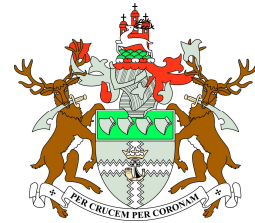


# Council Agenda



## Epping Forest District Council

### NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 5 November 2013 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read "Glen Chipp".

**Glen Chipp**  
Chief Executive

**Democratic Services  
Officer:**

Council Secretary: Ian Willett  
Tel: 01992 564243 Email:  
[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

## **BUSINESS**

### **1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

### **2. MINUTES (Pages 9 - 44)**

To approve as a correct record and sign the minutes of the meeting held on 26 September 2013 (attached).

### **3. DECLARATIONS OF INTEREST**

(Chief Executive) To declare interests in any item on the agenda.

### **4. ANNOUNCEMENTS**

**(a) Apologies for Absence**

**(b) Announcements**

To consider any announcements by:

- (i) the Chairman of the Council;
- (ii) the Leader of the Council; and
- (iii) any other Cabinet Member.

### **5. PUBLIC QUESTIONS (IF ANY) (Pages 45 - 46)**

To answer questions asked after notice in accordance with the provisions contained in paragraph 11.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to the Chairman of the Overview and Scrutiny Committee; or
- (c) to any Portfolio Holder.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

## **6. QUESTIONS BY MEMBERS UNDER NOTICE**

To answer questions asked after notice in accordance with the provisions contained in paragraph 12.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;
- (b) to the Leader of the Council;
- (c) to the Chairman of the Overview and Scrutiny Committee or
- (d) to any Member of the Cabinet;.

Council Procedure rule 12.4 provides that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

## **7. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 47 - 66)**

To receive reports from the Leader and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader;
- (b) Report of the Asset Management and Economic Development Portfolio Holder;
- (c) Report of the Environment Portfolio Holder;
- (d) Report of the Finance and Technology Portfolio Holder;
- (e) Report of the Housing Portfolio Holder;
- (f) Report of the Leisure and Wellbeing Portfolio Holder;
- (g) Report of the Planning Portfolio Holder;
- (h) Report of the Safer, Greener and Transport Portfolio Holder;
- (i) Report of the Support Services Portfolio Holder.

## **8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

Council Procedure Rule 12.6 provides for questions by any member of the Council to the Leader or any Portfolio Holder, without notice on:

- (i) reports under item 7 above; or
- (ii) any other matter of a non operational character in relation to the powers and

duties of the Council or which affects all or part of the District or some or all of its inhabitants.

Council Procedure Rule 12.7 provides that answers to questions without notice may take the form of:

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (d) where the question relates to an operational matter, the Leader or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.

In accordance with the Council Procedure Rule 12.8, a time limit of twenty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes to ensure that all political groups and independent members may have their questions answered.

## **9. MOTIONS**

To consider any motions, notice of which has been given under Council Procedure Rule 13.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

## **10. REPORT OF THE CABINET - 94/94A LAWTON LANE, LOUGHTON (Pages 67 - 68)**

To consider the attached report.

## **11. REPORT OF THE CABINET - ESTATES AND VALUATION SECTION - ADDITIONAL POST (Pages 69 - 70)**

To consider the attached report.

## **12. REPORT OF THE CABINET - SUPPLEMENTARY CAPITAL ESTIMATE - BRIDGEMAN HOUSE, WALTHAM ABBEY (Pages 71 - 72)**

To consider the attached report.

## **13. OVERVIEW AND SCRUTINY (Pages 73 - 74)**

- (a) Report of the Chairman of the Overview and Scrutiny Committee - attached;
- (b) Reports of the Overview and Scrutiny Committee (if any); and
- (c) Reports of Overview and Scrutiny Panels (if any).

## **14. REPORT OF THE DISTRICT DEVELOPMENT CONTROL COMMITTEE - SCHEME OF OFFICER DELEGATION FOR DEVELOPMENT CONTROL FUNCTIONS - PROPOSED CHANGES (Pages 75 - 88)**

To consider the attached report.

**15. APPOINTMENTS TO VACANCIES ON COMMITTEES/PANEL****Recommendation:****To appoint members to fill vacancies on:**

- (a) Audit and Governance Committee;**
- (b) District Development Control Committee; and**
- (c) Finance and Performance Management Scrutiny Panel.**

(Assistant to the Chief Executive) There are currently vacancies on the Audit and Governance Committee, District Development Control Committee and Finance and Performance Management Scrutiny Panel.

**Audit and Governance Committee**

In relation to the Audit and Governance Committee, the Council has previously agreed: (a) that the three councillors on the Committee should not all be drawn from one political group and places should be open to councillors who are not affiliated to any political group; and (b) that members be appointed on the basis of experience, aptitude and interest.

The two existing members on the Committee are Councillors Kane and Watts (Conservative Group).

The LRA Group wish to nominate Councillor L Leonard to fill the vacancy.

**District Development Control Committee**

The current pro-rata allocation for this 15 member Committee is as follows:

Conservative Group – 10 members  
LRA Group – 3 members  
Liberal Democrats Group – 1 member  
Independent Member – 1 member

The LRA Group currently have only two members on the Committee.

The LRA Group wish to nominate Councillor Jennie Hart to fill the vacancy.

**Finance and Performance Management Scrutiny Panel**

The current pro-rata allocation for this 11 member Panel is as follows:

Conservative Group – 8 members  
LRA Group – 2 members  
Liberal Democrats Group – 1 member

The LRA Group currently have only one member on the Panel.

The LRA Group wish to nominate Councillor H Mann to fill the vacancy.

**16. AUDIT AND GOVERNANCE COMMITTEE - REPORT OF RECRUITMENT PANEL  
(Pages 89 - 90)**

To consider the attached report.

**17. CALL-IN AND URGENCY - ALL WEATHER PITCH, TOWN MEAD, WALTHAM  
ABBEY (Pages 91 - 92)**

To note the attached decision taken by the Chairman of the Council to waive the call-in provisions of the Overview and Scrutiny Rules.

**18. LEADER DECISION - NORTH WEALD AIRFIELD AND ASSET MANAGEMENT  
CABINET COMMITTEE (Pages 93 - 96)**

To note the attached decision taken by the Leader of Council to amend the terms of reference and title of this Cabinet Committee.

The alterations are:

- (a) new title;
- (b) additional responsibility for economic development; and
- (c) greater prominence to maximising income from North Weald Airfield users.

**19. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

- (a) To receive from Council representatives the reports (attached - if any) on the business of joint arrangements and external organisations and to receive answers to any questions on those bodies which may be put without notice; and
- (b) To request written reports from representatives on joint arrangements and external organisations for future meetings.

**20. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

This page is intentionally left blank



## EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

- Committee:** Council **Date:** 26 September 2013
- Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.53 pm
- Members Present:** Councillors Mrs M Sartin (Chairman), A Boyce (Vice-Chairman), K Angold-Stephens, K Avey, Mrs H Brady, W Breare-Hall, K Chana, T Church, Mrs T Cochrane, L Girling, P Gode, Mrs A Grigg, J Hart, D Jacobs, Mrs S Jones, Ms H Kane, P Keska, J Knapman, Ms Y Knight, L Leonard, Mrs M McEwen, A Mitchell MBE, G Mohindra, R Morgan, S Murray, Mrs C Pond, B Sandler, Ms G Shiell, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs T Thomas, H Ulkun, Mrs L Wagland, G Waller, Ms S Watson, A Watts, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley, N Wright and J Wyatt
- Apologies:** Councillors R Bassett, G Chambers, R Cohen, Mrs R Gadsby, Ms J Hart, Mrs J Lea, A Lion, H Mann, J Markham, J Philip, B Rolfe and Mrs E Webster
- Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), S G Hill (Senior Democratic Services Officer), J Leither (Democratic Services Assistant) and T Carne (Public Relations and Marketing Officer)
- 

### 34. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### 35. DISTRICT COUNCILLOR COLIN FINN AND FORMER DISTRICT COUNCILLOR DEREK COUSINS

It was with much sadness that the Chairman informed the Council of the deaths of Councillor Colin Finn and former Councillor Derek Cousins.

Members were informed that Colin Finn had represented the Loughton Forest Ward on Epping Forest District Council as a Loughton Residents Association (LRA) Councillor from 2010. He had previously served as a Conservative County Councillor for the Loughton St Johns Division from 2001 to 2005 and for the Loughton South Division from 2005 to 2009.

Derek Cousins was a former District and Parish Councillor who represented the North Weald Basset Ward from 1991 to 1995.

The Council stood for a minute's silence in tribute to the memories of Councillor Colin Finn and former Councillor Derek Cousins.

The Chairman and Councillors M McEwen, K Angold-Stevens, C Whitbread, A Watts and the Chief Executive, G Chipp on behalf of the staff paid tribute to the memory of Colin Finn. Councillor Angold-Stevens read a tribute from Councillor J Markham in his absence. Councillor A Grigg paid tribute to the memory of Derek Cousins.

### **36. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 30 July 2013 be taken as read and signed by the Chairman as a correct record.

### **37. DECLARATIONS OF INTEREST**

Pursuant to the Council's Code of Member Contact, Councillor H Kane declared a non pecuniary interest in agenda item 11 (Statutory Statement of Accounts 2012/13 – disposal of assets) by virtue of being the Assistant Finance and Technology Portfolio Holder.

### **38. ANNOUNCEMENTS**

#### **(a) Chairman's Announcements**

##### **(i) Events**

The Chairman reported on some of the events she had attended since the last meeting of the Council. The Chairman thanked Members for their support at the Afternoon Tea Party hosted at her home by the River Stort in August. Over £800 had been raised for the Chairman's charities.

The Chairman informed the Council that she had been delighted to be invited back to the Bobbingworth Nature Reserve (former landfill site), as this had been a project which she had been closely involved with in the past when she was the Portfolio Holder for the Environment. She advised the Council that there had been many years of planning and work to take this piece of land from being a former landfill site to the nature reserve it had now become. The Chairman added that the nature reserve now had an official recognition as a Queen Elizabeth II Field, as well as receiving an Essex Wildlife Trust Living Landscapes Award. Finally a wooden plaque had been unveiled which officially named the viewing mound as 'Colin's Mound' in recognition of Colin Thompson's (former clerk to Moreton, Bobbingworth and the Lavers Parish Council) for his determination and work to see this piece of land brought back to a use where people near and afar could come and enjoy the countryside.

The Council noted that the Chairman had also attended the official opening of the four environmentally friendly Straw Bale Houses at High Ongar. She had been invited into one of the houses where the tenant had informed her that the houses were cool in the summer and retained the heat when the weather was cooler. The downside to the opening had been the weather which had demonstrated the weather proofing of the houses due to the heavy rain.

##### **(ii) Floral Display**

The Chairman announced that she intended to send the flowers from tonight's meeting to the residential home, Cunningham House, North Weald.

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

The Leader advised that he had no announcements to make under this heading.

**(c) Announcements by Portfolio Holders****(i) Asset Management and Economic Development Portfolio Holder**

Councillor Grigg advised that there was an amendment to her supplementary report, regarding the release of a restructure covenant on land at 94/94a Lawton Road, Loughton as a decision had not been agreed and the matter would go before Cabinet on the 21 October 2013.

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

The Council noted that there were no public questions for this meeting.

**40. QUESTIONS BY MEMBERS UNDER NOTICE**

The Chairman reported there were no questions by members under notice to be considered at this meeting.

**41. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET**

The Council received written reports from the Asset Management and Economic Development Portfolio Holder, the Environment Portfolio Holder, the Finance and Technology Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning Portfolio Holder, the Safer, Greener and Transport Portfolio Holder and the Support Services Portfolio Holder.

The Chairman invited the Leader to provide an oral report and other members of the Cabinet give an oral update of their written reports.

**(a) The Leader of the Council**

Councillor Whitbread advised that he had attended a meeting on 1 August of the Essex Leaders and Chief Executives. George Keiffer, Vice Chairman of the South East Local Enterprise Partnership had given a presentation on the future of Governance Arrangements and Growth Strategy. The Leader advised the Council that he would continue to ensure the best deal for Epping Forest, from the South East Local Enterprise Partnership.

Councillor Whitbread reported that in mid August he had hosted a visit to the District by Councillor Finch, the new Leader of Essex County Council. Along with many local authorities in the region, the County Council was facing an enormous financial challenge. Its funding issues were compounded by an ageing population, placing increasing pressure on Adult Social Care budgets. In response, the County would be undertaking a transformation programme designed to improve efficiency by adopting a largely commissioning model. In addition, the results of the Community Budget pilot would also be published.

The Leader stated that he believed it was important to co-operate with neighbouring authorities, not only on the Local Plan issues. He added that the Council would continue to do this through the Joint Locality Board with the County Council.

The Leader advised that he had been delighted to attend two openings earlier this month. One had been the official opening of the "Straw Bale" Housing Development at Millfields, High Ongar. He stated that he had been greatly impressed by this innovative scheme and all involved should be applauded.

The second event he had attended had been the official opening of the new Epping St John's Secondary School, undertaken by the Bishop of Chelmsford. He reported that the new building was a first class learning environment with state of the art IT equipment, as well as high quality sports facilities, which he was advised would be made available to the wider community. He said it had been good to see the pupils taking such obvious pride in their new School.

Finally, continuing on the theme of young people, he updated the Council on the progress of the Council's Apprenticeship Scheme, to give local young people a start on a future career. He stated that youth unemployment was of great concern and as well as encouraging other local employers to take on young people, the 9 apprentices taken on by the Council would be trained and given experience in a number of roles. The initial group would comprise of 7 business administration posts and two construction roles, hopefully this would demonstrate the Council's commitment to the future of young people.

**(b) Planning Portfolio Holder**

The Leader of the Council on behalf of the Planning Portfolio Holder reminded all Councillors to attend the Workshop 4 on the Local Plan to be held on the 5 October 2013 and to register with the Forward Planning Team as soon as possible.

**42. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**(a) Street Lighting Consultation**

Councillor Spencer asked what was the District Council's official response to the County Council's Street Lighting consultation and did it mention underground stations and the adjacent areas.

Councillor Waller, Safer, Greener and Transport Portfolio Holder, advised that a letter had been received from County Councillor Rodney Bass which indicated that the areas around the underground stations would continue to be lit. In the District Council's response attention had been drawn to a number of CCTV cameras in the district which were useful during the hours of darkness and required lighting in these areas. Councillor Waller said that overall he did not have any objections to this proposal as in those areas in Essex where lights had been extinguished after midnight the trend in terms of crime and vehicle accidents was comparable with areas that were still lit.

**(b) Council Housebuilding Programme**

Councillor Murray asked that given over the last 32 years the District had lost approximately 6,500 units of council housing what kind of replacement rate did the Portfolio Holder think there would be over the next 10-20 years.

Councillor Stallan, Housing Portfolio Holder, advised that the Council Housebuilding Programme this Council was proposing was not intended to replace the 6,500 houses that Councillor Murray was referring to which he assumed included properties sold through the Right to Buy scheme. Councillor Stallan said the Council should be proud of the fact that it was starting to build Council houses in the district again. He

said houses would be built on small areas in the district where it had been difficult to rent the garages as identified in a Cabinet report last year. The scheme was for local people who had lived in the district for three years.

