



Overview and Scrutiny Committee Tuesday, 27th August, 2013

You are invited to attend the next meeting of **Overview and Scrutiny Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 27th August, 2013
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer:**

Simon Hill, Senior Democratic Services Officer, The Office of
the Chief Executive
email:democraticservices@eppingforestdc.gov.uk Tel: 01992
564249

Members:

Councillors R Morgan (Chairman), K Angold-Stephens (Vice-Chairman), G Chambers,
K Chana, T Church, L Girling, D Jacobs, Ms H Kane, P Keska, A Lion, A Mitchell MBE,
S Murray, J Philip, B Rolfe and D Wixley

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those who request it..

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“This meeting will be webcast live to the Internet (or filmed) and will be archived for later viewing (or another use by such parties). Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you consent to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

2. APOLOGIES FOR ABSENCE

3. SUBSTITUTE MEMBERS

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

4. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

5. CALL-IN OF CABINET DECISION REVIEW OF NORTH WEALD AIRFIELD (C-018-2013-14) (Pages 5 - 28)

To consider a call-in of the Cabinet’s Decision on ‘Review of North Weald Airfield’ (C-018-2013/14). The decision was taken at the Cabinet meeting held on 22 July 2013.

Attached is a covering report, the call-in sheet, the public Cabinet report, extract from the Cabinet decision sheet and a copy of the Call-in rules.

6. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
7	Review of North Weald Airfield	3

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

7. REVIEW OF NORTH WEALD AIRFIELD (C-18B-2013/14) (Pages 29 - 38)

(Asset Management & Economic Development Portfolio Holder) Attached is the

private report that went to the Cabinet for information.

N.B...The public will be invited back into the meeting for the determination of the Call-in.

8. INCLUSION OF PRESS AND PUBLIC

To invite the public and press back into the meeting for the remaining items of business.

Report to Overview & Scrutiny Committee



Date of meeting: 27 August 2013

Portfolio: Asset Management & Economic Development

Subject: Call in – Review of North weald Airfield

Officer contact for further information: Adrian Hendry / John Gilbert

Committee Secretary: Adrian Hendry – Ext 4246

Recommendations/Decisions Required:

To consider the call-in of Portfolio Holders decision C-018-2013/14 regarding the option to be considered for North Weald Airfield as part of the Local Plan Process.

Report:

1. In accordance with rule 20 of the Overview and Scrutiny Rules, 6 members have called in the Cabinet's decision, taken on 22 July 2013 and published on 30 July 2013. The part of the decision (see decision sheet extract attached) being called-in is:

“(2) That the following options not be given further consideration as part of the Local Plan process:

(a) the intensification of aviation based solution; and

(b) the non aviation based solution with a focus on residential development; and

(c) the non aviation based solution with a focus on commercial development.

And

(3) That, for the mixed aviation/development based option, a further high level master planning exercise focusing on feasibility, deliverability and incorporating the option in the Local Plan be undertaken as part of the assessment process leading to the Local Plan Preferred Options consultation in May 2014.”

2. The Call-in was based on the following premises, that:

- 1. Insufficient weight given to the discount rate reflecting risk;*
- 2. No analysis of revenue implications vs. Capital;*
- 3. No district wide consultation on change to Issues and Options prior to preferred Options stage;*
- 4. No options available without massive development with no aviation.*

3. The Chairman of the Overview and Scrutiny Committee determined that consideration of the call-in should be referred to this extraordinary meeting of the Overview and Scrutiny Committee.

4. Attached to this report are:
 - (a) Copy of the report;
 - (b) An extract from the decision list;
 - (c) A copy of the notification of the call in including the names of the relevant Councillors who requested the call in and their grounds for so doing; and
 - (d) A copy of an extract of the Council's procedures for dealing with call-ins.

Consideration of the Call – in

5. In accordance with the Council's Protocol (attached) the consideration of call-ins by the Committee should be considered in the following manner:

- (a) the representative of the Councillors calling in the decision shall describe their concerns;
- (b) the Portfolio Holder shall then respond;
- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
 - (i) confirm the decision, which may then be implemented immediately; or
 - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns; or
 - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or

Decision Taker may be implemented with effect from the date of that meeting;

(i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker

(j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's / Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and

(k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.

(l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

6. If, having considered the decision, the Overview and Scrutiny Committee or delegated Panel is still concerned about it, then it may, subject to the procedures outlined in Rule 16(a) or (b) in attached, refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.

7. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.

8. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

9. The Committee are asked to consider the decision taken by the Portfolio Holder and report accordingly.

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EPPING FOREST DISTRICT COUNCIL

Notification of Call – In of Cabinet or Portfolio Holder Decision Under Rule 20 (8) (Page J13 of the Constitution) of The Overview And Scrutiny Rules

This form must be signed and completed and the original returned to the proper officer in person on the 5th working day following publication of the decision.

Decision to be called-in: Review of North weald Airfield (C-018b-2013/14) - Cabinet Meeting of 22 July 2013
Decision reference: C-018-2013/14
Portfolio: Asset Management & Economic Development
Description of Decision: (2) That the following options not be given further consideration as part of the Local plan process: (a) the intensification of aviation based solution; and (b) the non aviation based solution with a focus on residential development; and (c) the non aviation based solution with a focus on commercial development; (3) That, for the mixed aviation/development based option, a further high level master planning exercise focusing on feasibility, deliverability and incorporating the option in the Local Plan be undertaken as part of the assessment process leading to the Local Plan Preferred Options consultation in May 2014;
Reason for Call – in 1. Insufficient weight given to the discount rate reflecting risk; 2. No analysis of revenue implications vs. Capital; 3. No district wide consultation on change to Issues and Options prior to preferred Options stage; 4. No options available without massive development with no aviation.

Members requesting call – in (3 members of the Overview and Scrutiny Committee or 5 other members)

Members Name:	Signed:
Lead member: Cllr S Watson	
Cllr J Philip	
Cllr R Gadsby	
Cllr G Mohindra	
Cllr A Lion	
Cllr L Wagland	
Office Use Only: Date Received: 1 st August 2013	

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Report to the Cabinet

Report reference: C-018a-2013/14

Date of meeting: 22 July 2013



**Epping Forest
District Council**

Portfolio: Asset Management & Economic Development

Subject: Review of North Weald Airfield

Responsible Officer: John Gilbert (01992 564062)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

PLEASE NOTE: The recommendations below WILL NOT be considered in Part I of this report

(1) To receive the Executive Summary and associated presentation from Deloitte Real Estate setting out their assessment of future development options for North Weald Airfield; and

(2) To determine which options should be further considered as part of the "Preferred Options" stage of the emerging Local Plan .

Executive Summary:

Following a Member appointment panel, Deloitte Real Estate (Drivers Jonas Deloitte) were appointed by Cabinet to undertake the North Weald Airfield development study in early February 2013. Since their appointment Deloitte have undertaken a wide range of stakeholder interviews, including all tenants/users of the Airfield and North Weald Bassett Parish Council and conducted a Cabinet workshop. They have also conducted a range of soft market testing with aviation and development organisations in order to determine the market attractiveness of the various development options, which were:

- (1) an intensification of aviation;
- (2) a non aviation based solution; and
- (3) a mixed aviation/development based option.

Each of the options developed were to be assessed in terms of:

- (a) technical feasibility;
- (b) financial feasibility;
- (c) market attractiveness;
- (d) risk; and
- (e) community value

This report, which is in two parts, one public and one private due to commercial confidentiality, sets out the options developed and assesses each against the criteria (a) to

(e) above. Cabinet is being requested to select which options should go forward for further investigation as part of the next part of the local plan consultation process, known as "Preferred Options", scheduled to commence during 2014.

Representatives of Deloitte will be in attendance to give a presentation of their option assessments in both parts 1 and 2 of the Cabinet meeting.

The recommendations above will not be considered in this part of the report.

Reasons for Proposed Decision:

To enable Cabinet to consider the development options presented by Deloitte and to recommend which options should be included within the "Preferred Options" consultation of the local plan process.

Other Options for Action:

The only alternative action is to reject all of the development options put forward by Deloitte and then to either:

- (1) request Deloitte to reconsider and bring forward alternative options for assessment;
- (2) appoint another consultant to review and/or develop alternative options; or
- (3) put forward no recommended option or options for consideration as part of the local plan "Preferred Option" consultation process.

Report:

PART 1 REPORT

1. In March 2011, the North Weald Airfield and Asset Management Cabinet Committee received a report commissioned from Halcrow, on the opportunities for aviation intensification at North Weald Airfield. The report to the Cabinet Committee had a number of recommendations including:

- (i) to receive the report; and
- (ii) to consider which, if any, of the intensification options to pursue.

