

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 24 October 2005
Place: Civic Offices, High Street, Epping **Time:** 7.00 - 9.56 pm
Members Present: J Knapman (Chairman), R Glozier, M Heavens, D Jacobs, S Metcalfe, Mrs C Pond, D Spinks and C Whitbread

Other

Councillors: Councillors D Bateman, Mrs D Borton, Mrs P Brooks, Mrs D Collins, Mrs A Grigg, Mrs A Haigh, J Hart, F Maclaine, R Morgan, B Sandler, B Scrutton, Mrs P Smith, Mrs J H Whitehouse, J M Whitehouse and K Wright

Apologies: Councillors S Barnes

Officers Present: P Haywood (Joint Chief Executive), J Scott (Joint Chief Executive), J Preston (Head of Planning and Economic Development), Ian White (Senior Planning Officer), H Stamp (Principal Planning Officer), A Wintle (Planning Officer), I Willett (Head of Research and Democratic Services), T Carne (Public Relations and Marketing Officer) and A Hendry (Democratic Services Officer)

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DECISIONS TO TAKE EFFECT:	12 December 2005
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86. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, the following Councillors declared a personal interest in item (4) (Local Plan Alterations Redeposit) of the agenda. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the item:

- (i) Councillor J Whitehouse;
- (ii) Councillor Mrs Borton;
- (iii) Councillor K Wright;

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs C Pond declared a personal interest in item (4) (Local Plan Alterations Redeposit) of the agenda. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the item and voting thereon.

(c) Mr Stamp (Principal Planning Officer) declared a personal interest in item (4) (Local Plan Alterations Redeposit) of the agenda, by virtue of having submitted an objection as a local resident to the draft document. He determined that his interest was not prejudicial.

87. ANY OTHER BUSINESS

It was noted that there was no urgent business as defined in the Council's Procedure Rules for consideration at this meeting.

88. LOCAL PLAN ALTERATIONS RE-DEPOSIT

The Portfolio Holder for Planning and Economic Development presented a report on the Local Plan Alterations for re-deposit. He reported that it was incumbent upon the Council to keep the Local Plan as up to date as possible, particularly under the current circumstances when the development plan system was being significantly changed (by the Planning and Compulsory Purchase Act 2004) so as to avoid the possibility of a 'policy vacuum' emerging.

The current Local Plan was adopted in January 1998. This meant, because of all the procedures that had to be followed in its preparation, that much of the information it contains is based on conditions that applied in the early 1990s. Since 1998, much Government policy had been updated, the Replacement Essex Structure Plan was adopted in April 2001, and the Council's Housing Needs Survey (2003) identified significant problems with the provision of affordable housing.

Experience of policy implementation, particularly, through appeal decisions, suggested that some policies either needed reconsideration or at least fine-tuning, and some new policies were needed. In agreeing to review the Plan, the former Development Committee recommended in 2000 that the Alterations should focus on those matters that are essential.

The aims of the Alterations had therefore been to:

- (a) focus resources on matters which are essential and would have a most useful outcome for the future of the district; and
- (b) to be as cost effective as possible, making the best use of limited resources.

Some other local authorities chose to completely review their Local Plan and prepare a new one. Altering the Local Plan, as this Council decided to do, was the most efficient and effective choice.

A conscious decision was taken by the Council not to include a review of Green Belt boundaries / or the allocation of new housing and employment land (although these were originally intended to be included in a second set of Alterations). The East of England Plan (EEP), now due for adoption in 2007, would set new housing and employment targets for the district up to 2021. It would be premature to start allocating sites when the final totals are not yet known, nor how location specific the recommendations of the EEP will be.

A Key Issues document was issued for public consultation in December 2003. The First Deposit was published in June 2004 (over 800 responses received), and the Redeposit in July 2005 (over 500 responses received). The new development planning system being introduced by the Planning and Compulsory Purchase Act 2004 removed the modifications stage: in future all Public Inquiry reports would be binding on the local authority.

GO-East, after discussions with the Planning Inspectorate, has agreed that the Council can prepare a list of proposed minor changes in an attempt to address some of the points which have arisen in the Redeposit consultation. This list will be sent to the inspector before the inquiry and he will decide whether the proposed change is sufficiently minor (a) not to justify further consultation or (b) that it does not need to be considered in public at the inquiry. Where an Inspector determined that any of the 'minor' changes need to be considered in public, officers will take no further action on these, but will present the case for change at the Inquiry. Members' consideration of the proposed changes in the appendices to the report was therefore crucial. The text in the appendices will form the basis of discussions with objectors about withdrawing their objections before the Inquiry, and the basis of the Council's case for matters that do go to the Inquiry.

The Cabinet noted that if the Council did not secure approval of this Plan their arguments against the East of England Plan would be that much weaker. Also, if the 21 July 2006 deadline was not met, then legislation would require the council to wait (some time) to put in changes under the new regime.

Each Appendix was then considered, debated and agreed in turn. Clarification was asked for in Appendix 6, page 101 on policy paragraph E13A, where it refers to i) and ii) and then to a) and b). The officer said this would be investigated and an explanation be given at the following Council meeting.

Councillor Whitehouse asked for an amendment to recommendation (3), namely that if the Portfolio Holder wanted to make any subsequent changes to the working policy, that these should be published in the Members' Bulletin. This was adopted.

