

## **EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES**

**Committee:** Council **Date:** 19 May 2005

**Place:** Civic Offices, Epping **Time:** 7.30 - 9.50 pm

**Members Present:** R Morgan (Chairman), S Barnes, Mrs M Boatman, Mrs D Borton, Mrs P Brooks, R Chidley, M Cohen, M Colling, Mrs D Collins, Mrs J Davis, T Farr, K Faulkner, Mrs R Gadsby, R Glozier, P Gode, R Goold, A Green, Mrs A Grigg, Mrs A Haigh, J Hart, M Heavens, D Jacobs, D Kelly, J Knapman, Mrs J Lea, A Lee, F Maclaine, L Martin, Mrs M McEwen, L McKnight, P McMillan, S Metcalfe, S Murray, Mrs S Perry, Mrs C Pond, Mrs P Richardson, T Richardson, Mrs P K Rush, B Sandler, Mrs M Sartin, Mrs P Smith, D Spinks, D Stallan, Ms S Stavrou, G Stollar, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, M Woollard and K Wright

**Apologies:** K Angold-Stephens, D Bateman, J Demetriou, R Haines and J Markham

**Officers Present:** J Scott (Joint Chief Executive), P Haywood (Joint Chief Executive), I Willett (Head of Research and Democratic Services), G Lunnun (Democratic Services Manager), T Carne (Public Relations and Marketing Officer), J Boreham (Assistant Public Relations and Information Officer) and S G Hill (Senior Democratic Services Officer)

### **COUNCILLOR R MORGAN IN THE CHAIR**

#### **1. RETIRING CHAIRMAN OF COUNCIL**

Councillor R Morgan addressed the Council on his year in office.

He stated that it had been a great privilege and honour to serve as the Chairman of the Council. He had also enjoyed his year in office and had made in excess of 200 visits. He referred to the highlights of his year which had included a visit in September 2004 to the Guildhall in London for the Pearly King and Queen Harvest festival, the visit of the Countess of Wessex to Chigwell High School. He also referred to the visit to Windsor Castle for the Scouts St George's day parade, the many successful civic events and to his last official engagement, the Royal Garden Party in July 2005.

The Chairman referred to the visits to schools and the talents of the children he had seen.

The Chairman stated that he had raised approximately £18,600 for his charities the Essex Air Ambulance and Ongar and District Healthcare Hospital League of Friends.

Councillor Morgan paid tribute to his Vice Chairman, John Gilliham, who had contributed greatly to the Council and the Council noted that a presentation would be made to his widow, Maureen, later in the Council year.

Lastly, the Chairman thanked the members for their support, the officers of the Council, particularly Pat Seager, his Secretary for their hard work and to his wife, Jean, for attending the many events throughout the year.

Group Leaders and the Joint Chief Executive, John Scott (on behalf of the Staff) expressed their appreciation for the hard work and enthusiasm shown by Councillor Morgan during his year of office.

**2. ELECTION OF CHAIRMAN**

The nomination of Councillor B Sandler for the office of the Chairman of Council having been formally moved, it was:

**Resolved:**

That Councillor B Sandler be elected Chairman of the Council for the ensuing year.

Councillor Sandler thereupon made a Declaration of Acceptance of Office of Chairman and thanked the Council for his election.

**COUNCILLOR B SANDLER IN THE CHAIR**

**3. PAST CHAIRMAN'S BADGE**

The new Chairman presented Councillor R Morgan with a past Chairman's Badge of Office.

**4. APPOINTMENT OF VICE CHAIRMAN**

The Council considered the following motion proposed by Councillor K Faulkner and seconded by Councillor M Heavens which sought to set aside the protocol for the election of the vice chairman to allow the Loughton Residents Group to suspend the protocol for the appointment of the Vice-Chairman of Council to allow the appointment of a Vice Chairman from the Liberal Democrats Group:

"That this Council:

- (a) notes that the protocol to determine the nominee for Vice-Chairman of the Council was suspended for one year at the Annual Council meeting 2004;
- (b) notes that the political group entitled to nominate under the protocol in 2005/6 is the Loughton Residents' Association Group;
- (c) notes that the Loughton Residents' Association does not wish to submit a nominee for Vice-Chairman in 2005/06.
- (d) notes that the Liberal Democrats and Independent Groups have an equal entitlement to the nomination under the protocol.
- (e) determines that the Liberal Democrats Group be invited to nominate on grounds that the Chairmanship of the Council was held by the Independent Group in 2004/05;
- (f) determines that a nomination from the Loughton Residents' Association Group be brought forward at the Annual Council meeting 2006, notwithstanding any changes in political group strengths after the District Council elections in that year;

- (g) agrees that the accumulated points under the protocol which would allow the LRA Group to nominate for the Vice-Chairman position be held over to the Annual Council meeting 2005 to allow that Group to nominate next year; and
- (h) amends the protocol in accordance with (g) above.”

**Carried**

The nomination of Councillor Mrs A Haigh for the office of the Vice Chairman of Council having then been formally moved, it was further:

**Resolved:**

That Councillor Mrs A Haigh be appointed Vice Chairman of the Council for the ensuing year.

Councillor Haigh thereupon made a Declaration of Acceptance of Office of Vice Chairman and thanked the Council for her election.

**5. MINUTES**

**Resolved:**

That the minutes of the Council meeting held on 19 April 2005 be taken as read and signed by the Chairman as a correct record.

**6. DECLARATIONS OF INTEREST**

No declarations of interest were made pursuant to the code of member conduct.

**7. ANNOUNCEMENTS**

**(a) Announcements by the Chairman**

**(i) Former District Councillors D James and T Sutherland and Council Employee, C Baker**

The Council stood in silent tribute in memory of former District Councillors Douglas James and Tony Sutherland and one of the Council's cleaners, Charles Baker who had died recently.