2. The Cabinet Committee resolved:

- (1) *That the North Weald Aviation Intensification Study Final Report be noted; and*
- (2) *That the following recommendations be made to Cabinet:*
 - (a) *that the option of active development be pursued;*
 - (b) *that market testing be undertaken with fixed base operators in order to provide more information on potential risks, investments and benefits*

3. During the course of 2012, Ernst and Young were appointed to undertake, amongst

other things, a review of the Halcrow report with a view to the Council establishing how best it should proceed, not just in terms of aviation intensification but also non aviation based development. The outcome of the Ernst & Young report was reported to Cabinet at its meeting on 10 September 2012. Ernst & Young recommended that there were two distinct stages to determine the longer term vision for the Airfield:

- (i) determine the options for future development at the Airfield and assess those objectively; and
- (ii) determine an implementation strategy for the preferred option and prepare that for the market.

4. Cabinet resolved at that meeting as follows:

- (1) *That the Ernst and Young overview of North Weald Airfield be noted;*
- (2) *That the comments of the North Weald Airfield & Asset Management Cabinet Committee be noted, including the extension of the minimum terms for leases at the Airfield to April 2015;*
- (3) *That work packages 1 and 2, recommended by Ernst & Young, be agreed for implementation;*
- (4) *That the appointment of consultants to advise on the future potential development of the Airfield be agreed;*
- (5) *That a supplementary District Development Fund estimate in the sum of £150,000 be recommended to the Council for approval, to enable the consultancy exercise to be undertaken; and*
- (6) *That the use of the Government Procurement Service Framework Agreement, or similar suitable framework, for the appointment of consultants be approved.*

5. Following a procurement exercise and Member appointment panel, Deloitte Real Estate (Drivers Jonas Deloitte) were appointed by Cabinet to undertake the North Weald Airfield development study in early February 2013. Since their appointment Deloitte have undertaken a wide range of stakeholder interviews, including all tenants/users of the Airfield and North Weald Bassett Parish Council and conducted a Cabinet workshop. They have also conducted a range of soft market testing with aviation and development organisations in order to determine the market attractiveness of the various development options, which were:

- (i) an aviation based solution (intensification);
- (ii) a non aviation based solution; and
- (iii) a mixed aviation/development based option.

6. The appointment brief required Deloitte to assess each of the development options against the following criteria:

- (a) technical feasibility;

- (b) financial feasibility;
- (c) market attractiveness;
- (d) risk; and
- (e) community value.

7. Attached to this agenda is the Executive Summary of Deloitte's report and representatives of Deloitte will be in attendance to make a presentation of their development options and appraisal. Their report in this part of the Cabinet will necessarily be restricted given that in order to establish options and appraise them, they have had to make reference to commercially confidential and sensitive information. They will however be remaining for the confidential part of the meeting in order to present this detailed information to Members and answer related questions.

Key Considerations

8. Deloitte was not, as part their brief, required to assess a status quo outcome for the Airfield. The current position at the Airfield has been considered via the various reports previously received by Cabinet, and referenced in paragraphs 1 to 5 above. These are however worthy of being set out in a little more detail in this part of the report:

- (a) Whilst the Airfield continues to operate at a surplus, this is generated solely by the income from the Saturday (and Bank Holiday) markets. Cabinet has concluded that this imbalance represents significant risk to the Council's future financial security;
- (b) Although making a modest surplus, the Airfield is not generating the sort of financial return expected from an asset of such scale and potential value. Furthermore, if non aviation revenues are stripped out, aviation receives a significant subsidy, at a level which, given current aviation activity, would not be considered to be sustainable;
- (c) The infrastructure of the Airfield is, by virtue of its age, deteriorating. The key infrastructure items such as the runways and taxiways, are regularly maintained to ensure that aviation tenants can continue to land and take off safely, at current levels of activity. However, a recent runway assessment undertaken by Halcrow indicates that whilst the main runway (02/20) is satisfactory for its present limited uses, the size of aircraft using it should be more tightly controlled and a more rigorous inspection regime should be introduced. Whilst this has been done, it remains the case that, there may be a requirement for significant infrastructure investment, which will place additional pressure on the finances of the Airfield;
- (d) A number of aviation tenants have very long leases, associated with which are runway licences which provide for a fixed number of aviation movements. These movement limits are being regularly exceeded by some of the tenants;
- (e) The Airfield is one of the few remaining operational former world war two airfields, with a number of historic artefacts within its boundaries, including the control tower which has recently been listed at Grade 2 by English Heritage. As such, the

