

## **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 13 April 2015

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 7.40 pm

**Members Present:** C Whitbread (Chairman), R Bassett, Mrs A Grigg, D Stallan, G Waller, Mrs H Kane and A Lion

**Other Councillors:** K Adams, R Morgan, B Surtees, Mrs J H Whitehouse and D Wixley

**Apologies:** Ms S Stavrou, W Breare-Hall and J Philip

**Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), K Durrani (Assistant Director (Technical Services)), S G Hill (Assistant Director (Governance & Performance Management)), K Bean (Planning Policy Manager), T Carne (Public Relations and Marketing Officer), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

**Also in attendance:** C Pasterfield (Consultant)

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### **157. 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.

### **158. DECLARATIONS OF INTEREST**

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

### **159. MINUTES**

#### **Decision:**

(1) That the minutes of the meeting held on 9 March 2015 be taken as read and signed by the Chairman as a correct record.

### **160. REPORTS OF PORTFOLIO HOLDERS**

There were no verbal reports from the Portfolio Holders present on issues affecting their Portfolios, which were not covered elsewhere on the agenda.

### **161. PUBLIC QUESTIONS**

There had been no questions submitted from the public for the Cabinet to consider.

**162. OVERVIEW AND SCRUTINY**

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meeting held on 23 March 2015:

- (a) a presentation from the Child and Adolescent Mental Health Services Unit, which included an update on the joint re-commissioning of the emotional wellbeing and mental health services for Children and Young People in Southend, Essex and Thurrock;
- (b) a review of the progress made with the Cabinet's Key Objectives during the third quarter of 2014/15;
- (c) a report from the Constitution & Member Services Scrutiny Panel on their review of the Planning (Sub-)Committees and their terms of reference; and
- (d) recommended an amendment to the Council's Complaint Scheme disbanding step 4, the Members Complaints Panel, following a change in the rules.

The Key Decision List incorporating Proposed Private Decisions was reviewed but there were no specific issues identified on any of the items being considered.

**163. ASSET MANAGEMENT & ECONOMIC DEVELOPMENT CABINET COMMITTEE - 12 FEBRUARY 2015**

The Portfolio Holder for Asset Management & Economic Development presented the minutes from the meeting of the Asset Management & Economic Development Cabinet Committee, held on 12 February 2015.

There were no recommendations for the Cabinet to consider. Other issues considered by the Cabinet Committee included: a Progress Report from the Economic Development Team; an update on Tourism Development; and the Asset Management Co-Ordination Group report.

When asked about progress with the development of the St Johns Road site in Epping, the Portfolio Holder regretted that, as the Council were not the owners of the site, she could not give further information to the Member until the contracts had been signed for the Council to buy out the interest of the County and Town Councils in the site.

**Decision:**

- (1) That the minutes of the meeting of the Asset Management & Economic Development Cabinet Committee, held on 12 February 2015, be noted.

**Reasons for Decision:**

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues.

**Other Options Considered and Rejected:**

The Cabinet was satisfied that the Cabinet Committee had considered all the relevant options and that there were no further options to consider.

**164. CABINET HOUSEBUILDING CABINET COMMITTEE - 5 MARCH 2015**

The Housing Portfolio Holder presented the minutes from the recent meeting of the Council Housebuilding Cabinet Committee, held on 5 March 2015.

The Cabinet Committee had made recommendations to the Cabinet concerning the Prioritisation of Potential Future Sites. Other issues considered by the Cabinet Committee included: Future Use Options for Phase II of the Council Housebuilding Programme; Revised Feasibility Studies for Centre Drive, Epping and Queens Road, North Weald; Street Naming for Developments in Phase I of the Council Housebuilding Programme; a progress report on the developments at Marden Close and Faversham Hall in Chigwell; and Financial Monitoring Reports for the Council Housebuilding Programme.

