

# **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 20 July 2020  
**Place:** Virtual Meeting on Zoom **Time:** 7.00 - 9.13 pm  
**Members Present:** C Whitbread (Chairman), N Avey, N Bedford, A Patel, J Philip, S Kane and H Whitbread

**Other**

**Councillors:** R Bassett, P Bolton, R Brookes, L Burrows, D Dorrell, S Heap, S Jones, R Morgan, S Murray, S Neville, D Plummer, C C Pond, C P Pond, S Rackham, M Sartin, J Share-Bernia, D Sunger, B Vaz, J H Whitehouse, J M Whitehouse and D Wixley

**Apologies:**

**Officers Present:** G Blakemore (Chief Executive), A Blom-Cooper (Interim Assistant Director (Planning Policy)), N Dawe (Chief Operating Officer), S Devine (Service Manager (Regulatory)), Q Durrani (Service Director (Contracts & Technical Services)), D Fenton (Service Manager (Housing Management & Home Ownership)), J Gould (Housing Needs and Older Persons Services), A Hendry (Democratic Services Officer), S Jevans (Strategic Director), K Lee (Interim Asset & Property Manager), P Seager (Chairman's Officer), A Small (Strategic Director) and G Woodhall (Democratic & Electoral Services Officer)

**27. WEBCASTING INTRODUCTION**

The Leader of Council made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

**28. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

**29. MINUTES**

**Decision:**

The Minutes of the Cabinet meetings held on 1<sup>st</sup> June and 11<sup>th</sup> June 2020 be taken as read and would be signed by the Leader as a correct record.

**30. REPORTS OF PORTFOLIO HOLDERS**

There were no verbal reports made by Members of the Cabinet on current issues affecting their areas of responsibility.

**31. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET**

**Public Questions**

Ms S De Luca the clerk to North Weald Parish Council asked the following question on behalf of the Parish Council relating to the Financial Issues – Covid 19 report:

“It was our understanding that Housing had been removed from North Weald Airfield. Could Cabinet advise as to why it has now appeared on the Agenda again especially as the Airfield Site has been designated within the submission version of the local plan as an employment allocation. In particular the reference to Qualis’ involvement in North Weald development as a whole. The report submitted is not clear and transparent.”

The Portfolio Holder for Planning and Sustainability, replied that in answer to her first point, yes this was the case, however in developing the employment opportunity land and the SANG the plans needed to be mindful of access issues between the developments the nature of the SANG and other spatial issues that once drafted would be shared by means of consultation. The housing mentioned is the Countryside proposal.

The answer to the second part of her question was that the issues that were being reviewed related to: the development of the employment land and the objective of creating high value local employment opportunities that would provide more opportunities to the existing North Weald Basset Community and the proposed Countryside development; and improvements needed to the airfield itself in terms of infrastructure and services so that it remains an operational airfield well into the future, i.e. the runway to last needs significant investment.

It should be noted that the report was setting the scene for detailed master plan and improvement work that would be subject of detailed review, consultation and discussion.

As a supplementary question Ms De Luca asked that in view of the response made to the question, were you able to confirm that there would be no housing built by any developer, either by EFDC or a private developer, on the allocated employment land at the airfield as per the Local Plan submission version.

The Portfolio Holder replied that as per the Local Plan submission version the answer was that there would be no building of houses on that land. However, it should also be noted that beyond this LDP the Cabinet would carefully consider any new proposal that arose.

## **32. OVERVIEW AND SCRUTINY**

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meetings held on 22 June and 16 July 2020.

The meeting on 22 June was their first of the year and covered the Membership, Chairmanships, and Vice-Chairmanships for the three established Select Committees, now in their second year. Other business considered by the Committee included the Cabinet’s Forward Plan of Key Decisions; as well as the Overview & Scrutiny and Select Committee Work Programmes for 2020. It was agreed that the response and recovery from the Covid-19 pandemic should be added to the Overview & Scrutiny Committee Work Programme as a standing item.

At the 16<sup>th</sup> July meeting the Committee received a presentation from the Epping Forest Youth Council on the activities that they had undertaken during the previous twelve months and intended to undertake in the next twelve months. They were currently undertaking a post Covid-19 survey of young people on how their health and wellbeing had been affected by the pandemic. The Leader of Council had requested that the Youth Council share with a future Cabinet meeting the results of their current survey.

The Committee then received a short presentation on the new People Strategy of the Council. The ambition of the new Strategy was to have the right people with the right skills who were highly motivated and high performing.

The Committee then considered the Customer Services Annual Report. The Committee raised a concern about the Council potentially providing services via digital means only and felt that Council Offices and telephone support should remain as an option for residents to use.

The Committee received two reports on the Council's performance; the first covering the period January to March 2020 which was the last quarter of the 2019/20 municipal year, and the second covering the period April to June 2020 which was the first quarter of the 2020/21 municipal year.

The Waste Management Task & Finish Panel presented its final report to the Committee, which had been held over from the postponed meeting in March. The Committee welcomed the recommendation to not implement a third wheeled bin for all properties throughout the District and were keen to emphasise that any wide-ranging changes to the current service provision should be subject to extensive public consultation. The Committee agreed the recommendations of the Task & Finish Panel and requested that it reconvene later in the municipal year when more information became available following further Government waste strategy consultations and royal assent for the Environment Bill 2020.

