



**CABINET**  
**Thursday, 3rd September, 2015**

You are invited to attend the next meeting of **Cabinet**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping**  
**on Thursday, 3rd September, 2015**  
**at 7.00 pm .**

**Glen Chipp**  
**Chief Executive**

**Democratic Services**  
**Officer**

Gary Woodhall  
The Directorate of Governance  
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Members:

Councillors C Whitbread (Leader of the Council) (Chairman), S Stavrou (Deputy Leader and Finance Portfolio Holder) (Vice-Chairman), R Bassett, W Breare-Hall, A Grigg, D Stallan, G Waller, H Kane, A Lion and J Philip

**PLEASE NOTE THE START TIME OF THE MEETING**

**1. WEBCASTING INTRODUCTION**

- (a) This meeting is to be webcast;
- (b) Members are reminded of the need to activate their microphones before speaking; and
- (c) the Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights. If you have any concerns then please speak to the Webcasting Officer.

Please could I also remind Members to activate their microphones before speaking.”

**2. APOLOGIES FOR ABSENCE**

(Director of Governance) To be announced at the meeting.

**3. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on this agenda.

**4. MINUTES**

To confirm the minutes of the last meeting of the Cabinet held on 23 July 2015 (previously circulated).

**5. REPORTS OF PORTFOLIO HOLDERS**

To receive oral reports from Portfolio Holders on current issues concerning their Portfolios, which are not covered elsewhere on the agenda.

**6. PUBLIC QUESTIONS**

To answer questions asked by members of the public after notice in accordance with the motion passed by the Council at its meeting on 19 February 2013 (minute 105(iii) refers) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

**7. OVERVIEW AND SCRUTINY**

(a) To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function.

(b) To consider any matters that the Cabinet would like the Council's Overview and Scrutiny function to examine as part of their work programme.

**8. ASSET MANAGEMENT & ECONOMIC DEVELOPMENT CABINET COMMITTEE - 9 JULY 2015 (Pages 5 - 10)**

(Asset Management & Economic Development Portfolio Holder) To consider the minutes of the meeting of the Asset Management & Economic Development Cabinet Committee, held on 9 July 2015, and any recommendations therein.

**9. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 20 JULY 2015 (Pages 11 - 20)**

(Finance Portfolio Holder) To consider the minutes of the meeting of the Finance & Performance Management Cabinet Committee, held on 20 July 2015, and any recommendations therein.

**10. COUNCIL HOUSEBUILDING CABINET COMMITTEE - 27 JULY 2015 (Pages 21 - 24)**

(Housing Portfolio Holder) To consider the minutes from the meeting of the Council Housebuilding Cabinet Committee, held on 27 July 2015, and any recommendations therein.

**11. GREEN BELT REVIEW (STAGE I) AND SETTLEMENT HIERARCHY (Pages 25 - 34)**

(Planning Policy Portfolio Holder) To consider the attached report (C-025-2015/16).

**12. FUNDING FOR DISABLED FACILITIES GRANTS (Pages 35 - 40)**

(Housing Portfolio Holder) To consider the attached report (C-022-2015/16).

**13. PRIVATE SECTOR HOUSING ENFORCEMENT (Pages 41 - 52)**

(Housing Portfolio Holder) To consider the attached report (C-023-2015/16).

**14. EPPING FOREST SHOPPING PARK - PROGRESS REPORT (Pages 53 - 58)**

(Asset Management & Economic Development Portfolio Holder) To consider the attached report (C-026-2015/16).

**15. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**16. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
nil	none	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.

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Asset Management and Economic Development Cabinet Committee **Date:** Thursday, 9 July 2015

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 7.50 pm

**Members Present:** Councillors A Grigg (Chairman), H Kane, S Stavrou, A Lion and D Stallan

**Other Councillors:** Councillors C Whitbread and J H Whitehouse

**Apologies:** Councillors W Breare-Hall and G Waller

**Officers Present:** D Macnab (Deputy Chief Executive and Director of Neighbourhoods), M Warr (Economic Development Officer), J Leither (Democratic Services Assistant) and A Hendry (Democratic Services Officer)

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### 1. WEBCASTING INTRODUCTION

The Chairman 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.

### 2. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillor D Stallan substituted for Councillor W Breare-Hall and Councillor A Lion for Councillor G Waller.

### 3. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in agenda item 6, Asset Management Co-Ordination Group Report item 4, St John's Road by virtue of being a resident of Epping. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

### 4. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 23 April 2015 be taken as read and signed by the Chairman as a correct record.

### 5. ECONOMIC DEVELOPMENT TEAM PROGRESS REPORT

The Economic Development Officer presented a report to the Cabinet Committee and updated them on a number of projects and issues being explored by the Economic Development Team.

- (1) **Staffing** – The Economic Development team was now fully staffed.
- (2) **Essex Superfast Broadband** – EFDC Officers have worked with Essex County Council Officers to successfully complete the procurement process for the Rural Challenge Project phase of the Superfast Essex Broadband project. The contract had been awarded to Gigaclear, a company who specialise in the building and operation of fibre broadband networks in rural communities They build fibre to the premises (FTTP) networks. Marketing and engagement will commence immediately to the local communities. The building of the network and the delivery of the services were expected to commence by the end of the year.

Enquiries from the public asking how the programme was going should be directed to the Superfast Essex website where they would be able to access the interactive postcode checker map and identify whether their property was within the rural challenge project area. If they were not then they would be able to identify the status of broadband delivery to their postcode, as covered by other phases of the programme

- (3) **Eastern Plateau** – The Eastern Plateau Local Action Group have been awarded approximately £1.8m and the aim of the funding was to create jobs and promote business growth in rural areas. It will focus on projects covering farm productivity, rural tourism, the provision of rural services, culture and heritage forest/woodland productivity and small business growth.

The final formalities are being signed off with the Rural Payments Agency and the Eastern Plateau are looking to start processing active applications later this year. Marketing had begun on a number of projects spread across each of the different priorities, as previously mentioned. There had been some interest located in the Epping Forest District.

- (4) **One Business Briefing** – Our business newsletter has recently been issued, it has been given an overhaul with a brand new look and feel to it, aiming to deliver a high quality professional and informative magazine to businesses within the district.
- (5) **District Centres Economic Development Fund** – Members may recall that this was previously the Town Centres Development Fund which had now been expanded to include some of the smaller village centres in the district. We are meeting with the Town teams in a couple of weeks time and are hoping to be able to deliver a programme that they are keen to get involved in. We will report further at the next meeting.
- (6) **Business Survey** – EFDC have received a large quantity of data from Essex County Council which needs to be analysed and the team hope to report on this further in the near future.
- (7) **Tourism Development** – The Tourism Conference was a very successful event and as a result a number of local visitor related businesses have expressed an interest in becoming more involved in the work of the visitor economy and tourism board.

The director of Neighbourhoods advised the Cabinet Committee that the Council had received a draft proposal from the Tourism Forum suggesting that there was an opportunity in the market to host an air show at North Weald, due to the demise of the Southend Air Show. The proposal was not in any shape of a business plan it was just ideas and the intention was to firm up some of the costings and bring a report to

the Cabinet in the near future. He further stated the partnership community days that were hosted at North Weald Airfield had always involved local community groups.

(8) **Partner Liaison** – Recently members of the Economic Development Team have attended key events such as the Harlow Business Exhibition and the launch of the SELEP Rural strategy.

In terms of Partner Liaison also the work we have done with them in terms of putting the business briefing together, a number of external partners including Essex County Council have welcomed the approach to their information being published in our bulletin.

**Resolved:**

That the progress and work programme of the Council's Economic Development Section be noted.

**Reasons for Decision:**

To appraise the Committee on the progress made with regard to Economic Development issues.

**Other Options Consider and Rejected:**

None, as this monitoring report was for information not action.

**6. ASSET MANAGEMENT CO-ORDINATION GROUP REPORT**

The Director of Neighbourhoods presented a report to the Cabinet Committee and updated them on further progress which had been achieved since the publication of the Agenda.

(1) **Epping Forest Shopping Park** – The District Council held an extraordinary Council meeting on the 23 June 2015. Previously there had been a Cabinet recommendation that the Council sought to become the sole developer of this site. Previously a joint special purpose vehicle with the adjacent land owner Polofind Limited had been developed, to take forward this scheme jointly. However, there were indications that Polofind would like to sell their interests and it was deemed appropriate that the Council should be the sole owners of this development and that recommendation was made to the extraordinary Council meeting. The funding was made available and on Friday 3 July 2015 the Council became the sole owners of the site.

Marketing of the site was going very well and the Council are in talks with four key anchor tenants.

There was a significant highways improvement scheme which would be implemented, not only to facilitate access to the retail park but to address some of the chronic congestion problems in that locality.

(2) **Oakwood Hill Depot** – The waste contractor BIFFA vacated the Langston Road depot in early May and moved to their own depot in Waltham Cross. Additional space had been leased on Oakwood Hill Industrial Estate to facilitate the museum.

Part of the procurement of the retail park gives us the ability to retain a part of the Langston Road depot to temporarily retain the MOT centre and the fleet services on that site until the new depot at Oakwood Hill had been constructed.

(3) **Pyrles Lane Nursery** – Further work had been undertaken to address some of the concerns raised following the refusal of this application. Revised plans will be submitted and this application will go to the DDMC due to it being Council owned land. Ward Members will be advised in advance of that application being submitted.

(4) **St John's Road** – The Diocese have now released the covenant for Lyndsey House which Essex County Council are looking to purchase from us as part of the St John's Road development. An issue had cropped up whereby when public bodies sell assets, State Aid approval had to be sought to ensure that you were getting the best value. We have taken legal advice to ensure that we are complying correctly. Essex County Council will have to write to the Secretary of state to seek his agreement before the final approval. Completion was expected to be within the next 4-6 weeks.

(5) **North Weald Airfield** – There had been 3 days of hosting visits to the site from companies expressing interests in becoming a development partner. Savills were appointed to assist the Council with the marketing exercise and advertised through the relevant trade and aviation press. We have received back expressions of interest from 3 companies. Due to the commercial sensitivity Savills will be writing up an executive summary on each of those expressions and we will be bringing this report to Members to see if there was anything beneficial to the Council going forward. It was hoped to bring the Savills report to the next meeting of the Cabinet Committee.

Park and ride scheme at North Weald Airport Update – Essex County Council have undertaken to report on a Park and Ride scheme and the conclusion was that it would be very challenging to make such a proposal stack up financially. We have asked for a formal report which we have yet to receive and the Director of Neighbourhoods will chase ECC for the report.

