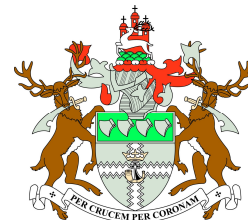


# Supplementary Council Agenda



## Epping Forest District Council

### **Council Tuesday, 1st November, 2011**

**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

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#### **6. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 75 - 76)**

To receive the attached supplementary report from the Planning and Technology Portfolio Holder on matters falling within his area of responsibility.

#### **8. MOTIONS (Pages 77 - 78)**

##### **(b) Motion received after publication of the main agenda**

To consider the attached motion.

#### **9. QUESTIONS BY MEMBERS UNDER NOTICE (Pages 79 - 80)**

To answer the attached questions asked after notice in accordance with the provisions contained in paragraph 10.3 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 10.4 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.

**11. REPORT OF THE ELECTORAL AND COMMUNITY GOVERNANCE REVIEW COMMITTEE (Pages 81 - 86)**

To consider the attached report..

## ***Report to the Council***

**Committee:** Cabinet **Date:** 1 November 2011  
**Subject:** Planning and Technology Portfolio  
**Portfolio Holder:** Councillor John Philip

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### **Recommending:**

**That the supplementary report of the Planning and Technology Portfolio Holder be noted.**

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Fee income on planning applications is still up on expectation at month 6 by £40,475. This is in the main due to a few major applications for development on horticultural nurseries in the western part of the District. It is clear that we will not have the ability to set our fees this year which had been budgeted to make a significant contribution to the income this year. We will continue to track this proactively.

Development Control key performance indicators at month 6 are as follows (target in brackets):

KPI 51 – Major applications within 13 weeks – 86.96% (81%)

KPI 52 – Minor applications within 8 weeks – 77.26% (81%)

KPI 53 – Other applications within 8 weeks – 92.77% (93%)

KPI 54 – Appeals Allowed: Officer recommendations/decisions – 22.22% (20%)

KPI 55 – Appeals Allowed: Members Reversals – 46.15% (50%)

In summary, we are therefore currently achieving targets for KPI 51 and KPI 55, but just outside KPI 53 and KPI 54.

As reported at the last Council meeting, following the meeting with Bob Neil, the Leader, and I with relevant officers met with Steve Quartermain, the Chief Planner at Department of Communities and Local Government, on 19 October. The meeting covered points made by EFDC in response to the consultation on the National Planning Policy Framework (EFDC being one of some 13,600 responders); Gypsy, Roma, Traveller issues; and Government proposals in relation to Local Plans.

A key point was what savings/transition arrangements for Local Plans would exist, and to minimise risks to EFDC, what steps could be taken to speed up delivery of a new plan. I shall report further once we have examined the options available.

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# Agenda Item 8

“(1) That the Council notes:

(a) its public toilet provision currently consists of four Universal Superloos (USL) and one Automatic Public Convenience (APC) located in Buckhurst Hill, Epping, Loughton, Debden and Waltham Abbey;

(b) the rest of the District has no Council provision;

(c) Community Toilet Schemes (which involve some local businesses volunteering to provide public access to their toilet facilities in return for modest payments from the local council) work successfully and cost-effectively in other local authorities; and

(2) That the Council therefore resolves:

To investigate the provision of a Community Toilet Scheme across the Epping Forest District to enable better provision of toilet facilities for residents and visitors.”

Mover: Councillor Janet Whitehouse

Seconder: Councillor Jon Whitehouse

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## **(a) Fixed Penalty Notices**

### **Question from Councillor Janet Whitehouse to Councillor John Knapman, Environment Portfolio Holder**

"(1) How many officers from the Environment and Street Scene Directorate are authorized to issue Fixed Penalty Notices for litter offences and when did they start doing this;

(2) How many Fixed Penalty Notices have been issued and for what offences in

Buckhurst Hill

Chigwell

Loughton

Epping

Theydon Bois

Waltham Abbey

Ongar

the rest of the District; and

(3) How many of these have resulted in prosecution"?

