

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 23 July 2015

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.50 pm

Members Present: C Whitbread (Chairman), S Stavrou (Vice-Chairman), R Bassett, A Grigg, D Stallan, G Waller, H Kane, A Lion and J Philip

Other Councillors: K Angold-Stephens, A Boyce, S Kane, H Kauffman, J Lea, R Morgan, C C Pond, C P Pond, G Shiell, B Surtees and D Wixley

Apologies: W Breare-Hall

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), J Chandler (Assistant Director (Community Services)), S G Hill (Assistant Director (Governance & Performance Management)), K Bean (Planning Policy Manager), T Carne (Public Relations and Marketing Officer), M Kitts (Conservation Officer), A Petty (CCTV Operations Manager), G J Woodhall (Democratic Services Officer), J Leither (Democratic Services Assistant) and A Rose (Marketing & Digital Content Officer)

Also in attendance: C Pasterfield (Consultant)

19. WEBCASTING INTRODUCTION

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

20. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors H Kane and S Kane declared an interest in agenda item 19a, Site of Former Sir Winston Churchill Public House, Loughton - Development Agreement, as CK Property Investments (Loughton) Limited was a customer of their company. The Councillors had determined that their interest was pecuniary and would leave the meeting for the consideration of the issue.

21. MINUTES

Resolved:

(1) That the minutes of the meeting held on 11 June 2015 be taken as read and signed by the Leader of the Council as a correct record.

22. REPORTS OF PORTFOLIO HOLDERS

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

23. PUBLIC QUESTIONS

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

24. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meeting held on 21 July 2015:

- (a) a presentation from Voluntary Action Epping Forest on volunteering through time banking;
- (b) a review of the Corporate Plan's Key Action Plan for 2016/17;
- (c) the Essex County Council Replacement Waste Local Plan consultation document;
- (d) the agreement of the terms of reference for the four Select Committees; and
- (e) consideration of two PICK forms that had been received.

The Key Decision List was reviewed and the Committee queried why the re-tendering of the Leisure Management contract had not been listed as an upcoming Key Decision.

25. COUNCIL HOUSEBUILDING CABINET COMMITTEE - 4 JUNE 2015

The Housing Portfolio Holder presented the minutes from the recent meeting of the Council Housebuilding Cabinet Committee, held on 4 June 2015.

The Cabinet Committee had made recommendations to the Cabinet concerning Feasibility Studies and the Acceleration of the Housebuilding Programme. Other issues considered by the Cabinet Committee included: HCA Investment Partner Qualification; a Financial report on the Housebuilding Programme; Future Sites – Phases 4 and 5; the Risk Register for the Housebuilding Programme; and progress reports on Marden Close, Faversham Hall and Phases I and II of the Housebuilding Programme.

In respect of the proposed development at Colvers in Matching Green, a local Member enquired about the undertaking of a Parking Survey in the village and whether there had been any consultation with the Parish Council? The Housing Portfolio Holder stated that the Cabinet Committee had agreed Colvers in Matching Green was a viable site for the Council Housebuilding Programme, and that the Parish Council would be consulted as part of the normal process when the planning application was made; the Portfolio Holder promised to clarify about the undertaking of a Parking Survey in Matching Green and reply to the Member in due course.

Decision:Feasibility Studies

- (1) That, as a result of proposed developments for the Council Housebuilding Programme, the priority for the proposed off-street parking schemes at the following locations be increased:

- (a) Millfield, High Ongar;
 - (b) Queensway, Chipping Ongar;
 - (c) Graylands, Theydon Bois; and
 - (d) Colvers, Matching Green; and
- (2) That, following the decision to progress to the detailed planning stage, the priority of the following proposed off-street parking schemes be increased:
- (a) Green Glade, Theydon Bois; and
 - (b) Parkfields (Site A), Roydon;

Acceleration of the Housebuilding Programme

- (3) That, subject to the costs being met from the Council Housebuilding Capital Budget:
- (a) delegated authority be granted to the Housing Portfolio Holder to authorise the purchase of individual vacant properties for sale on the open market (either existing properties or new builds) if there was a risk identified by the Director of Communities of one-for-one replacement capital receipts having to be passed to the Government;
 - (b) delegated authority be granted to the Director of Communities to enter into Development Agreements with private developers, and agree terms for the purchase, for affordable rented housing required to be provided by developers in accordance with Section 106 Agreements, where an opportunity was presented that was considered suitable and appropriate; and
 - (c) if outline planning permission was granted for development on Council-owned land held by the General Fund at Pylles Lane, Loughton and the Cabinet subsequently decided to sell the site on the open market, the sale be subject to a requirement that the required affordable housing element (expected to be 40-50% of the total number of properties) be sold to the Council on practical completion, on agreed terms (to be set out in a separate Development Agreement) to be approved by the Cabinet when considering the sale of the site.

