

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 11 March 2013

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

Members Present: C Whitbread (Chairman), Ms S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, Mrs A Grigg, D Stallan, H Ulkun and G Waller

Other Councillors: K Angold-Stephens, L Girling, Ms J Hart, A Mitchell MBE, R Morgan, S Murray, J Philip, Mrs C Pond, B Rolfe, Mrs J H Whitehouse, J M Whitehouse and D Wixley

Apologies: Mrs E Webster

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), N Richardson (Assistant Director (Development Control)), T Carne (Public Relations and Marketing Officer), S Mitchell (PR Website Editor) and G J Woodhall (Democratic Services Officer)

120. WEBCASTING INTRODUCTION

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

121. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor J H Whitehouse declared a personal interest in agenda item 8, Housing Improvements & Service Enhancements, by virtue of being a Trustee of the Lighthouse Furniture Project. The Councillor had determined that her interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

122. MINUTES

Resolved:

(1) That the minutes of the meeting held on 4 February 2013 be taken as read and signed by the Chairman as a correct record.

123. REPORTS OF PORTFOLIO HOLDERS

Planning Portfolio Holder

(a) The Portfolio Holder thanked the Members who attended the recent Local Plan Workshops, and the efforts of the Officers in organising the Workshops. Many constructive comments were received during the course of the Workshops and further updates would be provided at meetings of the Local Plan Cabinet Committee.

(b) The Portfolio Holder reported that a series of meetings had been scheduled with the London Borough of Enfield and Broxbourne Borough Councils to consider areas of common interest. The first meeting would discuss the use of land for the production and supply of food. These meetings would assist with the production of the Council's Local Plan, and a Letter of Understanding between the three Councils would be forthcoming.

Safer, Greener & Highways Portfolio Holder

(a) The Portfolio Holder reported on the impact of commuter parking on the Council's car parks. The Cabinet was informed that, following a price increase at Epping Station to £6 for all-day parking, many commuters were now opting to park in the Council's long-stay car parks in Epping as the charge had remained at £2.80 per day for the last four years. This was now having a detrimental effect on local shoppers and visitors, and consequently was a cause of concern to local retailers. A number of solutions to this problem was now being investigated, including the possibility of increasing capacity by the construction of an upper deck at one or more long-stay car parks, and a report would be submitted to the Cabinet in due course.

(b) The Portfolio Holder informed the Cabinet that all 19 of the Council-owned car parks had received accreditation from the British Parking Association (BPA). Whilst there are some minor maintenance and signage issues to resolve, the accreditation indicates that the car parks were considered a safe and non-threatening environment for users, and vehicle crime was very low.

(c) The Portfolio Holder provided an update on the minor parking schemes being undertaken by the North Essex Parking Partnership (NEPP). Public consultations had been completed for the schemes at Western Avenue and Kendal Avenue in Epping, Torrington Drive in Loughton and the Wantz in Hastingwood. Final approval for these schemes would be sought in April, and implementation was scheduled for August 2013. An informal one-month public consultation would begin this month for the schemes in York Hill, Forest Way, Pump Hill, Queens Road, Staples Road and associated cul-de-sacs (all in Loughton), Ashlyns Road, St John's Road and Chapel Road (all in Epping).

(d) The Portfolio Holder stated that it was intended to invite ward members to a meeting with the design engineers from Essex Highways Design & Consultancy team to discuss the scheme proposal for the Buckhurst Hill Parking Review and agree a timetable for implementation. Suggested dates for the meeting would be circulated shortly.

124. PUBLIC QUESTIONS

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

125. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meeting held on 5 March 2013:

(a) a presentation from the Head of Highways Commissioning at Essex County Council, who advised on the evolving relationship between Highways, the District Council and the public, and advised that the County Council had entered into a partnership with Ringway Jacobs to work together to find the best method to deliver services; and

(b) a report on the Council's Corporate Plan 2011-15 and the Key Objectives for 2013/14.