## **(b) Parking Restrictions – The Broadway, Loughton**

### **Question from Councillor Jennie Hart to Councillor Penny Smith, Safer, Greener and Highways Portfolio Holder**

"In view of the Broadway Parking Scheme being the last to be implemented ( and this is now accepted), will Councillor Smith assure me that she will support the effort being made by County and District Councillors to get yellow lines painted on dangerous corners and junctions where commuters are persistently parking, and where, in some cases, the requests have been outstanding for years"?

## **(c) Staff Vacancies**

### **Question from Councillor Jon Whitehouse to Councillor Lesley Wagland, Leader and Legal Portfolio Holder**

"(1) Please list those posts on the Establishment which are:

- (a) vacant;
- (b) have been vacant for three months or longer;
- (c) have been vacant for six months or longer; and

(2) Please identify which of the above posts are:

- (a) currently the subject of an active recruitment process;
- (b) currently have no activity planned;
- (c) subject to a recruitment freeze."

**(d) Parking Restrictions – Station Way, Buckhurst Hill**

**Question from Councillor Dev Dodeja to Councillor Penny Smith, Safer, Greener and Highways Portfolio Holder**

“As you will be aware the Buckhurst Hill Parking Review area does not include Station Way, Buckhurst Hill. This road includes a shopping parade and Roding Valley underground station. The current uncontrolled parking arrangements around the station attract a large amount of all-day commuter parking. This causes problems for local residents and local traders and means shoppers find it difficult to park close to the shops. There have also been a series of accidents in the area.

What plans does the Portfolio Holder have to ensure that parking arrangements in Station Way are reviewed in order to provide a better balance of parking in the area, including limited waiting parking for shoppers”?



## ***Report to the Council***

**Committee:** Electoral and Community  
Governance Reviews Committee

**Date:** 1 November 2011

**Chairman:** Councillor Chris Whitbread

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### **1. PARLIAMENTARY CONSTITUENCY REVIEWS**

#### **Recommendations:**

- (1) That the proposed formal response to the Boundary Commission for England in respect of the review of Parliamentary Constituencies be approved as set out in the Appendix to this report;
  - (2) That a copy of the Council's views be sent to the three local members of Parliament;
  - (3) That the relevant Government Minister be advised ( with copies to the local MPs) about the Council's concerns about the Constituency boundary at Matching Green; and
  - (4) That the action taken by the Committee in authorising the Assistant to the Chief Executive (accompanied by Councillor R.Morgan, the local District member for the Matching area) to attend the Commission's hearing about the review on 31 October 2011 in Colchester and present these views in person be confirmed.
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1. The Boundary Commission for England is currently conducting a review of Parliamentary Constituencies in England. This review arises from recent Government legislation which required the Commission to allocate a precise number of constituencies in England. This number is based on a fixed total of 600 for the whole of the UK, representing a reduction from 650 constituencies at the present time.
2. The Commission must ensure that every constituency has an electorate that is within 5% (plus or minus) of the UK electoral quota of 76,641 electors. The review can take account of a number of other factors but only if the electoral quota and tolerances are not compromised. These factors are as follows:
  - (a) special geographical considerations; size, shape and accessibility of a constituency;
  - (b) local government boundaries;
  - (c) boundaries of existing constituencies; and
  - (d) any local ties which are broken by the new constituencies.

3. The Commission must base the review on registered totals published between 1 December 2010 and 1 February 2011.
4. The total number of Constituencies for England will be 500 which, with two protected constituencies, gives an overall total of 502. The building blocks for the revised constituencies are District Wards (not Parish Council areas) where it is feasible to do so but having regard to the 5% tolerance.
5. The review is presented on a regional basis. Epping Forest District is part of the Eastern Region which currently has 58 constituencies which under the review will be reduced to 56. The Eastern Region is broken down into sub-regions which are counties, Essex being one. There are currently 18 constituencies in Essex and the Commission's proposals would reduce this to 17.

### **Commission's Initial Proposals**

6. The Commission has published initial proposals for consultation purposes. The consultation closes on 5 December 2011 and is open to members of the public, councils, political parties and individual elected members. These initial proposals have the following main features so far as the Epping Forest District is concerned:

#### **(a) Epping Forest Constituency**

The proposals indicate that the current constituency is regarded as too small in electorate terms and with this in mind the District Ward of Lambourne has been added. Other than this the Constituency is unchanged.

