

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

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| Committee: | Council | Date: | 26 September 2017 |
| Place: | Council Chamber, Civic Offices, High Street, Epping | Time: | 7.30 - 10.15 pm |
| Members Present: | Councillors D Stallan (Chairman), R Bassett (Vice-Chairman), N Avey, R Baldwin, A Beales, N Bedford, A Boyce, W Breare-Hall, R Brookes, R Butler, K Chana, D Dorrell, R Gadsby, L Girling, S Heap, L Hughes, R Jennings, J Jennings, S Jones, H Kane, S Kane, H Kauffman, P Keska, J Knapman, Y Knight, J Lea, A Lion, M McEwen, L Mead, G Mohindra, R Morgan, S Murray, S Neville, A Patel, J Philip, C P Pond, C C Pond, C Roberts, D Roberts, B Rolfe, B Sandler, M Sartin, G Shiell, S Stavrou, D Sunger, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley | | |
| Apologies: | Councillors H Brady, G Chambers, A Grigg, A Mitchell, B Surtees and S Watson | | |
| Officers Present: | G Chipp (Chief Executive), S Hill (Assistant Director (Governance)), S Kits (Social Media and Customer Services Officer), R Morton (Webcasting Officer), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), R Perrin (Democratic Services Officer) and G J Woodhall (Senior Democratic Services Officer) | | |

32. WEBCASTING INTRODUCTION

The Assistant Director of Governance and Performance Management reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

33. FORMER COUNCILLOR L. MARTIN

The Chairman informed Members of the death of former Councillor Len Martin.

Len Martin had represented the Buckhurst Hill East Ward of the District as a Liberal Democrat Councillor from 1996 to 2006. He had served on many of the Council's member bodies during this time.

Members paid tribute to the memory of former District Councillor and stood for a minute's silence in his memory.

34. MINUTES

RESOLVED:

That the minutes of the Council meeting on 27 July 2017 be taken as read and signed by the Chairman as a correct record.

35. DECLARATIONS OF INTEREST

There were no declarations of interest by Members of the Council under this item.

36. ANNOUNCEMENTS

(a) Announcements by the Chairman of Council

(i) Chairman's Events

The Chairman informed Members that he had attend a variety of events which included meeting the Youth Council, the Costermongers Festival at Guildhall, the Chairman's Charity Golf Day, the launch of the Epping Forest Recycling Rewards Scheme and the Annual Petanque Match with Epping Town Council.

It was noted that the Chairman's Carol Service had changed dates and would now be held on 8 December 2017 at St John's Church, Epping.

(ii) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to the mother of the young boy who had been recently victim of anti-social behaviour in Waltham Abbey.

(iii) Change of Date for Council

The Council approved the change of date for the Council meeting scheduled on Thursday 2 November 2017, to be held Wednesday 1 November 2017.

37. RE-ORDER OF AGENDA

The Chairman advised that with the consent of the Council, the three public questions which had been submitted after the publication of the agenda, under agenda item 7, Public Questions would be brought forward as the next item of business.

38. PUBLIC QUESTIONS (IF ANY)

(a) **Future Crèche Facilities at the Loughton Leisure Centre**

Question from Tina Stelfox to Councillor H Kane, Leisure & Community Services Portfolio Holder

"Given the documented concerns to Councillors and Places for People Leisure about the intended closure of the crèche on the Loughton Leisure Centre site and support for maintaining a crèche: We would like to know what plans are in place by the Epping Forest District Council to ensure that crèche facilities are maintained on the Loughton Leisure Centre site by the Places for People Leisure who have a 20 year contract."

Reply of Councillor H Kane, Leisure and Community Services Portfolio Holder

"Thank you for your question. It is true that after extensive search for suitable space- while the refurbishment work is in process- this has proven impossibility.

You see the safeguard of the children during any building works cannot be jeopardised; so, for the duration of the building the crèche has to close.

Going forward, I have requested the contractor for any possible extension to the existing plans in order to accommodate the crèche. As soon as we have the costs involved, I will be raising the matter to my fellow Cabinet members for support and decision.”

