

EPHING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 7 April 2014

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 7.20 pm

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

Other Councillors: K Angold-Stephens, J Knapman, Mrs J Lea, A Mitchell MBE, R Morgan, Mrs C Pond, B Rolfe and Mrs J H Whitehouse

Apologies: R Bassett

Officers Present: G Chipp (Chief Executive), D Macnab (Director of Neighbourhoods), C O'Boyle (Director of Governance), S G Hill (Assistant Director (Governance & Performance Management)), P Maddock (Assistant Director (Accountancy)), T Carne (Public Relations and Marketing Officer), M Kitts (Conservation Officer), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

158. WEBCASTING INTRODUCTION

The Leader of the Council 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.

159. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor C Pond declared a personal interest in agenda item 9, Staples Road and York Hill Conservation Area Character Appraisals, by virtue of being familiar with the areas in question. The Councillor had determined that her interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Knapman declared a personal interest in agenda item 10, Transfer of Victory Hall, Hainault Road, Chigwell, by virtue of being a member of Chigwell Parish Council. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

160. MINUTES

Resolved:

(1) That the minutes of the meeting held on 3 March 2014 be taken as read and signed by the Chairman as a correct record.

161. REPORTS OF PORTFOLIO HOLDERS

There were no further oral reports received from the Portfolio Holders in attendance.

162. PUBLIC QUESTIONS

The Democratic Services Officer reported that there had been no public questions received for consideration by the Cabinet at the meeting.

163. 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 1 April 2014:

- (a) a presentation from Barts Health NHS Trust about their recent inspection and the adverse report concerning Whipps Cross Hospital;
- (b) a review of the Council's petition scheme, and the option for a petitioner to address the Cabinet in the same manner that they could currently address the Council;
- (c) a review of the question time section at Council meetings, and the extension of the time allowed from 20 to 30 minutes at each meeting;
- (d) the Key Decision List for the Council, and the consideration of this document at each meeting in the future, initially for monitoring purposes; and
- (e) the Council's formal response to the East Herts District draft Local Plan.

164. CORPORATE PLAN 2011-15 - KEY OBJECTIVES 2014/15

The Leader of the Council introduced a report on the suggested Key Objectives for 2014/15, as part of the Corporate Plan for the four-year period 2011-15.

The Leader stated that the Corporate Plan was the Council's key strategic planning document, which set out the priorities for the four-year period from 2011 to 2015, with strategic themes reflecting those of the Community Strategy for the District. Updates to the Corporate Plan were published annually, to reflect the key objectives adopted for each year of the plan and progress against the achievement of objectives for previous years. The key objectives were intended to provide a clear statement of the Council's overall priorities for each year, and were supported by a range of actions and deliverables designed to achieve specific outcomes. Progress in relation to individual actions and deliverables was reviewed on a quarterly and outturn basis.

The Leader reported that there were eight Key Objectives in total, with themes of Communication, Community Engagement, Local Plan, Operating Models, Performance, Public Health, Strategic Sites, and Welfare Reform. Some of the Members present expressed concern about the possibility of unwanted development within the District before the Council's Local Plan was published. The Chief Executive stated that whilst the Council could not guarantee that such applications would not be received, the current policies had been compared against the National Planning Policy Framework and were felt to be sufficiently robust.

Decision:

- (1) That the proposed Key Objectives for 2014/15 be recommended to the Council for adoption.

Reasons for Decision:

The annual adoption of Key Objectives and priorities supported the delivery of the Council's medium-term aims over the four-year period of the Corporate Plan, and provided an opportunity to focus attention on the achievement of specific outcomes and areas for improvement.

Other Options Considered and Rejected:

To not adopt Key Objectives for 2014/15, however this could mean that opportunities for improvement to the Council's performance were lost, which could have a negative impact upon judgements made about the Council.

165. STAPLES ROAD AND YORK HILL CONSERVATION AREA CHARACTER APPRAISALS

The Portfolio Holder for Safer, Greener and Transport presented a report on the Character Appraisals for the Conservation Areas at York Hill and Staples Road.

The Portfolio Holder stated that, by law, Local Planning Authorities were required to determine areas of special architectural or historic interest and designate them as conservation areas. The Local Planning Authority should also publish proposals for the preservation and enhancement of these areas, which should take the form of conservation area management plans, and it was considered best practice to accompany these management plans with character appraisals to chart the history of an area, the reasons for its designation, and the key elements of its special interest. Character appraisals often preceded management plans as they provided the knowledge and understanding required to inform the creation of a successful and meaningful management plan.

The Portfolio Holder added that the character appraisals and management plans for both the Staples Road and York Hill Conservation Areas had been prepared following due process and were now ready to be adopted and published for use by the general public (particularly residents), the Council's Development Control Team, and any other interested parties. Once adopted, the documents would become a material consideration in the planning process and would inform the decisions made relating to proposed developments within the conservation areas. As part of the appraisal process, the adequacy of the conservation area boundaries were assessed. The Staples Road Conservation Area boundary would remain unaltered; however, it was proposed to extend the boundary of the York Hill Conservation Area.