Airfield attracts considerable local and indeed more general support and interest, with a number of events taking place throughout the years to commemorate the Airfield's history and contribution to the outcome of the second world war. The Airfield is 'home' to a number of historic aircraft collections of second world war propeller driven and cold war jet aircraft; and

(f) The Airfield is very close to two other operational airfields. The largest and most significant is Stansted Airport, and North Weald Airfield has airspace limitations to ensure that aircraft using North Weald do not conflict with those at Stansted, such as a 2,500 feet ceiling above the Airfield. The other airfield is Stapleford, which although small, is licensed to enable flight training and other commercial flight operations. Any expansion of aviation operations at North Weald would require Civil Aviation Authority approval, and it is likely that they, and other airspace users, would express significant concerns around the impact on the management of local airspace.

9. The final key issue for consideration relates the future of the Airfield being a crucial part of the ongoing local plan process, since the Airfield has in the past been identified as a location for significant housing growth. The majority of the Airfield lies within the Metropolitan Green Belt, and any decision to develop, in whatever form, will require that Green belt status to be reconsidered and redrawn, and exceptional reasons demonstrated for any such decision.

Options and Options Appraisal

10. It is not possible in this part of the agenda to make detailed references to the financial and other data which sits behind the options and their appraisal. That detail is clearly set out in the main Deloitte report which will be considered in confidence in Part 2 of this Cabinet. A summary of the Option Appraisal is set out in Appendix 1 to this part of the report.

Decisions Required

11. See part 2 report.

Resource Implications:

The Deloitte consultancy exercise has been funded through a DDF allocation of £150,000. Deloitte's tendered sum was £145,000 and therefore expenditure currently remains within budget. Moving beyond this stage as set out under "Next steps" above will require a further budget allocation and a new procurement exercise should it be considered that consultancy assistance is required.

Legal and Governance Implications:

The assessment and consideration of the options set out in the Deloitte report will form an intrinsic element of the emerging local plan. Decisions made will need to be fully supported and then tested through the "Preferred Options" consultation exercise. It should be noted that is but one part of an ongoing process which will result in the Local Plan being tested at an Enquiry in Public

Safer, Cleaner and Greener Implications:

There are no significant implications at this time, but any decisions made in the future clearly have the potential to impact upon the local environment, and these would have to be considered at that time, as part of the sustainability assessment related to the local plan process.

Consultation Undertaken:

There was significant stakeholder consultation undertaken by Deloitte as part of the consultancy exercise. Details are within the report.

Background Papers:

Publically accessible elements of:

Reports to Cabinet in respect of the (now defunct) East of England Plan

Deloitte report

Drivers Jonas Report

Halcrow Report

Ernst & Young Report

Halcrow main runway report

Associated Cabinet and North Weald Airfield & Asset Management reports and agendas

Impact Assessments:

Risk Management

All of the options set out in the Deloitte report carry with them risk to one degree or another. These are drawn out through the option appraisal process and are not repeated in this section of the agenda. However, there are additional risks which arise through the decision making processes going forward and these are set out in detail in Part 2 of the report.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process? N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group? N/A

Appendix 1 – Option Appraisal

Option	Financial Viability (Based upon Net Present Value)	Technical Feasibility	Market Attractiveness	Community Value	Risk Assessments
1. Aviation only	Negative	<ul style="list-style-type: none"> * Lowest infrastructure requirement * Technical difficulties with runway upgrades and CAA licensing requirements * land acquisition likely 	<ul style="list-style-type: none"> * some current market interest * due to well established existing business aviation airports, considerable time required to establish operations, reputation and a positive return on investment * significant front loading of infrastructure costs * significant and well established existing competition 	<ul style="list-style-type: none"> * may over time attract associated business and generate additional employment * would safeguard existing heritage and aviation activities * potential negative effects from noise and related aviation activity 	<ul style="list-style-type: none"> * financial viability * significant difficulties in justifying release of land from the Green belt * licensing and CAA constraints * assumed growth in business aviation does not materialise
2a. Non- aviation – housing led	High	<ul style="list-style-type: none"> * greatest infrastructure requirement * provides for broader masterplanning * requirement to cease aviation activity 	<ul style="list-style-type: none"> * market interest exists * no conflict with proposed Harlow developments * despite ongoing market volatility, underlying trend is 	<ul style="list-style-type: none"> * construction job creation * community facilities alongside residential development, including leisure facilities and public open space 	<ul style="list-style-type: none"> * costs of providing extensive infrastructure * significant Green Belt release with concerns regarding justification * management of existing long leases / licences

