



### NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Wednesday, 1 November 2017 for the purpose of transacting the business set out in the agenda.

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

**Glen Chipp**  
Chief Executive

**Democratic Services  
Officer:**

Council Secretary: Simon Hill  
Tel: 01992 564249 Email:  
[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### WEBCASTING/FILMING NOTICE

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

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

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

If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.

**BUSINESS****1. WEBCASTING INTRODUCTION**

This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking. The Assistant Director of Governance and Performance Management will read the following announcement:

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

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

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

**2. FORMER COUNCILLOR MORGAN FARNSWORTH**

The Council is invited to stand for a minute’s silence in tribute to the memory of former Councillor Morgan Farnsworth who had recently passed away.

Former Councillor Farnsworth represented the Grange Hill Ward of the District as a Conservative Councillor from 1979 to 1984. He also represented the County Council Chigwell Ward from 1985 to 1989.

He served on the Finance Sub-Committee, Grange Farm Management Sub-Committee, Grange Farm Review Committee, Recreation & Amenities Committee, Libraries & Museum Sub-Committee, Finance & General Purposes Sub-Committee, Transportation and Audit Panel.

**3. DISTRICT COUNCIL BY-ELECTION - 19 OCTOBER 2017**

The Chairman to welcome Councillor Paul Stalker, who was elected on 19 October 2017 to represent the Lower Sheering Ward until May 2019.

**4. MINUTES (Pages 7 - 16)**

To approve as a correct record and sign the minutes of the meeting held on 26 September 2017(attached).

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on the agenda.

**6. ANNOUNCEMENTS**

- (a) Apologies for Absence
- (b) Chairman’s Announcements
- (c) Extraordinary Council Meeting

To note that an Extraordinary Council meeting to consider the Local Plan has been

arranged for Thursday 14 December 2017

## **7. PUBLIC QUESTIONS (IF ANY)**

To answer questions asked after notice in accordance with the provisions contained within Part 4 of the Council Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

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

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

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

To answer questions asked after notice in accordance with the provisions contained within the Council Rules in Part 4 of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

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

The Council Rules provide that answers to questions under notice may take the form of:

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

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

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

## **9. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 17 - 46)**

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

- (a) Report of the Leader;
- (b) Report of the Assets and Economic Development Portfolio Holder (attached);

- (c) Report of the Environment Portfolio Holder (attached);
- (d) Report of the Finance Portfolio Holder (attached);
- (e) Report of the Housing Portfolio Holder (attached);
- (f) Report of the Leisure and Community Services Portfolio Holder (attached);
- (g) Report of the Planning and Governance Portfolio Holder (attached);
- (i) Report of the Safer, Greener and Transport Portfolio Holder (attached); and
- (j) Report of the Technology and Support Services Portfolio Holder (attached).

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

The Council Rules provide for questions by any member of the Council to the Leader or any Portfolio Holder, without notice on:

- (i) reports under the previous item; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

Council Rules provide that answers to questions without notice may take the form of:

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

In accordance with the Council Rules, a time limit of thirty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes at their discretion.

#### **11. MOTIONS**

To consider any motions, notice of which has been given under Council Rules.

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

#### **12. CONSTITUTION - REVISIONS AND ASSOCIATED MATTERS (Pages 47 - 64)**

(Chairman of Constitution Working Group) To consider the attached report.

**13. APPOINTMENTS TO COMMITTEES & OUTSIDE ORGANISATIONS 2017/18  
(Pages 65 - 66)**

(Leader of Council) To consider the attached report.

**14. OVERVIEW AND SCRUTINY COMMITTEE**

(a) To receive any verbal update from the Chairman of the Overview and Scrutiny Committee and to answer any questions without notice asked in accordance with Council Rules.

**15. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

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

(b) To request written reports from representatives on joint arrangements and external organisations for future meetings.

**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	Nil	Nil

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

**Background Papers:** Article 17 of the Constitution (Access to Information) 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 and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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## EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

- Committee:** Council **Date:** 26 September 2017
- Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.15 pm
- Members Present:** Councillors D Stallan (Chairman), R Bassett (Vice-Chairman), N Avey, R Baldwin, A Beales, N Bedford, A Boyce, W Breare-Hall, R Brookes, R Butler, K Chana, D Dorrell, R Gadsby, L Girling, S Heap, L Hughes, R Jennings, J Jennings, S Jones, H Kane, S Kane, H Kauffman, P Keska, J Knapman, Y Knight, J Lea, A Lion, M McEwen, L Mead, G Mohindra, R Morgan, S Murray, S Neville, A Patel, J Philip, C P Pond, C C Pond, C Roberts, D Roberts, B Rolfe, B Sandler, M Sartin, G Shiell, S Stavrou, D Sunger, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley
- Apologies:** Councillors H Brady, G Chambers, A Grigg, A Mitchell, B Surtees and S Watson
- Officers Present:** G Chipp (Chief Executive), S Hill (Assistant Director (Governance)), S Kits (Social Media and Customer Services Officer), R Morton (Webcasting Officer), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), R Perrin (Democratic Services Officer) and G J Woodhall (Senior Democratic Services Officer)

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### 32. WEBCASTING INTRODUCTION

The Assistant Director of Governance and Performance Management 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.

### 33. FORMER COUNCILLOR L. MARTIN

The Chairman informed Members of the death of former Councillor Len Martin.

Len Martin had represented the Buckhurst Hill East Ward of the District as a Liberal Democrat Councillor from 1996 to 2006. He had served on many of the Council's member bodies during this time.

Members paid tribute to the memory of former District Councillor and stood for a minute's silence in his memory.

### 34. MINUTES

#### RESOLVED:

That the minutes of the Council meeting on 27 July 2017 be taken as read and signed by the Chairman as a correct record.

**35. DECLARATIONS OF INTEREST**

There were no declarations of interest by Members of the Council under this item.

**36. ANNOUNCEMENTS**

(a) Announcements by the Chairman of Council

(i) Chairman's Events

The Chairman informed Members that he had attend a variety of events which included meeting the Youth Council, the Costermongers Festival at Guildhall, the Chairman's Charity Golf Day, the launch of the Epping Forest Recycling Rewards Scheme and the Annual Petanque Match with Epping Town Council.

It was noted that the Chairman's Carol Service had changed dates and would now be held on 8 December 2017 at St John's Church, Epping.

(ii) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to the mother of the young boy who had been recently victim of anti-social behaviour in Waltham Abbey.

(iii) Change of Date for Council

The Council approved the change of date for the Council meeting scheduled on Thursday 2 November 2017, to be held Wednesday 1 November 2017.

**37. RE-ORDER OF AGENDA**

The Chairman advised that with the consent of the Council, the three public questions which had been submitted after the publication of the agenda, under agenda item 7, Public Questions would be brought forward as the next item of business.

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

(a) **Future Crèche Facilities at the Loughton Leisure Centre**

**Question from Tina Stelfox to Councillor H Kane, Leisure & Community Services Portfolio Holder**

"Given the documented concerns to Councillors and Places for People Leisure about the intended closure of the crèche on the Loughton Leisure Centre site and support for maintaining a crèche: We would like to know what plans are in place by the Epping Forest District Council to ensure that crèche facilities are maintained on the Loughton Leisure Centre site by the Places for People Leisure who have a 20 year contract."

**Reply of Councillor H Kane, Leisure and Community Services Portfolio Holder**

"Thank you for your question. It is true that after extensive search for suitable space- while the refurbishment work is in process- this has proven impossibility.



You see the safeguard of the children during any building works cannot be jeopardised; so, for the duration of the building the crèche has to close.

Going forward, I have requested the contractor for any possible extension to the existing plans in order to accommodate the crèche. As soon as we have the costs involved, I will be raising the matter to my fellow Cabinet members for support and decision.”

**(b) Closure of the Crèche at the Loughton Leisure Centre**

**Question from Neena Freeman to Councillor H Kane, Leisure & Community Services Portfolio Holder**

“Given that the Places for People management have now written informing of the closure of the crèche facility (which has been there over 14 years) at Loughton Leisure Centre on 20th October 2017 with no consultation with users, how does the council justify this discrimination against these users, many of whom have been members for years and have exercised up until the birth of the children using the crèche?”

**Reply of Councillor H Kane, Leisure and Community Services Portfolio Holder**

“Thank you for your question. Discrimination is a very strong word to use. I understand your frustration and concerns but I do not agree with the term used here. I will explain.

First of all, this Council is proud of its history of providing leisure and cultural activities, which are not a statutory obligation. Indeed, as local government is under increasing financial pressure and subject to reduction in revenue funding from the central government, discretionary services such as Leisure and Cultural services, in many other authorities, have been subject to cuts.

The management of the procurement to appoint a new contractor was undertaken by a multi-disciplinary officer project team, who reported to the Portfolio Advisory Group. I established this group of members from all political parties to offer advice and guidance to me determining not only the best procurement and contractual options, but also the service specification and scope of any new facilities. This was the group who made the final recommendations to the Cabinet, on the preferred bidder, Places for People.

The crèche in Loughton was not in the tender specification, because there has never been a purposed built crèche there. It was at the discretion, management and subsidy of the contractor in response to local circumstances and temporary demand.

The Council provides crèche facilities in other leisure centres i.e. Epping; and as I said before, I am still looking for a solution in the Loughton centre. So, I do not think that there is any doubt that there is still a lot of work to be done.”

**(c) Local Plan – Call for Sites Methodology**

**Question from John Collins to Councillor J Philips. Planning & Governance Portfolio Holder**

“Bearing in mind the examples given below in respect of sites that have not been included in the Council’s preferred sites lists, are the Council and Portfolio Holder satisfied that the process and criteria are being applied rigorously enough and do

they agree that where the reasons given for sites not being selected are incorrect, sites ought to be re-checked and the precise reason for inclusion and exclusion ought to be re-checked against the agreed set of criteria with consideration being consistent across sites ?”

**Reply of Councillor J Philips, Planning and Governance Portfolio Holder**

“1) Is the Council and Portfolio Holder satisfied that the process and criteria are being applied rigorously enough?

The decision-making process that underpins the selection of sites taken forward within the Local Plan is set out within the Council’s Site Selection Methodology (‘SSM’) which is published on the website. To be adequate, the Local Plan evidence base must be robust and assessments should be founded upon a cogent methodology, undertaken in a transparent manner and fully documented at key stages. A significant body of work therefore underpins the SSM, and accordingly it takes into account:

- Relevant government policy and practice guidance contained within the National Planning Policy Framework and Planning Practice Guidance respectively; and
- Work undertaken elsewhere in the country by a number of other planning authorities at varying stages of plan making, including from adopted plans.

The Site Selection Methodology provides a detailed breakdown of the various sources of decision making criteria that have shaped the overall outcome.

With regard to the District’s Green Belt, this has been objectively assessed and reviewed. The NPPF at para 79 states that *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. The Framework goes on to provide a number of points which local planning authorities must consider in reviewing the Green Belt within its administrative boundary. Building on national guidance, and national best practice, the Council undertook a Green Belt review in two stages in 2015 and 2016 (both documents are also on the website). In summary, the Stage 1 assessment provided a high-level review of the Green Belt’s overall performance, whilst Stage 2 reviewed in more detail the parcels within the Green Belt. The findings of this study were used to inform the site selection process therefore ensuring consistency between studies.

I am satisfied that a robust and thorough approach to both site selection and the assessment of the Green Belt has been followed. The methodologies used for the site selection process and Green Belt review are firmly based on national policy and guidance, and have taken account of national best practice elsewhere.

2) Do they agree that where the reasons given for sites not being selected are incorrect, sites ought to be re-checked? Where the reasons given for sites not being selected are incorrect, sites ought to be re-checked and the precise reason for inclusion and exclusion ought to be re-checked against the agreed set of criteria with consideration being consistent across sites?

Local plan-making is informed by a range of evidence provided at multiple stages. The Council undertook its Regulation 18 consultation in late 2016, and the public and landowners were invited to submit comments on the sites proposed for allocation. In a number of cases, new or updated material was made available to the Council for the first time. In all cases, where received, this material has been reviewed to

determine whether or not it materially alters the initial assessment of sites. The Council is therefore confident in the rigour and consistency that has been applied to the assessment.

I consider that the site selection process has been undertaken objectively and comprehensively. New and updated information supplied by agents has been assessed and appraised. The Council therefore remains confident in its assessment of sites and a detailed exercise of re-checking sites would be unnecessary and would only serve to introduce delays to the plan-making process. This is clearly neither in the interest of the Council, the residents of the District or the district's landowners."

**Supplementary Question from John Collins to Councillor J Philips, Planning & Governance Portfolio Holder**

"If there were mistakes within the process over all and the Local Plan encountered problems at the Examination in Public, would it not end up a slower process overall?"

**Reply of Councillor J Philips, Planning and Governance Portfolio Holder**

"I am confident that the work carried out by the Council has been successful and properly prepared as it could be at this stage of the process. The Council had carried out significant consultations in comparison to other neighbouring authorities and after consulting an experienced Inspector, I am confident in the Council's Local Plan. Where new information has come forward, I have been satisfied that it had been looked into properly and therefore, feel that the Council will be in a good position when it comes to the public examination."

**39. ROGER HIRST, THE POLICE AND CRIME COMMISSIONER FOR ESSEX**

The Police and Crime Commissioner, Roger Hirst made a short presentation updating Members on the overall strategy, funding and resources, since their last visit in February 2017, along with the District Commander, Lewis Basford for Epping Forest and Brentwood.

The Police and Crime Commissioner explained that the rise in the Police precept supported the on going reductions in Central Government grants, increased the amount of Police Offices and Staff and new technology.

The District Commander advised that the night time economy issues within Loughton had been alleviated, some what by the closure and restriction put on the former Nu and Luxe Bars. The anti-social behaviour issues in Epping High Street and Waltham Abbey were being dealt with although not completely resolved and they were working closely with the Council's Communities Safety Team on other issues.

Members asked questions about late night establishments, anti social behaviour, whether the police could increase their visibility, issues with response times, serious road accidents, the possibility of Secondary Schools regaining Police Liaison Officers, dangerous parking with police assistance, speed traps, motorbike issues on open green spaces, the impact of mental health on the police service and updates on vacant police buildings within the district.

