

Supplementary Committee Agenda



**Epping Forest
District Council**

Cabinet Monday, 15th April, 2013

Place: Council Chamber
Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services: Gary Woodhall
The Office of the Chief Executive
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10. REVIEW OF THE HOUSING ALLOCATIONS SCHEME (Pages 131 - 132)

(Housing Portfolio Holder) To consider the attached addendum report (C-070a-2012/13).

15.a FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 21 MARCH 2013 (Pages 133 - 140)

(Finance & Technology Portfolio Holder) To consider the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 21 March 2013 and any recommendations therein.

15.b LOCAL PLAN CABINET COMMITTEE - 25 MARCH 2013 (Pages 141 - 148)

(Planning Portfolio Holder) To consider the minutes from the meeting of the Local Plan Cabinet Committee held on 25 March 2013 and any recommendations therein.

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Addendum Report C-070a-2012/13

Review of the Housing Allocations Scheme

1. The Housing Portfolio Holder and the Chairman of the Housing Scrutiny Panel will be reporting on the Review of the Housing Allocations Scheme under Item 10 of the Cabinet Agenda (pages 37 – 82).

2. Members attention is drawn to both Appendix 2 of the Housing Portfolio Holder's report on page 45, additional officer comments and suggested changes to the draft Scheme, and the draft Scheme Bandings (Band Three on page 74). Officers are suggesting that a further change be made to the Scheme.

3. Officers are requesting that an additional Banding category be added as Band 3 (c) as follows:

“Any member of the Armed Forces or former Service personnel, or serving or former members of the Reserve Forces who have no housing need, and the application is made within 5 years of discharge.”

4. The reason for the additional banding category is due to no provision being made for this client group under the draft Scheme, and the requirement under the Guidance to make such provision.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Finance and Performance Management Cabinet Committee **Date:** 21 March 2013

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 6.00 - 6.35 pm

Members Present: Ms S Stavrou (Chairman), R Bassett, D Stallan and G Waller

Other Councillors: A Lion, H Mann and Mrs E Webster

Apologies: C Whitbread

Officers Present: R Palmer (Director of Finance and ICT), B Bassington (Chief Internal Auditor), K Durrani (Assistant Director (Technical)), E Higgins (Insurance & Risk Officer), S Tautz (Performance Improvement Manager), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

37. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

38. MINUTES

Resolved:

(1) That the minutes of the meeting held on 24 January 2013 be taken as read and signed by the Chairman as a correct record.

39. KEY PERFORMANCE INDICATORS 2012/13 AND 2013/14

The Performance Improvement Manager presented a report on the Council's Key Performance Indicators for 2012/13 and 2013/14.

The Performance Improvement Manager stated that, pursuant to the Local Government Act 1999, the Council was required to make arrangements to secure continuous improvement in the way in which its functions and services were exercised, having regard to a combination of economy, efficiency and effectiveness. As part of this duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives were adopted each year. Performance against the KPIs were monitored on a quarterly or annual basis as appropriate, and had previously been an inspection theme in external judgements of the overall performance of the authority.

The Performance Improvement Manager reminded the Cabinet Committee that a range of 32 Key Performance Indicators for 2012/13 had been adopted in March 2012, along with a corporate target for at least 70% of the Indicators to achieve their

target by the end of the year. The performance of the current Indicators at the end of the third quarter were set out in detail in Appendix 1 attached to the report and could be summarised as follows:

- 15 (56%) achieved their accumulative target; and
- 12 (44%) did not.

On the basis of third quarter performance, the following year-end outcomes were currently predicted:

- 13 (48%) to achieve their year-end target;
- 7 (26%) would not achieve their year-end target; and
- for 7 (26%), it was currently uncertain as whether they would achieve their year-end target.