The Council was advised that the Council flowers would be sent to Charles Baker's funeral being held on 20 May 2005.

**(ii) Chairman's Charities for the Year**

The Chairman announced that his chosen charities would be St Clare Hospice and Chigwell Riding Trust for Special Needs.

**(b) Announcements by the Leader of the Council**

The Leader thanked members of the Council for their hard work during the last year.

**8. RESIGNATION - JOHN HARRINGTON**

The Council noted the recent resignation of John Harrington, former member for Lower Sheering. Councillor Collins stated that John Harrington had been a hard working local councillor for his ward. The Council noted that a poll would be held on 23 June 2005 to elect a replacement Councillor.

**9. LEADER, DEPUTY LEADER, CABINET, COMMITTEES, SUB-COMMITTEES AND PANELS**

The Council considered appointments of Council Leader, Deputy Leader, and to the Cabinet, Committees, Subcommittees and Panels in accordance with pro rata requirements. Where necessary, votes were taken, to determine Chairmanships and Vice-chairmanships in accordance with the Councils protocol on Chairmanships.

**Resolved:**

That the leader, Deputy Leader, Portfolio Holders, Chairmen, Vice Chairmen and members of Cabinet, Committees, Subcommittees, Panels and Groups be as set out in Appendix 1 to these minutes.

**10. STANDARDS COMMITTEE**

The Council considered nominations for the two Councillors to form a Committee together with three independent members and a local council representative.

**Resolved:**

That Councillors Mrs D Borton and Mrs P Smith be appointed to the Standards Committee for 2005/06.

**11. SCHEME OF DELEGATION**

The Council noted that the Constitution required that the scheme of delegation be agreed at the Annual meeting. Members were advised that the current scheme was set out in Part 3 of the Council's Constitution.

**Resolved:**

That the scheme of officer delegation as set out in the Constitution be agreed.

**12. COUNCIL MEETINGS - 2005/06**

The Council was informed that at its meeting on 19 April 2005, it had adopted a calendar of meetings for the period from May 2005 to May 2006 which included ordinary meetings of the Council for the year. It was noted that it was a requirement of the Constitution that a programme of ordinary meetings of the Council be approved at the Annual Meeting of the Council.

**Resolved:**

That during 2005/06 ordinary meetings of the Council be held on the following dates:

28 July 2005 (Thurs)

27 September 2005  
13 December 2005  
21 February 2006  
23 February 2006 (reserve date for budget meeting)  
24 April 2006 (Mon)  
18 May 2006 (annual meeting)

### 13. APPOINTMENTS TO OUTSIDE ORGANISATIONS

The Council considered a schedule of nominations by the political groups for Council representations on outside organisations. Voting took place in accordance with the Council Procedure Rules where nominations exceeded available places.

#### **Resolved:**

- (1) That representation on outside organisations for 2005/06 be determined as set out in Appendix 2 to these minutes taking account of the recommendations of the Working Group on Outside Organisations on those organisations not recommended for reappointment;
- (2) That the schedule of representatives on outside organisations with terms of office expiring after the current year as set out in Appendix 3 to these minutes be noted; and
- (3) That the officer appointments to outside organisations listed in Appendix 4 to these minutes be noted.

### 14. REPORTS OF THE CABINET

#### **(a) Supplementary Estimates 2005/06**

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

The Council considered proposals of the Cabinet for supplementary estimates to: (i) meet the costs of accommodation works at Willingale Road Allotments, Loughton to fund works that the District Council would need to carry out in order to permit the relocation of the allotments prior to the transfer of open space to Loughton Town Council; (ii) to part fund a strategic environmental assessment (SEA) required by virtue of an EC directive, for plans and programmes which are likely to have an impact upon the environment; (iii) to undertake remedial works in the areas of Planning and Building Control and ICT to remove asbestos; to enable the delayed accommodation projects to be completed and allow time for a detailed strategy for dealing with the rest of the building to be developed and costed, (iv) to meet the cost of an Audit Commission/Standards Board Ethical Governance Audit toolkit and facilitated workshop.

**Amendment moved by Councillor Mrs J H Whitehouse and seconded by Councillor G Stollar:**

“That the proposed Supplementary DDF estimate of £10,400 to meet the cost of an Audit Commission/Standards Board Ethical Governance Audit toolkit and facilitated workshop be not approved and deferred for further consideration later in the Council year”

**Carried**

Report as amended **adopted**.

**Resolved:**

- (1) That a supplementary DDF estimate of £8,300 be approved in order to meet the cost of accommodation works to the Willingale Road Allotments, Loughton requested by the Allotment Association;
- (2) That a supplementary CSB estimate of £6,600 be approved for the provision of a Strategic Environmental Assessment Monitoring and Assessment Service by Essex County Council;
- (3) That a supplementary capital estimate of £20,000 be approved for the removal of asbestos insulation board and subsequent reinstatement in parts of the Conder building and the former boiler room under 323 High Street House; and
- (4) That the proposed Supplementary DDF estimate of £10,400 to meet the cost of an Audit Commission/Standards Board Ethical Governance Audit toolkit and facilitated workshop be not approved and deferred for further consideration later in the Council year

(Councillor Mrs J Davis declared a personal interest in the above item by virtue of being a member of Loughton Town Council. The member had determined that she would remain in the meeting for the duration and voting on the item.)

**(b) Key Decisions – Definitions**

**(Mover: Councillor S Barnes – People First Portfolio Holder)**

The Council considered a proposal to redefine Key Decisions within the Constitution.

Report as first moved **adopted**.