**Decision:**Prioritisation of Potential Future Sites

(1) That the strategic approach adopted by the Cabinet Committee at its meeting in February 2014 be continued for the prioritisation of potential sites;

(2) That, taking account of the strategic approach for the prioritisation of potential sites, and using updated statistics as at February 2015, locations be grouped together into the following two Groups with the Priority Orders as shown:

(a) *Group A (Locations with sites that could potentially deliver 10 or more homes):*

<u>Priority</u>	<u>Location</u>
1	Loughton
2	Waltham Abbey
3	Epping
4	Ongar
5	Buckhurst Hill
6	North Weald

(b) *Group B (Locations with sites that could potentially deliver less than 10 homes):*

<u>Priority</u>	<u>Location</u>
1	Roydon
2	Nazeing
3	Theydon Bois
4	High Ongar
5	Coopersale
6	Matching Green/Tye

(3) That a review of the priority orders within Groups A and B in (2) above be undertaken by the Cabinet Committee in 3 years time, having regard to the same strategic approach set out in the existing Policy on the Prioritisation of Sites;

(4) That, taking account of the priority order agreed by the Cabinet Committee in February 2014, Phase 3 be made up of 35 new homes on the following sites already agreed as viable by the Cabinet Committee at its meeting in December 2014, subject to the two revised feasibility studies at Queens Road, North Weald and Centre Drive

(Site B), Epping, considered earlier on the agenda, being agreed, based on a total scheme cost of £6,395,477, with a subsidy requirement of £923,600:

- (a) Queens Road, North Weald – 12 x 3-bed 5P houses;
- (b) Bluemans End, North Weald - 4 x 3-bed 5P houses;
- (c) Stewards Green Road, Epping – 4 x 3-bed 5P houses;
- (d) Site A Parklands, Coopersale – 2 x 1-bed 2P flats & 2 x 2-bed 4P houses;
- (e) Site C Parklands, Coopersale – 1 x 2-bed 4P bungalow;
- (f) Centre Avenue, Epping – 2 x 3-bed 5P houses;
- (g) Centre Drive (Site B), Epping - 1 x 3-bed 5P house;
- (h) Site B Springfield, Epping – 2 x 1-bed 2P bungalows;
- (i) Site C Springfield, Epping – 2 x 1-bed 2P bungalows & 2 x 2-bed 4P houses; and
- (j) 79 London Road, Ongar – 1 x 3-bed 5P house;

(5) That, subject to the sites listed in (4) above being agreed, each site be progressed to detailed design stage, with planning applications being submitted and, subject to planning approval, tenders to be sought in accordance with the Procurement Strategy for Housebuilding; and

(6) That Phase 4 of the Council's Housebuilding Programme be focused on Ongar and Buckhurst Hill.

**Reasons for Decision:**

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues.

**Other Options Considered and Rejected:**

The Cabinet was satisfied that the Cabinet Committee had considered all the relevant options and that there were no further options to consider.

**165. WASTE MANAGEMENT PARTNERSHIP BOARD 2015**

In the absence of the Environment Portfolio Holder, the Leader of the Council presented a report on the Waste Management Partnership Board for 2015.

The Leader reminded the Cabinet that the Council had let a ten-year waste management contract to Biffa Municipal Limited on 4 November 2014. The contract covered all household waste and recycling collections and street cleansing services. The previous contract had benefited from a Waste Management Partnership Board (WMPB) which was responsible for strategic oversight of the contract. The arrangement had worked very well and enabled the Council to achieve a number of innovations and service enhancements, such as: the introduction of a weekly Food

and Garden recycling service; the recycling of street cleansing arisings; as well as publicity campaigns and organising events in schools.

