

## EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

**Committee:** Cabinet

**Date:** 22 July 2013

**Place:** Council Chamber, Civic Offices,  
High Street, Epping

**Time:** 7.00 - 10.55 pm

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

### **Other**

**Councillors:** K Avey, A Boyce, R Butler, Ms H Kane, A Lion, Mrs M McEwen, R Morgan, S Murray, J Philip, Mrs C Pond, B Rolfe, Mrs M Sartin, Ms G Shiell, Mrs L Wagland, Ms S Watson, Mrs J H Whitehouse, J M Whitehouse and D Wixley

**Apologies:** -

**Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), J Gilbert (Director of Environment and Street Scene), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), J Nolan (Assistant Director (Environment & Neighbourhoods)), J Twinn (Assistant Director (Benefits)), R Wilson (Assistant Director (Operations)), A Cronin (Interim Assistant Director), D Goodey (General Manager North Weald Airfield), T Carne (Public Relations and Marketing Officer), P Seager (Chairman's Secretary) and G J Woodhall (Democratic Services Officer)

### **15. WEBCASTING INTRODUCTION**

The Leader 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.

### **16. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillors A Grigg and D Stallan declared a personal interest in agenda items 8 and 10, Review of North Weald Airfield, by virtue of being members of North Weald Bassett Parish Council, having made individual representations during the Issues & Options consultation of the Local Plan process, and having attended a meeting between Deloitte Real Estate and North Weald Bassett Parish Council. The Councillors had determined that their interests were non-pecuniary and would remain in the meeting for the consideration of the issue.

### **17. MINUTES**

#### **Resolved:**

(1) That the minutes of the meeting held on 10 June 2013 be taken as read and signed by the Chairman as a correct record.

**18. REPORTS OF PORTFOLIO HOLDERS**

There were no additional verbal reports from the Portfolio Holders present.

**19. PUBLIC QUESTIONS**

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

**20. 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 16 July 2013:

- (a) a presentation and draft annual report from the Local Strategic Partnership detailing their work over the past year and their programme for the next twelve months;
- (b) the current Crossrail II consultation and the Council's proposed response;
- (c) an outturn report on the Council's Key Objectives for 2012/13;
- (d) reports from the Constitution & Member Services Scrutiny Panel concerning:
  - (i) the Council's Employment Procedure Rules; and
  - (ii) the convention on working relationships between Political Groups and Officers; and
- (e) the annual review of the Elections held in May 2013.

The Cabinet's agenda was reviewed but there were no specific issues identified on any of the items being considered.

**21. REVIEW OF NORTH WEALD AIRFIELD**

The Portfolio Holder for Asset Management & Economic Development presented a report on the Review of North Weald Airfield.

The Portfolio Holder reminded that Cabinet that it had appointed Deloitte Real Estate (Drivers Jonas Deloitte) to undertake the North Weald Airfield development study in early February 2013. Since their appointment, Deloitte had undertaken a wide range of stakeholder interviews, including all tenants/users of the Airfield and North Weald Bassett Parish Council, and conducted a Cabinet workshop. They had also conducted a range of soft market testing with aviation and development organisations in order to determine the market attractiveness of the various development options, which were:

- (i) an intensification of aviation;
- (ii) a non aviation based solution; and
- (iii) a mixed aviation/development based option.

Each of the options for development were assessed in terms of: technical feasibility; financial feasibility; market attractiveness; risk; and community value. The report was

in two parts, one public and one private, due to commercial confidentiality and set out the options for development and assessed each against the five criteria above.

The Portfolio Holder reminded the Cabinet of the key considerations in relation to the review of the Airfield:

- Although the Airfield operated at a surplus, this was generated predominantly by the Saturday and Bank Holiday markets.
- Aviation activity was being subsidised by non-aviation activity, and this was not considered sustainable in the long term.
- The Airfield was not generating the sort of financial return that an asset of its size and value should.
- The infrastructure of the Airfield was deteriorating, by virtue of its age, although the runways and taxiways were regularly maintained.
- Some of the aviation tenants had very long leases, which also included runway licences for a fixed number of aviation movements (which some tenants regularly exceeded).
- The Airfield was one of the few remaining operational World War Two airfields, and had heritage value including the Grade II listed Control Tower.
- The Airfield was close to two other operational airfields, the largest of which was Stansted and consequently there were airspace limitations at the airfield.
- The majority of the Airfield was within the Metropolitan Green Belt, and any decision to further develop the Airfield would require exceptional circumstances to be demonstrated.

