

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 21 July 2014

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.10 pm

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

Other Councillors: K Angold-Stephens, R Butler, Mrs J Lea, R Morgan, Ms G Shiell, B Surtees, Mrs J H Whitehouse and J M Whitehouse

Apologies: J Philip

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), A Cronin (Interim Assistant Director), S G Hill (Assistant Director (Governance & Performance Management)), C Pasterfield (Chief Estates & Valuation Officer), J Twinn (Assistant Director Benefits), S Devine (Private Sector Housing Manager), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

14. 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.

15. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a personal interest in agenda item 14, Redevelopment of St John's Road, Epping – Proposed Heads of Terms and Development Agreement, by virtue of being a member of Epping Town Council. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in agenda item 14, Redevelopment of St John's Road, Epping – Proposed Heads of Terms and Development Agreement, by virtue of being a resident of Epping. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue. In addition, the Councillor repeated the personal statement that he had made to the Cabinet in July 2012 and March 2014, namely:

“(a) in my own response as a local resident to the public consultation, I stated that I was opposed to the provision of a supermarket;

(b) my view has always been that the approved development brief should achieve the twin goals of revitalising the High Street economy and preserving its essential character;

(c) *it has never been my view that maximising the financial return on the Council's landholding in that area should be the only objective of the Authority, community benefits are equally important in my mind; and*

(d) *the decision as to whether a supermarket or indeed any other form of development will form part of the brief is not mine as Leader of the Council but one for the whole Council."*

(c) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 14, Redevelopment of St John's Road, Epping – Proposed Heads of Terms and Development Agreement, by virtue of being a member of Epping Town Council, a member of Essex County Council and a resident of St John's Road. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the issue.

16. MINUTES

Resolved:

(1) That the minutes of the meeting held on 23 June 2014 be taken as read and signed by the Chairman as a correct record.

17. REPORTS OF PORTFOLIO HOLDERS

Asset Management & Economic Development

The Portfolio Holder reported that the report concerning the Marketing of an Operational Management Agreement for North Weald Airfield was being withdrawn and would be submitted to the Cabinet meeting scheduled for 8 September 2014.

The Portfolio Holder made a further statement concerning the item regarding the proposed development of St John's Road in Epping:

"I have been made aware of requests to discuss the St. John's development report in public session.

What can be said publicly is that this matter is being considered by all three Councils who have an ownership interest in the site. The Town Council has agreed the proposed Heads of Terms. Essex County Council will consider them shortly and we have them for discussion tonight.

The proposal is for purchase of the site by Frontier Estates (Epping) Ltd, subject to planning consent, for a mixed use scheme of food store, cinema, restaurants ancillary commercial use, some residential and accommodation for the Town Council.

This was outlined at the Asset Management & Economic Development Cabinet Committee and is referred to in my Council report.

However, this report is almost entirely concerned with discussions about the proposed Heads of Terms, the detail of which remains commercially sensitive. I, together with my Cabinet colleagues, will of course seek the best possible outcome for this District – in financial, economic development and planning terms. To do so however, I cannot release information which would impact on the negotiating position of this Council and others.

I am happy to repeat my promise that when I can share information I will do so."

18. PUBLIC QUESTIONS

The Cabinet noted that there were no public questions for consideration at the meeting.

19. 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 July 2014:

(a) a presentation from the recently appointed Principal of Epping Forest College regarding the strategic direction of the College, its vision for the future and its relationship with the local community;

(b) a review of the Cabinet's Key Decision List for the coming municipal year and the Cabinet's priorities for the next four years, presented by the Deputy Leader; and

(c) a report on the outturn figures for the Council's Key Objectives during 2013/14.

In addition, the membership of all the Scrutiny Panels were agreed, along with the Committee's Annual Report for the next Council meeting.

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

20. PROPOSED NEW ARRANGEMENTS FOR PARK HOME RULES

The Housing Portfolio Holder presented a report on the proposed new arrangements for Park Home rules.

The Portfolio Holder reported that the Mobile Homes Act 2013 introduced some important changes to the licensing and enforcement of park home sites, one of which was the power for local authorities to charge fees for their licensing functions. The Cabinet had agreed the introduction of fees for the licensing of residential park home sites in the Epping Forest District from 1 April 2014 (report C-080-2013/14 refers).

