

Report to the Council

Date: 25 April 2017

Subject: Overview and Scrutiny Rule 53 (Call-In and Urgency)

1. PLANNING APPLICATION FEES - GOVERNMENT INCREASE

Recommending:

To note that the Chairman of Council agreed that the following decisions of the Cabinet (9 March 2017) be treated as a matter of urgency and not be subject to the call-in provisions of the Constitution, in accordance with Overview and Scrutiny Rule 53 (Call-In and Urgency):

- (a) That the Cabinet accepts the offer from the Department for Communities and Local Government (DCLG) to increase planning application fees by 20% from July 2017;**
- (b) That the Cabinet commits to spending the additional income on planning functions; and**
- (c) That the Director of Resources be authorised to complete the Proforma required by the DCLG to accept the offer.**

- 1.1 On 7 February 2017, the Department for Communities and Local Government (DCLG) had published the white paper 'Fixing our broken housing market', which set out a need to boost local authority capacity and capability to deliver. To address this aim, DCLG had stated that it would increase nationally set planning fees.
- 1.2 An offer had subsequently been received from DCLG and local authorities were required to respond to this by 13 March 2017. Acceptance of the offer would allow the Council to benefit from a 20% increase in planning application fees from July 2017, although DCLG required a commitment from the Council that the additional income would only be spent on planning functions.
- 1.3 The Chairman of Council agreed to waive the call-in procedure set out in the Constitution, as any delay likely to be caused by the call-in process would seriously prejudice the Council's interests, as it would not be possible to accept the fee increase proposed by DCLG within the required timeframe.

2. FORMER WALTHAM ABBEY POLICE STATION – POTENTIAL PURCHASE

Recommending:

To note that the Chairman of Council agreed that the following decisions of the Cabinet (6 April 2017) be treated as a matter of urgency and not be subject to the call-in provisions of the Constitution, in accordance with Overview and Scrutiny Rule 53 (Call-In and Urgency):

- (a) That officers of the Council's Asset Management Service be authorised to seek to obtain the property at the best possible price, but within the parameters set out in the body of the report;**
- (b) That if an agreement is reached with Essex Police Estates (subject to contract) within these parameters, a further report seeking the necessary funding for the capital expenditure within the Council's Capital Programme and any resulting revenue consequences be presented to a future meeting of the Cabinet; and**

- (c) **That officers of the Communities Directorate be instructed to continue to pursue every possible external funding opportunity to contribute to the potential costs.**

- 2.1 Following a review conducted by Essex Police with the objective of reducing the cost of its estate, Waltham Abbey Police Station had been declared surplus to requirement and was to be marketed for disposal.
- 2.2 An opportunity had therefore presented itself for the Council to acquire the property, which could assist in the delivery of its accommodation strategy, as well as enhancing the Museum Culture and Heritage Service for the benefit of local people. The closing date for the submission of bids for the purchase of the former police station was 12 April 2017.
- 2.3 The Chairman of Council agreed to waive the call-in procedure set out in the Constitution, as any delay likely to be caused by the call-in process would seriously prejudice the Council's interests, as it would not be possible to submit a bid for the purchase of the former police station within the required timeframe.

3. EPPING FOREST SHOPPING PARK – AUTHORITY TO ENTER INTO AGREEMENTS FOR LEASE AND LEASES WITH RETAIL TENANTS

Recommending:

To note that the Chairman of Council agreed that the following decisions of the Cabinet (6 April 2017) be treated as a matter of urgency and not be subject to the call-in provisions of the Constitution, in accordance with Overview and Scrutiny Rule 53 (Call-In and Urgency):

- (a) **That the Cabinet agree the Terms of the Agreement for Lease and Lease with Next Holdings Ltd as contained in Appendix 1 of the report and authorise the Director of Neighbourhoods (in consultation with the Director of Resources, the legal advisors the Asset Management and Economic Development Portfolio Holder) to enter into the lease;**
- (b) **That delegated authority be granted to the Director of Neighbourhoods (in consultation with the Director of Resources, the legal advisors and the Asset Management and Economic Development Portfolio Holder) to waive the Council's Financial Regulations to authorise him to enter into further leases with tenants at the Epping Forest Shopping Park in the future, on the condition that they too are in accordance with the previously agreed development appraisal and planning conditions;**
- (c) **That, subject to (1) and (2), above delegated authority be granted to the Director of Neighbourhoods (in consultation with the Director of Resources, the legal advisors and the Asset Management and Economic Development Portfolio Holder) to enter into documentation associated with the Leases;**
- (d) **That the waiving of the call-in procedure with respect to this and future Leases be sought to reflect the timescales required to achieve a September 2017 opening; and**
- (e) **That Procurement Rules 18.2(b) be waived to allow for the Lease and future Leases to be signed rather than sealed.**
- 3.1 The Cabinet had considered arrangements for the completion of lease arrangements with prospective retail tenants of the Epping Forest Shopping Park, which was due to open in September 2017.
- 3.2 The Chairman of Council agreed to waive the call-in procedure set out in the Constitution, as any delay likely to be caused by the call-in process would seriously prejudice the Council's interests, as this would present the risk of the loss of potential tenants and potentially compromise the target opening date for the Shopping Park.