

## EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

<b>Committee:</b>	Cabinet	<b>Date:</b>	3 September 2015
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.00 - 9.25 pm
<b>Members Present:</b>	C Whitbread (Chairman), S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, A Grigg, D Stallan, G Waller, H Kane, A Lion and J Philip		
<b>Other Councillors:</b>	N Bedford, S Kane, J Knapman, J Lea, A Mitchell MBE, G Mohindra, R Morgan, A Patel, M Sartin, G Shiell, B Surtees, L Wagland, S Watson, J M Whitehouse and N Wright		
<b>Apologies:</b>	-		
<b>Officers Present:</b>	D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), S G Hill (Assistant Director (Governance & Performance Management)), L Swan (Assistant Director (Private Sector Housing & Communities Support)), T Carne (Public Relations and Marketing Officer), S Devine (Private Sector Housing Manager), A Thorn (Principal Planning Officer), A Botha (Planning Officer), G J Woodhall (Senior Democratic Services Officer) and P Seager (Chairman's Secretary)		
<b>Also in attendance:</b>	M Beard (Counsel) and C Pasterfield (Consultant)		

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#### 40. WEBCASTING INTRODUCTION

The Leader of Council made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

#### 41. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors C Whitbread, S A Stavrou, R Bassett, N Bedford, W Breare-Hall, A Grigg, H Kane, S Kane, J Knapman, J Lea, A Lion, A Mitchell, G Mohindra, A Patel, J Philip, M Sartin, G Shiell, D Stallan, L Wagland, G Waller, S Watson and N Wright declared an interest in agenda item 11, Green Belt Review (Stage I) and Settlement Hierarchy, by virtue of being members of the Epping Forest Conservative Association and the report referenced parcels of land owned by members of the Association. The Councillors had determined that their interest was not pecuniary and would remain in the meeting for the consideration of the issue.

#### 42. MINUTES

##### Resolved:

(1) That the minutes of the meeting held on 23 July 2015 be taken as read and signed by the Leader of Council as a correct record.

**43. REPORTS OF PORTFOLIO HOLDERS**

There were no further reports from the Portfolio Holders present on current issues that were not covered elsewhere on the agenda.

**44. PUBLIC QUESTIONS**

There had been no public questions submitted for the Cabinet to consider.

**45. OVERVIEW AND SCRUTINY**

The Cabinet noted that there was nothing to report by the Chairman of the Overview & Scrutiny Committee, as the next meeting of the Committee was not scheduled until 20 October 2015.

**46. ASSET MANAGEMENT & ECONOMIC DEVELOPMENT CABINET COMMITTEE - 9 JULY 2015**

The Portfolio Holder for Asset Management & Economic Development presented the minutes from the meeting of the Asset Management & Economic Development Cabinet Committee, held on 9 July 2015.

There were no recommendations for the Cabinet to consider. Other issues considered by the Cabinet Committee included: a progress report from the Economic Development Team; and a report from the Asset Management Co-Ordination Group. The Portfolio Holder for Technology & Support Services added that BT had been requested to accelerate the roll-out programme for Essex Superfast Broadband.

**Decision:**

(1) That the minutes of the meeting of the Asset Management & Economic Development Cabinet Committee, held on 9 July 2015, be noted.

**Reason For Decision:**

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues.

**Other Options Considered and Rejected:**

The Cabinet was satisfied that the Cabinet Committee had considered all the relevant options and that there were no further options to consider.

**47. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 20 JULY 2015**

The Finance Portfolio Holder presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee, held on 20 July 2015.

The Cabinet Committee had made recommendations to the Cabinet concerning the Financial Issues Paper, which included the establishment of guidelines for the 2016/17 Council Budget. Other issues considered by the Cabinet Committee included: the outturn for the Key Performance Indicators for 2014/15; the Corporate Plan Key Action Plan for 2016/17; and the monitoring of Sickness Absence within the Council.

