



EPPING FOREST LOCAL COUNCILS' LIAISON COMMITTEE

NOTICE OF MEETING

Place: Civic Offices, High Street,
Epping

Date: Monday, 10th September, 2018

Room: Council Chamber

Time: 7.30 pm

Democratic Services Officer:

V. Messenger
Tel: (01992) 564243 Email:
democraticservices@eppingforestdc.gov.uk

Members:

District Council Representatives:

Councillors R Bassett (Chairman), A Grigg, J Lea, B Rolfe, M Sartin, E Webster and J H Whitehouse

Local Council Representatives:

Clerks and Chairmen/Members of Parish and Town Councils

County Council Representatives:

Members for the following divisions:

North Weald and Nazeing:

Councillor A Jackson

Loughton Central:

Councillor C Pond

Ongar and Rural:

Councillor M McEwen

Epping and Theydon Bois:

Councillor C Whitbread

Buckhurst Hill and Loughton South:

Councillor V Metcalfe

Chigwell and Loughton Broadway:

Councillor G Mohindra

Waltham Abbey:

Councillor R Gadsby

**PLEASE NOTE THE START DATE OF THE MEETING
COFFEE/TEA WILL BE AVAILABLE FOR MEMBERS OF THE COMMITTEE FROM
7.00 P.M IN THE MEMBERS ROOM**

1. WEBCASTING INTRODUCTION

This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking. The Chairman will read the following webcasting announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if any member of the public wishes to avoid this they should move to the upper public gallery".

2. APOLOGIES FOR ABSENCE

To report any apologies for absence for the meeting.

Members, county councillors, and town/parish council representatives are reminded to sign the attendance register, in order to ensure that the minutes of the meeting accurately reflect attendance.

3. MINUTES OF PREVIOUS MEETING (Pages 3 - 14)

To confirm the minutes of the meeting of the Committee held on 12 March 2018 and any matters arising therefrom.

4. APPOINTMENT OF VICE-CHAIRMAN

To appoint a Vice-Chairman of the Committee for the municipal year 2018/19.

5. ISSUES RAISED BY LOCAL COUNCILS (Pages 15 - 18)

To discuss the following matter raised by the local councils:

- (i) (Epping Forest District Council) To discuss changes to the planning delegations. (See letter from the Assistant Director (Governance) attached).

6. EPPING FOREST DISTRICT LOCAL PLAN - PROGRESS

(Epping Forest District Council) To verbally report to the Committee on the current position of the new Local Plan for the Epping Forest District.

7. ANY OTHER BUSINESS

8. DATES OF FUTURE MEETINGS

To note that the next meeting of the Committee will be held on 11 March 2019 at 7.30pm.

EPPING FOREST DISTRICT LOCAL COUNCILS' LIAISON COMMITTEE MINUTES

Date: Monday, 12 March 2018 **Time:** 7.30 - 9.40 pm

Place: Council Chamber, Civic Offices,
High Street, Epping

Members Present:

Representing Epping Forest District Council:

Councillors D Stallan (Chairman), J Lea, M Sartin and J H Whitehouse

Other Councillors:

Councillors G Chambers, A Lion, J Philip and H Whitbread

Representing Essex County Council:

County Councillors M McEwen, V Metcalfe, G Mohindra, C C Pond and C Whitbread

Representing Local Councils:

A Belgrave (Chigwell Parish Council), A Lion (Chigwell Parish Council), D Baird (Epping Town Council), L Burrows (Epping Town Council), A Church (Epping Town Council), C McCredie (Epping Town Council), B Scruton (Epping Town Council), C C Pond (Loughton Town Council), E Walsh (Loughton Town Council), D Wixley (Loughton Town Council), T Blanks (North Weald Bassett Parish Council), A J Buckley (North Weald Bassett Parish Council), S De Luca (North Weald Bassett Parish Council), E Godwin-Brown (North Weald Bassett Parish Council), S Jackman (North Weald Bassett Parish Council), H Nicholas (Roydon Parish Council), J Whybrow (Roydon Parish Council), N Wilkinson (Roydon Parish Council), J Jackson (Stapleford Abbots Parish Council), E Burn (Theydon Bois Parish Council), J Philip (Theydon Bois Parish Council) and K Richmond (Waltham Abbey Town Council)

Apologies:

Epping Forest District Council:

Councillors B Rolfe and E Webster

Essex County Council:

None.