Reasons for Decision:

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

Other Options Considered and Rejected:

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

26. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 18 JUNE 2015

The Finance Portfolio Holder presented the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee, held on 18 June 2015.

The Cabinet Committee had made recommendations to the Cabinet concerning: the update of the Corporate Risk Register; and the Provisional Capital Outturn for 2014/15. The Cabinet Committee also considered the Provisional Revenue Outturn for 2014/15.

Decision:Corporate Risk Update

- (1) That the Action Plan for Risk 1 – Local Plan - be updated;
- (2) That the Effectiveness of Controls/Actions for Risk 2 – Strategic Sites - be updated;
- (3) That the Vulnerability within Risk 3 – Welfare Reforms - be amended;
- (4) That the Vulnerability, Trigger and Key Date for Risk 4 – Finance Income - be amended;
- (5) That the additional Required Further Management Action for Risk 6 – Data/Information - be agreed;
- (6) That the Vulnerability, Trigger, Action Plan and Score for Risk 9 – Safeguarding - be updated;
- (7) That the new Risk, Action Plan and Score for Risk 10 – Housing Capital Finance - be agreed; and
- (8) That the amended Corporate Risk Register be approved;

Provisional Capital Outturn

- (9) That the over and underspends in 2014/15 on certain capital schemes, as identified in the report to the Cabinet Committee, be retrospectively approved;
- (10) That the carry forward of unspent capital estimates into 2015/16 relating to schemes on which slippage had occurred be approved;
- (11) That the bringing forward of allocations from 2015/16 to 2014/15 in respect of a small number of capital schemes on which expenditure had been incurred ahead of schedule be approved; and
- (12) That the funding proposals in respect of the Capital Programme in 2014/15, as outlined in the report to the Cabinet Committee, be approved.

Reasons for Decision:

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

Other Options Considered and Rejected:

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

27. LOCAL COUNCIL TAX SUPPORT SCHEME 2016/17

The Finance Portfolio Holder presented a report concerning the Local Council Tax Support Scheme for 2016/17.

The Portfolio Holder reminded the Cabinet that the Council had adopted the current Local Council Tax Support Scheme for 2015/16 on 16 December 2014. Consideration now had to be given to the scheme for the financial year 2016/17 which would require approval by the Council in December 2015. The Council was under a statutory obligation to undertake a public consultation on the Council's scheme each year before the scheme was adopted by the Council. In view of the timescales, it would be necessary for the consultation to be undertaken between August and October 2015 to ensure that the Authority would have consulted correctly and that the Council could adopt the scheme at its meeting in December 2015. The Cabinet was requested to approve the four elements for consultation, namely: that the Scheme should be cost neutral for the Council; views on alternative funding for the Scheme if it was not cost neutral; whether the maximum support for people of working age should be reduced from the current level of 80%; and whether a minimum floor for the self-employed be set for the Scheme in line with other welfare reforms.

It was suggested that the Council could work in partnership with local Councils to raise the awareness of and responses to the consultation. The Portfolio Holder acknowledged that, historically, the level of responses to this consultation had been low, and the Council was happy to work with all of its partners to increase public awareness of the consultation. It was highlighted to the Portfolio Holder that the Governance Select Committee had previously suggested items such as this should be raised at the next available meeting of the Local Councils Liaison Committee.

Decision:

(1) That a public consultation exercise on the Local Council Tax Support Scheme for 2016/17 be undertaken between August and October 2015;

(2) That the following elements of the scheme be approved for consultation purposes:

(a) a general principle be that the Local Council Tax Support scheme for 2016/17 should aim to be cost neutral for the Council;

(b) to seek views on alternative funding options for the Local Council Tax Support Scheme if the Scheme was not cost neutral;

(c) the maximum Local Council Tax Support for people of working age be reduced from 80%; and

(d) that a Minimum Income Floor for Self Employed Persons be set in line with other Welfare Reforms.

Reasons for Decision:

The judgement given in the case of R v London Borough of Haringey on 29 October 2014, highlighted the requirement for Local Authorities to consult on their scheme annually, whether they intended to make any changes to their Local Council Tax Support Scheme or not. The judgement also made clear that in their consultation, Local Authorities also needed to consult on how the scheme was to be funded.

Respondents should be given the opportunity to give their views on whether the scheme should be cost neutral, or, if not, whether the scheme should be funded by making cuts to the scheme, increasing the Council Tax, cutting other Council services, or using Council reserves. The Council's scheme had to be agreed by the Council and be in place by 31 January 2016.

