



COUNCIL MEETING

Members are summoned to attend a Meeting
of the Town Council to be held at **7.45pm** on

Wednesday 24 April 2019

**at Loughton Library & Town Hall
Traps Hill, Loughton, IG10 1HD**

to transact the business as shown in the agenda.

**Mark Squire
Town Clerk
16 April 2019**

**Councillor S Murray (Town Mayor)
Councillor S Murphy (Deputy Town Mayor)**

P Abraham
T Cochrane
T Downing
J Mahoney
C C Pond

J Angold-Stephens
B Cohen
J Jennings
A Omer
C P Pond

P Beales
M Dalton
J Jogia
T Owen
M Stubbings

R Brookes
C Davies
K Latchford
S Pewsey
D Wixley

Note to Councillors:
If you are unable to attend the meeting,
please phone your apologies
to the office on 020 8508 4200

The meeting will be preceded by the presentation
of the Citizen of the Year 2019 award at 7.30pm

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Declarations of Interest

For Councillors to declare any pecuniary or non-pecuniary interest in any items on the Agenda.

3 Confirmation of Minutes

To confirm the minutes of the meeting held on 13 February 2019.

4 Public Representations

To hear any representations from members of the public who have registered a request to address the Council in accordance with Standing Order no 1(h).

**5 Essex County Council (ECC) Highways North footway deck replacement works
Summer 2019 Presentation – ECC No.759**

To receive an ECC Highways presentation from Mr Nagaratnam, Principal Engineer, Mr Clive Woodruff, Structures' Manager and Mr Norman Chan, Engineer/Structures Design.

6 Questions Without Discussion

To answer any questions which have been submitted in accordance with Standing Order no 8.

7 Financial Regulations

At its meeting on 6 February 2019 the Resources and General Services Committee carried out the annual review of the Financial Regulations. As the Committee did not consider any amendments were necessary at this time, the Council is asked to CONFIRM that the regulations still meet its requirements. Subsequent to the aforementioned meeting and to accommodate the current staffing structure, please note that any references in the Financial Regulations to the Town Clerk as 'her' shall be amended to 'his/her' and any reference to the 'Deputy Town Clerk' shall be amended to 'Assistant Clerk'. The Council is asked also to confirm its agreement to these cosmetic changes.

The current regulations may be found on the Council's website at
<http://www.loughton-tc.gov.uk/UserFiles/Files/Fin%20Regs%20Feb%202019.pdf>

8 Governance and Accountability

This agenda item is in preparation for the completion of the Annual Governance and Accountability Return, (AGAR) to Section 1 the Annual Governance Statement, for the year ended 2018/19 which is scheduled for the Council meeting on 9 May 2018.

Members are encouraged to refer to the following publication, "Governance and Accountability, A Practitioners' Guide", which provides advice on the accounting practices to be followed and sets out the appropriate standard of financial reporting to be followed. An electronic version may be downloaded at

<http://www.nalc.gov.uk/library/publications/803-governance-and-accountability-with-appendix/file>

Alternatively, members may request a paper copy from the Council Office.

- 8.1 Internal Audit**
- 8.1.1 Review of the Effectiveness of the System of Internal Audit**
* See attached report (see pages 3 – 4).
- 8.1.2 Review of the Effectiveness of the System of Internal Control**
* See attached report (see pages 5 – 6).
- 8.2 Risk Assessment and Management**
* See attached report (see pages 7 – 14).
- 9 Village Green Applications**
To review and respond to Essex Legal Services letter dated 11 April 2019.
* See attached report (see pages 15 – 18).
- 10 Town Mayor's Engagements and Announcements**
The Town Mayor will report on any events he has attended to represent the Town Council.
* See attached report (see page 19).
- 11 Matters for Report**
To report any further significant information on matters which have been previously discussed, in addition to those which may already be included on the Agenda.
- 12 Reports from Members on Outside Organisations**
- 12.1 To receive brief reports from representatives on outside organisations**
Council representatives on outside organisations are requested to make a written report, which is attached to the Agenda, on meetings which they have attended. A verbal report can be made on meetings attended within ten days of the Council meeting.
- i) Broadway Town Centre Partnership Meeting 14 March 2019
- ii) Larger Local Council Forum – 28 February 2019 – Town Clerk
- iii) Epping Forest Local Council's Liaison Committee – 11th March 2019 – Town Clerk (report to follow)
- * See pages 20 – 22 for the reports.
- 13 Reports from Committees**
- 13.1 Planning and Licensing**
Held on 18 February, 4 and 18 March and 1 and 15 April 2019.
- 13.2 Recreation**
Held on 6 March 2019.
- 13.3 Environment and Heritage**
Held on 3 April 2019.
- 13.4 Resources and General Services**
Held on 10 April 2019.