Parish/Town Councils:

A Jones (Moreton, Bobbingworth & The Lavers Parish Council), K Carter (Nazeing Parish Council), T Arnold (Nazeing Parish Council) and R Morgan (Sheering Parish Council)

Officers Present: D Macnab (Acting Chief Executive), J Dixon (Principal Building Control Surveyor), N Richardson (Assistant Director (Development Management)), S Tautz (Democratic Services Manager), V Messenger (Democratic Services Officer), S Kits (Social Media and Customer Services Officer) and R Moreton (Youth Engagement Assistant)

By Invitation: Chief Inspector L Basford (Essex Police District Commander)

12. WEBCASTING INTRODUCTION

The Chairman 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.

13. MINUTES OF PREVIOUS MEETING (11.9.17)

RESOLVED:

That the minutes of the meeting of the Committee held on 11 September 2017 be taken as read and signed by the Chairman as a correct record, subject to the following amendments raised by Councillor C C Pond, which were agreed:

- (1) That to Min no 4, Local Air Quality, paragraph 9 – ‘traffic’ be replaced by ‘street’ to read, Councillor G Mohindra remarked that ECC was rolling out smart street lights...; and
- (2) That to Min no 4, Local Air Quality, paragraph 7 – ‘SO²’ be replaced by ‘NO²’ to read, J Dagley said that mammals were similar to humans but amphibians would be affected by NO².

14. ESSEX POLICE - LOCAL POLICING ARRANGEMENTS

Members received a presentation on current policing and crime issues from Chief Inspector L Basford of Essex Police, the District Commander for the Brentwood and Epping Forest District area. He outlined police activity over the next twelve months, particularly as result of the Essex Police precept increase and officer increase.

There had been a number of police station closures. The local policing team at Loughton operated on a 24-hour basis, 7-day coverage and handled 999 emergency calls and 101 calls. This team dealt with local investigations and lower graded crimes, such as common assaults. The CID criminal investigation team also based in Loughton operated on a 24/7 basis and covered more serious crimes, such as burglaries and serious assaults. The Road Policing Unit off the M11 at Chigwell, was the main base for the whole of west Essex, and extended north to Stansted Airport and south to include Thurrock. The number of resources allocated across Essex by the police operational base headquarters at Boreham meant that the police had an armed response capability (ten marked vehicles) as well as an increase in the covert (unmarked) vehicles.

Specifically in the last two weeks there had been an escalation in burglaries across the District. He encouraged more reporting as it allowed greater access to the support of the Operations Support Group that had the tactical capability to investigate these more serious crimes. The Brentwood and Epping Forest District had used the motorcycle police unit more than any other area, specifically on the roads and rural network where

anti-social behaviour could be dealt with more quickly by this unit. There was also access to the National Police Air Service (NPAS) based at North Weald Airfield and the Dog Section. Over the last 24 hours two arrests had been made in Chigwell by the Dog Section.

He hoped to make improvements next year to response times to members of the public and officers replying back. He encouraged local councils to use the Essex Police Twitter feed and email address if they had any questions. This did not replace police on the street but he was using the assets he had available to maintain a higher profile. Monthly reports would be issued via social media giving a snapshot of how many incidences had occurred, types of crime, and information on the 'secure, protect and prevent campaign. These reports would be rolled out throughout the year on different topics. Also a quarter of all burglaries could be prevented so it was important to secure your home better.

Since January 2017 the Police had been more proactive with licensed premises. This had resulted with amendments being made to the licenses of Luxe nightclub and Nu Bar in Loughton, the impact of which had been huge for residents. A community officer had recently started specifically tasked with co-ordinating problems that arose within rural / agricultural communities. Parking was an area that the police were regularly contacted about but the Parking Partnership had the ability to deal with parking issues in problematic roads and community safety issues.

A question and answer session followed from members.

Councillor A Lion said that there had been an interesting meeting in Chigwell last Friday. On street lighting, bringing back lighting would have a big impact, particularly LED lighting. Another concern from residents was that they did not hear back from the Police for a couple of days. The Chief Inspector replied that of all the crimes reported by the public, 35 per cent were not allocated to an officer. A crime reported by phoning 101 would be allocated to an officer within a 24-hour period either by phone or in person. Essex Police was meeting 88 per cent of all crimes reported as an emergency by phoning 999 within 15 minutes – the Government's target response time. Accidents that happened on the motorways (M11 and M25) were handled slightly differently. Also if arrests were made from 999 calls, then police officers would not necessarily get back to the person who had reported the emergency.