In view of the timescales, the consultation also needed to be undertaken between August and October 2015. If the consultation was commenced any later than this, then it would not be possible to complete the consultation and amend the scheme in time for executive approval by the Cabinet on 3 December 2015.

Other Options Considered and Rejected:

To not carry out a consultation exercise for the Local Council Tax Support Scheme for 2016/17, or that the consultation should only be carried out on potential changes to the scheme, not the funding of the scheme. However, with reference to the judgement in *R v London Borough of Haringey*, the Council's Scheme could be subjected to a judicial review.

28. COPPED HALL CONSERVATION AREA CHARACTER APPRAISAL

The Portfolio Holder for Safer, Greener & Transport presented a report on the Copped Hall Conservation Area Character Appraisal.

The Portfolio Holder informed the Cabinet that, by law, Local Planning Authorities were required to determine areas of special architectural or historic interest and designate them as conservation areas. The Authority should also publish proposals for the preservation and enhancement of these areas. The proposals should take the form of conservation area character appraisals which charted the history of an area, the reasons for its designation, and the key elements of its special interest. Character appraisals often preceded management plans as they provided the knowledge and understanding required to inform the creation of a successful and meaningful management plan.

The Portfolio Holder stated that the character appraisal for the Copped Hall Conservation Area had been prepared following due process and was now ready to be adopted and published for use by the general public (particularly residents), the major stakeholders within the area (including the Copped Hall Trust and the City of London), the Council's Development Management Section, and any other interested parties. Once adopted, the document would become a material consideration in the planning process and would inform the decisions made relating to proposed developments within the conservation area. As part of the appraisal process, the adequacy of the conservation area boundary had been assessed and it was intended to extend the boundary of the Copped Hall Conservation Area, as detailed in the report.

The Cabinet welcomed the report and felt that the Character Appraisal for the Copped Hall Conservation Area was an excellent piece of work.

Decision:

- (1) That the adoption and publication of the Character Appraisal for the Copped Hall Conservation Area be approved; and
- (2) That the boundary amendment to the Copped Hall Conservation Area be approved.

Reasons for Decision:

It was a key statutory duty under the provisions of section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whereby the Council was required to designate areas of “*special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*”. Section 71 of the same Act stated that the Council had a duty to “*publish proposals for the preservation and enhancement*” of their conservation areas, in the form of a Conservation Area character appraisal.

Other Options Considered and Rejected:

If the character appraisal was not published then the Council would not be fulfilling one of its statutory duties as listed above. In addition, the lack of a character appraisal could make planning decisions within these areas more difficult to defend at appeal.

29. SAFEGUARDING STRATEGY AND ACTION PLAN

The Portfolio Holder for Safer, Greener & Transport presented a report on the Safeguarding Strategy and Action Plan.

The Portfolio Holder reported that all organisations which provided services for children, young people and adults with needs for care and support were now required to produce a Safeguarding Strategy and Action Plan as part of the annual self-assessment audits required by Essex Safeguarding Children and Adults Boards (ESCB and ESAB). These strategies were developed from the findings of the audits and were designed to provide an overview of the status of safeguarding arrangements within organisations and an action plan to address areas in need of improvement. The Cabinet was requested to approve the Council’s Safeguarding Strategy and Action Plan for the period 2015-18.

The Portfolio Holder added that the Corporate Safeguarding Group had been made aware of a number of cases currently active throughout the country concerning vulnerable adults, such as elderly parents being abused by their children. Fraudsters also preyed on elderly people. The issue of ‘hoarding’ was highlighted as well.

The Cabinet agreed that it was important to meet the requirements of adults with needs of care and support, and their issues should not be ignored given the recent adverse publicity concerning child sexual exploitation in cases such as occurred in Rotherham. The Portfolio Holder was pleased to announce that over 80% of Councillors had completed the safeguarding training, and encouraged all members to undergo refresher training.

Decision:

(1) That the Council’s Safeguarding Strategy and Action Plan 2015–18 be adopted.

Reasons for Decision:

The Council was required to produce a Safeguarding Strategy and Action Plan following completion of the annual self-assessment Safeguarding Audit.

Other Options Considered and Rejected:

None, as this was a statutory requirement under the Care Act 2014.

30. PREVENT POLICY

The Portfolio Holder for Safer, Greener & Transport presented a report on the Prevent Policy.