Mark Squire
TOWN CLERK
16 April 2019

Agenda item 8.1

Internal Audit

This report forms part of the preparation work for the completion of Section 1 of the Annual Return, the Annual Governance Statement (which will be considered at the next meeting of the Council) with cross reference to the appropriate wording from the 'Governance and Accountability for Local Councils- A Practitioners Guide (England March 2014).

8.1.1 THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL AUDIT

The Council is required to carry out, at least annually, a review of the effectiveness of its system of internal audit and consider the findings. This review is an integral part of continually improving governance and accountability. The result of the review will form part of the review of the effectiveness of the system of internal control (see 8.1.2).

The system of internal audit at Loughton Town Council (LTC) currently consists of:

1. the appointment of internal auditors (see Min no RG235.6);
2. a five-year strategic plan for Internal Audit for the period up to and including the financial year 2019/20 (see Min no RG246.2.1) with the proviso that the Council may request specific work by the auditor should service levels change or issues arise;
3. two visits from the internal auditors during the year, during which the auditors may have access to whatever records, documents etc they require;
4. one visit after the end of the financial year when the year-end accounts have been completed, access as above;
5. ensuring work covered during the visits is wide-ranging and includes checking the proper treatment of receipts and payments; bank reconciliations; payroll; petty cash; adherence to statutory requirements; financial procedures, systems and regulations; insurance; assets; risk management; budget setting and monitoring, and VAT;
6. receipt of a report from the internal auditor after each visit, stating the areas covered and the findings, and making any necessary recommendations for change;
7. sending a copy of the full report to all members of the Council;
8. reporting any recommendations to the Resources and General Services Committee for consideration; and
9. acting upon any decisions made by the Committee in respect of the recommendations.

As detailed in the internal auditor's reports, the work carried out by them in the last twelve months has included detailed reviews and inspections of:

- i. Accounting arrangements and bank reconciliations
- ii. Corporate governance
- iii. Review of expenditure
- iv. Assessment and management of risk
- v. Precept determination and budgetary control
- vi. Income controls
- vii. Petty cash account
- viii. Salaries and wages
- ix. Asset control, investments and loans
- x. Year-end procedures

The Committee is asked to review the effectiveness of the system of internal audit as detailed above.

Notes: The Committee should base its review around the following areas and consider the extent to which the internal audit adds value and how well it helps with the delivery of the Council's objectives:

- **scope of the internal audit** (as listed in items 1 – 9 and i – x above).
- **independence of the internal auditors** – currently, the Council employs Auditing Solutions who are completely independent of the Town Council. Reports are made in their own name and they play no part in the Council's management, control or decision making.
- **competence of the internal auditors** – Auditing Solutions are a professional audit company with qualified auditors, long experience of local government and a good understanding of local councils.
- **relationships** – Auditing Solutions have no input into other financial matters in the Council, e.g. accounting, financial statements, annual return (other than signing Section 4, Annual Internal Audit Report). The roles of members, officers and internal auditors are clearly understood.
- **audit planning and reporting** – see point 2 above. Detailed reports are submitted following each inspection.

Agenda item 8.1.2

REVIEW OF THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL CONTROL

Under the Regulations currently in force the Council is required to carry out, at least annually, a review of the effectiveness of the Council's system of internal control and publicly report its findings. The Town Council's Annual Governance statement on the Annual Return has previously included the following statement:

We have maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.

This system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure. The system of internal control is based on an on-going process designed to identify and prioritise the risks to the achievement of the Town Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The system of internal controls currently in place includes:

- Appointment of a Clerk and Responsible Financial Officer
- Code of Conduct
- Standing Orders and Financial Regulations
- Review of internal audit arrangements and reporting
- Accounting systems and records
- Internal procedures
- Regular reporting to the Council and its committees on financial matters (including a councillor appointed annually to carry out informal financial checks)
- Budget setting, monitoring, control and reporting
- Risk management
- Asset management
- Insurance
- Review of financial limits in financial regulations and elsewhere
- Setting Council objectives and priorities
- External audit

The Committee is asked to

- i. **review the effectiveness of the system of internal control as detailed above; and then**
- ii. **to agree the following statement of internal control.**

STATEMENT OF INTERNAL CONTROL

1 Scope and Responsibility

LTC is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

In discharging this overall responsibility, the Council is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk.