The Cabinet's agenda was reviewed but there were no specific issues identified on any of the items being considered. However, one member inquired as to how charging for retrospective applications could be considered ultra vires?

126. HOUSING IMPROVEMENTS & SERVICE ENHANCEMENTS

The Chairman of the Housing Scrutiny Panel presented a report on the proposed Housing improvements and service enhancements for 2013/14.

The Cabinet was informed that the Scrutiny Panel had met on 28 January 2013 to consider progress with the projects funded by the Housing Improvements and Service Enhancements Budget in 2012/13 and to consider proposals from the Director of Housing for the use of the resources available to the budget in 2013/14.

The Chairman of the Scrutiny Panel explained that when the Cabinet agreed the strategic approach for the Council's new 30-Year Housing Revenue Account (HRA) Financial Plan, it had requested the Housing Scrutiny Panel to consider and recommend to the Cabinet a proposed list of housing improvements and service enhancements, utilising the additional funding of £770,000 per annum made available as a result of HRA self-financing. The Scrutiny Panel had formulated a proposed list of 15 separate housing improvements and service enhancements for the current year (2012/13), which were subsequently approved by the Cabinet. An out-turn report on the forecast expenditure and the progress made on these projects had been provided at Appendix 1 to the report.

The Cabinet was reminded that the Scrutiny Panel had also been asked to consider and recommend further housing improvements and service enhancements to be undertaken in 2013/14, funded from the additional HRA resources available next year. The Scrutiny Panel's proposals for the use of the £570,000 available for new projects next year, along with the arrangements for agreeing the expenditure, were provided at Appendix 2 to the report, with a summary of the costs involved attached at Appendix 3 to the report. The Scrutiny Panel had also suggested that, in future, the budget should be utilised as a Housing Improvements and Service Enhancements Fund, with the HRA contributing an agreed amount to the Fund each year, based on the estimated surplus available through the HRA Financial Plan.

The Housing Portfolio Holder responded that he fully supported the recommendations of the Scrutiny Panel and thanked them for their efforts. The proposed Major Capital Housing Projects Reserve would be very important for funding large projects in the future, and he welcomed the recommendation to use the new Reserve to bring the properties in Marden Close, Chigwell back into use as the first call on the Reserve. The comments from the Tenants & Leaseholders Federation were generally supportive of the recommendations, and the Portfolio Holder was happy for the Scrutiny Panel to make further proposals for 2014/15 at its meeting in January 2014.

There was one concern expressed at the meeting, that the Major Capital Housing Projects Reserve could build up a high level of funds rather rapidly, and the expenditure from this Reserve should be made subject to normal levels of approval rather than just the Housing Portfolio Holder. The Portfolio Holder reassured the Cabinet that there would be regular reports to both the Cabinet and the Scrutiny Panel monitoring the expenditure of this Reserve.

The Cabinet was informed that the Lighthouse Furniture Project (acting on behalf of the Epping Forest ReUse furniture recycling scheme) had signed a lease for premises and was anticipating being operational within two weeks. A request to release the grants, previously agreed by the Cabinet, had been made to Officers and they were expected to be paid shortly. The Council's Solicitor confirmed that a copy of the lease had been received and it would be verified in the near future. Once this was complete and any issues resolved, the Council's Finance Directorate would be informed that the Grant funding could be released to the Project.

Decision:

(1) That, in future, the budget for housing improvements and service enhancements be operated as a Housing Improvements and Service Enhancements Fund with:

(a) The Housing Revenue Account (HRA) contributing an agreed amount to the Fund each year, based on the estimated surplus available through the HRA Financial Plan;

(b) The Cabinet agreeing the amount to be contributed to the Fund each year for housing improvements/service enhancements; and

(c) Any underspends or overspends on the Fund at the end of the year being carried forward within the Fund to the following year;

(2) That the progress and latest outturn forecasts for each of the housing improvement and service enhancement projects agreed for 2012/13, provided at Appendix 1 of the report, be noted;

(3) That the associated expenditure for any further slippages on individual projects in 2012/13 be carried forward to complete the projects in 2013/14;