In respect of the proposed Indicators for 2013/14, the Cabinet Committee was informed that these had been considered by Management Board recently but no significant changes had been recommended. Provisional targets for each proposed Indicator had been agreed between the relevant Service Director and Portfolio Holder, and these had been set out in detail in Appendix 2 attached to the report, although the following three changes were reported by the Performance Improvement Manager:

- the proposed target for KPI 35, Benefit Fraud Investigations, in 2013/14 should read 300 not 500;
- KPI 46, Increase in Affordable Housing within the District, to be deleted as the Director of Housing would provide the relevant information to all Members on a regular basis through alternative reporting arrangements; and
- A KPI to measure the percentage of benefit fraud cases investigated where fraud was proven, with a target for 2013/14 of 30%.

It was also intended that performance against all Indicators would be monitored and reported on a quarterly basis in future. There were now no Indicators where performance could only be reported on an annual basis, and quarterly targets could be profiled for each Indicator. Improvement Plans would be developed for each Indicator, and Management Board would review the targets for each Indicator when the 2012/13 outrun data became available. Any revisions would be reported to the Cabinet Committee at its meeting scheduled for 20 June 2013.

The Performance Improvement Manager advised the Cabinet Committee that it was not yet known whether the Council's overall aim of achieving target performance for at least 70% of the Key Performance Indicators would be achieved for 2012/13. As the Council's Key Objectives for 2013/14 sought the achievement of the targets for all Indicators, Management Board had recommended that a specific corporate performance improvement target not be set for 2013/14.

In response to questions from the Members present, the Director of Finance & ICT stated that for KPI 33, Number of days to process new Benefit Claims, although the Council would not meet its 30 day target during the first part of 2013/14, the target was still felt to be achievable if the levels of staff within the section remained at a high level. The Director added that the Council had not yet seen any evidence of people moving out to Epping Forest from inner London as rental prices within the District were still relatively high.

The Housing Portfolio Holder advised the Cabinet Committee that the Government's Welfare Reforms were expected to have an effect on the amount of rent collected by the Council, but the full effect would not be known until next year. Therefore, it was considered prudent to reduce slightly the target for KPI 40, Percentage of Rent due from Tenants that was actually paid, from 97% in 2012/13 to 96% in 2013/14. The Director of Finance & ICT added that an allowance for a lower collection rate had

been made in the latest 30-year Housing Revenue Account Financial Plan. The Housing Portfolio Holder reassured the Cabinet Committee that the Council had developed a Welfare Reform Mitigation Action Plan, but it was not known at the current time how residents would react to the changes.

The Performance Improvement Manager confirmed that the proposed deletion of KPI 46, Increase in Affordable Housing within the District, had been recommended by the Finance & Performance Management Scrutiny Panel as this measure was outside of the Council's control and would be reported by other means.

Decision:

(1) That the proposed Key Performance Indicators and individual targets for 2013/14 be agreed; and

(2) That no specific corporate performance target for the Council's Key Performance Indicators be set for 2013/14.

Reasons for Decision:

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

Other Options Considered and Rejected:

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

40. DRAFT AUDIT PLAN 2013-14

The Chief Internal Auditor presented the Internal Audit Business Plan for 2013/14 for the Cabinet Committee to inspect, prior to its consideration by the Audit & Governance Committee on 4 April 2013.

The Chief Internal Auditor stated that all the fundamental financial systems had been included to provide assurance on the controls in place for good financial management. In compiling the Plan, the Corporate Risk Register and the Risk Registers for each Directorate were reviewed to ensure that all high risk areas had been included. A contingency provision had been included for investigations and other unplanned work during the year, and some flexibility had also been included to accommodate reviews of areas considered to be of a higher risk to the achievement of the Council's objectives.

The Chief Internal Auditor added that progress against the Plan would be kept under review throughout the year and any proposed amendments would be subject to the approval of the Audit & Governance Committee. The Chief Internal Auditor highlighted the regular meetings held with his counterparts at Harlow and Uttlesford District and Broxbourne Borough Councils. The purpose of these meetings was to share best practice and expertise, and consider various joint working practices.