**Resolved:**

That the following revised definitions for key decisions be agreed:

"An executive decision which is likely:

- (a) to result in the Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision relates;
- (b) a significant decision under (a) above shall be defined as follows:
  - (i) any decision within budget and policy which involves expenditure or savings of £250,000 or over;
  - (ii) any decision not within budget and policy which involves expenditure or savings of £100,000 or over in the current Council year;
  - (iii) a decision which raises new issues of policy;

- (iv) a decision which increases financial commitments (i.e. revenue and/or capital) in future years over and above existing budgetary approval;
- (c) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority; and
- (d) that a significant decision under (c) above shall be defined as follows:
  - (i) comprises and includes the publication of draft or final schemes which may require either directly or in relation to objections to the approval of a Government Minister;
  - (ii) involves the passage of local legislation;
  - (iii) affects two or more wards and is one which would have a discernable effect on the quantity or quality of services provided to people living or working in that area;
- (e) any definition of a key decision shall exclude borrowing or lending decisions by the Head of Finance under delegated authority;
- (f) further requirements regarding key decisions shall be:
  - (i) key decisions may not be made by Heads of Service;
  - (ii) key decisions under (b)(i) above shall be made by the Cabinet if they involve amounts of £1m or more;
  - (iii) key decisions under (b)(i) if between £250,000 and up to £1m may be made by the appropriate Portfolio Holder; and
  - (iv) Portfolio Holders may only make decisions under (c) above on matters affecting their own wards if recommended by Head of Service or as one of a range of options recommended by a Head of Service".

**(c) Best Value Performance Plan 2005/06**

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

The Council received the Best Value Performance Plan for 2005/06. It was noted that the Office of the Deputy Prime Minister could revise the requirements for reporting in the plan and the Council considered proposals to allow officers to amend the plan to take into account any revisions required.

Report as first moved **adopted**.

**Resolved:**

- (1) That the Best Value Performance Plan for 2005/06 be adopted; and
- (2) That the Joint Chief Executive (Resources) be authorised to amend the Best Value Performance Plan as necessary after adoption by the Council, to incorporate outstanding details or issues raised as a result of any

subsequent guidance on the content of performance plans issued by the Office of the Deputy Prime Minister.

**(d) Land Drainage Byelaws**

**(Mover: Councillor D Spinks – Civil Engineering and Maintenance Portfolio Holder)**

The Council received a proposed new version of the Council's Land Drainage Byelaws which had been updated to bring them into line with the Land Drainage Act 1991.

Report as first moved **adopted**.

**Resolved:**

- (1) That the Land Drainage Byelaws attached as Appendix 5 to these minutes be adopted and sealed;
- (2) That, when made, the byelaws be advertised in the local press in accordance with the Local Government Act 1972;
- (3) That the byelaws be deposited for public inspection for a period of six weeks;
- (4) That all town parish councils be consulted on the byelaws; and
- (5) That, at the end of the consultation period, and, subject only to a further report if unresolved objections are made, the byelaws be submitted to DEFRA for confirmation.

**15. LOCAL GOVERNMENT ASSOCIATION ANNUAL CONFERENCE - JULY 2005**

The Council was informed that the Local Government Association Annual Conference and Exhibition was being held in Harrogate from 5-8 July 2005. The theme this year was 'Improving Life in Local Communities'. A provisional booking for the Conference and hotel accommodation had been made for two members and one officer. The Council was asked to agree the member representation.

**Resolved:**

That Councillors R Glozier (voting member) and M Heavens be appointed to attend the Local Government Association Conference and Exhibition from 5-8 July 2005.

**16. MOTIONS**

It was noted that no motion had been submitted in accordance with the Council Procedure Rule 11.

**17. QUESTIONS BY MEMBERS**

**(a) Council Recycling**

**By Councillor D Stallan to the Portfolio Holder for Information, Communication Technology and Corporate Support Services (Councillor S Metcalfe)**



"I refer to a recent letter in the local press regarding recycling in Epping Forest.

Mindful of the comments regarding recycling of its own waste by Epping Forest District Council, can the Portfolio Holder please advise:

- (1) How much of the waste that this authority produces at the civic offices, sports centres etc is actually recycled,
- (2) What is being done to increase the current amount being recycled; and
- (3) Does he not agree with me that if our residents are going to have to recycle more of their waste, then this council should lead by example?"

**Reply by Councillor S Metcalfe, Portfolio Holder for Information, Communication Technology and Corporate Support Services.**

"In reply to the first part of the question recycling has been undertaken at the Civic Offices for a number of years. Approximately 8800 litres of waste paper is collected for recycling, per month and is the largest contribution to the Council's internal recycling programme. Similarly, waste paper is collected for recycling from other Council facilities although the charges quoted by the contractor to collect from some of the Leisure facilities means it is not viable to collect from those sites. However, Loughton Leisure Centre and Waltham Abbey Swimming Pool use the recycling bins in the car parks adjacent to their sites.

The central post room at the Civic Offices collects used envelopes from the incoming post which are then used for circulating internal mail to avoid using new envelopes. Other sites and individual service areas do likewise.

The Council's in house printing team recycle as much waste paper as possible from printing off cuts, out of date forms etc and turn this material into scrap pads for use by staff within the Council. Other sites also recycle scrap paper for use as message pads.

For the past 18 months ink and toner cartridges used in printers have been collected and sent to a recycling company. The Council receives a small income from this which is donated to a local charity. A contractor disposes of obsolete IT equipment in accordance with the relevant EU Directive.

Tyres found in void properties are returned to a local garage for recycling. Discarded gas cylinders are returned to a local distributor for recycling. Unwanted refrigerators are collected for dismantling and disposal. Building waste and discarded domestic items are collected for professional disposal.

Epping Sports Centre and Loughton Leisure Centre have their cooking oil collected for recycling.

The Grounds Maintenance Section chips its suitable green waste and uses it as mulch on flower/shrub beds around the District.