2 Purpose of the System of Internal Control

The system of internal control is designed to manage risk at a reasonable level rather than to eliminate all risks of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an on-going process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them effectively and economically.

The system of internal control has been in place at the Council for the year ended 31 March 2019.

3 The Internal Control Environment

The system of internal control is based on a framework consisting of the Code of Conduct, internal regulations (including but not limited to financial regulations) and administrative procedures. It is further enhanced by the regular provision of management and financial information as appropriate to fit the Council's policy of delegation and responsibility. The system is constantly monitored by members as well as officers within the Council. In particular, the system incorporates:

- comprehensive budgeting systems, project evaluation and management appraisal
- regular reports of service delivery and project performance
- preparation and dissemination of regular financial reports measuring actual expenditure against forecasts for both revenue and capital projects
- regular review of such reports by officers, and by members in committee and full Council.

4 Review of Effectiveness

The authority has responsibility for conducting, at least annually, a review of the effectiveness of the system of internal control. The review of the effectiveness of the system of internal control is informed by the work of:

- the Council and its committees, especially the Resources and General Services Committee
- the Town Clerk/Responsible Financial Officer and other staff
- the internal auditor
- the external auditor
- any other review agencies and inspectorates in their reports.

When agreed, the Statement of Internal Control will be incorporated into the end of year accounts.

Agenda item 8.2

Risk Assessment and Management

The Council is asked to carry out the annual review of its Risk Assessment and Management document.

Members are reminded that the Council generally and members individually are responsible for risk management because risks threaten the achievement of policy objectives.

The Council's Risk Assessment and Management document was last reviewed in March 2018. The advice given in the Practitioners' Guide is that as a minimum, at least once each year members must:

- take steps to identify and update their record of key risks facing the Council;
- evaluate the potential consequences to the Council if an event identified as a risk takes place;
- decide upon appropriate measures to avoid, reduce or control the risk or its consequences; and
- record any conclusions or decisions reached.

The control measures already in place are detailed in the document provided on the following pages and the Council's Financial Regulations. Having identified the risk, the three main risk management tools the Council should consider are whether to:

- (i) insure;
- (ii) delegate; and/or
- (iii) self-manage.

Agenda item 8.2

RISK ASSESSMENT AND MANAGEMENT

Last reviewed on 7 March 2018

Nature of risk	Hazard	Probability	Severity of impact	Risk rating	Control measures

<p>Corporate/ Strategic</p>	<p>Legal action against the council Councillor or employee commits an offence against a member of the public for which the council is liable</p>	<p>L</p>	<p>L-H</p>	<p>2</p>	<p>Take all measures possible to protect council from legal action Seek legal advice Insurance against liability Legal expenses insurance</p>
	<p>Health and Safety (all council activities, councillors, officers, members of public etc)</p>	<p>M</p>	<p>L-H</p>	<p>4</p>	<p>Health and Safety Policy Health and Safety Risk Assessments High level of health and safety awareness, training Regular inspections Preventative action Proactive maintenance Swift response to identified hazards Insurance: Public Liability, Personal Injury, Employer's</p>
	<p>Adverse public comment on council activities</p>	<p>M</p>	<p>M</p>	<p>4</p>	<p>Respond to major factual inaccuracies</p>
	<p>Users of council premises/facilities – unsuitable use, damage etc</p>	<p>M</p>	<p>M</p>	<p>4</p>	<p>Users and proposed use are checked Policies on acceptable use Conditions of hire, damage deposits Material damage insurance</p>
	<p>Poor relationship with principal authorities</p>	<p>M</p>	<p>M-H</p>	<p>5</p>	<p>Maintain good lines of communication</p>
	<p>Projects fail leaving significant contingent liabilities</p>	<p>L</p>	<p>M-H</p>	<p>2.5</p>	<p>Project management, monitor projects Build-in checks to reduce the possibility of failure Mitigate the effects of failure Be aware of potential risk factors when commencing new projects, acquiring new properties, responsibilities, etc.</p>
	<p>Lack of forward planning/council lacks sense of direction</p>	<p>M</p>	<p>M</p>	<p>4</p>	<p>Committees set priorities for matters under their control and review these regularly and when new items are proposed</p>