#### **(b) Brentwood and Ongar Constituency**

Brentwood and Ongar has lost the District Ward of Lambourne in order to compensate in electorate terms is being re-drawn to include the Orsett Ward of Thurrock Borough; and

#### **(c) Harlow Constituency**

This constituency is also regarded too small in electorate terms by the Commission. With this in mind three wards from Uttlesford District Council have been added.

7. We draw to the Council's attention that the common constituency boundaries between Epping Forest, Harlow and Brentwood are unchanged except in respect of Lambourne.

### **Response to Consultation**

8. We are setting out in the Appendix to this report our proposals for responding to the initial proposals of the Commission. The rationale behind our views is as follows.

(a) we have concentrated our discussions on the 3 constituencies affecting this District and are not commenting on the Eastern Region or the rest of the Essex Sub Region;

(b) the Epping Forest Constituency as amended meets the legal requirements as to the number of electors and by joining Lambourne Ward with the rest of the constituency this creates a logical single unit. We paid particular attention to the fact that Lambourne appears to have strong links with the Theydon Bois area therefore

the choice that the Commission has made seems to us a logical one;

(c) in terms of the Harlow and Brentwood and Ongar Constituencies we have restricted our comments to noting the new configuration of District Wards both within this area and neighbouring Councils. The reason for this is that we think the Council should strongly support the Epping Forest Constituency as now proposed because any weakening of that position will mean changes could be made as a result of representations from any other area. We wish to send a strong message to the Commission that the new Epping Forest Constituency has our firm support;

(d) We were also very pleased to see that the District Wards covering the Parish of North Weald remain in their present parliamentary constituency. There is a history of this area being transferred between different Parliamentary constituencies over the years and we are glad that the initial proposals of the Commission provide continuity.

### **Matching Green**

9. The Council may recall that in previous reports we have submitted proposals regarding an anomalous boundary in Matching Green village. The Parish boundary effectively divided the village in two and took no account of the community links within the village. The Council has already made an order to include all of Matching Green in Matching Parish and this has now been supported by the Local Government Boundary Commission which has made consequential changes to the County Electoral division and District Ward boundaries to align them with a new Parish boundary.
10. This does however leave an anomaly with the Parliamentary boundary which follows the same route. With this in mind we are recommending that strong representations be made to the Commission that this anomaly needs to be put right and the Parliamentary boundary made to follow the other three boundaries in that area. The Returning Officer has suggested to us that if this anomaly is perpetuated a degree of voter confusion can be expected during a Parliamentary election which is likely to be held to concurrently with another local government election. As these would be on different boundaries, it is better, in our view, that this is addressed now and boundaries unified for 2015.
11. We have written to the Parish Councils of Moreton, Bobbingworth & The Lavers and Matching to alert them to the change in the Parliamentary boundary at Matching Green as this would transfer 160 voters from the Brentwood and Ongar Constituency to Harlow Constituency. This would be within the 5% tolerance prescribed in the rules. However, the changes in the Matching Green boundary have taken place after the publication of the electoral registers on which the review is based. We are therefore conscious that it would need a decision to waive the criteria to allow this change to be made. However, the Commission has some discretion to take account of current boundaries provided this does not contradict the electoral quota and we think that it is worth making this point.

### **Public Hearings**

12. Because of the complex situation at Matching Green, we asked the Returning Officer (accompanied by Councillor Morgan) to attend a public hearing on the review which will be held by the Commission in Colchester on 31 October and 1 November 2011. We have asked him to submit our views on the overall review but to draw specific attention to the problem at Matching Green. Although the Council's comments will be conveyed to the Commission in writing we felt that it was quite important that this problem is raised directly with the Commission so that they are fully aware of the situation. We are also recommending that the relevant Government Minister and the local Members of Parliament be informed of the views being expressed

### **Maps**

13. We will be tabling at the Council meeting maps of the three new constituencies. These will also be available to the press and public.