(4) That the following list of housing improvements and service enhancements for 2013/14 and associated recommendations for each project (as set-out in detail at Appendix 2 of the report), be approved:

(a) That a full time Senior Cleaner post be created from 1 April 2013, at a cost (subject to job evaluation) of approximately £16,500 per annum, including on-costs;

(b) That the sheltered housing budget be increased by £14,000 for 2013/14 and £10,000 per annum for the following two years, to fund a replacement programme to renew the lounge chairs at the Council's sheltered housing schemes;

(c) That a further In-Year Housing Improvements and Enhancements Fund of £50,000 per annum be set aside and used to undertake small additional housing improvements and enhancements identified during the course of the next three years by members and officers that benefit tenants;

(d) That the Director of Housing be authorised to determine the use of the In-Year Fund for such housing improvements and enhancements, subject to any individual projects above £10,000 being authorised by Housing Portfolio Holder;

(e) That a Major Capital Housing Projects Reserve be established, funded from the Housing Improvements and Service Enhancements Fund, to enable resources to be accumulated and available when required for major capital housing projects;

(f) That the following resources be allocated to the Reserve, initially, over the following three years:

- 2013/14 - £330,000;
- 2014/15 - £850,000; and
- 2015/16 - £850,000;

(g) That the use of the Reserve for major schemes must have the approval of the Housing Portfolio Holder, and that delegated authority be given to the Housing Portfolio Holder accordingly; and

(h) That, subject to the Cabinet agreeing the principle at its meeting on 4 February 2013 and the new Council Housebuilding Cabinet Committee approving the final proposed scheme and costings, the first call on the Major Capital Housing Projects Reserve be to fund the proposed Conversion Scheme at Marden Close, Chigwell Row; and

(5) That, at its meeting in January 2014, the Housing Scrutiny Panel be asked to consider and recommend to the Cabinet the proposed use of the Housing Improvements and Service Enhancements Fund for 2014/15.

Reasons for Decision:

Additional resources of £570,000 were available within the new HRA Financial Plan, to spend on additional housing improvements and service enhancements in 2013/14.

Other Options Considered and Rejected:

To agree a different list of improvements and service enhancements, or to allocate funding differently between the proposed schemes.

127. CORPORATE PLAN 2011-15 - KEY OBJECTIVES 2013/14

The Leader of the Council presented a report on the Council's proposed Key Objectives for 2013/14, which formed part of the Corporate Plan for the period 2011-15.

The Leader stated that the annual identification of Key Objectives provided an opportunity for the Council to focus specific attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered over the coming year. The Key Objectives were intended to provide a clear statement of the Council's overall intentions for each year, containing specific actions to achieve desired outcomes. The Key Objectives were not intended to reflect everything that the Council did, but rather to focus on national priorities set by the Government and local challenges within the District. The key objectives represented the Council's high-level initiatives and goals for the year ahead, and were agreed alongside the setting of the annual budget, to ensure that the achievement of actions was adequately resourced.

The Leader advised the Cabinet that a revised version of the original Appendix had been tabled at the meeting, which incorporated the amendments requested by the Overview & Scrutiny Committee at its meeting last week. The proposed review of the

Council's electoral arrangements, including the future electoral cycle and warding arrangements, had been removed as a Key Objective as it was felt that the Council had greater priorities at the current time. The Council had managed to protect its frontline services until now, despite the reduction in the Council's income, and this would be the aim in the future but could not be unilaterally guaranteed.

The Portfolio Holder for Asset Management & Economic Development added a further two amendments to the proposed Key Objectives for next year. The first amendment was for the report by Drivers Jonas Deloitte reviewing the future of North Weald Airfield to be considered by the Cabinet by 10 June 2013, not 22 July 2013. The second amendment was for the Nursery Service to be relocated from the Pyrles Lanes site by 31 December 2014, rather than the original date of 31 March 2014.

The Members present at the meeting supported the changes to the Council's proposed Key Objectives for 2013/14, especially the protection of the Council's frontline services and the postponement of the review of the Council's electoral arrangements.