In response to the second part of the question, officers at the Civic Offices have recently initiated a comprehensive review of all trade waste generated to see whether a greater proportion can be recycled. This review is in its early stages and a report on the outcome will be presented to members in due course. Epping Sports Centre are

considering the purchase of a bottle bin to recycle plastic drinks bottles and they are also considering ways in which paper and glass can be recycled.

It may be that there will be financial implications in increasing the amount of recycling and members will understand that any such implications will have to be considered as part of the budget cycle.

Finally, I do agree with Councillor Stallan that if our residents are expected to recycle more of their waste, this Council should do likewise and set an example.

I believe the current recycling initiatives already in place and the review that has recently been initiated, show that the Council is setting a positive example, but we will need to continue to lead by recycling even more of our waste over the years to come”.

**18. PUBLIC QUESTIONS (IF ANY)**

No public questions had been submitted in accordance with the Council Procedure rules.

**19. WORK PROGRAMMES**

The Council noted that Constitution required that the Executive and Overview and Scrutiny should both submit an annual work programme each year, on their strategies for the coming year. It was noted that Work programmes were being prepared and would be circulated to all members of the Council when completed.

**Resolved:**

That work programmes for both the Executive and Overview and Scrutiny be circulated to members shortly.

**CHAIRMAN**

## ANNUAL COUNCIL MEETING - 19 MAY 2005

### Leader, Deputy Leader, Cabinet, Committees, Sub-Committees and Panels and Nominations for Chairman and Vice-Chairman - 2005/06

\* = Group Representative/Spokesperson

**(a) Leader** - Councillor J Knapman (Independent Group)

**(b) Deputy Leader** - Councillor S Barnes (Labour Group)

**(c) Other Cabinet Members (7)**

Conservative Group (4): R Glozier, S Metcalfe, D Spinks, C Whitbread

Liberal Democrats Group (2): M Heavens, D Jacobs

LRA Group (1): Mrs C Pond

**(d) Allocations of Portfolios**

Civil Engineering and Maintenance - Conservative Group: D Spinks

Community Wellbeing - LRA Group: Mrs C Pond

Environmental Protection - Liberal Democrats Group: D Jacobs

Finance and Performance Management - Independent Group: J Knapman

Housing - Liberal Democrats Group: M Heavens

Corporate Support Services and ICT: Conservative Group: S Metcalfe

Leisure - Conservative Group: C Whitbread

People First - Labour Group: S Barnes

Planning and Economic Development - Conservative Group: R Glozier

**(e) Cabinet Committee Memberships (not part of pro rata allocations)**

**(i) Finance and Performance Management Cabinet Committee**

Finance and Performance Management Portfolio Holder (Chairman)

One representative from each of the other political groups represented on the Cabinet (Conservative Group - C Whitbread; Labour Group - S Barnes; Liberal Democrats Group - D Jacobs; LRA Group - Mrs C Pond).

**(ii) Loughton Leisure Centre Cabinet Committee**

Leisure Portfolio Holder (Chairman)

Leader

Finance and Performance Management Portfolio Holder

ICT and Corporate Support Services Portfolio Holder

One representative from each of the other political groups represented on the Cabinet (Labour Group - S Barnes; Liberal Democrats Group - M Heavens; LRA Group – Mrs C Pond).

**(iii) North Weald Airfield Strategy Cabinet Committee**

Planning and Economic Development Portfolio Holder (Chairman)  
Environmental Protection Portfolio Holder  
Finance and Performance Management Portfolio Holder  
Leisure Portfolio Holder  
People First Portfolio Holder  
One representative from each of the other political groups represented on the Cabinet  
(LRA Group - Mrs C Pond)

**(f) Committees, Sub-Committees and Panels - Memberships**

**(i) Licensing Committee (15 members)**

Conservative Group (6): Mrs R Gadsby, Mrs M McEwen, P McMillan, Mrs M Sartin  
(Vice-Chairman), Mrs P Smith, Ms S-A Stavrou

Independent Group (1): R Morgan

Labour Group (1): Mrs J Davis

Liberal Democrats Group (4): F Maclaine, L Martin, Mrs P Rush, K Wright

LRA Group (1): M Cohen (Chairman)

BNP Group (1): T Richardson

Vacancy (1)

**(ii) Housing Appeals Panel (5 members and one substitute from each group represented on the Panel)**

Conservative Group (2): D Stallan (Vice-Chairman), Ms S-A Stavrou	(Substitute – TBA)
Labour Group (1): Mrs J Davis (Chairman)	(Substitute – Mrs M Boatman)
Liberal Democrats Group (1): Mrs K Rush	(Substitute - K Wright)
LRA Group (1): K Angold-Stephens	(Substitute - Mrs C Pond)

**(iii) Staff Appeals Panel (5 members and 5 substitutes)**

Conservative Group (2): Mrs M Sartin, Mrs P Smith	(Substitutes –Mrs J Lea, Mrs S Perry)
Independent Group (1): R Chidley (Chairman)	(Substitute - R Morgan)
Liberal Democrats Group (1): F Maclaine	(Substitute - K Wright)
LRA Group (1): J Markham	(Substitute - Mrs C Pond)

**(iv) Complaints Panel (Pool of 11 members)**

Conservative Group (5): R D'Souza, Mrs R Gadsby, Mrs J Lea, Mrs P Smith, D Stallan

Independent Group (1): R Chidley

Liberal Democrats Group (2): L Martin (Vice-Chairman), K Wright

LRA Group (1): K Faulkner

BNP Group (1): T Farr (Chairman)

Labour Group (1) TBA

**(v) District Development Control Committee (15 members)**

Conservative Group (6): M Colling, Mrs R Gadsby, Mrs A Grigg (Chairman), B Sandler, Mrs P Smith, Ms S-A Stavrou

Independent Group (1): Mrs D Borton\*

Labour Group (1): Mrs M Boatman\*(Vice-Chairman)