**40. QUESTIONS BY MEMBERS UNDER NOTICE**

The Council noted that there were no members questions submitted for consideration at the meeting.

**41. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET****(a) Leader of the Council**

The Leader advised that there had been fewer official meetings, although business for the Council had continued at a pace. At the forefront of Council business had been transformation and looking at the Civic building, footprint and best use of the building for the future.

He informed Members that he had recently attended meetings with the local MP Eleanor Laing, to discuss the Council's Budget, Local Plan, Transformation, parking issues and the national Government's stand point on housing. Furthermore, he had met with Essex Leaders and Chief Executives to discuss issues that affected the whole of Essex, in particular emergency planning. The West Essex Leaders from Uttlesford, Harlow and Brentwood had updated each other on the progress of their Local Plans.

Finally, he had attended a joint meeting with Chief Officers and Essex County Council on how to achieve the best value for money and ideas for shared services.

**(b) Planning & Governance Portfolio Holder**

Councillor J Philip advised that on 14 September 2017, further announcements were made on the white paper "Fixing our broken housing market"; He advised that the content had been significantly different to what had been expected. The changes that had been made to the objectively assessed housing need for each planning area reflected a rise in targets for new dwellings from 540 to 923 per year equating to an overall increase from 11,400 to over 20,000 houses for the Council. The Local MP, Eleanor Laing had written to the Secretary of State and had met with him to discuss the situation. The only alternative was to accelerate the Local Plan and submit it to the inspector before 31 March 2018, which would enable the Council to continue with the current figures. An update would be coming forward at the next Cabinet meeting in October.

**(c) Housing Portfolio Holder**

Councillor S Stavrou advised that the Communities Select Committee on Monday 9 October 2017 had been cancelled. Members would be notified when a new date had been scheduled.

**42. QUESTIONS BY MEMBERS WITHOUT NOTICE****(a) Nature Reserve Signage**

Councillor R. Butler asked the Environment Portfolio Holder whether the signage put up at the Waltham Abbey Nature reserve regarding dropping litter could be made permanent.

Councillor W Breare-Hall advised that the signage had improved the situation and he would take the idea away for further discussion.

**(b) Loughton Leisure Centre Crèche Facilities**

Councillor J Jennings asked the Leisure & Community Services Portfolio Holder whether she agreed that without crèche facility, leisure members would not have

access to the local amenity and with all the other leisure centres in the district having these facilities, is this not discrimination.

Councillor H Kane advised that she did not believe there was discrimination. She would be looking for a solution and for the crèche to continue, but at an average of seven children a day at £3.55 per hour, there was a lot of work to be done to justify the crèche. She was confident that something would be done in the future and there were also other plans put in place for users to take their children into the gym with them as long as they were safely contained within their pushchairs.

(c) Housing Allocation Scheme

Councillor J H Whitehouse asked the Housing Portfolio Holder whether she could reconsider a proposed clause in the Housing Allocation Scheme regarding residency for people who had left the district for educational purposes but wanted to return after completion. She enquired whether applicants could fulfil the 5 years residency criteria, if they had lived in the district in their primary and secondary school years.

Councillor S Stavrou advised that the document was still in draft form and legal advice was being sought, although she would take the comments back to officers.

(d) The Princess of Wales Public House, Westall Road, Loughton

Councillor D Wixley asked the Housing Portfolio Holder whether she had any information on the redevelopment or reopening of the Princess of Wales Public House on Westall Road, Loughton.

Councillor S Stavrou advised that she had no information on The Princess of Wales Public House site, although she would make enquiries and get back to him.

(e) Emergency Planning

Councillor C C Pond asked the Environment Portfolio Holder how many staff were employed in Emergency Planning.

Councillor W Breare-Hall advised that he did not know but would find out and share the information with her.

(f) Commercial Property Value

Councillor H Kauffman asked the Finance Portfolio Holder whether the increased value of commercial properties in the Statutory Statement of Accounts 2016/17, also reflected the expenditure that the Council had incurred with investments such as the retail park.

Councillor G Mohindra advised that figures mention within Statutory Statement of Accounts related to the 2016/17 accounts and the retail park would be reflected in the 2017/18 accounts.

**43. MOTIONS****(a) Constitution (Article 10) – District Development Management Committee and Area Plans Sub-Committees**

**Moved by Councillor S. Kane and seconded by Councillor J. Philips**

“That the Council adopt the following changes to the Article 10 of the Constitution, to give effect to a review by the District Development Management Committee of any proposed refusal of planning applications made by or on behalf of the Council or in relation to any application site owned by the authority, namely:

(1) That the following addition be made to the terms of reference of the District Development Management Committee in Article 10 of the Constitution (to be numbered (1)(g)):

‘Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner, that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted’; and

(2) That the following addition be made to the terms of reference of the Area Plans Sub-Committees in Article 10 of the Constitution (to be numbered (4)(e)):

‘Development proposals for a site are made by or on behalf of the Council or where the Council is the landowner, that are recommended for refusal by a Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted’.”

**Amendment moved by Councillor D. Dorrell and seconded by Councillor C C. Pond**

“That the following addition be made to the Rules for participating on Planning matters at Council Area Plans sub and District Development Management Committee meetings in Appendix 1 of Article 10 of the Constitution (to be numbered 1 (e) of paragraph one):

1. (e) A member for the ward relevant to the application when a referral to District Development Management Committee has taken place under rule 4 (e) of the Terms of Reference of the Area Plans Sub-Committee in Article 10 of the Constitution.”

**Carried**

There voted for the motion as amended: (26) namely: N Avey, R Bassett, N Bedford, W Breare-Hall, K Chana, R Gadsby, L Hughes, H Kane, S Kane, P Keska, J Knapman, J Lea, M McEwen, G Mohindra, A Patel, J Philip, B Rolfe, B Sandler, M Sartin, G Shiell, D Stallan, S Stavrou, D Sunger, E Webster, C Whitbread and H Whitbread.

There voted against the motion as amended: (16) namely: R Baldwin, R Brookes, R Butler, D Dorrell, S Heap, B Jennings, J Jennings, H Kauffman, S Murray, S Neville, C C Pond, C P Pond, C Roberts, J H Whitehouse, J M Whitehouse and D Wixley.

There abstained: (2) namely: A Beales and D Roberts.

**Motion as amended ADOPTED****RESOLVED:**

“That the following changes to the Article 10 of the Constitution, to give effect to a review by the District Development Management Committee of any proposed refusal of planning applications made by or on behalf of the Council or in relation to any application site owned by the authority be adopted, namely:

(1) That the following addition be made to the terms of reference of the District Development Management Committee in Article 10 of the Constitution (to be numbered (1)(g)):

‘Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner, that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted’; and

(2) That the following addition be made to the terms of reference of the Area Plans Sub-Committees in Article 10 of the Constitution (to be numbered (4)(e)):

Development proposals for a site are made by or on behalf of the Council or where the Council is the landowner, that are recommended for refusal by a Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted.

(3) That the following addition be made to the Rules for participating on Planning matters at Council Area Plans sub and District Development Management Committee meetings in Appendix 1 of Article 10 of the Constitution (to be numbered 1 (e) of paragraph one):

A member for the ward relevant to the application when a referral to District Development Management Committee has taken place under rule 4 (e) of the Terms of Reference of the Area Plans Sub-Committee in Article 10 of the Constitution.”

**44. STAFFING STRUCTURAL ADJUSTMENTS WITHIN DEVELOPMENT MANAGEMENT****Mover: Councillor J Philips, Planning & Governance Portfolio Holder**

Councillor J Philips submitted a report regarding a Continuing Services Budget supplementary estimate for staffing structural adjustments within Development Management.

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

(1) That a Continuing Services Budget supplementary of £109,760 be approved to convert the following existing temporary posts to permanent posts, effective from 1 October 2017:

(a) Technical Officer (Validations);

- (b) Technical Officer (Systems); and
- (c) Two Assistant Planning Officers.

#### **45. STATUTORY STATEMENT OF ACCOUNTS 2016/17**

##### **Councillor J Knapman, Chairman of the Audit and Governance Committee.**

Councillor J Knapman advised that the Statutory Statement of Accounts for 2016/17 had been considered by the Audit and Governance Committee and were recommended to Council.

Report as first moved **ADOPTED**

##### **RESOLVED:**

That the Statutory Statement of Accounts for 2016/17 be adopted.

#### **46. OVERVIEW AND SCRUTINY COMMITTEE**

The Council noted the written report from Councillor Sartin, the Chairman of the Overview and Scrutiny Committee.

#### **47. APPOINTMENTS TO COMMITTEES & OUTSIDE ORGANISATIONS 2017/18**

##### **Mover: Councillor C Whitbread (Leader of the Council)**

Councillor C Whitbread advised that following the death of Councillor G Waller, there were a number of Outside Organisation appointments that were now vacant. Furthermore, with the appointment of Councillor S. Kane as the Safer, Greener & Transport Portfolio Holder, a vacancy on the Overview and Scrutiny Committee for the remainder of the 2017/18 municipal year had also occurred.

##### **RESOLVED:**

- (1) That Councillor J Lea be appointed on the Overview and Scrutiny Committee for the remainder of the 2017/18 municipal year;
- (2) That Councillor L. Hughes be appointed on the Epping Forest Community Transport Board of Trustees;
- (3) That Councillor S. Kane be appointed on the Essex Police and Crime Panel; and
- (4) That the appointment of the Stansted Airport Consultative Committee (Deputy) be determined following the Lower Sheering Bye election on 19 October 2017.

#### **48. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

- (a) There were no further updates from Council representatives on any other business of joint arrangements and external organisations; and
- (b) There were no requests made for written reports by representatives on joint arrangements and external organisations for the next meeting.

**CHAIRMAN**



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

**Committee:** Cabinet

**Date:** 1 November 2017

**Subject:** Assets & Economic Development

**Portfolio Holder:** Councillor A Grigg

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### **Recommending:**

**That the report of the Assets & Economic Development Portfolio Holder be noted.**

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#### **1. Town Centres**

**Waltham Abbey Wayfinding Project** – The applications for the wayfinding signage are with Essex Highways for approval and we await their confirmation that the works can proceed. Once confirmation is received there will be a four week manufacture period after which the installation can take place.

#### **2. Business Support**

**LoCase** - In partnership with LoCASE, the Economic Development team visited over 50 businesses on Langston Road and Oakwood Hill on 12 July to promote funding and support that is available to businesses. Latest reporting (August 2017) identifies that 4 grants have now been approved within the district with more in the pipeline. In a similar vein to the industrial estates visit, Economic Development Officers liaised with BEST Growth Hub on a business support surgery which was held at Crate Loughton on 19 September. BEST sat down with 7 businesses to discuss in detail the support they might be able to access and visited all businesses at the recently established Crate Loughton.

**Eastern Plateau Funding** - The Economic Development Team continues to be active on the Eastern Plateau Local Area Action Group (LAG) and in promoting this funding within eligible areas of the district. The Group continues to perform well in terms of its allocation of funding to date and a further project has been approved in the district. This is the Rainbow and Dove pub in Hastingwood. The pub will receive a grant of approximately £124,000 towards the extension of its restaurant area and replacement and upgrade of its current outside eatery. This will enable the business to significantly increase the number of covers it can cater for and create 9 additional jobs.

#### **2. Epping Forest Shopping Park**

After the “soft” opening in early August, there are now four stores trading successfully at the Shopping Park. These are Hobbycraft, TK Maxx, Card Factory and Smyth’s Toys. Shop-fitting is ongoing on the other tenanted units which are now 85% let, with the major anchor store Next, due to open in mid-December for the Christmas period. It is at this point, that it is intended to undertake an official opening.

Final work is being undertaken by the Council’s Highways Contractor on the Section 278 Highways Improvements. The works have encountered a considerable number of problems in relation to drainage and utility services, which have led to delay and additional costs. This

will be reported on the conclusion of the final account. However, it is anticipated that all the highway related work will be finished by the middle of November.

# ***Report to the Council***

**Committee:** Cabinet

**Date:** 1 November 2017

**Subject:** Environment

**Portfolio Holder:** Councillor W Breare-Hall

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## **Recommending:**

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

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## **Waste Management**

I have previously reported that the Council has been successful in securing funding from the Department of Communities and Local Government (DCLG) for a Recycling Reward Scheme. The purpose of the Scheme is to improve recycling performance and positively influence resident behaviour towards recycling.

The scheme consists of recycling incentives for up to 100 blocks of flats across the District consisting of around 1600 properties. Since the launch of the Scheme on 26 September Officers have completed the publicity material and web portal in preparation for the wider project roll out. During November, for a four week period, a team of experienced Recycling Advisors will visit residents in the relevant blocks of flats providing information on the Scheme along with advice and guidance on recycling.

The Scheme will encourage households in the selected group of flats to recycle more and recycle better in return for special offers or discounts with local business. So far we have secured the support of over 45 local retailers, with an expectation that a further 30 businesses will register to support the Scheme before the end of December this year.

Residents also have the opportunity to vote for one of their favourite charities to benefit from an annual donation. This year's Recycling Rewards charity partners are Epping Forest Community Transport; Epping Forest Food Bank; Chigwell Riding Trust, and Safer Places. Each will receive a share of the donation.

While these charity partners have been set for the first year, the Scheme continues until October 2019. We would, therefore, like to hear from other local charities and community projects that want to get involved in the scheme in the future.

## **Fly-tipping prosecutions**

At Chelmsford Magistrates Court on 14<sup>th</sup> September, R & A Waste Removal Limited, Alfie Smith and Richard McGuire, were prosecuted by Epping Forest District Council for waste offences relating to the deposit of waste on Unit 4, Pick Hill, Waltham Abbey. On 20 February 2017, an Environment and Neighbourhoods Officer for Epping Forest District Council investigated an allegation that excessive waste was being stored at their site. The officer found waste piled higher than the perimeter fence and that well in excess of 10 tonnes of waste appeared to be stored at the site, including significant quantities of non-recyclable waste that was not covered by the exemption.

The defendants each pleaded guilty to depositing waste on the site without a permit or in accordance with an exemption administered by the Environment Agency. R & A Waste Removal Limited also pleaded guilty to failing their waste duty of care. They were fined £2,000 and ordered to pay a contribution towards the Council's prosecution costs of £1,000 and a Victim Surcharge of £170. Alfie Smith and Richard McGuire were each fined £1,000 and ordered to pay a contribution towards the Council's prosecution costs of £500 and a Victim Surcharge of £120.

