

## **EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES**

**Committee:** Overview and Scrutiny Committee      **Date:** Thursday, 28 August 2008

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.45 pm

**Members Present:** Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman) K Chana, M Colling, A Green, D Jacobs, G Mohindra, Mrs P Richardson, B Rolfe and Mrs J H Whitehouse

**Other Councillors:** Councillors R Barrett, Mrs R Brookes, Mrs S Clapp, M Cohen, Mrs D Collins, Mrs A Cooper, Mrs A Grigg, Mrs A Haigh, Mrs H Harding, R Law, Mrs M McEwen, S Murray, Mrs C Pond, Mrs M Sartin, D Stallan, Ms S Stavrou, P Turpin, C Whitbread, J M Whitehouse and D Wixley

**Apologies:** Councillors J Hart and Mrs L Wagland

**Officers Present:** D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director Democratic Services), R Wilson (Assistant Director Operations), A Wintle (Planning Officer), J Boreham (Assistant Public Relations and Information Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

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### **24. WEBCASTING INTRODUCTION**

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

### **25. SUBSTITUTE MEMBERS**

It was reported that Councillor K Chana was substituting for Councillor J Hart.

### **26. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor K Angold-Stephens declared a personal interest in agenda item 6 by virtue of being a member of Plans South and a member of the Roding Valley Meadows Nature Reserve Management Committee. He declared that any comments made would be based on available evidence and he would re-consider his position at Plans South should new evidence come to light and should any planning application materialise in the future.

(b) Pursuant to the Council's Code of Member Conduct, Councillor S Murray declared a personal interest in agenda item 6 by virtue of having friends living adjacent to the sites mentioned and being the Council representative on the Roding Valley Meadows Nature Reserve Management Board. The Councillor declared that his interests were not prejudicial and indicated that he would remain in the meeting during the consideration of the item.

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Wixley declared a personal interest in agenda item 6 by virtue of being on the Loughton

Town Council Planning Committee and a Tree Warden connected to one of the sites under discussion. The Councillor declared that his interests were not prejudicial and indicated that he would remain in the meeting during the consideration of the item.

(d) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Richardson declared a personal interest in agenda item 6 by virtue of being a member of Plans South and a member of Loughton Town Council. She declared that any comments made would be based on available evidence and she would re-consider her position at Plans South should new evidence come to light and should any planning application materialise in the future.

(e) Pursuant to the Council's Code of Member Conduct, Councillors R Law and Mrs C Pond declared a personal interest in agenda item 6 by virtue of having being members of Loughton Town Council. They declared that any comments made would be based on available evidence and they would re-consider their position at Plans South should new evidence come to light and should any planning application materialise in the future

(f) Pursuant to the Council's Code of Member Conduct, Councillors Mrs Haigh, M Cohen, G Mohindra and K Chana declared a personal interest in agenda item 6 by virtue of having being a member of Plans South. They declared that any comments made would be based on available evidence and they would re-consider their position at Plans South should new evidence come to light and should any planning application materialise in the future.

## **27. MINUTES**

### **RESOLVED:**

That the minutes of the meeting held on 10 July 2008 be taken as read and signed by the Chairman as a correct record.

## **28. CALL-IN : "CALL FOR SITES"- COUNCIL-OWNED SITES TO BE SUBMITTED FOR CONSIDERATION AS FUTURE RESIDENTIAL LAND.**

The Committee were asked to consider the call-in of the Housing Portfolio Holders decision of 5 August 2008 (HSG/010/2008-09) regarding the recently issued 'call for sites', seeking land that may have potential for development over at least the next fifteen years.

Councillor Angold-Stephens, the lead member of the call-in, vacated his position as Vice Chairman of the Committee for the duration of the consideration of this item. The Chairman then informed the meeting of the protocol for the handling of a call-in and asked that each speaker be given a fair hearing.