Councillor D Wixley was concerned that there was one thing missing from community policing in the future, which was speeding vehicles. He commented that when community speed checks had been carried out other crime issues, such as drugs, had come to light. He therefore thought that the public / communities would benefit if the police carried out speed checks, as other crimes were often picked up. The Chief Inspector said that all community police officers would be trained to tackle this. If there were specific roads in parishes affected by speeding traffic, he asked local councils to report these roads to the Police for further investigation. Councillor D Wixley said that another issue with speeding vehicles was that within a three-quarter mile stretch of a road in Loughton there were 16 junctions, which increased the danger of the road and that parking obstructed sight lines. The Chief Inspector said that road traffic issues were fed into a database dedicated to speed and crash data, which was analysed at Essex Police headquarters.

Councillor S Jackman asked about the recruitment of special constables by R Hirst the Police and Crime Commissioner. The Chief Inspector said that recruitment was progressing well. There were twelve special constables and some might end up joining Essex Police.

County Councillor V Metcalfe was pleased that the Police had achieved success through the amendment of the licences to Luxe and Nu Bar, which had made a vast improvement for Loughton residents. If there was another application for a licensed bar in that part of the town, would the Police be involved. The Chief Inspector said that the Police would be consulted. They would look at the proposed licensing application and venue, and were working together with the Council.

Councillor C C Pond also expressed his thanks on the amendments of the licences to these nightclubs and the improvement for residents, as a result. However, there were two concerns residents had on parking – the obstruction of junctions and parking on pavements. Also, mobile phone use by drivers. The Chief Inspector said that there was nothing more helpful to residents than seeing police in action as this inspired their confidence in the Police. A recent operation in Waltham Abbey and resulted in 122 people being caught for various driving offences including the use of mobile phones. He extended an invitation to members if they wished to accompany the Police to experience what happened first hand. Councillor G Chambers expressed his thanks as he had reported parking issues to the Police about three times and that there had been a good response within a good timeframe.

Councillor M Sartin asked about Essex Police's gypsy and traveller rural engagement team and how they operated. The Chief Inspector said that the team operated seven days a week throughout the day and night and had been able to bring in some consistency on how the powers of the Section 61 legislation were used. When he came to the District, the average number of days that travellers stayed in the area was 10 days in 2016, but was now 1.2 days in 2017. The Chief Inspector said that there would be some collection of intelligence in that the Police would know the travellers' whereabouts and they would use evidence from other areas. The team would also help out in rural areas on hare coursing and other specific rural / farming.

The Chairman thanked Chief Inspector L Basford for addressing the meeting.

15. BUILDING REGULATIONS 2010

The Committee received a presentation from the Building Control Manager, J Dixon, who had worked for the Council for 32 years. He had a team of professionals and a technical support team. Building control (BC) was not planning and did not involve neighbour consultations, but was about how the structure was put together. Statutory legislation, the Building Act 1984, gave the Council the power to enforce minimum regulations, but it was not perfect. The building regulations in 1976 were contained in a small document until they were replaced in 2010 by a new set of regulations accompanied by a range of approved documents.

BC covered many areas including to ensure that the structure was sound, was waterproof and would not fall down. In addition to the planning requirements, it covered health and safety around buildings, the conservation of fuel, and the establishment of a disabled access. It was also to do with design features and would involve the developer or architect. The Council's building surveyors assessed building structures but this could also include small alterations, such as load bearing roofs or door replacements. The onus was on the builder / developer to show BC how they were achieving compliance. The process would ideally involve BC at the outset with a set of plans that the structure should be built to, during construction and after. The issuing of a Building Notice was a formal exercise, charges were levied and the consultation might involve other authorities, such as Essex County Fire and Rescue Service. Within 48 hours of a BC submission, the application would be processed and most inspections were attended on the date requested.

The deregulation of the BC profession in 1985 allowed the establishment of private practices. The National House-Building Council (NHBC) was the first such practice to provide construction warranty and took much of the business, so market competition was intense. In response to this, local authorities formed the Local Authority Building Control (LABC) to deliver BC expertise through local authorities. The Council's BC team had successfully grown its share of the business through partnership working, by using the LABC's Partnership Agreement and had increased its partnerships from 6 to 60. This had been achieved through BC meeting and exceeding its targets, maintaining service delivery, and through dedicated training and development. The BC Manager was confident that his teams could maintain the Council's current market share of 62 per cent. There was the potential for real growth in the BC area and the Council's BC was a Centre of Excellence.