The dynamic has changed slightly as TFL have had pre-application discussions to deck over part of Epping Station car park and increase the parking capacity. TFL have also submitted an application to extend car parking at Theydon Bois Station.

(6) **Sir Winston Churchill / The Broadway, Debden** – Local developer Higgins have acquired an interest in the Sir Winston Churchill site and are now potential development partners. It was hoped to see work start on this site within the next few weeks.

Formal notice had now been received from the Post Office on Debden Broadway. This was a large prominent site at the end of the Broadway.

The Chairman reported that she had been approached and met with a community group from Debden and they have shown the Chairman outline plans and proposals. The Council are required to market this site on the open market.

(7) **Ongar Academy** – EFDC have agreed to sell the playing fields which were previously acquired from ECC to the rear of the leisure centre to the Ongar Academy Trust. Their long term plan was to build a new secondary school which will house 700-800 pupils. In the short term there was a need for temporary accommodation and EFDC have leased the tennis courts to them to house temporary buildings in readiness for the new school year in September 2015.



(8) **Town Mead Depot** – The site was in flood zone 3 and the latest advice from the Environment Agency ruled out any prospect as a residential development site. The District Council would now need to decide what other uses the site could be used for.

(9) **Hillhouse Leisure/Community Hub** – Presents an exciting opportunity to bring together and co-locate a number of public services. There was a GP surgery on site that was situated in a flat and they would like to relocate. The next step was to appoint a consultant for a masterplanning exercise to check that we are getting the best use out of the site and to produce a report for Members for a formal view.

**Resolved:**

(1) That the monitoring report on the development of the Council's property assets be noted.

(2) That the Ward Members of the Pyles Lane Nursery site would be advised of the date this application would be heard at the DDMC.

(3) That the Director of Neighbourhoods would contact Essex County Council to request the report on the Park and Ride Scheme at North Weald Airfield.

**Reasons for Decision:**

To comply with the Cabinet Committee's previous request to monitor the development of the Council's property assets on a regular basis.

**Other Options Considered and Rejected:**

None, as this monitoring report was for information not action.

**7. ANY OTHER BUSINESS**

The Cabinet Committee noted that there was no other urgent business for consideration.

**8. EXCLUSION OF PUBLIC AND PRESS**

The Cabinet Committee noted that there were no items of business on the agenda that necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**

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## O EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Finance and Performance Management Cabinet Committee **Date:** Monday, 20 July 2015

**Place:** Committee Room 2, Civic Offices, High Street, Epping **Time:** 7.00 - 8.45 pm

**Members Present:** Councillors S Stavrou (Chairman), A Lion, J Philip, D Stallan and C Whitbread

**Other Councillors:** Councillors G Mohindra, G Waller and J M Whitehouse

**Apologies:**

**Officers Present:** R Palmer (Director of Resources), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), B Copson (Senior Performance Improvement Officer) and R Perrin (Democratic Services Assistant)

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### 8. Declarations of Interest

(a) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in item 5, Corporate Plan Key Action Plan 2016/17 of the agenda, by virtue of being a resident in St John's Road, an Epping Town Councillor and Essex County Councillor for Epping and Theydon Bois. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in agenda item 5, Corporate Plan Key Action Plan 2016/17, by virtue of being a resident of Epping. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue. In addition, the Councillor repeated the personal statement that he had made to the Cabinet in July 2012 and March 2014 namely:

*“(a) in my own response as a local resident to the public consultation, I stated that I was opposed to the provision of a supermarket;*

*(b) my view has always been that the approved development brief should achieve the twin goals of revitalising the High Street economy and preserving its essential character;*

*(c) it has never been my view that maximising the financial return on the Council's landholding in that area should be the only objective of the Authority, community benefits are equally important in my mind; and*

*(d) the decision as to whether a supermarket or indeed any other form of development will form part of the brief is not mine as Leader of the Council but one for the whole Council.”*

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(c) Pursuant to the Council's Code of Member Conduct, Councillors S Stavrou, J Philip, A Lion, D Stallan, G Mohindra and J M Whitehouse declared a personal interest in item 7.a of the agenda, in so far as it relates to the Local Council Tax Support payable to Parish Councils as they are Parish Councillors. They understood that there are no binding decisions being made by the Sub-Committee at the meeting and therefore would advise that when the decisions were due on this later in the budget cycle, they would seek a dispensation from the Standards Committee to participate.

**9. Minutes**

**Resolved:**

(1) That the minutes of the meeting held on 18 June 2015 be taken as read and signed by the Chairman as a correct record.

**10. Key Performance Indicators 2014/15 - Outturn**

The Senior Performance Improvement Officer presented a report on the outturn performance for the Key Performance Indicators adopted for 2014/15.

The Performance Improvement Officer reported that the Council was required to make arrangements to secure continuous improvement in the way in which its functions and services were exercised, having regard to a combination of economy, efficiency and effectiveness. As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's service priorities and key objectives were adopted each year. Performance against all of the KPIs was reviewed on a quarterly basis and had previously been a focus of inspection in external assessments and judgements for the overall progress of the authority.

A range of thirty-six Key Performance Indicators (KPI) was adopted for 2014/15 in March 2014. The KPIs were important to the improvement of the Council's services and the achievement of its key objectives and comprised a combination of former statutory indicators and locally determined performance measures. The aim of the KPIs was to direct improvement effort towards services and the national priorities and local challenges arising from the social, economic and environmental context of the district, that were the focus of the key objectives. Progress in respect of all the KPIs had been reviewed by Management Board by the Select Committees with that area of responsibility at the conclusion of each quarter and service directors reviewed KPI performance with the relevant Portfolio Holder(s) on an on-going basis throughout the year. No indicators were subject to scrutiny at year-end only.

The position with regard to the achievement of target performance for the KPIs at the end of the year (31 March 2015), were that 26 (72%) indicators had achieved the cumulative end of year target; 10 (28%) indicators had not achieve the cumulative end of year target, although 1 (3%) of the KPIs performed within the agreed tolerance for the indicator.

The Senior Performance Improvement Officer advised the Cabinet Committee that the two KPIs within the Resources Directorate that had missed the end of year target were the (RES002) (Invoice Payments) and (RES001) (Sickness Absences). The corrective action proposed;

(a) (RES002) - to review and improve processing times for invoices with the addition of correctly marking up of disputed invoices; and

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- (b) (RES001) - HR were reporting figures monthly to Directors, with information on the trigger levels and processes to follow, which would then be reported to the appropriate Select Committee and Management Board.

The Committee was requested to note outturn performance for the 2014/15 set of KPIs.

**Resolved:**

- (1) That the Outturn Performance for the Key Performance Indicators for 2014/15 be adopted.

**Reasons for Decisions:**

The KPIs provide an opportunity for the Council to focus attention on how specific areas for improvement would be addressed, and how opportunities would be exploited and better outcomes delivered.

A number of KPIs were used as performance measures for the Council's key objectives. It was important that relevant performance management processes were in place to review and monitor performance against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance.

**Other Options Considered and Rejected:**

No other options were appropriate in this respect. Failure to review and monitor performance could mean that opportunities for improvement were lost and might have had negative implications for judgements made about the progress of the Council.

**11. Corporate Plan Key Action Plan 2016/17**

The Senior Performance Improvement Officer presented a report regarding the Corporate Plan Key Action Plan 2016/17.

In April this year the Council adopted a new Corporate Plan to take the authority forward for 2015-2020, which included Aims and Objectives that were the Council's highest level strategic intentions for the next five years. The Aims and Objectives were delivered via an action plan produced annually that incrementally progressed specific activities to achieve the Aims and Objectives across the lifetime of the Plan. The Action Plans had been developed earlier within the year to allow for Members input at an earlier stage and to inform the budget setting process which commenced in July 2015. The draft Key Action Plan for 2016/17 was in the second year of the lifetime of the Aims and Objectives and draft Key Action Plan for 2016/17 and had been produced building on activities identified in the action plan for the current fiscal year.

The draft Key Action Plan for 2016/17 had been developed and populated with actions or deliverables which would build on work identified in the 2015/16 action plan, and in line with identified milestones for the delivery of the Key Objectives. The draft Key Action Plan 2016/17 would be considered by the Overview and Scrutiny Committee on 21 July 2015 and would be further considered by Cabinet in October 2015 before submission to Council for formal adoption. As a living document the Action Plan was to be reviewed at Joint Management Board / Cabinet meetings on a quarterly basis.

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The Finance and Performance Management Cabinet Committee was requested to consider and provide comments on the draft Key Action Plan 2016/17, and bring forward any additional actions for inclusion based upon the Corporate Aims and Key Objectives 2015-2020.

Councillor Philip suggested that clarification was required for the Aim 'to ensure that the Council had the appropriate resources for statutory duties and appropriate discretionary services whilst keeping the Council Tax low' and 2016/17 (b) 4) To facilitate the delivery of the St Johns Road redevelopment scheme', in that each stage of the development should be identified within the Key action Plan 2016/17.

The Cabinet Committee also commented that the 2015/16 (b) 6) the words '...as a result of flexible working arrangements', should be deleted. The plans to introduce flexible working arrangements had progressed to the consultation stage at JCC and Resources Select Committee and would be reflected within the Key Action Plan 2016/17.

The Directorate of Neighbourhoods advised that the flexible working included the relocation of staff from Hemnall Street to the Museum and Civic Offices, which would also contribute to the Chief Executive Transformation project.

The Cabinet Committee commented on the 'Aim to ensure that the Council had a sound and approved Local Plan that was subsequently delivered 2016/17 (a) (4) Agree a draft Local Plan and appropriate sustainability appraisal' there was the likelihood of delays.' The Directorate of Neighbourhoods advised that currently a delayed had occurred around the Green Belt consultation of the Local Plan and could result in a delay of a month.

Councillor Philip asked that new additions to the Key Action Plan 2015/16 be highlight in grey to distinguish them.

The Committee asked for the 'Aim (c) Key Action Plan 2016/17 (1)' to be strengthen to reflect the need for Officers to use Building Control in house and justify why they had not used them.

Councillor Lion identified that Broadband would be fundamental to the progression of the Key Plan and perhaps considerations should be made to include the requirement in standard utilities of new developments. Councillor Mohindra advised that telecommunications should also be included as well. The Directorate Neighbourhoods advised that it would be encompassed within the Local Plan section of the Key Action Plan.