The Chief Internal Auditor reassured the Cabinet Committee that all high risk rated audits would be completed during the year, but some mid to low risks audits could get deferred to the following year. As evidenced by recent problems with various reconciliations, one aim during the year would be to improve the interfaces between the Council's different computer systems. The Director of Finance & ICT added that if the Audit & Governance Committee requested any amendments to the Plan then these would be reported to the Cabinet Committee at its next meeting.

Resolved:

- (1) That the proposed draft Internal Audit plan for 2013/14 be noted.

41. RISK MANAGEMENT - CORPORATE RISK REGISTER AND RISK MANAGEMENT DOCUMENTS

The Senior Finance Officer (Risk & Insurance) presented a report on the Corporate Risk Register and the Risk Management documents.

The Senior Finance Officer stated that the Corporate Risk Register and Risk Management documents had been considered by both the Risk Management Group on 25 February and the Corporate Governance Group on 27 February 2013. These reviews had identified amendments to the Corporate Risk Register and minor amendments to the wording of the Corporate Risk Documents.

The Senior Finance Officer reported that five amendments to the Corporate Risk Register had been proposed as a result of the recent reviews. Risk 1, Recruitment Restrictions, had been removed as the Cabinet had revoked this restriction in January 2013. A new risk had been added (37) in respect of the Local Land and Property Gazetteer and had been scored as Low Likelihood, Critical Impact (D2). An additional Vulnerability, Trigger and Consequence had been added for Risk 3, Potential Difficulty producing the Local Plan to Timetable, to cover budgetary aspects. The effectiveness of control for Risk 17, Significant Amount of Capital Receipts spent on Non-Revenue Generating Assets, had been updated to reflect the Capital Programme. The Vulnerability for Risk 29, Gypsy Roma Traveller Provision, had been updated as the new Gypsy Traveller Accommodation Assessment was now underway.

The Senior Finance Officer added that the Council's Risk Management Strategy, Risk Management Policy Statement and the terms of reference for the Risk Management Group had been reviewed and some minor amendments proposed, as outlined in the report. The Cabinet Committee was requested to approve these documents for adoption at the next meeting of the Cabinet.

The Senior Finance Officer informed the Cabinet Committee that the Director of Finance & ICT and the Chief Executive had met with an external consultant to discuss the options for the future methodology and documentation for Risk Management. The consultant had confirmed that, whilst the existing arrangements and documentation remained robust and valid, some authorities had used the demise of the Audit Commission as an opportunity to streamline the Risk Management process. Consequently, it had been decided to devote a Management Board meeting in May 2013 to a fresh consideration of corporate risks and how they were recorded and presented. This could result in a very different Corporate Risk Register being presented to the next meeting of the Cabinet Committee.

The Cabinet Committee requested that the risk rating for Risk 3 (Potential Difficulty producing the Local Plan to Timetable) be reviewed during the next quarter; the

Director of Finance & ICT reassured the Cabinet Committee that all risks above the Tolerance Line were reviewed every cycle, and that Risk 3 would be reviewed as a matter of course

Recommended:

- (1) That Risk 1, Recruitment Restrictions, be deleted;
- (2) That an additional Vulnerability, Trigger and Consequence be added for Risk 3, Potential Difficulty producing the Local Plan to Timetable, to cover budgetary aspects;
- (3) That the Effectiveness of Control for Risk 17, Capital Receipts spent on non-revenue generating assets, be amended to reflect the current Capital Programme;
- (4) That the Vulnerability for Risk 29, Gypsy Roma Traveller Provision, be amended to reflect the new Gypsy Traveller Accommodation Assessment;
- (5) That a new Risk 37 in respect of the Local Land and Property Gazetteer be added and scored as Low Likelihood, Critical Impact (D2);
- (6) That the current tolerance line on the risk matrix be considered satisfactory and not be amended;
- (7) That, incorporating the above agreed changes, the amended Corporate Risk Register be approved;
- (8) That the revised Risk Management Strategy be adopted;
- (9) That the revised Risk Management Policy Statement be adopted; and
- (9) That the updated Terms of Reference for the Risk Management Group be noted.