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

### **33. FINANCIAL ISSUES - COVID 19**

The Finance and Economic Development Portfolio Holder introduced the Financial Issues report on Covid 19. He noted that was a long and detailed report on the council's response to Covid and he complimented the staff on their work and dedication to the residents.

Covid 19 had presented the Country and this Council with a massive and unexpected challenge. The changes required to daily life to slow the spread of the virus and protect the most vulnerable were unprecedented and were huge and potentially long lasting. Even beyond the need to actively control the virus, the impact of this event would live on through the cost to the national finances, the impacts on the economy and employment and the acceleration of changes to the way in which people shop, work and live their lives.

In Epping Forest District, the immediate implications were already being felt in the form of increased unemployment numbers. The number of those registered as unemployed rose by 343% between January and May 2020 and now stands at 4,985, (6.1% of the workforce). On top of this, a further 16,700 residents have been furloughed and there was a significant concern that many of these may add to the unemployment totals when furlough ends.

So far, the Council has responded incredibly to the immediate challenge. The vulnerable had been looked after, businesses had been supported and the council had worked closely with partners to maintain the safety of the community. Through all this the council's workforce had rallied to the challenge and ensured that services had been maintained, as far as rules allowed. There was much to be proud of in the council's response.

Financially, the impact on Epping Forest District Council (as with all councils) would be vast. Over the past decade the Government has encouraged all councils to become more self-reliant through locally generated income streams. Covid19 has hit these income streams hard and the impact would last for many months and potentially for years.

He emphasised that the Council did not have enough money to do everything that it would like to do or even sufficient finances to do everything it ought to do. Effort needed to be focused to doing those things that would give the most benefit to our district and to our residents.

The financial impacts on our council were huge, maybe up to £8million. He noted that the employees had almost entirely moved to a work from home approach, but this had its own impacts on health and safety. They would need to work properly and safely. Therefore, one of the recommendations in this report was to allow employees the ability to spend some money to purchase things to allow them to work more effectively and sensibly at home. We will encourage purchases from local suppliers if possible, so we kept that money within the district. We have budget provision to allow us to do this.

Areas where we had lost significant income was the car parks and the leisure centres. With reductions in our council tax and non-domestic rates collection. There had also been increases in housing costs and the provision of homelessness cover.

At the latest government review to help local authorities, Epping Forest gained £211,000 as a reflection of our increased costs.

We have currently made a number of decisions in response to Covid such as works on our High Streets to make them safer places for our residents to come back to, we have also reduced the car parking tariff allowing resident to park and shop for up to two and half hours for only 20p.

It was recognised that significant number of people owed us money and it should be noted that we were deferring payment and not writing off debts.

Going forward, several options were mentioned in the report for recovery from Covid. We would be focusing money on where it would make the biggest impact. The Portfolio Holder also wanted it put on record that recent talk of building a new leisure centre in Loughton was just a copy and paste error in a recent report and should not have been there. There were no plans to produce a leisure centre in Loughton.

They were also proposing to move, where they could, the assets the council had into Qualis so that they could maximise the return that the council could get.

They were also looking at a 'office local' offering offices for people who wanted to stay local and not travel into London; and a 'travel local' option to make it easier for people to get round our district, focusing on the areas of rural economy where travel was difficult at present.

They were proud of having a successful digital enterprise zone and as has been proved recently that we are in a situation where digital was becoming even more critical to the success of businesses and we would look to develop this work further.

The final recommendation was to second a Strategic Director to Qualis as a Managing Director. We need to make Qualis as successful as possible to help us in our recovery and to make this happen, we need to put one of our Strategic Directors in there to make sure they are fully aligned to what we want to do as a council.

Councillor S Kane welcomed the report, it will be crucial in shaping the district across the next few years. The proposals in section 9 were large and he would like to hear his colleagues view on this. They want to accelerate the move into Qualis in order to combat the outcome of the Covid crisis, but it was a big load to put on a newly formed company. He then asked Councillor Philip about recommendation 5, to agree the list. Was this just the various business plans set out in the report. Councillor Philip said they were unless they wanted something added or taken out.

Councillor Patel noted that section 9 was ambitious but set out a proper economic strategy for the council. The recommendation highlighted how important Qualis was to the Council and we needed someone in Qualis to hit the floor running and deliver what we were setting out. He completely agreed with the appointment as there was no time to go through a recruitment phase.

Councillor Holly Whitbread said it was testament to the work of the council over many years that we were in a relatively strong financial position to weather this storm. It was important that we built on the foundation over the few years and to ensure that Qualis was strongly managed. Councillor Philip commented that this was an ambitious list to achieve, one of the biggest challenges that we have faced. And it was only because we were a well run council over the last few years that that we were in a strong position now.