**Resolved:**

- 1) That the appropriateness of the proposed actions in the Corporate Plan Key Action Plan for 2016-2017 be noted; and
- 2) That the following amendments be made to the Action Plan in line with the Corporate Aims and Key Objectives;
  - a) Aim to ensure that the Council had a sound and approved Local Plan that was subsequently delivered (a) Key Action Plan 2016/17 (4) Agree a draft Local Plan and appropriate sustainability appraisal and the likelihood of delays. The Directorate of Neighbourhoods advised that currently a delayed had occurred around the Green Belt section of the Local Plan
  - b) the Aim to ensure that the Council had the appropriate resources for statutory

duties and appropriate discretionary services whilst keeping the Council Tax low (b) Key Action 4) To facilitate the delivery of the St Johns Road redevelopment scheme, in that each stage of the development was identified within the Key action Plan 2016/17

- c) (b) Key Action 2015/16 (6), in particular the result of flexible working arrangements had progressed to the consultation stage at JCC and Resources Select Committee and should be reflected within the Key Action Plan 2016/17.
- d) Aim (c) Key Action Plan 2016/17 (1) to be strengthened to reflect the need for Officers to use Building Control in house and justify why not, if this was required

3) Councillor Philip asked that new additions to the Key Action Plan 2015/16 be highlight in grey to distinguish them.

#### **Reasons for Decisions:**

The Key Objectives delivered the Council's highest level aims across the five years from 2015/16 – 2019/20. The Key Objectives were in turn delivered via an annual action plan populated with actions to achieve the Council's Corporate Aims by the end of their Lifetime.

The development and adoption of the annual action plan in a timely way both informs the budget setting process, and facilities a longer term view and enables planning for the next stages in the delivery of the Key Objectives and Corporate Aims.

#### **Other Options Considered and Rejected:**

The annual action plan could be set later in the fiscal year; however this would be too late to inform the budget setting process.

## **12. Sickness Absence**

The Director of Resources presented a report regarding Sickness Absence. The latest figures published by the Chartered Institute of Personnel and Development (CIPD) for 2014 showed that the average number of days taken as sickness absence across all sectors was 7.4. In public services it was 8.2 days and 6.6 days in the private sector. In local government the figure was an average of 8 days. The Council was currently above these figures. The report provided information on the Council's absence figures for Q3 and Q4, 2014/2015 and included absence figures by Directorate, the number of employees who had met the trigger level, those who had more than 4 weeks absence and the reasons for absence.

The Council's target for sickness absence under KPI10 for 2014/2015 was an average of 7 days per employee. The outturn figure for 2014/2015 was an average of 9.20 days per employee. At 9.20 days the Council was above target for the first time in 4 years. The Council outturn figure for Q3 (2014/15) was 2.30 days against a target of 1.77 days and Q4 (2014/15) was 2.69 days against a target of 2.18. During Q3, 6.6% of staff met the trigger levels or above, 30.4% had sickness absence but did not meet the triggers and 63% had no absence at all. During Q4, 6.6% of staff met the trigger levels or above, 32.4% had sickness absence but did not meet the trigger levels and 61% had no absence.

Under the Council's Managing Absence Policy there were trigger levels for initiating management action in cases of excessive sickness absence. These were:

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- (i) during any 'rolling' twelve-month period an employee has had 5 or more separate occasions of absence; or
- (ii) during any 'rolling' twelve-month period an employee has had at least 8 working days of any combination of un/self certificated, or medically certificated absences.

In addition to the above, a manager should consider referring an employee to Occupational Health when an employee had been absent from work for at least one month if there was no estimate when they would be fit to return, or if this was unlikely to be within a reasonable period.

The Director of Resources advised that the Council had an aging workforce which could account for the increase in the number of days taken for other musculo-skeletal problems (the period had not include staff absence for operations and recuperation time) and there was an increase of flu and the Norovirus within the general population before and after the Christmas period, which could account for the increased number of days taken and number of staff off for infections and gastric problems during Q3 and Q4. The number of days taken due to mental health issues had increased significantly from 2013 to 2015.

The Director Resources advised that the report had been discussed in detail by the Council's Management Board which agreed the following actions;

- (1) The Assistant Director (HR) to carry out further analysis on the increase in the number of days taken for mental health issues;
- (2) HR would arrange mandatory workshops for managers to ensure that the Council's Managing Absence Policy was applied consistently and timely across the authority. In addition, managers would be encouraged to become proactive when managing absence;
- (3) HR would arrange workshops for managers on mental health issues;
- (4) HR would work with Directors to produce the most useful management information regarding sickness absence; and
- (5) The Assistant Director (HR) to meet with the Council's Occupational Health provider regarding the information provided to managers by their doctors.

In addition to the above an article on the Council's sickness absence position would be published in District Lines.

The Cabinet Committee suggested that posture could also be looked into, in connection with musculo-skeletal problems.

**Resolved:**

- (1) That the report on sickness absence be noted.

**Reasons for Decision:**

To enable members to make decisions regarding actions to continue to improve the Council's absence figures.



**Other Options Considered and Rejected:**

For future reports the Committee may wish to include other information or receive no further information.

**13. Any Other Business**

**Resolved:**

(1) That, 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 Chairman had permitted the following item of urgent business to be considered following the publication of the agenda:

(a) Financial Issues Paper.

**14. Financial Issues Paper**

The Director of Resources advised that the report provided a framework for the Budget 2016/17 and updated Members on a number of financial issues that would affect the Authority in the short to medium term. The greatest areas of current financial uncertainty and risk to the Authority were;

- Central Government Funding – the comparisons of Funding Assessment level from 2013/14 to 2015/16 showed a reduction in funding by £1.889m (25.9%) and further 10% reductions had been assumed for the Funding Assessment for 2016/17 and beyond. This would further impact on parish councils within the District with similar reductions in their support.
- Business Rates Retention – the deadline on 31 March 2015 for the raising of appeals against the 2010 valuation list caused an avalanche of new appeals and with a back log from before, there would be no realistic prospect of a resolving the issue in the short term. This had been reflected by the necessity to double the provision for the appeals from £1.5m to £3m. Another flaw in the retention of Non Domestic Rates allowed for the General Fund and the Collection Fund to account for items in different years. Therefore resulting in a deficiency on business rates of £253,000 which was largely off-set by Council Tax surplus of £211,000 in 2015/16 but was more noticeable in 2016/17 where the deficiency on business rates of £439,000 was significantly larger than the Council Tax surplus of £170,000, although this had been based on the provisions for appeals, so it could vary. The Authority was part of the Essex pooling system and anticipated gaining approximately £136,000, which again could be affected by the surge of appeals and would be closely monitored in 2016/17.
- Welfare Reform – the latest reforms were to be achieved through significant reductions in tax credits, welfare cap and the requirement for social landlords to reduce their rent by 1% each year for the next four. In addition, the implementation of Universal Credit progressed with new single claimants starting in December 2015 with the aim of full migration by April 2020.
- New Homes Bonus – the Council would approximately receive £230,000 in 2016/17, which took the Continuing Service Budget (CSB) to £2.33m although it may be prudent to cap the New Homes Bonus at £2.2m and place any excess amount in the District Development Fund as the current trend predicts a reduction in the NHB.
- Development Opportunities – The retail park at Langston Road continued to progress, although the re-development of St Johns area in Epping had taken much longer than anticipated. The MTFs had not been adjusted but capital

projections had and this would affect the availability of capital funds which would no longer be freely available, therefore borrowing costs would need to be considered as part of any options appraisals.

- Income Streams – The indications were encouraging and the improved income position in the second half of 2014/15 had continued into 2015/16. The Council had decided to look at other income generating opportunities on the North Weald Market with the current operator being given notice which would end December 2015. The Off Street Parking income would also be monitored with regards to the new parking fees introduced in July 2015.
- Waste and Leisure Contracts – The Waste contract received considerable difficulties when re-organised to a four day week basis in May 2015, which had now been stabilised with Biffa committing significant additional resources staying in place until the transition was completed. The Leisure Management contract would expire before the renegotiation of a new contract was completed, resulting in a need to be extended. This calls into question the CSB savings of £125,000 in 2016/17 and 2017/18 and would have to be kept under review.
- Transformation – The budget had been split between 2015/16 and 2016/17, with the bulk being used for a fixed term 18 Month contract for additional resources at Assistant Director level. The Invest to Save Budget of £500,000 had been set up to finance schemes which could produce reductions to the net CSB requirements in future years.

The Director of Resources reported that the Council remained in a strong financial position as the overspend in 2014/15 had not been significant. After the General election in May 2015 a political certainty had been resolved but a greater uncertainty remained on funding and finance. The Autumn Budget and Spending Review would give clearer indication of the savings to come, which Local Government would play a role in. There was also uncertainty over the final settlement figures for business rate appeals and whether the Essex pooling would prove successful. The updated MTFs set out the programme of necessary savings over the medium term and this process would be assisted by the Invest to Save fund helping with initial funding or investment, allowing for more creative solutions to be developed.

The four-year forecast would give the total CSB figures for 2015/16 revised of £13.348m and 2016/17 of £13.003m, which set the net DDF expenditure at £1.844m for the revised 2015/16 and £550,000 for 2016/17 and it was likely that the DDF would be used up in the medium term. Over the period of the MTFs, the balance on the Capital Fund would be used up entirely.

The Director of Neighbourhoods advised that the Licensing Regulations around renewing Taxi Drivers licenses had also changed from annual cost of £88 to every 3 years, which would also have an impact on the Licensing Income. Further consideration would also be needed with the potential change to increase from 3 to 4 years for MOT's, which could affect the Fleet Operations income as well.

Councillor Mohindra enquired whether the extension to Leisure Contract would raise any concerns. The Director of Neighbourhoods advised that the current company had been accommodating to the Council and would look to extend the contract, which would probably be a further 9 months.

Councillor Waller advised that ideas had been suggested around LED lighting within the Council's car parks and which would use the Invest to Save fund. Other suggestions hopefully would come forward for the Invest to Save fund.

**Recommended:**

- (1) That the establishment of a new budgetary framework including the setting of budget guidelines for 2016/17 be set including;
  - (a) The ceiling for Continuing Services Budget net expenditure be no more than £13.003m including net growth;
  - (b) The ceiling for District Development Fund expenditure be no more than £550,000;
  - (c) The balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement; and
  - (d) The District Council Tax be increased by 2.5% with Council Tax for a Band 'D' property at £152.46.
- (2) That a revised Medium Term Financial Strategy for the Period to 2019/20 be developed accordingly;
- (3) That communication of the revised Medium Term Financial Strategy to staff, partners and other stakeholders be undertaken;
- (4) That reductions in parish support, in line with the reductions in the central funding this Council received be taken forward.

