

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 6 April 2017

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.05 - 7.50 pm

Members Present: C Whitbread (Chairman), S Stavrou (Vice-Chairman), R Bassett, A Grigg, H Kane, G Mohindra and G Waller

Other Councillors: R Brookes, S Kane, R Morgan, C P Pond, M Sartin, E Webster and J H Whitehouse

Apologies: W Breare-Hall, A Lion and J Philip

Officers Present: G Chipp (Chief Executive), C O'Boyle (Director of Governance), R Palmer (Director of Resources), J Chandler (Assistant Director (Community Services)), K Durrani (Assistant Director (Technical Services)), D Bailey (Head of Transformation), T Carne (Public Relations and Marketing Officer), G J Woodhall (Senior Democratic Services Officer) and S Mitchell (Webcasting Officer)

151. WEBCASTING INTRODUCTION

The Leader of Council made a short address to remind all present that the meeting would be broadcast on the Internet, and would be capable of repeated viewing, which could infringe the human and data protection rights of all in attendance.

152. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Cllr C Whitbread declared an interest in agenda item 14, Potential Purchase of Waltham Abbey Police Station, by virtue of having a potential Disclosable Pecuniary Interest. The Councillor had determined that, in the circumstances, he would leave the meeting for the consideration of the issue.

153. MINUTES

Decision:

(1) That the minutes of the meeting held on 9 March 2017 be taken as read and signed by the Leader as a correct record.

154. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports from the Portfolio Holders present at the meeting on current issues affecting their areas of responsibility.

155. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

There had been no questions or requests to address the Cabinet received from the public.

156. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that there had not been a meeting of the Committee since the last meeting of the Cabinet, and therefore there was nothing specifically to report. The Chairman did highlight that the scrutiny of the Transformation Programme was about to begin, following the formal receipt of a PICK form, and the creation of a Task & Finish Panel for this topic was being considered.

157. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT CABINET COMMITTEE - 26 JANUARY 2017

The Portfolio Holder for Asset Management & Economic Development presented the minutes from the meeting of the Asset Management & Economic Development Cabinet Committee, held on 26 January 2017.

The Cabinet Committee had made 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 report from the Asset Management Co-Ordination Group; and a progress report on the Epping Forest Shopping Park.

Decision:

(1) That the minutes of the meeting of the Asset Management & Economic Development Cabinet Committee, held on 26 January 2017, 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 content that the Cabinet Committee had considered all the relevant options and that there was no further options to consider.

158. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 6 MARCH 2017

The Finance Portfolio Holder presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee, held on 6 March 2017.

The Cabinet Committee had made one recommendation for the Cabinet to consider, concerning the Stage I Financial Options Review of the Housing Revenue Account. There had been no other issues considered by the Cabinet Committee.

Decision:**Housing Revenue Account – Financial Options Review (Stage I)**

(1) That, having considered the views of the Epping Forest Tenants & Leaseholders Federation and members of the Communities Select Committee, the continuation of the Council Housebuilding Programme up to at least Phase 6 of the current Programme and the reversion to the Government's Decent Homes Standard (option 2 within the Housing Revenue Account Financial Options Review report prepared by SD Smith) be agreed as the preferred option;

- (2) That the current moratorium on the Council Housebuilding Programme be lifted and that phases 4 – 6 of the current Programme be undertaken;
- (3) That, if possible, the 1-4-1 Receipts ‘temporarily’ paid to the Department of Communities & Local Government be recovered as soon as possible in order to assist with the funding of the Council Housebuilding Programme;
- (4) That financial contributions received by the Council from developers through Section 106 agreements, in lieu of on-site affordable housing provision, continue to be utilised for the Council Housebuilding Programme;
- (5) That tenders be invited to undertake Phase 4 of the Council Housebuilding Programme;
- (6) That the phasing of the Council Housebuilding Programme be appropriately paced with an acceptance that it was likely some 1-4-1 Receipts would still need to be paid to the Government, in view of the anticipated continuation of a high rate of 1-4-1 Receipts for the foreseeable future;
- (7) That the Government’s Decent Homes Standard be reverted back to by the Council as soon as was practically possible, with reduced levels of stock investment, having regard to existing contractual commitments arising from framework agreements;
- (8) That a report be submitted to a future meeting of the Finance & Performance Management Cabinet Committee by the Director of Resources on the most appropriate means to arrange the required additional Housing Revenue Account borrowing;
- (9) That, at such time as the Cabinet considered the marketing strategy for the proposed sale of land at the Pyrles Lane Nursery development site in Loughton, consideration be given to whether the proposed sale should be subject to a requirement that the purchaser must enter into an agreement with the Council requiring the affordable housing element of the development to be sold to the authority on practical completion, and how this could be best practically achieved; and
- (10) That SD Smith Consultancy Limited be requested to undertake Stage II of the Housing Revenue Account Financial Options Review at such time as a decision was made by the Government on the proposed introduction of the High Value Voids Levy, and that the Review report be submitted to the Cabinet Committee in order to consider the issues, implications and actions required to mitigate the assessed financial impact.