Decision:

(1) That, after incorporating the changes requested by the Overview and Scrutiny Committee, the following further amendments be made to the Council's Key Objectives for 2013/14:

(a) consideration of the report by Drivers Jonas Deloitte reviewing the future of North Weald Airfield by 10 June 2013, not 22 July 2013; and

(b) the Nursery Service to be relocated from the Pyrles Lane site by 31 December 2014, not 31 March 2014;

(2) That the revised proposed key objectives for 2013/14 be recommended to the Council for adoption; and

(3) That progress against the actions to achieve the Key Objectives for 2013/14 be reported to the Cabinet and the Overview and Scrutiny Committee on a quarterly basis.

Reasons for Decision:

The identification of the Council's medium-term aims over the four-year period of the Corporate Plan, and the annual adoption of key objectives and service delivery priorities, provided an opportunity for the Council to focus specific attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered.

Other Options Considered and Rejected:

The Council could decide not to adopt any Key Objectives for 2013/14, although this could mean that opportunities for improvement were lost. Failure to monitor and review performance against Key Objectives and outcomes, and to take corrective action where necessary, could have negative implications for the reputation of the Council and for judgements made about the progress of the Council.

128. EXTENDING THE RANGE OF PRE-PLANNING APPLICATION CHARGING

The Planning Portfolio Holder introduced a report on the proposed extension of the

pre-planning application charging regime.

The Portfolio Holder reported that, as some 25 to 30 informal requests for planning advice were received each week, it was proposed to introduce further charges for "Minor" category new dwellings and commercial developments as well as increase the charge on "Major" category applications of 100 residential units and over or commercial development 10,000 square metres. This would help to recoup the cost of these services, given that this kind of advice drew significantly on the time of Planning Officers. Although it was not a statutory duty, it was often seen as an integral part of the planning process for which a reasonable charge could be made. The current Planning Duty Officer system would still provide free initial, in principle, advice.

The Portfolio Holder stated that a number of requests were often of a 'frivolous' nature in that there was no serious intention to proceed with a proposal, but it still took up Officer time in responding. Experience elsewhere suggested that these types of request would reduce in number once charges were introduced. The expansion of the current charging to include a range of pre-application charges would also help Development Control to sustain and improve its current levels of service as well as bring in additional income for this service.

The Portfolio Holder added that the proposed charging level was in line with the recommendation made by the Planning Services Scrutiny Standing Panel at its meeting on 11 December 2012. A suggested addition of pre-application charging for retrospective applications by the Overview and Scrutiny Committee at their meeting on 29 January 2013 was not recommended following advice from the Council's Senior Lawyer that this would be ultra vires and open to challenge. Furthermore, research of other council's pre-application charging schemes did not reveal any instances of charging for retrospective applications.

One of the Members present expressed his disappointment that the Council could not charge for providing pre-application advice on retrospective planning applications and requested to hear the ultra vires reasons for this. The Council's solicitor stated that the Council could not apply a penalty when there was no basis in statute for it. A general fee rise would punish all retrospective planning applications, regardless of whether they were more expensive to process or not. It was pointed out to the Council's Solicitor that the topic of discussion was pre-application charging and applicants were not obliged to seek advice before submitting their planning application. However, the Council's Solicitor responded that the Council could only charge an extra fee if it was for the recouping of a cost. There would be a high risk of a legal challenge as there was no legal basis to levy additional fees for retrospective planning applications, and therefore the Council's Solicitor could not advise the Cabinet to lawfully approve this measure. The Assistant Director of Planning & Economic Development (Development Control) added that most retrospective planning applications would fall within one of the four proposed categories and a higher rate charged for pre-application advice. It would only be for extensions to existing dwellings where there would be no charge for pre-application advice.

The Portfolio Holder stated that he shared the Member's frustrations about retrospective planning applications, and would be very keen to amend the charging regime to include retrospective planning applications if the law was changed in the future. The Leader of the Council suggested that a letter be written to the Government Minister outlining the Council's concerns regarding the costs involved in processing retrospective applications for planning permission. The Cabinet agreed that this would be a good idea, with a copy forwarded to the District's three Members of Parliament.

