report of the Leisure and Wellbeing Portfolio Holder;
- (g) Report of the Planning Portfolio Holder - attached;
- (h) Report of the Safer, Greener and Transport Portfolio Holder;
- (i) Report of the Support Services Portfolio Holder.

12. REPORT OF THE CABINET - BUDGETS AND COUNCIL TAX DECLARATION 2014/15 (Pages 285 - 286)

- (d) To consider the attached report of the Monitoring Officer and the Chief Financial Officer.

13. OVERVIEW AND SCRUTINY (Pages 287 – 288)

- (a) Report of the Chairman of the Overview and Scrutiny Committee - attached;
- (b) Reports of the Overview and Scrutiny Committee (if any); and
- (c) Reports of Overview and Scrutiny Panels:
 - (i) Reports of the Constitution and Member Services Scrutiny Panel attached regarding:
 - Annual Review of Contract Standing Orders and Financial Regulations;
 - Review of Officer Delegation; and
 - Vice-Chairman of Council – Appointment Review – an extract from the Council’s Constitution showing the current arrangements for the appointment of the Vice-Chairman is attached at the request of the Vice-Chairman of the Constitution and Member Services Scrutiny Panel who will be presenting this report.

Question from Councillor Leonard to Councillor Breare-Hall, Environment Portfolio Holder

Dog Fouling

"I would like to ask the Portfolio Holder for Environment:

- (a) whether he is aware of the on-going concern of Loughton residents (including those in my own ward) about the irresponsible activities of dog owners and walkers and the potential health hazards from dog fouling that this nuisance poses;
- (b) if he has any plans to educate local residents and enforce bye laws to improve the situation;
- (c) whether he can offer support to Loughton Town Council in dealing with dog fouling on the football pitches in the Roding Valley and take specific action on footways around the Council flats in Oakwood Hill: and
- (d) if he is prepared to meet me to discuss some innovative actions being taken by other Councils in addressing this widespread problem?"

This page is intentionally left blank

Report to the Council

Subject: Planning Portfolio

Portfolio Holder: Councillor R Bassett

Date: 20 February 2014

Recommending:

That the report of the Planning Portfolio Holder be noted.

Local Plan

As you are aware we have made some decisions as a landowner on the future of North Weald Airfield. Following on from this a stakeholder workshop was held at North Weald Bassett by our consultants, Allies and Morrison Urban Practitioners, in late January and was attended by some 80 people who made very helpful comments contributing to the masterplan for the whole North Weald area. A landowner workshop is to be held on 13 February.

Two meetings between leading councillors and senior officers of EFDC and Harlow District Council regarding the Duty to Co-operate have been held, and have been useful in identifying some future actions to be taken forward in order to support the Duty to Co-operate, including early sharing of formal reports.

A senior officer meeting is being held with the Strategic Housing Market Area partners (EFDC, Harlow, Uttlesford and East Herts, together with Broxbourne and Brentwood, who were part of the original SHMA grouping), in mid-February to discuss updating the SHMA with the recent population forecasting work carried out for EFDC. In the light of the Duty to Co-operate it is important that we include the wider partners in our invitation and we have also invited the GLA, who are currently consulting on Alterations to the London Plan which raise important issues for adjoining authorities.

Gypsy Roma and Traveller appeal decision – Sunnyside, Carthagen Estate

I would like to draw attention to the recent appeal decisions in this case, not only because they concern a site in Nazeing, but because of the wider issues that the Secretary of State's decision raises. As Members will be aware, the Secretary of State has intervened last year to recover for his decision most cases involving Gypsies Roma and Travellers, in particular in the Green Belt.

A Planning Inspector had granted permission at appeal for one nearby site, and permission was subsequently granted by EFDC on two other sites, but the Area Committee was not persuaded to grant permission in this instance. The Inspector recommended that the planning appeal be allowed for a temporary period of four and a half years, but the Secretary of State disagreed, refused planning permission and upheld the enforcement notice.

The Secretary of State is plainly applying his mind to whether or not sufficient very special circumstances have been shown, and is increasingly finding in this and other such appeals that they have not.

Lee Valley Food Task Force

The Lea Valley Food Task Force met on 10 February at the Civic Offices. This group is continuing to gain momentum and since the last report we now also have representatives from East Herts, London Borough of Waltham Forest and Uttlesford plus representatives from the National Farmers Union. The Food Task Force currently involves the NFU, several representatives from the growers and pack houses, 6 local authorities (2 London, 1 Herts and 3 Essex) and the Lee Valley Regional Park Authority.

The task force is grappling with a number of issues of local and much wider significance. Its work is focusing around enabling the long term sustainability and growth of the glasshouse industry, developing food production opportunities right next to population centres, and ensuring greater employment dividends to local communities from an industry that had traditionally not sourced local labour. Other questions being addressed centre around: how the sector competes on an unfair playing field, growing food without any EU or national subsidy, how it might meet increasing national challenges, domestic food production, food security, and food miles. The team is looking at how it might help join up public policy to support the industry in the UK to respond effectively on our behalf to these challenges.

We are looking to hold a Summit in September which will look in detail at these challenges, as well as future opportunities and we would like a Minister to help set the context in which the conference could explore and understand these issues.

One of the main points to emerge through the partnerships discussions so far is concern that perhaps a more joined up approach is needed to kick start an effective response across government. It appears that the issues of technology, around new glass, irrigation, water use, energy use, together with plant technology is spread across a wide range of departments. The idea of a new National Institute for Food Security has been mooted to bring coherence and leadership. Obviously if such a body was established given the high concentration of commercial growing glass next to London, and the need to keep the research close to the areas of application mean the Lea Valley would be well placed to host such an institution.