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

159. TRANSFORMATION PROGRAMME MONITORING REPORT - FEBRUARY 2017

The Leader of Council presented the monitoring report for the Transformation Programme for February 2017.

The Leader stated that regular monitoring reports on the progress of the Transformation Programme were presented to the Cabinet and this was the monitoring report for February 2017. It was anticipated that the format of the report would evolve over time to remain an effective tool for highlighting progress, slippage and remedial actions being undertaken. This particular report included progress for all chartered projects of Medium and High Risk Potential, as well as key aspects of the Transformation Programme.

The Leader reported that, overall, progress indicators for 'time', 'cost', 'delivery / outcomes / outputs' and 'benefits' remained Green for this period, for a total of 216 actions. Progress would be kept under review for all items currently being progressed within the Programme. The Cabinet was also informed that there would be a presentation on the Transformation Programme to the Resources Select Committee on 10 April 2017.

Decision:

(1) That the progress of the projects within the Transformation Programme for February 2017, alongside the planned actions for March 2017, be noted.

Reasons for Decision:

To inform the Cabinet of progress on the Transformation Programme, including work streams, programmes and projects.

Other Options Considered and Rejected:

No other options were available. Failure to monitor and review progress of the Programme and to consider corrective action where necessary, could have negative implications for the Council's reputation, and might mean that opportunities for improvement were lost.

160. EPPING FOREST LOCAL HIGHWAYS PANEL - MATCH FUNDING

The Portfolio Holder for Safer, Greener & Transport presented a report concerning match funding for the Epping Forest Local Highways Panel.

The Portfolio Holder reminded the Cabinet that the Epping Forest Local Highways Panel was formed in 2009 and consisted of all seven County Councillors and an equal number of District Councillors. The Panel was supported by Essex Highways and carried out highway improvement schemes within the District. The County Council had offered to match fund £50,000 for the Local Highways Panel to implement schemes within the District if the District Council was prepared to contribute a further £50,000. If match funding was agreed by the Council then a number of highway schemes would be implemented in the District which would otherwise not get completed.

The Cabinet acknowledged that the Local Highways Panel had been delivering Highways projects over the last 18 months. The Panel had a large work programme of projects to be completed, and this extra money – if agreed – would enable more schemes to be implemented. The second recommendation, to not release the District

Council's share of the match funding until the County Council's share had been spent, was queried and whether this would cause the County Council to withdraw their proposed additional funding if they were made aware. However, the Portfolio Holder felt that it was not an unreasonable recommendation and should stand. It was also suggested that a list of completed schemes could be published in the Council Bulletin at regular intervals.

Decision:

(1) That a supplementary estimate for the District Development Fund in the sum of £50,000 for 2017/18 be recommended to the Council for approval to match fund the contribution from Essex County Council for the Epping Forest Local Highways Panel to implement highway improvement schemes within the District; and

(2) That Essex County Council's share of the match funding be spent first and this Council's match funding not be released until after that time.

Reasons for Decision:

To enable highway improvement schemes to be implemented over and above those for which funding was already available.

Other Options Considered and Rejected:

To decline to match fund the County Council's additional contribution; however, the County Council's proposed additional contribution would then be withdrawn and a number of schemes would be delayed or not completed.

161. ANY OTHER BUSINESS

The Cabinet noted that there was no other urgent business for consideration.

162. 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 items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraphs 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:

Agenda Item	Subject	Paragraph Number
14	Potential Purchase of Waltham Abbey Police Station	3
15	Epping Forest Shopping Park – Authority to enter into Lease Agreements with Retail Tenants	3

163. POTENTIAL PURCHASE OF WALTHAM ABBEY POLICE STATION

The Portfolio Holder for Asset Management & Economic Development presented a report on the potential purchase of the former Police Station in Sun Street, Waltham Abbey.

The Portfolio Holder informed the Cabinet that, 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 requirements and was being marketed for disposal. An opportunity, therefore, presented itself for the District Council to acquire the property which could assist in the delivery of the Council's Accommodation Strategy, as well as enhancing the Council's Museum, Culture and Heritage Service for the benefit of local people.

The Portfolio Holder highlighted the key considerations of such a purchase and sought the authority from the Cabinet to submit a bid. If such authority was granted then the Chairman of Council would be requested to wave the call-in procedure for this decision as a bid would need to be submitted by 12 April 2017.

Cllr Mohindra, as Finance Portfolio Holder, informed the Cabinet that he had made the Police & Crime Commissioner for Essex aware of the Council's interest in the building, who was willing to sell the building for community use and benefit. Cllr Mohindra felt that the purchase of the building would provide good value for the Council and he supported the proposal. Cllr Waller, Portfolio Holder for Safer, Greener & Transport, added that the purchase of the building would give the Council a presence in Waltham Abbey, and the Essex Police Museum Collection could potentially be moved there from its current home at Essex Police Headquarters in Chelmsford.

