

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 11 July 2017

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

Members Present: Councillors S Stavrou (Vice-Chairman), W Breare-Hall, A Grigg, H Kane, A Lion, J Philip, G Waller

Other Councillors: S Heap, C P Pond, B Surtees, J H Whitehouse, J M Whitehouse, D Wixley

Apologies: Councillors C Whitbread, G Mohindra

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), J Twinn (Assistant Director (Benefits)), D Bailey (Head of Transformation), A Blom-Cooper (Interim Assistant Director (Planning Policy)), T Carne (Public Relations and Marketing Officer), S Tautz (Democratic Services Manager), D Coleman (Planning Policy Manager), J Leither (Webcasting Officer)

16. APPOINTMENT OF VICE-CHAIRMAN

Members were advised that the Leader of the Council was unable to be in attendance and that the meeting would therefore be chaired by the Vice-Chairman, Councillor S. Stavrou. The Cabinet agreed that Councillor W. Breare-Hall be appointed as Vice-Chairman for the duration of the meeting.

17. WEBCASTING INTRODUCTION

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

18. DECLARATIONS OF INTEREST

No declarations of interest were made by members of the Cabinet pursuant to the Council's Code of Conduct.

19. MINUTES

RESOLVED:

That the minutes of the meeting of the Cabinet held on 15 June 2017, be taken as read and signed by the Chairman as a correct record.

20. REPORTS OF PORTFOLIO HOLDERS

No reports were made by members of the Cabinet on current issues related to their individual portfolio responsibilities, which were not otherwise covered in the agenda for the meeting.

21. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

The Director of Governance reported that no questions or requests to address the Cabinet had been received for the meeting.

22. OVERVIEW AND SCRUTINY

The Chairman reported that the Chairman of the Overview and Scrutiny Committee, Councillor M. Sartin, was unable to be in attendance. Members noted however, that the Committee had not met since the previous meeting of the Cabinet and that there were no matters arising from the Council's overview and scrutiny responsibilities that were required to be considered at the meeting.

In the absence of Councillor Sartin, the Director of Neighbourhoods reported that, at the instigation of the Overview and Scrutiny Committee, representatives of Essex Highways were to make a briefing to members of the Council at 7.00pm on 18 July 2017, in regard to a number of aspects of local highway functions and services. The Cabinet noted that, to accommodate the briefing, the scheduled meeting of the Committee that evening would commence at 9.00pm.

23. HOUSING STRATEGY 2017-2022

The Chairman reported that this item had been withdrawn from consideration at the meeting.

24. LOCAL COUNCIL TAX SUPPORT SCHEME 2018/19

In the absence from the meeting of the Finance Portfolio Holder, Councillor G. Mohindra, the Chairman presented a report on the Council's Local Council Tax Support Scheme for 2018/19.

The Cabinet was reminded that the Council had adopted its current Local Council Tax Support Scheme in December 2016 and that consideration was now required to be given to the Scheme for 2018/19, in order that it could be approved by the Council in December 2017 and implemented by 31 January 2018. The Chairman reported that it was necessary to undertake annual public consultation on the Scheme prior to its adoption and that, as the Scheme had to be in place by the end of January 2018, it would therefore be necessary for such consultation to be undertaken between August and October 2017. The Cabinet noted that historically there had been a low level of response to consultation on the Scheme and that there appeared to be a general acceptance by most residents that they needed to pay some portion of their annual Council Tax.

The Assistant Director of Resources (Benefits) advised the Cabinet that the consultation exercise would be undertaken by appropriate means to ensure that it was as inclusive as possible. The Director of Resources undertook to ensure that the consultation was unambiguous in its reference to the operation of the Local Council Tax Support Scheme being cost neutral to the Council and that any alternative funding options proposed for the Scheme as a result of the public consultation, should be based on the identification of relevant costs and priorities.