Councillor Heap commented that the compassionate view the council took on debt recovery was exceptionally good. In terms of Loughton Centric Parade, how did this transfer of money work, were there any transactional charges? It said that business rate would increase, did this mean the actual will go up or will there just be more businesses. Asking about the Strategic Director that will be seconded across, would they be collecting two salaries and were there any bonus schemes; and by having a Managing Director, which was a good idea, it did tend to removing the Councillors control of the organisation, it was now just the Cabinet plus the Managing Director making all the decisions. There was no oversight for this process. Councillor Philip replied we need to be compassionate about debt recovery, but still needed to be fair and firm. As far as Centric Parade was concerned, we as a council call down a loan, then lend the money to Qualis at commercial rates and any profits they make can come back to us. There will not be two salaries. Qualis was an entirely separate company from the council which would take on housebuilding for us and the private sector along with repairs. It was a properly constituted independent company, so the Cabinet received the overall business plans and would get a quarterly report from Qualis. But for day to day operation it operates as a company in the real marketplace and was able to react at speed. In seconding an officer, we do not have recruitment costs, nor take the time it would need to do this. That officer will also know Qualis and the Council and understand the situation

Councillor Janet Whitehouse noted that there was no mention of the heritage of Waltham Abbey, such as the Gunpowder Mills and the Abbey which should be added to bring more people into the town. Councillor Philip noted that neither the

Gunpowder Mills or the Abbey were new things and so their attraction should not have changed as a result of Covid. There was a good Town Council in Waltham Abbey publicising the area. We were looking to increase footfall to drive business in the town.

Councillor Murray thanked the staff for their work during Covid. On the arrears and debts, he hoped that in practice it was as good as it read. There was a need to improve travel around the district and must be geared around public transport. He had no problem with the business plans outlined in Section 9. But with the talk about Qualis tonight, it just reinforced his opinion about the lack of accountability and public scrutiny for Qualis. Policies would be discussed in private with public discussion only on the outcomes. Finally, as a trade unionist and a workplace representative he was unclear on the one-off payment for equipment for staff on health and safety issues. The report indicates that the one-off payment was for health and safety issues, but the recommendation reads as though this was an automatic payment to staff. He would have difficulty in justifying a further £180 payment to every member of staff, given that they have had one payment and most of them will still retain their job when lots of residents were facing a real threat of unemployment. He was more than happy to support the £180 if it was for health and safety reasons and if it was not an automatic payment. Councillor Philip agreed with giving the thanks to the staff. The aim in terms of arrears policy was to be sympathetic and fair to our residents. He agreed that there would be significant issues in the district a recent report said that there had been a 340% rise in the number of unemployed in the district, and that was unlikely to fall in the near future. We do have pockets of deprivation across the district which they will deal with. Local transport was key; to be done effectively and to benefit the majority of people. As for the staff, he referred to paragraph 4.10 of the report indicating that they had considered bulk buying items centrally for all staff. There was a difference from choosing to work from home to finding, due to circumstances outside your control, that you would need to work from home. We know that it could be difficult working from home, and this will be able to provide staff with the funding to buy items that they need to have to make their home comply with the health and safety requirements. See paragraph 4.11 and so these requests should be justified on these grounds.

Councillor Sartin asked about the secondment of a Strategic Director to Qualis, how would the remaining Strategic Directors cover the areas of responsibility that were left behind. Councillor Philip pointed to paragraph 10.6 which states that we shall still have a Chief Operating Officer and a Strategic Director. The Chief Executive added that the responsibilities would be transferred to the remaining Strategic Director the COO and the Chief Executive. A lot of the work that was there, the accommodation project and Qualis, was now underway, so this was a reduction in workload. But this will all be reviewed after one year.

Councillor Chris Pond thanked the staff and the council's contractors, especially Biffa who have worked very hard as well as the Cabinet. He noted that the loss of commercial rents were not mentioned and wished to know how many had been unpaid and what was the prognosis of the recovery of the commercial sector over the next few months. Councillor Philip said that he did not have the figures on commercial rents with him but will get back to him on this. It was a constantly changing situation, we did have a slump in our commercial rents at the start of the financial year, but as we moved to reopening businesses, that backlog recovered somewhat. Interestingly it was the smaller businesses that were good at paying their rent and not the multinationals. They would publish figures when they have them either in a report or the bulletin, but he was unsure at present when or where this would be.

Councillor Wixley added the Waltham Abbey Museum and the White Water Rafting centre to Councillor Whitehouse's historic place in Waltham Abbey and that it was also the gateway to Lee Valley Park, we had an officer dedicated to this. He asked about paragraph 9.64 on the concept of Local offices. Could it be explained. Councillor Philip replied that the museum was a great asset and we would not ignore it. The Lee Valley Park and the White Water Rafting was outside our district and people visited there without going into Waltham Abbey. We do not have a dedicated tourism officer, but we do derive a lot of money from tourism in the district and we do it from a small part of our economic development staff. The local office scheme was to encourage local resident to work locally by enabling them to travel easily locally. We were looking at the centres we have in the district and the likely fact that there would be some vacancies occurring in the existing properties. Could we make them into a drop-in office that would allow you to work locally, especially if combined with Travel Local. Businesses will be changing how they work.