Rachel Cooper, of Lushes Road, Loughton, pleaded guilty to handing over approximately 10 bags of household waste to someone who then fly-tipped them at the junction of Bushfields and Parkmead, Loughton. She was fined £120 for handing over the waste without checking that the person was authorised by the Environment Agency, and £50 for not attending an interview with Council's Environment & Neighbourhood team required under Section 108 of the Environment Act 1990. She was also ordered to pay the Council's prosecution costs of £1281.33.

The bags could have been taken to an Essex County Council Recycling Centre for Household Waste or sorted correctly, recycled and disposed of using the normal doorstep collection provided by Epping Forest District Council.

#### **“Fly-tipping - It's a crime not to care”**

The Rachel Cooper case is another example of a costly mistake by a resident who failed to take responsibility, comply with their household duty of care and protect themselves from action when their waste was fly-tipped.

Short films produced by the Cleaner Essex Group as part of the “Crime not to care” campaign are now available online. Essex County Council has hosted the videos on their YouTube channel available at [https://www.youtube.com/watch?v=DFy1ts6U\\_xA&t=19s](https://www.youtube.com/watch?v=DFy1ts6U_xA&t=19s) The videos have also been posted on this Council's Facebook and Twitter accounts.

#### **Noise nuisance**

The duty noise officer has recently been called out to noisy music events at the Sun Inn, Nazeing Common, and Woolston Manor Golf and Country Club, Abridge Road, Chigwell. The noise from both sites was judged to be excessive. Noise abatement notices have been served to control the volume of music and amplified sound in the future.

A resident of Brickenden Court, Waltham Abbey, has also been served with a noise abatement notice after an officer witnessed music coming from her property causing a nuisance, despite a previous warning.

More information on the Council's noise call out service can be found on the Council's website at: <http://www.eppingforestdc.gov.uk/residents/your-environment/crime-safety/out-of-hours-noise-service>

# ***Report to the Council***

**Committee: Cabinet**

**Date: 1 November 2017**

**Subject: Finance**

**Portfolio Holder: Councillor G Mohindra**

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**Recommending: That the report of the Finance Portfolio Holder be noted**

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## **Accountancy**

Our last Council meeting saw the adoption of the Financial Statements for 2016/17 and that has allowed both officers and Members to now focus on the budget for 2018/19 and beyond. The budget process is being conducted with a high level of uncertainty, with details still awaited on key Government policies areas like fair funding, planning fees and social housing. It is hoped that greater clarity will emerge in the Chancellor's Budget on 22 November. The indications at the moment are that lower productivity has led to slower growth and this will limit the Chancellor's room to manoeuvre. As is usual for this time of year, the NHS is demanding more funds to stave off a winter crisis. This is likely to mean that any additional funds allocated to public services will not be coming to District Councils.

The next meeting of the Finance Cabinet Committee on 16 November will receive an update on the budget position and the first draft of the savings and growth lists. There is still money available in the Invest to Save Reserve and Members are welcome to discuss any ideas on savings with myself or the Director of Resources. Even though this initiative has been in place for a couple of years now, I am sure there are still good ideas out there that could help us achieve our savings targets.

## **Benefits**

The annual consultation on the Council's scheme for Local Council Tax Support (LCTS) was due to run from August to early October. However, it was brought to my attention that a link to the consultation that had been published on social media did not work. As this was highlighted close to the end of the consultation period I arranged for the consultation to be extended by two weeks and for publicity to be issued to make residents aware of this. The link from the Council's website was set up correctly but the fault with the social media link may have deterred some people from responding and so it was important to both extend the opportunity and make social media users aware of this.

Even though no change in the level of support, and no other fundamental changes are proposed, it would still be helpful to gain the thoughts of residents on the proposed scheme, both residents who benefit from it and those that effectively pay for it.

## **Revenues**

At the Cabinet meeting on 12 October delegated authority was given to the Director of Resources, in consultation with myself, to determine whether or not this Council

should participate in any Essex wide application to become a pilot for 100% retention of business rates. Since that meeting the Essex Finance Officers have discussed financial models with an independent specialist and it is evident that a 100% retention pool would be likely to benefit all of the authorities taking part.

Work is underway to complete an application by the deadline of 27 October and I am hopeful that it will be possible for all the Essex authorities to agree the governance arrangements for the pool and also satisfy their own internal arrangements.

# ***Report to the Council***

**Committee: Cabinet**

**Date: 1 November 2017**

**Subject: Housing**

**Portfolio Holder: Councillor S Stavrou**

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**Recommending:**

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

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## **Outsourcing of the Careline Alarm Monitoring Service - update**

1. At its meeting on 2 February 2017 (Minute 121 refers), the Cabinet agreed that the Careline Alarm Monitoring Service be outsourced to an external provider. The procurement process was managed by the procurement arm of the North Housing Consortium (NHC). I agreed that the highest scoring tenderer Tunstall Healthcare (UK) Limited be appointed as the provider of the monitoring of the Council's Careline Service. As part of the Due Diligence process, officers visited their Control Centre in Doncaster, interviewed their management team and were more than satisfied that they can meet with the requirements of the Council's detailed specification. The service will be handed over to the new provider on 20 November 2017.

## **Attendance by Essex Police District Commander**

2. Members are reminded that on 7 November 2017, Essex Police District Commander will be attending the meeting of the Communities Select Committee starting at 7pm in the Council Chamber. All Members are welcome and are able to submit questions in advance of the meeting to Adrian Hendry, Democratic Services by email at [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

## **C.A.R.E. (Caring and Repairing in Epping Forest)**

3. C.A.R.E. the Home Improvement Agency run by Epping Forest District Council helps older homeowners and private tenants remain at home in greater comfort, warmth and security with a range of services. This year external funding has been successfully achieved for individual clients who are unable to access funds through EFDC Housing Assistance streams.

The funding is to provide central heating, window repairs and wheelchair access have been secured from SSAFA (Soldiers Sailors Airman and Families Association), Nightingale Cancer Charity and the Health through Warmth Crisis Fund and a further successful bid for £5000 from the Gas Safe Charity to assist vulnerable persons in need of care and support and is now also in place. In the last 3 years C.A.R.E. has received over £14,000 in external charitable funding to support and aid vulnerable persons.

## **Empty Property Loan scheme**

4. Owners of long term empty properties can make an application to the Council for funding of up to £10,000 for works to be undertaken at their empty property to make

it habitable. The type of works this the loan covers range from new windows, central heating, electrical upgrades, new kitchens and new bathrooms.

To be eligible to apply, the property must have been empty for at least 6 months prior to making an application; the owner must occupy the property on completion of the works and repay the loan upon the sale or transfer of the property. With the assistance of this funding, building works have recently been completed on a 3 bed house in North Weald which had previously stood empty for over 18 months with a family to move in shortly and in Hastingwood a 1 bed flat which had been empty for just under a year will shortly be occupied by a single person.

### **Official Opening of John Scott Court**

5. The Council hosted an official opening ceremony on 6 October 2017 to welcome the first tenants into John Scott Court in Waltham Abbey. Around 50 guests gathered for the ceremony, an event which marked the completion of Phase One of the Council's House-building Programme to provide 23 new affordable rented homes in Waltham Abbey.

Guests, including John Scott, MP Eleanor Laing and local councillors, joined council officers, contractors and tenants to open the nine newly built homes at John Scott Court, all of which are being let to local residents in housing need.

It has been over 30 years since the last council home was built in the Epping Forest District, so it is a real achievement for the Council to be building again and adding to their existing housing stock of around 6,500 properties.

Photos and a short video of the ceremony can be found on the Council's website and other social media.

### **Development Agents East Thames end their relationship with the Council**

6. In 2013 the Council appointed East Thames as its Development Agents to assist the Council with its Council House-building Programme. After 4-years, and following a merger with London & Quadrant, East Thames has served notice in accordance with the contract to end their relationship as Development Agents.

A 6-month hand-over period has been agreed to allow the Council to quickly act and put in place alternative contractual arrangements to continue with one of its key objectives and build new Council owned affordable housing in the district.

### **Relocation of the Housing Repairs Service to Oakwood Hill**

7. Following the Cabinet's decision to relocate the Housing Repairs Service to the Oakwood Hill Depot, a call-in was registered relating specifically to the proposed staff parking arrangements on greenspace on Oakwood Hill Estate, which was contained within the decisions.

In line with Call-in procedures, a meeting was arranged with myself, Councillor Sartin, Councillor C C Pond and Councillor D Roberts as well as Officers, where agreement was reached whereby all other alternative staff parking options would be considered before any planning application is submitted for parking on the greenspace, and that an independent parking study be commissioned to explore these options. The call-in was subsequently withdrawn in light of my agreement.



# ***Report to the Council***

**Committee: Cabinet**

**Date: 1 November 2017**

**Subject: Leisure & Community Services**

**Portfolio Holder: Councillor H Kane**

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**Recommending: That the report of the Leisure and Community Services Portfolio Holder be noted.**

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## **Museum, Heritage and Culture (MHC)**

**Visitor Numbers:** Since the Council's Museum has been refurbished and the outreach and online service developed, I am pleased to say that we have seen a significant increase in the numbers of people of all ages and abilities visiting the Museum and accessing online services. The following statistics are from the period July to end of September 2017;

8550 visitors in person : 83937 online users : 873 volunteer hours

In addition, over 1200 children participated in the MHC summer programme and over 400 people attended the family fun days at Lowewood and EFDM.

**No Borders:** Work on the Arts Council funded No Borders project has gone from strength to strength and one of the main areas of work that has recently been completed as part of the commercial development, is the installation of a new cake and coffee area at Lowewood Museum. Work on this began in September and the new facility provides visitors with refreshment facilities and a completely refurbished welcome area and new shop. The new space also provides the opportunity to offer room hire at Lowewood Museum (with the facility of permanent room dividers) and it is hoped that the space will help to increase the income generated through the Museum.

I am delighted to be one of the seven trustees that have been appointed to the Culture Without Borders Development Trust (which covers Lowewood and EFDM) as the initial Council representative and we will be undertaking our detailed induction and training programme in December. We still have four positions left on the Board and recruitment for these positions starts w/c 13<sup>th</sup> November (National Trustee week). It is planned for the Trust to be launched in the New Year and board members will be working hard to secure external funding to support the two museums and The Spotlight Theatre in Hoddesdon from other Trusts and Charities. Our Charity Commission registration is currently in progress.

**Exhibitions:** In October, the Museum opened its exhibition entitled 'A Sense of Rural Life', which runs until 10<sup>th</sup> March 2018. This exhibition features items from our own collection, as well as several items on loan from the Horniman Museum in London, as part of their 'objects in

focus' programme funded by Arts Council England. We have a range of associated events and accessible elements to this exhibition and these have been funded via SHARE Museums East.

**Cultural Engagement:** At the request of SHARE Museums East (which is a national resource facility for museums), our MHC team hosted and delivered a training day for the SHARE 'front of house' forum, on Tuesday 10 October at the District Museum. 25 attendees took part from all over the region and the session included training to develop staff skills in the areas of dance engagement for young and older people. There were also presentations from speakers from the Fitzwilliam Museum in Cambridge and the Victoria and Albert Museum in London and our MHC team had the opportunity to showcase our dance programme and dementia training sessions.

**Schools Engagement Programme:** During September, 475 children took part in MHC's schools outreach programme, which is the highest September figure for several years.

**The Space:** We are gradually developing the casual hire of the Museum 'Space', which has seen an income of nearly £1500 in this financial year and this is through bookings for local community groups who receive a reduced hire fee and private organisations, which pay a more commercial rate.

**First World War Projects:** I am delighted to advise that our team have been successful in securing £68,500 further funding from the Heritage Lottery Fund, for a project titled, 'Stephen Warner – One Man's Journey Through War'. This is for an exhibition at Lowewood Museum in 2018 and a number of associated projects that are currently underway, including work to transcribe and digitise all of the 'Warner Diaries' which are now available online. Images of Stephen Warner and the operating theatre he worked in have also been discovered and will form part of the exhibition at Lowewood Museum next year. The project's work has been supported by over 140 volunteer hours so far.

**Other Funding Bids:** The MHC team is currently working on a bid to HLF for a project around the life works of Walter Spradbery, who was a former resident of Epping Forest District. The project will explore the life of this nationally famous and unofficial war artist.

The team is also seeking £99,000 from the Esmee Fairbairn Collections Fund, to increase understanding and use of the museums' costume collection. The project will be working with new audiences, especially young and older people from deprived communities and will provide opportunities to work with and study the collection, creating new ways to share it through a series of dance engagement opportunities, inspired by items within the collection. To date, we have been successfully shortlisted in the initial stage application (this is one of 14) and a final application was submitted in October. The selection committee is due to complete their decision making by the end of November.

We are also currently developing a bid for £50,000-£75,000 from NESTA, for their Connected Communities Innovation Fund. Entitled 'Epping Forest Connectors', this would be a project to bring together the community through a wider arts and culture pathways, with unique entry points across the community, using arts, culture and heritage outreach as an access point for volunteers. The partnership of EFDM, EFDC and VAEF and the links to a wide range of

community partners would bring together a raft of key community agents from across the public and community sector and dovetail information and access to it. Volunteers will be recruited as 'Community Connectors' and provided with a thorough induction and training in a wide range of skills. The training would provide a 'Community Passport' providing a menu of learning and information. The Expression of Interest will be submitted around the time of this meeting.

### **Community, Health and Wellbeing (CHW)**

**MiLife Emotional Health and Wellbeing Project:** Our hugely successful MiLife project that was developed through the Youth Council and CHW team in 2016/17 continues to go from strength to strength. Last year the project was delivered to all (seven) secondary schools within the district with over 4000 students benefitting from presentations to help them build self-resilience and knowing where to go to for help, if needed. Throughout the course of the year, it became very clear that emotional and mental health and wellbeing is an issue affecting a large number of our young people and it was therefore decided to revisit schools for a second year, in order to capture all new, year 7 students.

