

EPPING FOREST & COMMONS COMMITTEE
Wednesday, 20 May 2020

Minutes of the meeting of the Epping Forest & Commons Committee held at
remotely on Wednesday, 20 May 2020 at 12.30 pm

Present

Members:

Graeme Doshi-Smith (Chairman)
Deputy Philip Woodhouse (Deputy Chairman)
Peter Bennett
Caroline Haines
Alderman Robert Howard
Alderman Robert Hughes-Penney
Sylvia Moys
Benjamin Murphy
Jeremy Simons
Oliver Sells QC (Ex-Officio Member)

Verderer Nicholas Munday
Verderer Paul Morris
Verderer H.H William Kennedy

Officers:

Richard Holt	- Town Clerk's Department
Kristina Drake	- Media Officer, Town Clerk's Department
Colin Buttery	- Director of Open Spaces
Paul Thomson	- Superintendent, Epping Forest
Andy Barnard	- Superintendent, The Commons
Jo Hurst	- Business Manager, Epping Forest

1. APOLOGIES

Apologies were received from Gregory Lawrence.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were no declarations received.

3. MINUTES

The Committee considered the draft public minutes of the last meeting of the Epping Forest and Commons Committee held on the 10th of March 2020. The Town Clerk informed the Committee that apologies from Sylvia Moys for the meeting and the replacement of the word 'considered' to 'noted' under item 27 would be added to the public record.

RESOLVED- That the public minutes and non-public summary of the Epping Forest and Commons Committee held on the 10th of March 2020, subject the corrections specified, be approved as an accurate record.

4. **COVID19 RESPONSE**

The Committee received an oral update from the Director of Open Spaces on the latest position regarding the City of London Corporation's response to COVID-19. Director of Open Spaces updated the Committee on the responses made by the Department during the COVID-19 pandemic including: the actions taken when the lockdown began in March, the guidance provided to the public on responsible behaviour in the context of COVID-19 and the closure of some facilities at open spaces. The Director of Open Spaces explained that the Superintendent's updates in the for-information agenda, circulated separately, would provide more specific details regarding these points. In addition, the Director of Open Spaces clarified the framework by which the Department would consider easing the lockdown restrictions within the City of London managed open spaces.

The Chairman thanked staff for their work in the unprecedented period of change caused by COVID-19. Members also thanked Officers for this work particularly the rapid response to specific instances referenced. A member of the Committee asked how the Committee would be included in the future decision making required. The Chairman noted that moving forward a return to more conventional governance arrangements would be expected, with less decisions via urgency procedures being required.

A Committee member raised a point regarding the Epping Forest Consultative Committee meeting's being held remotely while meeting in person is prohibited by the Government's social distancing requirements. Members discussed the various possibilities for holding the consultative committees and requested that Officers explore appropriate options.

RESOLVED- That the update be noted.

5. **PROPOSED INSTALLATION OF GIGACLEAR NETWORK INSTALLATION IN EPPING FOREST SEF 14/20**

The Committee considered a report of the Director of Open Spaces on the proposed installation of Gigaclear network in Epping Forest.

The Superintendent of Epping Forest Paul Thomson made declaration of interest with regard to Gigaclear as he serves on the OnePartnership Board which is promoting the rollout of superfast Broadband. The Director of Open Spaces introduced the report and outlined the context of the continued requirement to increase broadband capacity in the rural areas.

A Member asked for confirmation on how extensively the report been consulted on within the City of London Corporation and whether the terms of the appended contract were produced by the City of London Corporation. The Director of Open Spaces replied by confirming that the terms appended to the report were produced by the City of London Corporation and that the

appropriate consultation within the City of London Corporation had been completed.

In response to a Committee member's query the Director of Open Spaces confirmed there will be no masts included in the Gigaclear installation, but it will include a series of network cabinets. In addition, it was clarified that some Gigaclear network installations required independent power supply but that this had been built into the plans

In response to a question from the Deputy Chairman the Director of Open Spaces confirmed that the legal dispute referenced in the report had been resolved.

Replying to a Member's query the Director of Open Spaces noted that while it was not yet clear how many homes would benefit from the installation this information would be provided after the completion of the installation process.

RESOLVED- That: -

- I. The use of Forest Land for the installation of ultrafast broadband infrastructure by Gigaclear as part of the National Superfast Broadband Programme be approved; and
- II. That the outlined £35,195 installation fee subject to site negotiations be approved: and
- III. That authority be delegated to the Town Clerk, in consultation with Chairman and Deputy Chairman, to agree the apparatus location and final wayleave figure provided it is with 10% of the current proposal; and
- IV. That the City of London Corporation Enter into a formal, legal agreement with Gigaclear for the ongoing management of their infrastructure, with all costs to be borne by Gigaclear Ltd; and
- V. The Comptroller and City Solicitor be authorised to undertake any necessary documentation to conclude the agreement; and
- VI. Powers be delegated to the Superintendent of Epping Forest to approve any minor additions or modifications to this network as required.