RESOLVED:

- (1) That a public consultation exercise on the Local Council Tax Support Scheme for 2018/19 be undertaken between August and October 2017; and
- (2) That the following elements of the scheme be approved for consultation purposes:
 - (a) the acceptance of the general principle that the Scheme should aim to be cost neutral for the Council;
 - (b) to seek views on alternative funding options for the Scheme, if it is not cost neutral;
 - (c) the disregard of Bereavement Support Payment in the calculation of Local Council Tax Support, in line with other welfare reforms;
 - (d) the introduction of technical changes relating to the assessment of Universal Credit income to allow for Local Council Tax Support to be awarded for a fixed period of six months before a review is undertaken; and
 - (e) a revision to the Scheme in order to prevent an excess Council Tax discount being awarded, that would enable the Council, where appropriate, to decide the income to use in the calculation of Local Council Tax Support irrespective of any notification from the Secretary of State for Work and Pensions.

Reasons for Decision:

The judgement in the case of R v London Borough of Haringey (29 October 2014) had highlighted the requirement for local authorities to consult on Local Council Tax Support Schemes on an annual basis, regardless of whether it was intended to make changes to a Scheme. The judgement had additionally made it clear that local authorities also needed to consult on how a Scheme was to be funded and that respondents should have an opportunity to comment on whether Schemes should be cost neutral, or, if not, whether they should be funded by making cuts to the Scheme itself, an increase in Council Tax, a reduction in other services, or through the use of reserves.

In order that the Local Council Tax Support Scheme could be approved by the Council in December 2017, the consultation needed to be undertaken between August and October 2017. If consultation was commenced any later, it would not be possible to complete the exercise and make any amendments to the scheme in time for it to be agreed by the Cabinet in December 2017.

Other Options Considered and Rejected:

The Cabinet could have decided not to carry out a consultation exercise in relation to the Local Council Tax Support Scheme for 2018/19, or to undertake consultation only in regard to potential changes to the Scheme, rather than its funding. However, in view of the judgement contained in R v London Borough of Haringey, the Cabinet did not consider that these options were appropriate.

25. EPPING FOREST DISTRICT DRAFT LOCAL PLAN - REGULATION 18 CONSULTATION

The Cabinet considered a report of the Planning and Governance Portfolio Holder, setting out the findings of the Regulation 18 Draft Local Plan Consultation that had been undertaken in late 2016, in accordance with the Council's agreed Statement of Community Involvement. The Portfolio Holder reminded members that an interim analysis of the results of the consultation exercise had been considered by the Cabinet in March 2017.

Members were advised that the Council had received a large number of representations to the Draft Local Plan Consultation, from a wide range of stakeholders. The Portfolio Holder reported that a detailed analysis of the comments received had now been completed and presented a summary of the key issues raised, which provided both quantitative and qualitative analysis and the Council's response to each issue. Members noted that the full analysis of the responses to the consultation was available as a published background paper to the report of the Portfolio Holder, which also detailed the most frequent comments made in all forms of response to the consultation.

The Cabinet noted that, since the end of the period for the site selection process used to inform the Draft Local Plan, a significant number of additional 'new' residential sites had been put forward for consideration in the finalisation of the Local Plan. Members were advised that some landowners/site promoters had also requested changes to the boundaries of residential sites, that many amended residential sites were also now to be assessed and that three sites had been withdrawn from consideration. The Portfolio Holder reported that a process of further detailed assessment of potential sites would now be commenced, taking into account comments received through the Draft Local Plan consultation, which would result in a further site selection process. The Cabinet was advised that the site selection methodology would be published on the Council's website, but that it was not currently possible to indicate whether any sites proposed for allocation in the Draft Local Plan would change as a result of this process. The Portfolio Holder confirmed that the Council was committed to assessing and evaluating all site options consistently and robustly, in accordance with its agreed methodology and national planning policy guidance.

The Portfolio Holder reported that, as part of the finalisation of the new Local Plan, the Council was required to produce a Consultation Statement setting out how it had involved local communities, stakeholders and statutory bodies in the formulation of the Local Plan. Members noted that the Consultation Statement would provide a summary of the main issues raised by the Regulation 18 consultation and how representations had been taken into account in the plan preparation process. The Cabinet was advised that member and local council workshops would remain an ongoing part of this process.