**(c) Council Housebuilding Programme**

Councillor J H Whitehouse referred to the proposal to allow tenants living in two or three bedroom flats to join the Housing Register and bid for houses. She asked how would priority be determined and whether tenants living in houses would be allowed to bid for houses in another part of the District.

Councillor Stallan, Housing Portfolio Holder, advised that the proposal had been introduced to encourage tenants in flats to transfer to houses to free up flats to accommodate homeless applicants and enable non-homeless applicants to bid for houses. Councillor Stallan advised that he would need to consult with Officers regarding the question of priority and whether those tenants already in houses would be able to participate. He added as soon as he had an answer he would publish it in the Council Bulletin.

**(d) New Housing Register**

Councillor Thomas stated that 1,800 home seekers had registered or were likely to be registered to remain on the Housing Register but there were 1,400 home seekers yet to respond. She said she was aware that officers were contacting these residents and obviously this would take time and she sought an assurance that home seekers would not be removed from the list until their situations had been assessed despite missing the re-registration date.

Councillor Stallan, Housing Portfolio Holder, confirmed that although the deadline for responding had passed, Officers would still be contacting and adding residents eligible to be registered.

**(e) North Weald Airfield**

Councillor Watson asked the Finance and Technology Portfolio Holder if she would like to comment on the recent accounts that had been filed by the operators of the North Weald Market. She said the accounts showed net liabilities of over £100,000 as of December 2012. She asked what steps had been taken to reduce the risks to which the Council might be exposed and the impact this might have on the reserves.

Councillor Stavrou, Finance and Technology Portfolio Holder, replied that she had not seen the company's accounts that the Councillor had referred to and that she would take advice and submit a full response to the Councillor as soon as possible.

**(f) Workshop 4**

Councillor Smith asked the Leader of the Council, on behalf of the Planning Portfolio Holder, if he would announce the venue for the Workshop 4 training which would be held on 5 October 2013.

Councillor Whitbread, Leader of the Council advised that the venue was Epping Hall.

**(g) Recycling Credits**

Councillor Leonard asked the Environment Portfolio Holder why it took so long for Essex County Council (ECC) to refund recycling credits to the District Council and

could he ask officers to find the reasons for it. He added that the credits should be in the District Council's bank account and not that of ECC.

Councillor Breare-Hall, Environment Portfolio Holder, informed the Councillor that he had a meeting arranged with representatives of ECC to discuss the Inter-Authority Agreement regarding receiving credits from ECC and would be entering into a discussion regarding the future of those arrangements. He would report back on the outcome of the meeting.

#### **(h) Potential Parking Site near Epping Underground Station**

Councillor Avey asked about leasing a site near to Epping Underground Station to serve as a car park to help clear the streets of Epping around the underground station of commuters' vehicles. He asked why this proposed site could not be cleared and converted into a car park by Christmas. Councillor Avey added that the double yellow lines on the streets near to Epping Underground Station needed renewing and revising to meet the new situation.

Councillor Waller, Safer, Greener and Transport Portfolio Holder, advised that the Director of Environment and Street Scene had met with the owner of the site and an assessment was being made. There were considerable obstacles to the conversion of this site being:

- demolition works;
- a new vehicle access would be required;
- the ground was considered likely to be contaminated with asbestos; and
- the owner of the site would like to maximise the value of his asset.

Councillor Waller added that a full assessment of the site would be needed to see whether use of the site as a car park was feasible in terms of finance.

#### **(i) Reduction of the Non-Domestic Rating List**

Councillor Mohindra asked what strategies were in place to deal with the reduction of the non-domestic rating list values.

Councillor Stavrou, Finance and Technology Portfolio Holder, advised that it was a concern to the Council and the whole of the District Council's income streams were being looked at. She advised that responses were being made to three government consultations at present but the Government keep revising its intentions and it was not yet known exactly how much money would be received. She stated that the growth aspect for the Council was very important and would be given the attention it deserved.

#### **(j) Silver Sunday**

Councillor J H Whitehouse informed the Council of an event called Silver Sunday, started in 2012 by Westminster City Council. She informed the Council that this was an annual event and would begin on 6 October 2013 and last for one month. She explained that the idea was to reach out to older people, particularly those who were socially isolated. She asked if the Community Development team would be able to hold an event to sponsor Silver Sunday on behalf of this Council.

Councillor Whitbread, Leader of the Council advised that he had heard of Silver Sunday and informed the Councillor that he would look into the possibility of the

Council being involved to highlight this event. He stated that the Council had a very active area of staffing in these events.

**(k) Citizens Advice Bureau**

Councillor Murray stated that many Members in the south of the district were concerned regarding the news of the long term plan of the District's Citizens Advice Bureau (CAB) to centralise within Epping and run satellite services to the south of the district. He asked the Leader of the Council if he was aware of the proposal and if he considered it satisfactory provision for the essential services that the CAB offered.

Councillor Murray stated that in his view a satellite service run from an Epping central office to an area, for example the former Chigwell Urban District, could not be regarded as acceptable by this Council.

Councillor Whitbread, Leader of the Council, agreed that it was a concern as the CAB was important to this district as there would always be people that needed the help and support of the CAB. He pointed out that the council currently contributed £113,000 per year to the CAB which was more than most other councils. He advised that he was aware of office issues for the CAB as they had to move out of their premises in Epping so that it could be redeveloped.

The Leader advised the Council that there would be an opportunity at the next Overview and Scrutiny meeting to ask questions directly to representatives of the CAB. He advised that Members should be fully aware of how much support the Council had given to the CAB.

**43. MOTIONS**

**(a) Whipps Cross University Hospital**

**Moved by Councillor Murray and Seconded by Councillor Gode**

"This Council notes:

- (1) that the Care Quality Commission carried out unannounced inspections at the Whipps Cross University Hospital in May and June;
- (2) that as a result of these inspections:
  - (a) the hospital failed to meet national regulations in the three areas of cleanliness and infection control, safety and availability and suitability of equipment and support to staff;
  - (b) the hospital was found to be failing to meet 10 out of the 16 national standards of quality and safety;
  - (c) the Barts Health NHS Trust has been instructed by the Care Quality Commission to make urgent improvements to protect patients at the Whipps Cross University Hospital; and

This Council resolves to:

- (1) enquire of the Trust why this situation was allowed to develop;
- (2) seek clear assurances from the Trust that steps have been taken and will

continue to be taken to rectify these findings; and

(3) seek the strongest possible assurances from the Trust that all future patient care at the Whipps Cross University Hospital will reach the standards required by both the Care Quality Commission and patients and their families”.

**Motion as first moved ADOPTED**

**RESOLVED:**

That this Council notes:

(1) that the Care Quality Commission carried out unannounced inspections at the Whipps Cross University Hospital in May and June;

(2) that as a result of these inspections:

(a) the hospital failed to meet national regulations in the three areas of cleanliness and infection control, safety and availability and suitability of equipment and support to staff;

(b) the hospital was found to be failing to meet 10 out of the 16 national standards of quality and safety;

(c) the Barts Health NHS Trust has been instructed by the Care Quality Commission to make urgent improvements to protect patients at the Whipps Cross University Hospital; and

That this Council resolves to:

(1) enquire of the Trust why this situation was allowed to develop;

(2) seek clear assurances from the Trust that steps have been taken and will continue to be taken to rectify these findings; and

(3) seek the strongest possible assurances from the Trust that all future patient care at the Whipps Cross University Hospital will reach the standards required by both the Care Quality Commission and patients and their families.

**44. STATUTORY STATEMENT OF ACCOUNTS 2012/13**

**Mover: Councillor Watts, Chairman of the Audit and Governance Committee**

Councillor Watts submitted a report which had been considered by the Audit and Governance Committee. He advised that in order to allow members time to consider the Statutory Statement of Accounts they had been issued with the Council agenda prior to the completion of the external audit and to consideration of the accounts by the Audit and Governance Committee. He drew attention to the Members' Allowances on page 195 and the updated page which had been tabled. Councillor Watts advised that the external auditors had concluded that they were satisfied that, in all significant respects, the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2013.



Councillor Watts thanked the Director of Finance and ICT and his staff and the external auditors for their work in relation to the preparation of the Statutory Statement.

Councillor Stavrou, Finance and Technology Portfolio Holder thanked Councillor Watts, the Audit and Governance Committee and Officers for their work. She drew attention to the Council's financial position as set out in the Statement.

**Report as first moved ADOPTED**

**RESOLVED:**

That the Statutory Statement of Accounts for 2012/13 be adopted.

**45. REPORT OF THE CABINET - SUPPLEMENTARY CAPITAL ESTIMATES**

**Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder**

Councillor Grigg, Asset Management and Economic Development Portfolio Holder presented reports seeking supplementary capital estimates for a new CCTV system at the Langston Road Depot in Loughton and to progress the development of the site of the Sir Winston Churchill Public House, The Broadway, Loughton.

The Portfolio Holder advised that the CCTV systems at Langston Road were old, unreliable and difficult to repair. Equipment had been loaned from Essex Police but this was a temporary arrangement and could not be sustained. In light of the possible development of the site, investment had been restricted in recent years, however, it was known that the site would remain operational until 2016 and recommended that the CCTV systems on site be replaced. The Portfolio Holder advised that the new equipment would be reused at the new depot site and that £15,000 was for the CCTV equipment with a further £5,000 for the removal and reinstatement of the new equipment.

In relation to the site of the Sir Winston Churchill Public House it had become apparent that external legal resources would be required to prepare and negotiate a development agreement.

**Report as first moved ADOPTED**

**RESOLVED:**

(1) That a supplementary capital estimate of £20,000 in 2013/14 be approved for the installation of new CCTV systems at the Langston Road Depot, Loughton; and

(2) That a supplementary capital estimate of £75,000 in 2013/14 be approved in order to instruct external solicitors to prepare and negotiate a development agreement for the site of the Sir Winston Churchill Public House, The Broadway, Loughton.

**46. REPORT OF THE CABINET - LANGSTON ROAD RETAIL PARK**

**Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder**

Councillor Grigg, Asset Management and Economic Development Portfolio Holder submitted a report to the Council seeking a supplementary District Development Fund estimate regarding the Langston Road Retail Park.

The Portfolio Holder advised that the estimated cost of submitting a detailed planning application and undertaking a contamination survey would be £150,000.

#### **Report as first moved ADOPTED**

##### **RESOLVED:**

That a supplementary District Development Fund estimate in the sum of £150,000 in 2013/14 be approved to cover the Council's share of the cost of contamination investigations and to make a detailed planning application for the proposed Retail Park.

#### **47. OVERVIEW AND SCRUTINY**

##### **(a) Report of the Chairman of the Overview and Scrutiny Committee**

The Council received a written report from Councillor Morgan, the Chairman of the Overview and Scrutiny Committee.

Councillor Morgan informed the Council that CAB speaker Stephanie Chambers would be attending the Overview and Scrutiny Meeting on the 15 October 2013 to answer questions. If Members had any questions they would like to ask please could they send them to Democratic Services beforehand so she would be able to prepare the answers.

##### **(b) Reports of the Overview and Scrutiny Committee**

The Chairman announced that there were no reports to be considered under this item.

##### **(c) Reports of Overview and Scrutiny Panels**

The Chairman announced that there were no reports to be considered under this item.

#### **48. REPORT OF THE LICENSING COMMITTEE - SCRAP METAL DEALERS**

##### **Mover: Councillor Angold-Stephens, Chairman of the Committee**

The Chairman of the Licensing Committee, Councillor Angold-Stephens, presented a report regarding the Scrap Metal Dealers Act 2013.

He advised Members that metal theft had become a scourge across the country and the Government had brought in new legislation to enable Councils to regulate Scrap Metal Dealers. There were two types of licence, a premises licence and an operators licence, the latter would include itinerant dealers who might trade across district boundaries.

Councillor Angold-Stephens said the Licensing Manager had taken part in a working group of Essex Licensing Officers and as a result a statement of licensing policy had been drawn up which would be largely common through all local authorities in Essex, although local modifications would be permitted.

**Report as first moved ADOPTED****RESOLVED:**

- (1) That officers carry out a consultation on the draft policy attached as an Appendix to these minutes;
- (2) That the licence fees set out in this report be adopted;
- (3) That the schedule of delegations set out in the draft policy take effect immediately; and
- (4) That the Director of Corporate Support Services and the Director of Environment and Street Scene be given delegated authority to authorize officers to carry out inspections of the sites and vehicles used and to conduct investigations and to issue and undertake prosecutions that may arise under the Act.

**49. ANNUAL COUNCIL MEETING - 2014**

The Council was informed that the Local Elections (Ordinary Day of Elections in 2014) Order 2013 changed the date of local elections in England in 2014 so that it was the same as the date of the European Parliamentary elections (22 May 2014).

Members noted the implications of the Order and the need to change the date of the Annual Council meeting in 2014.

**RESOLVED:**

- (1) That the effects of The Local Elections (Ordinary Day of Elections in 2014) Order 2013 be noted; and
- (2) That the date of the Annual Council meeting in 2014 be changed from 20 May to 10 June.

**50. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

The Council received a report from Councillor Chambers, one of the Council's representatives on the West Essex Wellbeing Joint Committee.

Councillor J H Whitehouse stated that Councillors Chambers and Boyce represented the whole District on the Committee and she asked how other Councillors and the public could be made aware of items under discussion.

Councillor Boyce stated that he had not yet been to a meeting of the Committee and would need to consider how this could be done. He agreed with a suggestion from Councillor J H Whitehouse that details could be placed in the Council Bulletin.

**CHAIRMAN**

This page is intentionally left blank

**EPPING FOREST DISTRICT COUNCIL**

**SCRAP METAL DEALERS ACT 2013**

**STATEMENT OF LICENSING POLICY**

## CONTENTS

Page No.

- 1. Introduction**
- 2. Consultation**
- 3. Types of Licences**
- 4. Transitional Process**
- 5. Application Process**
- 6. Suitability of Applicants**
- 7. Determination of Applications/Issue of Licence**
- 8. Variation of Licence**
- 9. Revocation of Licence by Licensing Sub-Committee**
- 10. Register of Licences**
- 11. Notification Requirements**
- 12. Display of Licence**
- 13. Verification of Supplier's Identity**
- 14. Payment for Scrap Metal**
- 15. Records: Receipt of Metal**
- 16. Records: Disposal of Metal**
- 17. Records: Supplementary**
- 18. Fees**
- 19. Compliance**
- 20. Closure of Unlicensed Sites**
- 21. Delegation of Authority**

## **APPENDICIES**

<b>Appendix 1</b>	<b>Application Process</b>
<b>Appendix 2</b>	<b>Relevant Offences &amp; Penalties</b>
<b>Appendix 3</b>	<b>Compliance</b>
<b>Appendix 4</b>	<b>Appeals</b>
<b>Appendix 5</b>	<b>Delegation of Powers</b>

## **1. Introduction**

1.1 This document states Epping Forest District Council Policy on the regulation of Scrap Metal Dealers.

### **The Law**

1.2 The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and is expected to come into force on 1 October 2013.

1.3 The Scrap Metal Dealers Act 2013, hereinafter named 'the Act' repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicle (Crime) Act 2001, Paragraph 1 of schedule 3 of the Vehicle Excise and Registration Act 1994, Paragraph 168 of schedule 17 to the Communications Act 2003 and section 145 to 147 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The Act brings forward a new regime for scrap metal dealing and vehicle dismantling industries.

1.4 The Act maintains local authorities as the principle regulator. It also gives them better powers to regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'.