Reasons for Proposed Decision:

It was essential that the Corporate Risk Register was regularly reviewed and kept up to date. The annual review of the corporate risk management documents ensured that the risk management process remained relevant and up to date.

Other Options Considered and Rejected:

To suggest new risks for inclusion or amendments to the scoring of existing risks.

To further amend the revised risk management documents as presented.

42. QUARTERLY FINANCIAL MONITORING - OCTOBER TO DECEMBER 2012

The Director of Finance & ICT presented the Quarterly Financial Monitoring report for the period October to December 2012, which provided a comparison between the revised estimates and the actual expenditure or income. The report provided details of the revenue budgets – both the Continuing Services Budget and District Development Fund – as well as the capital budgets, including details of major capital schemes.

The Cabinet Committee noted that the Salaries budget showed an underspend of £112,000 or 0.8%. Investment income levels were in line with expectations after three quarters but there was no obvious sign of interest rates improving at the current time, even in the longer term. The Council had received a further payment of £68,000 from its original £2.5million investment placed with the Heritable Bank from the Administrators, which now amounted 77.6% repaid in total. The Council still expected to receive between 86% and 90% of its original investment.

Within the Planning & Economic Development Directorate, Development Control income was £6,000 above the revised estimate, and the final outturn was likely to fall somewhere between the original and revised estimate. Income from Building Control was £4,000 higher than expected, and although a deficit was still expected from this account for the year, this could be set against an accumulated surplus from previous years.

Within the Corporate Support Services Directorate, Licensing income was above expectations and income from the Fleet Operations Unit was in line with expectations and expected to return a surplus of approximately £11,000 by the end of the year. Income from Local Land Charges was also in line with expectations, although there was still significant uncertainty surrounding the future level of charges for this service. Within the Housing Directorate, the Housing Repairs Fund was showing an underspend of £185,000, but due to seasonal factors this was expected to reduce during the final quarter. In respect of Capital schemes, the Limes Farm Hall Development had been completed in February 2012, but the final account had still to be determined.

In conclusion, the Director of Finance & ICT stated that income was generally down on expectations but expenditure was also down. It appeared unlikely that there would be a significant variance on the estimated use of reserves for the year, currently predicted to be £44,000, which would leave a balance of £9.157million.

The Cabinet Committee felt that the Council was doing as well as expected, which given the economic climate was a satisfactory result. It was highlighted by the Planning Portfolio Holder that the timescale given in the report for the Local Plan was not quite correct, but this would be revised in due course with a new target date set. The Director of Finance & ICT added that any potential budgetary problems in respect of the Local Plan would be reported to the Local Plan Cabinet Committee initially, and then this Cabinet Committee if necessary. The Cabinet Committee was reassured that the budget within the Housing Directorate for bed-and-breakfast accommodation for homeless applicants had been increased for 2013/14, due to the expected increase in demand arising from the Government's welfare reforms.

Resolved:

(1) That the Quarterly Financial Monitoring report for the period 1 October 2012 to 31 December 2012 regarding the revenue and capital budgets be noted.

Reasons for Decision:

To monitor the Council's financial position after the third quarter of 2012/13.

Other Options Considered and Rejected:

No other options were considered as the report monitored the Council's financial position after nine months of the financial year.

43. ANY OTHER BUSINESS

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

CHAIRMAN

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Local Plan Cabinet Committee **Date:** 25 March 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.05 - 9.05 pm

Members Present: R Bassett (Chairman), W Breare-Hall, Mrs A Grigg, D Stallan and C Whitbread

Other Councillors: K Avey, J Philip, Mrs L Wagland, G Waller, Mrs E Webster, J M Whitehouse and D Wixley

Apologies: -

Officers Present: G Chipp (Chief Executive), J Preston (Director of Planning and Economic Development), K Polyzoides (Assistant Director (Policy & Conservation)), P Seager (Chairman's Secretary) and G J Woodhall (Democratic Services Officer)

32. WEBCASTING INTRODUCTION

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

33. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

34. MINUTES

Resolved:

(1) That the minutes of the meeting held on 18 February 2013 be taken as read and signed by the Chairman as a correct record.