Liberal Democrats Group (4): D Kelly, F Maclaine, L Martin, K Wright\*

LRA Group (1): A Lee\*

BNP Group (1): Mrs P Richardson\*

Vacancy (1):

**(vi) Overview and Scrutiny Committee (11 members)**

Conservative Group (4): M Colling, Mrs D Collins (Chairman), Mrs A Grigg, Mrs M Sartin

Independent Group (1): Mrs D Borton

Labour Group (1): P Gode

Liberal Democrats Group (3): F Maclaine, Mrs J H Whitehouse (Chairman), M Woollard

LRA Group (1): K Faulkner

BNP Group (1): Mrs P Richardson

**(vii) Joint Consultative Committee (9 members plus 9 staff side representatives)**

Conservative Group (4): Mrs D Collins, A Green, S Metcalfe (Vice-Chairman),  
C Whitbread

Independent Group (1): R Chidley

Labour Group (1): S Barnes

Liberal Democrats Group (2): Mrs P Brooks, R Goold

LRA Group (1): K Faulkner

**(viii) Area Plans Sub-Committee 'A' (15 members)**

Conservative Group (2): J Hart, B Sandler\*

Independent Group (1): J Knapman\*

Labour Group (2): S Barnes, Mrs M Boatman\*

Liberal Democrats Group (4): Mrs A Haigh, L Martin\*, F Maclaine (Chairman), G Stollar

LRA Group (4): K Angold-Stephens, M Cohen, A Lee\*(Vice-Chairman), J Markham

BNP Group (2): T Farr, Mrs P Richardson\*

**(ix) Area Plans Sub-Committee 'B' (11 members - all local ward members)**

Conservative Group (8): M Colling\*(Chairman), R Glozier, A Green (Vice-Chairman),  
Mrs A Grigg, S Metcalfe, Mrs S Perry, D Stallan, C Whitbread

Liberal Democrats Group (3): Mrs K Rush, Mrs J H Whitehouse\*, J M Whitehouse

**(x) Area Plans Sub-Committee 'C' (8 members - all local ward members)**

Conservative Group (2): Mrs D Collins\*, Mrs M McEwen

Independent Group (1): R Morgan\*(Vice-Chairman)

Labour Group (1): P Gode\*

Liberal Democrats Group (3): D Jacobs, D Kelly\*, K Wright (Chairman)

Vacancy (1):

**(xi) Area Plans Sub-Committee 'D' (14 members - all local ward members)**

Conservative Group (11): J Demetriou\*, R D'Souza, Mrs R Gadsby, R Haines, Mrs J Lea, L McKnight, P McMillan, Mrs M Sartin, Mrs P Smith (Vice-Chairman), D Spinks, Ms S-A Stavrou (Chairman)

Independent Group (2): Mrs D Borton, R Chidley\*

Liberal Democrats Group (1): Mrs P Brooks\*

**(xii) Ad Hoc Panel on the Top Management Structure**

Conservative Group (2): Mrs D Collins, D Spinks

Liberal Democrats Group (1): M Heavens

Labour Group (1): Mrs J Davis

LRA Group (1): K Faulkner

Leader of the Council as Chairman in non-voting capacity.

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## Representation on Outside Organisations 2005-06

Organisation and Allocation Category		Representatives for 2005/06
1.	Care and Repair - Management Committee (Optional)	Mrs D Collins S Murray Mrs J H Whitehouse
2.	Citizens' Advice Bureaux  (a) Loughton Branch (Local - Buckhurst Hill, Chigwell and Loughton Parishes)  (b) Waltham Abbey Branch (Local - Waltham Abbey area)  (c) Epping (Local - Epping area)	D Bateman M Cohen  Mrs R Gadsby Mrs J Lea  Mrs S Perry
3.	Council for the Protection of Rural England (Essex Branch) (Optional)	Mrs P Smith T Farr (Deputy)
4.	Crime and Disorder Strategy Panel (Optional)	Mrs C Pond M Woollard (Deputy)
5.	Cycle Forum (Optional)	T Richardson
6.	East of England Regional Assembly (Executive)	R Glozier
7.	Epping Forest Community Transport Steering Group (Optional)	D Stallan Mrs J H Whitehouse (Deputy)
8.	Epping Forest District Local Strategic Partnership	R Glozier M Heavens
9.	Epping Forest Housing Aid Committee (Optional)	D Stallan
10.	Epping Forest Tenants and Leaseholders Federation (Executive)	M Heavens
11.	Epping Forest Youth Strategy Group (Optional)	Mrs P Brooks Mrs A Grigg
12.	Essex Arts Forum (Optional)	Mrs K Rush
13.	Essex Development Agency (Executive)	R Glozier
14.	Essex Local Government Association (Executive)	Mrs D Collins M Heavens (Deputy)
15.	Essex Olympic Working Group (Executive)	C Whitbread
16.	Essex On-Line Partnership (Executive)	S Metcalfe
17.	Essex Prosperity Forum (and West Essex Sub Group) (Executive)	R Glozier