The Portfolio Holder reported that all Councils were now required to produce and adopt a Prevent Policy and related Action Plan as part of their duties in respect of safeguarding children, young people and vulnerable people from harm. This was in response to the current level of threat from Terrorism and Extremism in the United Kingdom, which was severe, and could involve the exploitation of vulnerable people, including children, in order to involve them in extremist activity. Early intervention was at the heart of the Prevent Policy in diverting people away from being drawn into terrorist activity. Prevention happened before any criminal activity took place and it was about recognising, supporting and protecting people who might be susceptible to radicalisation. This Policy was therefore intended to provide guidance on the national Prevent agenda and how the Council would implement it locally. It set out the Council's local obligations, proposed actions, statutory duties and responsibilities, which included a priority to support vulnerable individuals in the community to help reduce the threat from radicalisation, terrorism and violent extremism.

The Portfolio Holder informed the Cabinet that Prevention was also a key part of the CONTEST strategy, led by the Home Office, which was the Government's national counter terrorism strategy. CONTEST aimed to reduce the risk to the United Kingdom and its interests overseas from international terrorism, so that people could live their lives freely and with confidence. The Prevent Policy also applied to all staff employed within the Council, either directly or indirectly, Council Members and to any other person or organisation that used the Council's premises for any purpose. The Cabinet was requested to agree the adoption of the Prevent Policy on behalf of the Council.

It was suggested that Multi-Faith Forums could be useful in addressing some of these problems, and that the Epping Forest Multi-Faith Forum should be resurrected. The Portfolio Holder welcomed the suggestion and stated that it would be considered carefully. The Assistant Director of Communities (Community Services) added that the Prevent Policy would be added to the Safeguarding Training courses.

Decision:

(1) That the Epping Forest District Council Prevent Policy, developed as part of the new requirements for District, City and Borough Councils, be adopted.

Reasons for Decision:

With wide ranging responsibilities and democratic accountability to their electorate, local authorities were vital to Prevention work. Effective local authorities would be working with their local partners to protect the public, prevent crime and to promote strong, integrated communities. The risk of terrorism and radicalisation would vary greatly and could change rapidly; no area, institution or body was therefore risk free.

Other Options Considered and Rejected:

None, as Section 26 of the Counter Terrorism and Security Act 2015 placed a duty

on specified authorities (listed in Schedule 6 of the Act) and stated that it must '*in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism*'. In complying with the duty, all specified authorities, as a starting point, should demonstrate an awareness and understanding of the risk of radicalisation in their area, institution or body.

31. SAFEGUARDING STAFFING RESOURCES

The Portfolio Holder for Safer, Greener & Transport introduced a report on Safeguarding staffing resources.

The Portfolio Holder explained the statutory requirements of the Council relating to the safeguarding of children, young people and older people (with needs for care and support) from harm. The significant amount of work undertaken by the 1.5FTE safeguarding posts approved by the Cabinet in May 2014 for an initial period of two years, to reduce and minimise the risks to the Council, Officers, Members and Clients was highlighted. The amount of ongoing and additional work required to continue to reduce and mitigate these risks was detailed and it was proposed that a Continuing Services Budget Growth Bid be considered as part of the 2016/17 budget setting process to make these posts permanent.

The Cabinet accepted that there were budgetary pressures, however the cost involved in the proposals had to be weighed up against the risk of reputational damage to the Council. Although it was a sad indictment that such Officers were required, it was a function that the Council had to continue to perform and therefore the proposals should be supported.

Decision:

- (1) That the significant improvements made to the Council's safeguarding arrangements over the last year, since the appointment of the 1.5FTE Safeguarding posts be noted;
- (2) That the ongoing work required to maintain and further improve safeguarding arrangements, systems and practices across the Council to minimise the risks to the Council, including confidential data recording be noted; and
- (3) That a Continuing Services Budget growth bid in the sum of £49,610 be made for 2016/17 to enable the existing 1.5FTE Safeguarding posts to be made permanent on the Council's establishment.

Reasons for Decision:

Safeguarding children, young people and adults with needs for care and support was an ever increasing function, with new issues emerging all the time. This placed a much greater responsibility and pressure on Councils to respond to these and existing safeguarding issues efficiently and effectively.

A range of areas had been identified by the Safeguarding Boards that the Council still needed to improve upon, including ensuring that all of the Council's contractors had adequate safeguarding policies and training for their staff. This type of work required ongoing maintenance and review and took a substantial amount of time to complete and therefore could not feasibly be undertaken by other staff.

Other Options Considered and Rejected:

To end the fixed term contract for the Safeguarding Officer and Part-time Administration Assistant posts in April 2016. However, this would result in the Council being unable to fulfil its safeguarding responsibilities to the level required by the Safeguarding Boards.

To increase the dedicated staffing resources for safeguarding. However, it was considered that the current posts were generally sufficient, supplemented by work undertaken by the Assistant Director of Communities (Community Services & Safety) and Community Safety Manager when required.