The Cabinet was requested to select which options should go forward for further investigation during the next part of the Local Plan consultation process, known as “Preferred Options”, scheduled to commence during 2014. Representatives of Deloitte were in attendance to give a presentation of their option assessments in both parts 1 and 2 of the Cabinet meeting.

The Cabinet received a presentation from Deloitte Real Estate in support of their review of the Airfield. The presentation outlined the review process, and the analysis of the current situation at the Airfield. The results of the stakeholder consultation were detailed, along with the considerations in relation to the emerging Local Plan, National Planning Policy Framework and the Green Belt restrictions. The issues surrounding alternative uses at the airfield, both aviation and non-aviation, were recounted, including these related to infrastructure and transport.

The presentation then outlined the three (four) options that had been offered for the future development of the Airfield, and the analysis that had been performed for each. Option 1 was intensification of aviation activity, with the aim of North Weald Airfield being able to offer a viable operation to the business aviation market. The financial viability of this option (based on net present value) was negative as there would need to be significant investment to upgrade facilities to attract new business. Option 2(a) was housing led non-aviation development, with 3,400 residential units being built on the site with associated public facilities. The financial viability of this option was high with significant market interest from potential developers. Option 2(b) was employment led non-aviation development, with the emphasis on commercial development for warehouse and distribution use. The financial viability of this option was low, because of lower land values for this type of development. Finally, option 3 was mixed development, with the retention of some aviation activity at the Airfield alongside some residential and associated development of approximately 1,100 units. The financial viability of this option was low, due to the reduced number of dwellings being developed and the potential limitations on future expansion of aviation activities. A comparative analysis of all four options was provided, before the possible next steps were outlined for the benefit of the Cabinet.

Following the end of the 'public' presentation, the consultants from Deloitte Real Estate answered a number of questions and queries from the Members present:

- There was the potential to provide some additional housing at the Airfield before it became necessary to improve the transport infrastructure.
- The intensification of aviation at the Airfield would potentially generate local opposition, due to the environmental and noise impacts of increased aircraft movements, although it was acknowledged that a survey of local residents undertaken by the Parish Council had supported Option 1.
- It was felt that the site was a peculiar shape, hence the possible inclusion of the adjoining land had been considered as part of the review to give a more defensible Green Belt boundary but there had been no discussions with adjoining landowners.
- Currently, the aviation activity was subsidised by the Market and other non aviation related activities; there would need to be a significant increase in the profitability of aviation activity at the Airfield to replace the 60% of revenue provided by the Market.
- If Business Aviation was to be significantly increased then there would also need to be further investment to increase safety at the Airfield, including the purchase of additional land to enable licensing of the Airfield to business aviation requirements.
- There was an awareness of other development proposals in the proximity of Harlow, however developers viewed the Airfield as a potential separate site for development and a certain level of transport infrastructure upgrades were assumed.
- The possibility of a second runway at Stansted Airport had been listed as a risk for Option 1 as the local airspace would get busier and could constrain airspace over North Weald.
- The review had not considered noise issues specifically, although it was acknowledged that this was a potential risk and therefore required further investigation.
- The possibility of agricultural use for the land at the Airfield had not been considered as this would not generate a sufficiently high yield return.
- There had been no formal consultation with National Air Traffic Services (NATS) during the review, only the Civil Aviation Authority (CAA) who raised concerns about the airspace over the Airfield.
- The proposed plans at other Airfields in the south-east of England had not been considered as part of the review.

The Cabinet noted the Executive Summary and presentation from Deloitte Real Estate, before considering whether to move into private session.

**Decision:**

- (1) That the Executive Summary and associated presentation from Deloitte Real Estate setting out their assessment of future development options for North Weald Airfield be noted.

**Reasons for Decision:**

To consider the development options presented by Deloitte and to recommend which option(s) should be included within the "Preferred Options" consultation of the Local Plan process.