35. TERMS OF REFERENCE

The Cabinet Committee noted its terms of reference, as amended by the Leader of the Council in June 2012.

36. PORTFOLIO HOLDER DECISIONS AGREED SINCE THE LAST MEETING

The Cabinet Committee noted that no delegated decisions by the Portfolio Holder in relation to the Local Plan had been taken since the last meeting on 18 February.

37. FEEDBACK FROM THE LOCAL PLAN WORKSHOPS

The Assistant Director of Planning & Economic Development (Policy & Conservation) presented a report reviewing the first three Local Plan Member workshops.

The Assistant Director reported that three workshops were held on 26 January, 9 February and 9 March 2013 and were open to District, County, Parish and Town Councillors as well as the Youth Council. The workshops were designed to assist in considering the options for the future growth of the District and provide a more detailed deliberation of the local areas, through reducing the number of options for the next stage of the Local Plan – the Preferred Options stage or draft Plan. The Workshops were all well attended, with at least 31 District Councillors, one County Councillor, and 15 Town and Parish Councillors or Clerks present at each session. Feedback was increasingly positive as the event programme progressed, with the majority of responses rating the workshops as either quite or very useful.

The Assistant Director stated that the participants were interested to know more about:

- population projections and housing targets;
- brownfield sites;
- the ownership of certain sites;
- landscape appraisals; and
- the infrastructure required to support further development.

As a result, an additional workshop was planned for the summer to cover the issues of population projections and housing targets for the Plan. A report would then be submitted to the Cabinet Committee to decide which options should be tested further. A further workshop would then be held to consider the results of this further testing before the Cabinet Committee decided upon the Preferred Options and the draft Local Plan.

The Assistant Director informed the Cabinet Committee that the results of the workshops were being written up and would be used to test the options set out in the Community Choices consultation. In addition, answers were being prepared for the questions raised that could not be dealt with at the time. Experience so far indicated that the workshop format was a useful tool for Members in considering complex matters for the Local Plan. It was possible that other issues would arise during the future process that would be beneficial to consider in a workshop format and this would be given due consideration.

The Planning Portfolio Holder thanked the Officers for their efforts in organising the workshops, especially given the complex nature of the subject matter, and emphasised that no decisions had yet been taken in relation to the Local Plan as the workshops were intended to assist in shaping the Plan rather than determine it.

The Cabinet Committee was informed that no date had yet been set for the fourth workshop. The latest population data was due from the Government in April, which would then have to be analysed by the Council's consultant, so the next workshop would take place in the Summer. There was some concern expressed that Members might be on vacation and miss the workshop; could not some advance notice of the likely date be given now? The Planning Portfolio Holder stated that the population statistics would also be analysed by the Essex Planning Officers Association (EPOA), and it was hoped that the next workshop would be organised for late July. The Director of Planning & Economic Development stated that an item would be placed in the Council Bulletin advertising when the data became available.

The Cabinet Committee noted that the emphasis so far in the workshops had been on Housing, and perhaps this reflected the concerns of residents. The Director agreed that the previous workshops had concentrated on issues of concern to Members, but other issues could be examined in further workshops. The Portfolio Holder confirmed that work was progressing on other issues and an update would be given in due course. The Assistant Director stated that Officers wanted to publish a factsheet containing answers to the questions raised during the workshops held to date, and that there would be a number of key issues for Members to consider in further workshops such as employment.

The Cabinet Committee was told that many Local Plans currently in development would need to be revised when the 2011 census figures became available, which would incur further public expense. Given this problem, the current deadline appeared to be unfair, and maybe the Council should write to the Government highlighting this and requesting a relaxation of the deadline. The Chief Executive commented that this would be a worthwhile exercise, especially if the letter was jointly drafted and signed by other Essex authorities. The Portfolio Holder declared that the EPOA shared the concerns expressed regarding the late availability of the revised population figures, however the Director of Planning & Economic Development reminded the Cabinet Committee that the Government's focus at the moment was on promoting growth.