1.5 Epping Forest District Council ('the Council') is the Licensing Authority under the Scrap Metal Dealers Act 2013 and is responsible for granting site licence and collector's licences in the Epping Forest District in respect of businesses that deal in scrap metal and vehicle dismantling.

1.6 When assessing applications, the Council must be satisfied that the applicant is a 'suitable' person to hold a licence. Unsuitability will be based on a number of factors including any relevant criminal convictions.

1.7 The Scrap Metal Dealers Act 2013 makes it a requirement for a scrap metal dealer to have a licence in order to carry on in business as a dealer. It is an offence to carry on a business without first obtaining a licence. The Act incorporates the separate regulatory scheme for motor salvage operators under the Vehicle (Crime) Act 2001 into this new regime. This is to replace the current overlapping regimes for vehicle salvage and scrap metal industries with a single regulatory scheme.

### **Definition of a Scrap Metal Dealer**

1.8 A person carries on business as a scrap metal dealer if:

- a) they wholly or partly buy or sell scrap metal (whether or not sold in the form it was bought in) or;
- b) they carry on business as a motor salvage operator (see 1.10).

1.9 A person selling scrap metal as surplus materials or as a by-product of manufacturing articles is NOT regarded as a scrap metal dealer.



1.10 Motor salvage operation is defined in the Act as a business that consists wholly or mainly of:

- a) recovering salvageable parts from motor vehicles for re-use or sale and selling the remainder of the vehicle for scrap;
- b) buying written-off vehicles, repairing and reselling them;
- c) buying or selling motor vehicles which are to be the subject of any of the activities mentioned in (a) or (b);
- d) wholly or mainly in activities falling within paragraphs (b) and (c).

1.11 Scrap metal includes:

- a) any old, waste or discarded metal or metallic material, and
- b) any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

1.12 Scrap Metal does not include:

- a) Gold;
- b) Silver; or
- c) Any alloy of which 2% or more by weight is attributable to gold or silver.

## **2. Consultation**

2.1 There is no requirement, in the Act, for a Council to have in place a formal policy for dealing with applications made under the Scrap Metal Dealers Act 2013. As a process of 'Best Practice' the Council has chosen to adopt a formal policy for this purpose.

2.2 In developing this policy statement, the Council will consult with existing scrap metal dealers/motor salvage operators, Essex Police, British Transport Police, Environment Agency and Industry Associations.

## **3. Types of Licences**

3.1 Anyone wishing to operate a business will require a site licence or a collector's licence. The licence is valid for three years and permits the holder to operate within the boundaries of the issuing authority. These are:

- **Site Licence** – A licence will be issued by the Council in whose area a scrap metal site is situated. A site licence will require all of the sites at which the licensee carries on the business as a scrap metal dealer, within the local authority area, to be identified and a site manager to be named for each site. This will permit them to operate from those sites including transporting scrap metal to and from those sites from any local authority area.

- **Collectors Licence** – authorises a licence holder to operate as a 'mobile collector' in the area of the issuing local authority area. This permits them to collect any scrap metal as appropriate, including commercial and domestic scrap metal. It does not permit the collector to collect from any other local authority area, separate licences should be obtained from each local authority. Also, the licence does not permit a licensee to carry on a business at a site within any area. If a collector

wishes to use a fixed site, they will need to obtain a site licence from the relevant local authority. There is no restriction as to the location where the collector can transport and sell their material.

3.2 A person may hold more than one licence issued by different authorities, but may NOT hold more than one licence issued by any one local authority.

#### **4. Transitional Process ‘Grandfather Rights’**

4.1 During the transitional period, there will be special arrangements in place, (The Council will implement the transitional process in accordance with Guidance to be issued by Secretary of State).

4.2 Any dealer currently registered under the 1964 Scrap Metal Dealers Act, or a motor salvage operator already registered under the 2001 Vehicles (Crime) Act, will be deemed to have a licence under the 2013 Act, until the council grants a licence or sends the dealer notice of its decision to refuse the licence under the 2013 Act, ***provided that they submit an application on or before the 15th October***

4.3 Applications made after 31 August 2013 will be subject to the full licensing process.

4.4 Any dealer operating after 1 November 2013 without a licence will be in breach of the Scrap Metal Dealers Act 2013 and may risk being issued with a closure order.

4.5 Continuing to operate, in breach of a closure order, may result in an unlimited fine.

#### **5. Application Process**

5.1 When the Council is considering an application, it will have regard to:

- The Scrap Metal Dealers Act 2013;
- Guidance issued by the Secretary of State;
- Any supporting regulations
- This statement of licensing policy

5.2 This does not undermine the rights of any person to apply under the 2013 Act for a licence and have the application considered on its individual merits.

5.3 A person carrying on, or proposing to carry on, a business as a scrap metal dealer may apply to the Council to be licensed. The application must be in writing and contain the appropriate mandatory particulars, as set out in Appendix 1.

5.4 A local authority may request that an applicant provide such other information, as it considers relevant, for the purpose of considering the suitability of an applicant. The additional information that is required is set out in Appendix 1.

5.5 The application must be accompanied by the appropriate fee.

5.6 If the applicant fails to provide the information requested, including the additional supporting documentation, the Council may decline to accept the application as a valid application.

## **6. Suitability of Applicants**

6.1 A local authority must determine whether the applicant is a suitable person to carry on a business as a Scrap Metal Dealer.

6.2 In determining this, the Council may have regard to any information it considers to be relevant, including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. A list of relevant offences are set out in Appendix 2.

6.3 The Council must also have regard to any guidance on determining suitability which is issued by the Secretary of State.

6.4 The Council may consult other agencies regarding the suitability of a applicant, including:

- Any other local authority;
- The Environment Agency;
- The Natural Resources Body for Wales; and
- An officer of a police force.

## **7. Determination of Application/Issue of Licence**

7.1 Where the Council is satisfied that an applicant is a 'suitable person' to hold a Scrap Metal Dealers Licence, it must issue a licence.

7.2 6.5 In reaching its decision the Council will have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence;
- Whether the applicant or any site manager has been the subject of any relevant enforcement action;
- Any previous refusal to issue or renew a scrap metal licence;
- Any previous refusal for an environment permit or registration;
- Any previous revocation of a scrap metal licence; and
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act.

All of the above will apply to any director, any secretary of a company or any shadow director of the company if the applicant is not an individual.

7.3 If an applicant or any site manager has been convicted of a relevant offence, the Council may include in the licence one or both of the following conditions:.

- To limit the dealer to receiving any metal within the hours of 9.00am to 5.00pm; and
- That any scrap metal must be kept in the form in which it is received for a specified period of time, not exceeding 72 hours.

7.4 Where the Council is not satisfied that an applicant is a 'suitable person' to hold a Scrap Metal Dealers Licence, or a licence holder is no longer considered 'suitable' to continue to hold a licence, the Council must consider refusing the application or revoking the licence where a licence has been issued. The matter will be referred to the Licensing Sub-Committee for determination.

### **Right to Make Representations**

7.5 If the Council proposes to refuse an application or to revoke/vary a licence a notice must be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for this. The notice must also state that within the period specified the applicant/licensee can either:

- a) make representations about the proposal; or
- b) inform the authority that the applicant/licensee wishes to do so.

7.6 The period specified in the notice must be not less than 14 days beginning with the date on which the notice is given to the applicant/licensee. Within this time the applicant/licensee must notify the Council that they do not wish to make representations. Should this period expire the applicant/licensee has not made representations, or informed the authority of their wish to do so the authority may refuse the application, or revoke or vary the licence.

7.7 If, within the period specified, the applicant/licensee informs the authority that they wish to make representations, the authority must allow a reasonable period to make representations and may refuse the application or revoke or vary the licence if they fail to make representations within that period.

7.8 If the applicant/licensee notifies the authority that they wish to make oral representations, the authority must give them the opportunity of appearing before, and being heard by, a person appointed by the authority. In this instance, this will be before the Licensing Sub-Committee.

7.9 The Council may revoke a scrap metal dealer's licence in certain circumstances. Please refer to Section 9 for circumstance of revocation.

## **Notice of Decisions**

7.10 If the application is refused, or the licence is revoked or varied, the Council must give a notice to the applicant/licensee setting out the decision and the reasons for it. The notice must also state that the applicant/licensee may appeal against the decision, the time within which the appeal may be brought and, if revoked or varied, the date on which the revocation or variation is to take effect. (Please see Appendix 4 for appeal process).

## **8. Variation of Licence**

8.1 An applicant can, on application, apply to the Council to vary licence by changing it from one type to another. The variation application must be made to reflect changes to:

- o Site licence – name of licensee, the sites, site manager
- o Collector's licence – name of licensee

The variation can amend the name of the licensee but not transfer the licence to another person.

8.2 Application is to be made to the issuing authority and contain particulars of the changes to be made to the licence.

## **9. Revocation of Licence by the Licensing Sub-Committee**

9.1 The authority may revoke a scrap metal licence if it is satisfied that the licensee does not carry on the business of scrap metal dealing at any of the sites identified in the licence.

9.2 The authority may revoke a licence if it is satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence.

9.3 The authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on a business as a scrap metal dealer.

9.4 A revocation or variation under this section comes into effect when no appeal under section 16.9 is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.

9.5 If the authority considers that the licence should not continue in force without conditions, it may by notice provide:

- a) that, until a revocation under this section comes into effect, the licence is subject to one or both of the conditions set out in section 7.2; or
- b) that a variation under this section comes into effect immediately.

## **10. Register of Licences**

10.1 The Environment Agency must maintain a register of scrap metal licences issued by authorities in England.

10.2 Each entry must record:

- a) the name of the authority which issued the licence;
- b) the name of the licensee;
- c) any trading name of the licensee;
- d) the address of the site identified in the licence;
- e) the type of licence; and
- f) the date on which the licence is due to expire.

10.3 The registers are to be open for inspection to the public.

## **11. Notification Requirements**

11.1 An applicant for a scrap metal licence, or for the renewal or variation of a licence, must notify the authority to which the application was made of any changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.

11.2 A licensee who is not carrying on business as a scrap metal dealer in the area of the authority which issued the licence must notify the authority within 28 days.

11.3 If a licence is issued to a business under a trading name the licensee must notify the authority which issued the licence of any change to that name within 28 days.

11.4 An authority must notify the Environment Agency, of –

- a) any notification given to the authority under section 11.2 or 11.3;
- b) any variation made by the authority under section 8 (variation of type of licence or matters set out in licence); and
- c) any revocation of the authority of a licence.

11.5 Notification under subsection 11.4 must be given within 28 days of the notification, variation or revocation in question.

11.6 Where the authority notifies the Environment Agency under subsection

11.4, the body must amend the register under section 10 accordingly.

## **12. Display of Licence**

12.1 A copy of a site licence must be displayed at each site identified in the licence. The copy must be displayed in a prominent place in an area accessible to the public.

12.2 A copy of a collector's licence must be displayed on any vehicle that is being used in the course of the dealer's business. This must be displayed in a manner which enables it easily to be read by a person outside the vehicle.

### **13. Verification of Supplier's Identity**

13.1 Prior to receiving scrap metal the scrap metal dealer must verify the person's full name and address by reference to documents, data or other information obtained from a reliable and independent source.

13.2 Should verification not be gained then each of the following are guilty of an offence:

- a) the scrap metal dealer;
- b) if metal is received at the site, the site manager;
- c) any person who, under arrangements made by a person within paragraph (a) or (b), has responsibility for verifying the name and address.

### **14. Payment for Scrap Metal**

14.1 A scrap metal dealer must only pay for scrap metal by either:

- a) a cheque (which is not transferrable under Section 81A Bills of Exchange Act 1882); or
- b) electronic transfer of funds (authorised by a credit, debit card or otherwise).

14.2 Payment includes payment in kind – with goods or services.

### **15. Records: Receipt of Metal**

15.1 If any metal is received in the course of the dealer's business the dealer must record the following information:

- a) description of the metal, including its type (types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features;
- b) date and time of receipt;
- c) the registration mark of the vehicle delivered by;
- d) full name and address of person delivering it;
- e) full name of the person making payment on behalf of the dealer.

15.2 The dealer must keep a copy of any documents used to verify the name and address of the person delivering the metal.

15.3 If payment is made via cheque, the dealer must retain a copy of the cheque.

15.4 If payment is made via electronic transfer, the dealer must keep a receipt identifying the transfer, or (if no receipt identifying the transfer) record particulars identifying the transfer.

### **16. Records: Disposal of Metal**

16.1 The Act regards the metal to be disposed of:

- a) whether or not in the same form it was purchased;
- b) whether or not the disposal is to another person;
- c) whether or not the metal is despatched from a site.

16.2 Where the disposal is in the course of business under a site licence, the following must be recorded:

- a) description of the metal, including its type (or types is mixed), form and weight;
- b) date and time of disposal;
- c) if to another person, their full name and address;
- d) if payment is received for the metal (by sale or exchange) the price or other consideration received.

16.3 If disposal is in the course of business under a collector's licence, the dealer must record the following information:

- a) the date and time of the disposal;
- b) if to another person, their full name and address.

## **17. Records: Supplementary**

17.1 The information in sections 15 and 16 must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.

17.2 The records mentioned in section 15 must be marked so as to identify the scrap metal to which they relate.

17.3 Records must be kept for a period of 3 years beginning with the day on which the metal is received or (as may be the case) disposed of.

17.4 If a scrap metal dealer fails to fulfil a requirement under section 15 and 16 or this section each of the following is guilty of an offence:

- a) the scrap metal dealer;
- b) if the metal is received at or (as the case may be) despatched from a site, the site manager;
- c) any person who, under arrangements made by a person within paragraph (a) or (b) has responsibility for fulfilling the requirement.

17.5 It is a defence for a person within subsection 17.4 (a) or (b) who is charged with an offence under this section to prove that the person

- a) made arrangements to ensure that the requirement was fulfilled,  
and
- b) took all reasonable steps to ensure that those arrangements were complied with.



## **18. Fees**

18.1 A Council may make a charge for a licence on a cost recovery basis (subject to Guidance issued by the Secretary of State).

## **19. Compliance**

19.1 The Act provides a Police Constable and an Officer from the Council with a right to enter and inspect the premises of licensed and unlicensed scrap metal dealers. The full provisions of the powers are set out in Appendix 3.

19.2 The Act does not provide an Officer of the Council with the power to inspect premises of licensed and unlicensed scrap metal dealers outside the area of the authority.

19.3 The Council delivers a wide range of compliance services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade.

19.4 The administration and compliance of the licensing regime is one of these services.

19.5 Compliance will be based on the principles that businesses should:

- Receive clear explanations from regulators of what they need to do and by when;
- Have an opportunity to resolve differences before compliance action is taken, unless immediate action is needed;
- Receive an explanation of their right of appeal.

19.6 The council recognises the interest of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

## **20. Closure of Unlicensed Sites**

### 20.1 Interpretation

A person with an interest in a premises is the owner, leaseholder or occupier of the premises. Local authority powers are exercisable only in relation to premises in the authority's area.

### 20.2 Closure Notice

Not applicable if the premises are residential premises. A constable or the local authority must be satisfied that the premises are being used by a scrap metal dealer in the course of business and that the premises are not a licensed site.

A 'closure notice' may be issued by a constable or local authority which states they are satisfied of the above, the reasons for that, that the constable or local authority may apply

to the court for a closure order and specifies the steps which may be taken to ensure that the alleged use of the premises ceases.