In addition, over 2017, all year 8-11 students have been provided with a MiLife refresher assembly and pupils were able to gain additional support from professionals, via lunch time sessions, where they could access immediate support and information from a MiLife stall. Because of the success of the project with school pupils and the positive response from young people, several of the schools with Sixth Forms, were very keen for their older Year 12/13 students to be able to access MiLife support and our CHW team has therefore worked with our partners, Red Balloon Company to develop a MiLife session for the older years to attend, including a visit to Epping Forest College. The remaining programme will be rolled out into the New Year.

**Local Democracy - Youth Conference 2017:** I am delighted to advise that our Youth Council, Democratic Services and CHW team will be hosting the Local Democracy Youth Conference tomorrow, Friday 3<sup>rd</sup> November 2017 at the Civic offices, in the Council Chamber. We have invited 90 pupils from 9 secondary schools and Epping Forest College to the event, which is being hosted by our Epping Forest Youth Councillors. This year, our guest speaker is Alex Burghart, MP for Brentwood and Ongar. The conference will take place all morning and will include an exciting debate about Police Liaison Officers in schools, which will be followed by a quiz about local democracy and our Youth Councillors will also launch their Drug Awareness project 'Say No to N2O' the laughing gas craze that is hitting the streets. See the short film <http://www.eppingforestdc.gov.uk/news/?p=33780>

**Young Citizen of the Year award 2018:** We are currently looking for nominations for the Epping Forest Young Citizen of the Year Award 2018, which recognises young people's exceptional contributions to the Epping Forest Community. As you know, the award is presented annually to a young person who has shown outstanding courage; who has been of service to their community or, to a young person who has shown extraordinary commitment, energy and effort in their particular field or towards achieving a particular goal. Any young person who lives in the Epping Forest district and is aged between 11 and 18 years can be nominated. The successful winner will receive an award of £300 and a certificate of achievement at the Annual

Civic Awards. I encourage Members to consider nominating a young person for the award and you can do this by completing the online nomination form at [www.eppingforestdc.gov.uk/youngcitizen](http://www.eppingforestdc.gov.uk/youngcitizen), or pick up a nomination from any EFDC building; local libraries and secondary schools. The closing date for nominations is Friday 24<sup>th</sup> November 2017.

**Active Living:** I have reported previously on the commencement of an Active Living programme and am pleased to advise that we currently have 42 people actively engaged with the programme. All participants that have reached the 12 week stage have increased their levels of physical activity and improved their health and wellbeing. The Project targets people who are at risk of developing health issues (both mental or physical) related to physical inactivity or poor lifestyle choices, as well as those who have a stable medical condition that being physically active can help manage. The purpose of Active Living is to help people improve their health and wellbeing through physical activity and we work together with participants, to set a personal plan of action that will make it simple for participants to find ways to fit physical activity into their daily life. The project pilot is running in Waltham Abbey and Epping and people are referred through their GP or they can self-refer and they initially have a face to face consultation before they are invited to attend a 12 week structured programme, which is designed to establish the process of behaviour change. I thought it would be useful to provide some examples of the feedback that CHW have received from participants, as below;

"Confidence kickstarted...Enjoying the sessions" 3 month goal achieved - 10,000 steps on average per day. Started Karate again Fridays with grandson. Aqua Aerobics once a week Monday morning. Had induction at gym with machines (this was 12 month goal). Still doing bowls and walks with U3A."

"Got confidence back, feel so much better, running up the stairs, can't thank you enough I am buzzing. Love the sessions everyone is so nice and supportive" 3 month goal to wear dresses on cruise (tried dresses on and ready for cruise in a few weeks time) 1 year goal to drop a dress size achieved already. Ski machine every day for 10 mins "I couldn't do 1 minute three months ago" Aiming for 30 mins by 1 year. Bowls still twice a week. Walking at lunch time with husband 15 mins 4 times per week (when at work)."

"I can now do 39 'sit to stand' in 1 minute. Only 4-6 hours seated. Got Fitbit - do average 6000 steps per day - when I come to Active Living/do dance I reach 10000. "I love it I get tips from others. Built confidence so I can talk out in the group which I don't normally do. Feeling better about myself. Confidence coming back and I get to do it with my sister which is lovely" Dancing with U3A on Wed. Achieved goals of increasing walking, getting Wii out and having a go. Seated exercise at night, steps ups on step. Doc checkup and blood pressure is the lowest it has been in a long time.

"Try to walk everyday for 2 miles at least. Go to gym twice and do seated exercise at home. I try to get up every hour to move (works from home mainly). "Nice to meet people, I was feeling isolated where I live this was good to meet people. Helped with my anxiety and depression and felt supported by such a nice group. I really miss it when I was away or feeling unwell"

**Stay Well This Winter – Waltham Abbey:** The first 'Stay Well this Winter' event of 2017 took place at Waltham Abbey Town Hall in October and attracted 100 older people who were provided with informative and interactive health and wellbeing advice, highlighting the great services available to older people this winter. The day which is provided in partnership with West Essex Clinical Commissioning group, included informative talks from Pharmacists, Community Nurses and specialist health advisors. There was also information stands from Alzheimer's Society, VAEF, Essex Road Safety, Essex Fire Service, Provide, EFDC and many more. The next Stay well this winter events are on Wednesday 25<sup>th</sup> October at Theydon Bois Village Hall and Friday 10<sup>th</sup> November at Roding Valley Hall, Buckhurst Hill, both events are proving to be extremely popular with Theydon Bois being fully booked and only few spaces left for the Buckhurst Hill event.

**Community Workshops for Adults:** CHW have organised a series of new, creative workshops for adults, some of which took place in October and the remainder due to take place in November and December. The workshops are held on Monday evenings and include topics such as 'Let's get pumpkin carving', 'Make your own bubble-licious bath bombs' and 'make your own Christmas floral arrangements'.

### **Leisure Management**

Places for People (PfP), the Council's Leisure Management Partner have after an initial period of mobilisation, now started to move forward on the delivery of the major capital projects which were central to their tender submission. I was delighted to attend the "ground-breaking" ceremony of the new Waltham Abbey Leisure Centre at Hillhouse, and see the excitement of a group of young students from the local Hillhouse Primary School burying a time-capsule to commemorate the event. It was good to see the progress already made with the pool tank excavations already largely complete, and the framework in place to start pouring concrete for the learner pool. Once complete in a year's time, the new Leisure Centre will be a fantastic facility for not only the residents of Waltham Abbey, but the whole District.

In early November, work is due to also commence at Epping Sports Centre to greatly improve the Health and Fitness facilities for users. At Loughton Leisure Centre the planning application has been submitted for the major new extension and, if successful, work will commence in December for six months. Inconvenience for existing users is to an extent inevitable, but PfP have contingency arrangements to manage the disturbance. As reported previously, I have also asked PfP to explore the feasibility of providing a new crèche facility at Loughton and the final decision around this issue will be based on benefits and costs.

Finally, the new refurbished Fitness Suite and Spinning Studio work undertaken by PfP at Ongar Leisure Centre, is proving to be very popular with increased numbers of people participating in regular exercise activities.

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# ***Report to the Council***

**Committee:** Cabinet

**Date** 1 November 2017

**Subject:** Planning & Governance Portfolio

**Portfolio Holder:** Councillor J Philip

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## **Recommending:**

That the report of the Planning & Governance Portfolio Holder be noted.

## **1. Development Management**

Both DC and BC income continue to reflect relatively strong market conditions.

Work continues to decrease the use of paper and promote the use of electronic working. These are a key factors for future cost rationalisation to reduce both paper usage and business process costs.

### **Building Control**

Building Control 2017/18 budget is £450,000 with year to date income of £305,923 (2016/17 £274,952).

Income is currently £144,077 over budget which is very positive as September 2017 is the halfway point (month 6) of the financial year and the current actual income to date achieves of 68% of the annual budget.

When adding the six months actual income, £274,952, to the remaining budget of £207,940 it is likely that BC income will reach £500,000. However, given the strong start to the year that BC has made it is also possible that BC may exceed £510,000 for the year.

This is encouraging news and is a strong indicator that BC will break even on their ring fenced account for 2017/18.

One of the key elements of Building Control management strategies is to match income to expenditure and expenditure on staffing constitutes the largest single element of BC expense. This means in effect that as BC income increases, careful adjustment in staffing levels may be required to manage and sustain increased income levels.

### **Development Control**

Development Control started slowly this year compared with the previous few years and the first three months recorded below budget levels of income. However, this has started to improve with income for September 2017 at £96,271 as compared to Budget £78,420. Currently DC is at just over 42% of budget at halfway stage of the year.

Actual income to date for 2017/18 is £411,279 (2016/17 £520,329). The budget estimates in recent years have increased from £800,000 April 2016 to £970,000 in April 2017.

Projecting six months actual income plus six months budget shows that DC should turnover may reach £936,309. It is therefore considered likely that DC income should reach £900, 000 for 2017/18.

The Pre-Application Income for DC to September 2017 is £52,986 (September 2016 £66,663). As with last year, it is likely that Pre-Application Income will exceed £100,000 for 2017/18 (actual 2016/17 £121,153).

Overall DC and BC's combined income for 2017/18, including Pre-Application revenue, is likely to reach £1.5 million.

## **2. Public Relations Team**

The Council's corporate PR team recently supported the celebration of two major council projects in Waltham Abbey. The team attended the official opening of John Scott Court and Phase One of the new council house building programme, followed a few days later by the ground breaking ceremony for Waltham Abbey leisure centre. As well as the usual media output produced in co-ordination with Communities and Neighbourhoods, PR produced the following video of the Council House opening which I recommend to fellow members to view and share.

[https://youtu.be/F\\_npRCRxF0k](https://youtu.be/F_npRCRxF0k)

The team also returned with video from Phase Two of the council house building programme at Burton Road as it gathers material for the Council's next corporate video due in the Spring.

Members can also view our current corporate video 'Future Proof' here.

[https://www.youtube.com/watch?v=rfM\\_sqf8eSU](https://www.youtube.com/watch?v=rfM_sqf8eSU)

## **3. General Data Protection Regulation**

The General Data Protection Regulation (GDPR) will come into force on 25 May 2018. The aim of the Regulation, which will replace the existing Data Protection Act 1998, is to strengthen and unify data protection arrangements for individuals within the European Union.

The implementation of the GDPR is likely to have significant budgetary, ICT, personnel, governance and communications implications for the Council. Whilst many of the core principles of the Data Protection Act are retained in the GDPR, the new legislation represents a shift in focus, including a number of enhanced rights for individuals. The GDPR is likely to be more onerous on the Council than the Data Protection Act as a result of the need to demonstrate compliance, conduct privacy impact assessments; maintain records of processing activities, manage technical and organisational measures and maintain control over external processors of personal data. This will require the Council to review its approach to how it manages data protection as a corporate issue.

The GDPR will impose significant changes on the information governance structure of the Council, including how it interacts with people, the way in which it records information relating to customers, the way in which it communicates processing



activities and other areas all relating to the Council's handling of personal information. Many of the concepts and principles of the GDPR are similar to those of the Data Protection Act and data controllers that are complying properly with the current law will have a strong starting point on which to build compliance with the new regime. However, the GDPR places more obligations on organisations to be accountable for their use of personal data.

An officer working group has been established to develop the Council's approach to the implementation of all relevant areas of the GDPR and to prepare an appropriate action plan to ensure full compliance with the Regulation.

#### 4. **Boundary Commission for England Publishes Revised Parliamentary Constituency Proposals**

The Boundary Commission for England (BCE) has now published proposals (17 October 2017) for new Parliamentary constituency boundaries as it opens its third and final consultation.

Following a decision by Parliament to reduce the number of constituencies in the UK to 600 from 650, and to ensure that the number of electors in each constituency is equal, the BCE has been asked to make independent recommendations about where the boundaries of English constituencies should be.

An initial 12-week consultation was held in the autumn last year, giving the public the first chance to view and comment on BCE's plans, followed by a second consultation in the Spring of this year. Over 25,000 public responses were received during these consultations. Based on the public responses, the BCE have decided to revise over half of their initial proposals.

From 17 October until 11 December, people can go to the BCE's website, [www.bce2018.org.uk](http://www.bce2018.org.uk), to view the new plans and submit comments.

For Epping Forest Constituency there is no change in these final proposals and the constituency remains unchanged overall. The map shows the proposals.

Members will have the chance to discuss the matter at the [Governance Select Committee on 5 December 2017](#).



## 5. Update on the Local Plan

- a. Following the publication by the Government on 14 September 2017 of proposals for assessing local housing need 'planning for the right homes in the right places' a report setting out a revised Local Development Scheme was considered by Cabinet on 12 October 2017. The Government are seeking to introduce a standard method for calculating local housing need based on publicly available data. Using this data and the proposed methodology the housing need figure estimated by DCLG is for 923 homes per annum compared with the Draft Local Plan figure of 514 homes per annum. Over the plan period this would equate to the need to make provision for 20,306 homes.
- b. The consultation document proposes transitional arrangements to set a period of time before which submitted plans would be expected to use the new standard method for calculating local housing need. For authorities like Epping Forest District where there is no plan or the plan adopted, was more than five years ago and has not yet reached publication stage (Regulation 19) the proposed arrangements are that the cut-off date is 31 March 2018.
- c. Accordingly the report to Cabinet proposed a revised Local Development Scheme which sets a timetable to ensure submission prior to 31 March 2018 and to authorise the Portfolio Holder to report on the Pre Submission Plan and supporting papers for publication to a special meeting of full Council. This will be on 14 December 2017.
- d. Work continues to inform and support the Regulation 19 Pre Submission Publication Plan. The key workstreams are:
  - **Site selection** – work has been undertaken on the assessment of approximately 168 sites comprising a mix of new or amended residential/traveller sites and employment sites.
  - **Transport modelling** – work has been undertaken by Jacobs on behalf of Essex County Council / Epping Forest District Council to model the transportation impacts of the growth planned, and consider how improvements to sustainable transportation and key junctions can help to facilitate growth. This information will be used to inform the Infrastructure Delivery Plan.
  - **Open Space, Playing Pitch and Indoor Sports Facilities Studies** – the three interlinked studies are now completed. These will be used to identify requirements for future development which will inform the Infrastructure Delivery Plan;
  - **Infrastructure Delivery Plan** – a Draft Infrastructure Delivery Plan schedule has been prepared and is being finalised to support the Regulation 19 Pre Submission Plan.
  - **Local Plan Viability Study** – work has progressed to update the initial work undertaken in 2015, and to support the Pre Submission Plan.
  - **Employment Studies** - Joint work to update the employment need within the Functional Economic Market Area was finalised to support the East Herts District Local Plan examination and additional work has been completed for the District to inform the work on site selection;

- **Sustainability Appraisal and Habitat Regulations Assessments** are in progress to support the Regulation 19 Publication Plan and will be published alongside the plan; and
  - **Monitoring, housing trajectory and Housing Implementation Strategy** – monitoring systems have been put in place to ensure that the Council is able to monitor progress against the plan and forecasts for delivery. The Council's housing position with regard to the plan trajectory and the five year housing land supply position will be finalised for the publication of the Plan with up to date information on the current position.
- e. In order to focus on the preparation of the Pre Submission Plan the Planning Policy Team has had to put the proposed meetings with landowners / developers on hold. These meetings are now likely to take place early in the New Year to discuss entering into Planning Performance Agreements, and further consider how relevant Strategic Masterplans will progress.
- f. A review of the skills within the Council has been undertaken to identify the resources and skills required to take forward Planning Performance Agreements and Strategic Masterplans so that we can ensure the successful and timely delivery of the Local Plan in accordance with the approach endorsed by Cabinet. It is aimed that a report on this will be made to the Cabinet on 7 December 2017.