The Portfolio Holder reassured the Cabinet Committee that some discussions had taken place with neighbouring authorities, including the London Borough Councils of Redbridge and Waltham Forest; in addition, there were the ongoing discussions with the tri-council group that included Broxbourne Borough Council and the London Borough Council of Enfield. It was enquired as to whether the results of the Issues & Options consultation had been fed back to residents. The Assistant Director stated that Officers had replied to most of the respondents from the consultation, but the process was still on-going given the large volume of responses. The Leader added that the results of the consultation would be published on the Council's website and an article placed in the Forester magazine. The Portfolio Holder added that he intended to present an item to the Youth Council at one of their forthcoming meetings, in an effort to engage the younger residents of the District with the Local Plan process.

Finally, in respect of the infrastructure improvements required within the District, the Assistant Director explained that there was still much information and data to analyse before decisions could be made, as the ability to deliver infrastructure improvements would affect the growth possible within the District and could be a limiting factor.

Decision:

- (1) That the purposes of the workshops held to date and the activities undertaken be noted;
- (2) That the feedback from the workshops held to date be noted;
- (3) That the proposed actions in respect of the feedback received and the next steps proposed in the engagement of County, District, Town and Parish Councillors through additional workshops be noted; and
- (4) That Youth Council involvement in the Local Plan process be fostered by the Planning Portfolio Holder attending and presenting an item at one of their meetings in the near future.

Reasons for Decision:

An update and review report for noting.

To engage the Youth Council in the Local Plan process.

Other Options Considered and Rejected:

To revert to engagement with District, Town and Parish Councillors through the Council Bulletin, briefings and the Local Plan Cabinet Committee. However, the ability to consider matters in depth presented by a workshop format was considered highly beneficial.

38. LOCAL PLAN COMMUNICATIONS STRATEGY

The Assistant Director of Planning & Economic Development (Policy & Conservation) presented a report on the updated Local Plan Communications Strategy.

The Assistant Director reminded the Cabinet Committee that an early version of the Local Plan Communications Strategy had been approved as the Local Development Framework (LDF) Communications Strategy by the LDF Cabinet Committee in November 2010. Since then the Council had consulted on the Statement of Community Involvement (SCI), that set out the minimum consultation methods the Council would be required to undertake during the preparation of Local Plan. The Local Plan Cabinet Committee had approved the SCI in February 2012 to go to the Council meeting in April for adoption.

The Assistant Director reported that many recommendations and feedback received as a result of the SCI consultation between July and October 2012 were more relevant to the Communications Strategy and had been incorporated in the current draft document. The Strategy set out an approach for ongoing engagement with key stakeholders and interested parties, including the community, during the preparation of the Council's new Local Plan. The Communications Strategy outlined the engagement methods used for the Local Plan consultations to date. In looking forward, it also identified the previously successful approaches to continue with and additional methods of engagement and issues that should be resolved. The main aim was to provide an array of methods by which stakeholders could engage with the Council and for the Council to maximise the representations received during the preparation of the Local Plan.

The Assistant Director added that a series of principles of engagement had been developed, based on experience to date and best practice, aimed at providing clarity to stakeholders of the Council's intentions when performing consultations on the Local Plan, and to ensure a consistent approach was adopted. For the forthcoming Preferred Options consultation, it was intended to invest more in Public Relations with a greater emphasis on early engagement with local newspapers. Advertisement campaigns would also be a key focus. In addition to the engagement methods utilised for the Community Choices consultation, other methods might also be employed. These included better use of the Forester magazine, including a special edition to inform and engage with residents; a summary document of the Preferred Options accompanying the letter informing consultees of the consultation launch; area focused consultation activities, such as local workshops or community presentations, for directly affected communities; and detailed briefing packs to enable Town and Parish Councils and other groups to carry out their own detailed consultation event on the preferred options.