As part of the report of the Portfolio Holder, the Cabinet also received an update on the current position in relation to the completion of the Local Plan. The Cabinet was advised that the Regulation 19 Pre-Submission Local Plan was due to be published in early 2018, at which stage the Council would invite comments in relation to the soundness and legal compliance of the Plan. The Portfolio Holder confirmed that the Local Plan would then be submitted to the Secretary of State for Communities and Local Government, for Examination-in-Public.

RESOLVED:

That the following be noted:

- (a) the findings of the Draft Local Plan Consultation; and
- (b) current progress in relation to the production of the Local Plan.

Reasons for Decision:

The report provided the Cabinet with the results of the Regulation 18 consultation on the Draft Local Plan and set out current progress in relation to the development and finalisation of the Local Plan.

Other Options Considered and Rejected:

No other options were considered appropriate. Although the findings of the Regulation 18 consultation was not formally required to have been reported to the Cabinet, the Council needed to continue to make timely progress on the preparation of the Local Plan in order to avoid the risk of intervention in the process by the Secretary of State for Communities and Local Government.

26. TRANSFORMATION PROGRAMME - MONITORING REPORT (APRIL/MAY 2017)

In the absence from the meeting of the Leader of the Council, the Chairman presented the regular monitoring report in respect of the Council's Transformation Programme, which set out the progress of specific projects and initiatives for April and May 2017 and planned objectives for June 2017.

The Head of Transformation advised that Cabinet that investigation was currently being made of options for the introduction of video conferencing facilities, as part of the Transformation Programme.

RESOLVED:

That the progress of specific projects and initiatives within the Transformation Programme for April and May 2017 and planned objectives for June 2017, be noted.

Reasons for Decision:

The report informed the Cabinet of progress on the achievement of specific projects and initiatives within the scope of the Transformation Programme. The Cabinet had previously requested that the progress of relevant projects and initiatives be reported to each meeting.

Other Options Considered and Rejected:

No other options were considered appropriate. Failure to monitor and review the progress of the Transformation Programme and to consider corrective action where necessary, could have negative implications for the Council's reputation and might mean that opportunities for improvement were lost.

27. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 22 JUNE 2017

In the absence of the Finance Portfolio Holder from the meeting, the Chairman presented the minutes of the meeting of the Finance and Performance Management Cabinet Committee held on 16 June 2016 and a number of recommendations arising therefrom.

The Cabinet noted that, in accordance with Section 100B(4)(b) of the Local Government Act 1972, the Leader of the Council had agreed that the recommendations of the Committee be considered at the meeting.

RESOLVED:**Provisional Revenue Outturn 2016/17**

- (1) That the provisional 2016/17 revenue outturn for the General Fund and Housing Revenue Account be noted;
- (2) That £1million from the General Fund be used to finance capital expenditure in 2016/17;
- (3) That as detailed in the appendix to the minutes of the meeting of the Committee, the carry forward of £1,301,000 District Development Fund and £107,000 Invest to Save Reserve expenditure, be noted;

Provisional Capital Outturn 2016/17

- (4) That the provisional outturn report for 2016/17 be noted;
- (5) That retrospective approval for the over and underspends in 2016/17 on certain capital schemes identified in the report made to the Committee, be agreed;
- (6) That the carry forward of unspent capital estimates into 2017/18, relating to schemes on which slippage had occurred, be agreed;
- (7) That the funding proposals outlined in the report made to the Committee in respect of the capital programme in 2016/17, be agreed;

Corporate Risk Register

- (8) That the effectiveness of controls/actions and required further management action for Risk 1 (Local Plan) be updated as set out in the minutes of the meeting of the Committee;
- (9) That the effectiveness of controls/actions and required further management action for Risk 2 (Strategic Sites) be updated as set out in the minutes of the meeting of the Committee;
- (10) That the effectiveness of controls/actions and required further management action for Risk 5 (Economic Development) be updated as set out in the minutes of the meeting of the Committee; and
- (11) That the amended Corporate Risk Register be agreed.