## **6. Harlow and Gilston Garden Town**

- g. Interim Governance arrangements were approved by the Cooperation for Sustainable Development Board on 31 July 2017 and are now being implemented. This includes the extension of the existing EFDC Local Plan Developer Forum to encompass all the sites in and around Harlow and to operate as a Garden Town Developer Forum. This will provide a basis for the long term planning and implementation of sites identified for allocation in the Local Plan and provides a basis for the coordination and management of Strategic Masterplans. A Garden Town Officer Steering Group and Member Board have been introduced which meet monthly.
- h. Further funding for the Garden Town of £175,000 for 2017/18 was announced on 3 October 2017. This funding has been ringfenced to support the setting up of a Quality Review Panel and to provide support for transport and other evidence based work to help bring the strategic sites forward for development.
- i. Work has been commissioned to establish a Quality Review Panel and to undertake work on the proposed sustainable transport corridor. Consultants have been appointed to prepare a spatial vision and design charter for the Garden Town and this work is progressing well.
- j. A Garden Town Support Officer has been appointed and will play a key role in coordinating the work associated with the establishment and progression of the Garden Town, and will oversee key projects as required. Recruitment for a Project Director for the Garden Town is underway.

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# ***Report to the Council***

**Committee: Cabinet**

**Date: 1 November 2017**

**Subject: Safer, Greener & Transport**

**Portfolio Holder: Councillor S Kane**

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## **Recommending:**

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

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## **Countrycare**

Since the last report Countrycare has held a few events.

The annual moth and bat night was held in Epping Green Millennium Gardens and was attended by about 30 people. Shame it started raining at 9pm. But people still got to see a variety of moths that had already been attracted to the lights and a group of people had been on a bat walk.

Mammal Morning was held at Chigwell Meadows where a variety of small mammals were found in the morning and owl pellet dissection took place after breakfast.

Twenty-five Thornwood Toddlers were entertained with bug-hunting and twenty Ongar scouts visited Bobbingworth Nature Reserve for some bird activities, bug hunting and games.

Nazeing Triangle LNR continues to improve with the creation of a disabled access pathway, a hibernaculum and a new interpretation board. The pond plants have taken well and we look forward to laying the hedge. The grant portion of the project is done.

Four tree wardens and a member of staff attended the annual Tree Forum run by the Tree Council. Talks were held on topics such as the value of trees and the Tree Charter that is soon to be launched. Then there was a tour of sites that the Suffolk Tree Wardens manage to share information and experiences.

Volunteer days on Thursdays have been continuing with project days in Epping Upland, Willingale Road Community Orchard, Roughtally's Wood and Chigwell Heath. The hedgelaying season has just started. Two days have already been spent in Belhus Chase harvesting stakes and binders for hedgelaying by coppicing hazel.

## **Parking**

### *Additional off street car parks in Loughton Broadway*

I am pleased to report that the funding allocated as part of the Council's Parking Strategy has enabled the creation of additional 69 pay and display car parking spaces in the Loughton Broadway area. The tariff is a combination of short and long stay, to strike a balance between the parking requirements of shoppers and all day visitors/employees. These new parking spaces will increase the capacity of our car parks.

I am aware of the concerns of local Members and the Loughton Broadway traders with regards to commuter parking and the impact this maybe having on the small businesses. I am keen to address this urgently however I would like to make an informed decision and avoid a knee jerk reaction. I have asked officers to urgently carry out a parking usage survey and make recommendations for changes.

#### *Loughton Broadway Parking Review*

Phase 1 of the Parking Review, consisting of new parking restrictions on a number of roads, had been successfully implemented. Unsurprisingly this has resulted in the displacement of commuter and all day parking elsewhere. I have had a meeting with the local Members to consider next steps in readiness for Phase 2.

#### *North Essex Parking Partnership (NEPP)*

As Members are aware each of the Member District of NEPP can nominate up to three schemes twice a year. At the time of writing this report it was my intention to nominate, having consulted with the relevant Town/Parish, District and County Members, the following schemes:

#### Parking Restriction Schemes:

- 1) Cleall Avenue, Waltham Abbey, 60155
- 2) High Road, Buckhurst Hill (consideration of school Zig Zap instead of DYL), 60064
- 3) Albion Hill, Loughton, 60085

#### Resident Parking Schemes:

- 1) Ivy Chimneys Road, Epping, 60151
- 2) Lincolnsfield, Epping, 60148
- 3) Lower Swaines, Epping, 60049
- 4) Market Place, Abridge, 60149
- 5) Algers Mead/Algers Close, Loughton, 60000

I would like to remind Members that there are further processes before a scheme can be implemented: further site surveys, preparing preliminary designs for consultation etc. The process, owing to the statutory requirements and resource pressures, schemes have to be fully funded by NEPP, could take up to 18 months.

#### *Car Parking Strategy update*

The Council agreed significant investment to improve its car parks. New LED and/or CCTV works have already been completed in Traps Hill Car Park, Loughton, Basons Lane and The Pleasance, Ongar and Queens Road Lower, Buckhurst Hill. Procurement process for installation of LED lighting and a CCTV system for car parks in Waltham Abbey are nearly complete and these works will commence shortly.

### **Community Safety**

#### **Anti-social Behaviour**

The Community Safety Team continues to be dealing with a very high level of work which has seen 567 cases dealt with over the last year in comparison to 528 in the previous year, which represents an increase of 7%. Anti-social behaviour (ASB) has made up a large

proportion of the increase. However, our work on tackling ASB has been assisted by the tools and powers of the ASB Crime and Policing Act 2014, which we can use to address a range of issues, some of which are detailed below.

**Closure Notices:** The Act enables the Council to serve Closure Notices on local properties where it is identified that they are being used for a range of crimes. In recent weeks, two notices have been served on council properties in Epping and Loughton and these allow the council and police to control and restrict access to problem properties where serious nuisance, disorder or criminal behaviour occurs or is likely to occur. These 'Notices' are authorised by Senior Council Officers and provide a 48 hour window, whereby the Council can seek a 'Closure' Order from the Court, which if granted, allows the Council's Housing team or social landlords to seek possession of a property on absolute grounds (subject to any human rights appeal). Breach of an Order is a criminal offence and perpetrators can be arrested by police, including the tenant.

This is a powerful piece of legislation which is very effective in controlling serious anti-social behaviour and 3 orders have been granted to date, at Prescott Green, Loughton, Birch View, Epping, Sandford Avenue, Loughton and a further joint order with Essex Police at Marlescroft Way, Loughton.

**Community Triggers:** These are part of the ASB Act and enable local residents to trigger intervention by Community Safety if they feel that any ASB is not being dealt with satisfactorily. We currently have two Community Triggers under Anti-social Behaviour Case Reviews that are related to disorder at Hillhouse, Waltham Abbey and these have been in place for 2 x months and require ongoing attention. Work around these Triggers is being addressed through a comprehensive action plan, which involves the local Policing team as well as the Council's Housing, Legal and Neighbourhood teams and we are in regular contact with the two applicants. As part of the action plan, a re-deployable camera with anti-vandal grille has been installed in the Hillhouse shopping area and although greeted with some resistance from one of the case review applicants, has now proved to have a positive impact and continues to deter groups of youths from congregating and causing nuisance in the area.

A survey was also carried out by Community Safety and Essex Police Strategic 'Designing Out Crime' Officer around the flats and shops at Hillhouse and recommendations have been made in relation to improving some design aspects of this locality. A specification for access control to the flats above the shops has been obtained and is currently under consideration. Police have also carried out a survey of residents and businesses at Hillhouse at the request of Community Safety and the results are currently being analysed. There was a good response to the survey, with 31 returns, of which 18 expressed an interest in joining a Neighbourhood Watch scheme. This has been passed to the Essex Watch Co-ordinator to action who we have an excellent working relationship with. (The officer hot-desks in the Community Safety office at least twice a week).

Additional support has been provided to the local community police team, with the deployment of Parkguard, (a private CSAS accredited security company) and we have developed a joint plan for Halloween and Fireworks night, which covers Hillhouse and other areas of the district. This will include live monitoring of public space through our CCTV Officer, support in dealing with ASB and support for vulnerable residents over this period, with personal visits from Community Safety and our volunteer Active Citizen following any referrals from the police.

## **Secured By Design**

The Community Safety Officer continues to work with Essex Police Designing Out Crime Officers in achieving Secured By Design awards for our new build properties and I am pleased to report that the new flats at Harveyfields, Waltham Abbey, has just achieved this standard and we are awaiting the award certificates. The collaboration with our Community Safety Team and Essex Police Designing Out Crime Officers was recently featured at the national Association of Public Service Excellence conference and Planning and Building Control Today newsletter as an example of best practice.

<https://www.pbctoday.co.uk/news/building-control-news/a-crime-prevention-programme-for-a-safer-built-environment/35252>

## **Safeguarding**

Our dedicated Safeguarding Officers (1.5 FTE) have also seen a significant increase in workloads, including dealing with cases related to ASB, with many individual referrals taking a considerable amount of time to deal with due to the complex issues generated. The team have noticed a growing increase of reported cuckooing/mates crime cases. These involve the befriending and manipulation of vulnerable individuals in order to obtain benefit monies or the use of the premises to supply drugs from. Many of these cases can result in the victims being seriously assaulted to prevent them reporting the activity to the authorities.

**Training:** We recently hosted a multi-agency training conference at the Civic Offices involving Social Housing providers, Police, Probation/Community Rehabilitation Company, Health and Mental Health Services. The training was very well received and highlighted the professional involvement each agency can provide in such cases. The training allowed some excellent networking and the ability to identify key contacts and processes.

The safeguarding officers have just completed delivering a bespoke training package to our trades team. This involved the customisation of a simplified reporting system which has worked very well and is being used by our Trades team to report Safeguarding concerns. The Safeguarding Team are now working with the Repairs Manager to encourage our Gas Contractor to use our Safeguarding Concern Card to report issues.

The Home Office have recently developed an online e-learning Prevent training package, which representatives of the Council's Corporate Safeguarding group are in the process of completing. Once they have undertaken this training, it will be rolled out across EFDC.

**Hoarding:** EFDC and Harlow Council jointly lead on hoarding awareness for all councils in Essex and have established a West Essex Hoarding Panel in order for West local authorities to better manage a multi-agency response to serious hoarders. The Practice Manager from the Essex Safeguarding Board attended the latest meeting and said "We finally seemed to get the right people in the room and make some practical progress. Assuming we can keep up the momentum and get the same people to the next meeting I think this is going to become a really useful panel."

## **EFDC Safeguarding Referrals – September 2017**

Total no. of NEW concerns received by the Safeguarding Team for this period: 26.  
No. of children-only concerns (where children were victims): 8  
No. of adult-only concerns (where adults were victims): 14  
No. of concerns that involved both (adult and children were victims): 4  
Total no. of children involved: 15  
Total no. of adults involved: 19  
No. of new cases referred to Essex Social Care: 9  
No. of new cases referred to Police: 1



Referrals to Mental Health Service: 1

Referral to other external agencies (e.g. Family Mosaic; CQC; GP): 2

Although the team received fewer cases this month, they have taken up twice as much time due to their complexity.

## CCTV

A range of installation projects have been undertaken by the CCTV team over the last few weeks with several others underway, including the following;

- **Epping High Street** – Digital Air Wi-Fi survey carried out successfully. Planning permission is the next stage for new CCTV columns and the extension and replacement of the High St CCTV system.
- **Limes Farm, Yellow Block Flats**– A new CCTV system is currently being installed (16 cameras) and completion is expected by end of October 17.
- **Hillhouse, Waltham Abbey, Leisure Centre/Shopping Precinct** – CCTV Deployable camera installed in secure unit and design for new CCTV to cover the new leisure centre is at early design stage.
- **Bobbingworth** (former landfill site) - Full 7yr CCTV upgrade is completed.
- **Cornmill, Quaker Lane & Darby Drive Car Parks** Waltham Abbey - CCTV and Lighting project - All three sites are awaiting tender returns (expected 27<sup>th</sup> October 2017)... Contractor appointment and works expected to commence Nov/Dec 2017
- **Norway House, North Weald** - CCTV 'ageing system' replacement works. Works commence Jan 2018. This work will also incorporate plans for CCTV on the new single occupancy pods that are planned next year.

The CCTV team has also been involved in a range of other work in conjunction with the local Policing team and other more specialised police, including;

- The team assisted Met Police (Flying Squad) to identify movements of a suspect involved in cash and transit robberies.
- Insurance companies have purchased CCTV footage from the Council for various road traffic collisions, most recently a vehicle/motorbike accident in Debden.
- An 8 metre high column has now been re-installed at the bottom of Debden Broadway after the recent completion of the roadworks. This will provide further coverage of the bottom of the Broadway, Chigwell Lane & Rectory Lane using three cameras.
- Mapping of all CCTV cameras operated by EFDC is almost complete with only three sites left to plot. Project expected to be completed by Christmas 17.