The notice must be given to the person who appears to be the site manager of the premises and any person who appears to be a director, manager or other officer of the business in question. The notice may also be given to any person who has an interest in the premises.

The notice must be given to a person who occupies another part of any building or structure of which the premises form part and the constable or local authority believes at the time of giving the notice, that the person's access to that other part would be impeded if a closure order were made in respect of the premises.

### 20.3 Cancellation of Closure Notice

A 'cancellation notice' issued by a constable or local authority may cancel a closure notice. This takes effect when it is given to any one of the persons to whom the closure notice was given. This must also be given to any other person to whom the closure notice was given.

### 20.4 Application for Closure Order

When a closure notice has been given, a constable or the local authority may make a complaint to the justices of the peace for a closure order. This may not be made less than 7 days after the date on which the closure notice was given or more than 6 months after that date.

A complaint under this paragraph may not be made if the constable or authority is satisfied that the premises are not (or are no longer) being used by a scrap metal dealer in the course of business and there is no reasonable likelihood that the premises will be so used in the future.

The justice may issue a summons to answer to the complaint. This must be directed to anyone whom the closure notice was given and must include the date, time and place at which the complaint will be heard.

### 20.5 Closure Order

A closure order requires that a premises be closed immediately to the public and remain closed until a constable or the local authority makes a termination of closure order by certificate. The use of the premises by a scrap metal dealer in the course of business be discontinued immediately and that any defendant pay into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met.

The closure order may include a condition relating to the admission of persons into the premises, the access by persons to another part of any building or other structure of which the premises form part.

A closure order may include such provision as the court considers appropriate for dealing with the consequences if the order should cease to have effect. As soon as practicable after the closure order is made, the complainant must fix a copy of it in a conspicuous position on the premises in respect of which it was made.

A sum ordered to be paid into court under a closure order is to be paid to the designated officer for the court.

#### 20.6 Termination of Closure Order by Certificate

Once a closure order has been made and a constable or local authority is satisfied that the need for the order has ceased a certificate may be made. This ceases the closure order and any sum paid into a court is to be released by the court to the defendant.

As soon as is practicable after making a certificate, a constable or local authority must give a copy to any person against whom the closure order was made, give a copy to the designated officer for the court which made the order and fix a copy of it in a conspicuous position on the premises in respect of which the order was made.

A copy of the certificate must be given to any person who requests one.

#### 20.7 Discharge of Closure Order by Court

A closure order may be discharged by complaint to a justice of the peace. This can be done by any person to whom the relevant closure notice was given or any person who has an interest in the premises but to whom the closure notice was given.

The court will make a discharge order if it is satisfied that there is no longer a need for the closure order. The justice may issue a summons directed to a constable as the justice considers appropriate or the local authority, requiring that person appear before the magistrates' court to answer to the complaint.

If a summons is issued, notice of the date, time and place at which the complaint will be heard must be given to all persons to whom the closure notice was given (other than the complainant).

#### 20.8 Appeal

Appeal may be made to the Crown Court against:

- a) a closure order;
- b) a decision not to make a closure order;
- c) a discharge order;
- d) a decision not to make a discharge order.

The appeal must be made before the end of 21 days beginning with the day on which the order or decision in question was made.

An appeal under a) or b) may be made by any person to whom the relevant closure notice was given or any person who has an interest in the premises but to whom the closure notice was not given.

An appeal under b) and c) may be made by a constable or the local authority.

#### 20.9 Enforcement of Closure Order

A person is guilty of an offence, without reasonable excuse, if they permit a premises to be open in contravention of a closure order, or fails to comply with, or does an act in contravention of a closure order.

If the closure order has been made, a constable or a person authorised by the local authority may (if necessary using reasonable force) enter the premises at any reasonable time, and having entered the premises, do anything reasonably necessary for the purpose of securing compliance with the order.

If the owner, occupier or other person in charge of the premises requires the officer to produce evidence of identity or evidence of authority to exercise powers, the officer must produce that evidence.

### **21. Delegation of Authority**

21.1 Decisions on licensing matters will be taken in accordance with the approved scheme of delegation in Appendix 5 aimed at underlining the principles of timely, efficient and effective decision making.

21.2 This scheme will be subject to amendment from time to time as shown in the Council's constitution.

## APPENDIX 1

### 1. APPLICATION PROCESS

An application for a licence should be made to the following address:

[The Licensing Manager  
Epping Forest District Council  
Civic Centre  
High Street  
Epping  
Essex  
CM16 4 BZ

]

To apply for a Scrap Metal Dealers Licence, applicants will need to complete an application form and send it to the Licensing Authority together with:-

- a) Full name of applicant (if an individual), date of birth and usual place of residence of an individual applicant (including mobile collectors), and anyone proposed as a site manager for a site.;
- b) Name and registered number of the applicant (if a company) and registered office;
- c) If a partnership – full name of each partner, date of birth and usual place of residence;
- d) Any proposed trading name for the business;
- e) Telephone number and email address (if any) of applicant;
- f) Address of any site within any other local authority where the applicant already carries on business as a scrap metal dealer or propose to do so
- g) Details of any relevant environmental permit or registration in relation to the applicant;
- h) Details of any other scrap metal licence issued to the applicant within a period of 3 years ending with the date of the application;
- i) Details of the bank account which is proposed to be used in order to comply with section 15 of the Act;
- j) Details of any relevant conviction or enforcement action taken against the applicant.

For site licence, must also provide:

- a) Address of each site proposed to be identified in the licence (or if renewal, each site identified for which renewal is sought);
- b) Full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant);
- c) Site manager details to be included for g), h) and j) above.

Please note the collectors licence allows a business or individual to operate within that authority's area, therefore individuals wishing to collect across the boundary of the local authority will be required to obtain a collectors licence from the relevant local authority where they wish to collect and sell.

You are required to provide a basic disclosure of criminal convictions with your application. This can be obtained direct from [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or by telephoning the Disclosure Scotland Helpline on 0870 609 6006. Please note that the disclosure is valid for one month from the date it was issued.

## **2. Further information, in addition to that required above**

the Council may request (at the time of the application or later) an applicant to supply such further information as is considered relevant for the purpose of considering the application. the Council requires the following additional evidence:

- • Photographic evidence (Current valid Passport, driving licence photo ID and counterpart);
- • Birth Certificate;
- • Utility bill or other recent document which confirms the address of the applicant (must be less than 3 months old);
- • Certificate of good conduct for applicants that have been out of the country for long periods, from the age of 10 years;
- • Document showing a right to work (Residents Permit) where applicable;
- • National Insurance Number.

The Council may have regard to the following information, when considering the suitability of an applicant:

- • Whether the applicant or any site manager has been convicted of any relevant offence;
- • Whether the applicant or any site manager has been subject of any relevant enforcement action;
- • Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for refusal);
- • Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- • Any previous revocation of a scrap metal licence (and the reasons for the revocation); and

- • Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

The Council may require the following additional information:

#### Site licences

- what security arrangements exist to prevent the unlawful purchase, sale or theft of scrap metal
- details of the arrangements to be used to record sales, storage and purchase of scrap metal

#### Mobile collectors

- details of the vehicles to be used
- where the vehicles are stored when not being used.

### **3. Fee**

The application must be accompanied by the fee set by the Council, under guidance from the Secretary of State with the approval of the Treasury.

### **4. Renewal**

When a licence is renewed the three year validity period commences on the day of receipt. Should a renewal application be withdrawn, the licence expires at the end of the day on which the application is withdrawn.

### **Making a false statement**

An applicant who, in an application or in response to a request, makes a statement knowing it to be false in a material particular or recklessly makes a false statement is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## APPENDIX 2

### RELEVANT OFFENCES

Control of Pollution (Amendment) Act 1989: Sections 1, 5 or 7(3)  
Customs and Excise Management Act 1979: Section 170 (for environmental/metal theft related offences only)  
Environment Act 1995: Section 110(2)  
Environmental Permitting Regulations 2007: Regulation 38  
Environmental Permitting Regulations 2010: Regulation 38  
Environmental Protection Act 1990: Sections 33 and 34  
Food and Environment Protection Act 1985: Section 9(1)  
Fraud Act 2006: Section 1 (for environmental/metal theft related offences only)  
Hazardous Waste (England and Wales) Regulations 2005  
Hazardous Waste (Wales) Regulations 2005  
Landfill (England and Wales) Regulations 2002  
Legal Aid, Sentencing and Punishment of Offenders Act 2012: Section 146  
Pollution Prevention and Control (England and Wales) Regulations 2000  
Proceeds of Crime Act 2002: Sections 327, 328, 330, 331 & 332 (for environmental/metal theft related offences only)  
Producer Responsibility Obligations (Packaging Waste) Regulations 2007  
Scrap Metal Dealers Act 1964 (for environmental/metal theft related offences only)  
Scrap Metal Dealers Act 2013  
Theft Act 1968: Sections 1, 8, 9, 10, 11, 17, 18, 22 & 25 (for environmental/metal theft related offences only)  
Transfrontier Shipment of Waste Regulations 1994  
Transfrontier Shipment of Waste Regulations 2007  
Vehicles (Crime) Act 2001: Part 1  
Waste Electrical and Electronic Equipment Regulations 2006  
Waste (England and Wales) Regulations 2011: Regulation 42  
Water Resources Act 1991: Section 85, 202 or 206

These are to be confirmed by Home Office Regulations and will be kept under review in accordance with the guidance.



## APPENDIX 3

### COMPLIANCE - RIGHT OF ENTRY

1. A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time on notice to the site manager.
2. A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager, if
  - a) reasonable attempts to give notice have been made and failed,
  - or
  - b) entry to the site is reasonably required for the purpose of ascertaining whether the provisions of this Act are being complied with or investigating offences under it and (in either case) the giving of the notice would defeat that purpose.
3. (1) and (2) above do not apply to residential premises.
4. A constable or an officer of the Council is not entitled to use force to enter a premises in the exercise of the powers under sections (1) and (2) above.
5. A justice of the peace may issue a warrant authorising entry to any premises within section 6 below if the justice is satisfied by information on oath that there are reasonable grounds for believing that entry to the premises is reasonably required for the purpose of:
  - a) securing compliance with the provisions of the Act, or
  - b) ascertaining whether those provisions are being complied with.
6. Premises are within this section if:
  - a) the premises are a licensed site, or
  - b) the premises are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business
7. The warrant is a warrant signed by the justice which:
  - a) specifies the premises concerned, and
  - b) authorises a constable or an officer of a local authority to enterand inspect the premises at any time within one month from the date of the warrant.
8. A constable or an officer of the Council may, if necessary, use reasonable force in the exercise of the powers under a warrant under section 5.

9. A constable or an officer of the Council may:

- a) require production of, and inspect, any scrap metal kept at any premises mentioned in section 1 or 2 or in a warrant under section 5;
- b) require production of, and inspect, any records kept in accordance with section 15 or 16 and any other records relating to payment for scrap metal;
- c) take copies of or extracts from any such records.

10. Section 11 below applies if a constable or an officer of the Council who seeks to exercise powers under this section in relation to any premises.

11. If the owner, occupier or other person in charge of the premises requires the officer to produce

- a) evidence of the officer's identity, or
- b) evidence of the officer's authority to exercise those powers the officer must produce that evidence.

12. In the case of an officer of the Council, the powers under this section are exercisable only in relation to premises in the area of the authority.

## **APPENDIX 4**

### **APPEALS**

An applicant may appeal to the Magistrates' Court against the refusal of an application or a variation. The licensee may appeal to a Magistrates' Court against the inclusion in a licence of a condition under section 7.2 or the revocation or variation of a licence under section 9.

An appeal must be made within 21 days beginning on the day the notice to refuse the application, to include the condition or to revoke or vary the licence under section 7 was given.

The procedure on an appeal under this paragraph is to be by way of complaint for an order and in accordance with the Magistrates' Court Act 1980. For the purposes of the time limit for making an appeal, the making of the complaint is to be treated as the making of the appeal.

On appeal, the Magistrates' Court may confirm, vary or reverse the Council's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

## APPENDIX 5

### DELEGATION OF POWERS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Licensing policy	All cases		
Fee Setting - when appropriate	All fees	-	
Application for or renewal of a Site or Collector's licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
To issue a closure notice on non-residential premises being used as a scrap metal dealer's site		All cases	All cases
Application to the Magistrates Court for a closure order		All cases	All cases
Termination of a closure order		All cases	All cases
Application to the Magistrates Court to discharge a closure order.		All cases	All cases
Revocation of a licence		All cases	All cases
Consideration of and imposition of conditions		All cases	All cases

## **Council Meeting 5 November 2013 – Public Questions**

### **(a) North Weald Airfield**

#### **Question from Mr T Blanks**

“Now that the future of North Weald Airfield has been resolved and secured by EFDC what immediate and long term plans do the Council have to improve the airfield’s financial viability?”

This page is intentionally left blank

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

**Subject: Asset Management and Economic Development Portfolio**

**Date: 5 November 2013**

**Portfolio Holder: Councillor A Grigg**

---

### **Recommending:**

**That the report of the Asset Management and Economic Development Portfolio Holder be noted.**

---

### **North Weald Airfield**

Later on the Council agenda is an item setting out the Leader's decision change the name and terms of reference of the current North Weald Airfield & Asset Management Cabinet Committee. Now that the Deloitte review of the Airfield has been completed, and the process effectively becomes part of the Local Plan process, it was considered sensible to review the operation of this particular Committee. The Cabinet Committee is now to be renamed as the Asset Management and Economic Development Committee, but it is important to note that strategic matters in respect of North Weald Airfield remains part of its remit, as well as proposals for generating more income, particularly from aviation.

### **St John's Road, Epping**

Essex County Council, Epping Town Council and this Council, have carried an expressions of interest exercise which has attracted strong interest. A presentation was made by Savills to EFDC and ETC councillors on 10 October at the Town Council offices. Officers are liaising with the County Council's representatives and a formal report for the Council to consider dealing with both the expressions of interest and the next steps will be made to Cabinet for formal consideration.

### **Church Hill, Loughton: Former Car Park**

This site has been marketed and has attracted considerable interest. A second round of best and final bids is currently underway and I will be reporting to Cabinet once those bids have been professionally assessed.

### **Civic Offices Entrances**

Work was completed in late October to replace the original mechanical entrance doors to the main reception and the cashiers' reception areas with modern sliding doors. This project has improved accessibility for customers who use wheelchairs and pushchairs and is fully compliant with the Disability Discrimination legislation. Some attractive display areas have also been created either side of the new doors.

The latest Light emitting diode (LED) technology has been used in the lighting scheme which will reduce energy consumption and costs as well as providing better illumination.

Further work is to be carried out to replace the overhead lights in the roof of the link between the two buildings using the same technology.

I hope members will agree that this has been a worthwhile project that not only has improved accessibility but has provided a much needed enhancement to the overall appearance of these heavily used entrance areas.

A similar scheme has been included in the Planned and Preventative Maintenance Programme for 2014/15 to replace the main entrance doors on the High Street frontage. This of course will be subject to final approval of next year's budget by the Council.