**Reasons for Decisions:**

By setting out clear guidelines at this stage the Committee established a framework to work within in developing growth and savings proposals. This should help avoid late changes to the budget and ensure that all changes to services had been carefully considered.

**Other Options Considered and Rejected:**

Members could decide to wait until later in the budget cycle to provide guidelines if they felt more information, or a greater degree of certainty, were necessary in relation to a particular risk. However any delay would reduce the time available to produce strategies that complied with the guidelines.

**15. Exclusion of Public and Press**

The Cabinet-Committee noted that there were no items of business on the agenda that necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Council Housebuilding Cabinet **Date:** Monday, 27 July 2015  
Committee

**Place:** Council Chamber, Civic Offices, **Time:** 6.30 - 7.55 pm  
High Street, Epping

**Members Present:** D Stallan (Chairman), H Kane, J Philip, S Stavrou and G Waller

**Other Councillors:** K Chana, S Kane, A Patel, G Shiell and C Whitbread

**Apologies:** Councillors R Bassett and W Breare-Hall

**Officers Present:** A Hall (Director of Communities), P Pledger (Assistant Director (Housing Property & Development)) and J Leither (Democratic Services Assistant)

**Also in attendance:** I Collins (Pellings LLP) and K Harris (East Thames Group)

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### 16. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillor H Kane substituted for Councillor R Bassett and Councillor J Philip substituted for Councillor W Breare-Hall.

### 17. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillors H Kane, S Stavrou, G Shiell and S Kane declared a personal interest in agenda item 7, by virtue of being Waltham Abbey Ward Councillors. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

### 18. MINUTES

#### Resolved:

That the minutes of the meeting held on 4 June 2015 be taken as read and signed by the Chairman as a correct record.

### 19. ANY OTHER BUSINESS

The Cabinet Committee noted that there was no other urgent business for consideration.

**20. EXCLUSION OF PUBLIC AND PRESS****Resolved:**

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
7	Phase 1 Design and Build Contract	3

**21. PHASE 1 DESIGN AND BUILD CONTRACT**

The Assistant Director (Housing Property & Development) presented a report to the Cabinet Committee. He advised that at the last meeting of the Cabinet Committee it was agreed that a report would be provided to this meeting on the current position with regard to Phase 1 of the Council Housebuilding Programme together with details of the delays in progress with the works and the expected claim from the contractor, together with a proposed way forward.

The Council's Agent advised that a letter had been received from the Kenzie Group, advisors to Broadway Construction Limited (BCL), the contractors, detailing the delays which were due to design related issues.

The contract was a Design & Build Contract and the Employer would set out a series of 'Employer's Requirements' within the tender documents and contract conditions, upon which the contractor would respond with the contractor's proposals and costs. The detailed design of the construction was the responsibility of the contractor based on the 'Employer's Requirements' and the contractor would appoint his own design teams and supply chains in order to facilitate both the design and construction before tendering for the contract.

Members agreed that when tendering for a contract that an amount should be factored into the costs for any unforeseen risks that could be incurred. The Cabinet Committee proposed that the Council should therefore enforce the contract with no additional costs being incurred by the Council.

**Decision:**

To enforce the terms of the contract and not pay the additional sums as requested by Broadway Construction Limited.

**Reason for the Decision:**

The contract with Broadway Construction for Phase 1 of the Council House-building Programme is in delay and a dispute has materialised over the cause and effect of the delay, and a way forward needs to be determined in order to complete the development in the most cost effective way.

**Other Options Considered and Rejected:**

There are no other options for action, since the recommendation is to consider the report and recommendations of East Thames and Pellings LLP and the most appropriate way forward.

**CHAIRMAN**

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## **Report to the Cabinet**

**Report reference:** C-025-2014/15  
**Date of meeting:** 3 September 2015



**Epping Forest  
District Council**

**Portfolio:** Planning Policy  
**Subject:** Green Belt Review (Stage 1) and Settlement Hierarchy  
**Responsible Officer:** Amanda Thorn (01992 564543).  
**Democratic Services:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

- (1) To note the findings of the Green Belt Review (Stage 1) report that is to be added to the Local Plan evidence base;**
- (2) To note the findings of the Settlement Hierarchy Technical Paper that is to be added to the Local Plan evidence base; and**
- (3) To agree the proposed outline methodology for the Green Belt Review (Detailed Assessment), such that consultants can be appointed to undertake this work.**

### **Executive Summary:**

The Green Belt Review is a critical part of the preparation of the Local Plan, and a number of recent Local Plan Examinations have failed as a direct result of not having completed a rigorous Green Belt review. A two-stage approach is now being followed, with the strategic first stage now complete and subject of this report. At this strategic level, the findings conclude that all parcels score “strongly” or “relatively strongly” against at least one purpose of the Green Belt.

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

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

The Settlement Hierarchy Technical Paper seeks to allocate each settlement to a category, by identifying the type of services and facilities that exist in each location.

Following a period for comment and fact checking by Town and Parish Councils, a number of amendments have been made to both reports, and these are detailed in the main report below and the Appendices, which have been published as background papers for this agenda.

### **Reasons for Proposed Decision:**

The Green Belt Review is a critical part of the preparation of the Local Plan, given the high proportion of Green Belt that exists in the District. If this stage of the Green Belt Review is not added to the evidence base at this point, there will be substantial further delay to the preparation of the Local Plan for Epping Forest District.

The Settlement Hierarchy Technical Paper is a further piece of evidence that will help guide the preparation of the Local Plan, and is a key evidence base document in moving forward with the next steps of the Green Belt Review.

The proposed outline methodology will provide the parameters for the next steps of the Green Belt Review, in which a more detailed analysis of refined areas of the Green Belt will be undertaken. Consultants with experience and expertise in this area of work are required to complete the Review, and it is critical to the overall timetable that an appointment is made as soon as possible.

### **Other Options for Action:**

Not to add the Green Belt Review (Stage 1) or Settlement Hierarchy Technical Paper to the Local Plan evidence base.

Not to agree the proposed outline methodology for the next steps of the Green Belt Review work.

### **Report:**

1. Epping Forest District sits within the Metropolitan Green Belt, and over 90% of the District area is covered by the Green Belt. In preparing the new Local Plan for the District, it is necessary to review the Green Belt against the national purposes set by the National Planning Policy Framework (NPPF). Paragraph 80 identifies that the purposes of the Green Belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2. This Green Belt Review will provide evidence to support the preparation of the Local Plan, to be considered alongside all other relevant evidence, which will eventually inform the plan making decisions to determine the extent to which new development may be accommodated on land within the District.

3. Following publication of the NPPF in March 2012, Local Plan Examination Reports have shown that where the Local Plan area includes Green Belt land, any assessment of the potential for existing Green Belt land to accommodate new development must include a full review of the extent to which that land continues to serve the purposes of the designation. In June 2014, Cabinet agreed a methodology for the Green Belt Review in the District. This initial version of the methodology was developed using the best available advice and best practice at the time. Subsequently, emerging best practice, additional Local Plan Examination Reports, and further legal advice necessitated further minor amendments to the methodology. However, these changes did not affect the principles of the methodology.

approved by Cabinet: the amendments sought only to improve the clarity and detail required to complete the assessment. The Green Belt Review is being undertaken in two stages. The first stage, which this Report addresses is strategic in nature and covers the entire Green Belt within the District. The second stage, which has yet to commence, will consider focused areas of the District in greater detail, to establish how those areas function within that part of the Green Belt.

4. The methodology for the Green Belt Review (Stage 1) is attached to this report at Appendix 1. The Landscape Character Appraisal (Chris Blandford Associates, 2010) has been used to define the strategic parcels of land for initial assessment, as this Appraisal provides a sound basis upon which land with similar characteristics may be identified. 73 parcels were originally identified for initial assessment. Following site visits and analysis on the ground, a number of these parcels were amended to ensure the basis for assessment was logical, reducing the total number of strategic parcels to 61. The Stage 1 Assessment was completed for those 61 strategic parcels, covering the entire extent of the Green Belt within Epping Forest District.

5. The Stage 1 Assessment (see Appendix 2) has shown that on the basis of a high-level strategic assessment, all 61 land parcels make a “strong” or “relatively strong” contribution to at least one purpose of the Green Belt. Due to the strategic nature of this stage of the work, it is possible that within the parcels some smaller areas make a different level of contribution to one or more of the Green Belt purposes. The second stage of Green Belt Review will therefore consider a focused area of the District in more detail. This second stage will identify:

- areas where the Green Belt policy designation should remain;
- any historic anomalies in the existing boundaries or locations where inappropriate development has taken place, which may therefore suggest minor amendments to Green Belt boundaries are required; and
- areas with potential to accommodate development by minimising Green Belt harm.

6. To inform the preparation of the Local Plan, a Settlement Hierarchy Technical Paper (see Appendix 3) has been prepared. This document seeks to identify the types of settlements that exist in Epping Forest District and how they function. This has provided a mechanism to identify the areas of the Green Belt that should be analysed in greater detail as part of the Stage 2 (Detailed) Assessment. There is no nationally recommended methodology or best practice for establishing a Settlement Hierarchy, therefore a simple approach has been taken, which seeks only to determine the level of services and facilities that currently exist within each settlement. The analysis does not make any detailed assessment of current usage levels, capacity opening hours, or the potential for expansion. These matters will be addressed in detail as part of the overall preparation of the Local Plan, and in particular the formulation of the Infrastructure Delivery Plan for the District.

7. The Settlement Hierarchy identifies four categories of settlement – Town, Large Village, Small Village and Hamlet. Broad definitions are provided within the Technical Paper, although it is important to note that the categories in themselves, and the placement of each settlement within those categories does not infer that the settlements within each category are the same, only that they share similar levels of services and facilities.

8. For the purposes of the Green Belt Review (Stage 1), the Settlement Hierarchy has been used to determine the areas of the District in which the Green Belt should be examined in further detail. The NPPF provides support for this approach, in that development should be located in the most sustainable locations. To this end, the areas highlighted in Fig. 18 of the Green Belt Review (Stage 1) Report will be considered further.

9. Town and Parish Councils were provided an opportunity to engage with the Council in the preparation of the Green Belt Review (Stage 1) and the Settlement Hierarchy Technical Paper. A presentation with opportunity for questions was given, and a six week period for fact checking and comment on the two reports was provided to the Local Councils, ending on 27 July 2015. Comments were received from 20 of the 24 Town and Parish Councils within the District, and 11 District Councillors. Those comments have been taken into account and, where appropriate, have informed changes to the draft Report and draft Technical Paper.