In accordance with the Overview and Scrutiny procedure rules, the representative of the Councillors calling-in the decision, Councillor Angold Stephens, outlined their concerns, which were summarised in the call-in notification. He noted that the District was a mix of the urban and rural, with the south being the most densely populated part. The old London County Council had built the estate with green spaces to act as 'lungs'. This was valued by the residents and now these sites are under consideration for further development. Why were these sites chosen to the exclusion of any other sites in the District?

The Housing Portfolio Holder, Councillor Stallan, replied that it was important to review land in Council ownership for possible development. The Council has now received the East of England Plan and are starting work on the core strategy to meet its requirements. A number of sites across the District had been considered and rejected and were listed in appendix 6 of the report, which, unfortunately, was not published. Only the most suitable sites were identified and not because they were in Loughton. No decisions had been made as yet; Planning Officers will look at each opportunity presented, individually. Other landowners in the district also have submitted areas for consideration, and these will be put into a report. He noted that the District as a whole has responsibility for providing suitable housing. He understood the local member's concerns, the sensitivity about wildlife sites and the importance of 'green lungs'. He concluded that Loughton had not been singled out and that no final decisions have been made as yet.

Councillor Angold-Stephens replied that it was a complex issue and it was bound to be misconstrued by the public. They were deeply suspicious as to why the estate was chosen and why the report was published during the holiday period. It makes it look as though Loughton had been singled out.

Councillor Stallan agreed with the perception about when the Housing Portfolio Report was published, but he had no control over this.

Councillor Angold-Stephens asked:

- If everywhere else playing fields were being kept, why not in Debden and Loughton?
- If North Weald Airfield may be able to take some houses?
- Is the Portfolio Holder prepared to publish his reasons for choosing these sites?

Councillor Stallan replied that appendix 6 showed the Council owned sites not proposed for development, which were considered by officers and discarded. The reasons could be published if required.

Councillor Angold-Stephens said that no account had been taken of the carefully and well designed estates and their 'green lungs'. The Debden Estate had been described as high quality and of national importance when it was built. The estate, with its green spaces has a sense of community and should be valued. Any new developments would need very careful planning. Unsympathetic in-filling would be resident's worse nightmare and may lead to it becoming the slums of the future. Many residents have growing families and are finding it hard to meet their needs. Has the Portfolio Holder visited each site, what value had he placed on the community, and why had he not submitted the proposal to the Housing Scrutiny Panel?

Councillor Stallan replied that he understood about the layout of the sites. There is a great need for housing in the district. He had visited the sites and could not be able to guess at the value to local residents, only they can put a value on this. He considered it was not a matter for the Housing Scrutiny Panel but for the Portfolio Holders Advisory Panel.

The meeting was then opened up for a general discussion on the call-in.

Councillor Wixley commented that Loughton was the seventh largest town in Essex and was densely populated. The transport routes into and out of the area were crowded (e.g. The Underground, trains and roads). Could the Portfolio Holder explain how all the extra traffic would be catered for? And what would be the number of units

on the Broadway? Councillor Stallan replied that there had been no planning applications submitted for any of these sites. It would be for Planning Officers to scrutinise any applications made. This report identified potential sites and it would then be for the Planning Advisory Group to discuss any applications that were made. It would be brought to the attention of other members when we have any applications. As for the number of units in the Broadway, this was set to be determined.

Councillor Wixley asked if the Portfolio Holder knew how many of the proposed 506 houses would be built in Loughton. Councillor Stallan said that the 506 houses were a target for the District as a whole and any applications would be reviewed by the relevant Planning Sub-committee. They have not been earmarked for Loughton.

Councillor Wixley responded that there were about 2000 empty properties in the district, how many can be made habitable? And, has the Portfolio Holder made any efforts to review and identify any brownfield sites in the District. Councillor Stallan replied that there were a number of initiatives to bring empty houses into occupancy. As for brownfield sites, a full list is being compiled as part of the 'Call for Sites' in private ownership, so they cannot be ruled out completely.