Organisation and Allocation Category		Representatives for 2005/06
18.	Six Authorities Joint Member Panel - Traffic & Planning Issues (Executive/Non-Executive)	S Barnes Ms S-A Stavrou M Woollard (K Angold-Stephens, Mrs D Borton and Mrs P Smith as deputies).
19.	Essex Sport (Optional)	no appointment made.
20.	Essex Supporting People Commissioning Body (Executive)	M Heavens Mrs C Pond (Deputy)
21.	Essex Waste Collection Authorities Consortium (Executive)	no appointment made.
22.	Essex Waste Plan - Area Liaison Group (Executive)	no appointment made.
23.	Harlow Arts Working Group (Optional)	no appointment made.
24.	Lee Valley Regional Park Authority (Optional)	Mrs P Brooks Ms S-A Stavrou T Farr (Deputy) Mrs D Borton (Deputy)
25.	Local Councils' Liaison Committee (Executive/Ex-Officio)	K Faulkner Mrs A Haigh R Morgan B Sandler Mrs J H Whitehouse
26.	Local Government Association - General Assembly (Executive)	R Glozier M Heavens (Deputy)
27.	Local Government Association - Rural Commission (Optional)	Mrs D Borton Mrs P Smith (Voting member)
28.	Local Government Association - Urban Commission (Optional)	Mrs J Davis (Voting member) Vacancy for other member
29.	Local Government Information Unit Management Committee (Executive)	J Knapman S Barnes (Deputy)
30.	M25 Motorway Local Authorities Consortium (Optional)	no appointment made.
31.	Museums in Essex Committee (Optional)	Mrs R Gadsby
32.	National Parking Adjudication Service (Executive)	D Spinks R Glozier (Deputy)
33.	Oldchurch Hospital Joint Health Scrutiny Committee (Optional)	S Metcalfe
34.	Ongar (Former LECA Works) Consultative Group (Executive)	no appointment made.

Organisation and Allocation Category		Representatives for 2005/06
35.	Ongar Leisure Centre Liaison Group (Local)	P Gode Mrs A Grigg
36.	Parking Committee for East Anglia (Executive)	K Faulkner T Richardson
37.	Police and Community Consultative Group (Local)  - Epping Section          - Loughton Section	P Gode R Haines Mrs S Perry Mrs J H Whitehouse   M Cohen Mrs J Davis J Hart L Martin
38.	Roding Valley Meadows Local Nature Reserve (Management Committee) (Local)	S Murray C Whitbread M Woollard K Angold-Stephens(Deputy) L Martin (Deputy)
39.	S.A.F.E. Project - Support and Advisory Group (Optional)	Mrs J Davis
40.	Stansted Airport Consultative Committee (Optional)	M Woollard Mrs A Grigg (Deputy)
41.	Stansted Airport Community Trust Fund (Executive)	R Morgan
42.	Stansted/M11 Local Authority Partnership (Executive)	R Glozier M Heavens J Knapman
43.	Town Centre Partnerships  (a) Buckhurst Hill Town Centre Partnership  (b) Epping Town Centre Partnership  (c) Loughton Broadway Town Centre Partnership  (d) Loughton High Road Town Centre Partnership  (e) Ongar Town Forum - Steering Group  (f) Waltham Abbey Town Partnership (Local)	R Goold M Heavens  A Green Mrs S Perry  K Angold-Stephens Mrs J Davis  J Hart A Lee  P Gode K Wright  Mrs R Gadsby Mrs J Lea
44.	Voluntary Action Epping Forest (Optional)	C Whitbread
45.	Waltham Abbey Royal Gunpowder Mills Ltd (Optional)	J Demetriou

Organisation and Allocation Category	Representatives for 2005/06
46. Waltham Abbey Tourist Information Centre - Joint Management Committee (Local)	Mrs P Brooks Mrs R Gadsby Ms S-A Stavrou
47. West Essex & East Herts Arts Partnership (Optional)	R Glozier K Wright
48. West Essex Area Forum (Executive)	J Knapman
49. West Essex Economic Strategy	Mrs P Richardson R Glozier (Deputy)
50. West Essex Joint Waste Committee (formerly Waste Management Contract Partnership) (Executive)	D Jacobs Mrs P Smith

**ANNUAL COUNCIL MINUTES**  
**APPENDIX 3**  
**19.5.05**

Representation on Outside Organisations - representatives whose terms of office expire after the current year

<b>Organisation and allocation Category</b>	<b>No of Reps</b>	<b>Names of present representatives</b>	<b>Expiry date of current Term</b>
Grange Farm Managing Trustees (optional)	3	C Huckle S Barnes M Wollard	17.2.07 17.2.07 18.5.07

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**Representation on Outside Organisations - Appointments Held by Officers**

<b>Organisation and Committee Responsible</b>	<b>Representative</b>
1. Essex Local Government Association	One of the Joint Chief Executives (or representative) (+ member delegate)
2. East Anglian Home Safety Committee	Head of Environmental Services (or representative)
3. Elderly Services – Joint Management Team	Joint Chief Executive (Community)
4. Epping Forest Industrial Association	Head of Planning Services (or representative)
	(future of organisation under review – no representation required at this stage)
5. Epping Forest Youth Strategy Group	Head of Leisure Services (or representative) (+ 2 member delegates)
6. Essex Archaeological and Historical Congress	Curator Epping Forest District Museum
7. Essex Olympic Working Group	Head of Leisure Services (+ member delegate)
8. Essex Water Safety Liaison Committee	Head of Environmental Services (or representative)
9. Museum Service (South Eastern)	Curator Epping Forest District Museum
10. National Society for Clean Air (SE Division)	Head of Environmental Services (or representative)
11. Standing Conference - Investigation of Air Pollution	Head of Environmental Services (or representative)
12. Victoria County History Association	Curator Epping Forest District Museum
13. Voluntary Action Epping Forest	Policy Officer (+ 1 member delegate)

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**EPPING FOREST DISTRICT COUNCIL**

**LAND DRAINAGE BYELAWS**

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## **EPPING FOREST DISTRICT COUNCIL LAND DRAINAGE BYELAWS**

The Epping Forest District Council under and by virtue of the powers and authority vested in them by section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for securing the efficient working of the drainage system in their Area, so far as may be necessary for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding:-

### **1. Commencement of Byelaws**

These Byelaws shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Secretary of State.

### **2. Application of Byelaws**

- (a) These Byelaws shall have effect within the Area;
- (b) the watercourses referred to in these Byelaws are watercourses which are for the time being vested in or under the control of the Council.