A question and answer session followed from members.

Councillor S Jackman asked about the Grenfell Tower disaster that seemed to be an example of lax BC, to which the BC Manager replied it was inadvisable of him to comment on this because the Grenfell Public Inquiry had yet to publish its report.

County Councillor V Metcalfe had found the BC presentation fascinating but asked how BC was enforced and how did individuals know they needed to apply for BC certification. The BC Manager replied that the lay person did not always know about BC. It was a service like an other and the BC team was there to answer any questions. There was a lot of non-conformance but the more experienced the builder, the more they would apply. Councillor C Whitbread added that in his experience when a person moved house this is when it came to light. He continued that he had received first class advice from BC last year.

Councillor C C Pond asked about dangerous structures when buildings built decades ago had fallen into disrepair, to which the BC Manager said that most callouts were for incidents that had happened rather than for dilapidated buildings.

Chigwell Parish Council Clerk A Belgrave asked how building regulations applied to buildings that predated statutory legislation. The BC Manager replied that building regulations applied to any building being done presently, it was not retrospective, and a Building Notice would be issued. However, any amendments carried out to a building that 'triggered' building regulations would mean that a BC surveyor would have to come back.

Councillor J H Whitehouse asked if BC had run publicity campaigns aimed at ordinary residents, to which the BC Manager replied that the service was advertised to local residents and correspondence had been sent out that explained the BC service area the Council provided. Many recommendations were from personal recommendations, but further investment in publicity aimed at contractors / private industry was probably the best option.

Councillor D Wixley asked about the 1985 deregulation of the industry to allow private BC practices. The BC Manager replied that the introduction of competition was for the better and had raised their game. It was interesting to see how the investment in public health for private profit had evolved, so it would be interesting to see how the BC sector developed.

Epping Town Councillor D Baird, asked how BC tied into the planning process. The BC Manager replied that BC surveyors were involved in aspects that could trigger planning applications and that they did consult with each other, but in private practice it was not in the planner's interest to do this.

The Chairman thanked J Dixon for addressing the meeting.

16. GENERAL DATA PROTECTION REGULATION

Members received a presentation from S Tautz, the Data Protection Officer and Democratic Services Manager, on the Council's preparations for the introduction of the General Data Protection Regulation (GDPR) on 25 May 2018. Brexit would have no impact on the GDPR. Most of the Data Protection Act 1998 properties were being carried forward into the GDPR, which was progressing through Parliament. The main difference between the Act and the GDPR was that organisations would have to be able to show compliance to the GDPR. This would incorporate the appointment of a Data Protection Officer (mandatory for a public authority), technical and organisational measures, maintaining records of processing activities and DP impact assessment and DP by design/default. We are all data subjects. New rights would strengthen existing ones, particularly over the loss of personal data.

The Data Protection Officer (DPO) advised local councils that they would need to be able to demonstrate compliance. They would need to look at their organisation's security measures. For instance, here all the laptops / computers were encrypted, and staff would check for 'tailgaters' through security controlled doors. They would need to look at who they held information about and to actively communicate with those people. As data controllers, they would need to build in new processes, if a risk was identified.

There must be a **lawful basis** for the processing of personal data and the GDPR placed a higher threshold on the processing of data by **consent**. How consent was sought, obtained and recorded needed to be reviewed. Consent must be freely given with the individual's agreement and consent must be specific, informed and unambiguous. The processing of data covered everything, including processing nothing. There was therefore a very high standard that would have to be met. The DP policies would require more information at the point of data collection. It must be very clear how the different data was kept and there would be a requirement / commitment to delete. All information provided must be concise, easy to understand and clear language used in all communications. Organisations were required to correct inaccuracies. Individuals could request information to be erased, the 'right to be forgotten', in certain circumstances,. If direct marketing was used, which this Council was not particularly active in, an individual must be able to seek intervention by a human being.

On **subject access** the rules would change. The compliance period for replying to a subject access request would be one calendar month instead of the current 40 days. The £10 charge currently levied under the DPA did have some deterrence, but this would change as usually no charges would apply under the GDPR. In certain circumstances subject access requests could be refused. However, if any requests were manifestly unfounded or excessive, charges could be levied. Authorities would need to demonstrate why there would be a fee, or why this request was being refused.

Procedures for **data breaches** were in place at this Council. Breach notification procedures were coming in, not for all breaches but those where individuals would be likely to suffer some form of damage. Thus the Information Commissioner's Office (ICO) would require organisations to self-report the more serious breaches within 72 hours from when the breach was first reported, irrespective of weekends or public holidays.