In light of the success of the previous Board, it was recommended that a similar Partnership Board be established for the new contract with Biffa Municipal Limited. The proposed membership of the Board was five appointees from the Council and five appointees from Biffa Municipal Limited, which should include one board Director. The Council's suggested appointees were: the Environment Portfolio Holder; the Finance Portfolio Holder; the Director of Neighbourhoods; the Assistant Director of Neighbourhoods (Technical); and the Officer overseeing the contract for the Council. The draft Terms of Reference of the Board (attached at Appendix 1 of the report) were such that the Board could make strategic decisions on the service delivery and efficacy of the waste management services.

**Decision:**

- (1) That the re-establishment of the Waste Management Partnership Board for monitoring service performance of the Waste Management Contract with Biffa Municipal Limited be recommended to the Council for approval;
- (2) That the Council's membership of the Waste Management Partnership Board be recommended to the Council for approval as follows:
  - (a) The Environment Portfolio Holder (Chairman);
  - (b) The Finance Portfolio Holder;
  - (c) The Director of Neighbourhoods;
  - (d) The Assistant Director of Neighbourhoods (Technical); and
  - (e) The Council's representative under the Contract;
- (3) That Biffa Municipal Limited be invited to nominate five members of the Board as well; and
- (4) That, at its next meeting, the Waste Management Partnership Board be requested to approve its draft Terms of Reference, as attached at Appendix 1 of the report.

**Reasons for Decision:**

The new Waste Management contract was designed to be collaborative, non-confrontational and based on a partnership approach to service delivery. The purpose of the Board was to provide a higher level strategic oversight and leave the day to day operational matters to the local management teams. This would allow the Council and Biffa Municipal Limited to develop a long term sustainable partnering relationship. The Board enabled consideration of innovation and enhancement to service delivery. The Board was not an executive decision making body and appropriate executive decisions would be sought from either the Cabinet or the Environment Portfolio Holder.

**Other Options Considered and Rejected:**

To not re-form the Waste Management Partnership Board. However, this would result in the loss of an opportunity to create a positive partnering relationship with

Biffa Municipal Limited.

To establish the Board with a different membership structure or different terms of reference. However, this was not recommended as the previous Board had worked well and it was logical to use the experience gained from the previous Board rather than start afresh.

#### **166. NEIGHBOURHOOD AREA DESIGNATION ASSESSMENT CRITERIA**

The Portfolio Holder for Planning Policy presented a report on the Neighbourhood Area Designation Assessment Criteria.

The Portfolio Holder stated that, in considering applications for the designation of a Neighbourhood Area for the purposes of progressing neighbourhood planning including the preparation of a Neighbourhood Plan, it was recommended that the Council applied a detailed set of criteria. This would enable a consistent approach to be taken when assessing each application for known and possible cross boundary matters of strategic importance, which should be addressed via the Duty to Co-operate. In drafting the criteria, advice from Counsel had been received which confirmed that the District Council had a broad discretion in determining whether it was desirable to designate the area which had been applied for.

A local Member for North Weald Bassett, who was also the Portfolio Holder for Asset Management & Economic Development, stated that it was difficult to approve a set of criteria for the designation of Neighbourhood Areas which excluded an area within one Parish Council, whereas several other Neighbourhood Areas had already been agreed without altering the criteria in this fashion. The Member highlighted paragraph 7 in the report, and in particular the sections permitting the inclusion of land designated as a Strategic Site within a Neighbourhood Area, and that the preparation of the Local Plan had not yet determined the location of any Strategic Sites within the District. Local Councils could employ Planning Consultants to assist with the preparation of their Neighbourhood Areas, and the option for Local Councils to discuss directly with utility companies for example and other Local Planning Authorities issues affecting land within their Parish should not be denied. The Member stated her intention to vote against the proposals.