### **3. Control of Introduction of Water and Increase in Flow or Volume of Water**

No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended ("the Act")) (whether or not such development is authorised by the Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the Area so as to directly or indirectly increase the flow or volume of water in any watercourse in the Area (without the previous consent of the Council).

### **4. Control of Sluices etc**

Any person having control of any sluice, water control structure or appliance for introducing water into any watercourse in the Area or for controlling or regulating or affecting the flow of water in, into or out of any watercourse shall use and maintain such sluice, water control structure or appliance in accordance with such reasonable directions as may from time to time be given by the Council with a view to the prevention of flooding in the Area.

### **5. Fishing Nets and Angling**

No person shall angle or set any nets or engines for the catching or keeping of fish in any watercourse in such a manner as to cause damage to or endanger the stability of the bank of the watercourse or to affect or impede the flow of water.

In this Byelaw "nets" includes -

- (a) a stake net, bag net or keep net;
- (b) any net secured by anchors and any net, or other implement for taking fish, fixed to the soil or made stationary in any other way;

- (c) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

6. **Diversion or Stopping up of Watercourses**

No person shall, without the previous consent of the Council, take any action, or knowingly permit or aid or abet any person to take any action to stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in, into or out of any watercourse.

7. **Detrimental Substances not to be Put into Watercourses**

No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank -

- (a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;
- (b) allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or be carried into any watercourse.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

8. **Lighting of Fires**

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire the peat land forming the banks of the watercourse or any vegetation including trees growing on land forming the banks of the watercourse.

9. **Notice to Cut Vegetation**

Any person having control of any watercourse shall, upon the receipt of a notice served on him by the Council requiring him so to do, cut down and keep cut down all vegetation, including trees, growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such vegetation, including trees, from the watercourse immediately after the cutting thereof.

Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

10. **No Obstructions within 8 Metres of the Edge of the Watercourse**

No person without the previous consent of the Council shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 8 metres of the landward toe of the bank where there is an embankment or wall or within 8 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 8 metres of the enclosing structure.

11. **Repairs to Buildings**

The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Council that because of its state of disrepair -

- (a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse;
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

12. **Control of Vermin**

The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Council by notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Council consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild mammal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981, but excluding the water vole from such control.

13. **Damage by Animals to Banks**

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Council to prevent the bank or the channel of the watercourse from being damaged by such use.

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Council.

14. **Vehicles not to be Driven on Banks**

No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank.

15. **Banks not to be Used for Storage**

No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things causes or is likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Council or the right of the Council to deposit spoil on the bank of the watercourse.

16. **Not to Dredge or Raise Gravel, Sand etc**

No person shall without the previous consent of the Council dredge or raise or take or cause or permit to be dredged or raised or taken any gravel, sand, ballast, clay or other material from the bed or bank of any watercourse.

17. **Fences, Excavations, Pipes etc**

No person shall without the previous consent of the Council -

- (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in or over any watercourse or in, over or through any bank of any watercourse;
- (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;
- (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;
- (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;
- (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so expected shall, as soon as practicable, inform the Council in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Council may give with regard thereto.

18. **Interference with Sluices**

No person shall without lawful authority interfere with any sluice, or other water control structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

19. **Mooring of Vessels**

No person shall moor or place any vessel in any watercourse or to or upon the bank of any watercourse in such manner or by such method as to cause or be likely to cause injury to such bank or in such manner as materially to obstruct or impede the free flow of water in, into or out of any watercourse.

20. **Unattended Vessels**

No person shall leave any vessel unattended without taking due care to prevent such vessel from materially obstructing or impeding the free flow of water in, into or out of any watercourse or any sluice in any bank.

21. **Removal of Sunken Vessels**

No person who is the owner of a vessel sunk, stranded, damaged or adrift in a watercourse or, in the case of a sunken vessel which is abandoned, who was the owner immediately before the abandonment shall, after ten days from the day on which the Council serves on him notice in writing that the vessel is causing obstruction, permit the vessel to remain in the watercourse in such a manner as to impede or harmfully divert the flow of water in, into or out of the watercourse.

22. **Navigation of Vessels**

No person shall navigate any vessels in such a manner or at such a speed as to injure the bank of any watercourse and where the Council have by notice erected at any place limited the speed of vessels passing such place no person shall navigate a vessel at a speed over the bed of the watercourse greater than the speed so limited.

Provided that the Council shall not exercise their powers under this Byelaw so as to limit the speed of -

- (a) vessels in any tidal waters except after consultation with the Department for Transport, or
- (b) vessels navigating waterways of the British Waterways Board for which speed limits are prescribed by the Byelaws of such Board.

23. **Damage to Property of the Council**

No person shall interfere with or damage any bank, bridge, building, structure, appliance or other property of or under the control of the Council.

24. **Defacement of Notice Boards**

No person shall deface or remove any notice Board, notice or placard put up by the Council.

25. **Obstruction of the Council and Officers**

No person shall obstruct or interfere with any member, officer, agent or servant of the Council exercising any of his functions under the Act or these Byelaws.

26. **Savings for Other Bodies**

Nothing in these Byelaws shall -

- (a) conflict with or interfere with the operation of any Byelaw made by the Environment Agency or an internal drainage board or of any navigation, harbour or conservancy authority but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence;
- (b) restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by -
  - (i) any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
  - (ii) the undertakings of the Environment Agency and of any water undertaker or sewerage undertaker;
  - (iii) any public gas transporter within the meaning of part I of the Gas Act 1986;
  - (iv) any navigation, harbour or conservancy authority;
  - (v) any person who acts as the operator of a relevant railway asset, with respect to the construction, use or maintenance and repair of any such asset, or the free, uninterrupted and safe use of any such asset and the traffic (including passengers thereof);
  - (vi) any local authority;
  - (vii) any highway authority for the purposes of the Highways Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
  - (viii) any undertaking engaged in the operation of a telecommunications system;
  - (ix) a relevant airport operator within the meaning of Part V of the Airports Act 1986;
  - (x) the Civil Aviation Authority and any subsidiary thereof;
  - (xi) the British Waterways Board;
  - (xii) the Coal Authority;
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority;

- (d) restrict, prevent, interfere with or prejudice any right of a licence holder within the meaning of Part I of the Electricity Act 1989 to do anything authorised by that licence or anything reasonably necessary for that purpose;
- (e) affect any liability arising otherwise than under or by reason of these Byelaws.