Councillor Jon Whitehouse agreed with the approach taken on debt recovery but noted that they would also need good quality advice from the voluntary sector. He agreed that there was a need for a local transport scheme, they have seen various initiatives such as the Chigwell bus, but it would need to be subsidised; where would this money come from. He had no issues with slimming down the corporate management team as he thought it was top heavy, but he thought that Qualis was going to externally recruit to this post. Did that just not happen or were there no appropriate respondents. How will the revenue generated by Qualis be monitored and managed? And finally, he noted from the St John's project, that the expected rate of return had gone up from 6% to 12 to 15%, a big change and raised questions on the funding of facilities and services for which this was intended. How do we make sure the quality and facilities would be delivered? Councillor Philip answered that debt recovery would be treated sympathetically; we did not provide debt advice but would support Citizens Advice on this. The Chigwell bus service was not a good example of local travel and we were looking at something different to this, as setting up an appropriate fleet mix and making it as useful as possible at an appropriate cost. As for the Qualis Managing Director, it was the aim of Qualis to get a Managing Director and a number of other positions and recruitment consultants were approached, and if we do not choose to appoint tonight then we can go back to them. But this was the right approach to take. If we appoint an MD by September, we will be within our timeframe as the interim board would come to an end then. We will receive a quarterly report from Qualis shortly that will look at their proposal for Epping as a whole and to deliver what's needed for the town in a suitable timescale.

Councillor Plummer commented that we needed to get the health and safety assessment right; there was also a local letting agent who was not being as helpful as they could be; and what was happening to the Police Station in Waltham Abbey. Councillor Philip replied that most of his points had already been addressed. And no, we do not interfere with letting agents, it was not part of our remit.

#### **Decision:**

- (1) The Cabinet agreed to support staff in managing their health and safety requirements at home by providing an allowance from the funding set aside in the Budget, of no more than £180 one off payment per employee;
- (2) The Cabinet gave their agreement to continue work on mitigation risk package by transferring some commercial rent risk to Qualis;

- (3) The Cabinet agreed the key principles and the approach to debt recovery together with the timetable;
- (4) The Cabinet agreed the Covid19 Response List;
- (5) The Cabinet agreed to the secondment of a Strategic Director to Qualis for a period of up to 2 years with a 1 year review to oversee the development of the commercial operations; and
- (6) The Cabinet agreed to receive regular updates on the Financial impact.

#### **Reasons for Proposed Decision:**

This was mainly an information paper on the Covid 19 situation and its financial impact on the council. This paper provided a summary of the impacts to date, assessed the scale of the financial challenge facing the council, highlighted the action now required to accelerate the restoration of services and the economy and it considered the strategic response required to deliver a stable financial base from which to enable the continued provision of core services and support the district through recovery.

#### **Other Options for Action:**

No other options available.

#### **34. APPROACH TO MANAGING THE EFFECTS OF AIR POLLUTION ON THE EPPING FOREST SPECIAL AREA OF CONSERVATION**

The Planning and Sustainability Portfolio Holder introduced the report on managing the effects of air pollution on the Epping Forest District Special Area of Conservation. He noted that the Special Areas of Conservation were internationally important nature conservation sites within the UK. The Conservation of Habitats and Species Regulations 2017 provided the regulatory framework against which plans and projects, including the Council's Local Plan and individual planning applications, needed to be assessed. In addition, the National Planning Policy Framework (NPPF), affords such sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.

The legislation set out that where a land use plan, either alone or in combination, was likely to have a significant effect on an internationally important site, the plan-making authority must undertake a Habitats Regulations Assessment (HRA). This applied to Local Plans produced by local authorities and in addition to Neighbourhood Plans produced by local communities. Such plans set out a broad quantum of development growth. HRA work must therefore consider the overall impacts of such growth – in combination with neighbouring authorities – and where there were any likely significant effects; adverse effects on the integrity of the site must be ruled out.

A significant proportion, and the most integrated part, of the SAC lies within the Epping Forest District Council administrative area. The remainder lies within the London Boroughs of Waltham Forest and Redbridge (the latter of which accommodates a very small proportion of the SAC). As such, EFDC, as a Competent Authority under the Habitats Regulations, was required to ensure that planning application decisions comply with those Regulations and did not result in adverse effects on the integrity of the Epping Forest SAC.

This report set out the proposed approach to managing and mitigating the effects of new development on the Epping Forest SAC in relation to air quality.

Councillor Chris Pond noted that the strategy was a work in progress that seems to be rather aspirational, we should be working towards mitigation for better human health and bio-diversity. The damaging effects of particulates on the SAC did not seem to be particularly highlighted in the report and it should be comprehensively dealt with. We need to shift development away from the SAC and the most popular parts of the district. Intensification of development on the Epping site would change Epping completely, which may be difficult to justify due to the closeness to the SAC. In his view, development should be shifted to somewhere in the north west of the district, a long way from the SAC and use this to encourage tourism to the forest. He feared that the Inspector and Natural England would find this insufficient.

Councillor Bedford responded that he agreed with some of Councillor Pond's comments but that we were where we were with the Local Plan and had to see it through because developers were waiting to build. The locations had been carefully brought out through the plan; those locations that were closer in were more suitable because of transport links. If we develop out to the west of the district, we will just increase the issues with the SAC as people drive through the forest to get to work. It was a balancing act.