The Portfolio Holder stated that the Act had also included new Regulations concerning 'site rules' and set new requirements with which site owners and their rules had to comply with. Although it was not a requirement for site owners to have site rules relating to the management of the site, they were often made by site owners and, where they existed, formed part of the express terms of the legal agreement between the park home owner and the owner of the site. New site rules that were produced in accordance with the Regulations had to be deposited with the Council, who had the discretion to charge a fee.

The Portfolio Holder added that these procedures would require the Council to carry out tasks in addition to their existing duties in connection with park home sites. These included checking that the site rules had been made in accordance with the statutory procedures and maintaining and publishing a register of the site rules of all the residential park home sites in the District. The cost of the additional work had been calculated as approximately £130 per site, which was the charge proposed. It

was recommended that the Cabinet agreed this fee, which would be included in Council's Fees Policy and reviewed annually.

The Cabinet welcomed the proposals, which would help those Park Home residents who believed that their Site Owners were unfairly setting rules. It was felt that the proposed charge was reasonable and would cover the cost of the work undertaken by the Council.

Decision:

- (1) That a charge of £130 be introduced for residential park home site owners to meet the Council's objectives for depositing site rules with the Council for the first time or for applications to vary or delete existing site rules;
- (2) That the Epping Forest District Council Policy on Fees for Licensing Residential Park Home Sites be revised to include the fees for depositing site rules; and
- (3) That the fees be added to the Schedule of Housing Fees and Charges and reviewed by the Finance and Performance Management Cabinet Committee on an annual basis.

Reasons for Decision:

The Mobile Homes (Site Rules) (England) Regulations 2014 introduced new responsibilities for local authorities in respect of depositing site rules and allowed local authorities to charge site owners for so doing. Moreover, the cost to the site owner was not considered excessive and was likely to be a one-off fee as site rules, once introduced, tended to remain with the site unchanged for the lifetime of the site and its owner.

Other Options Considered and Rejected:

To not charge site owners for depositing their site rules. However, the cost of the work involved would then have to be borne by the General Fund, which was under increasing pressure.

21. THEYDON BOIS NEIGHBOURHOOD AREA CONSULTATION

In the absence of the Planning Policy Portfolio Holder, the Leader of the Council presented a report on the public consultation for the Theydon Bois Neighbourhood Area.

The Leader reported that Neighbourhood Development Plans were introduced as part of the Localism Act 2011. They enabled local communities (town/parish councils or designated neighbourhood forums) to shape the way that their local area would develop over the coming years. Once approved, the Plans would form part of the statutory development plan, and were therefore a material consideration when deciding on planning applications. Consequently, it was crucial that the Plan conformed with national planning policy and the District Local Plan.

The Leader stated that only one response had been received during the consultation period, and that had been from Loughton Town Council who had no comments to make about the designation of the Neighbourhood Area.

Decision:

(1) That, following the receipt of representations, a neighbourhood area be designated covering the Parish of Theydon Bois.

Reasons for Decision:

To ensure that the Council met its duties under the Localism Act 2011.

Other Options Considered and Rejected:

To not designate the proposed neighbourhood area, or to designate a different area. However, there was no evidence offered to support either approach.

22. LOCAL COUNCIL TAX SUPPORT SCHEME 2015/16

The Finance Portfolio Holder presented a report on the Local Council Tax Support Scheme for 2015/16.

The Portfolio Holder reminded the Cabinet that the Council had adopted the current Local Council Tax Support scheme for 2014/15 on 17 December 2013. Consideration now had to be given to the scheme for the financial year 2015/16, which would require approval by the Council in December 2014. If the current scheme was to be amended, then it would be necessary to undertake public consultation on any proposed amendments before the scheme for 2015/16 could be adopted. In view of the timescales, it was necessary for the consultation to be undertaken between August and October 2014 to ensure that the correct procedure had been followed if changes to the scheme needed to be made.