An amendment was sought to recommendation (4), which authorised the Portfolio Holder for Planning and Economic Development to adopt the Local Plan Alterations following receipt of the binding Inspector's report. The amendment sought approval for the Leader of the Council to be added as a substitute authorising Portfolio Holder in case of the unavailability of the Planning and Economic Development Portfolio Holder. This was also adopted.

RESOLVED:

That a report be submitted to the Council as follows:

- (1) That the officers' responses to the representations made on the Redeposit be agreed;
- (2) That the alterations be agreed, subject to the clarification at the Council meeting of E13A, for submission to the Public Inquiry (programmed for late February 2006);
- (3) That the Portfolio Holder for Planning and Economic Development be authorised to take decisions on subsequent changes to policies and text, prior to the commencement of the Inquiry, following any further negotiations with objectors (as explained in paragraph 3.5 of the report) and that any changes be reported to members in the Members' Bulletin; and
- (4) That the Portfolio Holder for Planning and Economic Development (or in his absence the Leader of the Council as Substitute) be authorised to adopt the Local Plan Alterations following receipt of the binding Inspector's report in the particular circumstances described in paragraph 5.3 of the report.

Reason for decision:

The Cabinet was requested to make decisions on officers' proposals for changes to the re-deposit (in the light of representations received as a result of the consultation exercise). These decisions would guide officers in further negotiations and, more particularly, in presenting the Council's case at a Public Inquiry (currently programmed to commence on 21 February 2006).

Options considered and rejected:

To abandon the Alterations and move immediately to preparing Local Development Documents under the Local Development Framework (LDF). This option could leave the Council open to legal challenge, and would certainly weaken the Council's case in dealing with applications and at appeals. There are likely to be applications for major residential development in the near future, as a result of the proposals in the Draft East of England Plan. These could be submitted before formal adoption of the East of England Plan, and almost certainly well before any new policies could be adopted under the LDF. Many Adopted Local Plan policies would now not be particularly effective in dealing with such applications (and policies in the Replacement Structure Plan may be lost before then).

89. RESTRUCTURE OF PLANNING AND ECONOMIC DEVELOPMENT SERVICES

The Portfolio Holder for Planning and Economic Development presented a report on the proposed restructuring of the Planning and Economic Development Services. To enable a full and frank debate on this issue the attending Planning Officers left the chamber, leaving the Head of Planning and Economic Development Services in attendance.

The report considered problems with the existing structure; many of which underscored concerns about performance. It proposed and explained key attributes of the new structure and the expected outcomes. It explained the costs envisaged, and how these were to be funded. The report dealt firstly with the administrative arrangements, and secondly with the professional arrangements.

Administrative Staff.

It was noted that the administrative staff operate in small disparate cells, where there is no clear management or supervisory hierarchy, no clear career structure, nor clear opportunities for providing cover for one another, whether that is to answer telephones, or cover leave or peaks of work. The staff operates on a variety of full time and part time hours that compounds the disadvantages.

The proposals could not be seen in isolation from other steps being taken to improve performance, in particular changes to accommodation and changes to ICT. Indeed each of these supports each other.

Professional Staff.

Further changes to add to the professional team are dependent upon the introduction of the new ICT system, completion of the administration restructure, and completion of accommodation changes.

The meeting noted that this would not be cost neutral, to improve the service two more people must be put in post. The workload for Planning has been very high for some time now and something had to be done soon. It was agreed that Planning Services needed an overhaul, however the need for an immediate agreement to budget growth was debated at length. Some members wondered if this item for growth should not be put into the system in the normal way and decided upon with all the other financial matters by the end of the financial year. It was also debated if the report should firstly go to the full Overview and Scrutiny Committee and then through the bidding process, but it was agreed that this would take time and would mean unacceptable delay in implementation. It was decided that the proposed restructure could not go ahead without the immediate approval of the CSB growth items and that the additional expenditure be confirmed.

RESOLVED:

- (1) That the new structure for Planning & Economic Development Services be agreed;
- (2) That, a report be submitted to the Council recommending that the additional costs generated by the new structure be funded:
 - (a) in the current year in the sum of up to £19,500 from savings in the Planning and Economic Development staffing budgets;
 - (b) in future years in the sum of up to £96,000 (offset by £18,000 per annum from the Building Control ring fenced account) as an increase in the salary budget
 - (c) for the purposes of recommendation 2 (b) above, the normal process for approval of CSB growth items as part of the draft budget for 2006/2007 and future years be waived and this additional expenditure be confirmed at this meeting and included in the 2006/2007 budget as a committed item; and
- (3) That a detailed proposal be requested from TerraQuest to undertake further process mapping exercises in the last quarter of this Financial Year.

Reason for Decision:

The Senior Management Review in 2003 had requested a review of Planning Services, in particular because Estates Division had been transferred to Legal & Administrative Services and the Economic Development had been transferred to Planning Services.

The report also addressed responsibilities for business processes, such as accounts and administrative support needed to be addressed.

The proposals were designed with customers in mind but also to improve staff services so as to improve performance.

Options considered and rejected:

Doing nothing about the present performance issues described was not considered an option.

CHAIRMAN