On **data protection impact assessments**, it was good practice to adopt privacy by design. Privacy impact assessments would become a legal requirement under the GDPR for some projects. When personal data was going to be used in new / alternative ways it was good practice to ensure DP was considered as part of the design and built into the processes.

Enforcement under the GDPR would introduce increased administrative fines for non-compliance. There had been some scaremongering in the press on fines the ICO could impose but this was in reference to the top end of fines, and could not be imposed on this Council as it did not hold that volume of personal data. Not all infringements would lead to serious fines as the ICO could use other sanctions as a means to enforce the GDPR, such as warnings, reprimands, a temporary / permanent ban on data processing, rectification or erasure of data.

The Council was currently getting its DP arrangements in order. It was a fairly intensive period with officers busy identifying all processing activities running into the hundreds. The Council was identifying its legal basis for processing, but as a local authority much would be carried out on a statutory basis. This also involved who it was sharing the data with, including third parties, and reviewing all privacy notices so that they had an enhanced transparency requirement. The ICO had developed an information sheet for organisations, '12 steps to take now', to help them make a start in planning on how to comply by 25 May 2018. The regulator was also issuing new guidance on a daily basis, which could be viewed at the link below:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

A question and answer session followed from members.

Councillor A Lion said it was an interesting presentation but how did the DPO see his role in offering support to local councils, to which the Democratic Services Manager replied that he did not have this role within his remit as he did not have the capacity to offer that support.

Councillor S Jackman asked which local council representative could be a DPO if the clerks could not take on this role, perhaps the Responsible Financial Officer. The Democratic Services Manager replied that the only advice he could give related to the District Council. He suggested that guidance was available from the ICO. On general advice he said that the DPOs could not scrutinise themselves. Therefore the DPO was prohibited from controlling or influencing how personal data was processed or be part of the senior management of an authority. Councillor S Jackman asked how long should local councils wait for clarification on this, to which the Democratic Services Manager said that the ICO would need to address this.

Epping Town Councillor L Burrows asked about local councillors as data controllers and sought advice on this. The Democratic Services Manager said that individual councils should evaluate if laptops used in public needed to be encrypted. Our 58 councillors are data controllers as is the Council. Members would receive personal data to fulfil their role. As an example, members on licensing panels received personal data on people's convictions. Members would have electorate information. However, the security arrangements set up for this Council were for our members and officers only. Local councils would have to have their own procedures.

North Weald Parish Council Clerk S De Luca recommended local council members read the Essex Association of Local Councils (EALC) email sent earlier today, as it gave some guidance on this. Local councils were data controllers and any of their staff that processed data were data processors. The Democratic Services Manager advised that this was a matter for individual local councils. The requirement to be registered as a data controller with the ICO and pay the fee was changing under the GDPR.

The Democratic Services Manager said he would be happy to email his presentation to any members / local council members, upon request.

The Chairman thanked S Tautz for addressing the meeting.

17. TOWN AND COUNTRY PLANNING (BROWNFIELD LAND REGISTER) REGULATIONS 2017

The Town and Country Planning (Brownfield Land Register) Regulations 2017 required each local planning authority to have published a Brownfield Register of land suitable for residential development by 31 December 2017. The Assistant Director (Development Management) explained that the register provided publicly available information on brownfield land in the District that the Council considered was appropriate for residential development.

The Council had been working on the first part of a two-stage process. Just because sites were listed in the Brownfield Register did not mean that they had been granted planning permission, as the register was purely for housing or housing-led sites. The register included sites proposed for allocation in the Local Plan Submission Version 2017 and sites that had been granted planning permission. It would not include greenfield sites despite what was allocated in the LP.

Sites held within the Brownfield Register had to meet a set of criteria, which included a minimum of 0.25 hectares or land capable of at least 5 dwellings, the land needed to be available, i.e. that the owner would either sell or develop the land, and that development must start within 15 years of being listed in the Register.

The Council would publish the Brownfield Register shortly but the priority had been the submission of the LP to meet the March 2018 deadline. It would be available on the Council's website at:

<http://www.efdclocalplan.org/planning-policy/brownfield-land-register/>

Part 2 of the process would list sites that the Council had given permission for in principle but currently there were no such sites proposed.