The Portfolio Holder stated that the suggested general principle was for the scheme to be cost neutral to the Council. To this end, some changes to the current scheme had been suggested for consultation, these being:

- the maximum Local Council Tax Support for people of working age be reduced from the current level of 80%;
- Child Benefit be included as income for people of working age; and
- a requirement for people of working age to have resided in the District for a period of time before they could claim Local Council Tax Support.

The Housing Portfolio Holder welcomed the residency clause as a possible change to the scheme; the Housing Allocations Scheme already had a similar residency requirement. Further information concerning any ongoing legal challenges was requested, and whether an exception for Armed Forces personnel could also be consulted upon.

The Portfolio Holder responded that a judicial review against Sandwell Metropolitan District Council in respect of their two-year residency requirement, had been upheld by the High Court but the main issue was badly written policy. A further legal challenge against the residency requirement in the policy by Sandwell Metropolitan District Council from the Child Poverty Action Group was due to be heard by the High Court in the near future. No legal challenges had been brought against either Tendring or Basildon District Councils, both of whom had included residency requirements in their schemes this year. Exceptions for Armed Forces personnel could be included provided that it had been properly consulted upon. However, there

were currently no Armed Forces personnel receiving Council Tax Benefit residing within the District.

The Housing Portfolio Holder proposed that a similar waiver of the proposed residency qualification be applied to members of the Armed Forces, as currently contained in section 14.3 (a) to (d) of the Housing Allocations Scheme; this was seconded by the Environment Portfolio Holder.

In response to further questions from Members, The Director of Resources stated that a further reduction in the money provided by the Government for the Local Council Tax Benefit Scheme was planned. It was acknowledged that it was difficult to consult when the exact reduction was not known, but the Council was under a legal requirement to consult with the public now on possible changes to the scheme and then examine the exact figures when they were publicised later in the year. The scheme was kept within budget during 2013/14 and a further report scheduled for the Cabinet meeting in December would have all the necessary figures for Members to make the final decision.

A local member for Epping Hemnall commented that the more complex the scheme became then the more difficult it would be to administer the scheme, and more expensive. Any further reduction in support would affect the working poor the most and the residency qualification could discourage people from moving to find work. It was also felt that the inclusion of child benefit would be highlighted as a significant issue.

Decision:

(1) That the Local Council Tax Support scheme for 2015/16 should aim to be cost neutral for the Council be agreed as a general principle;

(2) That the following elements of the scheme be approved for consultation purposes:

(a) The maximum Local Council Tax Support for people of working age be reduced from 80%;

(b) Child Benefit be included as income for people of working age;

(c) A requirement that people of working age to have been resident in the Epping Forest District for a period of time before they were eligible to receive Local Council Tax Support; and

(d) a similar waiver of the residency qualification be applied to members of the Armed Forces as contained in section 14.3 (a) to (d) of the Housing Allocations Scheme; and

(3) That a public consultation exercise on the 2015/16 scheme be undertaken between August and October 2014.

Reasons for Decision:

The Council was required to undertake consultation prior to agreeing any major amendments to the Local Council Tax Support scheme. If amendments were to be made for 2015/16 then the revised scheme had to be agreed by the Council and be in place by 31 January 2015.

Other Options Considered and Rejected:

To make no changes to the current scheme. However, if the Local Government Settlement reduced funding for the scheme significantly then it would be too late to consult upon the necessary changes to keep the scheme cost neutral to the Council.

23. LOCAL DEVELOPMENT SCHEME AND LOCAL PLAN RESOURCING

The Portfolio Holder for Planning Policy presented a report on the Local Development Scheme and resourcing for the Local Plan process.

The Portfolio Holder sought agreement for an updated Local Development Scheme, this being the high level project plan for the preparation of the Epping Forest Local Plan. The proposed new scheme would supersede the current Local Development Scheme agreed in July 2013, with the preparation of the single District-wide Local Plan scheduled for submission to the Secretary of State for examination in Autumn 2016. It was acknowledged that the process was taking considerably longer than previously envisaged.