**Decision:**Financial Issues Paper

(1) That the establishment of a new budgetary framework outlining the budget guidelines for 2016/17 be set, with the following elements:

(a) the ceiling for expenditure from the Continuing Services Budget be no more than £13.003m including net growth;

(b) the ceiling for expenditure from the District Development Fund be no more than £550,000;

(c) balances be aligned with the Council's net budget requirement and be allowed to fall no lower than 25% of the net budget requirement; and

(d) the District Council Tax be increased by 2.5%, with the charge for a Band 'D' property increasing to £152.46 per annum;

(2) That a revised Medium Term Financial Strategy for the period 2016/17 – 2019/20 be developed accordingly;

(3) That communication of the revised Medium Term Financial Strategy to staff, partners and other stakeholders be undertaken; and

(4) That reductions in support for Parish and Town Councils, in line with the reduction in central funding received by the District Council, be progressed.

**Reason For Decision:**

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues.

**Other Options Considered and Rejected:**

The Cabinet was satisfied that the Cabinet Committee had considered all the relevant options and that there were no further options to consider.

**48. COUNCIL HOUSEBUILDING CABINET COMMITTEE - 27 JULY 2015**

The Housing Portfolio Holder presented the minutes from the meeting of the Council Housebuilding Cabinet Committee, held on 27 July 2015.

There were no recommendations for the Cabinet to consider. Other issues considered by the Cabinet Committee included a report on the Design and Build Contract for Phase I of the Council Housebuilding Programme.

**Decision:**

(1) That the minutes of the meeting of the Council Housebuilding Cabinet Committee, held on 27 July 2015, be noted.

**Reason For Decision:**

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues.

**Other Options Considered and Rejected:**

The Cabinet was satisfied that the Cabinet Committee had considered all the relevant options and that there were no further options to consider.

**49. GREEN BELT REVIEW (STAGE I) AND SETTLEMENT HIERARCHY**

In the absence of the Portfolio Holder for Planning Policy, who had been delayed on route to the meeting, the Leader of the Council presented a report on Stage I of the Green Belt Review and the Settlement Hierarchy.

The Leader stated that the Green Belt Review was a critical part of the preparation of the Local Plan, and a number of recent Local Plan Examinations in Public had failed as a direct result of not having completed a rigorous Green Belt review. A two-stage approach was being followed, with the first stage now complete. At this strategic level, the findings concluded that all parcels of Green Belt land scored “strongly” or “relatively strongly” against at least one purpose of the Green Belt.

The Leader reported that the second stage of the Green Belt Review would be undertaken jointly with Harlow District Council, and would analyse areas immediately adjoining the existing settlements within the two Districts in a more detailed assessment. This work would be undertaken by consultants and the overall output of this second stage of work would identify:

- areas where the Green Belt policy designation should remain;
- any historic anomalies in the existing boundaries or locations where development had taken place, which might suggest minor amendments to Green Belt boundaries were required; and
- areas that would be least harmful in Green Belt terms for potential development purposes.

The Leader remarked that the Settlement Hierarchy Technical Paper sought to allocate each settlement to a category, by identifying the type of services and facilities that existed in each location. Following a period for comment and validation by Town and Parish Councils, a number of amendments had been made to both reports, and these were detailed in the Appendices, which had been published as background papers for this meeting.

The Principal Planning Officer (Planning Policy) reminded the Cabinet that the Green Belt Review would be a key component of the Local Plan, but it would not decide ultimately where future development would take place in the District. Following his arrival at the meeting and apologising for his delay, the Portfolio Holder for Planning Policy added that the first stage of the Review was based on factual information; no decisions would be taken from this Review, but it would contribute to the identification of the preferred options.

There were reservations expressed about the classification of Roydon as a ‘*Large Village*’ by the local Member. It was felt that Theydon Bois and Chigwell had many more facilities, and that the Leisure/Sports Facility in Roydon was really more of a Recreational Facility, which would reduce Roydon to the status of a ‘*Small Village*’. The Principal Planning Officer undertook to review the facilities in Roydon and respond to the Member.