**Other Options Considered and Rejected:**

To reject all of the development options put forward by Deloitte and then to either:

- request Deloitte to reconsider and bring forward alternative options for assessment;
- appoint another consultant to review and/or develop alternative options; or
- put forward no recommended option or options for consideration as part of the Local Plan “Preferred Option” consultation process.

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

(1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption was considered to outweigh the potential public interest in disclosing the information:

<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
10	Review of North Weald Airfield	3

**23. REVIEW OF NORTH WEALD AIRFIELD**

The Portfolio Holder for Asset Management & Economic Development introduced the consultants from Deloitte Real Estate for the second part of their presentation.

Deloitte Real Estate provided further information regarding their analysis of the four identified options, including subjects such as the existing long leases at the Airfield and the potential cost to the Council if they were terminated early. Further financial analysis was provided, including growth projections, site enabling costs and a financial summary outcome. Further information was imparted regarding the Planning considerations for each option and the Green Belt review options.

The consultants from Deloitte Real Estate answered further questions from the members present:

- An estimate was given of the cost to the Council to terminate those current leases and runway licences which did not expire until 2057.
- The assumption for the residential development was that the properties would be average family dwellings of between three and five bedrooms, but this had not yet been master planned.
- The consultants had been aware of the on-going Leisure review being undertaken by the Council, and there was the potential to provide a new wet/dry facility at the Airfield; there had been no detailed analysis of revenue or management costs for such a facility.
- A number of developers who had varying degrees of interest in the site had been spoken to as part of the soft market testing, but their identity would not be disclosed at this stage.
- Some leases could be terminated relatively quickly, and then the Council could start the process of negotiation in respect of those properties currently leased out until 2057; the cashflow models had forecast the end date for this process.
- In relation to possible contamination issues, it was reported that previous developments at former wartime airfields had not demonstrated significant

problems of contamination, however this would need investigating although no specific costs had yet been allocated for this.

- It was acknowledged that the Council would obtain a larger on-going revenue stream from commercial development as opposed to residential development.
- The County Council had advised the consultants that the level of development proposed for option 2(a) would not necessitate the building of a new secondary school.

The Cabinet now debated the advantages and disadvantages of each of the four options. It was noted that local residents, when surveyed by North Weald Bassett Parish Council, had favoured option 1, the intensification of aviation use; that both the local Members for North Weald had fully supported this option and had also supported option 3, mixed development, for inclusion in the "Preferred Options" consultation (albeit qualified support by one of the members).

The Leader of the Council, in summing up the debate, emphasised that residents had, through the "Issues and Options" consultation on the Local Plan, repeatedly stated their support for the protection of the Green Belt, but it was acknowledged that further new housing was required to meet the housing need within the District. The Cabinet was reminded that the decision now was to determine which of the four options presented by Deloitte should be included in the "Preferred Options" public consultation stage of the Local Plan process scheduled for 2014.

#### **Decision:**

- (1) That the full review and associated presentation from Deloitte Real Estate setting out their assessment of future development options for North Weald Airfield be noted;
- (2) That the following options not be given further consideration as part of the Local plan process:
  - (a) the intensification of aviation based solution; and
  - (b) the non aviation based solution with a focus on residential development; and
  - (c) the non aviation based solution with a focus on commercial development;
- (3) That, for the mixed aviation/development based option, a further high level master planning exercise focusing on feasibility, deliverability and incorporating the option in the Local Plan be undertaken as part of the assessment process leading to the Local Plan Preferred Options consultation in May 2014;
- (4) That the undertaking of Sustainability Appraisals on all options within the Review be carried out, as they had been considered at some stage of the plan making process; and
- (5) That the additional costs incurred by the master planning exercise in (3) above and the Sustainability Appraisals in (4) above be included in future reviews of the overall Local Plan budget.

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

To consider the development options presented by Deloitte and to recommend which

options should be included within the “Preferred Options” consultation of the Local Plan process.

**Other Options Considered and Rejected:**

To reject all of the development options put forward by Deloitte and then to either:

- request Deloitte to reconsider and bring forward alternative options for assessment;
- appoint another consultant to review and/or develop alternative options; or
- put forward no recommended option or options for consideration as part of the Local Plan “Preferred Option” consultation process.