Corporate/ Strategic cont'd	Council not re-awarded QUALITY status	M	M	4	Strive to continue to meet criteria for QUALITY GOLD status
	Major disaster locally affecting the work of the council	L	L-H	2	Business continuity plan React as appropriate at the time
	Failure to respond to consultations	M	M	4	Topic assessed for relevance, deadlines Put to meeting if possible or invite comments from members and ratify officer response. Acceptance that it is not always possible/desirable to respond to all consultations
Meetings	Failure to meet statutory requirements e.g. public access, notice, quorum, public minutes	L	M	2	Knowledge of requirements Ensure they are met Training Advice from other agencies if necessary
	Standing Orders do not meet council/statutory requirements	L	M-H	2.5	Regular review of Standing Orders Revision if necessary to comply with legislation
Precept	Amount insufficient or excessive	L	H	3	Careful consideration of budgets at all stages Figure of precept recommended by RGS Committee Figure determined by Council meeting
	Precept claim not submitted	L	H	3	Town Clerk ensures claim is submitted to EFDC within legal time limits
	Precept not paid	L	H	3	Officers check bank statements to ensure payment received

Finance									Financial Regulations covering all council financial activities Tight controls on financial transactions Internal audit checks Additional councillor checks on finance Fidelity Guarantee insurance - level reviewed annually
	Fraudulent use of council funds (officers or members)	L	H	3					Budgeting process accounts for future cost of existing commitments and desired growth items Budgets are set on a prudent basis Compliance with reserves policy to ensure adequate levels of reserves are maintained to deal with unforeseen items of reasonable cost
	Insufficient funds for council's desired activities	L	M	2					Income and expenditure are monitored and regular reports made to spending committees
	Committees overspend budgets	L	M	2					Annual review of fees and charges
	Fees and charges for council facilities set too low	L	M	2					Maintain adequate general reserves
	Unexpected financial liability arises	L	M-H	2.5					Monitoring of funds Corrective measures
	Council overspends and goes into deficit	L	H	2					Review general reserves annually when setting the amount of the precept
	Amount of money in general reserves departs from (above or below) level specified in Financial Regulations	M	L	2					Report amounts in earmarked reserves annually with end-of-year reports to spending committees Maintain earmarked reserves for anticipated projects or requirements Consider earmarked reserves when setting budgets
	Excessive/insufficient earmarked reserves	L	L	1					

Finance cont'd	Expenditure made outside legal power (including grants)	L	H	3	Officers identify if any proposed expenditure would not be legal Legal powers are identified for each grants application and expenditure item Revise Financial Regulations if necessary
	Insufficient cheque signatories due to councillors refusing to divulge personal details to bank	L	H	2	
	Proper accounting records not maintained	L	H	3	RFO appointed, responsible for records Financial Regulations Documented procedures Internal audit and checks
	Poor security of investments	L	H	3	Investment policy Training Monitoring guidance from Audit Commission, CIPFA & FSA
	Low returns on investments	M-H	M	5	Budget preparation Investment policy Prudent reserves policy to ensure services maintained Continual review of investment placing and interest rates
Council offices and administration	Total destruction, fire, break-in, flood Adverse action by third parties	M	H	5	Fire and security precautions Business Interruption and Buildings insurance
	Short term failure of supply of power, water, telephones, broadband, etc	M	M	4	Close office for duration of interruption if necessary. Work off-site
	Complete computer failure Loss of data	L	H	3	Modern equipment used – rolling programme of maintenance/replacement Daily back-ups kept on-and off-site
	Illegal (external) access to computers Improper use by employees	M	H	5	Security systems in place
		L	M	2	Security systems Disciplinary rules and procedures