Option	Financial Viability (Based upon Net Present Value)	Technical Feasibility	Market Attractiveness	Community Value	Risk Assessments
			positive	<ul style="list-style-type: none"> * loss of aviation heritage activity * opportunity to retain some aviation heritage through sympathetic development and retention of features 	
2b. Non-aviation – employment led	Low	<ul style="list-style-type: none"> * reduced infrastructure requirement in comparison to option 2a * lower land values provide less support to meet infrastructure costs * requirement to cease aviation activity 	<ul style="list-style-type: none"> * restricted market appetite for office (B1) etc use * good market appetite for distribution / warehousing (B8) 	<ul style="list-style-type: none"> * construction job creation * loss of aviation heritage activity * opportunity to retain some aviation heritage through sympathetic development and retention of features * provision of leisure facilities and public open space 	<ul style="list-style-type: none"> * costs of providing extensive infrastructure –v- land values * significant Green Belt release with concerns regarding justification
3. Mixed use	Low	<ul style="list-style-type: none"> * proximity of residential accommodation to operational runway 	<ul style="list-style-type: none"> * potential residential developers concerns regarding the mix of residential and 	<ul style="list-style-type: none"> * airfield aviation activity remains essentially as is (depends upon 	<ul style="list-style-type: none"> * compatibility between aviation and residential development * need to ensure that

Option	Financial Viability (Based upon Net Present Value)	Technical Feasibility	Market Attractiveness	Community Value	Risk Assessments
		<p>could be contentious</p> <ul style="list-style-type: none"> * reduced infrastructure requirement in comparison to 2a and 2b * requirement to create separation between aviation and non aviation uses on the site * retention of existing aviation users 	<p>aviation activity</p> <ul style="list-style-type: none"> * possible need to restrict aviation activities in the future to attract developers 	<p>developer attitude)</p> <ul style="list-style-type: none"> * heritage assets remain in place * limited scope for job creation * provision of leisure facilities and public open space 	<p>costs of continued aviation are at least covered via other income streams</p> <ul style="list-style-type: none"> * some Green Belt release still required with concerns regarding justification

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DECISIONS

Committee:	CABINET
Date of Meeting:	Monday, 22 July 2013

Date of Publication:	30 July 2013
Call-In Expiry:	5 August 2013

7. REVIEW OF NORTH WEALD AIRFIELD

Decision:

(1) That the Executive Summary and associated presentation from Deloitte Real Estate setting out their assessment of future development options for North Weald Airfield be noted.

8. 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 paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
9	Review of North Weald Airfield	3

9. REVIEW OF NORTH WEALD AIRFIELD

Decision:

(1) That the full review and associated presentation from Deloitte Real Estate setting out their assessment of future development options for North Weald Airfield be noted;

(2) That the following options not be given further consideration as part of the Local plan process:

- (a) the intensification of aviation based solution; and
- (b) the non aviation based solution with a focus on residential development; and

(c) the non aviation based solution with a focus on commercial development;

(3) That, for the mixed aviation/development based option, a further high level master planning exercise focusing on feasibility, deliverability and incorporating the option in the Local Plan be undertaken as part of the assessment process leading to the Local Plan Preferred Options consultation in May 2014;

(4) That the undertaking of Sustainability Appraisals on all options within the Review be carried out, as they had been considered at some stage of the plan making process; and

(5) That the additional costs incurred by the master planning exercise in (3) above and the Sustainability Appraisals in (4) above be included in future reviews of the overall Local Plan budget.

**PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS
CALLED IN BY OVERVIEW AND SCRUTINY****1. Purpose of Protocol**

- (a) To codify how the Overview and Scrutiny Committee or delegated Panel should deal with "call in" items.
- (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

2. Validation of "Call In"

- 2.1 All "call in" requests shall be made in writing in accordance with the Council's constitution. "Call in" requests shall only be made by members of the Council who are not members of the Executive. The "call in" shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of the constitution.