Our CCTV was successfully used in evidence at Chelmsford Crown Court, in relation to an investigation into a case where serious injury was caused by dangerous driving in High Road, Loughton, where a male was sentenced to 18 months imprisonment and disqualified from driving for 43 months.

**Essex Police District Commander:** Members are reminded that on 7 November 2017, Essex Police District Commander will be attending the meeting of the Communities Select Committee starting at 7pm in the Council Chamber. All Members are welcome and are able to submit questions in advance of the meeting to Adrian Hendry, Democratic Services by email at [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

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# ***Report to the Council***

**Committee: Cabinet**

**Date: 1 November 2017**

**Subject: Technology and Support Services**

**Portfolio Holder: Councillor A Lion**

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## **Recommending:**

**That the report of the Technology and Support Services Portfolio Holder be noted**

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## **Support Services**

### **Health and Safety**

Members will be aware that the Council will be contracting out its Careline monitoring function switching to Tunstalls starting in November. In addition to providing an emergency service to our residents, the Careline control was also used by the Council's lone workers to report their locations to ensure their safety whilst working in the district. This service will not be transferring to Tunstalls and officers have been trialing an alternative system with Skyguard. The feedback has been very positive and so we will implement the system in the next couple of weeks so there is no break in cover for the lone workers.

A review has been carried out of the current fire safety procedures at the Civic Offices and this identified a need to improve the evacuation management procedures for the safety of staff and visitors. Consequently, the Council will be purchasing a new simplified system from TagEvac. It is simple to use and deliberately low tech with tags in each zones brought in person to a central point and added to the main panel. This enables staff and emergency services to know instantly which areas have been cleared and what areas need to be checked. TagEvac is an adaptable system that can be tailored to the Civic Office building as changes to the building and working practices are introduced.

### **Facilities**

Some Health and Safety works are now underway at Townmead Depot in Waltham Abbey. A new steel fence is being installed around the perimeter of the site and some old concrete storage bays are being grubbed up and removed shortly.

Specialist stone restoration and external rendering works have been now been completed at the Civic Offices. These remedial repairs were identified following the cleaning of building elevations last year.

Boiler house refurbishment works at Frank Bretton House, Jessop Court and Leonard Davis House are now complete and commissioned on site.

Tender documents have now been issued for the refurbishment of nine passenger lifts on the Limes Farm Housing Estate in Chigwell. Submissions are due back in November.

External redecoration of the control tower at North Weald Airfield and the annexe building to Hangar one is underway. External redecoration of the shop at 48-50 The Street, High Ongar will begin once the sites at the North Weald Airfield are complete.

Wall mounted instant boiling water appliances have just been installed next to the ground and first floor conference rooms in the control tower. These will enable conference delegates to have quick and easy access to tea and coffee making facilities.

## **Legal**

On 19 October 2017, the Council acquired the land at the rear of Buckingham Road in Epping for use as public open space. This area is approximately four acres and is now maintained by the Council's Grounds Maintenance Team. The open space was provided by the Developers as part of the planning agreement for the development of the St. John's Road School site.

## **Corporate Fraud Team**

In mid-September the Corporate Fraud Team have commenced a joint working arrangement with Brentwood Borough Council to provide them with an anti-fraud service on a paid for basis. The arrangement is that the Corporate Fraud Manager will spend 2 days a week over at Brentwood Borough Council assisting with the running of their Corporate Fraud section as well as undertaking investigations into suspected cases of fraud on their behalf. The arrangement has already had its first success with a Right to Buy application being stopped with the property in the process of being recovered.

Following an investigation by the Corporate Fraud Team, a council property has been recovered that was subject to an attempted case of housing fraud relating to succession. When the tenant dies, the tenant's son applied to succeed the tenancy from his late father claiming that he had lived at the property for at least the last 12 months prior to his father's death. Enquiries were subsequently made by the Corporate Fraud Team which established that the son's assertions were in fact untrue as he had taken on a private tenancy of his own within the period and was liable for Council Tax etc. at the privately rented address. The property was visited and the late tenant's son was called in for a formal interview, which he never attended however, pending the commencement of legal action, the keys were subsequently returned to Housing enabling the property to be re-let to someone on the housing waiting list.

## **Technology**

All ICT vacant posts are now filled, they are just waiting on the completion of their notice period before they can start. The current new staff have fitted in well and are starting to deliver on improving the quality of service their section provides, especially in key areas such as the service desk and assisting with implementing mobile working.

The GIS and Gazetteer team have been working on the implementation of our new Gazetteer, which is progressing well alongside work to incorporate the Street Naming and Numbering function into the team.

The development of the replacement ICT Strategy is now complete and a briefing on the strategy was provided for the Resources Select Committee on 17 October. The upcoming Cabinet decision on the Strategy and its funding will be key in ensuring that ICT can deliver the projects that will be required to enable Transformation and accommodation changes.

It is likely that as part of the ICT Strategy will be the adoption of Office 365 and the out hosting of the Council's email and much of the storage. Work and research has been conducted around email resilience, after a move to Office 365 and to ensure the security set-up is both secure and proportionate. Further discussions have also been held with telecoms

providers around the provision of a back-up internet connection and the upgrade of wide area network (WAN) infrastructure.

Work continues on the upgrade of the online forms to meet the deadline in January 2018 when the old system is no longer supported. ICT have been supporting PR in restructuring of the website and have implemented a replacement search tool in test mode.

Upgrading of the Council's Citrix infrastructure is well under way. On completion of the Desktop Terminal project the transfer can begin and then plans to upgrade the Microsoft operating system to Server 2016, which looks and feels equivalent to Windows 10, can commence.

The Council's Internet connection has been upgraded from 100MB to 1GB in preparation for a larger expected connectivity demand due to home working. New more powerful and capable firewalls have been installed at the Civic Offices giving improved capacity and protection for the Council's data and infrastructure.

### **Superfast Broadband High Speed Internet**

The Rural Challenge Project continues to deliver ultrafast fibre broadband capability to rural houses and business premises throughout the north-east of the district. The focus in the summer months has been on carrying out remedial works on areas previously served to address some key issues.

As at September 2017, the network build had reached just over 3,600 premises passed with more than 2,900 active. Building work to install the final two cabinet areas of the network in Hastingwood and Ongar has now commenced with the anticipated completion date remaining at December 2017. A number of site visits and discussions have taken place to identify how best a route across part of North Weald Airfield might facilitate a shorter build timescale.

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## **Report to the Council**

**Committee:** Constitution Working Group  
**Date:** 2 November 2017  
**Subject:** Constitution – Revisions and Associated Matters  
**Chairman:** Councillor M. McEwen  
**Responsible Officer:** S. Hill (01992 564249)

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### **Recommending:**

#### **Terms of Reference**

- (1) That the Terms of reference for the Working Group be amended to remove its initial requirement to have reported to the full Council by March 2016 on the new Council Constitution as this action has now been completed as set out at Appendix 1 to this report;

#### **Overview and Scrutiny Committee – Public Questions/Consultation Documents**

- (2) That the following revisions be made to the Procedure Rules of the Constitution with immediate effect:
  - (a) A Q3(1) (Revised) “Members of the public may ask questions of the Leader of the Council, any Portfolio Holder, or the Chairman of the Overview and Scrutiny Committee, at ordinary meetings of the Council”;
  - (b) Q3(2) (New) “Members of the public may also ask questions of any Portfolio Holder at ordinary meetings of the Cabinet and of the Chairman of the Overview and Scrutiny Committee at ordinary meetings of the Committee”; and
- (3) That the following revision be made to Appendix 1 of Article 6 of the Constitution with immediate effect:
  - (a) 1(q) “to review the implications of consultation documents relating to matters affecting the Epping Forest District, where requested by members or considered appropriate by the relevant Service Director, and to respond to such matters on behalf of the Council”;

#### **New Planning Code of Practice**

- (4) That the Planning Code of Practice attached at Appendix 2 to this report be adopted; and

#### **Article 10 – Changes to Membership of Area Plans Sub-Committees**

- (5) That the existing paragraph (3) of Article 10 of the Constitution be deleted and substituted with the words “(3) Newly elected members maybe appointed to the relevant Area Plans Sub-Committee at the next ordinary meeting of the Council” as set out in the revised Article 10 attached at Appendix 3 to this report.

## **Terms of Reference of the Working Group**

1. At our meeting on 28 September 2017 we considered our Terms of Reference. These contain the direction made by the Council to report to the Council by March 2016, on proposals for the new Constitution. This action has now been completed and therefore we are recommending this should now be removed from our Terms of reference.

## **Overview and Scrutiny Committee – Public Questions**

2. (Chairman of the Working Group) We have been advised that a discrepancy currently exists in the provisions of Article 6 (Overview and Scrutiny) and Procedure Rule Q3 of the Constitution.
3. Paragraph 22 of Article 6 currently provides that ‘Members of the public may ask questions of the Chairman of Overview and Scrutiny Committee at ordinary meetings of the Committee, in accordance with the procedure set out in the Council procedure rules set out in Part 4 of the Constitution’. However, Procedure Rule Q3(1) provides that ‘Members of the public may ask questions of the Leader, Chairman of Overview and Scrutiny Committee or any Portfolio Holder at ordinary meetings of the Council and of Cabinet members at Cabinet meetings’. We believe that this appears to suggest that questions may only be made to the Chairman of the Overview and Scrutiny Committee at meetings of the Council, rather than of the Committee itself.
4. In handling a public question recently made to the Overview and Scrutiny Committee, the view of the Monitoring Officer was taken that the provisions of the Overview and Scrutiny Article of the Constitution should take precedence over Rule Q3. However, we consider that the opportunity should now be taken to ensure consistency between these two elements of the Constitution and propose that Rule Q3 be clarified by the addition of a new Rule Q3(2) as follows:

Q3(1) (Revised) “Members of the public may ask questions of the Leader of the Council, any Portfolio Holder, or the Chairman of the Overview and Scrutiny Committee, at ordinary meetings of the Council”;

Q3(2) (New) “Members of the public may also ask questions of any Portfolio Holder at ordinary meetings of the Cabinet and of the Chairman of the Overview and Scrutiny Committee at ordinary meetings of the Committee”.

## **Overview and Scrutiny – Consultation Documents**

5. Article 6 (Overview and Scrutiny) of the Constitution currently provides (Appendix 1 1(q)) for the Overview and Scrutiny Committee “to review the implications of Government consultation documents where requested by members”. The Committee has delegated a similar form of authority to each of the existing Select Committees, through the annual adoption of appropriate terms of reference.
6. We understand that in practice however, the Overview and Scrutiny Committee and certain of the Select Committees have previously undertaken consideration of the implications of non-Government consultation documents, particularly those issued by other local authorities or other statutory agencies, where considered appropriate by service directors. In order to achieve a practical way forward in terms of the consideration and response to appropriate consultation documents, we therefore consider that Paragraph 1(q) of Appendix 1 of Article 6 of the Constitution, should be revised as follows;  
  
1(q) “to review the implications of consultation documents relating to matters affecting the Epping Forest District, where requested by members or considered appropriate by the relevant Service Director, and to respond to such matters on behalf of the Council”.



7. Subject to the agreement of this proposed revision to the Constitution, the existing delegation made by the Overview and Scrutiny Committee for the select committees to consider consultation documents on its behalf, will also need to be revised. This will be addressed through a revision to the terms of reference for each select committee.

### **Planning Code of Practice**

8. The Council's Planning Protocol was last reviewed in 2007. Since that time the passing of the Localism Act means that there has been some clarification on the role of members, particularly interests in planning matters and the types of interests that are now required to be disclosed.
9. When Counsels Opinion was sought on the main constitution in 2016, we asked that Counsel provide us with some commentary on our current protocol. As part of his advice, Counsel provided us with some exemplar codes and protocols from other authorities as a starting point.
10. We have therefore undertaken a review of our protocol and have developed a new Code of Practice for members when dealing with planning issues. We have also consulted the Standards Committee as that committee's remit includes oversight of matters that give advice on Standards related issues.
11. A new draft Planning Code of Practice is attached (Appendix 2) for consideration which will replace the former Planning Protocol within the Constitution and will form the basis of ongoing member planning training.

### **Article 10 – changes to memberships of Area Plans Sub-Committees**

12. At the meeting on 27 July 2017 the Council considered the following motion to set aside the requirements of Article 10 paragraph (3) which sets out the appointment requirements for Area Plans Sub-Committee South at the Annual Council meeting.
13. The Council did not agree to the motion and referred the arrangements for the appointment of members to Area Plans Sub-Committee South to the Working Group.
14. We have undertaken a review of Article 10 which currently requires Councillors within the wards covered by the Area Plans Sub-Committee South to sign a written notice stating that they wish to serve on the Sub-Committee for the ensuing year. Any Councillor who does not sign a notice shall be deemed not to be a member of the Sub-Committee for the year in question. Councillors may not retract a signed notice or seek to join the Sub-Committee by signing a notice until the next Annual Council meeting.
15. It is our view that it is correct that reviews of the committee memberships should take only once a year at the Annual meeting except in the case where a new member is elected onto the Council during the year. It is also our view that the current arrangement whereby members are required to sign a written opt-in notice is administratively burdensome and treats that Sub-Committee differently to the other Sub-Committees and should be discontinued.
16. We are therefore suggesting that paragraph (3) of Article 10 be deleted and replaced with:  

“(3) Newly elected members may be appointed to the relevant Area Plans Sub-Committee at the next ordinary meeting of the full Council”
17. A revised version of Article 10 is set out at Appendix 3 to this report.
18. We recommend as set out at the commencement of this report

**CONSTITUTION WORKING GROUP**

**TERMS OF REFERENCE**

<b>Title:</b> Constitution Working Group
<b>Status:</b> Working Group
<b>Terms of Reference:</b>  (1) To review any aspect of the authority's constitutional arrangements as requested by the Council;  (2) To undertake general reviews of specific elements of the Constitution in order to ensure that the authority's constitutional arrangements complement current legislative requirements and decisions made by the Council; and  (3) To consider any proposals of the Director of Governance for necessary revision to any element of the Constitution.  <b>Reporting:</b>  The Working Group shall report directly to the Council in connection with its Terms of Reference and the achievement of its work programme.
<b>Chairman: Councillor M McEwen</b>

S. Hill (September 2017).

### Planning Code of Practice

#### (i) The Aim and Application of the Planning Code

1. This Code is intended to provide Councillors, staff and the Public advice and guidance on the planning process.
2. This Code has the status of advice and should be used to shape Councillors conduct and consideration of all planning matters they are asked to determine. It also deals with the involvement of Councillors and officers of the Council in the operation of the planning system outside the formal decision-making process.
3. In this Planning Code the term “Planning Meeting” means any formal meeting where a planning matter is being determined up to and including the Full Council meeting to determine such an application referred to it by the District Development Management Committee (DDMC).
4. It cannot, however attempt to cover every eventuality or situation.