(b) Closure of the Crèche at the Loughton Leisure Centre

Question from Neena Freeman to Councillor H Kane, Leisure & Community Services Portfolio Holder

“Given that the Places for People management have now written informing of the closure of the crèche facility (which has been there over 14 years) at Loughton Leisure Centre on 20th October 2017 with no consultation with users, how does the council justify this discrimination against these users, many of whom have been members for years and have exercised up until the birth of the children using the crèche?”

Reply of Councillor H Kane, Leisure and Community Services Portfolio Holder

“Thank you for your question. Discrimination is a very strong word to use. I understand your frustration and concerns but I do not agree with the term used here. I will explain.

First of all, this Council is proud of its history of providing leisure and cultural activities, which are not a statutory obligation. Indeed, as local government is under increasing financial pressure and subject to reduction in revenue funding from the central government, discretionary services such as Leisure and Cultural services, in many other authorities, have been subject to cuts.

The management of the procurement to appoint a new contractor was undertaken by a multi-disciplinary officer project team, who reported to the Portfolio Advisory Group. I established this group of members from all political parties to offer advice and guidance to me determining not only the best procurement and contractual options, but also the service specification and scope of any new facilities. This was the group who made the final recommendations to the Cabinet, on the preferred bidder, Places for People.

The crèche in Loughton was not in the tender specification, because there has never been a purposed built crèche there. It was at the discretion, management and subsidy of the contractor in response to local circumstances and temporary demand.

The Council provides crèche facilities in other leisure centres i.e. Epping; and as I said before, I am still looking for a solution in the Loughton centre. So, I do not think that there is any doubt that there is still a lot of work to be done.”

(c) Local Plan – Call for Sites Methodology

Question from John Collins to Councillor J Philips. Planning & Governance Portfolio Holder

“Bearing in mind the examples given below in respect of sites that have not been included in the Council’s preferred sites lists, are the Council and Portfolio Holder satisfied that the process and criteria are being applied rigorously enough and do

they agree that where the reasons given for sites not being selected are incorrect, sites ought to be re-checked and the precise reason for inclusion and exclusion ought to be re-checked against the agreed set of criteria with consideration being consistent across sites ?”

Reply of Councillor J Philips, Planning and Governance Portfolio Holder

“1) Is the Council and Portfolio Holder satisfied that the process and criteria are being applied rigorously enough?

The decision-making process that underpins the selection of sites taken forward within the Local Plan is set out within the Council’s Site Selection Methodology (‘SSM’) which is published on the website. To be adequate, the Local Plan evidence base must be robust and assessments should be founded upon a cogent methodology, undertaken in a transparent manner and fully documented at key stages. A significant body of work therefore underpins the SSM, and accordingly it takes into account:

- Relevant government policy and practice guidance contained within the National Planning Policy Framework and Planning Practice Guidance respectively; and
- Work undertaken elsewhere in the country by a number of other planning authorities at varying stages of plan making, including from adopted plans.

The Site Selection Methodology provides a detailed breakdown of the various sources of decision making criteria that have shaped the overall outcome.

With regard to the District’s Green Belt, this has been objectively assessed and reviewed. The NPPF at para 79 states that *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. The Framework goes on to provide a number of points which local planning authorities must consider in reviewing the Green Belt within its administrative boundary. Building on national guidance, and national best practice, the Council undertook a Green Belt review in two stages in 2015 and 2016 (both documents are also on the website). In summary, the Stage 1 assessment provided a high-level review of the Green Belt’s overall performance, whilst Stage 2 reviewed in more detail the parcels within the Green Belt. The findings of this study were used to inform the site selection process therefore ensuring consistency between studies.

I am satisfied that a robust and thorough approach to both site selection and the assessment of the Green Belt has been followed. The methodologies used for the site selection process and Green Belt review are firmly based on national policy and guidance, and have taken account of national best practice elsewhere.

2) Do they agree that where the reasons given for sites not being selected are incorrect, sites ought to be re-checked? Where the reasons given for sites not being selected are incorrect, sites ought to be re-checked and the precise reason for inclusion and exclusion ought to be re-checked against the agreed set of criteria with consideration being consistent across sites?