**24. INCLUSION OF PUBLIC AND PRESS**

**Resolved:**

(1) That the public and press be invited back into the meeting for the remaining items of business.

**25. ADOPTION OF LOCAL DEVELOPMENT SCHEME**

The Planning Portfolio Holder presented a report on the adoption of the Council’s revised Local Development Scheme.

The Portfolio Holder reported that the Council was under a statutory duty to prepare and maintain a scheme to be known as their Local Development Scheme (LDS), which detailed the proposed programme for the preparation of a single document – the Epping Forest Local Plan - to provide a framework for the future development of the District, including the strategic vision and policies for the period up to 2031, site allocations and development management policies. The proposed new scheme would supersede the earlier Local Development Scheme, agreed in June 2012, with the preparation of the single District-wide Local Plan scheduled for submission to the Secretary of State for examination in October 2015.

The Portfolio Holder explained that, since the publication of the current Local Development Scheme in June 2012, the Council had undertaken the Issues and Options consultation between July and October 2012, and further consultation on the draft plan was scheduled to take place from May 2014. The Director of Planning & Economic Development introduced A Cronin to the Cabinet, who would lead the Local Plan development process whilst the Assistant Director (Policy & Conservation) was on maternity leave beginning in August 2013.

One of the Members present highlighted the amount of time taken to process the responses for the “Issues and Options” consultation. The Director of Planning & Economic Development responded that fewer options should generate fewer responses, which would then be quicker to process. A local Member for Theydon Bois commented that having fewer options would not lead to fewer responses; the Council would need to offer the right options for residents to reduce the number of responses. The issue of consulting over the summer holiday period was also highlighted. A local member for Chigwell Village expressed concerns about the Scheme, that a number of areas within the Local Plan process could be improved but the Council was not intending to consult upon them. It was also highlighted that the organisation of Member workshops did not meet the Council’s need to be transparent.

The Director of Planning & Economic Development reassured the Cabinet that the Local Development Scheme would be kept under review and would be amended if necessary. The Planning Portfolio Holder added that he intended to meet with the Local Town and Parish Councils to discuss the various different options and how to respond to the "Preferred Options" consultation.

**Decision:**

(1) That, as attached at Appendix 1 to these minutes, the revised Local Development Scheme be adopted and published on the Council's website, subject to the following amendment:

- (a) revising the end date for the 'Draft plan preparation and sustainability appraisal' phase from May 2013 to May 2014.

**Reasons for Decision:**

To adopt a revised Local Development Scheme for publication on the Council's website setting out the timetable for the production of the Epping Forest Local Plan with a proposed submission date for examination in public of October 2015.

There was a requirement under the Localism Act 2011 to prepare and maintain a Local Development Scheme setting out the proposed development plan documents to be prepared by the authority with a timetable and for this to be made publicly available.

**Other Options Considered and Rejected:**

None, as a plan would not be legally compliant if it was not prepared in accordance with the Local Development Scheme.

**26. PLANNING BUDGETS - LOCAL PLAN AND MATERNITY COVER**

The Planning Portfolio Holder presented an update report on the budgets for the Local Plan and Maternity Cover.

The Portfolio Holder remarked that the last Local Plan budget update had reported on the period to 30 January 2013. It was now clear that a total of £303,033 had been spent in the 2012/13 financial year, and a further £14,976 had been spent in the first two months of the new financial year. Additional work had been commissioned on population and household forecasting, which had not previously been foreseen. Further evidence base work, an extension to the amount available for project management support, and extensions to temporary staff contracts were required. This amounted to additional District Development Funding of £331,933 to be added to the Local Plan budget, and the Cabinet was requested to recommend a supplementary estimate to the Council for this amount.