#### **Further advice on specific circumstances is available from the Council Monitoring Officer and Deputy Monitoring Officer.**

5. Councillors and staff should bear in mind that planning matters are the source of most complaints from the public and early advice is key to ensuring that such complaints do not occur.

#### (ii) The relationship with the Local Members' Code of Conduct

6. This Code is complementary to the provisions of the Council's Code of Conduct for Councillors and Officers but does not repeat its provisions which can be found in Part 5 of the Constitution. It should also be read in conjunction with guidance on gifts and hospitality.

#### (iii) Roles and responsibilities

7. Councillors are elected members of the Council (see Article 2 for their roles and functions). At Epping Forest District Council, every Councillor will be a member of the relevant Area Plans Sub-Committee unless they give notice to the Proper Officer (in this instance the Chief Executive) of their wish not to be a member.
8. These memberships are reviewed only at each Annual Council meeting. Councillors cannot opt in and out of membership during the year unless a review is triggered under the provisions of the Local Government Act 1972 (as amended)
9. It is Councillors' responsibility to represent the views of all the people in their wards. However, in planning matters, there is often a polarisation of views between different sections of the community. It is the role of Councillors to balance these views against planning policy and the wider needs of the district.

#### **Decisions on Planning Applications should always be made on their planning merits.**

10. Some types of planning decision have been delegated by the Council to officers to determine. The extent of this delegation is set out in the Constitution (Part 3, Appendix 3).

#### (iv) Registration and Declaration of interests

11. Upon being elected, Councillors are required to complete a form to register their disclosable pecuniary and other interests. They are required to keep this document under review, to maintain that declaration, and to amend it as necessary within 28 days of any change

in circumstances.

12. This form also contains the interests of the Councillors' spouse, civil partner or person living with the Councillor as a spouse or civil partner (called the 'relevant person')

13. The form is part of the Register of Councillors' interests and is maintained by the Council's Monitoring Officer. The register is available for public inspection and reproduced on individual Councillor webpages for public inspection.

14. Rule I1 of the Council Rules requires Councillors to withdraw from meetings if they have a disclosable pecuniary interest, firstly having declared the existence and nature of the interest. This also applies to interests of the relevant person. Such a declaration is also required by Councillors exercising executive functions. (see Part 5 of the Constitution).

15. Any Councillor being the applicant (with or without representation or by their relevant person) for an application is required to identify him or herself as the applicant on the planning application form, and advise the Monitoring Officer. That Councillor must then take no part in the planning process, and may not attend that part of the meeting. Such an instance will always create a DPI for the Councillor. All applications from Councillors will be heard by the relevant Sub-committee and not otherwise dealt with under delegation.

16. Declaring such an interest at a planning meeting may give rise to a need to alter the Councillor's declaration of interests form. Advice on such matters is available from the Monitoring Officer or Deputy.

17. Members are also subject to the 'Public Perception' test, introduced by Council in 2016, which asks Councillors to consider whether they are predetermined in any matter before participating.

18. For more information of the public perception test see the adopted Code of Conduct for members.

**(v) Predisposition, Predetermination and Bias**

19. Councillors must ensure that they do not fetter<sup>1</sup> their ability to participate in the decision making process on an application by making up their mind (or clearly indicating that they have made up their mind) on how they will vote prior to the consideration of the application by the planning committee.

20. The planning committee should, when considering an application, take into account all views expressed (in writing, orally, evidence from the planning officer and the views of other Councillors) in such a way that they are fairly considered in a balanced way before the planning committee reaches a decision.

21. Councillors can be predisposed to a particular point of view but must have an open mind at the point they are required to consider and determine the matter.

22. Section 25(2) of the Localism Act 2011 provides that a decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because:

(a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and

(b) the matter was relevant to the decision.

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<sup>1</sup> 'Fetter' – confine or restrain themselves by a previous act which makes them appear to have prejudged the issue

23. However, there are some actions which would undermine the Councillor's position; for example, by making declarations of opposition or support in a public forum. This includes press statements, residents' meetings and using social media. As meetings are webcast, Councillors should not appear to have predetermined applications by coming to meeting with pre-prepared written speeches. Councillors must guard against being, or giving the appearance of being, predetermined in this way.

#### **(vi) Membership of other councils and bodies**

##### **Parish and Town Councils**

24. Applications are routinely referred to Parish and Town Councils for statutory consultation. The Parish/Town Councils do not determine planning applications, but submit (if agreed) comments as part of the planning application process.

25. District Councillors do not need to make general declarations of interest at those meetings if it is based solely on the dual hatted nature of their role. (Other interests must be declared)

26. Where District Councillors are asked to express their views as part of their role as a Parish or Town Councillor, they are able to do so. It may be appropriate at the meeting to make it clear that they may take a different view once they have heard all relevant policy and representations at a subsequent planning meeting when they are determining the application.

27. Applications made to the District Council by a Parish or Town Council themselves are likely to create a conflict of interest for the Councillor if they have been party to decisions made by the Council concerned. It would normally create a non-pecuniary interest under section 8.1 of the Code of Conduct. The public perception test would then apply.

##### **Referrals to DDMC and Council**

28. Referrals from Planning Subcommittees to DDMC or Council do not create an interest that is declarable at the subsequent meeting.

##### **Interests of Cabinet members**

29. Cabinet members who have sponsored any planning application made after a report or portfolio holder decision will normally have created a non-pecuniary interest in that application. Participating in any subsequent determination of that application would be subject to the public perception test.

#### **(vii) Pre-application discussions**

30. Enabling a developer to brief and seek the views of elected Members and Planning Officers about planning proposals at an early stage (usually pre-application or where this is not possible, very early in the formal application period) is important in ensuring that new development is responsive to and reflects local interests/concerns where possible. Early Councillor engagement in the planning process is encouraged and supported by the National Planning Policy Framework and is particularly important to allow Councillors to help shape future strategic developments in the Local Plan.

31. Discussions between a potential applicant and the council (officers or Members), prior to the submission of an application can be of considerable benefit to both parties and is encouraged. However, it would be easy for such discussions to become, or to be seen, particularly by objectors, to become, part of a lobbying process on the part of the applicant.

32. The purpose of member briefings should be:

- To enable Councillors to provide feedback that supports the ultimate submission of high quality development through the pre-application process, and avoid potential delays at later stages;
- To ensure Councillors are aware of significant applications prior to them being formally considered by the planning committee;
- To make subsequent planning committee consideration more informed and effective;
- To ensure issues are identified early in the application process, and improve the quality of applications; and
- To ensure Councillors are aware when applications raise issues of corporate or strategic importance.

33. In order to avoid such perceptions, pre-application discussions will take place within the following guidelines. (Although the term 'pre-application' has been used, the same considerations should apply to any discussions which take place at any time before a decision is taken):

- The decision making process applicable should be explained to the potential applicant.
- It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
- Advice should be consistent and based upon the development plan and other material considerations. There should be no significant difference of interpretation of planning policies amongst planning officers.
- A written note should be made of important meetings.
- If possible, at least one officer should attend any such meeting involving a Member, or notify the officer in advance of the meeting.
- In the case of advice given by planning officers it should always be made clear that any views which they express are subject to review at a more senior level with whom the final recommendation to committee lies or the officer properly exercising a delegation.

**(viii) Contact with applicants, developers and interested persons**

34. Approaches from applicants, potential developers and applicants or objectors are a normal and proper aspect of the political process. However, unless the parties concerned exercise care and common sense, this can lead to the impartiality and integrity of Members being called into question. A planning committee decision may be susceptible to judicial review where there is a real danger of bias.

35. To avoid such problems, discussions should take place within the following guidelines:-

- Members should attend pre-application meetings only if organised in accordance with section (vii) above
- Members must take care not to indicate they have made up their minds on any planning application or issue before they have heard and/or read all the evidence, and should make clear that any views expressed are personal and provisional.

- Members should make it clear that they will not be in a position to make a decision until they have heard and/or read all the relevant evidence and arguments at the Committee meeting. The Committee report may contain issues previously unknown to Members; other aspects, not previously evident, may arise during the Committee's deliberations.

**(ix) Lobbying**

36. It is recognised that lobbying is a normal and perfectly legitimate element of the process of considering planning applications.

37. It is, however, important that Members protect their impartiality and integrity in planning matters. Members will not breach the Code by listening to or receiving viewpoints from residents or other interested parties provided that they make it clear that they are keeping an open mind. However, expressing an intention to vote one way or another before a planning committee meeting would prejudice impartiality.

38. Lobbying may be in person or by circulation of letters or documents to all or some Councillors.

39. Councillors should not organise support for or against a planning application and should not lobby other Councillors, as this would signal that they had made up their mind before hearing the evidence. Each Councillor should make up his or her own mind on the evidence and facts presented to the committee.

**(x) Officers**

40. Officers are paid employees of the Council. For planning, the Council employs appropriately qualified staff to make recommendations on planning applications to Councillors to be determined at meetings.

41. The function of officers is to support and facilitate the Councillors in their work and to ensure that robust, lawful decisions are made and that planning decisions are made in accordance with the local plan and material planning considerations.

42. Officers are required to act with impartiality at all times in determining or making recommendations upon planning applications. In considering applications and in advising members of the public and Councillors on planning policy, enforcement and other planning related matters, Officers are bound by the Officer Code of Conduct.

43. This process must be transparent and respect the sometimes contrary views, maintaining respect between the parties. Failure to maintain professional respect at any part of the planning process is a breach of the relevant code of conduct for either party.

44. In certain circumstances, where officers within development control or economic development submit a planning application, applications will be heard formally at the relevant member committee. (Part 3 – Scheme of Delegation – Appendix 3).

**(xi) Attendance and participation at public meetings**

45. All planning decisions are taken in public session at meetings except if they are delegated to officers. Planning issues usually attract high levels of public interest and attendances reflect this.

46. With high levels of public interest and sometimes contentious decisions to be made, confidence in the planning system is important. Issues such as conflicts of interest, lobbying, officer advice, the conduct of meetings and focus on planning considerations will colour the public perception positively or negatively. All participants need to keep this in mind. This will include your attendance at other public meetings convened locally. See section (v) on

predisposition.

47. The Council has a policy of allowing public speaking by applicants, objectors, other statutory authorities and Parish/Town Councils. The rules are set out in Article 10 which may be varied by the Chairman at their discretion. A ward member also has the right to speak at DDMC when a Council-owned is referred for review by that committee.

**(xii) Site visits**

48. Formal Site visits may be undertaken of any potential development site subject to application where there is a substantial benefit to the decision-making process. Further detail on the procedures that apply to site visits and the circumstances where a formal site visit is appropriate can be found in Article 10 – Development Control.

49. Councillors may wish to view sites themselves prior to meetings but should stick to the public highway unless invited onto the site by the owner, observe practical 'lone working' principles and bear in mind the advice given at section (v) about predetermination.

**(xiii) Officer reports and recommendations;**

50. Officers will provide professional advice to members with a recommendation whether or not planning permission should be granted, based on the officer's assessment.

51. Each officer's report to the committee will provide:

- Details of the site, a site plan, its ward and description of the proposal and an internet link for viewing the plans
- The proposed decision recommended by the officers
- Details of either conditions (for approval) or reasons for refusal
- Relevant site history and policies applicable
- Summary of consultations carried out and representations
- A narrative on the issues and considerations of the application and a conclusion.

52. If, having read the reports prior to the meeting, Councillors have questions relating to the applications, they should contact the case officer without delay. This enables the officer to answer queries of a factual nature that could delay determination should they be asked at the meeting. The contact details of the relevant case officer are at the end of each report.

53. Reading the reports may help Councillors form an initial view of the proposals

**(xiv) Conduct during public meetings**

54. At the Planning meeting, applications will be heard in the order they appear on the agenda except where the chairman decides otherwise and seeks the assent of the meeting to the change of order. An example of where this could be agreed is when the meeting is being attended by a large number of people only interested in one contentious item. Chairmen should not delay items to allow Councillors, applicants or objectors to be present. (see rule V1 – Voting – Voting on quasi-judicial matters)

55. Each development control item will be dealt with as follows:

- (a) the planning officer present will her/his report including planning considerations, relevant local and national planning policies and a summary of any late representations received
- (b) evidence will be taken from registered public speakers (see Article 10, Appendix 1 for the rules of debate that apply);
- (c) Councillors will then debate the matter seeking information from the planning



officer that arises from the debate. Councillors' commentary should be based on the material planning considerations of the matter. It is the convention that the Chairman will allow both the ward councillor and non-committee members to speak as part of the debate.

**(xv) Decision-making;**

**Delegated Decision making**

56. The Council Scheme of Delegation specifies clearly the categories of applications that may be determined by officers (see Part 3 of the Constitution – Scheme of Delegation – Appendix 3).. This scheme may be reconsidered from time to time by the Council.

57. Where officers are determining applications under their delegated powers, an officer report will be completed which must record the material planning considerations that have been taken into account in the decision making process and the decision made by an officer with the relevant delegated power from the Council.

58. Councillors may call-in an application proposed to be determined by officers to the relevant committee for determination in accordance with the rules set out in Part 3 of this constitution, but must consider their reasons for so doing.

**Decision making by Councillors**

59. At the conclusion of the debate (subject to no contrary motion being moved and seconded) the recommendation of officers will be put to the committee by the chairman. This does not require a seconder.

60. Decision making at meetings shall be by way of a majority of Councillors present at a meeting voting positively for either approval or refusal. This is subject to the preservation of the required quorum at the time the vote is taken and shall be subject to Rule V1 (voting) and Rule M2 (minority references)

61. Voting down the recommendation of officers at the meeting does not mean that a decision has been taken on the application. A motion from a Councillor, seconded by another Councillor with reasons that are planning based is required.