The Portfolio Holder highlighted progress and expenditure since the last Local Development Scheme was approved in July 2013. Expenditure in 2013/14 had been £297,000, which had left an underspend of £103,000 to be carried forward into 2014/15. Expenditure during the first quarter of 2014/15 had been £40,554, and further expenditure totalling £188,995 was planned for the remainder of the year. A restructure of the Forward Planning team was currently underway to improve the resilience of the team following three recent resignations and to align resources with future requirements. Two staff were on maternity leave but their return to work dates had now been confirmed, and three posts that were previously funded from the District Development Fund would be made permanent.

When asked about the arrangements in place to inform residents about the outcome of the Preferred Options consultation, the Portfolio Holder assured the Cabinet that all reports were published to the Council's website for public scrutiny. The responses from the consultation would be reviewed before a draft Local Plan was compiled and submitted to the Cabinet for approval; the draft Local Plan would also be published to the Council's website. The outline schedule in the proposed Scheme illustrated the milestones in the process, culminating in the submission of the Local Plan to the Planning Inspectorate for examination in October 2016.

In response to further questions from the Members present, the Portfolio Holder stated that housing built since the commencement of the Local Plan Period would count against the new Local Plan target. The Council maintained good relationships with potential developers to engage them in the local planning process. Even when the Local Plan was agreed, it was likely that it would be reviewed before the target end date of 2030, if circumstances changed. Following the success of the Workshops held last year, more would be scheduled as the input of Town and Parish Councils to the process was valued very highly.

The interim Assistant Director (Policy & Conservation) informed the Cabinet that, although Uttlesford District Council had initially been unwilling to participate in an update of the Strategic Housing Market Assessment, discussions with Officers had continued and it was expected that their stance would change. In addition, the London Borough of Enfield had been informed, in response to a formal consultation on their Area Action Plan, that they were considered to have not exercised the duty to co-operate sufficiently; the Portfolio Holder added that the duty to co-operate was not a duty to agree.

Decision:

- (1) That, as appended to the report, the updated Local Development Scheme be adopted and published on the Council's website; and
- (2) That expenditure against the Local Plan budget in 2013/14 and the estimated expenditure against the Local Plan budget for 2014/15 be noted.

Reasons for Decision:

The Council was obliged under the Localism Act 2011 to prepare and publish a Local Development Scheme so that the public and other stakeholders were aware of the likely timing of key stages of the plan making process. The current Local Development Scheme, approved a year ago, was due for renewal.

Other Options Considered and Rejected:

To not agree (or to vary) the Local Development Scheme. However, the Council was under a statutory requirement to review and publish its scheme each year.

24. 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 – 26 June 2014;
- (b) Naming of the Retail Park in Langston Road, Debden; and
- (c) Marketing of an Operational Management Agreement for North Weald Airfield.

25. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 26 JUNE 2014

The Portfolio Holder for Finance & Technology presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 26 June 2014.

The Cabinet Committee had made recommendations to the Cabinet regarding the Provisional Capital Outturn for 2013/14 and the Provisional Revenue Outturn for 2013/14. The other issue that the Cabinet Committee had considered was the outturn for the Key Performance Indicators in 2013/14.

Decision:**Provisional Capital Outturn 2013/14**

- (1) That the provisional Capital outturn for 2013/14 be noted;

- (2) That retrospective approval for the under and over spends in 2013/14 on certain capital schemes, as identified within the report, be granted;
- (3) That the carry forward of unspent capital estimates into 2014/15 relating to schemes on which slippage had occurred be approved; and
- (4) That the retrospective changes to the funding of the capital programme in 2013/14 be approved; and

Provisional Revenue Outturn 2013/14

- (5) That the provisional Revenue outturn for 2013/14 be noted;
- (6) That the carry forward of District Development Fund expenditure totalling £682,000 into 2014/15 be approved; and
- (7) That the carry forward of Housing Revenue Account Service Enhancement Fund expenditure totalling £112,000 be approved.

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.

26. NAMING OF RETAIL PARK IN LANGSTON ROAD, DEBDEN

The Portfolio Holder for Asset Management & Economic Development presented a report on the naming of the retail park in Langston Road, Debden.