Councillor Mrs R Brookes addressed each site in turn, pointing out the flaws in the arguments for possible development, such as the land between Jessel Drive and Goldingham Avenue, which had been designated as open space. There would have to be a very good reason for any development on that site. Or the land between Westall Road and Rochford Green, that was already dense with housing. The residents here feel outraged at the thought of even more development; this would be short term gain and a long term loss. The existing playground at Rectory Lane had recently been refurbished and there are three mature oak trees on the site that should be protected. There was no sense in moving this playground to the other side of the road as it was provided for children living on that side of a very busy road. Loughton Town Council has plans to turn the Willingale Road site into a nature reserve. And the wooded area on the Oakwood Hill estate was designated as a County wildlife site. The map showing this site was published by the Essex Wildlife Trust, and is adjacent to an SSSI site. Also a country right of way passes through this site.

Councillor Murray commented that this decision came as a bolt out of the blue. He realised that the Housing Portfolio Holder's job was the hardest job in the Cabinet, and he would be the first to let him know when he got it right; but this went against the whole concept of the planning of the Debden Estate. They were so proud of the Estate that it formed part of the Festival of Britain in 1951. He had identified 20 sites that have already had development, and there must be about 2000 further units built since 1982, which illustrated that the Estate had already contributed to providing more homes. The site at Rectory/Newman's Lane is the only green area left there on that side of the road, the only 'green lung'. The nature reserve area had been a priority this year within the overall Roding Valley Meadows Local Nature Reserve Management Plan and as a result it is far more used now than ever before. No consideration had been taken of the schools; the existing primary and secondary schools will not be able to cope with any more pupils. The options open to us tonight are to refer it back to the decision maker or refer it back to Full Council. Councillor Murray would prefer to kill it stone dead, but said it should be referred back to the Portfolio Holder. Councillor Murray then handed over a petition, against the decision, signed by 700 residents, to the Portfolio Holder.

Councillor Mrs Pond welcomed the statement that no final decisions had been made as yet. The open spaces were very much prized by the residents, and although

Loughton has a lot of forest land the Council should not build bad housing for the future. She asked when they were going to hear about the other land available that was not part of the Council's Housing Land.

Councillor Stallan said he was not aware of any Loughton Town Council plans for the Willingale Road site. And if Councillor Murray had identified another site he could still submit it. All site application would go through the planning advisory group.

Councillor Mrs Richardson asked when would the complete list be available and are there any covenants on the Ongar school playing field? Councillor Stallan replied that Appendix 6 is available now and as for private sites, they are still being submitted by various landowners and will be considered on 23 September at the Advisory Group. His understanding regarding Ongar Playing Fields was that there are covenants on this particular site and the reasons why it was rejected will be published in due course.

Councillor Mrs Richardson said she was contacted two years ago by a private building firm going around measuring up. This was a bit surprising. Councillor Stallan replied that 520 units will be needed by 2020, so we would not need large estates. Councillor Stallan replied that he had no knowledge about people 'measuring up'. And as for the 520 units, that was the minimum figure and is for the District as a whole to provide.

Councillor Mrs Richardson continued by saying that if just one site was kept it would look as though he gave in but he would have still gained one site. Councillor Mrs Richardson felt that the Portfolio Holder was targeting people's amenity sites and it is their human right to have access to their amenities. Why Loughton? Councillor Stallan referred Mrs Richardson to his earlier comment and repeated that it was not just Loughton that was considered.

Councillor Green was also concerned about the proposals and that it would not be until after this debate that members would be told why other sites were not chosen. Given that the Council is still waiting for private owners to reply, he proposed that this decision should be referred back to the Portfolio Holder for further information.

Councillor Jacobs commented that it appeared that a certain area of our district had been singled out; and it was silly to put it forward in isolation knowing that other sites would be identified. Other estates are bound to have areas for development and are owned by the Council. It was unfortunate that the lead Housing Officer could not be here tonight as he has the background knowledge for the reasons these sites were chosen. For these reasons we should send it back to the Portfolio Holder for more information and reconsideration.