10. A number of comments on the draft Green Belt Review (Stage 1) Report opined that the Review should also include analysis of a number of other matters, which would determine whether land was potentially suitable for development purposes. Whilst comments made raised valid considerations in making eventual decisions on the location of development, it is not the role of the Green Belt Review to address all of these issues. The Green Belt Review is but one piece of evidence amongst many that will inform the preparation of the Local Plan. Comments received will be used in preparing the Draft Local Plan Preferred Approach. It is not within the remit of a Green Belt Review to determine whether Green Belt land should be released; the primary purpose of the Review is to provide a comprehensive assessment of the continued performance of existing Green Belt land against the purposes for its designation identified in national planning policy. This Green Belt Review will provide the robust evidence necessary to inform the Council's plan-making decisions to determine whether and to what extent it is appropriate to release land from the Green Belt to accommodate new development.

11. A number of detailed comments were provided on the individual parcel assessments. In a number of cases, the comments received provide useful information that will be taken into account as part of the Detailed (Stage 2) Assessment, and will be passed to the appointed consultants. Comments received caused changes to be made in respect of the following parcels:

(i) DSR038 – the description of this parcel has been amended to “Southwest of M11 and the London Underground Fairlop Loop”;

(ii) DSR039 (East of Buckhurst Hill) – in response to question 11 under purpose 3, an amendment has been included to reflect the presence of gravel extraction lakes;

(iii) DSR042 (South of Theydon Bois and North of Loughton/Debden) – additional text has been added to reference Home Mead Local Nature Reserve. The encroachment into the Green Belt by Debden Park School has been reduced to only include the buildings, and not the playing fields, but there is no change to the overall score against purpose 3.

(iv) DSR050 (North, East and South of Thornwood) – the score for purpose 1 has been increased to 3 in response to comments made on the function of this parcel in preventing the sprawl of Harlow; and

(v) DSR071 (Knighton Wood) – the score for purpose 1 has been increased to 4 to reflect the proximity of this parcel to London, and its role in preventing further urban sprawl.

12. In addition, changes have been made to Chapter 5 of the Stage 1 Report to further explain the way in which Green Belt Purpose 1 has been addressed. A number of comments indicated some confusion about the way in which the relationship with London is addressed, and the amendments here will help to clarify the approach taken. Further, a series of minor amendments as a result of identification of typographic errors have been made.

13. Green Belt Purpose 4 concerns the setting of historic towns. Neither “historic” nor “town” are defined by the NPPF or supporting guidance, and it therefore requires a local definition. Essex County Council produced a Supplementary Planning Guidance document (1999) which identified the historic towns in the District. There are a number of criteria, and fundamentally the designation as a historic town hinges on whether the town was considered “urban” in the mediaeval period. There are three such settlements in the District – Chipping Ongar, Epping and Waltham Abbey. A number of comments suggested that other settlements in the District should be identified as “historic”, by virtue of the presence of historic assets. However, it is clear that the scope of the fourth Green Belt purpose is relatively narrow and is not intended to import general historic environment policy considerations into national Green Belt policy. No change to the methodology, and therefore the Stage 1 Report is proposed.

14. Extensive comments were also provided on the draft Settlement Hierarchy Technical Paper. Amendments have been made to the Technical Paper to improve the accuracy of the services and facilities identified for each settlement. This has caused the scoring attained by some settlements to be amended and consequential changes to its position in the Settlement Hierarchy.

15. A number of comments suggested amendments to the Technical Paper which seek to introduce matters relating to the capacity of a settlement to provide services and facilities for the existing population, and any potential increases to the population. Whilst such matters will be important to the overall preparation of the Local Plan, it is not the role of the Settlement Hierarchy Technical Paper to address these matters. Such issues will be investigated and addressed in detail when individual parts of the Local Plan are drafted for each settlement, and in particular, during the preparation of the draft Infrastructure Delivery Plan.

16. A number of amendments have been made to the services and facilities that are assessed as follows:

(i) Recycling facilities have been deleted – the high volume and range of doorstep waste and recycling collections now means that such facilities are less important, and individuals are less likely to travel on a regular basis to utilise them;

(ii) Youth clubs have been included within the assessment of community halls, where separate facilities exist. There are few youth services still in existence in Epping Forest District;

(iii) An amendment has been made to the “Higher Education” category, so this now includes “Higher / Further Education”;

(iv) Public transport services are key to assessing the overall sustainability of settlements, and a number of comments provided alternatives to the way in which this had been measured. There is a wide range and variety of services operating in a number of centres within, beyond and across the District. It is difficult therefore, to create a scoring system that accounts for all eventualities. It is also recognised that bus services can, and often do, change regularly. The scoring for this element has therefore been amended to include “Level 1” and “Level 2” brackets. Level 1 service is more restrictive and does not include a Sunday service. There are fewer arrivals and departures, with a moderate peak service at best. Level 2 services are more frequent, providing a good/reasonable service in both peak and off peak times;

(v) Greater recognition of the differences in the level of service provided by the

Central Line on the Epping branch, and the Fairlop Loop, where a similar approach had been taken. “Level 1” and “Level 2” categories have been added to the assessment;

(vi) The “Pub” category is now a “Pub/Restaurant” category. This recognises that many traditional pubs have had to expand and change their businesses in the relatively recent past, but still provide a local community meeting and entertainment space;

(vii) The “Leisure/Sports facilities” category has been split into two separate categories of “Leisure/sports facilities” and “recreational amenities” to draw a distinction between facilities where there is a significant element of built development, and those that are primarily open space and outside; and

(viii) Further additional categories are places of worship and Citizens Advice Bureau, both of which are valuable community assets.

17. No amendments have been made to assess the possible impact of Crossrail beginning operations in Shenfield from 2019. Comments received held varying views on the likely impact, but at this stage this cannot be quantified. The Local Plan process will keep the changing nature of rail travel in general under review.

18. The subsequent amendment to the categories has resulted in the following bands:

Category	Scoring range	Settlement
Town	21+	Buckhurst Hill, Chipping Ongar, Epping, Loughton/Debden, Waltham Abbey
Large Village	14 - 20	Chigwell, North Weald, Roydon, Theydon Bois
Small Village	7 - 13	Abridge, Chigwell Row, Coopersale, Fyfield, High Ongar, Lower Nazeing, “Matching” (incorporating Matching Green, Matching Tye and Matching), Sheering, Stapleford Abbots, Thornwood.
Hamlet	0 - 6	Abbess Roding, Beauchamp Roding, Berners Roding, Bobbingworth, Broadley Common, Bumbles Green, Dobb’s Weir, Epping Green, Epping Upland, Fiddlers Hamlet, Foster Street, Hare Street, Hastingwood, High Beach, High Laver, Jacks Hatch, Lambourne End, Little Laver, Long Green, Lower Sheering, Magdalen Laver, Moreton, Newmans End, Nine Ashes, Norton Heath, Norton Mandeville, Roydon Hamlet, Sewardstone, Sewardstonebury, Stanford Rivers, Stapleford Tawney, Theydon Garnon, Theydon Mount, Tilegate Green, Toot Hill, Upper Nazeing, Upshire, Willingale.

19. Abridge and Lower Nazeing are classified as small villages (not large villages), which is due to the closure of a number of services and facilities that had previously been identified. The settlements of Matching Green, Matching Tye and Matching have been combined, as comments received identified that these three very rural settlements have an interdependent

relationship. In all other instances, individually named settlements have been assessed and categorised separately. Comments were received about the nature of some settlements, and how the historic relationship of these suggests that there should be an overt link. However, as established at the outset, the approach taken is to assess each location separately.

20. A number of comments were made relating to the identification of Buckhurst Hill as a Town, and considered this should be a Large Village. The updated scoring suggests that Buckhurst Hill is at the bottom of the scoring range for a Town, and therefore should remain as originally drafted. In addition, further consideration of the nature of Buckhurst Hill has identified the compact and urban context of the settlement, and the way in which it has developed as an extension of outer London. This further supports the identification of the settlement as a Town.

21. The next stage of the Green Belt Review will be undertaken jointly with Harlow District Council. This is in consideration of the Duty to Cooperate and the requirement that Local Planning Authorities must engage “constructively and on an ongoing basis” with neighbouring authorities where strategic matters are identified. The continued function of the Green Belt is a strategic matter, and it is clear that the detailed assessment of the Green Belt should not be undertaken in isolation for either of the two authorities. Both authorities have reached a similar stage in the preparation of strategic reviews, using comparable methodologies. It is now logical that the next stage of work is completed jointly to ensure consistency of approach in the assessment of the Green Belt, however decisions around the potential future release of Green Belt land will remain with each individual authority. Consultants are being sought in accordance with the broad methodology outlined in Appendix 1, and a further opportunity for engagement for strategic partners, and Town and Parish Councils will be included in this process. It is anticipated that the detailed assessment work will be completed in February 2016.

22. An appointment of suitably qualified consultants is expected in September, following a competitive tender exercise. It is anticipated that the overall costs for this work will be under £40,000, and this sum has been included in the recent budget update (see report to Cabinet 11 June 2015).

#### **Resource Implications:**

The Green Belt Review (Stage 1) has been completed by the wider EFDC officer team. The Green Belt Review (Detailed Assessment) will be commissioned jointly with Harlow DC, and will be funded from existing resources allocated to the Local Plan.

#### **Legal and Governance Implications:**

There is a duty on all Local Authorities to prepare an up to date Local Plan, based on robust evidence.

#### **Safer, Cleaner and Greener Implications:**

The preparation of the Local Plan will enable the Council to meet more aspirations under the Safer, Cleaner and Greener agenda.

#### **Consultation Undertaken:**

Town and Parish Councils were invited to provide comments and factual feedback on the Green Belt Review (Stage 1) and the Settlement Hierarchy Technical Paper. The broad comments, and responses made are detailed in the main report.

**Background Papers:**

As per the Appendices.

An additional background paper will be published shortly providing a detailed summary of comments received and the responses made.

**Risk Management:**

The preparation of the Local Plan is a key Council priority, and the risk of not producing a Local Plan within a reasonable timeframe has recently been the subject of Government statements. Robust evidence is being sought to support the ongoing preparation of the Local Plan.



# Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

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The preparation of all evidence to support the Local Plan is relevant to equality considerations, as the eventual Local Plan will be in place for the whole district, and will therefore potentially have an effect on all residents and workers in the District.

The Green Belt Review (Stage 1) and the Settlement Hierarchy Technical Paper in themselves do not raise any issues which effect protected groups, as the Reports are spatial in nature, and are equally relevant across the District.