North Weald Parish Councillor T Blanks asked about the status of North Weald Airfield (NWA). The Assistant Director (Development Management) replied that future development would have to be housing-led and that he would answer the councillor's further questions soon after the meeting. Councillor G Mohindra said that in terms of the executive viewpoint, he thought the NWA was still identified as economic growth and business-led so he would be surprised if it ended up in the Brownfield Register. The Acting Chief Executive said that with regards to the NWA, it was all in the submission version of the LP. The masterplan for the area and its future potential was all in the public domain. Technically on whether it would fit in the register or not, the Council would provide some clarification following the meeting.

Chigwell Parish Council Clerk A Belgrave said that it was mentioned that the land in the Brownfield Register was not a register for which planning permission was a foregone conclusion, so in what circumstances would the Council envision planning permission not being granted to a brownfield site that was in this register. The Assistant Director (Development Management) replied that it would have to be listed in the part 2 element and it was the Council's choice to move sites from part 1 to part 2, not the developer's. However, a lot of assessment would need to be completed by the Council to move a site from part 1 to part 2. The process could allow a 'permission in principle' through the LP, but the directions on this process were not confirmed yet. 'Permission in principle' would be through a planning application and would be similar to 'outline planning permission', but this had not come in yet. Councillor J Philip said that you could go through the policies of the LP in the usual way and the application would either be as a delegated decision or through the planning committees. The fact the site was in the Brownfield Register was an indication that it was on previously developed land and out there for development.

Councillor D Wixley wanted to clarify that the Brownfield Register would not have an impact on the submission of the LP and these brownfield sites were only for housing or could they be used for other purposes. The Assistant Director (Development Management) replied that there would be no impact on the LP but was just a register that authorities had been required to publish. Development would have to be predominantly housing or all housing.

Councillor T Church wanted to clarify Councillor Philip's comments that it would only be part of the normal process of planning if a site was in part 1, but if in part 2 then it would take away rights, i.e. to go through a planning committee. Councillor J Philip said that if a brownfield site was in part 2 then it would take away rights, but he wanted to make it clear that the Council was not planning to move any sites to part 2. To clarify further on what Councillor Wixley was asking, if there was a site development that had a few retail units but was mostly housing, then this would be a housing-led development.

18. PLANNING PROTOCOL & PROCEDURES

The Assistant Director (Development Management) said that together with the Assistant Director of Governance, S Hill, the delegation of the review of the planning process was being carried out by the Constitution Working Group. It was looking at how the system was working and how it would be working with the implementation of the LP, as there would be a lot of development applications of LP sites. Therefore the Council's work would increase and the review had also been looking at staffing resources. The Working Group was still looking into the current scheme of delegation to officers and the progress of applications through the planning committees. There could potentially be a new scheme of delegation. The intention was that this review would be brought back to the Working Group at the April 2018 meeting once redrafting of the report had been finalised. There were no current proposals by the Working Group to abandon planning committees. Once the new report had been produced, local councils would be consulted to give them an opportunity to comment on the proposals. He advised members to look at the Constitution Working Group agendas and minutes that were published on the Council's website for more detailed information but was a work in progress at the moment.

Councillor D Stallan asked if the recommendation to consult with local councils could be taken back to the Constitution Working Group's April meeting. Councillor M Sartin, who had chaired the last Working Group meeting, said that the Assistant Director (Development Management) had given a fairly clear view of where the Working Group was, which was not that far forward.

Epping Town Councillor T Church said he was concerned once a recommendation had come out it would be difficult to turn back, and would have preferred the Council to listen to local councils' views at an earlier stage rather than at the end. Councillor D Stallan replied that as a member of the Working Group, these were suggestions and the members had gone through the options but could not agree, hence an extra meeting had been arranged. It had not been feasible to consult on every part of the review, only specific items, and that the recommendations made by the Constitution Working Group including the results of the consultation, would go to Council in June 2018. Councillor J Philip, also a member of the Working Group, said members were looking at the most efficient way to consult. It had not been the case that a report was ready for Council and they would be consulted on this. Members had wanted to make sure that there was a set of proposals and that there were options, then it would go out for consultation. North Weald Parish Council Clerk S De Luca said that at the EALC Epping Forest Branch meeting, attended by nine or ten local councils, the role of the planning committees had been discussed at length, and the word localism had come out of this. You could consult with local councils before any recommendations came back or were fully made.

Councillor D Stallan said that members were very pro localism and were supportive of the planning committees. This had been one of the reasons why an extra meeting had been scheduled.