3. Consideration of "Call In" Items by Overview and Scrutiny Committee

- 3.1 Consideration of Call-ins shall be the responsibility of the Overview and Scrutiny Committee which will decide whether to consider the issue itself or direct a Panel to undertake it and report back to the decision maker. "Call in" items shall be referred to the next available date for the Overview and Scrutiny Committee or delegated Panel. The provisions of the Overview and Scrutiny Rules in the Council's constitution will apply to "call in" requests which need to be dealt with more quickly.
- 3.2 At its meeting, the Overview and Scrutiny Committee or delegated Panel will receive:
 - (a) copies of all documentation submitted to the Executive on which the decision was based;
 - (b) a copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
 - (c) any other relevant documentation.
- 3.3 The relevant Executive Portfolio Holder and at least one of the members who activated the "call in" and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee or delegated Panel meeting.
- 3.4 The "call in" decision shall be considered in the following manner:
 - (a) the representative of the Councillors calling in the decision shall describe their concerns;
 - (b) the Portfolio Holder shall then respond

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately, or
 - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
 - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

4. Consideration of Reports on "Call In" Items by the Executive

- 4.1 The report of an Overview and Scrutiny Committee or delegated Panel will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.
- 4.2 If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, he or she shall consider the written proposals of the Overview and Scrutiny Committee or delegated Panel, must consult the Overview and Scrutiny Committee and delegated Panel Chairmen if he or she is minded to accept or reject them. In doing so the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.
- 4.3 If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee or delegated Panel and refer them, with his or her written response, to the decision making body concerned.
- 4.4 At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:
- (a) the agreed report of the Overview and Scrutiny Committee or delegated Panel and any other supporting documents considered by it;
 - (b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee or delegated Panel, indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and
 - (c) any other information.
- 4.5 The Executive or Committee of the Executive shall consider the matter as follows:
- (a) the Chairman of the Overview and Scrutiny Committee or delegated Panel shall present the views and recommendations of the Committee/Panel based on the report of the relevant OSC meeting and respond to questions, make general comments and respond to new proposals as appropriate;
 - (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee or delegated Panel;
 - (c) the Executive (or Committee thereof) shall then consider the original decision, the views of the Overview and Scrutiny Committee or delegated Panel and any proposals by the Portfolio Holder; and
 - (d) the Executive (or Executive Committee) will then make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.
- 4.6 Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

5. Implementation of Decisions When Cabinet Control or Membership Changes

- 5.1 Notwithstanding the provisions of paragraphs 3.4(g) and (h) above, where political control of the Cabinet or Cabinet membership changes following the Annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee or delegated Panel following a "call-in" but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

6. Consideration of "Call In" Reports of Overview and Scrutiny Committees made to the Full Council

- 6.1 In some circumstances, the Overview and Scrutiny Committee or delegated Panel may choose to refer the results of their consideration of "call in" items to the full Council, rather than the Executive in those instances set out in paragraph 3.4 (d) (iii) above and 6.2 below. With any necessary modification the "call in" shall be dealt with at the Council meeting in accordance with paragraphs 4.1 - 4.5 above.
- 6.2 In considering whether to report to the full Council, the Overview and Scrutiny Committee or delegated Panel shall take account of the advice of the proper officer on:
- (a) whether the Council may properly determine the matter if the function is delegated to the Executive;
 - (b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;
 - (c) whether the Executive decision relates to a matter which either reserved to the full Council by the constitution or by resolution; and
 - (d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.

7. Restriction on "Call In"

- 7.1 The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to "call in".
- 7.2 The "call in" procedure shall also not apply to any recommendation by the Cabinet to the full Council.

8. Definitions

8.1 For the purpose of this Protocol, the following definitions shall apply:

(a) "Executive"

This term should be interpreted as referring to the Cabinet, a Cabinet Committee or an individual Portfolio Holder acting under delegated powers.

(b) "Decision"

Denotes a decision on an Executive function by the Cabinet, a Committee of the Cabinet or of an individual Portfolio Holder.

(c) "Decision Taker"

This means the Cabinet, a Cabinet Committee or an individual Portfolio Holder who made the original decision.

9. Review of Protocol

9.1 This Protocol will be reviewed by the Council as part of its constitution as and when appropriate.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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