The Planning Portfolio Holder also stated that it was intended to invite the District's Members of Parliament and County Councillors to future Member workshops, of which a further two were already being planned. The Portfolio Holder intended to create a test group for the Preferred Options website to avoid the problems that had occurred with the Community Choices website. Consideration was also being given about how to provide residents with interim updates on the Local Plan.

It was suggested that bodies such as Transport for London, the Fire Service, the Ambulance Service and Sport for England should be added to the list of Local Plan Consultees at Appendix 2 of the draft Local Plan Communications Strategy. The Director of Planning & Economic Development responded that the highlighted Appendix contained the national list of compulsory consultees, the Council had a larger list of groups that it was already actively engaged with and this would be added to the Strategy.

Decision:

- (1) That the Local Plan Communications Strategy be noted as a dynamic document to be updated when necessary to meet the requirements of the Local Plan consultations;
- (2) That Appendix 2 of the Local Plan Communications Strategy be amended to include the groups that the Council was already actively engaged with in respect of the Local Plan; and
- (3) That the updated Local Plan Communications Strategy be agreed.

Reasons for Decision:

Effective communication was key in order to engage successfully with stakeholders, particularly with the general public where consultation fatigue and previous negative consultation experiences could act as a barrier. The Local Plan Communications Strategy would allow for more clarity and transparency in the Council's approach to community and wider stakeholder engagement.

Other Options Considered and Rejected:

To not approve the Local Plan Communications Strategy and rely on the Statement of Community Involvement should it be adopted by the Council in April 2013.

39. ANY OTHER BUSINESS

The Chairman announced that a Memorandum of Understanding for the Tri-Council Group, comprising Epping Forest District Council, Broxbourne Borough Council and the London Borough Council of Enfield, was in the process of being drawn up. When this process was complete then the Memorandum would be published in the Council Bulletin and reported to the Cabinet Committee for approval.

Resolved:

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

- (a) The National Planning Policy Framework – One Year On.

40. THE NATIONAL PLANNING POLICY FRAMEWORK - ONE YEAR ON

The Director of Planning & Economic Development presented an update report on the National Planning Policy Framework, one year after its implementation.

The Director stated that the National Planning Policy Framework (NPPF) was a relatively short document which was issued by the Government following consultation and revisions to a consultation draft. It had replaced a large number of lengthy Policy Statements and Guidance Notes which were often duplicated or conflicted with one another, and which had been issued over a long period of time. It was highlighted that this first year had been a transition period, after which if Local Plan policies were not compliant with the Framework, then the Framework was likely to be given more weight in Development Control decisions. Particular attention was drawn to policy GB8a, Change of Use or Adaption of Buildings in the Green Belt, and that the criterion in paragraph (iv) of the policy was no longer compliant with the Framework.

The Director highlighted the local and national experience with the Framework, and the Cabinet Committee's attention was drawn to the issues that other Councils had experienced in bringing their new Local Plans forward. A number of Councils had run into significant problems at the Examination in Public stage, where Planning Inspectors had reached conclusions that had forced the submitted Plans back to a much earlier stage in the procedure. The key issues identified so far had included: the adequacy of population projections and the suggested housing numbers; review of the Green Belt; and failures over the duty to co-operate. The problems experienced by Dacorum Borough Council, Rushcliffe Borough Council and Coventry City Council were particularly emphasised.

The Cabinet Committee was asked to consider and agree a list of Local Plan policies which were now non-compliant with the Framework and which would not now be used in relation to development control management decisions; and a list of policies which were compliant and which could be used until they were superseded by the adoption of a new Local Plan, or until such time as appeal decisions warranted their discontinuation. The Council's existing policies had been examined by Development Control Officers, Forward Planning Officers and Legal Counsel in determining whether a policy was compliant, generally compliant, partially compliant or not compliant. The amended policy lists, if agreed, would be published on the Council's website and Member briefings would also be considered.