The Portfolio Holder added that three posts would need to be covered whilst the post holders were on maternity leave through 2013/14 and 2014/15. An additional amount of up to £51,937 could be required to allow for appropriate cover, should each of the post holders take a full year as maternity leave. It was proposed that this would be used alongside the existing Directorate salary budget. One of these post holders was the Assistant Director with responsibility for the Local Plan process. It was considered that the most appropriate option for this role would be to employ an Interim Assistant Director to undertake management of the Forward Planning functions, and preparation of the Local Plan from July 2013. The Interim Assistant



Director would not perform a management role for the Conservation Team and the Trees and Landscape Team; this role would be undertaken by the Assistant Director (Development Control).

The Portfolio Holder stated that, for both the extension of project management support and the appointment of an interim Assistant Director, the Cabinet was requested to waive Contract Standing Orders C14(1) and C14(2) for the agreements with Fortismere Associates and Messrs Gatenby Sanderson.

The Director of Planning & Economic Development acknowledged that the delay in the production of the Council's Local Plan did risk large developments being proposed within the District before new planning policies were agreed. However, the Development Control section was fully staffed and it was expected that the Council could cope with any such applications that were received.

**Decision:**

(1) That the expenditure against the Local Plan budget in the final two months of 2012/13, the overall total for the year, and the expenditure for the first two months of 2013/14 be noted;

(2) That a supplementary District Development Fund estimate in the sum of £331,933 for the Local Plan budget be recommended to the Council for approval to cover:

- (a) further evidence base work;
- (b) extension of existing temporary staff contracts within the Forward Planning team; and
- (c) additional project management support (as outlined within the report);

(3) That the addition of £51,937 to the Planning Salary budget to allow for appropriate maternity cover for the three posts connected to the delivery of the Local Plan be agreed;

(4) That the action taken under delegated authority to engage the services of an Interim Assistant Director, as nominated by Messrs Gatenby Sanderson, for an initial period of one month to shadow the existing post holder so as to ensure continuity in the management of the Local Plan process be noted;

(5) That Contract Standing Orders C14(1) (Compliance with Contract Standing Orders in relation to the appointment of Consultants) and C14(2) (Engagement of Consultants in respect of Contracts exceeding £50,000 in value) be waived to extend without competition the temporary appointment (3 days per week) under (4) above with Messrs Gatenby Sanderson and enter into a contract with the company for a period of up to 12 months; and

(6) That Contract Standing Order C14(1) and (2) be waived in respect of the extension without competition of the existing management support contract with Fortismere Associates for work in connection with the Local Plan process until October 2014.

**Reasons for Decision:**

The further District Development Funding for the Local Plan budget was required to

ensure continued progress with the Local Plan preparation process, and to ensure that sound and robust evidence was obtained to support the emerging document.

The three posts were part of the team responsible for delivery of the Local Plan, and the absence of the post holders had to be adequately covered to continue to allow key milestones to be met.

**Other Options Considered and Rejected:**

To not agree the further District Development Funding for the Local Plan budget.

To not agree the options set out for maternity cover within the Policy & Conservation section of the Planning Directorate, and the subsequent District Development Funding for the Planning Salary budget.

**27. FLEXIBLE AND SECURE STANDARD TENANCY AGREEMENT**

The report on Flexible and Secure Standard Tenancies by the Housing Scrutiny Panel was introduced by its Chairman.

The Chairman of the Scrutiny Panel reminded the Cabinet that, following the adoption of the Council's new Tenancy Policy, it had been agreed to introduce a Pilot Scheme for Flexible (fixed-term) Tenancies from 1 September 2013. These would be granted to all new tenants who signed up to the tenancy of a property of three bedrooms or more for a fixed term of 10 years, including the Introductory Tenancy period. The Panel noted that it was therefore necessary for the Council to have a new Flexible (fixed-term) Tenancy Agreement in place by this time. Officers had undertaken a detailed review of the Conditions under the Council's current Standard Tenancy Agreement and the Panel had considered the proposed main changes.

In order for generally the same Conditions of Tenancy to be applied to both Flexible (fixed-term) Tenants and Secure Tenants in the future, the Scrutiny Panel had proposed that the Council formally varied its Standard Tenancy Agreement for all existing and future Secure Tenants with the intention of the draft Conditions of Tenancy for Flexible (fixed term) Tenants also applying to all existing and future Secure Tenancies. Tenants who had been allocated properties of less than 3 bedrooms from 1 September 2013, would sign up to the current Secure Tenancy Agreement until the variation process was completed. This process included a consultation period, the results of which would be reported to the Cabinet. The Tenants & Leaseholders Federation had been consulted on the draft Conditions of Tenancy and some minor revisions had resulted.