The preparation of the Local Plan as a whole will be subject to Equality Impact Assessment in due course.

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## **Report to the Cabinet**

**Report reference:** C-022-2015/16  
**Date of meeting:** 3 September 2015



**Epping Forest  
District Council**

**Portfolio:** Housing  
**Subject:** Funding for Disabled Facilities Grants (DFGs)  
**Responsible Officer:** Lyndsay Swan (01992 564146)  
**Democratic Services Officer:** Gary Woodhall (01992 564470)

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### **Recommendations/Decisions Required:**

- (1) That a supplementary capital estimate in the sum of £120,000 for 2015/16 be recommended to the Council for approval to supplement the existing agreed budget of £380,000 for Disabled Facilities Grants;
- (2) That a capital growth bid for a further £120,000 for the following 3 years until 2018/19, £360,000 in total, be made to supplement the existing agreed budget of £380,000 a year for Disabled Facilities Grants; and
- (3) That the Housing Select Committee be requested to add an item to its work programme for 2016/17 to receive a presentation on the effectiveness of Disabled Facilities Grants within the District.

### **Executive Summary:**

The Council has a legal duty to provide Disabled Facilities Grants (DFGs) to residents of the District that meet the eligibility criteria. The grants are initiated by Occupational Therapists (OTs) under a referral system. Owing to changes in the provision of the OT service, which is provided by Essex County Council, there has been a dramatic increase in the number of referrals received.

The budget for DFGs is held within the General Fund and has been set at £380,000 a year until 2018/19. It is now apparent that this will be insufficient and it has been estimated that a further £120,000 a year until 2018/19 will be required to meet demand. As DFGs are statutory grants which the Council cannot refuse to provide, it is recommended that the Council makes additional resources available to fund the shortfall.

### **Reasons for Proposed Decision:**

The Council is required by law to provide DFGs to eligible residents within specified timescales. However the budget that has been set of £380,000 a year until 2018/19 will not meet demand.

### **Other Options for Action:**

The Council could just approve enough applications to result in expenditure of the existing budget of £380,000 and then hold a waiting list of the remaining applications. However, the

Council would not be meeting the timescales set in the legislation if it was to do this. In addition, this would only be delaying the expenditure because it would not reduce the numbers of referrals being made. It is also considered that the Council would suffer significant reputational damage if it was to implement measures that delayed the provision of essential adaptations to residents that are disabled, and in many cases, older people.

The legislation does provide measures that would slow down DFG expenditure but the implementation of these measures is not being recommended because, again, this would only delay the expenditure until future years. It also considered that delaying the provision of necessary adaptations for disabled residents would result in a failure under the public sector equality duty to provide equality of opportunity.

**Report:**

1. The Council is responsible for administering Disabled Facilities Grants (DFGs) under the Housing Grants Construction and Regeneration Act 1996 (as amended). Mandatory DFGs are means tested grants of up to £30,000 to provide essential facilities or access to essential facilities for home owners who are registered, or eligible to be registered as disabled. Work carried out under DFGs ranges from low-cost work such as stair lifts and ramps, to extensions. The most common type of work is level access showers. DFGs are separate and different from the fending of adaptations to Council properties.

2. Legislation stipulates that Local Authorities have to consult with the ‘welfare authority’ (in this case, Essex County Council) on the adaptations that are ‘necessary and appropriate’ for the grant applicant. Throughout Essex, this is facilitated by receiving a ‘referral’ from an Occupational Therapist (OT) at the County Council. If there is no referral, therefore, under existing arrangements, there can be no DFG.

3. For many years ECC employed its own OTs but following a period of increased demand in 2011, found it difficult to provide referrals in a timely and consistent manner. Peaks and troughs in the supply of referrals made it difficult for the Grants Team to set, and adhere to, consistent timescales and for several years this also resulted in an under-spend of the Council’s budget.

4. In 2013 ECC implemented new arrangements which resulted in a dramatic increase in the numbers of referrals. The table below shows that from receiving 71 referrals in 2012/13, in 2014/15, two years later, we received more than twice this figure. In 2015/16 at the end of July (month 4) already almost 80 referrals had been received.

**Table 1: Demand for DFGs since 2012/13**

	2012-13	2013-14	2014-15
<b>Referrals received</b>	71	173	164

5. Table 2 below shows the expenditure on DFGs over the same period. When compared to the number of referrals received it is apparent that expenditure in each year bears little relation to the numbers of referrals received in that year. Not all referrals result in applications being made. In addition, depending on the size of the specific piece of work being funded, and the speed at which it has progressed, expenditure in one year can be as a result of payments made on grants approved in the same year or in previous years.

**Table 2: Expenditure on DFGs since 2012/13**

	<b>2012-13 £</b>	<b>2013-14 £</b>	<b>2014-15 £</b>
<b>Expenditure</b>	259,344	337,977	401,413

6. It is considered that the numbers of referrals being received has reached a steady state of around 165 a year. It is now possible, therefore, to estimate likely annual expenditure going forwards and it is considered that this will be approximately £500,000 a year until 2019. The budget that was agreed in the Capital programme at the end of 2014 is shown in table 3 below:

**Table 3: Funding provision agreed for DFGs in Capital Programme in 2015**

	<b>2015/16 £000</b>	<b>2016/17 £000</b>	<b>2017/18 £000</b>	<b>2018/19 £000</b>
<b>Expenditure</b>	380	380	380	380

7. Local authorities receive funding from the government in order to help them meet these statutory requirements. This funding, which is not ring-fenced, now comes through the Better Care Fund, which is managed by Essex County Council, and the amount received for 2015/16 is £363,000. The arrangement of providing funding through the Better Care Fund only started this year and there is no indication how much will be received in 2016/17 or thereafter.

8. Under legislation introduced in 2008, Disabled Facilities Grant (Conditions relating to approval or repayment of Grant) General Consent 2008, the Council is able to require repayment of DFGs under certain circumstances. In accordance with these provisions, in April 2012 the Cabinet agreed that where grants were above £5,000, subject to a £10,000 limit, the Council would require repayment if the property was sold within a 10 year period of the date on which the DFG work was completed (C-077-2011/12). However, the legislation limits the amount of the repayment to no more than £10,000 and the charge securing this is removed after a period of 10 years. As it is not possible to assess how long an individual will remain in their property after having work carried out, it is not certain how effective this measure will be in recycling DFG funds. So far since the measure was introduced in April 2012, only £20,500 has been recovered.

9. The work that is carried out through DFGs is carefully monitored to ensure that it meets the individual applicant's needs that were set out by the OT in the referral. Each grant is only paid once it has been signed off by the Council's Grants Officer as meeting those needs.

10. Satisfaction with the adaptations that have been provided is assessed by means of customer satisfaction questionnaires that are provided to all grant recipients and is always in excess of 95%. In addition many of the people that have had work carried out under DFGs remain users of the services of the private sector housing teams for a number years after the work has been carried out and officers observe the essential role that DFGs play in

keeping service users independent in their own homes. For many the alternative to receiving an adaptation provided through a DFG would be to seek residential care at a much higher cost to the public purse.

11. It is clear that the budget that has been allocated for DFGs will be inadequate to meet demand for the foreseeable future. It is also clear, therefore, that unless additional funds are made available the Council will fail to meet its statutory obligation to provide these essential adaptations grants to the District's residents.

**Resource Implications:**

An additional £120,000 a year until 2018/19, £480,000 in total, from Capital receipts to supplement the existing approved budget of £380,000 a year. If there are insufficient capital receipts to fund the additional amount until 2018, that the shortfall be met from revenue within the General Fund if this is considered to be affordable when the Revenue Budgets are set each year.

**Legal and Governance Implications:**

Housing Grants Construction and Regeneration Act 1996 (as amended).  
Disabled Facilities Grant (Conditions relating to approval or repayment of Grant) General Consent 2008.

**Safer, Cleaner and Greener Implications:**

The recommendation will help make the best use of the resources available to assist people in the private sector have homes that are reasonably adapted for their needs.

**Consultation Undertaken:**

None.

**Background Papers:**

None.

**Risk Management:**

If the recommendation is not agreed there is a possibility that the Council could fail in its statutory duty to provide DFGs with the timescales required.

# Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

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The Council carried out a private sector house condition survey in 2011. This provided valuable data on the percentage of residents with disabilities living in owner occupied and privately tenanted homes in the District. This data was combined with information on income and savings in order to estimate the likely requirement for DFGs over a period of 5 years. The result of this was that there was going to need to be budget provision of approximately £3.6million, or £720,000 a year, to meet this need.

At the time the house condition survey was carried out the Council was receiving about 35 applications and spending less than £300,000 a year on DFGs. However officers were also receiving hearsay evidence from customers and information from customer satisfaction surveys that many were finding it difficult to get referrals for the adaptations they needed. In order to address the disadvantage to residents with disabilities officers from this Council, in conjunction with other Councils in Essex, lobbied ECC to improve the OT service.

As a result of this exercise the OT service has improved, numbers of referrals have increased and the DFG budget has come under pressure. However, the Council's success in meeting the demand of disabled residents in providing the necessary adaptations has enhanced the Council's reputation. This has demonstrated the Council's commitment to meeting the public sector equality duty by advancing equality of opportunity and fostering good relations.

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## **Report to the Cabinet**

**Report reference:** C-023-2015/16  
**Date of meeting:** 3 September 2015



**Epping Forest  
District Council**

**Portfolio:** Housing  
**Subject:** Private Sector Housing Enforcement Policy  
**Responsible Officer:** Sally Devine (01992 564149).  
**Democratic Services:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

(1) That the updated version of the Private Sector Housing Enforcement Policy, attached as an appendix, be approved and adopted.

### **Executive Summary:**

The Council's existing Private Sector Housing Enforcement Policy is now several years old and was introduced in 2010 following the Council restructure and the transfer of private sector housing functions to the Housing Directorate. It is now appropriate to review and update the policy to reflect how officers in the new Communities Directorate will carry out private sector housing enforcement functions. The draft revised policy is attached as an Appendix to the Report

### **Reasons for Proposed Decision:**

In order to ensure that service users are fully aware of what to expect from Council officers and can be satisfied that they will be treated fairly and proportionately.

### **Other Options for Action:**

Not to adopt a Policy. This course of action would leave the Council open to criticism. The Legislative and Regulatory Reform Act 2006 requires the Council to have regard to the Central Government Regulators' Code when determining policies or principles that guide regulatory activities and to demonstrate openness and fairness in our approach to enforcement.