# ***Report to the Council***

**Subject: Finance and Technology Portfolio**

**Date: 5 November 2013**

**Portfolio Holder: Councillor S Stavrou**

---

**Recommending:**

**That the report of the Finance & Technology Portfolio Holder be noted**

---

## **Accountancy**

The meeting of the Finance and Performance Management Cabinet Committee on 19 September received the annual Financial Issues Paper to start the budget process for 2014/15. Whilst the Council is still in a strong financial position the size of the challenges ahead has increased substantially. The Paper set out in detail the position on grant funding, the top slicing of the New Homes Bonus and the state of our income streams. This combination of factors has increased the net savings target in the Medium Term Financial Strategy from £1.3 million to £2.3 million over the next four years.

Members have already seen several reports come to Cabinet which improve our revenue position and many other ideas will be evaluated through the budget process. However, as a Cabinet we do not have a monopoly on good ideas and so there is an open invitation for all Members to discuss any ideas on savings with myself or the Director of Finance & ICT.

## **Benefits**

The results of the consultation on the Council's scheme for Local Council Tax Support for 2014/15 are still being analysed and will be reported to Cabinet on 2 December. I anticipate that the scheme for 2014/15 will be very similar to that for 2013/14, with more significant changes likely to follow in 2015/16.

Despite the increase in workload arising from the Welfare Reforms, the Benefits Service continues to perform well and has exceeded the performance targets at the end of the second quarter. The performance figures on processing new claims in the second quarter show the fourth consecutive quarter of improvement. During the second quarter new claims were processed on average in 25.59 days, compared to a target of 30 days, which is the best performance since the fourth quarter of 2010/11.

Performance on processing changes of circumstance was also good, with the figure of 8.23 days being below the target of 10 days and showing an improvement on the first quarter. During the first quarter performance in the Investigations and Interventions Team was affected by sickness but I am pleased to report that the Team have worked hard to recover that shortfall and are now back on target.

## **Revenues**

The Revenues Service has also put in a strong performance in the second quarter. At the end of September in-year Council Tax collection was at 52.27% which is

above the target of 51.87%. Although this is slightly down on the figure of 52.53% at this time last year, due to the change to Local Council Tax Support.

For Non-Domestic Rates, the headline performance is 0.13% lower than at this time last year which has improved from quarter one being 1% behind. However, the indicator only includes in-year collection and collections for earlier years have been particularly successful. If the overall collection position is considered the trend is actually 0.5% up on last year.

## **Performance Management**

### **(a) Key Performance Indicators 2013/14**

Key performance indicators (KPI) provide an opportunity for the Council to focus attention on specific areas for improvement, and how opportunities will be exploited and better outcomes delivered.

The Finance and Performance Management Scrutiny Panel will review progress against the achievement of KPI targets for the second-quarter (30 June to 30 September 2013) of the year, at its meeting on 12 November 2013.

A number of KPIs are used as performance measures for the Council's key objectives for each year. Improvement plans have been developed for each KPI, identifying actions to achieve target performance, which have been agreed by the Management Board.

### **(b) Key Objectives 2013/14**

The key objectives adopted each year focus on national priorities set by the Government and local challenges arising from the social, economic and environmental context of the district. The objectives represent the Council's high-level initiatives and over-arching goals for each year.

Second-quarter progress against specific actions intended to deliver the key objectives for 2013/14 will be reviewed by the Overview and Scrutiny Committee (26 November 2013) and the Cabinet (2 December 2013).

## **Technology**

### **(a) Telephone switch replacement project**

The pilot within ICT and rollout to some of the Councils' remote service locations has been completed satisfactorily. The project is continuing with the Revenues and Benefits sections, which will begin moving over to the new system during the week commencing 4 November.

### **(b) Wireless coverage**

Following a competitive tendering exercise, an order has now been placed with the successful supplier, Aerohive. In liaison with Facilities Management, cabling for the

wireless access points is also being progressed. It is still anticipated that full wireless coverage of the Civic Offices will be achieved by the end of this financial year.

**(c) Mobile working trial**

The next stage of this project heavily involves the Planning Directorate. A working party consisting of Planning and ICT staff has been created and potential hardware solutions identified. The hardware has been ordered and once received will be evaluated in a mobile working environment.

**(d) Contract renegotiations**

ICT are currently investigating the renegotiation of a number of contracts. Initial indications are that cost savings can be achieved by consolidating individual contracts and re-examining some of the terms.

**(e) Member connectivity & email**

A survey has been emailed to all Members to help establish people's requirements for Council provided ICT facilities. ICT will present the findings back to the Finance and Performance Management Scrutiny Panel once the returned information has been collated. It would be helpful if everyone could complete and return the questionnaire promptly to enable ICT to establish the most appropriate solutions.

This page is intentionally left blank

# ***Report to the Council***

**Subject: Housing Portfolio**

**Date: 5 November 2013**

**Portfolio Holder: Councillor D Stallan**

---

**Recommending:**

**That the report of the Housing Portfolio Holder be noted.**

---

## **Submission of planning application for first Council Housebuilding Scheme**

Following the meeting of the Council House-Building Cabinet Committee in July 2013, design work has progressed on the Phase 1 sites at Roundhills and Harveyfields in Waltham Abbey, comprising five sites to provide a total of 25 new affordable rented homes, which are proposed to form the first year of the Council's own Housebuilding Programme.

A planning application was submitted for the site at Harveyfields in early October 2013, with applications expected to be submitted for the remaining four sites in Roundhills later in October.

An artist's impression of the Harveyfields development is shown below.



## **Variation of Existing Tenancy Conditions**

At its meeting on 15 April 2013, the Cabinet adopted the Council's new Tenancy Policy. Under the Policy, from 1 September 2013, the Council has introduced a Pilot Scheme for Flexible (fixed-term) Tenancies, to be granted to all new tenants who sign-up to the tenancy of a property of three bedrooms or more, for a fixed term of 10 years including the Introductory Tenancy period.

Since it was necessary for the Council to have a new Flexible (fixed-term) Tenancy Agreement in place by 1 September 2013, officers undertook a detailed review of the Conditions under the Council's current Standard Tenancy Agreement. The main proposed changes were considered by the Housing Scrutiny Panel and the Tenants and Leaseholders Federation and agreed by the Cabinet on 22 July 2013.

The Cabinet further agreed that in order to ensure that, generally, the same Conditions of Tenancy applied to both flexible (fixed-term) tenants and secure tenants in the future, the Council should seek to formally vary its Standard Tenancy Agreement with all existing and future secure tenants, with the intention of the Conditions of Tenancy for all existing and future tenants being the same.

The arrangements for making changes to existing tenancy agreements are governed by the Housing Act 1985. In the first instance, the Council must serve a Preliminary Notice, which will be served during November this year, consulting on the proposal to vary its Standard Tenancy Agreement for existing secure tenants.

The Notice will explain the effect of the proposed changes and state the Council's intention to serve a Notice of Variation (which will actually change the Tenancy Conditions). It will also invite comments within the statutory 28 days.

A report will then be submitted to the Cabinet on the responses received to the Preliminary Notice, prior to the Cabinet's formal adoption of the new Standard Tenancy Agreement and the Notice of Variation being served.

It is expected that the new Tenancy Conditions will apply to all existing and new secure tenants from 1 April 2014.

## **HRA Financial Plan – Quarter 2 Review**

In March 2013, I formally adopted the Housing Revenue Account (HRA) Business Plan for 2013/14, following detailed consideration by the Housing Scrutiny Panel. An important part of the HRA Business Plan is the HRA Financial Plan, which sets out the HRA's anticipated income and expenditure over the next 30 years.

Although Housing and Finance officers formally review the Financial Plan every quarter, the Cabinet has asked the Housing Scrutiny Panel to review updates to the HRA Financial Plan every six months, and the latest review was undertaken by the Scrutiny Panel at its meeting on 22<sup>nd</sup> October 2013.

Although the HRA continues to be in a relatively healthy state, two proposed changes announced by the Government as part of its Spending Review in July 2013 could have a significant detrimental effect on the HRA in the long term.

The first proposed change is to limit annual rent increases to the Consumer Prices Index (CPI) + 1%, instead of the current rent increase limit of Retail Prices Index (RPI) + 0.5%. Although the current effect is neutral (since the difference in the two indices is currently

around 0.5%), the Government's own long term forecasts predict that the difference will increase in the long term, resulting in lower rental income expected to the HRA.

The Government's second proposed change is to end its rent convergence policy in 2015. Rent convergence is where steps are taken to ensure that, over time, similar rents are charged by councils and housing associations for similar properties in the same area. Since our HRA Financial Plan is predicated on many of the Council's rents converging with housing association rents after 2015, officers have calculated that the HRA could lose rental income of around £40million over the next 30 years if the current rent convergence policy is not pursued.

A Consultation Paper is currently expected on how the Government intends to put this policy proposal into practice.

### **Mobile Homes Act 2013 – Information Evening**

Members will be aware of the new Mobile Homes Act 2013 which came into force on 26 May 2013. In response to a number of requests, I chaired an event arranged by the Housing Directorate for park home residents on the 2 October 2013 to promote education and awareness of the new legislation.

As it was not possible, for logistical reasons, to invite all the park home residents in the District, four representatives from each of the recognised park home site residents associations were invited to the event, which was also web-cast for the benefit of those who could not attend. Members whose wards include park homes sites; the Safer, Cleaner and Transport Portfolio Holder; Portfolio Holders from seven neighbouring local authorities and the District's three MPs were also invited.

The Leasehold Advisory Service (LEASE) gave a presentation on the main effects of the new Act and the implications it has for both residents and local authorities. LEASE is an organisation funded by the CLG to provide free advice on the law affecting residential leasehold property and park homes. Three legal experts from LEASE gave presentations on different aspects of the legislation and answered questions from residents and Members.

The feedback from those attending was that they had found the event very useful. LEASE continues to respond to individual queries on the park homes legislation and have said that they are willing to host similar events in future.

### **Mobile Homes Act 2013 – Charging for Licensing?**

One of the changes introduced in the Act is that, from April 2014, local authorities will be able to charge park home site owners a fee for carrying out their licensing functions. However, councils can only do this after first publishing a Fees Policy, detailing what the charges will be. Our officers are therefore considering a range of options and approaches, such as whether to introduce a charge and, if so, whether this should vary for different sites or be the same across the District.

Once this work is completed, Members will be advised of the different options. If the proposal is to make a charge, residents and site owners will be consulted before a decision is made by the Cabinet. Our officers have also been selected to be members of a CLG (Government) working group which is also considering charging options nationally.

### **New Arrangements for Funding Disabled Facilities Grants (DFGs)**

The Council has been notified that there is to be a radical change in the way the Government funds Disabled Facilities Grants (DFGs), the provision of which is a statutory function of the

Council. DFGs are means-tested grants to disabled people living in the private sector, who require adaptations to their homes to help mitigate the effects of their disability on their home environment.

In order to help meet the cost of providing DFGs, local authorities receive an annual 'Specified Capital Grant' (SCG) from the CLG. The Council is currently receiving an annual SCG of approximately £290,000. Any expenditure over and above this is met from the Council's own Capital Programme. It is currently expected that the total DFG expenditure in 2013/14 will be £350,000, approximately £60,000 of which will be paid for by the Council.

It was announced in the Government's Spending Review in July that, from 2015/16, the Government's total national contribution towards DFGs will remain unchanged. However, it has emerged that, in future, this funding will be provided through the Department of Health (DoH) and not the CLG. This DoH funding will be included in the new 'Integration Transformation Fund' (ITF), which is a single pooled budget for health and social care services to work more closely together in local areas, based on a plan agreed between the NHS and local authorities.

Although the ITF does not come in to full effect until 2015/16, plans for both that year and the use of interim funding in 2014/15 are being developed in 2013, to be signed off before March 2014. There is a concern that, if no mention of the need for adaptations is included within the plans, local authorities may not receive sufficient funds to meet the ongoing demand for DFGs. This might mean that, as we are legally required to give DFGs, a greater cost – or even the full cost - of all the DFGs the Council gives annually (which is likely to be at least £350,000 per annum), would have to be met from the General Fund's Capital Programme.

In addition, failure to include housing and home adaptations in the ITF plan could result in a lack of funding for housing-related support that funds other housing services, such as C.A.R.E. and Careline. As these are services which support older and disabled people to live safely and independently at home, this could have a serious impact on our most vulnerable residents.

Our officers have been in contact with colleagues at other local authorities in West Essex and I understand that the matter is to be raised for discussion at the West Essex Joint Health and Wellbeing Board. I am also aware that the issue is to be considered by the West Essex Clinical Commissioning Group and Social Services.

I will keep members up to date on developments.

### **Information Evening for Tenant Representatives**

On 16 September, the Housing Directorate held a 'meet and greet' session for the members of the new Tenant Scrutiny Panel. This was to provide an opportunity for Tenant Scrutiny Panel members to meet representatives of the Council and of other resident involvement groups. I also attended the event, along with Cllr Stephan Murray, Chairman of the Housing Scrutiny Panel.

In addition to Tenant Scrutiny Panel members, the event was also attended by members of the Tenants and Leaseholders Federation, representatives of some of our residents' groups, the Director and Assistant Directors of Housing and the ten Housing Managers. Brief presentations were given by each of the Housing Managers on the work of their teams.

Feedback received was that the event was very worthwhile, giving residents an opportunity to discuss housing matters with one another, and to get to know Housing Managers who they might not normally meet.



The Tenant Scrutiny Panel will shortly be reporting on their review of the way in which the Housing Service deals with complaints. Officers are also planning to work with South Essex Homes to train our own tenants to undertake 'mystery shopping'.

### **Out of Hours Call Handling Service**

At its meeting held on 21 October, the Cabinet agreed that the Council's Repairs Management Contractor, Mears, should provide the Council's Out of Hours Call Handling Service from 1 April 2014, instead of the service being provided in-house by the Council's own Standby Officers.

Under this arrangement, Mears will handle all housing repair calls (both emergency and non-emergency), as well as all emergency calls for other Council services received out of hours. This will result in a significant service improvement for our Council tenants since, for the first time ever, they will be able to report *routine* repairs calls, and make repair appointments, any time of the night or day - instead of just during office hours.

Not only will the new approach provide an enhanced and more resilient service, the cost of delivering the service will also result in savings of around £76,000 per annum, compared to the cost of the current in-house service, excluding the additional costs required to continue to have an on-site presence at the Civic Offices out of normal office hours.

This page is intentionally left blank

# ***Report to the Council***

**Subject: Leisure and Wellbeing Portfolio      Date: 5 November 2013**

**Portfolio Holder: Councillor E Webster**

---

## **Recommending:**

**That the report of the Leisure and Wellbeing Portfolio Holder be noted.**

---

## **Leisure Strategy**

The process of developing the new Leisure Strategy, which will also incorporate consideration of the next Leisure Centres Contract is now well underway. At the present time this is essentially an information gathering exercise, ensuring that all available data around Leisure Centre usage is collated such that a clear view of what might be required in a future contract can be determined. Despite the current testing economic circumstances, the Centres are continuing to perform well with gym and fitness class activity higher than the same period last year. Swimming classes remain in demand but there has been a slight drop in public swimming activity.

## **Community Services**

Following a very successful launch of 'Prison Me No Way' at Roding Valley High School earlier in the year, two further events were staged in October at St Johns School, Epping and King Harold School, Waltham Abbey. The 'Prison Me No Way' scheme is a high impact, interactive day for Year 10 pupils which focuses on the consequences of committing crime and gives pupils a true insight into what prison life is really like. The scheme is delivered by Prison Wardens and current and ex-prisoners and includes the opportunity for young people to be locked in a cell and treated as they would be in prison.