The Housing Portfolio Holder offered his thanks to the Scrutiny Panel, the Tenants & Leaseholders Federation, and Officers for their efforts in formulating the flexible and secure standard tenancy agreements. The Portfolio Holder also highlighted the issues of laminate flooring, garden sheds and the keeping of pets where the Council had paid close attention to the views of its Tenants, as articulated by the Federation.

**Decision:**

(1) That, following the incorporation of the main changes suggested by the Housing Scrutiny Panel, the draft Conditions of Tenancy be applied to all new Flexible (fixed-term) Tenants allocated properties comprising three bedrooms or more from 1 September 2013 in accordance with the Council's Tenancy Policy;

(2) That a consultation exercise be undertaken with all existing Secure Tenants on a proposal to vary its Standard Tenancy Agreement for all existing and future Secure Tenants in accordance with the requirements of Section 102 of the Housing Act 1985 with the draft Conditions of Tenancy relating to Flexible (fixed term) Tenancies generally also applying to all existing and future Secure Tenancies;

(3) That the Director of Housing be authorised to serve a Preliminary Notice on all existing Secure Tenants on the proposed Standard Tenancy Agreement Conditions explaining their effect, stating the Council's intention to serve a Notice of Variation and inviting comments within 28 days; and

(4) That, as soon as possible after receiving comments from Tenants, a further report be submitted to the Cabinet on the responses received to the Preliminary Notice prior to the adoption of the new Standard Tenancy Agreement by the Cabinet and the Notice of Variation being served.

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

Following the adoption of the Tenancy Policy by the Cabinet, the Council had to have a new Flexible (fixed-term) Tenancy Agreement in place to be able to grant Flexible (fixed-term) Tenancies on Council properties of three bedrooms or more from 1 September 2013. Furthermore, in order that both Flexible (fixed-term) Tenants and Secure Tenants Conditions of Tenancy were the same, it would be necessary to vary the Council's Standard Tenancy Agreement for all existing and new Secure Tenants.

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

To not agree the draft new Conditions of Tenancy.

To agree different Conditions of Tenancy.

To not vary the Council's current standard Tenancy Agreement for all existing and new Secure Tenants.

## **28. LOCAL COUNCIL TAX SUPPORT SCHEME 2014/15**

The Portfolio Holder for Finance & Technology presented a report on the Local Council Tax Support Scheme for 2014/15.

The Portfolio Holder reminded the Cabinet that the Council had adopted the Local Council Tax Support scheme for 2013/14 in December 2012. Consideration now had to be given to the scheme for the financial year 2014/15, which would require approval by the Council in December 2013.

The Portfolio Holder stated that, if the current scheme was to be amended, it would be necessary to undertake public consultation on any proposed amendments before the scheme for 2014/15 could be adopted. In view of the timescales, it would be necessary for the consultation to be undertaken during August and September 2013. Although the preferred option would be to make no changes to the current scheme, further savings might be required when the details of the Local Government Finance settlement for 2014/15 was known later in the year. As there would then be no time for a public consultation period after publication of the Local Government Finance Settlement, it was advisable to carry out a consultation exercise prior to that in order to ensure that, if further cuts to Local Council Tax Support were needed to be made, the Authority would have consulted correctly. It was proposed that the forthcoming consultation should specifically include the issues of the percentage of support

provided for working age people, and whether child benefit should be included in the entitlement calculation.

In response to questions from the Members present, the Portfolio Holder clarified that the Scheme had to be agreed every year, and that the Council had to undertake a consultation on its proposed scheme before its agreement. The Assistant Director (Benefits) added that there would be very little time to conduct any consultation on the proposed scheme later in the year once the financial settlement from the Government was known for 2014/15. The call-in procedure was only being waived to allow the Scheme to be implemented by January 2014. It was suggested that this report should have been considered at the Cabinet meeting in June. However, the Director of Finance & ICT stated that the current Scheme had to be allowed to run for a short time in order to ascertain which issues should be consulted on for the 2014/15 Scheme; the short delay also allowed the results of the Government's Comprehensive Spending Review, announced last month, to be known as well. It was highlighted that the consultation would focus on the two issues outlined earlier by the Portfolio Holder.