It was enquired as to whether these conservation areas would have a negative impact upon the Local Plan, and whether there would be a further impact from the School in Staples Road. The Portfolio Holder responded that Character Appraisals for Conservation Areas were a material consideration for the Local Plan, and it was expected that any proposals for expansion from the School in Staples Road would be in keeping with the local surroundings; this was confirmed by a local Member for Loughton Roding, who was a Governor at the School.

Decision:

- (1) That the proposed boundary amendment to the York Hill Conservation Area be agreed; and
- (2) That, for the following conservation areas in Loughton, the adoption and publication of the Character Appraisals and Management Plans be approved:

- (a) York Hill; and
- (b) Staples Road.

Reasons for Decision:

Under the provisions of section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities were required to designate areas of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Section 71 of the same Act stated that the Local Planning Authority had a duty to 'publish proposals for the preservation and enhancement' of their conservation areas. This takes the form of a conservation area character appraisal and management plan. Therefore, it was a key statutory duty that these documents were published.

Other Options Considered and Rejected:

If the character appraisals and management plans were not published then the Council would not be fulfilling one of its statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the lack of a character appraisal could make planning decisions within these areas more difficult to defend at appeal.

166. TRANSFER OF VICTORY HALL, HAINAULT ROAD, CHIGWELL

The Portfolio Holder for Asset Management & Economic Development presented a report on the transfer of Victory Hall in Hainault Road, Chigwell to Chigwell Parish Council.

The Portfolio Holder reported that the current lease for Victory Hall would expire in 2019, and Chigwell Parish Council had applied for the land to be transferred to them for nil consideration. Such a transfer would need to be justified on the grounds of the promotion of social, economic and environmental wellbeing, and in the event of commercial or residential development this Council's financial position would be protected by suitable claw back provisions. It was understood that the Parish Council had access to grants to refurbish or replace the community facilities and the transfer provide an opportunity to develop a scheme for the whole site with Essex County Council. A condition of the transfer would be the extinguishment of the Council's current repair liability for the access road.

A local Member for Chigwell Village, who was also a member of Chigwell Parish Council, welcomed the report and stated that the Parish Council was intending to transform the site; this would provide youth and old age pensioner facilities.

Decision:

- (1) That the Council's freehold interest in Site A (as shown on the plan appended to the report) be transferred to Chigwell Parish Council for nil consideration, subject to a claw back provision in the event that commercial or residential development of this site was proposed;
- (2) That any residual maintenance liability on Site A for the Council be extinguished upon transfer of the site;

(3) That the Council's legal interest in Site C be transferred to Chigwell Parish Council, subject to a claw back provision as per Site A; and

(4) That, in consultation with the Portfolio Holder for Asset Management & Economic Development, the Director of Governance be given delegated authority to negotiate and agree the final terms.

Reasons for Decision:

To provide enhanced community facilities in Chigwell.

Other Options Considered and Rejected:

To negotiate a new lease with the Trustees of Victory Hall and lose the opportunity for a comprehensive scheme with the adjoining land.

167. ANY OTHER BUSINESS

Decision:

(1) That, as agreed by the Leader of the Council 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) Finance & Performance Management Cabinet Committee – 20 March 2014.

168. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 20 MARCH 2014

The Portfolio Holder for Finance & Technology presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 20 March 2014.

The Cabinet Committee had made recommendations to the Cabinet regarding the Corporate Risk Register and Risk Management. Other issues that the Cabinet Committee had considered included: the Quarter 3 Performance of Key Performance Indicators for 2013/14 and the proposed Key Performance Indicators and targets for 2014/15; the draft Audit Plan for 2014/15; and the Financial Monitoring Reports for the third quarter of 2013/14.

Decision:

Risk Management – Corporate Risk Register & Risk Management

- (1) That the key dates within the Action Plan for Risk 1, Local Plan, be updated;
- (2) That for Risk 4, Finance Income, the risks of loss from legislative change to Land Charges and outstanding National Non-Domestic Rates appeals be updated;
- (3) That the Action Plan for Risk 5, Data/Information, be amended to reflect the progress made with e-learning modules for Officers and the introduction of Data Protection Awareness within the Member Induction programme;

- (4) That the vulnerability for Risk 7, Business Continuity, be amended to reflect the short term risk of the Tour de France passing through the District on 7 July 2014;
- (5) That the scoring of Risk 8, Partnerships, be changed to D3 (Low/Very Low Likelihood, Minor Impact);
- (6) That, incorporating the above agreed changes, the amended Corporate Risk Register be approved;
- (7) That the current Tolerance Line on the Risk Matrix be considered satisfactory and not be amended;
- (8) That the revised Risk Management Strategy be adopted;
- (9) That the revised Risk Management Policy Statement be adopted; and
- (10) That the updated Terms of Reference of the Risk Management Group be noted.

Reasons for Decision:

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues in relation to the recommendations and that these should be endorsed.

Other Options Considered and Rejected:

The Cabinet was satisfied that the Cabinet Committee had considered all the relevant options in formulating their recommendations. The Cabinet did not consider that there were any further options.

CHAIRMAN



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