Neighbourhood Plans

Moreton, Bobbingworth and the Lavers have progressed their neighbourhood plan to the point where it has been sent to the Council for checking. Officers will deal with this under delegated powers, and are in discussion with the Parish Council regarding the formal Inspection of the Plan and subsequent potential referendum.

Meanwhile Chigwell Parish Council's request to be designated as a neighbourhood area will be considered by Cabinet in March, following a period of formal publicity.

Report to Council

Report of: Monitoring Officer/Chief Financial Officer

Date: 20 February 2014

1. COUNCIL TAX DECLARATION - RECEIPT OF PRECEPTS FROM OTHER PRECEPTING BODIES

Recommending:

(1) That, if this year's Essex Police Precept is not available in time for this meeting, a Council Tax Committee be appointed in order to approve the level of the Council Tax, for 2014/15;

(2) That the Committee comprise five Councillors, allocated according to pro rata rules between the three political groups on the Council as follows:

Conservative:	3
Loughton Residents' Association:	1
Liberal Democrats:	1

(3) That one of the three Conservative Group nominees be the Chairman of the Council who will act as the Chairman of the Committee;

(4) That the remaining political group nominations be agreed at this meeting so as to facilitate an early meeting of the Committee as soon as the Police precept is notified;

(5) That the terms of reference for the proposed Committee be agreed as follows:

"To exercise the Council's functions, powers and duties relating to the formal acceptance of Council Tax precepts from the major precepting authorities and the setting of the overall Council Tax, subject to:

(a) the overall requirement that the approval of the Council's own budget and Council Tax precept for District purposes must remain as approved by the Council; and

(b) the outcome of any meeting being reported back to the Council and to Members of the Council via the Council Bulletin; and

(6) That the Constitution be amended to make provision for this Committee to be appointed in future years if a similar situation arises.

1. Introduction

- 1.1 The Council must set a budget and Council Tax level for its own purposes each year. The Council also has a separate function acting as billing authority and for setting an overall level of Council Tax inclusive of the precepts received from other precepting authorities including Essex County Council, the Police, the Fire Authority and Parish and Town Councils. Traditionally these two roles have been performed at a single Council meeting.
- 1.2 The Council will appreciate that the date for the Council's budget meeting is dictated by the dates on which the other precepting authorities determine their precept. If one or more of those other precepts are not received, the date for full Council would have to be postponed, not only inconveniencing members of this Council but also delaying the setting of the District's own budget and the Council Tax level. A further risk is a delay in printing for the production of Council Tax bills and associated cost implications.
- 1.3 All but one precept by other precepting bodies for 2014/15 have been received and all have complied with the Government's new policy of requiring referendums to be held if any precept increase exceeds 2%. In the case of the Essex Police Precept, there had been indications from the Commissioner that the increase in that precept would be above the threshold, but he has stated that he wishes to avoid a referendum if at all possible. It is now understood that the Commissioner will consider the position on the afternoon of 20 February 2014.
- 1.4 If the Commissioner is able to notify the Council prior to this meeting of a precept, it will then be possible for the Council Tax level to be set at this meeting.
- 1.5 However, we feel that it prudent to have a contingency plan to cover the possibility that the Police Commissioner will not be able to notify his precept for next year.
- 1.6 Section 67(3) of the Local Government Finance Act 1992 (as amended) provides that a Council can delegate the setting of the overall level of Council Tax (including major precepts) to a Committee. Such a Committee must have a fixed membership and clear terms of reference. Therefore we are recommending that the Council should at this meeting appoint a Committee of five Councillors, allocated pro rata between the political groups, in order to be able to finalise the Council Tax level if this is not notified by the Police Commissioner at this meeting. The Committee decision would only be a formality and would have no power to amend the precept of this Council and would not be a long one.
- 1.6 The terms of reference of the proposed Committee are set out in Recommendation (5) and we recommend that the Constitution should be amended to provide for such a Committee to be activated should this be necessary in the future.
- 1.8 We recommend as set out at the commencement of this report.

Extract from Article 5 of the Council's Constitution – Current Arrangements for the Appointment of the Vice-Chairman of the Council

5.02 Election of Chairman of the Council and Appointment of Vice-Chairman of Council

The individual elected to the office of Chairman of Epping Forest District Council shall be elected on merit, without regard to party affiliation.

The appointment of the Vice-Chairman of the Council shall also be on the basis of merit and without regard to party affiliation in accordance with the following provisions:

(a) Nominees for the office of Vice-Chairman of the Council should submit a nomination form signed by not less than 12 District Councillors drawn from at least two political groups;

(b) Nominees for Vice-Chairman of the Council may be drawn from any political group or any independent member serving on the Council;

(c) The process of agreeing a nomination for Vice-Chairman of the Council shall be co-ordinated by the Leader of the Council in consultation with independent members and the Leaders of all political groups and notified each year to the Appointments Panel for consideration and onward recommendation to the Annual Council meeting;

(d) It is expected that the person nominated under this article and appointed by the Council as Vice-Chairman of the Council shall normally become the Chairman of the following Council year;

(e) It shall be open to the Council to suspend the operation of the appointment process at any Annual Council meeting if this is in the best interests of the Council. Such suspension shall, however, only be agreed if 65% of the Council membership support a motion to that effect.

This page is intentionally left blank