Local plan-making is informed by a range of evidence provided at multiple stages. The Council undertook its Regulation 18 consultation in late 2016, and the public and landowners were invited to submit comments on the sites proposed for allocation. In a number of cases, new or updated material was made available to the Council for the first time. In all cases, where received, this material has been reviewed to

determine whether or not it materially alters the initial assessment of sites. The Council is therefore confident in the rigour and consistency that has been applied to the assessment.

I consider that the site selection process has been undertaken objectively and comprehensively. New and updated information supplied by agents has been assessed and appraised. The Council therefore remains confident in its assessment of sites and a detailed exercise of re-checking sites would be unnecessary and would only serve to introduce delays to the plan-making process. This is clearly neither in the interest of the Council, the residents of the District or the district's landowners."

Supplementary Question from John Collins to Councillor J Philips, Planning & Governance Portfolio Holder

"If there were mistakes within the process over all and the Local Plan encountered problems at the Examination in Public, would it not end up a slower process overall?"

Reply of Councillor J Philips, Planning and Governance Portfolio Holder

"I am confident that the work carried out by the Council has been successful and properly prepared as it could be at this stage of the process. The Council had carried out significant consultations in comparison to other neighbouring authorities and after consulting an experienced Inspector, I am confident in the Council's Local Plan. Where new information has come forward, I have been satisfied that it had been looked into properly and therefore, feel that the Council will be in a good position when it comes to the public examination."

39. ROGER HIRST, THE POLICE AND CRIME COMMISSIONER FOR ESSEX

The Police and Crime Commissioner, Roger Hirst made a short presentation updating Members on the overall strategy, funding and resources, since their last visit in February 2017, along with the District Commander, Lewis Basford for Epping Forest and Brentwood.

The Police and Crime Commissioner explained that the rise in the Police precept supported the on going reductions in Central Government grants, increased the amount of Police Offices and Staff and new technology.

The District Commander advised that the night time economy issues within Loughton had been alleviated, some what by the closure and restriction put on the former Nu and Luxe Bars. The anti-social behaviour issues in Epping High Street and Waltham Abbey were being dealt with although not completely resolved and they were working closely with the Council's Communities Safety Team on other issues.

Members asked questions about late night establishments, anti social behaviour, whether the police could increase their visibility, issues with response times, serious road accidents, the possibility of Secondary Schools regaining Police Liaison Officers, dangerous parking with police assistance, speed traps, motorbike issues on open green spaces, the impact of mental health on the police service and updates on vacant police buildings within the district.

40. QUESTIONS BY MEMBERS UNDER NOTICE

The Council noted that there were no members questions submitted for consideration at the meeting.

41. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET**(a) Leader of the Council**

The Leader advised that there had been fewer official meetings, although business for the Council had continued at a pace. At the forefront of Council business had been transformation and looking at the Civic building, footprint and best use of the building for the future.

He informed Members that he had recently attended meetings with the local MP Eleanor Laing, to discuss the Council's Budget, Local Plan, Transformation, parking issues and the national Government's stand point on housing. Furthermore, he had met with Essex Leaders and Chief Executives to discuss issues that affected the whole of Essex, in particular emergency planning. The West Essex Leaders from Uttlesford, Harlow and Brentwood had updated each other on the progress of their Local Plans.

Finally, he had attended a joint meeting with Chief Officers and Essex County Council on how to achieve the best value for money and ideas for shared services.

(b) Planning & Governance Portfolio Holder

Councillor J Philip advised that on 14 September 2017, further announcements were made on the white paper "Fixing our broken housing market"; He advised that the content had been significantly different to what had been expected. The changes that had been made to the objectively assessed housing need for each planning area reflected a rise in targets for new dwellings from 540 to 923 per year equating to an overall increase from 11,400 to over 20,000 houses for the Council. The Local MP, Eleanor Laing had written to the Secretary of State and had met with him to discuss the situation. The only alternative was to accelerate the Local Plan and submit it to the inspector before 31 March 2018, which would enable the Council to continue with the current figures. An update would be coming forward at the next Cabinet meeting in October.