In response, the Portfolio Holder for Planning Policy stated that he had understood the concerns expressed by the Member and that the District Council did work closely with the Town and Parish Councils within the District. In addition, legal advice had been sought by the Council prior to submitting the report to the Cabinet for decision. The proposed criteria would apply to the future assessment of all future Neighbourhood Area applications received and would help to inform future decisions taken for Parish and Town Councils that included potential strategic sites where a Duty to Co-operate with neighbouring authorities existed. The Planning Policy Manager also stated that the Council had a statutory duty to assist Local Councils with the preparation of their Neighbourhood Areas. Seven requests for the designation of a Neighbourhood Area had already been received from Local Councils, and the Planning Policy Manager would be writing to the other Local Councils to ascertain if further requests to establish Neighbourhood Areas would be forthcoming. The Portfolio Holder added that, to date, the District Council had not been overwhelmed with simultaneous requests from Local Councils for the preparation of Neighbourhood Areas.

The Housing Portfolio Holder, who was also a local Member for North Weald Bassett, stated that he supported the views of his fellow local Member, and informed the Cabinet that the Parish Council for North Weald Bassett was aggrieved this criteria

had been imposed following the agreement of five previous Neighbourhood Areas. The Planning Policy Portfolio Holder stated that the other Neighbourhood Area application currently under consideration was from Loughton Town Council, who had just finished their public consultation, and it was confirmed there had been no representations from Loughton Town Council concerning the application of the proposed assessment criteria.

A local Member for Chipping Ongar, Greensted & Marden Ash stated that Ongar Town Council had held back from starting their own Neighbourhood Area process, and requested confirmation that the criteria would not be changed in the future. In addition, the local Member asked whether this was an issue that was predominantly being faced by those Local Councils who bounded the District Council boundary. The Planning Policy Portfolio Holder stated that, although not previously written down, the Council had always used this criteria to assess previous Neighbourhood Areas, and there were no plans to make any further changes to the criteria before the Cabinet. The Portfolio Holder also acknowledged that it was Local Councils on the edge of the District who faced this issue.

The Leader of the Council added that there would be no change in the approach previously taken by the District Council to the designation of Neighbourhood Areas, and this exercise was simply documenting the procedure already followed by the District Council. The Leader called for a vote on the proposals, which were passed with two votes against.

**Decision:**

(1) That, as set out in Appendix 1 of the report, the criteria for the assessment of applications for the designation of Neighbourhood Areas, including where it was proposed to designate an area with boundaries other than the area sought, for the purposes of preparing a Neighbourhood Plan be agreed; and

(2) That the delegated authority to the Director of Neighbourhoods be amended to designate areas, in consultation with the Planning Policy Portfolio Holder, where there had been no representations, to include the consideration of strategic and cross boundary matters prior to designation of an area for the purposes of preparing a Neighbourhood Plan.

**Reasons for Decision:**

It was necessary to establish detailed criteria to ensure the consistent consideration of applications for Neighbourhood Areas, to ensure that strategic and cross boundary matters that should rightfully be addressed by the District Council under the Duty to Co-operate were identified and assessed prior to designation. Accordingly, the delegated authority previously provided to the Director of Neighbourhoods should now be amended to ensure this further assessment was carried out in all instances.

**Other Options Considered and Rejected:**

To not establish clear criteria for the designation of Neighbourhood Areas.

**167. ANY OTHER BUSINESS**

**Decision:**

(1) That, as agreed by the Leader of the Council and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24)

of the Council Procedure Rules, the following items of urgent business be considered following publication of the agenda:

(a) Finance & Performance Management Cabinet Committee – 19 March 2015; and

(b) Epping Forest Shopping Park – Progress Report.

**168. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 19 MARCH 2015**

In the absence of the Finance Portfolio Holder, the Leader of the Council presented the minutes from the recent meeting of the Finance & Performance Management Cabinet committee, held on 19 March 2015.

The Cabinet Committee had made recommendations to the Cabinet concerning: the update of the Corporate Risk Register; and the Procurement Strategy for the period 2015-20. Other issues considered by the Cabinet Committee included: the performance of the Council's Key Performance Indicators during the third quarter of 2014/15 and the Key Performance Indicator targets for the 2015/16 municipal year; and the Quarterly Financial Monitoring reports.