A Blom-Cooper (Interim Assistant Director) added that we had carried out a lot of bespoke work on traffic flow and air quality so that moving forward we will be able to assess the improvement. There were specific short term measures that we can introduce immediately such as supporting walking and cycling, the provision of electric vehicle charging points and other measures such as signage and HGV route management. Some longer term measure would be to look at a clean air zone. More modelling work would need to be done to assess the impact on the forest. Under the habitat regulations we were looking at the natural environment. We had been working with Natural England and the Conservators to bring forward this package, but it should be noted that the work was not over yet.

Councillor Janet Whitehouse referred to the provision of electric charging points could this be elaborated on.

Councillor Jon Whitehouse noted the habitat regulations assessments; he expected more site specific interventions, would they come forward later. There was also less synergy with the Green Infrastructure Strategy. The lower forest was part of an SSSI but not part of the SAC, has anyone looked out for any unintended effects on this area. A Blom-Cooper replied that there was a policy in the plans that specifically required access to electric vehicle charging points for all new development. As for retro fitting for existing properties a policy and guidance will be brought in. Site specific measures will be looked at on a case by case basis. As for recreational pressure issues, there were two issues here, one was the impact on air quality and the second was the impact on recreational pressure. We would need to bring forward a strategy for alternative natural green space and were looking at a number of sites for this to take the pressure off the forest. And yes, we were aware of unintentional consequences and would need to do a lot of preparatory work.

Councillor Philip added that it was important to remember the effects of air pollution on Epping Forest, particularly on what happened around SAC and our ability to issue planning permission. Because of the way this is related to the SAC, development elsewhere in the district had little impact on the overall plan. It would not make it any better. The good thing was if we got permission from Natural England, we would be

in a position for releasing planning permission that we had already granted, and it was critical we moved this forward.

Councillor Neville asked about the Clean Air Zone, did we have a timescale for when a recommendation was to go forward. And, on site specific schemes, there was talk about them being funded by developer contributions and some of the documents related to this mentioned the cycling action plan which sometime has the developer mentioned and sometimes not, will we always have developer contributions? Councillor Bedford said there was no dates set for introducing a clean air zone on roads through Epping Forest. A review will be held on this before 2024. Secondly the council was currently updating the IDP to take account of changes since it was first produced in 2017, recognising the changes to the Local Plan submitted version as a result of the inspector's actions. The council had submitted bids as part of the reopening high street safety fund, including provision for works in Loughton, Debden and Buckhurst Hill. Epping Council has submitted bids for works to Epping and Waltham Abbey to Essex County Council. Applications were now being prepared for tranche two of the emergency active travel funding. To receive funding authorities will need to satisfy the department that they have meaningful plans to update the road system for cyclists and pedestrians. There will also be a car free day on 1<sup>st</sup> September.

Councillor Neville asked what were the schemes mentioned in Loughton, Debden and Buckhurst Hill. Councillor Bedford said that they were working up projects, but they had not been finalised as yet.

Councillor Wixley spoke about the retro fitting of electric charging points, he noted that a report would be coming to the Cabinet. Would they be on the Public Highway and was this something we would get involved in or was this for Essex CC. Councillor Bedford said that this would create issues for us. At this stage he did not think that Essex CC would be getting involved as it was another major funding project for them. Maybe something for the future.

Councillor Dorrell asked about the strategic Road Signage Strategy which appeared to contradict what we were trying to do here; trying to get more business for the Epping Forest Visitor's Centre while reducing the amount of traffic. Seems confusing, as though we did not understand the desired outcome we wanted. As for the clear air zone, people will have to go through the forest to travel around the district, so introducing charges for people to drive to different parts of the district sounded very strange. We risked cutting off Waltham Abbey from the rest of the district especially access to the Central Line. Councillor Bedford replied that as for signage, the idea was to divert some of the traffic going through the forest. As for the clean air zone, this was for working with others and to get the zone up and running, this might be based around commercial vehicles; but this was only a proposal for now.

Councillor Heap asked about the air quality zone, was this a zero sum gain, to assess what was to be allowable by 2035 for any development. Councillor Bedford said that air quality was based on an assessment already carried out and we need to be seen that we were making a significant improvement. We will be reviewing again in 2023/24.

Councillor Heap said that the Local Plan offered financial aid for sustainable transport, so we would probably need electric busses.

**Decision:**

- (1) The Cabinet agreed the Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation for the purposes of formal consultation with Natural England and the Conservators;
- (2) The Cabinet agreed that any necessary and appropriate changes arising from that consultation and any data and targets arising from the finalisation of the current air quality modelling work would be incorporated into the Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation;
- (3) The Cabinet agreed that the adoption of the Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation was delegated to the Portfolio Holder for Planning and Sustainability, submitted to the Local Plan Inspector examining the Council's emerging Local Plan and be used to inform the Council's updated Habitats Regulations Assessment for the emerging Local Plan; and
- (4) That upon adoption, the Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation would be a material consideration in the determination of planning applications and permitted development rights proposals within the Epping Forest District Council administrative area.