### **Report:**

1. The current Private Sector Housing Enforcement Policy was approved by the Cabinet in 2010 (C-011-2010/11). This set out the approach that would be taken in relation to private sector housing enforcement matters following the 2008 corporate restructure.
2. It is necessary to review and update the existing enforcement policy to take account of changes that took place in the more recent corporate restructure. In addition, two new Codes, the Regulators' Code (which replaces the Regulators Compliance Code) and the Code Of Practice: 'Powers of Entry' have come into force and these must be taken into account when considering implementing any enforcement policy.

3. The new Private Sector Housing Enforcement Policy is attached as an Appendix. It sets out exactly what can be expected in the event that the Directorate finds it necessary to embark upon any form of enforcement action against an individual or organisation. The Policy's main principles are to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the Council and those they regulate.

**Resource Implications:**

All costs are contained within current budgets.

**Legal and Governance Implications:**

The adoption of the revised Policy will ensure that Private Sector Housing Enforcement activities are fair and consistent and follow the principles of the Regulator's Code.

**Safer, Cleaner and Greener Implications:**

One of the main aims of the Council's Private Sector Housing function is to protect the health and safety of the residents of, and visitors to, private sector residential properties. Enforcing legislation and relevant standards appropriately is key to this.

**Consultation Undertaken:**

None.

**Background Papers:**

None.

**Risk Management:**

Failure to ensure compliance with legislation and relevant standards may compromise the health and safety of the residents of, and visitors to, private sector residential properties.

# Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

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The principle enforcement activities for officers dealing with private sector housing centre around:

1. Ensuring that properties are free from significant hazards, and are safe to live in; and
2. Investigating harassment and illegal evictions

Equality analysis has been carried out on these two activities and the findings form the basis of this Due Regard Record.

The Council carried out a Private Sector House Condition Survey (PSHCS) in 2011 which profiled residents in private sector housing, including the private rented sector, across the District. The results of the survey were compared where possible with the results of a PSHCS carried out in 2005 which shows an increase in the private rented sector as a percentage of all stock from approximately 3% in 2005 to 15% in 2011.

The PSHCS includes profiling against a variety of criteria including age, family income and disability. This demonstrates that a higher proportion of 'vulnerable residents' (e.g. families with children and/or older people on low incomes and/or disabled people) live in non-Decent homes in the private rented sector than in owner occupied homes.

Research and analysis from a broad range of statistical data, summarised in the Parliamentary Report on 'Housing and Health' suggests that living in poor housing can lead to an increased risk of cardiovascular and respiratory disease as well as to anxiety and depression. Problems such as damp, mould, excess cold and structural defects which increase the risk of an accident also present hazards to health.

The Housing Health and Safety Rating System sets the criteria for enforcement under the Housing Act 2004 and assesses the likelihood and extent of harm to the 'vulnerable' group for each potential hazard (of which 29 hazards are considered). This forms the basis for much of the enforcement activity of officers dealing with properties in the private sector.

An effective and robust enforcement policy is therefore a necessary and important tool in improving conditions in particular properties and in improving the conditions generally of the private sector housing stock.

There is no specific breakdown of data around harassment and illegal eviction but the Crime Survey for England and Wales 2011-12 and 2012-13 identify that the most common victims of hate crime centre around race (highest), religion, disability and sexual orientation.

Local statistics indicate that three wards in the district have BME populations above the national average and that in Grange Hill 10.5% of the population are Asian or British Asian. A local survey of on-site worker accommodation on nursery sites indicates that a large proportion of residents are Romanian and Polish.

The action to be taken by the Council in protecting residents from harassment and illegal eviction is dictated by specific legislation but a robust and effective enforcement policy is necessary to ensure that officer actions are consistent with legislative requirements and that residents can be satisfied that they are being treated fairly and proportionately.

## **Appendix**

### **Private Sector Housing Enforcement Policy**

#### **1.0 Introduction**

1.1 Enforcement is considered to be the actions that are taken to achieve compliance with a statutory requirement. This Policy sets out the enforcement procedures that will be used to achieve statutory housing and environmental standards. It sets out what owners, landlords, their agents and tenants of private sector properties can expect from the Council.

1.2 Anyone likely to be subject to formal enforcement action will receive a clear explanation of what they need to do to comply and will be given an opportunity to resolve issues before enforcement action is taken. Our aim is to encourage cooperation between the Council, property owners and tenants to help keep homes in good repair.

1.3 The Council expects landlords to support their tenancies, and for tenants to cooperate, throughout any enforcement action and if the tenant leaves the property, enforcement action will continue until the property is brought up to a satisfactory condition.

1.4 This Enforcement Policy promotes efficient and effective approaches to regulatory inspection and enforcement to secure compliance without imposing unnecessary burdens. Any enforcement action will be taken in line with the principles of good enforcement outlined in the Regulators Code April 2014 issued under the Legislative and Regulatory Reform Act 2006. This can be accessed at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

#### **2.0 How do we decide what to inspect or investigate?**

2.1 We will target our programmed, routine and reactive inspections on those premises, nuisances and other public health matters that are statutory requirements and/or present the greatest risk to occupiers, neighbours and the public. Vacant private sector residential properties and sites will be identified and dealt with in the context of our Empty Property Strategy.

2.2 Some categories of complaints are urgent, such as those that might affect health and safety, and in some circumstances these may receive a response within 24 hours. Our Housing Charter explains how and when we aim to respond to all other complaints. The Housing Charter is contained within our Housing Service Standards, a copy of which is available on our web-site [[link to be inserted](#)] or a paper copy can be provided on request from the Civic Offices. Contact details are at the end of this document.

2.3 This Policy relates to enforcement action relating to homes in the private sector. Requests for advice and assistance on conditions in Council accommodation should be directed to the Housing Repairs Service.

### 3.0 General Principles

3.1 We will uphold the statutory principles of good enforcement and ensure that our regulatory activities will be;

- Consistent
- Transparent
- Proportionate
- Accountable
- Targeted

3.2 **Consistent:** means taking a similar approach in similar circumstances to achieve similar ends. It does not mean uniformity, as officers will take into account many factors such as the level of risk, the history of compliance and the attitude and actions of those involved.

3.3 **Transparent:** We will clearly define our policies and procedures to ensure that they can be easily understood. We will provide full and clear reasons to explain why enforcement action is being taken. A clear distinction will be made between legal requirements and advice or guidance.

3.4 **Proportionate:** Relating enforcement action to the risks and severity of the breach of the law involved. Remedies should be appropriate to the risk posed and costs should be minimised wherever possible.

3.5 **Accountable:** We will answer for our actions. We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved.

3.6 **Targeted:** We will focus our attention on properties with the worst conditions. Directing resources toward the most significant problems. This will ensure that the most serious risks are targeted first.

### 4.0 Enforcement Options

4.1 A staged approach is taken to enforcement wherever possible to ensure solutions are initially sought through advice, co-operation and agreement. Support and advice will be offered to secure compliance with relevant legislative standards. However, where this is not successful there will be cases where formal action is necessary and this may ultimately lead to prosecution or other summary action.

4.2 There may also be circumstances, such as when there is an imminent risk to health, where it may be necessary to take formal action in the first instance. Section 4.3 below identifies the different courses of action that are available and the criteria that Officers will use to choose which are the most appropriate in each case.

<b>Action</b>	<b>Circumstances</b>
No action	<p>Complaints or allegations are unsubstantiated</p> <p>No contravention is found</p>
Verbal Advice	<p>There is insufficient evidence of breaches; and/or,</p> <p>Immediate action is taken to comply with failures</p>
Informal letters	<p>Past history of dealing with the relevant parties allows confidence that informal action will achieve compliance;</p> <p>Conditions are not serious enough to justify formal action; and/or,</p> <p>To notify the responsible person that action is required prior to taking formal action.</p>
Advisory notices	<p>The conditions are serious enough to justify formal action; and/or,</p> <p>Opportunity given to landlords and tenants to make representations.</p>
Formal notices	<p>There are significant failures of statutory requirements;</p> <p>There is a lack of confidence in the individual or management, i.e. the willingness to respond to an informal approach;</p> <p>There is obstruction or assault;</p> <p>There is a history of non-compliance;</p> <p>The Council is required to serve a statutory notice; and/or,</p> <p>The defect presents an imminent risk to health.</p>
Works in default – emergency remedial action	<p>There is an imminent risk to health and safety to the public; and/or,</p> <p>Prosecution would not adequately protect the public interest.</p>

Works in default – non compliance	We may choose to carry out works required by a notice if they have not been completed within the permitted time; and/or This may be taken in conjunction with, or followed, by a prosecution for non compliance of a notice
Offer of a Formal Caution	Where a prosecution is determined not to be in the public interest unless the offer is refused
Revocation of licences and approvals	The property manager is not a fit and proper person
Prosecution	There is sufficient and reliable evidence that an offence has been committed, and There is a realistic prospect of conviction, and The prosecution is in the public interest.

4.4 Consistency and adherence to this Policy are maintained through the Council’s internal case review procedures.

4.5 Where formal action is required officers will provide:

- Will provide clear information and advice to all relevant parties;
- Ensure that an opportunity is given to discuss what is required before formal action is taken (unless urgent action is required);
- Advise the relevant parties of the named officer responsible for dealing with their case;
- Give a written explanation of any rights of appeal at the time the notice is served;
- Notify the relevant parties about any financial charge that the Council may apply and seek to recover as part of the enforcement process (see attached appendix for charges); and,
- If there is an appeal against a notice then a charge will only be applied if the notice is upheld.

## 5.0 Powers of entry

5.1 Where officers exercise their legal rights of entry during routine inspections and investigations, due regard shall be had to the Home Office Code of Practice December 2014.

5.2 Where it is appropriate and practicable to do so, reasonable notice should be provided (usually not less than 24 hours) to the owner or occupier before exercising a power of entry.

5.3 A “Notice of Powers and Rights” will be provided to the owner and/occupier.



5.4 In the event that access to a property is refused, then officers may apply to the local Magistrate's court for a warrant to enter. A warrant will only be issued if the Magistrate is satisfied that the reasons for entry are valid.

## **6.0 Complaints**

6.1 In the event that an individual or company is not satisfied with the service or if they do not agree with the action taken by the investigating officer they should first contact the Private Housing Manager (Technical). If this does not resolve their complaint the Council also has a formal Compliments and Complaints Policy. This is available on our web-site or a paper copy can be provided on request from the Civic Offices. Contact details are below.

## **7.0 Monitoring**

This Policy will be reviewed at least annually and more frequently if circumstances dictate.