19. EPPING FOREST DISTRICT LOCAL PLAN

The Acting Chief Executive reported that the Extraordinary Council meeting held on 14 December 2017 had agreed on the submission version of the LP, which was published on 18 December 2017. A six-week representation period had followed, Regulation 19, and was in accordance with legislation. The Council had received over a 1,000 responses and these had ranged from landowners, private individuals, developers, authority partners and residents groups. All the responses had been logged for submission to the Inspector. There had been multiple responses received on Jessel Green in Debden. Not all responses had been validated if they had lacked a name and address. Names and addresses had been redacted from responses before being published on the Council's website but the Inspector would see these personal details. The Council had appointed a project officer to support the Inspector during the public examination of the LP, who had previously worked for East Herts District Council in this capacity during its LP public examination. Another advantage was that East Herts was one of this Council's strategic partners.

Moving from plan making to plan implementation there were the two developer forums that had been set up, one to deal with the strategic sites in and around Harlow, the Garden Town Forum, and the remaining sites in the corridors around Harlow. Back in December at Full Council, the resources for staffing that would be required were included in the budget for approval. There would be an implementation team, staffed by a panel of specialists that would bring forward the masterplan sites. The team was looking at developing planning performance agreements with developers to help them bring forward their plans. A Quality Review Panel had been set up and had appointed a pool of some sixteen external professionals. It was an independent advisory panel that would draw on their expertise, and advice would be sought from the Panel to ensure schemes submitted would be of the highest quality. The Harlow Gilston Garden Town project did include sites in Epping Forest for the area to the east, south and west side of Harlow. A project director had been appointed and would be based for part of the time at the Civic Offices. The project was looking at the sustainability of the transport corridor with strategic development to the north, south, east and west of Harlow. Councillor J Philip continued that work had been going on and that during the public examination of the LP, the Council would have to ensure that the housing delivery targets must be achievable.

Epping Town Councillor T Church said that strategic infrastructure certainly for Epping was an important consideration and would residents get new roads and parking etc. It should be the first consideration but always seemed to be the last. Councillor J Philip said that the details in masterplan sites would include specific infrastructure that was needed and how it would be funded. The masterplan sites around Harlow and the Garden Town were important in that the infrastructure that would be required for these sites might well have implications for the masterplan sites in Epping Forest. The Council was working on the infrastructure delivery plans so it would come forward as part of the planning procedure as well. The Acting Chief Executive continued that the Implementation Team would be looking for some specialist resource for infrastructure with any community value for masterplan sites.

Councillor Church said that the infrastructure seemed more in relation to masterplan sites but what about all the other LP sites that might need infrastructure, as this was important to residents. Councillor J Philip replied that it depended on what was coming forward. The Council did have an infrastructure delivery plan and the Implementation

Team would be looking at what would be needed. Councillor Church said that he had thought it had been promised infrastructure would be looked into at an early stage. Councillor J Philip stressed that the Council was looking up to 2033 and infrastructure would be coming forward at different times in order of delivery. The Council had an infrastructure delivery plan so it would not be developments then infrastructure.

Councillor S Jackman said that as Vice-Chairman of EALC, infrastructure came up time and time again. It did not just concern roads, but GPs and health centres. More houses would require more health facilities and more schools etc. Other authorities were involved, such as Essex County Council for education, and it concerned other services that might or might not come, to allow people to live a reasonable life. Councillor J Philip remarked that it was not just this Council's infrastructure, but infrastructure was a key requirement and that was related to what we were planning. What the Council needed to get out of the LP was a better place to live and that was the aim.

20. ANY OTHER BUSINESS

The Vice-Chairman, Councillor S Jackman, said that as the next meeting was not until September 2018 she would like to take this opportunity, on behalf of members, to thank Councillor D Stallan for chairing the meetings during 2017 /18.

The Chairman thanked members and said that on this Committee you could only ever chair two meetings.

21. DATES OF FUTURE MEETINGS

It was noted that the future meetings of the Committee would be held at 7.30pm on:

- 10 September 2018; and
- 11 March 2019.

CHAIRMAN

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Date: 21 August 2018

VIA EMAIL

Clerks to all Town and Parish Council



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Dear Clerk

Planning Officer Delegations changes and Parish Council representations

Further to the consultations on how this authority have been dealing with planning applications and decisions, the full Council, at its meeting on 31 July 2018 approved a number of changes to the delegation arrangements that now apply to all planning applications.

You may wish to bring the contents of the letter to the attention of your Councillors.