## **Limes Centre, Chigwell**

The Limes Centre continues to be a thriving Community Hub and with the introduction of a new, volunteer run community café local residents are being encouraged to increase their skills and think about Social Enterprise. It is also planned for a Youth Café to be launched before Christmas.

Other new initiatives which are being provided for young people at the Limes Centre and on Limes Farm estate include:

- A graffiti arts project, which is being funded by the Royal Opera House Bridge organisation and supported by Essex County Council. The project which is aimed at 13 – 19 year olds, aims to get more young people participating in the regular youth club and is teaching them and the youth workers based at the centre, the various skills to create a 'stencil wall', which will personalise the activity hall where they meet in the centre

- A new football coaching programme and junior club has just been launched in partnership with Colebrook Royals Football Club, which is for young people aged between 10 and 16 years age. Around 20 youngsters attend the sessions which include football coaching, skills and game play. Colebrook Royals are also using the session to identify talented youngsters to recruit to their teams.

### **Epping Forest Youth Council**

Our young councillors introduced a new initiative to promote and support local youth groups and clubs this year, by holding a 'Celebration of Youth Groups Event', which was staged in the Council Chamber last week and was really well received by everyone who attended. The evening provided the opportunity for staff and young people from local groups to network and receive advice about training opportunities for staff and various funding information that is available to local groups. There was also entertainment from a range of local young people and the Youth Council launched their Youth Volunteer Information Guide on the night, to encourage more local teenagers to volunteer in their spare time.

### **Change to the Arts Award programme**

Following a complete review of the old Arts Award system, it has been re-launched and replaced with the 'Creativity Awards'. The scheme now includes groups involved in art activity and is aimed at giving even more young people in the district the opportunity to develop their creative talent. The new application forms will soon be available online.

### **Supporting our local arts facilities**

An exciting promotional initiative entitled 'Our Lopping Festival' is currently taking place at Lopping Hall in Loughton and runs through to 9 November. The Festival, which is being staged at the Lopping Hall venue, is being delivered with a range of partners is aiming to raise the profile and history of this excellent local facility and includes tours, drama showcases, a market, and exhibitions containing photographs and press cuttings from the period when Queen Victoria established the venue as 'hub' for the local community.

### **Mountain Biking is a hit with local young people and families**

The new Epping Forest Mountain Biking Club which was introduced in the summer has around 20 regular participants who from being beginners have now progressed on to competing in 'Mud, Sweat and Gears' events across the county and East Region. Several parents have also been trained as mountain bike leaders to volunteer and help sustain the club.

### **Disability Inclusion Project**

The district-wide inclusion project which provides opportunities for children and young people with disabilities continues to expand to meet demand, with new swimming sessions called 'Every Body Swims' starting on Saturday 9 November at Waltham Abbey Swimming Pool. The Council is working in partnership with SLM to provide the sessions which are for children and young people and their carers or parents. Over 120 disabled children and young people have accessed the Inclusion Project over the last few months by taking part in activities including horse riding, boccia, dodgeball, trampolining, forest activities, camping, football and yoga.

# ***Report to the Council***

**Subject: Safer, Greener & Transport Portfolio Date: 5 November 2013**

**Portfolio Holder: Councillor G Waller**

---

## **Recommending:**

**That the report of the Safer, Greener & Transport Portfolio Holder be noted.**

---

## **Safer Communities**

Following the submission to the Home Office of the report of the Domestic Homicide Review examining the circumstances of the death of Gillian Andrade in Loughton, I regret to inform Members that the Epping Forest District Community Safety Partnership, which I chair, is in the process of commissioning another DHR following the death of a female in Waltham Abbey. Whilst these are multi-agency investigations, a considerable burden falls upon the Council's Safer Communities team in ensuring that the review is undertaken in accordance with Home Office guidance and in good time. I shall keep Members informed of progress.

At the last meeting I reported on the Home Safe initiative. I can now report that 30 estate agents throughout the District are participating in the scheme, with 1,750 packs distributed to those moving home.

Officers participated in the launch of the West Essex Integrated Offender Management Scheme when a presentation was made to interested parties on the work of our Community Safety Partnership.

Officers have re-examined the way in which we deal with repeat victimisation involving high risk and vulnerable victims of domestic abuse, and I am glad to report that the repeat victimisation rate has been cut from 40 to 20 per cent.

## **Highways and Parking**

In previous reports I have mentioned the changes made to parking arrangements in the Cottis Lane car park in Epping. I believe that the new arrangements are working satisfactorily in ensuring that adequate car parking spaces exist for short stay use by shoppers and other visitors, but I fully recognise that the pressure for long stay spaces remains, and the position is kept under regular review to assess the need for additional measures.

As part of the budget making process, consideration is now being given to a review of car parking tariffs. Members will be aware that tariffs have not increased for four years, but the potentially deteriorating position of the Council's finances, as set out in the Finance Portfolio Holder's Medium Term Financial Strategy, dictates that this is no longer a sustainable policy. I have therefore instructed officers to look at tariff structures with a view to modestly increasing income whilst assessing the way the tariffs work across the district, to consider amongst other things differential or demand led pricing regimes. Although time is very short for looking at a new approach to tariffs, with initial consideration being given by the Finance &

Performance Management Scrutiny Panel meeting on 12 November, I would welcome the views of members on the approach to be taken.

Despite the delays on which I have previously commented, I am glad to report that better progress has recently been made by Essex Highways on work relating to the Buckhurst Hill Parking Review. By the time of the Council meeting I shall have held a meeting with Buckhurst Hill members to review the progress made since the last meeting in April and to focus on the detailed proposals to be put forward for informal consultation with residents.

### **Trees and Landscape**

The team has made 28 tree preservation orders so far in 2014, generally resulting from potential development and ranging from individual trees to extensive tracts of land, such as that adjacent to the former Hill House Farm, between Chigwell High Road and the M11.

More than 180 applications for works to protected trees have also been dealt with in this calendar year, including complex applications resulting from alleged subsidence. Only one decision (concerning a tree at Lower Sheering) has been appealed so far this year, resulting in the appeal being dismissed. Notice of a potential claim for compensation has been received in respect of one case, where felling of an oak on grounds of alleged subsidence at Colebrook Lane, Loughton had been refused by the South Area Plans Sub-Committee for lack of sufficiently clear supporting evidence. This followed a deferral to allow time for necessary evidence to be submitted; it was, however, not forthcoming. Officers have disputed the basis for any such claim and indicated that if one were to be made, it would be vigorously defended.

The team continue to respond to a high volume of requests for advice and action from the public and from the development control team, and have made a significant input into decisions involving complex applications with extensive landscape impacts, such as the current housing proposal at Knollys Farm in Waltham Abbey. The adopted Landscape Character Assessment for the District and the Settlement Edge Landscape Sensitivity Studies are now proving very helpful in advising prospective applicants for major development and in allowing the wider landscape implications of applications to be properly reflected in planning decisions. The team are also involved in drafting the Landscape and Green Infrastructure section of the draft Local Plan.

An action plan for the Community Tree Strategy for Loughton has been prepared, in partnership with Loughton Town Council, and final comments are awaited from the Corporation of London before seeking ratification and publication. The intention then would be to seek funding for further Strategies.

A report on the Trees and Design Action Group report 'Trees in the Townscape: A Guide for Decision Makers' is also in preparation. This will address the question of whether the Council should endorse the report's principles, as many other authorities have done across the country, but also what changes would be necessary to current practice in order to put its principles into effect.

Work has now started on the housing element of the St John's School redevelopment site in Epping. Extensive landscaping of the school site has assisted in creating an attractive environment for pupils, but some damage to street trees occurred because, for a short time, lorries used an unauthorised route to the site via Crows Road. Use of the CAVAT (Capital Asset Value for Amenity Trees) valuation

tool, devised by Chris Neilan and now used by various local authorities around the country, has resulted in agreement that the developer will make an equivalent contribution to the value lost, to be devoted to next year's street tree planting budget for the area. While the amount in this case is modest (£1,845 plus the costs of ancillary work), the principle that just funding the cost of a replacement tree is insufficient has been established.

Members will be aware that developers are proposing to submit an application in due course for a major extension to Harlow on a site at Latton Priory within the Epping Forest District. Discussions have begun in relation to the visual impact and the impact on landscape character of the proposed development, and the intention is shortly to invite interested members to walk the site to see the context for themselves.

## **Countrycare**

Last year a hedgelaying project began to lay 150 metres of old straggly hawthorn hedge at the Roding Valley Meadows local nature reserve, next to the football pitches near Oakwood Hill estate in Loughton. Because of the age and the size of the hedge, chainsaws had to be used to complete this task. There is now only ten yards of hedge left to lay, which will be used to train up new Roding Valley Assistant Ranger Claire Rogers in the art of chainsaw hedgelaying. A lot of work has been done on the hedge, which now looks excellent and should continue to thrive for many years to come. While laying the hedge, staff and volunteers were fortunate to come across a *Convolvulus Hawk Moth*, which is a migrant from southern Africa and, like many other migrants, was attracted by this summer's good weather. This moth, with a wingspan of over 10 cm, is quite an uncommon sight in this country and so caused quite a lot of excitement.

On 8 October, Countrycare had a team of eight employees from GlaxoSmithKline join them for a day of heathland restoration. The same team had helped out at the Bobbingworth former landfill tip in 2009 and enjoyed themselves so much that GSK decided to offer their corporate volunteer day to Countrycare again this year. The team spent the day clearing Chigwell Heath of aspen, digging scrapes to encourage heather and gorse to spread, and clearing bramble.

## **Sustainability**

### *Food Waste Trial*

The trial of food waste bins within the Civic Offices and Conder building has been completed successfully, with just a few teething problems. Collection of waste by SITA was initially confused on some occasions due to the involvement of new SITA personnel, but this issue has been resolved and the collection by the cleaners from bins within the trial areas has not presented them with any practical problems.

Those involved in the trial noted that close proximity to a food waste bin meant that staff were more likely to use it. It was generally agreed that smaller bins would be preferable, but that there should be more of them. The possibility of issuing caddies in some areas, which could then be emptied into food waste bins, was also discussed.

The next stage is for the number of bins and the budget to be considered, and for an article to be produced for *District Lines* to inform staff of the forthcoming changes. Once bins have been fully rolled out at the Civic Offices and Conder sites, SITA will begin testing the waste to check that the con-food component is sufficiently uncontaminated to recycle.

## *HECA*

Last year the Government reinstated mandatory HECA reporting for local authorities, in line with the Home Energy Conservation Act 1995. This report is due every two years, with the next one scheduled for 2015, but the Environmental Co-ordinator will continue to collect data from the relevant Housing areas in the New Year to keep up momentum and avoid a build-up of the workload in the approach to March 2015.

There is an opportunity for the Council to join other local authorities in delivering energy efficient measures to homes as part of the Essex Energy Partnership. However, until it has been established exactly how residents could expect to benefit from this partnership, EFDC will not yet join as it is considered that joining could expose the Council to reputational risk if those benefits are not clearly defined. Work to address this issue is being done at Thurrock Council, which has agreed to circulate its Cabinet report to other local authorities as a template.

## *The Green Deal*

The Green Deal has so far been very slow in progressing, with reports that, though many householders across the country are agreeing to have a Green Deal assessment carried out, they are not following through with the installation of energy saving measures, making use of the finance that the scheme offers. Householders are instead tending to select one or two measures, for which they choose to pay themselves, or borrowing money from elsewhere at a more competitive rate. Because of the uncertainty surrounding the scheme, the Council has not signed up as a Green Deal provider, but does still provide information to members of the public.



# ***Report to Council***

**Report of:** Support Services Portfolio

**Date:** 5 November 2013

**Portfolio Holder:** Councillor H Ulkun

---

## **Recommending:**

**That the report of the Support Services Portfolio Holder be noted.**

---

## **Individual Electoral Registration (IER)**

There have been no major developments in connection with Individual Electoral Registration (IER) but officers are now working on an assessment of the additional resources required for:

- (a) the transitional phase between householder registration and full individual electoral registration; and
- (b) ongoing CSB requirements as to resources for individual electoral registration in the future.

These reviews will cover staffing, administrative costs and related matters.

## **Electoral Canvass 2013**

The electoral register canvass is currently underway and by the date of the Council meeting first reminder notices will have been sent out to households where no response has so far been received.

There has been an encouraging response by the electorate to the automated response method (telephone, text or internet). In 2012, 15,000 electors responded by these methods over the whole canvass period. In the current canvass, so far 18,200 people have responded in that way. However, concerns still exist about a large number of households which continue to send in paper forms back to the office when they have no changes to make. These can be dealt with much more efficiently and cheaply by any of the methods mentioned above.

## **Review of Polling Stations**

Proposals are being finalised to improve disabled access to two polling stations in the District to improve safety of access and the use of the premises by disabled people. Minor works will be undertaken at two locations the total cost being approximately £300.

The Returning Officer has noted that Faversham Hall, Chigwell Row hitherto used as a polling station in a common room on the ground floor is unlikely to be available for electoral use after the May 2014 elections because the premises are being altered to

provide two additional ground floor flats. It is likely therefore that for the General Election in 2015, a new polling station location will need to be found for the Chigwell Row area.

### **European Parliament/District Elections May 2014**

There are no further developments to report in regard to these elections.

### **Apprenticeship Programme 2013**

The Council is taking on nine corporate apprentices from 28 October. They will be on two year contracts with the opportunity to train, learn and develop, whilst earning a wage.

Two apprentices will be going through Construction Multi-trade Apprenticeships and will be placed in the Housing Repairs Team. They will be involved in learning a number of trades including brick laying, plastering and tiling.

Seven apprentices will be completing Business Administration Apprenticeships. These young people will have an excellent opportunity to work in a number of areas within the Council as they will be moving work placement area every six months.

The scheme is aimed at young people living within the district, between the ages of 16 -18 who have achieved minimum grade C in Maths, English and ICT GCSEs.

The Council has worked in partnership with both Epping Forest College and Harlow College to develop the programme. Essex Employability & Skills Intervention Team have also been extremely supportive in helping target any young people who were not in education or employment and recommending a long list of applicants.

There were 17 successful applicants who were required to complete a 10 day pre-employment training programme (run by Aspire Training). The course took them through; personal values, communication, team building, interview preparation and personal finance. We received very good feedback from the applicants in that the course had been an excellent experience and had really helped improve their overall confidence, and in particular their interview skills and approach to working in a team.

A total of 16 applicants were interviewed by the Council for a place on the Programme. The construction applicants were also required to complete a practical skills assessment at Harlow College as part of the recruitment process.

The unsuccessful applicants will continue to work with Aspire Training who will help them develop and Epping Forest College also have further interviews for Business Administration Apprenticeship vacancies in local companies and we are referring these applicants to the college for these opportunities.

We look forward to the nine apprentices joining the Council on 28 October for their corporate induction. Their programme will involve working towards their relevant NVQs linking to workplace activities and attending all appropriate corporate training.

Alongside support from their line manager and the Council's Learning & Development Manager they will also each have a dedicated mentor who will meet with them regularly to guide them with their learning and development.