#### **Reasons for Proposed Decision:**

To comply with the Council's general obligations as a competent authority under the Species and Habitats Regulations 2017 (as amended) [Regulation 9(1)] and to support the Examination of the Council's Local Plan Submission Version.

#### **Other Options for Action:**

Not to develop and adopt an Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation as a material consideration in the determination of planning applications and permitted development rights schemes which result in a net increase in traffic (based on Annual Average Daily Traffic levels) on roads within 200m of the SAC. This would prevent the Council, as local planning authority, from positively determining such proposals, where appropriate, as advised by Natural England, as the responsible statutory body, in its letter of 15 June 2018. In addition, it would mean that the Local Plan may not be seen as deliverable at examination and therefore would not be found sound.

### **35. IMPLEMENTATION OF THE LOCAL PLAN: UPDATE ON PROGRESS**

The Planning and Sustainability Portfolio Holder introduced the report on the update on the progress of the implementation of the Local Plan.

It was noted that following the October 2018 Cabinet meeting which agreed the governance arrangements for the implementation of the Local Plan, the Implementation Team had made a commitment to provide members with regular updates on the progress of Masterplans and Concept Frameworks within Epping Forest District to ensure that members are kept fully up to date.

This report provided members with an update on the progress of Strategic Masterplans, Concept Frameworks and Planning Performance Agreements within the District. Discussions with site promoters and developers have continued during

the COVID-19 pandemic with meetings taking place virtually. Project programmes were being adjusted where necessary to account of the need for revised community engagement arrangements.

The Council was currently consulting on the Draft Green Infrastructure Strategy which focussed on the future use of existing, and the introduction of new open spaces in the District to form a network of multi-purpose spaces for both people and wildlife to thrive. It would also make provision for Suitable Alternative Natural Greenspace to support the action identified in the Inspector's advice of 2 August 2019 to mitigate the impacts of increased recreational pressure on the Special Area of Conservation. The closing date for responses was 16 July 2020.

Following receipt of leading Counsel advice, the Council was continuing to work proactively to identify an interim strategy to address the backlog of planning applications held in abeyance following the advice from Natural England pending completion of the additional Habitats Regulations Assessment.

#### **Decision:**

The Cabinet noted the progress of Masterplans and Concept Frameworks, including the use of Planning Performance Agreements and the progress of other proposals at pre-application and application stage be noted.

#### **Reasons for Proposed Decision**

To ensure that members were kept fully up to date on the progress of Masterplans and Concept Frameworks and other major proposals being promoted within the District.

#### **Other Options for Action:**

Not to update members on the progress on the above issues would be contrary to the commitment made by the Implementation Team as noted in the 18 October 2018 Cabinet Report.

### **36. ADOPTING A 2-PART REGISTER FOR SELF-BUILD AND CUSTOM HOUSEBUILDING**

The Housing and Community Services Portfolio Holder introduced the report on adopting a two-part register for self-build and custom housebuilding. It was noted that this report had been extensively discussed at the recent Council Housebuilding Cabinet Committee.

The Council currently has a single Self-build and Custom Housebuilding Register which was not divided into two parts.

The registration process in its current form counted all entries in the register as demand for Self-build and Custom Housebuilding (SBCH) in the District. A two part registration would be beneficial in terms of prioritising applicants with local connections to the area and establishing a more realistic assessment of local demand.

Access to Part 1 of the Register should be subject to a local connection test based on living or working in the District and a financial assessment of capability to purchase plots.

The Self-build and Custom Housebuilding register came into effect through the Self-build and Custom Housebuilding Act 2015 amended by the Housing and Planning Act 2016, to promote the Government's Right to Build Scheme supporting individuals and associations wishing to build their own homes.

The legislation created a duty on the Relevant Authorities, including District Councils, to keep a register and have regard to the register when carrying out their planning, housing, land disposal and regeneration functions. Furthermore, a duty to grant planning permission for enough suitable serviced plots of land to meet the demand for Self-build and Custom Housebuilding in the area. This level of demand was established by reference to the number of entries added to an authority's register during each base period.

**Decision:**

- (1) The Cabinet agreed to adopt a two-part register;
- (2) The Cabinet agreed to adopt and implement local connection and financial solvency tests; and
- (3) The Cabinet agreed the adoption of the overarching policy.

**Reasons for Proposed Decision:**

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) required the Council to keep a register of individuals and associations who were seeking to acquire serviced plots of land in the District for self-build and custom housebuilding.

With the housing pressure and limited capacity to meet all housing needs, it was essential that the Self-build and Custom Housebuilding Register was effective, by adopting the eligibility criteria noted above and implementing a two-part register, it provided the necessary prioritisation to support local applicants and their housing need.

**Other Options for Action:**

To continue to use a single register means that the Council had a statutory requirement to provide permissioned serviced plots to all applicants on the register regardless of local connection. This option made it difficult to prioritise limited land supply and meet local need with multiple applications from applicants across various local authorities.

**37. HOUSING RENTS POLICY**

The Housing and Community Services Portfolio Holder introduced the report on the Council's Housing Rents Policy.