32. DISTRICT CCTV PROVISION - STRATEGIC DIRECTION

The Portfolio Holder for Safer, Greener and Transport introduced a report on the strategic direction for the provision of Closed Circuit Television (CCTV) cameras throughout the District.

The Portfolio Holder stated that responsibility for the Council's CCTV systems was transferred to the Community Safety Team in 2008 as part of the Safer, Cleaner, Greener Review. Since the transfer seven years ago, many new CCTV systems had been requested by Directorates and installed across the District, in an attempt to deter crime and to enable identification and prosecution of perpetrators. This had resulted in 480 cameras now being active in the District. The maintenance budget for CCTV had not increased during this time and where cameras had required maintenance or repair, the additional budget required had been found from other sources. However, with the number of cameras now in situ, and the pressure on finding budget savings across the Council, this was no longer a viable option. Added to this, each CCTV camera had a lifespan of approximately 5 to 7 years and there were now more cameras requiring complete replacement.

The Portfolio Holder stated that CCTV was certainly a deterrent to crime and with systems such as the Council's, which were well managed and maintained, CCTV footage was frequently utilised by the Police, resulting in many criminals being brought to justice. The Council was also able to charge for footage supplied to insurance companies in cases, for example, of damage to vehicles whilst parked in Council car parks. Areas of surveillance where it had been particularly useful included Night Time Economy crime and several cases of financial abuse of elderly people living in the District.

The Portfolio Holder therefore requested the Cabinet to consider whether or not it wished to continue to provide and invest in CCTV for the future and proposed that, if it did, the Director of Communities would formulate a fully-costed CCTV Strategy and Funding Plan, based on the anticipated future costs and proposed new installations, for consideration by the Cabinet at a future meeting.

The Portfolio Holder for Governance & Development Management recognised the importance of CCTV in fighting crime, and understood the need for the Council to protect its property. However, with almost 500 cameras and each having an average lifespan of 5 years, the Council would have to replace approximately 100 cameras per year; the Member was not convinced of the need for the Council to provide this service. The Portfolio Holder for Safer, Greener and Transport stated that the cost of cameras was getting cheaper and they did pay for themselves over their lifetime. The Council would always look to obtain best value for the purchase of cameras, and would also look to obtain as much income from insurance companies as possible.

The further report would examine how extensive the Council's strategy should be and the size of the funding programme.

The Finance Portfolio Holder acknowledged the concerns expressed, however CCTV schemes were popular with residents in town centres and car parks. The Portfolio Holder would have liked an indication of the potential cost in this report, and queried whether 'dummy' cameras could be used as a deterrent in certain locations. The CCTV Operations Officer stated that there was increasing demand for the images from the Council's CCTV cameras by the Police and other agencies, and that CCTV was also used in the monitoring of flood risk areas. As an example, the upgrade of the cameras in the Bakers Lane car park would cost £2,800 at the current time, not the original £8,000 it had cost to install the cameras. Camera lifespans could be extended through servicing and maintenance, and armour plating could be installed to prevent rodents from chewing through the cables.

The CCTV Operations Officer added that the signage to indicate the cameras to the public had recently been updated, and that the Council had already been compliant with the Surveillance Camera Code of Practice before its implementation by the Surveillance Camera Commissioner. The Council would assist any Local Council to ensure their cameras were compliant with the Code of Practice. The Council did not use 'dummy' cameras as set out in the Council's current CCTV Strategy.

The Cabinet was asked whether the CCTV images were used by the North Essex Parking Partnership (NEPP), and whether the installation and maintenance costs of the cameras installed in the Council's housing estates were charged to the Housing Revenue Account. The Portfolio Holder stated that the images were not used by NEPP as the previous Minister for Communities & Local Government had frowned upon the practice, although the cameras were used in the prosecution of Fly Tipping cases. The Housing Portfolio Holder stated that details of the funding, including any split between the General Fund and the Housing Revenue Account, would be dealt with by the further report.

The Portfolio Holder for Safer, Greener & Transport welcomed the comments on this issue, and acknowledged that further discussions would be required, but requested the Cabinet to support the principle of providing CCTV cameras within the District with a further report to be submitted on an updated Strategy and Funding Plan.

Decision:

(1) That, in view of the need to increase capital and revenue budget provision to renew/replace existing CCTV systems coming to the end of their useable life and to properly repair and maintain existing and planned additional CCTV systems, the desire for the Council to continue to provide and invest in CCTV for the future be confirmed in principle; and

(2) That a fully-costed CCTV Strategy and Funding Plan be formulated by the Director of Communities, based on the anticipated future costs and proposed new installations, for consideration by the Cabinet at a future meeting, in advance of the budget cycle to enable the increased costs to be incorporated within future budgets.