6. AUTHORISATION OF OFFICERS TO ISSUE FIXED PENALTY NOTICES FOR BYELAW OFFENCES UNDER THE EPPING FOREST ACT (SEF15/20)

The Committee considered a report of the Director of Open Spaces on the authorisation of Officers to issue Fixed Penalty Notices for byelaw offences under the Epping Forest Act. The Director of Open Spaces confirmed that this report represented an approach by which an existing issue can be resolved and would not require extra work for Officers to complete. In addition, the Director of Open Spaces confirmed that this report was part of a larger review across the City of London Corporation managed open spaces, enabled by the City of London Corporation (Open Spaces) Act 2018, but specified that the necessities of COVID-19 required action at Epping Forest more promptly than the larger review which was due to completed.

The Deputy Chairman asked a question of the Director of Open Spaces on whether the report would require consideration again in six months' time. The Director of Open Spaces clarified that the further review would be for the other

open space's related committees to consider and not for the Epping Forest and Commons Committee as there more immediately pressing in Epping Forest. The Chairman commented that Burnham Beeches already had a similar delegation in place.

Replying to a query raised by a member of the Committee the Director of Open Spaces outlined the review panel process for issuing Fixed Penalty Notices for Byelaw Offences under the Epping Forest Act, noting that this included both internal and external oversight. In addition, it was explained that while the byelaws issuing process was not designed to combat any specific crimes within the Forest it was seen as an effective method for resolving disputes outside of formal court proceedings. It was noted by a Member that, while he was broadly in support of the proposed measures, a stringent reporting process will need to be in place to ensure their proper implementation. The Director of Open Spaces confirmed that FPN data would be reported within the Superintendents Report.

RESOLVED- That: -

- I. Authority be delegated to the Director of Open Spaces and the Superintendent of Epping Forest to authorise officers for the purpose of issuing Fixed Penalty Notices and requiring names and addresses pursuant to the City of London Corporation (Open Spaces) Act 2018.
- II. Set the amount of the fixed penalty for offences in Epping Forest in respect of which a Fixed Penalty Notice may be issued under the City of London Corporation (Open Spaces) Act 2018 at a fixed penalty of £80.00 with a reduction to £50.00 if paid within 10 days.

7. REPORT OF ACTION TAKEN

The Committee received a report of the Town Clerk which summarised the public actions taken outside of Committee meetings under Standing Order 41.

A Member noted that clarity on car parking across Epping Forest was required and suggested that a clear map be produced to explain this.

RESOLVED- That the report be noted.

8. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

The Chairman invited Officers to respond to the questions raised by the Verderers via email prior to the Committee meeting.

The Superintendent of Epping Forest Paul Thomson made a declaration of interest that he was a parishioner and financial supporter of a church effected by the North Essex Partnership scheme.

The Director of Open Spaces provided the context of the City of London Corporation's car parking policy noting that the protection of Epping Forest and the associated SAC & SSSI should be foremost in any consideration made by Members. It was further noted that the effect of the increased visitors from the COVID-19 pandemic and associated social distancing restrictions had existing

exacerbated existing car parking issues. In addition, it was confirmed that the City had previously supported car parking restrictions in Epping Forest, where appropriate.

The Director of Open Spaces clarified the City's position on the various questions raised regarding car parking arrangements within Epping Forest as requested by the Verderers. It was stressed that as many car parks as possible were being opened within the Forest. Furthermore, the Committee were informed that a complete report on issue of verge parking, noting the required balance between competing concerns, would be produced for consideration. Replying to a query from a member of the Committee it was explained that the Committee would not be consulted on introduction of individual signage and the City of London Corporation's commitment to maintaining the aesthetic of Epping Forest was stressed.

A Committee member commented that there would be a considerable effect by making these measures on verge parking permanent, particularly on safety, which would require regular review. A Member suggested that a Verderer lead representative be involved in the discussion with the North Essex Parking Partnership. The Director of Open Spaces confirmed that this would be considered appropriately. A Committee member noted that the local council should be providing public transport options for High Beach noting the area's popularity. The Director of Open Spaces agreed and noted that transport requirements were included in the Forest Transport Strategy. The Chairman noted that the COVID-19 pandemic had caused an increased public engagement with open spaces, such as Epping Forest, which would strengthen the City's hand in future negotiations on travel requirements to the Forest.

A member of the committee noted that extensive restrictive measures on car parking would not be in keeping with the legal principle of the relevant byelaw. The Director of Open Spaces explained that the byelaw drew heavily from early Road Traffic Act legislation, rather than contemporary conservation law and that this dichotomy would be considered fully in the further report on the subject.

9. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no items of urgent business considered in the public session.

10. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

11. NON-PUBLIC MINUTES

The Committee considered the draft non-public minutes of the last meeting of the Epping Forest and Commons Committee held on the 10th of March 2020.

RESOLVED- That the non-public minutes of the Epping Forest and Commons Committee held on the 10th of March 2020 be approved as an accurate record.

12. REPORT OF ACTION TAKEN

The Committee received a report of the Town Clerk which summarised the non-public actions taken outside of Committee meetings under Standing Order 41.

RESOLVED- That the report be noted.

13. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

The Committee received three questions in the non-public session.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There was no further business considered in the non-public session.

The meeting ended at 1.53 pm

Chairman

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