Local Members from Chigwell were very disappointed that they had not been provided with a version of the Green Belt Review document which highlighted all the changes that had been made, as the Parish Council was initially promised. It was

also disappointing that a number of the comments provided by the Parish Council had been answered simply with the response "*Will be considered in Stage II*". It was felt that residents should have been provided with individual answers to each comment made. It was also pointed out that, although not designated as a Conservation Area, Chigwell had over 70 listed buildings, and perhaps it should have been considered for '*Historic Town*' status.

The Portfolio Holder reiterated that the Council was always interested in any response from Local Councils, and would be happy to meet with Chigwell Parish Council to discuss their comments further. The Principal Planning Officer added that the comments on a single point from Local Councils had been grouped together to give a single response, and that there had not been a separate response made to each individual comment received. Some of the comments made would be dealt with by the second stage of the Review, and hence they had not been responded to in detail at this stage. However, local members from Chigwell still felt that Local Councils had a right to an individual response for each comment offered, and that Stage II of the Review should not review facts established during Stage I.

Counsel engaged by the Council commented that the definition of a '*Historic Town*' was only concerned with settlements clearly defined as towns and their historic character, which encompassed more than more than the number of heritage assets and its setting. If a settlement was not listed as a '*Historic Town*' in the '*Essex: Historic Towns Assessment Report*' published in 1999, then it was unlikely to be listed as such now, and under the current national planning policy there were no further Historic Towns within Epping Forest other than those already identified (Chipping Ongar, Epping and Waltham Abbey).

Local Members from Buckhurst Hill expressed their concerns about Buckhurst Hill being classified as a '*Town*' rather than a '*Large Village*'. Buckhurst Hill had only gained this classification by one point and this was considered unreasonable. There were not enough facilities within Buckhurst Hill, and it was emphasised that it did not have a Bank, Police Station, Fire Station, Leisure Centre or Secondary School. There were also fears that further development could eradicate the green space between Buckhurst Hill and Loughton. The Members requested a discussion between the Portfolio Holder and the Parish Council regarding its status.

The Principal Planning Officer emphasised that the report was clear as to why Buckhurst Hill had been classified as a '*Town*' rather than a '*Large Village*'. Counsel added that a Settlement Hierarchy was necessary for a District of such varied character as Epping Forest, although it was accepted that it could be arbitrary; it was an essential step in deciding where further development could be accommodated. The Portfolio Holder accepted that there was a contrast between the score for Buckhurst Hill and the other settlements classified as a '*Town*' and would be happy to discuss the matter further with the local Members and the Parish Council.

In response to a request to further consult with Local Councils during Stage II of the Review, the Portfolio Holder affirmed that the Council had engaged with Local Councils throughout the Local Plan process. A draft version of the Green Belt Review had been provided to Local Councils for consultation and checking, and the District Council would continue to engage with Local Councils over the Local Plan. The Principal Planning Officer added that workshops with the Local Councils would be held during the second stage of the Review.

A number of local Members expressed reservations about the involvement of Harlow District Council in the Green Belt Review; it was felt that a better approach would be for Stage II of the Review to be conducted solely by this Council and then consult

with all of the neighbouring authorities, including the London Boroughs to the south of the District. The Portfolio Holder informed the Cabinet that Harlow District Council were at the same stage with their Green Belt Review, and wanted their approach to be consistent with this Council's; it was considered a appropriate way forward for both Councils. The Principal Planning Officer added that the other neighbouring authorities were engaged in the process, but it was felt to be most appropriate to work with Harlow District Council at the current time for the reasons set out by the Portfolio Holder.