Council offices and administration cont'd	Failure to respond to request made under Freedom of Information Act 2000	L	M	2	Maintenance of FOI Act Publication Scheme Procedure for dealing with requests Information Management Policy and procedures; good document control Notification to Information Commissioner Procedures for dealing with information Training
	Infringement of Data Protection Act 2018	L	M	2	
Other council premises and facilities	Destruction e.g. fire, flood, break-in etc Adverse action by third parties	M	H	5	Appropriate security and fire precautions Buildings insurance Business Interruption insurance
	Physical deterioration	M	M	4	Regular inspection and maintenance Improvements as required Adequate budgets for necessary work
Physical Assets	Council unaware of its assets	L	H	3	Maintenance of Asset Register; (minimum) annual review
	Loss or damage	M	M	4	Protection measures where possible Annual and rolling programme of maintenance/improvements Insurance where appropriate Adequate funds for "self-insured" items
	Over- or under-insurance or no insurance	L	M	2	Annual insurance review (see insurance file for details) Insurance adjusted in respect of acquisitions and disposals Insured with reputable company
	Loss of, damage to, abuse of civic regalia	L	M	2	Insurance Maintenance of items Instructions as to protocol, security etc
	Loss of legal documents e.g. property deeds	L	M-H	2.5	Kept in locked container in office Restricted access, lists of contents

Employees	All staff absent from office due to unforeseen circumstances (short term)	L	M	2	Maintain adequate staff cover
	All staff absent from office due to unforeseen circumstances (long term)	L	H	3	Respond as appropriate at the time Locum cover through EALC
	Long-term absence or death of key officer	L	M-H	2.5	Adequate staffing to allow cover by other officers of essential tasks; revision of task priorities Well documented procedures Employment of temporary staff
	Staff establishment unsuitable for council requirements	M	M-H	5	Regular staffing review
	Staff acting outside council instructions/policies Incompetent staff	L	L-H	2	Supervision of work Standing Orders and Financial Regulations lay down certain requirements Training
	Non-compliance with legal requirements	L	L-H	2	Awareness of legislation (officers and members) Membership of relevant bodies for advice etc Training
	Legal action against council	L	M-H	2.5	Policies and procedures in place
Risks	More detailed level than included in this assessment	Various	Various		More detailed risk assessments carried out by officers and subject to regular reviews

Agenda Item 9
Village Green Applications

12 APR 2019

ELS

First for Public Law

Essex Legal Services
Seax House
Victoria Road South
Chelmsford
CM1 1QH

The Town Clerk
Loughton Town Council
Loughton Library & Town Hall,
Traps Hill,
Loughton,
Essex Q10 1HD

Our Ref: JHM/CAVG/102/3/4/5
Your Ref:
Date: 11 April 2019

Dear Sir

**Application to register land as a Town/Village Green
Land at Jessel Green, Rochford Green, Rookwood Gardens and Newmans
Lane, Loughton**

We wrote to you on 22 February 2017 about issues with your applications for the above sites. A copy of that letter is attached.

The landowner has queried the current position and we have noted that you did not respond with a final view.

We are proposing to give you a further 28 days to express a view after which we will determine the matter on the assumption that you do not propose to change your position.

Yours faithfully



Jacqueline Millward
Legal Services Manager, Highways and Environment

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The Town Clerk
Loughton Town Council
1 Buckingham Court
Rectory Lane
Loughton
Essex IG10 2QZ

Our Ref: JHM/CAVG/102/3/4/5
Your Ref:
Date: 22 February 2017

Dear Sirs

**Application to register land as a Town/Village Green
Land at Jessel Green, Rochford Green, Rookwood Gardens and Newmans
Lane, Loughton**

Further to our earlier correspondence requesting you make a decision on whether or not to proceed with your 4 applications, we have reviewed the documents in relation to this matter with a view to providing a preliminary opinion as to whether your application could succeed, in the light of the details of the objection made by the District Council (the owner) and the evidence they provided to support that.

We also sought further clarification from the objector in relation to some of the map interpretation.

As you will recollect, the objector referred to the case of *R (Barkas) v N Yorkshire County Council* [2014] 2 W.L.R. 1360, and indicated that, as 'all 4 sites are owned by the Council and held for Housing purposes... acquired pursuant to the Housing Act powers in force at the time... [the objector] understood that the sites are not capable of being registered as Village Greens'

In *Barkas* the Supreme Court decided that land could not be registered as a town and village green where its use by the public was permitted by statute.

The key issue was whether the use of land provided and maintained by a local authority pursuant to the Housing Act 1985, section 12(1) or its statutory predecessors, by the public for recreational purposes, was use 'as of right' within the meaning of Commons Act 2006, section 15.