Reasons for Decision:

The Finance and Performance Management Cabinet Committee did not have authority to agree the matters subject of its recommendations to the Cabinet.

Other Options Considered and Rejected:

No other options were considered appropriate. The Cabinet was satisfied that the Finance and Performance Management Cabinet Committee had fully addressed all of the options relevant to its recommendations and that there were no further options that required consideration.

28. EXCLUSION OF PUBLIC AND PRESS**RESOLVED:**

That, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
14	Pyrles Lane Nursery, Loughton - Disposal	3

29. PYRLES LANE NURSERY, LOUGHTON - DISPOSAL

The Cabinet considered a report of the Assets and Economic Development Portfolio Holder, in connection with the disposal of the Council's existing Nursery Site at Pyrles Lane, Loughton.

RESOLVED:

(1) That the disposal of the Pyrles Lane Nursery Site, on the basis of the external valuation report and the insertion of an overage agreement into the sales particulars to the benefit of the Council if any future developer was to achieve a planning permission for a scheme with increased density, be agreed;

(2) That the sale of the site be subject to a requirement that the purchaser must enter into a separate Development Agreement with the Council requiring the affordable rented housing for the development to be sold to the Council (with any shared ownership homes sold to one of the Council's Preferred Housing Association Partners) on practical completion, on the following basis:

(a) that tenderers provide two prices as follows:

(i) one price on the basis that all of the affordable housing will be purchased by the Council for affordable rented properties; and

(ii) one price on the basis that, in accordance with the Council's proposed new Housing Strategy, at least 75% of the affordable housing will be purchased by the Council for affordable rented properties and the remaining affordable housing will be purchased by one of the Council's Preferred Housing Association Partners for shared ownership, in

accordance with the shared ownership policies set out in the proposed Housing Strategy;

(b) that tenderers for the purchase of the site be required to submit their tenders on the basis of the Council (and, in the case of any shared ownership properties, a Preferred Housing Association Partner) paying specified sums set out in the tender documents to purchase different individual property types, sizes and tenure of affordable housing, through the proposed separate Development Agreement;

(c) That the specified purchase sums for the affordable housing be assessed on the same basis as the assumptions used by the Council for the recent purchase of the affordable housing from the private developer at Barnfield, Roydon, but with affordable rent levels based on current levels and Local Housing Allowances for Loughton; and

(d) That, as the Council is only able to utilise its 'one-for-one replacement' capital receipts for the purchase of affordable rented homes and not shared ownership homes, the financial implications of this restriction be set out in the report to be made to the Cabinet on the tenders received; and

(3) That provision be made within the Council's Capital Programme from any future receipt of £100,000 to undertake the necessary alteration works to accommodate the Nursery and Landscape Service at the Townmead Depot at Waltham Abbey.

Reasons for Decision:

The disposal of the existing Nursery Site was consistent with the Council's policy for the maximisation of the financial and socio-economic benefits of its assets and its programme of estate rationalisation.

Other Options Considered and Rejected:

The Cabinet considered and rejected the following options in regard to the proposed disposal of the existing Nursery Site:

(1) Not to utilise the benefit of the outline residential permission and retain the site for operational purposes. The Council had made alternative provision for the nursery service and did not have a long-term operational need for the existing facility;

(2) Seek to provide an alternative form of development other than residential use. The proposal would provide valuable homes on a brownfield, previously developed site, to meet the Council's objectively assessed housing need identified within the emerging Local Plan;

(3) Not to require the purchaser of the site to sell the completed affordable housing to the Council or a housing association. This would have no effect on the capital receipt received by the General Fund, but the Council would lose the opportunity to purchase affordable rented homes at a significantly subsidised price; and

(4) Automatically provide all of the affordable housing as affordable rented housing, instead of seeking prices for all affordable housing and affordable rented/shared ownership housing. This would not provide the Council with maximum flexibility to decide its preferred approach once tenders had been received.

CHAIRMAN