Reasons for Decision:

The level of CCTV coverage requested by Directorates for key locations in the District had increased significantly over the last few years, but the budget within the Community Safety team had not been increased correspondingly. The regular maintenance work undertaken under contract had helped keep the costs of repair to

a minimum over the last few years, but the budget was now unable to accommodate the levels of expenditure required for continued growth, ongoing maintenance, equipment repairs and replacement.

Other Options Considered and Rejected:

A decision could be taken to not increase the current CCTV budget and to phase out respective systems as they fail. However, this would leave these areas of the District without CCTV coverage and therefore a lack of detection in the case of vandalism or crime.

33. ASSESSMENT OF VIABILITY OF AFFORDABLE HOUSING, COMMUNITY INFRASTRUCTURE LEVY AND LOCAL PLAN

The Portfolio Holder for Planning Policy presented a report concerning the assessment of viability of affordable housing, Community Infrastructure Levy and the Local Plan.

The Portfolio Holder reported that the Dixon Searle Partnership had been engaged by the Council to undertake an assessment of the economic viability of development across the District and advise on the implications of this for the drafting of Local Plan policies. The consultants were also asked to consider the scope for the introduction of a Community Infrastructure Levy (CIL) and the inter-relationship with overall development viability.

The Portfolio Holder stated that the Community Infrastructure Levy, as the name suggested, was essentially a tax that local authorities could charge developers to help deliver the infrastructure needed to support the development of an area. A proportion of the levy collected was passed onto Parish and Town Councils to spend where development had taken place. The Levy was intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. Therefore, since some site specific impact mitigation might still be necessary in order for a development to be granted planning permission, where the Levy was introduced there was still a legitimate role for development specific planning obligations.

The Portfolio Holder explained that economic viability work was being undertaken in two stages and the Consultants had now reached the end of Stage 1. Their report reviewed the economic viability of development at a strategic level across the District and introduced potential options for Local Plan policy development, including the proportion of affordable housing and affordable housing thresholds. The Stage 1 report had also considered the prospects for the introduction of a Community Infrastructure Levy and had advised on broad parameters for viable levels of Levy for different land uses across the District.

The Cabinet was reminded that the Consultants had briefed all Members on 19 May 2015 on the economic viability work undertaken so far. They had explained the links with the Local Plan and affordable housing as well as also presenting their findings in respect of the prospects for introducing a Community Infrastructure Levy Charging Schedule across the District, indicating the uses that could sustain a charge and the rates that might be levied. The Cabinet was requested to note the work already completed and agree that the Council continued the work needed to support and inform both the Local Plan and the potential introduction of a Community Infrastructure Levy Charging Schedule.

A local Member for Loughton St Mary's opined that the proposed levels of Community Infrastructure Levy were significantly higher than neighbouring authorities, which could have a negative effect on the amount of development undertaken within the District, along with the requirement for developments to provide 40% of their dwellings for affordable housing. The Planning Policy Manager reassured the Cabinet that the Stage 1 Assessment was a high level analysis and the figures quoted were broad parameters. There would be further analysis undertaken during Stage 2. The Portfolio Holder for Governance & Development Management felt that the Council should look to encourage the building of the right number of houses for the District, and should not try to compete with neighbouring authorities to build the most houses through having the lowest levels of Community Infrastructure Levy.

Further clarification was requested on where the responsibility for providing infrastructure lay. The Planning Policy Manager stated that Section 106 agreements would still be appropriate for certain developments, and the Community Infrastructure Levy was designed to work in tandem with them. The Council would need to provide a list of infrastructure elements for which the Levy could be charged.

Decision:

- (1) That the findings of the Stage 1 Assessment of the Viability of Affordable Housing, Community Infrastructure Levy and Local Plan, the Executive Summary for which was attached at Appendix 1 of the report, be noted;
- (2) That the work needed to support the potential introduction of a Community Infrastructure Levy (CIL) along the lines proposed in the Stage 1 Report be agreed; and
- (3) That Stage 2 of the Economic Viability work be completed to inform the Preferred Option Draft Local Plan and that the consultants retained by the Council undertake and complete this work at the appropriate time.

Reasons for Decision:

It was necessary to produce economic viability evidence as part of the Council's evidence base needed to underpin and inform policies in the emerging Local Plan, to ensure that the Local Plan was founded on a robust, credible and up-to-date Evidence Base, and facilitate the potential introduction of a Community Infrastructure Levy Charging Schedule. The Community Infrastructure Levy came into force in 2010 and was the Government's preferred approach to help deliver the infrastructure needed to support the development of an area.

Other Options Considered and Rejected:

To decide not to progress the Community Infrastructure Levy. However, the implications of this would be that the Council would need to solely rely upon pooling up to a maximum of five Section 106 contributions to fund a piece of infrastructure.