A Housing Rents Policy was required in order to outline how the Council would calculate, consult and charge rent and service charges for Housing Revenue Account (HRA) owned stock that the Council had responsibility to manage and maintain.

The previous Housing Rents Policy 2016-17 had been updated, resulting in a Housing Rents Policy 2020 which reflected the requirements of the Social Housing Regulator's new Rent Standard which came into force on 1 April 2020.

**Decision:**

The Cabinet agreed to the adoption and implementation of the updated Housing Rents Policy which set out Epping Forest District Council's approach to the setting of rent and service charges ensuring compliance with current legislation, the requirements of the Regulator's Rent Standard and recognised best practice.

**Reasons for Proposed Decision:**

There was a statutory requirement to have a Housing Rents Policy. The purpose of which ensures compliance with government legislation when setting rent and service charges. It also ensures that the HRA does not fall into a deficit position, helps the Council to plan for future investments, and protects tenants from excessive rent increases.

**Other Options Available:**

Not to have an updated Housing Rents Policy.

**38. TENANCY POLICY**

The Housing and Community Services Portfolio Holder introduced the report on the Council's Tenancy Policy.

The meeting noted that under the Localism Act 2011 and the Regulatory Framework for Social Housing in England, Registered Providers must publish clear and accessible policies which outline their approach to tenancy management.

EFDC's Tenancy Policy 2015 (v3) expires and required renewal in July 2020. Full amendments and renewal of the policy require statutory consultation which had not been possible at the current time. Agreement was therefore being sought to extend the life of the current policy by a further 2 years to allow for meaningful consideration and consultation of the policy and in order to bring issue dates in line with the Allocations Policy. This would enable the renewal of both policies, which were intrinsically linked, to be considered, consulted on and renewed together in July 2022.

Agreement was also being sought for several proposed changes to the policy, the main ones of which were as follows:

- Discontinuation of two year fixed-term tenancies
- Introduction of an obligation for tenants to declare any properties/land purchased during their tenancy

Other recommended amendments to the wording of the policy were detailed in the main body of the report.

**Decision:**

1. The Cabinet agreed to extend the life of the current Tenancy Policy (which expires in July 2020) by a further 2 years to July 2022
2. Having agreed the extension to the life of the Policy, Cabinet agreed to the recommended amendments set out below:
  - Discontinuation of two year fixed-term tenancies
  - Introduction of an obligation for tenants to declare any properties/land purchased during their tenancy.

**Reasons for Proposed Decision:**

There was a statutory requirement to have a Tenancy Policy. The purpose of the policy ensures compliance with the Regulatory Framework and provides clarity on the circumstances in which EFDC will grant each type of tenancy. Having the policy ensured we offer tenancies which make the best use of our housing stock, while meeting customers' requirements.

**Other Options Available:**

Not to renew the current Tenancy Policy.

**39. ACCEPTANCE OF TENDERS - CONTRACTS 690 AND 790, INSPECTION, MAINTENANCE AND IMPROVEMENTS OF VOID PROPERTIES 2020-25.**

The Housing and Community Services Portfolio Holder introduced the report on the acceptance of tender contracts 690 and 790.

The Cabinet noted that in order to undertake the inspection, maintenance and improvement work to Council-owned void properties during the financial year 2020-21 and over the following 4-year period, it was necessary to undertake a procurement exercise based on the Most Economically Advantageous Tender (MEAT) taking cost and quality into account to satisfy the requirements of the Council's Procurement Rules.

**Decision:**

- (1) The Cabinet agreed that, Gracelands CMS Ltd and Mackie Contracts Essex Ltd be awarded 1-year contracts renewable annually for up to a maximum of 4-further years, for the inspection, maintenance and improvement work to Council-owned void properties in the sum of £277,324.66 and £411,929.58 with an overall weighted price and quality score of 90.96% and 63.04% respectively; and
- (2) The Cabinet agreed that, the overall value of the works be capped to the allocated budgets included in the Capital Programme identified for void works on an annual basis; and
- (3) That, this contract be designated as a serial contract to facilitate the annual adjustment to the tendered rates in accordance with the Royal Institution of

Chartered Surveyors (RICS) BCIS ALLCOS Resource Cost Index of All Construction: All Repair and Maintenance Work #7419.

### **Reasons for Proposed Decision:**

The existing framework agreements for the inspection, maintenance and improvement work to Council-owned void properties with the current contractors had reached the end of its term.

Qualis Management plan to undertake all the inspection, maintenance and improvement work to Council-owned void properties effective from September 2020 as set out in the Qualis Management Business Plan 2020-26. In order to ensure continuity of service provision until the Qualis Management void team have the resources in place to undertake all the work a new framework contract for the inspection, maintenance and improvements of Council-owned void properties was to be procured for a five-year period based on annual renewals.

The new framework contract would be let with a high degree of flexibility incorporated in the contract conditions to enable Qualis Management to vary, suspend or terminate the contract for Operational reasons without cost or penalty to the Council. Having a flexible framework contract in place enables Qualis Management to utilise the external contractors' resources if required during busy void periods.