Cllr Basset, Portfolio Holder for Governance & Development Management, requested more information regarding the financial aspects of the possible deal, such as the savings generated from transferring staff to the building from the current building in Hemnall Street, Epping, and the degree of confidence with the bid being made to the Heritage Lottery Fund. The Assistant Director of Communities (Community Services) stated that, following the submission of a bid to the Heritage Lottery Fund (HLF) in December 2016 and a meeting on site with representatives from the HLF, the outlook was very positive. Cllr H Kane, Portfolio Holder for Leisure & Community Services, added that the Council had an excellent record in attracting external funding for the Museum, and the purchase of the former Police Station in Waltham Abbey by the Council would enable the building to remain a community asset.

The Portfolio Holder reminded the Cabinet that the former Police Station was a large building, which would fit many staff from Hemnall Street and enable the release of the Hemnall Street site by the Council. It was highlighted that there would not be time to conduct a full structural survey before having to submit a bid, but an allocation was being allowed for conversion costs.

Decision:

- (1) That agreement be given to seek to acquire the freehold of the former Police Station in Sun Street, Waltham Abbey to achieve the Council's objectives contained within the agreed Accommodation and Leisure and Cultural Strategies;
- (2) That Officers from 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 within the report and agreed at the meeting;
- (3) That if an agreement was 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 submitted to a future meeting of the Cabinet;

(4) That Officers within the Communities Directorate be instructed to continue to pursue every possible external funding opportunity to contribute to the potential costs; and

(5) That the Chairman of Council be requested to waive the Council's Call-in procedure for this issue to reflect the timescale for bids being 12 April 2017.

Reasons for Decision:

To help meet the objectives of the Council's Accommodation and Leisure and Community Strategies and to improve the socio-economic wellbeing of Waltham Abbey and the wider District.

Other Options Considered and Rejected:

To not pursue the purchase of the Police Station, which would likely then be purchased by another party for a non-community use. Alternatively, the Council could seek to purchase the property as an investment opportunity for redevelopment to lease or sell on.

164. EPPING FOREST SHOPPING PARK - AUTHORITY TO ENTER INTO LEASE AGREEMENTS WITH RETAIL TENANTS

The Portfolio Holder for Asset Management & Economic Development presented a report regarding the authority to enter into lease agreements with retail tenants for the Epping Forest Shopping Park.

The Portfolio Holder apologised for the tabling at the meeting of revised recommendations for the report, which sought the approval of the Cabinet to enter into a lease with Next Holdings Limited for an anchor store at Epping Forest Shopping Park. In addition, the Portfolio Holder also sought extended delegated authority for the Chief Executive, Director of Neighbourhoods or Director of Resources, in consultation with the Asset Management and Economic Development Portfolio Holder, to enter into future lease arrangements and associated documentation with other retail tenants at the Shopping Park – which would be signed rather than sealed. The Chairman of Council was requested to waive the call-in arrangements for this and future leases given the timescales required to achieve an opening of Epping Forest Shopping Park in September 2017.

Decision:

(1) That the Terms of the Agreement for the Lease with Next Holdings Limited, as attached at Appendix 1 of the report, be agreed in principle and the Chief Executive, Director of Neighbourhoods or Director of Resources (in consultation with the legal advisors and the Asset Management & Economic Development Portfolio Holder) be authorised to make any final amendments and enter into the lease;

(2) That delegated authority be granted to the Chief Executive, Director of Neighbourhoods or Director of Resources (in consultation with the legal advisors and the Asset Management & Economic Development Portfolio Holder) to waive the Council's Financial Regulations to authorise them to enter into further leases with tenants at the Epping Forest Shopping Park in the future, on the condition that they too were in accordance with the previously agreed development appraisal and planning conditions;

(3) That delegated authority be granted to the Chief Executive, Director of Neighbourhoods or Director of Resources (in consultation with the legal advisors and the Asset Management & Economic Development Portfolio Holder) to enter into documentation associated with the Leases;

(4) That the Chairman of Council be requested to waive the Council's Call-in procedure with respect to this and future Leases to reflect the timescales required to achieve a September 2017 opening; and

(5) That Procurement Rules 18.2(b) be waived to allow for this Lease and future Leases to be signed rather than sealed.

Reasons for Decision:

To seek authority to enter into leases with tenants for the Epping Forest Shopping Park in order to achieve the Council's financial objectives as well as deliver economic development and employment benefits from the project.

Other Options Considered and Rejected:

To bring all Agreements for Lease to Cabinet and not extend the Delegation. However, this would run the risk of losing potential tenants if their timescales could not be met and potentially compromise the target opening date for the Shopping Park of September 2017.

CHAIRMAN