To delay a decision on whether to introduce the Community Infrastructure Levy. However, although it was the Government's preferred approach, there was not a statutory obligation to introduce the Levy, nor any deadline set for making such a decision.

To not request the Consultants to undertake Stage 2 of their economic viability work. However, irrespective of the Council's decision on the Community Infrastructure

Levy, economic viability work was needed to inform how Local Plan policies were couched, including the policy approach taken in respect of affordable housing.

34. RELEASE OF RESTRICTIVE COVENANTS - EPPING FOREST COLLEGE

The Portfolio Holder for Governance & Development Management requested permission to withdraw this item, pending further discussions with Essex County Council.

Resolved:

(1) That this report be deferred pending further discussions with Essex County Council.

35. COMPENSATION FOR MISSED REFUSE COLLECTIONS

The Portfolio Holder for Governance & Development Management presented a report on possible compensation for missed refuse collections.

The Portfolio Holder reminded the Cabinet that, as a result of a competitive procurement process, the Council had appointed Biffa Municipal Ltd as its Waste, Recycling and Street Cleansing contractor from 4 November 2014. After a mobilisation period, the contractor successfully operated the previous five-day collection regime until 12 May 2015. However, the transfer to the revised four-day collection schedule, which was a central feature of their tender, had brought about a significant number of missed collections. Consequently, the Cabinet had to consider the issues of how to deal fairly with complaints from residents as a result of the failure to collect their waste and recycling on the days of the agreed schedule.

The Portfolio Holder stated that, although it was recognised clear improvements were being made, the new waste collection service had not yet fully stabilised, and while every effort was being made to ensure a satisfactory service was provided henceforth, it was not possible to conclude at this stage that there would not be more issues that could potentially give rise to complaints. However, following careful consideration and advice, it had been concluded that offering individual financial compensation for missed collections would not be in the best interests of Council Tax payers. When the Neighbourhoods Select Committee had completed its review of the issues, a wider assessment of the impacts would be available, and the Cabinet would be able to consider whether a District-wide or area basis impact was observable. With this information, the Cabinet would then be able to further assess what appropriate action should be taken.

The Portfolio Holder added that the Council had consulted with the Local Government Ombudsman, and the indications were that the Council was not culpable of mal-administration; residents were still at liberty to complain to the Local Government Ombudsman. The Cabinet recognised that the service in the past few weeks had been sub-standard, and the level of dissatisfaction might be a consequence of the exemplary service provided to residents in the past. The Cabinet recognised that the proposed approach was very reasonable and that every effort was being made in the circumstances to resolve the issues with the service.

Decision:

(1) That the unacceptable level of service received by some residents within the District following the change to the revised four-day Waste and Recycling collection service be recognised by the Council;

(2) That the improvement of the refuse and recycling service towards the level that was expected in the District be noted;

(3) That, following careful consideration and advice, it was not considered to be in the best interest of Council Tax payers to offer individual financial compensation; and

(4) That the correct response on a District-wide basis be determined at the conclusion of the review of the implementation of the four-day Waste and Recycling collection service by the Neighbourhoods Select Committee.

Reasons for Decision:

The Council had received approximately 5,400 complaints regarding missed collections from the time of the new four-day collection arrangements being implemented, with many of the complainants requesting financial compensation. The Council was required to reach a decision on this issue in an appropriate and reasonable manner, seeking to balance the legitimate right to complain against the best interests of the use of public funds.

Other Options Considered and Rejected:

The Council could consider agreeing a set amount of compensation for each missed collection. However, it would be extremely difficult to verify each individual claim, particularly as awareness of any successful claim would in all likelihood generate many other additional claims. The Council could agree a compensation amount at this stage before the service stabilises and risk further impacts.

36. ANY OTHER BUSINESS

Resolved:

(1) That, as agreed by the Leader of the Council and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the following items of urgent business be considered following publication of the agenda:

(a) Site of Former Sir Winston Churchill Public House, Loughton – Development Agreement; and

(b) Epping Forest Shopping Park – Progress Report.

37. SITE OF FORMER SIR WINSTON CHURCHILL PUBLIC HOUSE, LOUGHTON - DEVELOPMENT AGREEMENT

The Portfolio Holder for Asset Management & Economic Development presented a report on the Development Agreement for the site of the former Sir Winston Churchill Public House in Loughton.