Councillor Rolfe said it must have been a difficult decision, but he shared the concerns of the residents. What would have been the reaction if Council land had not been considered in light of the acute shortage of affordable housing in the District? But, there is a case to put it back to the Portfolio Holder.

Councillor M Cohen wanted it emphasised that there were three Conservative members for Loughton and they shared his concerns about the process. Firstly no one asked him as a Loughton resident and Councillor about the call-in. As a member of the Cabinet he felt he should have been consulted. Secondly he would like to have all the facts in front of him before he makes a decision. In this case he did not have all the facts. He was sure that the Portfolio Holder would assure him that the sites were not selected because they were in Loughton. However, he did not have the relevant information. And as a member of Plans South he did not wish to fetter his

discretion. He urged that the matter be referred back to the Portfolio Holder and they should not wait for the list of privately owned sites to be published, but they do need a full list of Council owned sites. There was no doubt that there needs to be more housing built, people who live in Loughton want their children to live alongside them.

Councillor Mrs Haigh said that she respected that the Portfolio Holder had answered all the questions openly tonight. There had been a mistake made; extra information should have been sent out. One of the sites is in her ward, and it would have been sensible to have put in the extra information. Members of Plans South have said repeatedly that they have concerns about traffic surveys especially by Rectory Lane. The Wildlife reserve is just not a resource for people in Loughton but a valuable resource for the area and she welcomed the suggestion that it be referred back to the Portfolio Holder.

Councillor Jon Whitehouse asked if the Portfolio Hold would publish the criteria he would use to judge the sites under consideration. He should not include sites that are of importance for nature and wildlife.

The lead member responsible for the call-in (Councillor Angold-Stephens) and the Portfolio Holder (Councillor Stallan) were then asked to sum up the debate.

Councillor Stallan replied that Councillor Jacobs said that he should wait for the list of private sites; these will all be reviewed by planning officers eventually so there is no reason to wait. He shared Councillor Mrs Haigh's concerns, and would publish the criteria used to judge such sites as asked for by Councillor Jon Whitehouse.

Councillor Angold-Stephens said that the District needed new Housing development to be undertaken with sensitivity and in the full public gaze. The Local representatives know their own areas and should be consulted, as well as the local councils. The District Council needs to safeguard the character of the urban environment and decisions like this, needs to be referred to the Housing Scrutiny Panel and not just left for the Portfolio Holder to decide.

Councillor Angold-Stephens then proposed that the decision be referred back to the Portfolio Holder for his reconsideration. This was seconded by Councillor Green and was then put to the vote.

#### **RESOLVED:**

That Housing Portfolio Holder decision HSG-010-2008/09, "Council owned sites to be submitted for consideration as future residential land in response to the Council's call for sites" be referred back to the decision taker for further consideration, taking into account the specific concerns raised by the Overview and Scrutiny Committee.

## **29. GOVERNMENT CONSULTATION DOCUMENT - DATE OF EUROPEAN ELECTIONS**

The Chairman of the Constitution and Member Services Standing Panel, Councillor Mrs McEwen introduced the Panel's report on the Government Consultation Document – moving the date of the local elections to the same date as European Elections. The Government had published a consultation document on the desirability of synchronising the County and European elections in 2009. Under the Government's plan, both elections would be held on 4 June 2009, which would necessitate the County Council elections being deferred from 7 May 2009. This would be similar to the arrangements made in 2004.

The Panel had received a written objection from Councillor Murray and the Panel was not unanimous in their response to these proposals. Three members were opposed to the two elections being held together. They felt that the County Council election would be overshadowed by the European.

Councillor Mrs Whitehouse said that the Liberal Democrat Group was also opposed to combining the two elections, as the local council elections always get sidelined.

The Assistant to the Chief Executive reminded the meeting that consultation was still open to the National Parties.