### **Other Options for Action:**

The main alternative options considered are:

- (1) To re-tender the contract on an annual basis. However, this would be time consuming and inefficient. Re-tendering would not guarantee more competitive tenders.
- (2) To re-tender the works based on price alone. However, this would not necessarily return a more competitive tender and would not identify or quantify a quality commitment from the lowest tenderer.
- (3) To seek quotations on an individual basis for every void property on an ad-hoc basis. However, this was very time consuming and was not a cost-effective exercise given the volume of ad-hoc void properties carried out per annum, this would breach the Council's Procurement Rules C2 (9b) with the works exceeding £25,000 in value during one financial year.
- (4) Procuring the works with just one Contractor. However, from experience, a lack of competitive benchmarking could lead to increases in resources and costs incurred by the Council for administration and management to ensure the performance of the appointed Contractor. Also, due to ad-hoc nature of void work appointing two Contractors enable the Council to better manage potential peaks in void work ensuring the void turn around periods are kept down to a minimum.

## **40. BUSINESS AND PLANNING BILL, GRANT OF PAVEMENT LICENCES**

The Commercial and Regulatory Services Portfolio Holder introduced the late supplementary report on the Business and Planning Bill, grant of pavement licences.

It was noted that because the implementation of these recommendations would need to be put into immediate practice as soon as the Act received Royal Assent, that the

Chairman of Council was asked and agreed, to waive the call-in period for this decision.

It was noted that Parliament was considering fast-track process for the Business and Planning Bill that was currently at second reading stage in the House of Lords. The reason for this was to ensure the Bill achieved Royal Assent before Parliaments summer recess.

The Bill was intended to assist businesses in recovery from impacts of Covid-19. Measures include ability for bars, pubs and restaurants that had on site alcohol licences to be able to sell off site and allow these premises the flexibility to seek licences for outdoor seating.

Other measures include road hauliers and other passenger and public service vehicles that were dependent on heavy vehicles testing get certificates of exemptions for public services and goods from the Driver Vehicle Standard Agency (DVSA). The Bill introduced a new route for developers to seek to amend planning restrictions on construction site working hours to temporarily allow extended working hours and extend expiration of certain planning permissions and listed building consents.

This report sought approval from Cabinet for necessary consents, approvals, pavement licensing conditions, delegated authority and processes for dealing with objections for applications made under the Act for placing tables and chairs outdoors.

The Licensing Committee had been consulted on the contents of the report and were in agreement.

Councillor Morgan, the Chairman of the Licensing Committee, agreed that this was the way forward to get businesses going again.

Councillor Chris Pond suggested that it should be put into the recommendations that all relevant ward members should also be consulted. This was agreed by the Cabinet.

He also wanted to know about the protection of established markets, and how this would affect them. And how would notification would be given. Councillor Patel said that it would be advertised on our website, and there would also be public notice outside the premises for seven days. As for the protection of existing markets, that was in one of the licensing conditions that the licenced area has to align with existing local business arrangements including regular markets.

Councillor Murray was pleased with the report but offered up a word of warning that by using the pavements it may discourage people from using the high street, with people smoking and drinking on the pavements. Councillor Patel said that smokers would have to have a separate designated area to be identified on the application. Councillor Holly Whitbread noted these comments from a community safety angle and would take them on board.

#### **Decision:**

(1) That the Cabinet noted that the Business and Planning Bill was at Committee Stage in the House of Lords and was likely to get Royal Assent this month and that the Council should have a process in place to determine licensing applications made under the Act;

(2) That in order to achieve the tight timelines for determination of Licence Applications under the new Act, the Cabinet agreed:

- (a) To amend the Scheme of Delegation and add decision making authority to the role of Director of Contract and Technical Service / Director of Commercial and Regulatory Services in respect of applications that do not receive any objections and those that do receive objections the Portfolio Holder for Commercial and Regulatory Services or the Leader of the Council be consulted as well as the Chair or Vice Chair of the Licensing Committee before a decision can be made;
- (b) That Consultations on licence applications be carried out by electronic and digital means only;
- (c) That the relevant ward members would be consulted on any license applications related to their ward;
- (d) That Licence fee will be as set out in Resource Implication section of the report;
- (e) That the licence period shall be the maximum permissible under the Act currently likely to be up to September 2021; and
- (f) That Licensing Conditions as attached to the report were adopted.

(3) That the Chairman of Council agreed to waive the call-in for this decision on the grounds that the implementation of these recommendations would need to be put into immediate practice as soon as the Act received its Royal assent.

#### **Reasons for Proposed Decision:**

To be able to receive, consider and determine applications from premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary licensing.

#### **Other Options for Action:**

If the Council did not have a process in place to determine applications from premises within the 7-day period stipulated in the new Act, then the licence would be automatically deemed to be granted. This was not tenable as the Council would want to be in a position to review and assess applications and if deemed inappropriate refuse Licence.

Consideration was given to requiring the applicants to provide CCTV systems for the external areas however it was felt that it is not reasonable. This was because the legislative requirements would be too onerous especially given the licences were temporary.

#### **41. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Cabinet.

**42. EXCLUSION OF PUBLIC AND PRESS**

The Cabinet noted that there was no business for consideration which would necessitate the exclusion of the public and press from the virtual meeting.

**CHAIRMAN**