The Portfolio Holder reminded the Cabinet that the Council had previously agreed Heads of Terms with CK Property Investments (Loughton) Limited for the redevelopment of the site of the former Sir Winston Churchill Public House in Loughton. This decision had permitted the Portfolio Holder to agree minor variations to the Agreement; however, CK Property Investments (Loughton) Limited had requested further variations which were not considered minor and were more

material in nature. Firstly, a variation to permit access for tenants to carry out repairs on the neighbouring car parking area, and secondly, a novation agreement to change the identity of the party responsible for constructing the development to Higgins Homes Plc. The proposed variations did not affect the design or scale of the development. The site had been vacant for some time, and a waiver of the call-in arrangements had been requested of the Chairman of Council to prevent further delay to the start of the development.

A local Member for Loughton Roding felt that the former Public House had been demolished in undue haste and that the entrance to the Broadway now looked decidedly ugly. However, the Member supported the proposals as it would accelerate the development of the site. There was also a request to replace the blue hoarding currently in situ. The Council's Consultant undertook to raise the issue with Higgins Homes Plc, and the Portfolio Holder agreed that more attractive hoarding could be used, especially if it advertised the Broadway itself. It was expected that Higgins Homes Plc would want to start on site in the very near future.

Decision:

- (1) That Agreement be given to:
 - (i) a variation of the Heads of Terms for the Development Agreement with CK Investment (Loughton) Ltd, to allow a Novation Agreement and Deed of Variation and Consent which changed the party responsible for constructing the development to Higgins Homes plc and they be granted an under-lease accordingly; and
 - (ii) a variation of the lease to permit access for tenants to carry out repairs on the neighbouring car parking area, but that a clause be inserted to prevent obstruction;
- (2) That the Asset Management and Economic Development Portfolio Holder be authorised to agree minor amendments to the documentation, in consultation with the Director of Neighbourhoods; and
- (3) That the Call-In procedure with respect to this decision be waived on the grounds of Urgency in order to prevent further delay to the start of the development.

Reasons for Decision:

The previous decision gave authority for the Asset Management and Economic Development Portfolio Holder to agree minor amendments to the contract documentation. However, matters had now arisen, which were considered to be outside of the scope of "minor" amendments and as such the report sought the Cabinet's approval for the amendments.

Other Options Considered and Rejected:

To not agree the proposed variations. However, this would delay the approved development scheme for the site, which had been vacant for several months now. In addition, this would also cause further delay to the regeneration benefits sought by the Debden Town Centre and Broadway Development Options Brief.

38. EPPING FOREST SHOPPING PARK - PROGRESS REPORT

The Portfolio Holder for Asset Management & Economic Development presented a

progress report on the Epping Forest Shopping Park project.

The Portfolio Holder reported that practical completion of the purchase of the T11 site was achieved on 3 July 2015, and the Council was now solely responsible for the construction, letting and future management of the Shopping Park. The Portfolio Holder then proceeded to update the Cabinet on a number of issues with the Project:

- Highways – the Section 278 Highways Works had been fully designed and was awaiting full technical approval. The Traffic Regulation Order process had been delayed by an objection from the BP Petrol Station in the Broadway who had put forward an alternative scheme, and this issue was due to be resolved by Essex County Council in August 2015. The Highways works was expected to begin in February 2016 and be complete by September 2016.
- Procurement – the timetable for OJEU restricted procurement process for the appointment of the main contractor to build the Shopping Park was being progressed by the Council's external Solicitors.
- Marketing – strong interest was being shown in the Shopping Park, and discussions with key anchor tenants had reached an advanced stage.

The Portfolio Holder also stated that the Council's waste contractor had vacated the Depot site in May 2015, and the Council's Ground Maintenance and Fleet Operations Services should be relocated to the new depot at Oakwood Hill by April 2016. The T11 site had been used as an employee car park by Polofind Limited, and as the construction was not due to start for a number of months, a request to continue this use had been received. A licence to permit this use to continue had been granted, for a monthly rental charge of £2,000 and with a clause permitting vacant possession for the Council when required, and retrospective approval was sought for this.

In response to questions from the Members present, the Portfolio Holder stated that the Car Parking Licence for the T11 site had started on 3 July 2015 when the site had been formally acquired. The Portfolio Holder agreed to arrange for the Ward Members to be consulted on the alternative Highways scheme put forward by the Petrol Station.

Decision:

- (1) That the progress on the Epping Forest Shopping Park project be noted; and
- (2) That the licence to enable temporary car parking on the T11 Site to continue for the monthly rental charge of £2,000 per month be agreed retrospectively.

Reasons for Decision:

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

Other Options Considered and Rejected:

To not agree to the Licence for the car parking on the T11 site. However, this would not impact upon the progress of the project as vacant possession could be obtained when required and it was generating a small income for the Council.

39. EXCLUSION OF PUBLIC AND PRESS

The Cabinet noted that there were no items of business which necessitated the exclusion of the public and press.

CHAIRMAN