Counsel advised the Cabinet that a point which had emerged from a number of Examinations in Public was that the Duty to Co-operate involved joint working with neighbouring authorities to produce documents. Local Plans had to be based on joint working, and the Duty to Co-operate was still evolving, but Examinations in Public spent a lot of time confirming whether the Duty to Co-Operate had been met or not. Initially, it was thought that a Green Belt Review would not be required, and the Cabinet was reminded that the Initial Options document had been drafted before the National Planning Policy Framework had come into force, but it was clear from the Examinations in Public that had been held so far that it was now necessary to review all Green Belt land in order to justify its exclusion from future development. It was emphasised that the Council was under pressure from the Government to have their Local Plan in place by the end of 2017.

The Portfolio Holder for Governance & Development Management raised further concerns about the methodology employed for both the Green Belt Review and Settlement Hierarchy. The mathematical approach appeared flawed as it did not account for other factors, such as the background of the settlement and its history. In addition, it made sense to collaborate with Harlow District Council for those parcels of Green Belt land which adjoined Harlow, but not for those parcels of Green Belt land which adjoined London Borough Councils for example.

The Leader of Council welcomed the wide-ranging debate on this issue and made a number of additional proposals for the Cabinet to consider alongside the recommendations in the report. Firstly, that Stage II of the Green Belt Review should be conducted solely by this Council, without direct involvement by Harlow District Council. It was suggested that Essex County Council should be involved, as new developments would require further education provision, but the Principal Planning Officer confirmed that discussions were already taking place with the County Council as any new developments had to be sustainable – including the provision of education. The Portfolio Holder also added that information would be provided during Stage II of the review regarding the neighbouring authorities that the Council had consulted with.

Secondly, the Leader proposed that meetings should be arranged between the Portfolio Holder for Planning Policy and Planning Policy Officers with Roydon and Buckhurst Hill Parish Councils to discuss their current ranking in the Settlement Hierarchy, and also with Chigwell Parish Council to discuss in detail the responses to their comments for the first stage of the Green Belt Review. The Portfolio Holder reiterated his willingness to undertake this. And finally, the Leader suggested that the methodology should be reviewed to encompass a more inclusive approach than the simple aggregation of scores for each parcel of Green Belt land to indicate its contribution to the Green Belt when judged against the first four purposes of the Green Belt.

All of the amendments were seconded by the Portfolio Holder for Planning Policy, and agreed by the Cabinet.

**Decision:**

- (1) That a meeting be held by the Planning Policy Portfolio Holder and Planning Policy Officers with Chigwell Parish Council to discuss in detail the responses to their comments for Stage I of the Green Belt Review;
- (2) That the Green Belt Review (Stage I) report be noted and added to the Local Plan Evidence Base;
- (3) That meetings be held by the Planning Policy Portfolio Holder and Planning Policy Officers with both Buckhurst Hill and Roydon Parish Councils regarding their assessment in the Settlement Hierarchy Technical Paper;
- (4) That the Settlement Hierarchy Technical Paper be noted and added to the Local Plan Evidence Base, subject to any amendments arising from the meetings with Buckhurst Hill and Roydon Parish Councils;
- (5) That paragraph 14 (v)(h) of the methodology be reviewed to consider a more holistic approach than the aggregation of scores for each parcel of Green Belt land;
- (6) That Stage II (Detailed Assessment) of the Green Belt Review be undertaken solely by the Council for the Epping Forest District area; and
- (7) That, as amended above, the proposed outline methodology for the Green Belt Review (Detailed Assessment) be agreed, to enable the appointment of consultants to undertake this work.

**Reasons for Decision:**

The Green Belt Review was a critical part of the preparation of the Local Plan, given the high proportion of Green Belt that existed in the District. The Settlement Hierarchy Technical Paper was a further piece of evidence that would help guide the preparation of the Local Plan, and was also a key evidence base document in progressing Stage II of the Green Belt Review. Approval of the proposed outline methodology would provide the parameters for Stage II of the Green Belt Review, in which a more detailed analysis of the Green Belt would be undertaken, and allow the appointment of Consultants to undertake the work to proceed.