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

**Committee: Cabinet**

**Date: 5 November 2013**

**Portfolio Holder: Councillor A Grigg  
(Asset Management and Economic Development)**

---

### **RELEASE OF COVENANTS AND RIGHT OF PRE-EMPTION - 94/94A LAWTON ROAD, LOUGHTON**

#### **Recommending:**

**That the restrictive covenants and right of pre-emption in paragraphs (a), (b) and (c) of the Third Schedule of a Conveyance dated 6 January 1955 in respect of 94/94a Lawton Road, Loughton be released for the consideration of £127,500.**

---

1. 94 & 94a Lawton Road is an Essex County Council owned Family Centre now surplus to requirements. The land is subject to covenants restricting the use to education and health and requiring the District Council's consent to future development on the land. There is also a right of pre-emption (first refusal) in favour of the District Council in the event of the purchaser wishing to sell the land.
2. Covenants may be released or modified in a number of ways and the most used way is through the Lands Tribunal. In 1998, the Council sought specialist advice from Montagu Evans Chartered Surveyors on the removal of the restrictive covenant relating to the use of the land. A compensation payment would normally be payable to reflect the increase in the value of the land resulting from the development potential. The advice confirmed that if the Council refused to release the covenant, the matter would be referred to the Lands Tribunal who would be likely to agree to the release. The level of compensation would be restricted to the difference in the value of the land with and without the covenant when the transfer took place in 1955 and accordingly it would be nominal.
3. We have been advised that the County Council wishes to sell the property for conversion into residential accommodation for the nearby E15 University of Essex Acting School and that agents acting on behalf of the County Council have applied for the covenants and right of pre-emption to be released. We understand that terms have been agreed for the sale of the property to a third party and the prospective purchaser has submitted a planning application for change of use from a family centre to student accommodation.
4. Whilst the value of the covenants is limited there is value in the right of pre-emption.
5. Following a precedent some years ago when ECC sold a number of its surplus school sites for residential development it is proposed that ECC will pay the District Council a percentage of the gross sale proceeds for the release of the covenants and the right of pre-emption.

6. The release of the covenants and right of pre-emption would be consistent with the District Council's exercise of well-being powers as it will facilitate a transaction which will bring significant benefit to the local population.
7. A sum of £127,500 has been agreed with ECC for the release of the restrictive covenants and right of pre-emption and we recommend as set out at the commencement of this report.

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

**Committee: Cabinet**

**Date: 5 November 2013**

**Portfolio Holder: Councillor A Grigg  
(Asset Management and Economic Development)**

---

### **Recommending:**

**That a supplementary estimate of £12,681 be approved for 2013/14 to enable the appointment of an additional post of Valuation and Development Surveyor to be made during the current financial year.**

---

1. In April 2009, Cipfa produced an external review of the Estates and Valuation Section and stated that the Council's property portfolio was comparable to a city councils and a London Borough. The report also stated that comparable councils had higher staffing levels and that there was a good case for this Council's 4.4 FTE establishment being increased to 5 or 6 FTE.
2. In recent years the workload of the Section has increased due to proactive asset management of the Council's portfolio and third party land holdings. The Council's portfolio consists of more than 300 properties and a rent roll in excess of £4M per annum. In addition to normal estate management and valuation work the Section is involved in a number of large development and regeneration projects including:
  - (a) Langston Road Retail Park;
  - (b) Sir Winston Churchill PH Site;
  - (c) Oakwood Hill Industrial Estate;
  - (d) St John's Road, Epping;
  - (e) The Broadway;
  - (f) Town Mead Depot; and
  - (g) Pyrles Lane Nursery Site.
3. We are of the opinion that if these projects are not properly resourced they will not progress in an efficient manner to the detriment of the Council's interests. We are therefore proposing to create an additional post of Valuation and Development Surveyor to assist the Chief Estates Officer in progressing existing and future development opportunities in the District.
4. To enable an appointment to be made during the current financial year we are seeking a supplementary estimate as set out at the commencement of this report.

This page is intentionally left blank

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

**Committee: Cabinet**

**Date: 5 November 2013**

**Portfolio Holder: Councillor A Grigg**

**(Asset Management and Economic Development)**

---

### **SUPPLEMENTARY CAPITAL ESTIMATE – BRIDGEMAN HOUSE, WALTHAM ABBEY**

#### **Recommending:**

**That a supplementary capital estimate in the sum of £654,000 be approved for the purchase of the leasehold interest in the second floor of Bridgeman House, Waltham Abbey and to the carrying out of refurbishment work, if required.**

- 
1. The Council has agreed to purchase the first floor of Bridgeman House as an extension to the adjoining Museum. This is currently with solicitors and the acquisition is expected to be completed shortly.
  2. The second floor of the building comprises 5,000 square feet and has been vacant since 2011. Both the first and second floors were previously used as offices. The owners have obtained planning approval to convert this space into 8 residential units which they intend to let out on assured shorthold tenancies to provide an income to their investment company. The use for residential purposes above the new Museum extension would provide both security risks and risk of damage due to water if flooding or leaks occurred.
  3. Following negotiations by the Council's agents, Bidwells, the owners of the long leasehold interest in the second floor of Bridgeman House are prepared to sell their interest to the Council. There is an unexpired term of 972 years.
  4. Waltham Abbey Town Centre has been identified as the town centre in the District most in need of regeneration and support for both the retail offer and town centre employment uses. The relocation of the previous office tenants has therefore been a blow to the town and the retention of the second floor by the Council for employment use will in some way mitigate this.
  5. We understand that if offices are let the rental would be in the region of £40,000 per annum.
  6. There is also the opportunity for the Council to undertake some refurbishment work to divide the offices into small suites to let on flexible terms for small and start up businesses. However, if the whole of the second floor is let as one tenancy the refurbishment works would not be necessary.
  7. We recommend as set out at the commencement of this report as the purchase will provide an investment for the Council and rental income and overcome the problems for the Museum extension on the first floor.

This page is intentionally left blank



## ***Report to Council***

***Date of meeting: 05 November 2013***

**Subject: Overview and Scrutiny report to Council – November 2013**

**Contact for further information: Councillor R Morgan**



---

### **Recommendation:**

**That the Overview and Scrutiny progress report from October 2013 to the present be noted.**

### **Report**

#### **Overview and Scrutiny Committee Meeting – 15 October 2013**

1. At our meeting on Tuesday, 15 October we received a presentation from Stephanie Chambers, the Citizen Advice Bureau District Manager for Epping Forest and Janet Woods, the Chair of the Epping Forest District CAB, regarding the current situation on their search for new premises; their funding problems; how the new welfare reforms were affecting residents and organisations; their work at Limes Farms and any problems encountered; the North South divide in the district and their thoughts on the impact on services in the future if the CAB has to close locally.
2. Councillors usefully used the time after the presentation to quiz the representatives on various aspects of their service in the District; however a lot of the hard facts and figures were not readily available as they were moving on to a new computer system that was being introduced by the national CAB service. Hopefully when they are fully integrated into the new system they could produce statistics to help them and us to fully understand their current situation.
3. Finally, we considered the Cabinet Agenda for 21 October. Councillor Murray commented, in relation to agenda item 13 about Civic Offices – Committee Room Tables, that he was not convinced that the Council should be spending £10k on new tables in the present financial situation and wondered how this could be justified.

This page is intentionally left blank

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

**Committee: District Development Control**

**Date: 5 November 2013**

**Chairman: Councillor B Sandler**

---

**Subject: Scheme of Officer Delegation for Development Control Functions - Proposed Changes**

**Recommending:**

- (1) That the changes to officer delegation in respect of Council Development Control Functions as set out in Appendix 1 to this report (changes underlined) be approved; and**
  - (2) That the proper officer makes consequential amendments to the Constitution.**
- 

### **Summary**

This report seeks Council's agreement to revise the Scheme of Delegation to allow prior approval applications submitted as a result of the recent changes to permitted development rights to be determined by the Director of Planning and Economic Development.

#### **1. Background**

- 1.1 The Government has recently introduced a number of mainly temporary changes to permitted development rights aimed at deregulating the planning system and stimulating the economy.
- 1.2 A number of the changes involve the introduction of a prior approval process, allowing the Council to assess the impact of the development. As with other current prior approval regimes, unless a decision is made within the prescribed time period, the applicant will be able to proceed with the development.
- 1.3 The Director of Planning and Economic Development currently has delegated authority to determine whether or not prior approval of details is required for demolition, telecommunications equipment and agricultural / forestry buildings and operations and to approve or refuse such submitted details.
- 1.4 We are recommending that the scheme of delegation be extended to allow the Director of Planning and Economic Development to determine all prior approval applications types submitted following the recent changes to permitted development rights through the introduction of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. This will include a permanent change to the delegation agreement in respect of prior approval applications relating to change of use permanently to a state-funded school and change of use to agricultural buildings; but only a temporary change to the scheme of delegation for a period of three years in relation to prior approval applications for single storey rear house extensions and changes of use from offices to residential. The attached Appendix 1 shows the additions which are underlined in Schedule 1 of the Development Control Functions.

## **2. Prior Approval for Single Storey Rear House Extensions**

- 2.1 In respect of the house extensions, the Council will note that the authority only has 42 days to determine the application, otherwise it is automatically permitted. The authority can however only consider the merits of the application in respect of amenity impact (overshadowing, overbearing and privacy) loss of where an objection has been raised and only then an objection by an adjoining neighbour within a statutory 21 days of being consulted. The process advocates a 'light touch' in respect of the level of information which is required to be submitted with an application. Members however will be aware that currently more than four objections are required to trigger a house extension planning application to be reported to a planning committee where the recommendation is for approval, so in effect these extensions are not normally decided at Committee. Given also committee meetings are on a four week cycle with a 12 day lead in time, in each case where a decision is not made within the prescribed period of time, the consent is deemed to have been granted. Therefore, there is a significant risk that many of these applications if they were reported to committee may simply gain consent by default.
- 2.2 Dealing with decisions on these prior approval applications can only therefore be dealt with under powers delegated to the Director of Planning and Economic Development (see additional item 9 in the attached Appendix 1).
- 2.3 We have however asked that in the cases where an objection has been received and officers are otherwise minded to grant the application, that ward member consultation takes place.

## **3. Other Prior Approvals Being Introduced**

- 3.1 The remaining prior approval applications can only be considered on the basis of those matters referred to within the relevant statutory instruction, they are:-

Class J – Change of use of B1a (Offices) to C3 (Dwellinghouse). Matters as follows:-

1. Transport and highway impacts of the development
2. Flood Risk
3. Contamination

Class K – Change of use from B1 (Business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions) and D2 (assembly and leisure) to a State funded school:-

1. Transport and highway impacts
2. Noise impacts of the development
3. Contamination

Class M – Change of use from agriculture building (between 150 – 500 square metres) to a flexible use falling either within Class A1(shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), B8 (storage and distribution), Class C1 (hotels) or D2 (assembly and leisure):-

1. Transport and highway impacts
2. Noise impacts of the development
3. Contamination
4. Flood Risk

- 3.2 As in the case of the single storey householder extension prior approval process, the validation requirements simply require minimal information to be submitted, it is only once an application has been received will it be possible to consider whether there are implications in respect of the issues outlined above. The LPA will have to ensure that additional information that is necessary is received and assessed during the 56 day period. Therefore, as much of this information is likely to be provided in technical reports, the Authority will need to ensure that a sufficient period of time is provided to enable the applicant to submit the information as well as seeking to ensure that Officers will have sufficient time to make an assessment of the proposal. Failure to make a decision will result in consent given in default.
- 3.3 Due to nature of the changes to the process set down nationally, the basis upon which these applications would be considered is on a specialised technical basis in respect of the impact of the proposal. No other matters can be taken into consideration, for example design or suitability of the building for the use.
- 3.4 Officers have considered whether it would be possible to factor in a committee process into these Class J, K and M applications, and have concluded that even with the ability to call emergency meetings; in many cases there would simply be insufficient time to enable this to take place. Despite all best endeavours with the time and resources available, officers already struggle to report current planning applications to a committee date within 56 days of applications being received, so consent is likely to be again reached by default.
- 3.5 We have likewise asked that in the cases where an objection has been received and officers are otherwise minded to grant the application, that ward member consultation takes place.
- 3.6 In addition to the proposed changes to the scheme of delegation, which are appended to this report, the weekly list of development applications have been amended to ensure that these types of applications can be readily identified. The parish and town council's have already been notified of this amendment. They are not however able to make any objections to the householder prior approval applications, as the legislation is clear that objections can only be taken into consideration where they are raised by an adjoining premises. Comments though can be made to Classes J, K and M prior approval applications, but as stated above, only those relating to the technical matters above. The proposed changes to the scheme of delegation in respect of these three classes are shown at additional items 5, 10 and 11 in the attached appendix 1.
- 3.7 It is important to acknowledge that in the event that a scheme was to benefit by gaining consent by default this may expose the authority for claims by aggrieved parties of maladministration. This would be due to the authorities' failure to follow its own procedures. The proposed changes to the scheme of delegation would safeguard against this.
- 3.8 Finally, two small changes have also been made (i) to item 1(e) in appendix 1, deleting any reference to conservation area consents, as these are now obsolete from 1 October 2013; and (ii) to Appendix 1 section (f) to reflect that the four week call in period begins from the publication of the application in the weekly list rather than the Members Bulletin.
- 3.9 We recommend accordingly and in addition seek the consequential amendment of the Council's Constitution

Background Papers:

Scheme of Delegation to Officers (Appendix 1)

The Town and Country Planning (General Permitted Development) (Amendment)  
(England) Order 2013.