**Decision:**

Corporate Risk Update

(1) That Risk 1 – Local Plan be updated with the revised Key Dates and an additional Required Further Management Action;

(2) That Risk 2 - Strategic Sites be updated in the Effectiveness of Controls/Actions and the change in Risk Ownership to the Director of Neighbourhoods;

(3) That Risk 4 – Finance Income be updated to include Vulnerability and Key Dates;

(4) That Risk 5 – Economic Development be updated in the Effectiveness of Controls/Actions and the change in Risk Ownership to the Director of Neighbourhoods;

(5) That Risk 6 – Data/Information be updated to include an additional Required Further Management Action and the change of Risk Ownership to the Director of Governance;

(6) That a new Risk be added to the Corporate Risk Register for the Council Housebuilding Programme;

(7) That, following amendment as above, the revised Corporate Risk Register be approved;

(8) That the updated Risk Management Strategy and Policy Statement be adopted; and

(9) That the updated Terms of Reference of the Risk Management Group be noted.



Procurement Strategy 2015-20

(10) That the updated Procurement Strategy be approved.

**Reason for Decision:**

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues.

**Other Options Considered and Rejected:**

The Cabinet was content that the Cabinet Committee had considered all the relevant options and that there were no further options to contemplate.

**169. EXCLUSION OF PUBLIC AND PRESS****Decision:**

(1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12(A) of the Act indicated and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph No</u>
14	Epping Forest Shopping Park – Progress Report	3

**170. EPPING FOREST SHOPPING PARK - PROGRESS REPORT**

The Portfolio Holder for Asset Management & Economic Development presented a progress report on the Epping Forest Shopping Park project.

The Portfolio Holder reported that a further counter offer had been received from Polofind Limited to sell their interest in the site. In the light of this, further consultation had been undertaken with the Council's consultants and a revised offer had been made by the Council to Polofind Limited, which it was hoped would be agreed. A planning application to deal with the reserved matters from the outline planning approval had been submitted and was expected to be considered by the District Development Management Committee at its meeting scheduled for 10 June 2015. The drafting of the Joint Venture documents were now nearly complete and final checks were being made. A further Project Team Meeting had taken place on 25 March, which had considered reports from all of the consultants involved in the project.

The Portfolio Holder stated that a further consultant had been appointed as independent Utilities Advisors to verify the works requested by the Utility companies in Chigwell Lane, and further work had been undertaken on placing signage to the rear of the Shopping Park facing the M11 motorway. The current schedule to ensure that the Shopping Park was open in time for Christmas 2016 was very tight, but all available measures were being taken to meet this deadline. Finally, supplementary finance in the sum of £600,000 was being requested for the provision of additional legal advice from the Council's external Solicitors, along with an extension of the current contract for one year, and to cover payments to statutory undertakers to ensure the existing building programme was maintained.

**Decision:**

- (1) That, following consideration of Polofind's response to the Council's revised offer to purchase their interest in the site, Officers be authorised to make a further offer to purchase Polofind Limited's interest, to be determined on the basis of the latest appraisals and advice from the Council's professional advisors;
- (2) That progress with the Joint Venture Partnership legal documentation and planning application to release reserved matters be noted;
- (3) That a supplementary Capital estimate in the sum of £600,000 be recommended to the Council for approval to cover ongoing consultants' legal costs and payments to statutory undertakers whilst negotiations with Polofind Limited were concluded to ensure the existing building programme was maintained; and
- (4) That the contract with Berwin Leighton Paisner Solicitors be extended for one year in accordance with Contract Standing Order C12.

**Reasons for Decision:**

To appraise the Cabinet on the current progress with the project.

**Other Options Considered and Rejected:**

To not recommend the supplementary finance to the Council or extend the contract of the Council's external Solicitors for a further year. However, this would jeopardise the Council's stated aim of the Shopping Park being open in time for Christmas 2016.

**CHAIRMAN**