**RESOLVED:**

(1) That this Council supports the Government's proposals as outlined in the consultation document for deferring the date of the 2009 County Council elections until 4 June 2009, the same day as the election to the European Parliament subject to the following conditions:

- (a) clarification of the requirement for 2 separate poll cards;
- (b) advice to Returning Officers on ways in which the ballots for the two elections should be kept separate including distinctively coloured ballot papers;
- (c) advice to Returning Officers on how to avoid confusion among voters concerning the two kinds of ballots which was seen at the 2007 elections to the Scottish Parliament;
- (d) the importance of prior publicity aimed at voters; and
- (e) clear advice on the position of foreign nationals resident in the U.K.

(2) That the Government consultation document on weekend voting be considered by the Scrutiny Panel.

**30. ELECTIONS - MAY 2008 -VIEWS OF THE CONSTITUTION AND MEMBERS SERVICES STANDING PANEL**

The Chairman of the Constitution and Member Services Standing Panel, Councillor Mrs McEwen introduced the Panel's report on their view of the May 2008 election. The Committee noted that the layout at the count had been improved, but could still be bettered; the count venue had improved with the use of 'bus stop' type signs to make it clear where each ward is being counted. It may be that Theydon Bois village hall would now be useable with these improvements. Timing on the count was also discussed, whether to count at the close of poll or on the following day.

**RESOLVED:**

That the report to the Panel reviewing the elections held on 1 May 2008 and the matters raised by the Panel were noted.

**31. PRE-MEETING PREPARATION**

The Deputy Chief Executive introduced the report on pre-meeting preparation for the Committee. This came about from the number from presentations that the committee receive and concerns were expressed about how they could prepare for any upcoming presentations to maximise the benefit.

Councillor Mrs Whitehouse said this discussion was more appropriate for a training session and not a public meeting. She noted that any future presentations are already publicised to all members. Members needed training every year on how to question and there should be a role for the public. She proposed that this be deferred to the proposed Overview and Scrutiny Review, where we can consider it depth. Councillor Jacobs seconded this proposal.

Councillor Haigh agreed with Councillor Mrs Whitehouse and said that they should look at the function of scrutiny and not just receive slick presentations. They needed to hold people to account.

#### **RESOLVED:**

That this report be deferred, and be considered at the proposed Overview and Scrutiny review in January 2009.

### **32. WORK PROGRAMME MONITORING**

#### **Overview and Scrutiny Committee**

Councillor Murray expressed concern that the new principal of the Epping Forest College would be new in his post and would not have had sufficient time to get a feel of the job to address the Committee in September. Councillor Cohen also expressed a desire that the presentation be deferred to a later date.

**AGREED** that the review of the Epping Forest College is moved from the 29 September meeting to the 11 December meeting, to give the new principal time to settle into his job.

**AGREED** to invite County Portfolio Holder to the January 2009 meeting, to talk to the Committee about the rural bus services.

**AGREED** that a report be brought to the next meeting of the Overview and Scrutiny Committee laying out proposals on how the O&S review would be organised. Covering aspects such as, should it be handled solely by the Constitution and Member Services Standing Panel, should a Task and Finish Panel be set up or should a one off Overview and Scrutiny Committee meeting be devoted solely this review.

Councillor Stallan asked that the a review of the publication and distribution of the Portfolio Holders decisions be included in this review. The Assistant to the Chief Executive assured the councillor that in future officers would make suitable arrangements.

#### **Finance and Performance Management Standing Panel**

A short report from the Chairman of the Finance and Performance Management Scrutiny Standing Panel was tabled summarising the items considered by that Panel in its first two meetings.



**33. CABINET REVIEW**

Councillor Angold-Stephens wanted clarification, that under item 16 of the Cabinet agenda, 'Digital upgrading of communal TV aerial distribution systems' – if they had considered installing cable as a suitable alternative?

**CHAIRMAN**

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