The Planning Portfolio Holder commented that the experience of other Councils had indicated the complexity of the Local Plan process, but that it was also important to study those Councils who had successfully passed their Examinations in Public to learn any lessons from their approach. It was clear that there were problems with Employment policies in other Districts being found unsound. The Assistant Director of Planning & Economic Development (Policy & Conservation) added that the Framework required Councils to be flexible over employment sites, especially when the emerging employment trends were considered. Officers were currently analysing the completed Town Centre Studies and other designated employment zones; more information would be available later in the year on Economic Forecasting from the Department of Communities & Local Government. The Director confirmed that the Framework gave greater emphasis to economic growth and employment.

The Cabinet Committee was advised that the Council should complete the work on its employment policies and that, as 92% of the District was designated as Green Belt, the Council should perform a strategic review of it as soon as possible. The

problems experienced by Rushcliffe Borough council also illustrated why accurate and relevant population data was critical to the success of the Local Plan. The opinion was expressed that the Framework could be more useful to the Council than first thought, as it set out the default position that would apply which the Local Plan would overrule if it was found sufficiently sound.

The Portfolio Holder reassured the Cabinet Committee that the Council was in discussions with neighbouring authorities over various issues, including Harlow District Council, although there was some uncertainty over the arbitration process. The Director of Planning & Economic Development clarified that the Council needed to co-operate with other Councils over the Local Plan, but that if one neighbouring Council was dissatisfied over a proposal then the onus was on the Councils involved to resolve it. The Council should not continue regardless and hope that the Planning Inspector would find in its favour at the Examination in Public, as experience so far had shown that the Planning Inspector would send the Council back to an earlier stage in the process to resolve the dispute.

Members expressed serious concerns about deleting planning policies which had been relied upon when making planning decisions. The Green Belt was the single, most important planning issue to residents, as borne out by the Issues & Options consultation and the recent Member workshops. It was felt that the Council should recognise the non-compliant policies but not delete them. The Leader of the Council agreed that the Council should not delete policies that had been used for many years with support from residents. The Leader proposed that the compliant, generally compliant and partially compliant policies should be agreed for continued use, whilst Officers should provide more information regarding the non-compliant policies and the decision on whether to delete them or not should be deferred to the meeting of the Cabinet scheduled for 10 June 2013. The Director of Planning & Economic Development undertook to review the conformity rating again for policy GB9a, Residential Conversions (in the Green Belt), before it was considered by the Cabinet, to provide more information about use of the policies at appeal during the last year and to provide more information in a table about the Plans submitted to Planning Inspectors in the last year which had been overturned; in particular were they Core Strategies, Development Plan Documents or Local Plans.

Recommended:

- (1) That the experience of other authorities in applying the National Planning Policy Framework over the last year, including any lessons learnt, be noted;
- (2) That, following comparison of the Council's existing policies against the National Planning Policy Framework, the policies rated as compliant, generally compliant or partially compliant be continued to be used until the adoption of the new Local Plan superseded them;
- (3) That those existing policies rated as non-compliant be subject to a further report to the meeting of the Cabinet scheduled for 10 June 2013; and
- (4) That the experience of other Councils when their Local Plans were Examined in Public be noted and measures taken to ensure this Council avoided the problems encountered to date.

Reasons for Decision:

It was now necessary to consider the degree of consistency of the Council's Local Plan policies by determining their degree of compliance with the National Planning

Policy Framework and give some prominence to those compliant policies which the Council would continue to use. It was sensible to draw on the experience of other authorities during the operation of the Framework and utilise any lessons for the benefit of the Council.

Other Options Considered and Rejected:

To simply rely on the National Planning Policy Framework until such time as a new Local Plan had gone through more of its procedural stages. However, this would mean that planning applications would be determined by nationally derived policies only rather than those developed at a District level through the preparation of the Local Plan.

CHAIRMAN