### **The Next Steps**

14. Consultation on the initial proposals is not the final stage in the process. In the New Year the Commission will be publishing responses to the consultation and we plan to look carefully at the representations received and to respond if appropriate. If the Commission is subsequently minded to change its initial proposals there will be further consultation regarding changes. The Commission has to complete this review by 1 October 2013 when it submits its final proposals to the Government. The legislation then requires the Government to make the necessary Orders in order to bring the new constituencies into operation at the next General Election in 2015.
15. We recommend as set out the commencement of this report.

## REVIEW OF PARLIAMENTARY CONSTITUENCIES – RESPONSE OF EPPING FOREST DISTRICT COUNCIL

### 1. Introduction

- 1.1 This is the Council's response to consultation being conducted by the Boundary Commission for England about its initial proposals for new Parliamentary Constituencies in Essex.
- 1.2 These responses were approved at the meeting of the Council held on 1 November 2011.

### 2. Representations in Response to Consultation Questions

- 2.1 The Council is asked to comment on the Commission's proposals in four respects. These are set out below with, after each heading, a suggested response.
- 2.2 **Whether the Council agrees in full, in part or not at all with the Commission's initial proposals for the Eastern Region**

#### Response:

The Council has not reviewed the proposals for the Eastern Region, other than those which affect the Epping Forest District and has no comment to make.

- 2.3 **Which sub-region proposals the Council agrees with and why.**

#### Response:

The Epping Forest District is part of the Essex Sub-Region and the Council has restricted its consideration of the Commission's initial proposals to the constituencies affecting the Epping Forest District. The Council fully supports the proposals for new constituencies of Epping Forest, Brentwood & Ongar and Harlow.

The proposals for the Epping Forest District seem to the Council logical in that:

- (a) the new constituency for Epping Forest retains its current community identity;
- (b) the one change (ie the addition of Lambourne district ward) to the Epping Forest Constituency is appropriate in community governance terms in that the ward has links to the neighbouring Theydon Bois ward which sits at the heart of the Epping Forest Constituency.
- (c) that the community links between Lambourne and Theydon Bois District Wards are reflected in local services, local retailing facilities, transport links and in terms of distance which places Lambourne much closer to the Epping Forest constituency than to Brentwood.
- (d) that the new Epping Forest constituency provides North Weald Bassett Ward with continuity of parliamentary representation in that it remains in Brentwood and Ongar thereby avoiding the difficulties experienced in previous reviews where the ward has been transferred between different constituencies at different times;

(e) that the new Epping Forest, Harlow and Brentwood and Ongar constituencies meet the Commission's electorate criteria and create constituencies which are logical and justified by existing community links.

#### 2.4 Which Sub Region does the Council disagree with and why?

##### Response:

The Council has not reviewed proposals for the Eastern Region, having concentrated on the 3 local constituencies. However, the Council cannot support the boundary at Matching Green between the Harlow and Brentwood & Ongar Constituencies, which the Council regards as anomalous in that it divides a single community, taking no account of recent changes to the Parish, District and County Electoral Division boundaries with which the constituency boundary was previously coterminous. This is discussed in greater detail under the next question.

#### 2.5 What are the Council's alternatives for areas with which the Council disagrees and which meet the statutory rules?

The Council is unhappy about the anomaly which will be created at Matching Green if the Commission's initial proposals for the boundary between the Brentwood & Ongar and Harlow constituencies are not changed.

The Council contends that having different electoral boundaries at this location will cause considerable confusion among voters when Parliamentary elections are held concurrently with those for local government. Over recent years, concurrent elections have become the norm and there are very strong cost arguments for continuing this policy. There will, in the view of the Returning Officer, be problems in running such elections on different boundaries.

The effect of re-aligning the Parliamentary boundary at Matching Green would have the effect of transferring 160 voters (approx) from the Brentwood & Ongar constituency to Harlow. In terms of electorate figures, a comparison is given below:

##### Present Electorate (Commission's Initial Proposals)

Brentwood & Ongar	74,240
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Harlow	73,223
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##### Proposed Electorate (By re-aligning the Parliamentary Boundary at Matching Green)

Brentwood & Ongar	74,080 (96.65% of electoral quota)
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Harlow	73,383 (95.74% of electoral quota)
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These new electorate figures are within the tolerances of + or – 5% of the quota as prescribed in the statutory rules.

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A map showing the relevant boundaries is attached.