The Portfolio Holder reported that the marketing of the retail park would need to begin shortly and a name had to be agreed for this to commence. A number of different alternatives had been considered, but the advice from the Council's consultants was that 'Epping Forest Shopping Park' was the best option as Epping Forest was a clearly identifiable location and would be more attractive to prospective tenants.

Decision:

- (1) That the name of the retail development at Langston Road, Debden be '*Epping Forest Shopping Park*'; and
- (2) That the logo for the Shopping Park be agreed as that shown on the first page of the draft marketing brochure, attached at Appendix 1 to the report.

Reasons for Decision:

To allow the marketing exercise to commence.

Other Options Considered and Rejected:

To not name the retail park and delay the marketing programme.

27. MARKETING OF AN OPERATIONAL MANAGEMENT AGREEMENT FOR NORTH WEALD AIRFIELD

The Portfolio Holder referred the Cabinet to her earlier statement that she wished to defer this item until the next scheduled meeting of the Cabinet on 8 September 2014.

Decision:

(1) That consideration of this issue be deferred until the meeting of the Cabinet scheduled for 8 September 2014.

28. 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 is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item</u>	<u>Subject</u>	<u>Exempt Information Paragraph</u>
14	Redevelopment of St John's Road, Epping – Proposed Heads of Terms and Development Agreement	3

29. REDEVELOPMENT OF ST JOHNS ROAD, EPPING - PROPOSED HEADS OF TERMS AND DEVELOPMENT AGREEMENT

The Portfolio Holder for Asset Management & Economic Development presented a report on the proposed Heads of Terms and Development Agreement for the redevelopment of St John's Road in Epping.

The Portfolio Holder outlined the proposed Heads of Terms for a development agreement for the development of the St John's Road site, which comprised the Council's Housing Depot, Epping Town Hall and the former Epping Junior school. This site was jointly owned by Essex County Council (2.59 acres), the District Council (0.59 acres) and Epping Town Council (0.54 acres). The current proposal was for a food store, car park, small cinema, restaurants, ancillary commercial uses and residential development.

The Portfolio Holder was also proposing that external solicitors be instructed to prepare and negotiate a development agreement and this had been estimated to cost £35,000. It was proposed to cover the cost of this work with supplementary finance from the District Development Fund. The redevelopment of the site would produce a number of economic and community benefits for the area, which would be in the interests of all three Councils, and would be an excellent example of working in partnership for the common good. The District Council would receive the benefit of additional business rates, and there would a significant benefit for local residents from the jobs created by the development.

A number of issues were highlighted by the members present, including the current traffic issues in St John's Road and the status of Epping Hall. The Director of Governance reassured the Cabinet that the final proposals for the site would be subject to Cabinet approval and that there would be an opportunity for local Councillors to discuss them. However, it was also emphasised that the final proposals would need to be approved by all three Councils involved. It was emphasised that the current proposals would not restrict use of the car park to customers of the food store, and the inclusion of a small cinema in the plans was a direct result of the comments received during the consultation.

Decisions:

- (1) That, as attached to Appendix 1 of the restricted report and subject to clarification of the food store operator, the proposed Heads of Terms be agreed following negotiations between the Council's Agent, Savills, and Frontier Estates (Epping) Limited (the Developer) together with agents acting for Essex County Council and Epping Town Council;
- (2) That external solicitors be instructed to prepare and negotiate a Development Agreement to document the agreed Heads of Terms for the redevelopment of the St John's Road site in Epping, subject to approval by the Council of the food store operator;
- (3) That the Portfolio Holder for Asset Management and Economic Development be authorised to agree minor amendments to the documentation, in consultation with the Director of Governance; and
- (4) That a supplementary District Development Fund estimate in the sum of £35,000 be recommended to the Council for approval to instruct the external solicitors to prepare and negotiate a development agreement for the site.

Reasons for Decision:

To achieve the strategic aim of redeveloping this site in accordance with the adopted Planning Design Brief in September 2012, and to secure significant financial benefits to the Council as well as wider benefits to local residents.

Other Options Considered and Rejected:

To allow each owner of the site to consider independent development options for their part of the site. However, this was unlikely to secure the level of benefits to the local community as the proposed joint development.

CHAIRMAN