These changes took immediate effect and I am writing to outline how we, as officers, are going to implement the new delegations.

Essentially these delegations fall into two types:

- (a) **Category A** Those that are delegated except in a number of circumstances where they are brought to district members to determine either by call-in or as a result of consultation; or
- (b) **Category B** Those that are delegated to officers (unless the Service Director for Planning considers it appropriate to be determined by members.

Applications under Category A

The following will be determined by officers under (a) above:

- (a) All Full Planning Applications
- (b) All Householder Planning Applications
- (c) All Outline Applications and Reserved Matters Applications
- (d) All applications for Advertisement Consent,
- (e) All Applications for Listed Building Consent
- (f) All applications for Demolition in Conservation Areas

- (g) All Applications for Hazardous Substance Consent
- (h) Tree Preservation Order Consent applications where felling is proposed.
- (i) All Applications for Variation or Removal of Conditions

Unless they are:

1. Applications for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval;
2. Applications made by the Council on land and / or property in its ownership which are for disposal, in accordance with the size of application set out in Article 10 of the Constitution.
3. Applications recommended for approval where at least one of the following have been received:
 - a. At least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those have objected); or
 - b. An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons; or
 - c. An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered.
 - d. Applications which a member (whose ward is within the Plans Sub-Committee Area) has requested be referred to committee for consideration subject to the request being made in writing within 4 weeks of that application's notification in the weekly list.
5. Any application by an elected member or Senior Officer (Head of Service and above) of the Council or a relevant person (see code of conduct for definition) recommended for approval.

In these circumstances only, an application will come before a Subcommittee (or Committee) for determination. All other previous situations no longer apply.

For Local Council's this means:

- (1) That in 3 (a) above, local council's and amenity groups etc are counted within the five expressions required.
- (2) That in 3(b) above, the expectation is that a resident local to the application site will be the other objector.
- (3) That in 3(c) above, Local Council's do not have to attend plans subcommittee meetings if they are submitting objections or support a proposal. However, the Local Council **must indicate at the time of submitting their objection** that they intend to attend and speak at the meeting where the proposal will be considered. This will enable clarity about whether the matter creates the right workflow and therefore a subcommittee item.

Local Council Clerks will be informed when applications are coming before members in these circumstances and will be expected to confirm speaker's names at that point. There is a clear expectation that Local Council's representatives attend and speak at the meeting. It should be noted that asking your local (dual hatted) district member to speak on your behalf is likely to create a conflict of interest for that member and should be avoided.

Clerks can also contact Democratic Services if they wish to be sent automatic notification of the publication of Area Plans Agendas.

Applications under Category B

The following will be determined by officers under (b) above:

1. Planning Related Applications

- (a) Tree Preservation Order consent applications other than where felling is proposed
- (b) All notification applications
- (c) All prior approval applications.
- (d) All certificates of lawful use and development.
- (e) All applications for non-material amendments to applications.
- (f) All applications for approval of details reserved by condition.
- (g) All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent

2. Planning and Related Procedures

- (a) Finalising the conditions or reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Service Director Governance and Member Services/Solicitor to the Council within the terms of any relevant Committee resolution.
- (c) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.
- (d) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes.)
- (e) Deciding what should be within the Councils Local Validation Checklist.

3. Enforcement

- (a) To determine whether any enforcement should be taken and what such action should entail.
- (b) Issuing Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Notices under Section 215-219 of the Town and Country Planning Act 1990 (as amended), for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.
- (c) Prosecution of the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.
- (d) Take appropriate enforcement action, including serving an injunction where the Head of Planning or their nominee, having regard to the evidence, considers the circumstances to require urgent action.
- (e) Investigation and prosecution of breaches of temporary market requirements

(f) Variation of the requirements for compliance with any enforcement related notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.

(g) To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice subject to budget provision being available and to local District Councillors being notified.

(h) To report to an Area Plans Sub-committee on specific enforcement cases were requested by members.

4. Entry onto Land

(a) To authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary and make application to the magistrates court for a warrant authorising entry where applicable in relation to any matter.

Review

It is the intention of the Constitution Working to review the operation of these new arrangements after one year. If your Council has observations during the year I would be grateful for feedback at the time it occurs.

I will be attending the Local Council's Liaison Committee in September to talk members through these arrangements and to answer any questions clerks or members may have.

Yours faithfully



Simon Hill
Monitoring Officer/Assistant Director Governance
Epping Forest District Council