Decision:

- (1) That the current pre-application charging regime be expanded to include advice on Minor type applications; and
- (2) That, as set out in Appendix 1 of the report, the approach taken and fees levied by other Councils be noted;
- (3) That the following levels of fees for pre-application advice be agreed:
 - (a) Major Developments (creation of 100 or more new residential units, creation of commercial development or changes of use of 10,000 square metres or more) be charged £3,000 plus VAT;
 - (b) Major Developments (creation of 10 to 99 new residential units, creation of commercial development or changes of use between 1,000-9,999 square metres) be charged £1,500 plus VAT;
 - (c) Minor Developments (creation of 2 to 9 new residential units, creation of commercial development or changes of use between 100-999 square metres) be charged £700 plus VAT; and
 - (d) Minor Developments (creation of 1 new or replacement residential unit, creation of commercial development or changes of use up to 100 square metres) be charged £250 plus VAT; and
- (4) That a letter be written by the Director of Planning & Economic Development to the Chief Planner at the Department of Communities & Local Government outlining the Council's concerns regarding the cost involved in processing retrospective applications for planning permission, with a copy to the District's three Members of Parliament.

Reasons for Decision:

A scheme focused on minor and major developments was recommended as developers would be able to assimilate these costs into their overall costs more readily and it would not penalise householders unnecessarily nor dissuade them from seeking advice.

It was difficult to predict what such charges were likely to bring in a full year, but a modest income in the order of £40,000 was expected. However, there would be some internal costs associated with administering the scheme.

Other Options Considered and Rejected:

To continue with the current scheme of pre-application charges just for major type applications.

To introduce a more wide ranging scheme of pre-application charges for all prospective applicants, i.e. to charge pre-application advice on householder extensions.

To categorise all pre-application advice as a service without specific charge.

129. REVIEW OF THE HOUSING BENEFIT LOCAL SCHEME

The Portfolio Holder for Finance & Technology presented a report concerning the recent review of the Housing Benefit Local Scheme.

The Cabinet was reminded that the Council had resolved to adopt a modification to the Housing Benefit scheme at a Council meeting on 4 July 1989. The adopted Local Scheme allowed for 100% of any War Pension or War Widow's Pension to be disregarded in the calculation of Housing Benefit entitlement. Since that time there had not been a review of the Local Scheme and there was therefore no resolution to disregard any Armed Forces Compensation Payments, which had replaced War Pension payments. The Armed Forces Compensation Payments were introduced in 2005 to replace the old War Pension scheme. As the current resolution did not allow for these payments to be disregarded, the scheme had been reviewed and the Cabinet was requested to confirm that 100% of any War Pension, War Widow's Pension, War Widower's Pension or Armed Forces Compensation Payment be disregarded in the calculation of Housing Benefit. The cost of the revised Local Scheme to the Council in 2012/13 was expected to be in the region of £5,500.

In addition, the Portfolio Holder requested that any future successor scheme to War Pensions, War Widow's Pensions, War Widower Pensions or Armed Forces Compensation payments be treated in a similar fashion, without the need for explicit Cabinet approval.

Decision:

(1) That a 100% disregard of War Pensions, War Widow's Pensions, War Widower's Pensions and Armed Forces Compensation Payments, or any other successor scheme, in the calculation of Housing Benefit be approved.

Reasons for Decision:

The decision by the Council to disregard 100% of War Pensions and War Widow's Pensions had not been reviewed for many years and a new resolution was required to enable Armed Forces Compensation Payments to also be fully disregarded.

Other Options Considered and Rejected:

To not modify the Housing Benefit scheme and to disregard only the statutory £10.00 per week from any War Pension or Armed Forces Compensation Scheme.

To adopt a scheme whereby a percentage of less than 100% of the pension is disregarded.

130. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Cabinet.

CHAIRMAN