### **Contact Details:**

Private Sector Housing (Technical),  
Housing Directorate,  
Epping Forest District Council,  
Civic Offices,  
High Street,  
Epping  
CM16 4BZ  
Tel: 01992 564348  
E-mail: [privatesectorhousing@eppingforestdc.gov.uk](mailto:privatesectorhousing@eppingforestdc.gov.uk)  
Website: [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk)

## Appendix 1

### Charges and Fees

#### 1. Charges for the Service of Statutory Notices and Orders under Part 1 Housing Act 2004

Section 49 of the Housing Act 2004 permits local authorities to make a reasonable charge for notices served under Part 1 of that Act. This includes notices to improve housing conditions, prohibition orders and emergency action. The system of charging is based on officer time and the size and condition of property. This means if you own a one bedroom flat with one hazard, you will not be charged the same as an owner of a large 6 bedroom house with numerous defects.

The charges in the table below have been agreed by the Council from 1 April 2015. They will be reviewed by the Finance and Performance Management Cabinet Committee on an annual basis.

#### Schedule of Charges: Notices served under Part 1 of the Housing Act 2004 on or after 1 April 2015

	Costs for 1-4 hazards	Cost for >5 Hazards
<b>1 bed Flat</b>	<b>£342.00</b>	<b>£427.50</b>
<b>2 bed Flat/house</b>	<b>£384.75</b>	<b>£470.25</b>
<b>3 bed Flat/house</b>	<b>£427.50</b>	<b>£513.00</b>
<b>4 bed House</b>	<b>£513.00</b>	<b>£612.75</b>
<b>5/6 bed HMO</b>	<b>£555.75</b>	<b>£655.50</b>
<b>Large &gt;6 HMO</b>	<b>£669.75</b>	<b>£726.75</b>

The Private Sector housing manager reserves the right to exercise discretion regarding charges in exceptional circumstances.

#### 2. Charges for carrying out work in default

The Council is given powers to carry out works in default where a person has been required to do works but has failed to do so. The cost of the works will be recovered in accordance with the relevant statutory provisions. The Council is also entitled to recover the costs of officer time in administration, arranging and supervising the work.

### **3. Expenses for compliance notices under the Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013**

Where a local authority considers that a park owner is failing or has failed to comply with a site licence condition it can serve a compliance notice on the park owner listing the steps that need to be taken, within a specified time period, to comply with the requirements of the site licence. A local authority may impose a charge on the occupier as a means of recovering expenses incurred by them. Please note there is a separate fee structure for the annual licensing of Residential Park home sites.

The following can be included for charging:

- a) Deciding whether to serve the notice, and
- b) In preparing and serving the notice.

Taking this into consideration the Council has agreed that charges should include:

**Inspection:** surveying and examination of the site before and after service of the compliance notice including photographs, taking measurements, sketch plans and notes

**Admin:** obtaining accurate ownership details; telephone calls; updating the Council's database, downloading photographs, collating the file; printing and postage costs

**Notice preparation:** drafting schedule of non-compliance and schedule of works to remedy the licence contraventions and statement of reasons. The time taken is then charged at our officers' normal hourly rate

### **4. Recovery of Debts**

Where charges for enforcement action are levied they will be registered as a local land charge against the owner's property. This means that when the property is sold the debt has to be repaid including any interest accrued on the initial charge.

The Council will vigorously pursue all debts owed to it as a result of enforcement charges or charges for carrying out works in default (as well as any other charges). This includes smaller debts where the cost of recovery is greater than the debt owed.

To recover debts the Council will use some of the following means where appropriate;

- The enforced sale procedure under the Law and Property Act 1925. This allows the Council to force the owner to sell their property in order to recover its costs.
- Use tracing services to track down debtors and secure judgments to recover debts.
- Demand rents are paid to the Council instead of the landlord to recover outstanding debts in accordance with the Council's debt recovery policies that are in force at the time (where the legislation allows and it is appropriate to do so).

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## **Report to the Cabinet**

**Report reference:** C-026-2015/16  
**Date of meeting:** 3 September 2015



**Epping Forest  
District Council**

**Portfolio:** Asset Management and Economic Development  
**Subject:** Epping Forest Shopping Park – Progress Report  
**Responsible Officer:** Chris Pasterfield (01992 564124).  
**Democratic Services:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

(1) That Cabinet considers and notes progress on the Epping Forest Shopping Park project.

### **Executive Summary:**

This report advises Members on progress with respect to the development of the new Epping Forest Shopping Park in Langston Road, Loughton.

### **Reasons for Proposed Decision:**

The Council, having acquired the interest of their development partner Polofind Limited, is now the sole owner, developer and future operator. The project represents a major capital investment on behalf of the Council. Bringing forward the development is not only complex but has an element of risk. As such, Cabinet has requested progress reports at each cycle of meetings.

### **Other Options for Action:**

None as this is in accordance with a specific request of the Cabinet.

### **Report:**

1. Following the purchase of Polofind Limited's interest on 3 July the emphasis has been on procuring the development as soon as possible to obtain the flow of rental income.

#### Project Management

2. DAC Beachcroft have been progressing consultants' contracts, some of which have been completed. They are also advising on the Section 278 and main shopping park building contracts. The in-house Legal Service has sent DAC Beechcroft copies of the Council's Standing Orders, Financial Regulations and the standard form of appointment of consultant. When the contracts are received the solicitors are required to confirm that they have been drafted in accordance with the appropriate member approvals.

3. In addition, the solicitors have been supplied with information as to the Council's title and will keep them up to date with regards to the registration of the T11 site. This level of

communication is designed to ensure Standing Orders are complied with.

4. A new development surveyor, David Gowland, commenced work on 3 July to assist Chris Pasterfield.

#### Highways

5. Following consultation with consultants and a prospective building contractor it was decided to tender the Section 278 works using an NEC (A) type contract with activity schedule rather than bill of quantities. It was also decided to include the utility companies' civil engineering works in the main contract rather than have a separate contract which would risk conflict of works and claims on site. A separate contract had been considered to start the utilities works early but as time has elapsed this window has closed. This tender has now been issued and registered on Contracts Finder which is a government web site in accordance with regulations.

6. Essex County Highways have been slow to provide final technical approval to S278 works. Due to the amount of detailed design and technical discussions that have already taken place it has been decided to progress the tender process as the risk is deemed to be low that any major alterations will be required and the programme timing has now become critical.

7. In order to maximise project management control of the S278 works it has been decided to split the role between White Young Green and JMP Consulting. JMP will carry out the site supervision work and be responsible for design compliance and alterations and WYG will have a Project Management role which oversees this, liaises with the Quantity Surveyors and also the Epping Forest Shopping Park (EFSP) Project Management Programme.

8. Payments to utility companies, BT, Virgin Media and UK Power Networks have now been completed and they will therefore have commenced work on diversion of their services prior to the appointment of the main contractor which will have programme benefits.

9. Access to the BP garage was dealt with by the design which received full planning approval in 2012. However, recently BP has expressed concern that there is an alternative egress from the petrol station that they might prefer. Our consultant's opinion is that the current design provides the best means to take traffic away from the petrol station once they have completed their visit and so avoid congestion. Discussions are ongoing but it is intended to proceed with the current design at present.

10. The programme and completion date of the S278 works will not be known until the tender process has been completed and a main contractor appointed. It is a planning condition requirement that these works are completed before the Shopping Park is able to open for trading. Until these dates are available, it will not be possible to confirm the opening date of the Shopping Park.

#### Planning

11. The Reserved Matters Planning Application was approved on 10 June 2015. Work continues on condition information requirements.

#### Architectural

12. The Shopping Park is to be constructed under a design and build contract arrangement. Drawings have been completed to a detailed stage and will be included in the tender package for the main contract. There will, however, be alterations required to comply

with unit lettings and different tenants will have different requirements and unit sizes may change which will be achieved by moving party walls. Our marketing team are currently finalising the agreement of Heads of Terms with five anchor stores and as far as possible their requirements will be included in the tender documents.

#### Utilities

13. As mentioned above, the utilities companies estimates for diversion works have been paid and the civil works will be included in the main S278 contract.

#### CDM/Health and Safety

14. JMP have agreed to take on the role of Principal Designer for the S278 works and PRC Architects for the EFSP main contract. These services will be incorporated into the consultant contracts being drafted by DAC Beachcroft.

#### Procurement

15. The OJEU restricted procurement timetable, for the appointment of the main contractor to build the shopping park, is being worked on by the Council's external solicitors. It is still hoped that the complex can be completed for fit-out by tenants by October 2016, to facilitate opening for the Christmas period. As mentioned in paragraph 10 above, this will also depend on practical completion of the S278 Highways works.

#### Marketing/Letting

16. Strong interest in the Shopping Park continues and the marketing team are currently finalising agreement on Heads of Terms with five major retailers to anchor the scheme. Negotiations with other retailers are largely on hold until these are completed as the strategy dictates that once these are in place higher rents will be achieved on the remaining units.

#### Relocation of Other Users

17. The pre start meeting with T J Evers, the building contractor, for the new Oakwood Hill depot was completed on 12 August. Prior to this, a Letter of Intent was issued to ensure that the contract progressed to detailed design and started to appoint sub contractors.

#### EFSP Main Contract

18. The main contract is being tendered under European Union Regulations and it has been decided to operate a single stage tender without Pre-Qualification Questionnaires to expedite the contract. A number of contractors were previously approached when it seemed as if the contract would be let by the joint development company but under the OJEU restricted process there is no limit to the number of contractors able to tender; however, they will all be assessed on price, previous track record and experience and programme. The aim has been to have all tender documents ready by 31 August 2015.

#### **Resource Implications:**

Funding for the development of the retail park has previously been agreed in accordance with the development appraisal considered by the Extraordinary Council Meeting in June 2015.

#### **Legal and Governance Implications:**

The Council has engaged legal advisors to support the procurement process. Although

Cabinet will continue to receive regular progress reports, it is intended that the Asset Management Cabinet Committee take on the role of more detailed scrutiny of the project to ensure that good governance continues to be achieved.

**Safer, Cleaner and Greener Implications:**

Highways improvements will reduce congestion and emissions. Security at the shopping park will involve the use of ANPR and CCTV

**Consultation Undertaken:**

Essex County Council Highways.

**Background Papers:**

Report to Cabinet 20 July 2015.  
Report to Council 23 June 2015.

**Risk Management:**

The project is subject to constant risk management with a formal Risk Assessment Register reviewed regularly at Project Team Meetings.



# Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

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The new shopping park will be fully accessible with facilities for people with disabilities and young children.

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