This page is intentionally left blank

**PLANNING DIRECTORATE – DELEGATION OF  
COUNCIL FUNCTIONS**

**Schedule 1 – Development Control**

**Schedule 2 – Forward Planning and Related Functions**

DEVELOPMENT CONTROL FUNCTIONS

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
<p><b>Care of the Environment</b></p> <p><b>District Development Control Committee (Minute 30 – 7.12.10)</b></p>	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36, 36A and 36B</p> <p>Planning (Hazardous Substances) Regulations 1992</p>	<p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p>	<p>No</p>
<p><b>Development Control</b></p> <p><b>District Development Control Committee (Minute 30 – 7.2.10)</b></p> <p><b>Council Minute 29 – 28.6.11</b></p>	<p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p>	<p>1. Subject to Appendix A below, which are matters to be determined by Committee, to determine or decline to determine any:</p> <p>(a) planning applications;</p> <p>(b) applications for approval of reserved matters;</p> <p>(c) applications arising from any condition imposed on any consent, permission order or notice;</p> <p>(d) advertisement consents; and</p> <p><u>(e) listed buildings;</u></p> <p>2. To agree the precise wording of additional/revised conditions to be attached to planning permissions, at members' request, and discharge of conditions.</p>	<p>Yes (See Appendix A to this Schedule)</p>



Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	<p>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2 as amended by SI 2008 No. 2362 and <u>SI 2013 No. 1101</u></p> <p><u>Town and Country Planning (Development Management Procedure) (Amendment) (England) Order 2013</u></p>	<p>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</p> <p>4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. To determine applications in relation to certificates of lawful use and development.</p> <p>7. To obtain and use necessary powers of entry to the land in relation to the above.</p> <p>8. To determine or decline to determine any non-material amendments.</p> <p>9. <u>To determine applications for prior approval for:</u></p> <p><u>(a) Single storey rear extensions to dwellinghouses;</u></p> <p><u>(b) Class J applications for prior approval for change of use from Class B1a offices to Class C3 residential;</u></p> <p><u>(c) Class K applications for prior approval for change of use from Class B1, C1, C2, C2a and D2 to State funded school; and</u></p> <p><u>(d) Class M development - Change of use from agriculture building (between 150 – 500 square metres) to a flexible use falling either within Class A1(shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), B8 (storage and distribution), Class C1 (hotels) or D2 (assembly and leisure).</u></p>	

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
		Subject to consultation with ward members in the cases where a <u>valid objection has been made and officers are minded to grant the application.</u>	
<b>Enforcement</b>  <b>District Development Control Committee (Minute 30 – 7.12.10)</b>	<p>Town and Country Planning Act 1990 (as amended), Part 7, section 171-190, 196 A, B, C, 198-200 214(A)-(D), 215-219, 220 or 221 and 224, 325, 330</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38, 88, 88A and 88B</p> <p>Local Government (Miscellaneous Provisions) Act 1982 (Section 37)</p>	<p>Authority for Director of Planning and Economic Development or Director of Corporate Support Services to:</p> <ol style="list-style-type: none"> <li>1. Issue Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.</li> <li>2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.</li> <li>3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the Director of Corporate Support Services, on their nominee, having regard to the evidence considers the circumstances to require urgent action.</li> <li>4. Investigate if a temporary market has been held in breach of Section 37 of the 1982 Act.</li> <li>5. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.</li> <li>6. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant.</li> <li>7. Obtain and use powers of entry necessary in relation to the above.</li> </ol>	

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	Town and Country Planning Act 1990 (Section 178) (Council Minute 126 – 23.4.13)	8. To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice under Section 178.	Subject to budget provision being available and to local District Councillors being notified

## APPENDIX A: MATTERS TO BE DETERMINED BY THE RELEVANT COMMITTEE

- (a) Applications contrary to the provisions of an approved draft Development Plan or Development Plan, and which are recommended for approval;
- (b) Applications contrary to other approved policies of the Council, and which are recommended for approval;
- (c) Applications for major commercial and other developments, (e.g. developments of significant scale and/or of wide concern) and which are recommended for approval;
- (d) Applications for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and which are recommended for approval);
- (e) The Council's own applications on its land or property which are for disposal;
- (f) Those applications recommended for approval where there are more than two expressions of objections received, material to the planning merits of the proposal to be approved, apart from approvals in respect of householder type developments, telecommunication masts, shop fronts and vehicular crossovers and "other" category developments (changes of use, advertisements, listed building consents, conservation area consents), where more than four expressions of objections material to the planning merits of the proposal to be approved are received;
- (g) Applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;
- (h) Applications referred by a District Councillor, whose own ward must be within the remit of the relevant Area Plans Sub-Committee and who has firstly notified the relevant Ward Councillors in advance, so long as the referral has been requested in writing to Officers within 4 weeks of that applications notification in the Weekly List;
- (i) Applications where the recommendation conflicts with a previous resolution of a Committee;
- (j) Applications submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) or on behalf of a member of staff of Planning and Economic Development (and/or spouse/partner) and also in those cases where a councillor is an objector in a purely personal capacity;
- (k) Any other application which the Director of Planning and Economic Development considers it expedient or appropriate to present to committee for decision (e.g. those raising issues not covered by existing policies, or of significant public interest, or those with a significant impact on the environment);
- (l) An application which would otherwise be refused under delegated powers by the Director of Planning and Economic Development but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

FORWARD PLANNING AND RELATED FUNCTIONS

Function	Relevant Legislation	Relevant Details	Exceptions
<b>Forward Planning</b>	Town and Country Planning Act 1990 Section 324 and 325	To obtain and exercise powers of entry to undertake surveys in connection with:  (1) Statutory Plans  (2) Applications for planning permission	No
<b>Buildings</b>	Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3 (1-8)	To serve Building Preservation Notices in urgent cases, subject to report to and review by the next meeting of District Development Control Committee.  To obtain and exercise powers of entry to undertake surveys in connection with:  (1) Statutory Plans  (2) Applications for Planning Permission	Yes
<b>Dangerous trees on private land</b>	Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24	Discretionary power to take action to make safe trees on private land, including to:  (1) Obtain and use necessary Powers of Entry to the land;  (2) Serve relevant notices;  (3) Respond to appeals;  (4) Undertake works directly where necessary; and  (5) Recover expenses.	No
<b>Countryside hedgerows</b>	The Hedgerow Regulations 1997 Sections: 5 to 15 incl.	The responsibility to:  (1) Regulate the removal of certain hedgerows;	No


Function	Relevant Legislation	Relevant Details	Exceptions
		<ul style="list-style-type: none"> <li>(2) Issue relevant notices, including to require hedgerow replacement;</li> <li>(3) Respond to appeals;</li> <li>(4) Take necessary enforcement or legal action;</li> <li>(5) Obtain and use necessary powers of entry to the land;</li> <li>(6) Surveying land in connection with any hedgerow removal notice;</li> <li>(7) Ascertaining whether any offences have been committed under Regulation 7; and</li> <li>(8) Determination of whether a notice should be served under Regulation 8.</li> </ul>	
<b>High Hedges</b>	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80.	<p>The responsibility to:</p> <ul style="list-style-type: none"> <li>(1) Deal with complaints in relation to the height of domestic hedgerows;</li> <li>(2) Issue, withdraw or relax the requirements or relevant notices;</li> <li>(3) Serve relevant documents regarding notifications;</li> <li>(4) Notify interested parties;</li> <li>(5) Respond to appeals;</li> <li>(6) Take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and</li> <li>(7) Obtain and use powers of entry necessary in relation to (1), (2), (3) and (6).</li> </ul>	No
<b>Protection of trees</b>	Town and County Planning Act 1990 (as amended) Part VIII	The duty and responsibility to:	No

Function	Relevant Legislation	Relevant Details	Exceptions
	Sections: 197, 198, 199, 201, 203, 205, 206, 207, 208, 209, 210, 211, 214, 214A, B, C&D, 324	<p>(1) Take all necessary measures to make Tree Preservation Orders where trees are at risk, and are of significant existing or potential amenity value, or where they are of wider or strategic importance, subject to publication of the details in the Council Bulletin;</p> <p>(2) Amend, confirm, decide not to confirm or revoke such orders (i.e. TPOs) subject to reporting any objections regarding the making of the order to the relevant Area Planning Sub-Committee for this decision;</p> <p>(3) Determine applications for works to preserved trees (other than felling) except as set out below:</p> <p>(i) applications recommended for approval where more than two expressions of objection material to the planning merits of the proposal have been received;</p> <p>(ii) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal; and</p> <p>(iii) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member has notified the Ward Councillor in advance;</p> <p>(4) Take any necessary action in respect of claims for compensation;</p> <p>(5) Take action to ensure replacement planting where appropriate, by serving relevant notices, or by undertaking such planting directly and reclaiming the costs, and to publish any decision not to require replacement planting in the Council Bulletin;</p> <p>(6) Respond to appeals;</p> <p>(7) Take legal action in aspect of breaches of Part VIII of the Act where expedient, in conjunction with the Director of Corporate Support Service, including injunctive action and recovery of costs;</p>	

Function	Relevant Legislation	Relevant Details	Exceptions
		<p>(8) Take appropriate action in respect of notification of works to trees in Conservation Areas, including the issue of the Tree Preservation Orders as necessary; and</p> <p>(9) Authorise all expedient measures to gain entry to land in respect of the execution of any of the above, including to:</p> <p>(i) issue a warrant if admission has been refused or if a refusal is reasonably anticipated or if the case is urgent;</p> <p>(ii) to take samples of trees or soil; and</p> <p>(iii) for the authorised person(s) to take with them such other persons as may be necessary.</p>	

- Note: The authorities to undertake the stated functions, as set under the relevant sections shall be taken to be automatically updated to take into account changes, modifications and updating as they occur in the relevant legislation, subject to no new authorities being created. All references are to the legislation as currently amended.



<b>Report to the Council</b>		 <b>Epping Forest District Council</b>
<b>Date of meeting:</b>	5 November 2013	
<b>Chairman of Appointments Panel:</b>	Councillor A Watts	
<b>Subject:</b>	Appointment of Co-opted Member	
<b>Recommendation:</b>		
<p><b>To note the decision of the Appointments Panel appointed by the Council to select Mr A Jarvis of Chigwell to fill the vacancy for a co-opted member on the Audit and Governance Committee with effect from 26 September 2013.</b></p> <hr style="width: 20%; margin: auto;"/>		
<b>Introduction</b>		
<ol style="list-style-type: none"> <li>1. At the Council meeting on 30 July 2013, an interview panel of three councillors together with Mr R Thompson, co-opted member of the Audit and Governance Committee (in a non voting capacity) was appointed to make an appointment to the vacancy of a co-opted member on the Audit and Governance Committee.</li> </ol>		
<ol style="list-style-type: none"> <li>2. The Panel comprised Councillor Watts (who chaired the Panel) together with Councillors Kane and Leonard. The Panel was supported by B Bassington (Chief Internal Auditor), B Palmer (Director of Finance and ICT) and I Willett (Assistant to the Chief Executive).</li> </ol>		
<b>Recruitment Process</b>		
<ol style="list-style-type: none"> <li>3. The vacancy was advertised on the Council's website and in the summer/autumn edition of the Forester and a recruitment pack was made available to potential applicants. Details of the pack and the vacancy were also circulated via the Council's local business and voluntary sector network. The closing date for applications was set as 31 August 2013.</li> </ol>		
<ol style="list-style-type: none"> <li>4. This advertising resulted in 12 persons contacting the Council to request a recruitment pack and four firm applications. Two other applicants sought advice on whether they were eligible for consideration and in both cases after informal consultations with Panel members these were ruled out on the basis of past political links with the Council or experience which did not match the selection criteria adopted for the position.</li> </ol>		
<b>Interviews</b>		
<ol style="list-style-type: none"> <li>5. The successful candidate was selected on the basis of considerable experience in local government finance over an extended period which was considered to be stronger than those of the other two candidates. The Panel is keen to record its</li> </ol>		

thanks to the other two candidates for their interest and their enthusiasm.

**Conclusions**

6. Mr Jarvis's appointment took effect from 26 September 2013 and the Panel is of the view that his knowledge and experience will be an asset to both the Committee and the Council.

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

**Committee:** Cabinet

**Date:** 5 November 2013

**Subject:** Call-In and Urgency – All Weather Pitch, Town Mead, Waltham Abbey

**Portfolio Holder:** Councillor C Whitbread (Leader of the Council)

---

### **Recommending:**

**To note that the Chairman of the Council agreed that the decisions of the Leader of the Council, (a) to waive the requirements of Contract Standing Order C4 (Chief Officer to obtain at least three quotations for contracts exceeding £25,000 but not exceeding £50,000) and, (b) to accept a quotation in the sum of £45,635.13 from S & C Slatter as the most financially advantageous for the completion of the All Weather Pitch at Town Mead, Waltham Abbey, should be treated as a matter of urgency and should not be subject to call-in.**

---

1. As a result of poor performance in meeting its obligations for the construction of the All Weather Pitch at Town Mead, Waltham Abbey, the contract with AMB Sports Ltd was terminated. In order to complete the construction and commissioning of the pitch, the Council's Project Management consultant sought three quotations for undertaking the outstanding work as a result of which the lowest price quotation from S & C Slatter Ltd, who could also undertake the work in the shortest timescale has been accepted.
2. The Council's Contract Standing Orders require that a Chief Officer should obtain three quotations for works between £25,000 and £50,000 and as in this instance, the quotations were obtained by the Council's Project Management consultants a waiver of Contract Standing Orders has been agreed.
3. The total cost of the project can still be contained within the approved budget.
4. The Leader of the Council took the decisions as the Leisure and Wellbeing Portfolio Holder disclosed an interest.
5. The Chairman of the Council agreed to waive the call-in procedure as there was an urgent need to procure the services of another specialist contractor, particularly as the football season has commenced and bookings for the pitch cannot be honoured with the District Council and Town Council losing income.

This page is intentionally left blank

## **Epping Forest District Council – Leader Decision Reference Number 2/2013/14**

**Subject:** North Weald Airfield and Assets Management Cabinet Committee – Title and Terms of Reference.

**Decision:**

- (1) That the North Weald Airfield and Assets Management Cabinet Committee be retitled as the Assets Management and Economic Development Cabinet Committee.
- (2) That the revised terms of reference for the Cabinet Committee be as set out in the Appendix to this Notice.

**Explanatory Note**

1. The Appendix to this Decision Notice set out revised terms of reference for the Cabinet Committee currently known as the North Weald Airfield and Asset Management Cabinet Committee.
2. The revised terms of reference show a revised title including reference to Economic Development and also a new section which includes responsibility of preparing an Economic Development Strategy for the District and co-ordinating that strategy alongside the management of the Council's Property Assets.
3. A new sub paragraph has been added to paragraph 5 of the terms of reference to specifically include work in connection with generating additional income from aviation and other activities on the North Weald Airfield so as to reflect the decision of the Cabinet to pursue and mixed development strategy for the future of the Airfield.
4. The draft terms of reference also re-order the main elements of the Committee's terms of reference into a more logical sequence. The changes referred to above are highlighted in bold text/underlined in paragraphs 2.3 and 2.6.

**Legal and Constitutional Powers:**

Local Government Act 2000  
Local Government Etc Act 2007  
Localism Act 2011

---

**Signed Councillor C Whitbread  
Leader of the Council**

Date: 18 October 2013

PU/IW

This page is intentionally left blank

## 2. ASSETS MANAGEMENT & ECONOMIC DEVELOPMENT CABINET COMMITTEE REVISED TERMS OF REFERENCE

### 2.1 Membership

The Committee is chaired by the Portfolio Holder for Asset Management & Economic Development and a Vice-Chairman will be appointed by the Leader of Council from members of the Cabinet.

### 2.2 Management of the Council-Owned Property Assets

To consider and make recommendations to the Cabinet, on proposals brought forward by the officers' Asset Management Co-ordinating Group in respect of Council-owned property assets which are suitable for disposal, redevelopment or rationalisation in order to secure a financial return to the Council or an improvement in service provision.

### 2.3 North Weald Airfield

To monitor and submit recommendations to the Cabinet as appropriate on:

- (a) strategic land use issues relating to the future development of the Airfield;
- (b) strategic matters relating to the business, recreational and other activities conducted there;
- (c) proposals for the **part** redevelopment or **part** disposal of the Airfield or its disposal; and

**(d) proposals for the generation of additional income from aviation and other activities at the Airfield.**

2.4 The Committee's terms of reference shall not extend to decision-making on existing Council activities on the site which shall remain the prerogative of the relevant Portfolio Holders within the Cabinet or the Cabinet itself.

2.5 In carrying out its responsibilities under 2.4 above, the Cabinet Committee shall have regard to

- (i) the impact of the LDF Spatial Strategy as it develops;
- (ii) the opportunities for disposing of property where it is in the best interest of the District for these to be transferred to more appropriate ownership or disposed of by leasehold in order to secure a financial return to the Council;
- (iii) the suitability of sites for transfer to registered social landlords;
- (iv) partnership schemes which would either assist in the delivery of infrastructure projects or unlock the potential of property holdings of partner bodies.

**Economic Development**

- 2.6 To make recommendations to the Cabinet on an Economic Development Strategy for the District and on ways of co-ordinating the management of the Council's property assets to assist with achieving the objectives of that Strategy.**