(c) Housing Portfolio Holder

Councillor S Stavrou advised that the Communities Select Committee on Monday 9 October 2017 had been cancelled. Members would be notified when a new date had been scheduled.

42. QUESTIONS BY MEMBERS WITHOUT NOTICE**(a) Nature Reserve Signage**

Councillor R. Butler asked the Environment Portfolio Holder whether the signage put up at the Waltham Abbey Nature reserve regarding dropping litter could be made permanent.

Councillor W Breare-Hall advised that the signage had improved the situation and he would take the idea away for further discussion.

(b) Loughton Leisure Centre Crèche Facilities

Councillor J Jennings asked the Leisure & Community Services Portfolio Holder whether she agreed that without crèche facility, leisure members would not have

access to the local amenity and with all the other leisure centres in the district having these facilities, is this not discrimination.

Councillor H Kane advised that she did not believe there was discrimination. She would be looking for a solution and for the crèche to continue, but at an average of seven children a day at £3.55 per hour, there was a lot of work to be done to justify the crèche. She was confident that something would be done in the future and there were also other plans put in place for users to take their children into the gym with them as long as they were safely contained within their pushchairs.

(c) Housing Allocation Scheme

Councillor J H Whitehouse asked the Housing Portfolio Holder whether she could reconsider a proposed clause in the Housing Allocation Scheme regarding residency for people who had left the district for educational purposes but wanted to return after completion. She enquired whether applicants could fulfil the 5 years residency criteria, if they had lived in the district in their primary and secondary school years.

Councillor S Stavrou advised that the document was still in draft form and legal advice was being sought, although she would take the comments back to officers.

(d) The Princess of Wales Public House, Westall Road, Loughton

Councillor D Wixley asked the Housing Portfolio Holder whether she had any information on the redevelopment or reopening of the Princess of Wales Public House on Westall Road, Loughton.

Councillor S Stavrou advised that she had no information on The Princess of Wales Public House site, although she would make enquiries and get back to him.

(e) Emergency Planning

Councillor C C Pond asked the Environment Portfolio Holder how many staff were employed in Emergency Planning.

Councillor W Breare-Hall advised that he did not know but would find out and share the information with her.

(f) Commercial Property Value

Councillor H Kauffman asked the Finance Portfolio Holder whether the increased value of commercial properties in the Statutory Statement of Accounts 2016/17, also reflected the expenditure that the Council had incurred with investments such as the retail park.

Councillor G Mohindra advised that figures mention within Statutory Statement of Accounts related to the 2016/17 accounts and the retail park would be reflected in the 2017/18 accounts.

43. MOTIONS**(a) Constitution (Article 10) – District Development Management Committee and Area Plans Sub-Committees**

Moved by Councillor S. Kane and seconded by Councillor J. Philips

“That the Council adopt the following changes to the Article 10 of the Constitution, to give effect to a review by the District Development Management Committee of any proposed refusal of planning applications made by or on behalf of the Council or in relation to any application site owned by the authority, namely:

(1) That the following addition be made to the terms of reference of the District Development Management Committee in Article 10 of the Constitution (to be numbered (1)(g)):

‘Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner, that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted’; and

(2) That the following addition be made to the terms of reference of the Area Plans Sub-Committees in Article 10 of the Constitution (to be numbered (4)(e)):

‘Development proposals for a site are made by or on behalf of the Council or where the Council is the landowner, that are recommended for refusal by a Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted’.”

Amendment moved by Councillor D. Dorrell and seconded by Councillor C C. Pond

“That the following addition be made to the Rules for participating on Planning matters at Council Area Plans sub and District Development Management Committee meetings in Appendix 1 of Article 10 of the Constitution (to be numbered 1 (e) of paragraph one):

1. (e) A member for the ward relevant to the application when a referral to District Development Management Committee has taken place under rule 4 (e) of the Terms of Reference of the Area Plans Sub-Committee in Article 10 of the Constitution.”

Carried

There voted for the motion as amended: (26) namely: N Avey, R Bassett, N Bedford, W Breare-Hall, K Chana, R Gadsby, L Hughes, H Kane, S Kane, P Keska, J Knapman, J Lea, M McEwen, G Mohindra, A Patel, J Philip, B Rolfe, B Sandler, M Sartin, G Shiell, D Stallan, S Stavrou, D Sunger, E Webster, C Whitbread and H Whitbread.