**Decision:**

- (1) That the Local Council Tax Support scheme for 2014/15 should be cost neutral for the Council be agreed as a general principle;
- (2) That the undertaking of a public consultation exercise on the 2014/15 scheme in August/September 2013 be confirmed;
- (3) That the consultation should specifically include:
  - (a) the percentage of support provided for working age people; and
  - (b) whether child benefit is included in the entitlement calculation; and
- (4) That the Chairman of the Council be requested to waive the call in arrangements for this decision due to its urgency as any delay would prejudice the Council's interest.

**Reasons for Decision:**

The Council was required to undertake a public consultation exercise prior to agreeing any major amendments to the Local Council Tax Support scheme. If amendments were to be made for 2014/15, the revised scheme had to be agreed by the Council and be in place by 31 January 2014.

In view of the tight timescales if it became necessary to make amendments to the scheme for 2014/15, then the consultation needed to be undertaken during August and September. If the consultation was commenced later, it would not be possible to complete the consultation and amend the scheme in time for a further report to the Cabinet in October 2013.

**Other Options Considered and Rejected:**

A consultation exercise would not be required if the Council made a decision now that no amendments would be made to the current scheme for 2014/15. However, the 2013/14 scheme was designed to be cost neutral and if the 2014/15 scheme was also to be cost neutral, then it would be dependent upon the Local Government Finance Settlement. If the settlement reduced funding significantly, the Council might

have no option other than to make cuts to Local Council Tax Support expenditure in order to keep the scheme cost neutral. It would then be too late at that stage to carry out the required consultation exercise.

## 29. POOLING OF NON-DOMESTIC RATES

The Portfolio Holder for Finance & Technology presented a report on the potential pooling of non-domestic rates

The Portfolio Holder reminded the Cabinet that the Local Government Finance Act 2012 had changed how local authorities were financed by introducing local retention of non-domestic rates. In previous years, any increase in non-domestic rates within an area had been paid into a central pool with no direct benefit to the local authority itself. The Government felt it was important to incentivise authorities to pursue economic growth by allowing them to retain some of the benefit from growth in non-domestic rates.

The Portfolio Holder reported that by combining in a pool, it was possible to retain more of the additional funds from growth in non-domestic rates within a county-wide area. Pooling had been considered within Essex for 2013/14 but was not pursued. However, Suffolk had implemented a pooling scheme and the modelling of this scheme currently indicated that £2.376 million of funding would be retained in Suffolk, which would otherwise have been lost to the central pool. The Suffolk scheme had been constructed on the basis that no authority could be worse off as a result of joining the pool.

Consequently, the Portfolio Holder stated it was proposed to develop a scheme for Essex that closely followed the Suffolk model and minimised the amount of growth in non-domestic rates that was paid to the central pool. Any costs incurred through the use of the LG Futures consultancy would be shared equally with the other participating authorities, and the work to develop a countywide pool for Essex would be supervised through the Essex Strategic Leaders Finance Group.

### **Decision:**

- (1) That agreement in principle be given to joining a pool for non-domestic rates;
- (2) That a scheme similar to that in existence in Suffolk be pursued, on the basis that no authority could be worse off in the pool than they would have been outside it;
- (3) That the work on developing a countywide pool be supervised through the Essex Strategic Leaders Finance Group; and
- (4) That the equal sharing with other participating authorities of the costs incurred by using LG Futures to support this work be agreed.

### **Reasons for Decision:**

To provide a structured framework for progressing the pooling of non-domestic rates within Essex.

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

To not pursue the option of pooling, to pool on a different basis to that adopted in Suffolk or that the work should be overseen by a body other than the Essex Strategic Leaders Finance Group.

**30. NOMINATION OF MINOR PARKING RESTRICTION SCHEMES TO NORTH ESSEX PARKING PARTNERSHIP**

The Portfolio Holder for Safer, Greener and Transport introduced a report on the nomination of minor parking restriction schemes to the North Essex Parking Partnership.