**Other Options Considered and Rejected:**

To not add the Green Belt Review (Stage I) or Settlement Hierarchy Technical Paper to the Local Plan evidence base, or to not agree the proposed outline methodology for the next steps of the Green Belt Review work. However, as these were critical pieces of work for the Evidence Base, there would be substantial further delay to the preparation of the Local Plan for the District of Epping Forest.

**50. FUNDING FOR DISABLED FACILITIES GRANTS**

The Housing Portfolio Holder presented a report on the future funding for Disabled Facilities Grants.

The Portfolio Holder stated that the Council had a legal duty to provide Disabled Facilities Grants to residents of the District that met the eligibility criteria under the Housing Grants Construction and Regeneration Act 1996. The Grants were means tested up to a maximum of £30,000 to provide essential facilities or access to essential facilities for home owners registered or eligible to be registered as disabled.

The grants were initiated by Occupational Therapists from Essex County Council under a referral system. New arrangements implemented by the County Council in 2013 had seen a dramatic increase in the number of referrals received by the District Council.

The Portfolio Holder reported that the budget for Disabled Facility Grants had been set at £380,000 per annum until 2018/19, but this was now felt to be inadequate to meet the demand for the foreseeable future. Unless additional funding was made available then the Council would fail to meet its statutory obligation to provide these essential grants for adaptations. It had been estimated that a further £120,000 per annum would be required to meet the expected demand between now and 2018/19. Consequently, the Cabinet was requested to recommend a supplementary capital estimate in the sum of £120,000 for 2015/16 to the Council for approval, and approve growth bids in the sum of £120,000 be made for the years 2016/17 to 2018/19.

In addition, the Portfolio Holder was proposing that the Housing Select Committee be requested to add an item to its work programme for 2016/17 to consider the effectiveness of Disabled Facilities Grants within the District.

In response to questions from the Members present, the Assistant Director of Communities (Private Sector Housing & Community Support) was confident that the revised estimate for the Disabled Facilities Grants budget was accurate. The Assistant Director also outlined the measures undertaken by the Council to advertise the scheme, which included: exhibitions at local libraries; parish magazines; placing leaflets in Doctors' surgeries; and information on the Council's website. There was no waiting list as such for these grants, but the current process was laid down in law and the Assistant Director acknowledged it to be a complex procedure.

The Cabinet felt that the scheme was very beneficial to and much valued by residents, as it enabled applicants to remain in their own homes, and was pleased to support the recommendations.

**Decision:**

(1) That a supplementary capital estimate in the sum of £120,000 for 2015/16 be recommended to the Council for approval to supplement the existing agreed budget of £380,000 for Disabled Facilities Grants;

(2) That a capital growth bid for a further £120,000 for the following 3 years until 2018/19, £360,000 in total, be made to supplement the existing agreed budget of £380,000 a year for Disabled Facilities Grants; and

(3) That the Housing Select Committee be requested to add an item to its work programme for 2016/17 to receive a presentation on the effectiveness of Disabled Facilities Grants within the District.

**Reasons for Decision:**

The Council was required by law to provide Disabled Facilities Grants to eligible residents. However, the current agreed budget of £380,000 per annum until 2018/19 was not considered sufficient to meet the expected demand.

**Other Options Considered and Rejected:**

To approve only sufficient applications to incur an annual expenditure of £380,000. However, the Council would not be complying with its statutory duty and would run

the risk of significant reputational damage.

To delay expenditure for Disabled Facilities Grants. However, this would result in a failure for the Council under the public sector duty to provide equality of opportunity.

## 51. PRIVATE SECTOR HOUSING ENFORCEMENT

The Housing Portfolio Holder presented a report on the revision of the Private Sector Housing Enforcement Policy.

The Portfolio Holder stated that the existing Private Sector Housing Enforcement Policy had been introduced in 2010, following the transfer of the Private Sector Housing Team to the Housing Directorate. It was now felt appropriate to review and update the Policy to reflect the current exercise of Private Sector Housing Enforcement functions within the new Communities Directorate. In addition, the *'Regulators Code'* and *'Code of Practice: Powers of Entry'* had also come into force and had to be taken into account when formulating any enforcement policy. The draft revised Policy had been attached as an Appendix to the main report, and its main principles were to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the Council and those that they regulated.