There voted against the motion as amended: (16) namely: R Baldwin, R Brookes, R Butler, D Dorrell, S Heap, B Jennings, J Jennings, H Kauffman, S Murray, S Neville, C C Pond, C P Pond, C Roberts, J H Whitehouse, J M Whitehouse and D Wixley.

There abstained: (2) namely: A Beales and D Roberts.

Motion as amended ADOPTED**RESOLVED:**

"That the following changes to the Article 10 of the Constitution, to give effect to a review by the District Development Management Committee of any proposed refusal of planning applications made by or on behalf of the Council or in relation to any application site owned by the authority be adopted, namely:

(1) That the following addition be made to the terms of reference of the District Development Management Committee in Article 10 of the Constitution (to be numbered (1)(g)):

'Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner, that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted'; and

(2) That the following addition be made to the terms of reference of the Area Plans Sub-Committees in Article 10 of the Constitution (to be numbered (4)(e)):

Development proposals for a site are made by or on behalf of the Council or where the Council is the landowner, that are recommended for refusal by a Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted.

(3) That the following addition be made to the Rules for participating on Planning matters at Council Area Plans sub and District Development Management Committee meetings in Appendix 1 of Article 10 of the Constitution (to be numbered 1 (e) of paragraph one):

A member for the ward relevant to the application when a referral to District Development Management Committee has taken place under rule 4 (e) of the Terms of Reference of the Area Plans Sub-Committee in Article 10 of the Constitution."

44. STAFFING STRUCTURAL ADJUSTMENTS WITHIN DEVELOPMENT MANAGEMENT

Mover: Councillor J Philips, Planning & Governance Portfolio Holder

Councillor J Philips submitted a report regarding a Continuing Services Budget supplementary estimate for staffing structural adjustments within Development Management.

Report as first moved ADOPTED**RESOLVED:**

(1) That a Continuing Services Budget supplementary of £109,760 be approved to convert the following existing temporary posts to permanent posts, effective from 1 October 2017:

(a) Technical Officer (Validations);

- (b) Technical Officer (Systems); and
- (c) Two Assistant Planning Officers.

45. STATUTORY STATEMENT OF ACCOUNTS 2016/17

Councillor J Knapman, Chairman of the Audit and Governance Committee.

Councillor J Knapman advised that the Statutory Statement of Accounts for 2016/17 had been considered by the Audit and Governance Committee and were recommended to Council.

Report as first moved **ADOPTED**

RESOLVED:

That the Statutory Statement of Accounts for 2016/17 be adopted.

46. OVERVIEW AND SCRUTINY COMMITTEE

The Council noted the written report from Councillor Sartin, the Chairman of the Overview and Scrutiny Committee.

47. APPOINTMENTS TO COMMITTEES & OUTSIDE ORGANISATIONS 2017/18

Mover: Councillor C Whitbread (Leader of the Council)

Councillor C Whitbread advised that following the death of Councillor G Waller, there were a number of Outside Organisation appointments that were now vacant. Furthermore, with the appointment of Councillor S. Kane as the Safer, Greener & Transport Portfolio Holder, a vacancy on the Overview and Scrutiny Committee for the remainder of the 2017/18 municipal year had also occurred.

RESOLVED:

- (1) That Councillor J Lea be appointed on the Overview and Scrutiny Committee for the remainder of the 2017/18 municipal year;
- (2) That Councillor L. Hughes be appointed on the Epping Forest Community Transport Board of Trustees;
- (3) That Councillor S. Kane be appointed on the Essex Police and Crime Panel; and
- (4) That the appointment of the Stansted Airport Consultative Committee (Deputy) be determined following the Lower Sheering Bye election on 19 October 2017.

48. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

- (a) There were no further updates from Council representatives on any other business of joint arrangements and external organisations; and
- (b) There were no requests made for written reports by representatives on joint arrangements and external organisations for the next meeting.

CHAIRMAN