The Supreme Court unanimously dismissed the appeal by Christine Barkas, the applicant for village green status, ruling that, so long as land is held under a provision such as the Housing Act 1985 section 12(1), members of the public have a statutory right to use the land for recreational purposes and therefore use the land 'by

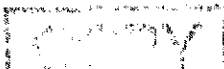
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Essex County Council


right' rather than 'as of right'. In upholding the Court of Appeal's decision to reject the application in line with the Inspector's recommendation the Supreme Court ruled that the *Beresford* case decided by the House of Lords 10 years ago had been wrongly decided. In doing this the court shifted away from an analysis of whether a particular statute conferred a "legal right" on the inhabitants and towards an approach focused on whether a particular statute provided a power for a local authority to provide land to be used, by the public, for recreation. Where use is made of land in public ownership in these circumstances it can be said that the use has been "by right" or "of right" and not "as of right." Only land used 'as of right' qualifies for registration under the Commons Act 2006.

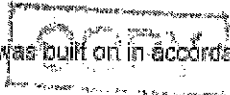
The District Council own most of the land comprised in your 4 applications. As to the land they don't own I address this separately below (under 'other issues').

The District Council came into their ownership by a rather circuitous route.

The land was originally acquired by London County Council on 28th August 1944 (Newmans Lane Green) and 8th July 1947 (Rochford Green, Jessel Green and Rockwood Gardens). Copies of the two conveyances have been provided. The conveyance of 28th August 1944 recites that 'the said hereditaments are required by the Council [LCC] for the purposes of the Housing Act 1936'. The conveyance of 8th July 1947 – recital (3) 'the said property is required by the Council [LCC] for the purposes of the Housing Acts 1936 to 1944 and The County of London (Loughton Essex) Housing Order 1945'.

It is therefore apparent on the face of the conveyancing documents that brought the land into public ownership that the statutory purpose of owning the land was the Housing Acts 1936-1944.

The land was subsequently transferred to the District Council by the Greater London Council (Transfer of Land and Housing Accommodation) Order 1980. The description of what transferred to the District Council is in Part 1 of the copy of the signed schedule of 6 March 1980 by an Assistant Secretary in the Department of the Environment.

The district council confirm that the land was built on in accordance with the Housing Acts prior to the transfer from the GLC. 

The land is now registered at the Land Registry in Epping Forest District Council's name under title numbers EX25063 (Newmans Green Lane), EX748619 (Rochford Green), EX749003 (Jessel Green) and EX748107 (Rockwood Gardens). It continues to be held as Housing Act land by the District Council.

In summary, on the key issue of whether as of right use can be established over the entire application site as applied for in each of your applications: - the period of use claimed in support of the section 15(2) Commons Act 2006 application is 1990 to 2010; during the entirety of this period the issue of 'by right', as interpreted in accordance with *Barkas*, would affect the ability of an applicant to establish their case for town and village green status.

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Other issues: - there are three small areas of the application land to which the preceding summary may not apply, as they are excluded from the title transferred to the District Council:

- A part of the application land at the corner of Newmans Lane adjacent to No 67.
- 2 thin sections along Rectory Lane (one near the playground and one near the Theatre at Hatfields).

It may need to be noted that the District Council consider that (a) the land adjacent to No 67 was probably excluded by error by the Land Registry as it was included within the land in one of the conveyances dated 28 August 1944 and the district council have indicated they may seek to take action to rectify this; (b) in relation to the land along Rectory Lane, the land was the subject of the 1944 Conveyance but the district council did sell off some of the land to ECC for highway purposes and these may fall within those areas. The highway boundary plan extract (attached) from the highway authority records indicates that the highway abuts the land applied for, save for the very top right corner on Rectory Lane. In addition (c) no owner for these parts of the application land has been found; and (d) these parts of the application land may not have any utility without the adjacent land, but that is a matter for you, the applicant, to consider.

COPY

Finally, there is a claim from the objector that some of the application land may have been used by permission; this would also prevent it being 'as of right' use. The objector provided a copy of a licence dated 28/6/2013 for 7 events from 29/6 through to 4/12/13 which indicated that 'permission' had been granted to Loughton Town Council to use Rochford Green (called Westall Road Green in the licence) and Jassel Green for public events and a copy of a licence dated 19/6/2014 for 5 events from 2/7 through to 28/8/14 which indicated that 'permission' had been granted to Loughton Town Council to use Jassel Green for public events. Whilst these both fall outside the claimed use period (1890-2010) if similar permission was given for previous years it would affect the ability to establish the grounds for registration, as use with permission is not use 'as of right' which would be an additional burden to be discharged if the Housing Act ground did not apply.