27. **Saving for Crown Lands**

- (a) Nothing in these Byelaws shall operate to prevent the removal of any substance on, in or under (or the erection of any structure, building or machinery or any cable, wire or pipe on, over or under) lands belonging to Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.

28. **Arbitration**

- (a) Where by or under any of these Byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council, he may within 21 days after the service of such notice on him give to the Council a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Council the dispute shall, when the person upon whom such notice was served is a drainage or local authority be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Council the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw;
- (b) where by or under these Byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Council shall be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party;
- (c) where by or under Byelaws 6, 10, 16 or 17 any person is required to refrain from doing any act without the consent of the Council such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Council may consider appropriate and where any dispute arises as to whether in such a case the consent of the Council is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage authority or local authority and the Council be referred to the Secretary of State whose decision shall be final, and in any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

29. **Notices**



Notices and any other documents required or authorised to be served or given under or by virtue of these byelaws shall be served or given in the manner prescribed by section 71 of the Act.

30. **Limitation**

- (a) Nothing in these Byelaws shall authorise the Council to require any person to do any act, the doing of which is not necessary for securing the efficient working of the drainage system of the area, so far as may be necessary for the purpose of preventing flooding or remedying or mitigating any danger caused by flooding, or to refrain from doing any act, the doing of which does not adversely affect the efficient working of the drainage system of the area, so far as may be necessary for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding.
- (b) If any conflict arises between these Byelaws and
- (i) sections 61A to E of the Land Drainage Act 1991 (which relates to the Council's duties with respect to the environment), or
  - (ii) the Conservation (Natural Habitats, etc) Regulations 1994<sup>[a]</sup>
- the said Act and the said Regulations shall prevail.

31. **Breach of Condition of Consent**

Where the Council give their consent under these Byelaws to the doing of any act subject to any conditions which they are authorised to impose a breach of any of those conditions shall be deemed, as regards liability to a fine and other consequences, equivalent to the doing of the act without the required consent.

32. **Time Limit on Consent**

Where the Council give their consent under these Byelaws for any act to be carried out such act must be started and completed within 3 years of the date of the consent. Any act carried out or completed later than 3 years from the date of the consent shall be deemed to be carried out without consent and liable to a fine and other consequences equivalent to carrying out the act without the required consent.

33. **Revocation**

The Byelaws made by the Council on the 17th day of November 1983 are hereby revoked.

34. **Interpretation**

In these Byelaws, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

“the Act” means the Land Drainage Act 1991;

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<sup>[a]</sup> SI 1994/2716

“Animal” includes any horse, cattle, sheep, deer, goat, swine, goose or poultry;

“Area” means the area under the jurisdiction of the Council;

“Bank” includes any bank, cross bank, wall or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse or flood storage reservoir and includes all land between the bank and the low water mark or level of the water in the watercourse as the case may be and where there is no such bank, cross bank, wall or embankment includes the top edge of the batter enclosing the watercourse;

“Consent of the Council” means the consent of the Council in writing signed by a proper officer of the Council;

“Council” means the Epping Forest District Council;

“Occupier” means in the case of land not occupied by any tenant or other person the person entitled to the occupation thereof;

“Owner” includes the person defined as such in the Public Health Act 1936;

"Relevant railway asset" means

(a) a network which was transferred, by virtue of a transfer scheme made under Section 85 of the Railways Act 1993, from the British Railways Board and vested in the company formed and registered under the Companies Act 1985 and known, at the date of vesting, as Railtrack PLC,

(b) a station which is operated in connection with the provision of railway services on such a network, or

(c) a light maintenance depot.

Expressions used in this definition and in the Railways Act 1993 have the same meaning in this definition as they have in that Act, and a network such as is described in (a) above shall not cease to be such a network where it is modified by virtue of having any network added to it or removed from it.

“The Secretary of State” means the Secretary of State for the Department for Environment, Food and Rural Affairs;

“Vegetation” means trees, willows, shrubs, weeds, grasses, reeds, rushes, or other vegetable growths;

“Vessel” includes any ship, hovercraft (as defined by the Hovercraft Act 1968), lighter, keel, barge, tug, launch, houseboat, pleasure or other boat, aircraft, randan, wherry, skiff, dinghy, shallop, punt, yacht, canoe, raft, float of timber or any other craft whatsoever, and howsoever worked, navigated or propelled;

“Water control structure” means a structure or appliance for introducing water into any watercourse and for controlling or regulating or affecting flow, and includes any sluice, slacker, floodgate, lock, weir, dam, pump, or pumping machinery; and other expressions shall have the same meanings as in the Act.

**THE COMMON SEAL OF THE  
EPPING FOREST DISTRICT COUNCIL**  
was hereunto affixed on  
the        day of        2004

**in the presence of:**

**Attesting Officer**

**PENALTY NOTE**

By section 66(6) of the Act every person who acts in contravention of or fails to comply with any of the foregoing Byelaws is liable on summary conviction in respect of each offence to a fine not exceeding the amount prescribed from time to time for level 5 on the standard scale referred to in section 37 of the Criminal Justice Act 1982 and a further fine not exceeding Forty pounds for every day on which the contravention or failure is continued after conviction. By section 66(7) of the Act if any person acts in contravention of or fails to comply with any of these Byelaws the Council may without prejudice to any proceedings under section 66(6) of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

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