**(xvi) Decisions contrary to the officer recommendation;**

62. Decisions on planning proposals must be taken in accordance with the local plan unless material considerations indicate otherwise. In determining planning and other applications the committee is entitled to decide the weight to be attached to the various planning considerations which are relevant to the application. This can lead to a decision which is contrary to the recommendation of the Officers. The Committee can for example decide:

- to refuse planning permission where officers have recommended approval;
- agree with officers that permission should be refused but for different or additional reasons; or
- grant permission subject to different conditions or legal requirements than those recommended.

63. Where any Councillor is proposing to put forward a motion contrary to the officer recommendation, the committee Chairman will ensure that the planning reasons are apparent **before** a vote is taken and will ensure that the planning officer is given an opportunity to explain to the committee the implications of their decision.

64 Applications proposed to be granted which are substantial departures from the policy framework, local plan, have financial implications or require the referral to the Secretary of State for approval or are applications on Council-owned sites that are refused by an area

subcommittee (if such a refusal is contrary to the officers recommendation) must be referred to the District Development Management Committee (see Article 10, Area Plans Sub-Committees for more detail)

**(xvii) Training;**

65. It is fundamental that Councillors (including Parish and Town Council members) involved in planning matter should receive appropriate training, **before** being involved in making planning decisions. The Council will facilitate such training, which should be regarded as obligatory for all Councillors. The Standards Committee have also determined that Councillors should attend Code of Conduct training at least once per Council term. Councillors should also attend sessions designed to keep them abreast of new developments, as specified by the Authority.

**(xviii)**

**Review.**

66. This Code will be reviewed from time to time as necessary by the Council's Constitution Working Group having taken input on standards matters from the Standards Committee.

Version V4  
Simon Hill  
November 2017

**ARTICLE 10**

**District Development Management Committee and Area Plans Sub-Committees**

The Council will establish the following Committees which shall be appointed at its annual meeting.

**Membership**

- (1) The following shall be the non-executive committees of the Council, consisting of the number of members set out below:

<b>Committee or Sub-Committee</b>	<b>Number of Councillors</b>	<b>Membership</b>
District Development Management Committee	15	15 members of the Council appointed by the Council at its Annual meeting, subject to pro rata requirements and including those members appointed as Chairman of each Area Planning Sub-Committee.  Members to be appointed on the basis of aptitude, interest and planning experience
Area Plans Sub-Committee South	25 members (Max)	All District Wards in the Parishes of Buckhurst Hill, Chigwell and Loughton
Area Plans Sub-Committee East	19 members	District Wards of Chipping Ongar, Greensted and Marden Ash; Epping Hemnall; Epping Lindsey and Thornwood Common; Hastingwood, Matching and Sheering Village; High Ongar; Willingale and The Rodings; Lambourne; Lower Sheering; Moreton and Fyfield; North Weald Bassett; Passingford; Shelley and Theydon Bois.
Area Plans Sub-Committee West	14 members	All District Wards in the Parish of Waltham Abbey together with the District Wards of Lower Nazeing; Broadley Common, Epping Upland and Nazeing and Roydon.

- (2) Members of the Council appointed to each Area Plans Sub-Committee shall be drawn solely from those representing wards within the area for which the Sub-Committee is responsible shown in the 'Membership' column above. Seats on each Sub-Committee shall be allocated to all Councillors representing electoral wards in the areas concerned. The requirement for the appointment of Sub-Committees from all members of the Council shall not apply to the Area Plans Sub-Committees.
- (3) Newly elected members maybe appointed to their relevant Area Plans Sub-committee at the next ordinary meeting of the full Council.

- (4) A member of the executive may serve on an Area Plans Sub-Committee if otherwise eligible to do so as a Councillor.

### **Responsibility for functions:**

The Committee and Sub-Committees the subject of this Article have responsibility for determining matters which have been delegated by the Council and the Executive shown in Part 3 of this Constitution, showing those which are the responsibility of the Executive and those which are not Executive functions and any limitations on delegation.

### **Terms of Reference:**

#### **District Development Management Committee**

- (1) To determine:
- (a) Any development proposals which affect more than one Area Plans Sub-Committee;
  - (b) Any 'large scale' application<sup>2</sup> (as defined below);
  - (c) Any 'major' application<sup>3</sup> (as defined below) where the Council is the land owner;
  - (d) Any application referred by an Area Plans Sub-Committee by resolution, by a minority of members of an Area Plans Sub-Committee in accordance with the Council Rules or where the Sub-Committee is unable to determine the application;
  - (e) To determine any recommendation of an Area Plans Sub-Committee which relates to potential decisions liable to give rise to claims for costs or compensation, including development management matters and enforcement of planning requirements (including recommendations of no action) but excluding works on preserved trees;
  - (f) Any planning application or other planning matter submitted by, or on behalf of, a Councillor of the Authority (and/or a spouse or partner thereof); and
  - (g) Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted.

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<sup>2</sup> 'Large-scale major development' means development involving any one or more of the following;

(a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 200 or more: or (ii) The development is to be carried out on a site having an area of 4 hectares or more where the number of dwellinghouses is not known (normally an Outline application) or

(b) The provision of a commercial building or buildings where the floor space to be created by the development is 10,000 square metres or more: or

(c) Commercial development carried out on a site having an area of 2 hectares or more.

<sup>3</sup> 'major development' means development involving any one or more of the following;

(a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 10 or more up to 199: or (ii) The development is to be carried out on a site having an area of 0.5 hectares or more but just less than 4 hectares where the number of dwellinghouses is not known (normally an Outline application)..

(b) The provision of a commercial building or buildings where the floor space to be created by the development is 1,000 square metres or more up to 9,999 square metres: or

(c) Commercial development carried out on a site having an area of one hectare but less than 2 hectares.

## Area Plans Sub-Committees

- (1) To consider all applications (except as may be delegated to the Assistant Director of Governance (Development Management)) or fall to the District Development Management Committee to determine as set out above) received for development within the respective Sub-Committee area and, except as detailed below, to make decisions on behalf of the local planning authority thereon;
- (2) Subject to the prior approval of the Chairman of the Sub-Committee, to consider informal proposals for development and to give guidance to the Assistant Director of Governance (Development Management);
- (3) To consider planning applications made by other authorities which are considered by the Assistant Director of Governance (Development Management) to require member response;
- (4) To consider and make recommendations to the District Development Management Committee on applications for development where:
  - (a) the Sub-Committee's proposed decision is a substantial departure from:
    - (i) the Councils approved policy framework; or
    - (ii) the development or other approved plan for the area; or
    - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
  - (b) the refusal of consent may involve the payment of compensation; or
  - (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
  - (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution; or
  - (e) development proposals for a site are made by or on behalf of the Council or where the Council is the landowner, that are recommended for refusal by a Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted;
- (5) Applications made by officers of the Council defined in Appendix A of the Planning Services Scheme of Delegation which are required to be determined by a Sub-Committee.
- (6) Where an application is objected to by a Councillor in a purely personal capacity.

### **Public Participation at District Development Management Committee and Area Plans Sub-Committees on Planning Matters**

- (1) There shall be afforded to those classes of persons specified in the rules for participation at Appendix 1 to this Article an opportunity, on request, to make oral representations to any Area Plans Sub-Committee (or in appropriate circumstances, the District Development Management Committee) meeting concerning any planning application or related matter before that Sub-Committee for determination.
- (2) The procedure for dealing with requests to address an Area Plans Sub-Committee or the District Development Management Committee shall be as prescribed from time to time by the Council and as set out in Appendix 1 to this Article.

### **Site Visits**

- (1) Formal Site visits may be undertaken of any potential development site subject to application where there is a substantial benefit to the decision-making process. Such a visit may be approved by the Sub-Committee at the meeting where they are being asked to determine the matter or in advance on the recommendation of the Assistant Director of Governance (Development Management in consultation with the Chairman of the Sub-Committee).
- (2) Formal Site visits will be undertaken following the guidance at Appendix 2 to this Article.

**RULES FOR PARTICIPATION ON PLANNING MATTERS AT COUNCIL,  
AREA PLANS SUB AND DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE  
MEETINGS**

1. The following persons shall be able, on request, to address the appropriate Area Plans Sub-Committee and/or District Development Management Committee on any planning application or related matter within its terms of reference and included on any agenda, for a period of three minutes:
  - (a) one objector;
  - (b) one representative of any relevant Parish or Town Council for the purpose of explaining the views of that Council on the matter in question;
  - (c) one representative of any other authority consulted on the application or as a statutory consultee where they have so requested;
  - (d) the applicant (or one nominated agent or representative); and
  - (e) a member for the ward relevant to the application site, when a referral to the District Development Management Committee has taken place under Section 4(e) of the terms of reference of the Area Plans Sub-Committees in Article 10 of the Constitution;
2. In the case of planning applications which have a District-wide significance, it shall be permissible for the Chairman of an Area Plans Sub-Committee or the District Development Management Committee, to allow any Parish or Town Council to speak on such an application.
3. For the purposes of this Standing Order the definition of "planning application or any related matter" shall not include any existing or proposed enforcement action under the Planning Acts.
4. The Chairman of the Committee or Sub-Committee may allow additional speakers in exceptional circumstances.
5. Persons wishing to address the Committee or Sub-Committee are required to register with Democratic Services by 4.00 pm on the day before the meeting. The Chairman may make changes or additions to speakers after that time at their discretion.
6. Persons addressing an Area Plans Sub-Committee shall be allowed no more than three minutes to present their case. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.
7. Written submissions and photographic or similar material will not be considered by an Area Plans Sub-Committee or District Development Management Committee. Any written submissions received after the agenda is produced will be verbally summarised and reported to the Committee.
8. The right to address the Committees is extended to both the Area Planning Sub-Committees and the District Development Management Committee (but not to Council). Having previously made representations at an Area Sub-Committee does not preclude any applicant, objector or parish/town council representative from speaking again when the matter is reconsidered.

### **Guidance for Members at Site Visits**

Formal site visits may be requested by any planning committee. These can be requested either before a planning meeting or resolved at the meeting concerned. However, these consume resources and delay determination of an application. It is good practice to consider site visits only where there is a substantial benefit to the decision-making process, e.g. when the impact of the proposed development is difficult to visualise from prior inspection from a public place, or from the plans and the supporting material; or it is particularly contentious.

It is recognised that Councillors are subject to lobbying on specific applications. In such cases, it is essential that care is taken to maintain the Councils and its members' integrity so as to protect the credibility of the planning process.

Councillors are asked to bear in mind the following guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits should be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- Members of the committee concerned are encouraged to attend site visits.
- The site visit is managed by the Chairman, Vice-Chairman or planning officer present. The Chairman or Vice Chairman will remind Councillors of the guidance at the beginning of each visit. Members of the committee or Sub-Committee should not enter into discussions with interested parties, such as the applicant, the agent or neighbours during the visit.
- Councillors/Planning Officers should not allow interested parties to use the site visit as an opportunity of lobbying members of the committee. It is made clear to other parties at the outset that the purpose is to gather information and to view the site only.
- Any questions from Councillors should be limited to questions of fact and directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, members as a single group should consider the desirability of viewing an application site from more than one property when the site visit is arranged.
- Councillors must ensure that the application is not determined at the site visit
- Councillors should avoid acceptance of any hospitality at a site visit which could be misinterpreted by third parties.



## **Report to the Council**

**Date:** 1 November 2017

**Subject:** Appointments to Committees & Outside Organisations 2017/18

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### **1. JOINT CONSULTATIVE COMMITTEE**

**Recommending:**

**That the Council make appointment to the vacancy on the Joint Consultative Committee arising from the death of former Councillor G. Waller, for the remainder of the 2017/18 municipal year.**

- 1.1 At its meeting on 26 September 2017, the Council made appointment to vacancies on a number of committees, arising from the death of former Councillor G. Waller earlier in the year.
- 1.2 Unfortunately, at that time, appointment to the vacancy on the Joint Consultative Committee was overlooked. The Council is therefore requested to make appointment to the vacancy on the Committee for the remainder of the 2017/18 municipal year.

### **2. OFF-STREET CAR PARKING CONTRACT PARTNERSHIP BOARD**

**Recommending:**

**That the Council appoint Councillor S. Kane to the vacancy on the Off-Street Car Parking Contract Partnership Board arising from the death of former Councillor G. Waller, for the remainder of the 2017/18 municipal year.**

- 2.1 At its meeting on 26 September 2017, the Council made appointment to vacancies on a number of committees, arising from the death of former Councillor G. Waller earlier in the year.
- 2.2 Councillor Waller was a member of the Off-Street Car Parking Contract Partnership Board, in the capacity of Safer, Greener and Transport Portfolio Holder. Unfortunately, at the last meeting, appointment to the vacancy on the Partnership Board was overlooked. The Council is therefore requested to appoint Councillor S. Kane (Safer, Greener and Transport Portfolio Holder) to the Board for the remainder of the 2017/18 municipal year.

### **3. REPRESENTATION ON OUTSIDE ORGANISATIONS**

**Recommending:**

**That the Council appoint a deputy representative to the Stansted Airport Consultative Committee, for the remainder of the 2017/18 municipal year.**

- 2.1 At its meeting on 26 September 2017, the Council appointed new representatives to a number of external organisations on which former Councillor G. Waller previously represented the Council.
- 2.2 At that time, the appointment of a replacement deputy representative to the Stansted Airport Consultative Committee was deferred, in order to await the results of a by-election for the Lower Sheering ward of the District. The results of the by-election,

which was held on 19 October 2017, are set out elsewhere in this agenda. The Council is therefore now requested to appoint a deputy representative to the Stansted Airport Consultative Committee, for the remainder of the 2017/18 municipal year.

- 2.3 The appointment of members to the Stansted Airport Consultative Committee is a matter reserved to the Council.

#### **4. APPOINTMENTS TO COMMITTEES & PANELS**

**Recommending:**

**That the Council consider any consequential appointments to Committees and Panels etc. for the remainder of the municipal year, arising from the recent by-election for the Lower Sheering Ward.**

- 3.1 Arising from the by-election for the Lower Sheering Ward held on 19 October 2017, the Council is asked to consider any consequential appointments to Committees and Panels for the remainder of the 2017/18 municipal year.