Please come back to me within 28 days with your views on the following options:

- (a) whether you intend to withdraw your application,
- (b) whether you intend to amend your application so that only the land outside the District Council's ownership is pursued, or
- (c) whether you intend to proceed with the entirety of your application, in which case I will need to consider the extent to which the Housing Act evidence is a knock out blow i.e. you have produced no evidence which puts the facts of the Housing Act evidence in dispute and, on the basis of the *Barkas* decision, there may exist on those facts which are not in dispute, a "knock out blow" such that it is evidently a waste of time and money to hold a non-statutory public inquiry into the parts of your application affected by those particular aspects.

There is one other possibility but that depends on the judgement in the case of *NHS Property Services Ltd, R (on the application of) v Surrey County Council & Anor*

Agenda item 10**Town Mayor Engagements since last Council meeting 13 February 2019**

19 February	Sculpture Exhibition - Lifeworks - LMC	SWM
23 February	Loughton Young Artists – Lopping Hall Art Gallery	SWM
28 February	Forgotten Shores - Art Exhibition - Woodland Grove	SWM
1 March	Youth Makes Music - New Hall Chigwell, Rotary Club of Loughton, Buckhurst Hill and Chigwell	SWM
2 March	Marlescroft Way green tea party event	SWM
13 March	Annual Town Meeting	
23 March	Redbridge Samaritans Open Day	SWM
24 March	Waltham Abbey Town Council Civic Service, Waltham Abbey Church	SWM
26 March	YES event - Marriott Hotel Waltham Abbey	SWM
26 March	Loughton Voluntary Care Association AGM	SWM
28 March	EFDCs Chairman's Charity Concert	SWM
29 March	LADS Production "Pygmalion" – Lopping Hall	SWM
3 April	Honorary Reeve presentation to Richard Morris - Lopping Hall (at start of the E&H committee)	SWM
5 April	Epping Forest Heritage Trust 5 th Anniversary Celebration of the operation of the Epping Forest Visitor Centre at High Beach on behalf of the City of London	SWM
12 April	Dementia Club 4 th Anniversary – Loughton Club	SWM
13 April	Easter Bonnet Competition at the Oakwood Hill Estate Senior Citizens Club	SWM

Agenda item 12

Reports from Members on Outside Organisations

i) Broadway Town Centre Partnership Meeting 14 March 2019

Councillors Tom Owen, Jayna Jogia, Stella Murphy and I all attended the above meeting, which was also attended by District and County councillors and 5 traders and residents.

Once again the main topics for discussion were parking, rent increases and lack of general footfall.

One of the traders reported that footfall was down 30% in his shop and that lunch time trade from the industrial units in Langston Road has now become non-existent as people that work there are now not walking up to the Broadway during their lunch breaks and instead using the shops in the new retail park.

Parking on the pavement is still an issue. Traders have asked that either the gaps between the bollards be reduced or that parking could be allowed. District Councillors are going to look into this.

The County Councillor Gagan Mohindra is going to chase up the filling in of the rest of the central reservation, although the central reservation is not going to be reduced to assist buses turning right out of Torrington Drive onto the Broadway.

The chair Judy Lovell has also written a response to Epping Forest District Council concerning the Litchfield report.

Next meeting scheduled for June 2019.

Cllr Kevin Latchford
7 April 2019

Agenda item 12.1

Larger Local Council Forum (LLCF)

The meeting held on 28 February 2019 hosted by Dunmow Town Council was attended by Cllr Wixley and the Town Clerk. In the Chair: Cllr Jim Devlin from Billericay Town Council. The Chairman welcomed everyone present telling delegates there should be around 26 councils present with around 42 delegates attending. He told delegates this was Linda Golding's (Assistant CEO) last LLCF Meeting as she would be retiring at the end of March.

Welcome from Gt Dunmow TC by the Mayor of Dunmow Cllr Barrie Easter.