Two issues were brought to the attention of the Cabinet by Members present. Firstly, in section 3.6 – Targeted – it was felt that the Council would be reactive in the private sector, responding to complaints from tenants, whereas the current wording would be more relevant to the public rented sector where the Council could survey the available housing stock and deal with those properties in the worst condition first. The Private Sector Housing Manager confirmed that the Council would deal with each case reported and make an assessment of its severity; cases would then be dealt with in order of severity. It was suggested that the wording of this section should be amended accordingly to reflect the current reality. The second issue concerned the wording of the 'Verbal Advice' section under Enforcement Options. It was felt that this wording was confusing and might not be understood by private tenants. It was felt that this section was really outlining a range of circumstances for which verbal advice to the landlord concerned would suffice.

The Portfolio Holder welcomed the comments and acknowledged that the Verbal Advice section should be revised accordingly. It had also been highlighted that a link to the Council's Housing Charter had been missing, but the Charter would be added as a new Appendix to the Policy.

### **Decision:**

- (1) That the 'Verbal Advice' section of the Enforcement Options within the Policy be revised to improve its readability and understanding for Private Sector Tenants;
- (2) That the Epping Forest District Council Housing Charter be added as an Appendix to the Policy; and
- (3) That the updated version of the Private Sector Housing Enforcement Policy, attached as an appendix to the report and amended as above, be approved and adopted.

### **Reasons for Decision:**

To ensure that service users were fully aware of what to expect from the Council, and

could be satisfied that they would be treated fairly and proportionately.

**Other Options Considered and Rejected:**

To not adopt a policy. However, this would leave the Council open to criticism, and in breach of the Legislative and Regulatory Reform Act 2006.

**52. EPPING FOREST SHOPPING PARK - PROGRESS REPORT**

The Portfolio Holder for Asset Management & Economic Development presented a progress report on the development of the Epping Forest Shopping Park at Langston Road in Loughton.

The Portfolio Holder reminded the Cabinet that, having acquired the interest of Polofind Limited, the Council was now the sole owner, developer and operator of the site, and the project represented a major capital investment for the Council. The Cabinet noted the following issues concerning the project:

- Project Management - DAC Beachcroft had been progressing the contracts with the consultants, and a new Development Surveyor had commenced work on 3 July 2015 to assist with the project.
- Highways – Essex County Council had been slow to approve the Section 278 works and it had been decided to commence the tender process as the risk of major alterations being required to the scheme was considered low.
- Highways – access to the BP Garage had received planning approval in 2012; however, BP had recently suggested an alternative route. Discussions were on-going but it was intended to proceed with the approved design at the current time.
- Planning – the reserved matters planning application had been approved on 10 June 2015.
- Architectural – detailed drawings had been completed and would be included in the tender package for the main Design and Build contract.
- Procurement – the OJEU restricted procurement timetable for the appointment of the main contractor to build the Shopping Park was being developed by the Council's external solicitors. It was intended to have all the tender documents ready by the end of August.
- Marketing – strong interest continued to be shown in the Shopping Park, and agreement of the heads of terms with the anchor tenants was being finalised.

The Cabinet was cautioned to examine the potential parking issues in the area when the employees of Polofind Limited could no longer park on the T11 site. The Portfolio Holder reassured the Cabinet that this issue would be considered in due course by Officers.

**Decision:**

- (1) That progress with the Epping Forest Shopping Park project be noted.

**Reasons for Decision:**

To appraise the Cabinet on the current progress with the Epping Forest Shopping Park project, as requested.

**Other Options Considered and Rejected:**

None, as this was a progress report with no decisions required.

**53. ANY OTHER BUSINESS**

The Cabinet noted that there was no other urgent business for consideration at the meeting.

**54. EXCLUSION OF PUBLIC AND PRESS**

The Cabinet noted that there was no business which necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**