The Portfolio Holder reminded the Cabinet that the County Council (as the Highway Authority) had delegated authority to the North Essex Parking Partnership (NEPP) for on-street civil parking enforcement and powers to make new traffic regulation orders. This Council was a member of the Partnership along with Braintree, Colchester, Harlow, Tendring and Uttlesford District Councils. The Partnership had a Joint Committee that considered all matters relating to Traffic Regulation Orders. The Committee comprised Executive Cabinet Members from each District as well as the County Council Cabinet Member for Highways.

The Portfolio Holder informed the Cabinet that each District could put forward schemes for minor parking and waiting restrictions to the Partnership. These would be investigated and Officers from the Partnership would undertake feasibility studies and score each scheme under an agreed set of criteria. Lists of schemes ranked in the order of their score were then submitted to the Districts for consideration. Each District Council had to then nominate its top schemes to the Joint Committee for approval. To ensure that schemes for this District were nominated in time and funding opportunities were not lost, it was proposed that the Portfolio Holder be authorised to put forward schemes based on their NEPP ranking provided there was local support. If a scheme was high on NEPP ranking but lacked local support then it would not be put forward and replaced with the next highest priority scheme which had local support.

The Portfolio Holder reiterated that he would ensure that consultation had been carried out with the relevant Ward and Town/Parish Councillors to ensure there was adequate local support for any scheme being nominated to the Partnership. If it was felt that there was insufficient local support for the proposed scheme, then it would not be nominated to the Partnership until sufficient local support could be demonstrated. All schemes submitted by the Council to the Partnership would be publicised in the Council Bulletin, along with the NEPP ranking list when available.

There was some concern expressed by the Members present that the methodology used by the Partnership was too rigid and did not take account of local knowledge. The proposal to consult with local Councillors before any scheme was submitted to the Partnership was welcomed. It was also felt that the Partnership should not accept direct nomination for schemes from residents, and decisions made by Portfolio Holders should be subject to proper scrutiny.

The Portfolio Holder acknowledged that there were various methods for nominating schemes for consideration by the Partnership, and the Council was not always consulted by the Partnership over possible schemes within the District. The Council had been surprised to learn that over half of the pay-and-display parking schemes proposed by the Partnership had been within the District, with no prior consultation with the Council. The Portfolio Holder confirmed that the Council did lobby the Partnership and the County Council to progress its favoured schemes. This report had taken some time to prepare as there were a number of constitutional issues that had to be overcome; however, it was felt that the proposed solution was the best possible compromise.

**Decision:**

(1) That, to ensure the Council could respond quickly in accordance with the timetable for the submission of minor parking restriction and highway schemes funded by the North Essex Parking Partnership (NEPP), the Portfolio Holder for Safer, Greener & Transport be authorised to establish a list of schemes for consideration by the Partnership, subject to the following:

- (a) selections being based solely on NEPP priority ranking;
- (b) prior consultation with relevant ward Councillors and Town/Parish Councils regarding the schemes proposed for the list to assess local opinion; and
- (c) publication of the ranking list in the Council Bulletin.

**Reasons for Decision:**

The Joint Committee considered Traffic Regulation Order requests 3 or 4 times a year, and the outcomes of feasibility studies undertaken by the Partnership, and their associated scores, did not become available in time to enable the submission of reports to the Cabinet.

By agreeing to authorise the Portfolio Holder to nominate the highest scoring schemes, under the Partnership's criteria, and subject to local support, the Council would be able to nominate schemes in a timely fashion and avoid the risk of missing out on funding opportunities and scheme delivery.

**Other Options Considered and Rejected:**

To nominate schemes by a Portfolio Holder Decision, with call-in waived; however, this could not be recommended as waiver of call-in should be an exception and not routine practice.

To nominate schemes entirely on NEPP scoring, but without consideration of local needs and requirements; however, the Council could then be accused of not having due regard for local needs and priorities.

**31. ADJOURNMENT****Decision:**

(1) That the meeting be adjourned and reconvened at 7.00pm on Monday 29 July 2013.

**CHAIRMAN**