Cllr Barrie Easter welcomed everyone to Gt Dunmow going on to tell delegates that Gt Dunmow had a lot of new development scheduled over the next few years but supporting infrastructure was still needed at the moment

RNLI Presentation Graeme Richardson –Royal National Lifeboat Institution (RNLI) -Area Lifesaving Manager based at Harwich Life Boat Station gave a presentation on the work of the RNLI in the East Anglia Region. Delegates were shown a short film about the different types of Lifeboats and rescues around the country and the preventative work that is being carried out in order to reduce the number of lifesaving calls that are attended during the year and ultimately to reduce the number of drownings. Some of these include children being taught how to float like starfish at swimming lessons, life jackets being installed in areas close to the water's edge which can be used and returned to their lockers. These lifejackets are serviced by the RNLI every six months. He spoke of how the RNLI are trained at a purpose built centre in Poole, Dorset and showed pictures of the training taking place. A number of delegates were interested in taking information back to their Councils. Graeme's email address is Graeme_Richardson@rnli.org.uk

NALC UPDATE – Cllr Peter Davey

Important staffing changes Charlotte Eisenhart has been appointed as the new head of member services. This post was created as a result of our recent strategic review and is crucial to continuing NALC/EALC working closer together. Farhana Miah has moved to acting executive officer on taking over responsibility for supporting NALC's committees as well as continuing to provide assistance with NALC conferences.

NALC Meetings with the EALC The EALC hosted a visit by one of NALC's solicitors, Gurvynda Paddan-White, when she attended a roundtable on the Voice of The Councillor report, hosted by the EALC. Among the issues discussed were relationships with principal authorities, role of chairman and mayor, and onward devolution of services.

NALC Spring Conference at the Royal National Hotel in London. The keynote speaker, Tracey Crouch MP, the former Government minister for loneliness, called on local parish and town councils to help tackle loneliness, praising and thanking our sector for 'what you are already doing'.

Rural England 'State of Rural Services' Report Rural England has published a report on the state of rural services in England, drawing attention to the difficulties rural households face in accessing services such as broadband, public transport and healthcare.

Final local government finance settlement The secretary of state for Housing, Communities and Local Government, James Brokenshire MP, published the final local government finance settlement 2019/20 and as expected council tax referendum principles have not been extended to local (parish and town) councils. The government have also allocated £56.5m to help principal authorities prepare for Brexit.

Society of Local Council Clerks (SLCC) NALC met with colleagues from the SLCC to consider joint work to update the governance toolkit and other template policies.

Lobby Day This year's annual parliamentary Lobby Day will take place on 9 July 2019, again coinciding with a meeting of National Assembly.

Committee on Standards in Public Life report The recent launch in Parliament of the Committee on Standards in Public Life report on local government ethical standards, backs NALC's longstanding calls for reforms to the current regime including the re-introduction of sanctions. The report does however fail to recommend and promote more councillor training. NALC will be partnering with Local Government Resource Centre Associates to stage the 2019 Local Council Expo on 21 June at Chateau Impney, Droitwich in Worcestershire.

Smaller Authorities Audit Appointments (SAAA) The SAAA board met and began considering how the first year of the challenging new arrangements had gone and what improvements could be made for next year including further simplifying the Annual Governance and Accountability Return.

Youth Politics UK London Colleagues from the policy and communications were at the launch of Youth Politics UK London to develop links with a range of national youth organisations to raise awareness and get more young people involved in the sector.

NALC Smaller Councils Committee met on 12 February 2019.

The Committee held extensive discussion sessions on the development of the Ministry for Housing, Communities and Local Government new Communities Framework; the Committee on Standards in Public Life report on ethical standards; and use of social media including how to respond to comments from residents

Agreement to produce a research report on the role of smaller local councils in tackling rural issues, comprising case studies, good practice and policy recommendations.

SLCC UPDATE Mark Squire, Chairman Essex Branch of SLCC /Town Clerk Loughton

- SLCC AGM/training is to be held at Little Channels on the 13 June 2019
- 1 social networking event – Visit to the Air Ambulance at Earls Colne on the 25 April 2019
- SLCC Executive meeting - 14th March 2019 at Springfield Parish Council
- The Essex Branch of the SLCC offers support to new Clerks - this is via the Clerk mentoring scheme administered by Suzanne Walker, SLCC Secretary/ Clerk at Great Notley and Abigail Wood, Clerk at Ingatestone & Fryering and is available to all new Clerks regardless of whether or not they are members of the SLCC.
- Mark will attend New Clerks Day Training Day at the EALC 4 April 2019

Next meeting will be at Marks Tey on the 27 June 2019