

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 21 July 2016

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.40 pm

Members Present: C Whitbread (Chairman), S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, A Grigg, H Kane, A Lion, J Philip, G Mohindra and G Waller

Other Councillors: D Stallan, R Baldwin, D Dorrell, S Heap, S Kane, J Lea, A Mitchell, C P Pond, M Sartin, G Shiell, J H Whitehouse and J M Whitehouse

Apologies: -

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), D Bailey (Head of Transformation), P Pledger (Assistant Director (Housing Property)), K Polyzoides (Assistant Director (Policy & Conservation)), J Twinn (Assistant Director Benefits), T Carne (Public Relations and Marketing Officer), M Warr (Economic Development Officer), C Bryant (Intern), G J Woodhall (Senior Democratic Services Officer) and S Tautz (Democratic Services Manager)

Also in attendance A Blom-Cooper and C Pasterfield (Consultants)

16. WEBCASTING INTRODUCTION

The Leader of Council made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

17. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Councillor J M Whitehouse declared an interest in agenda item 20, St John's Road Development, Epping, by virtue of being a resident of St John's Road, a Member of Epping Town Council and a Member of Essex County Council. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Member Code of Conduct, Councillor C Whitbread declared an interest in agenda item 20, St John's Road Development, Epping, by virtue of being a resident of Epping. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue. In addition, the Councillor repeated the personal statement that he had first made to the Cabinet in July 2012, namely:

“(a) in my own response as a local resident to the public consultation, I stated that I was opposed to the provision of a supermarket;

(b) *my view has always been that the approved development brief should achieve the twin goals of revitalising the High Street economy and preserving its essential character;*

(c) *it has never been my view that maximising the financial return on the Council's landholding in that area should be the only objective of the Authority, community benefits are equally important in my mind; and*

(d) *the decision as to whether a supermarket or indeed any other form of development will form part of the brief is not mine as Leader of the Council but one for the whole Council."*

18. MINUTES

Resolved:

(1) That the minutes of the meeting held on 9 June 2016 be taken as read and signed by the Leader of Council as a correct record.

19. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports from Portfolio Holders on current issues concerning their Portfolios.

20. PUBLIC QUESTIONS

There were no questions received from the public for the Cabinet to consider.

21. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meeting held on 19 July 2016:

(a) the Corporate Plan 2016-2020 and the Key Action Plan for 2017/18 was reviewed;

(b) the use of the PICK forms was reviewed and it was decided that we should take a more flexible approach in facilitating their submission to Overview & Scrutiny;

(c) the scrutiny of external organisations was reviewed and the importance of setting clear objectives and parameters for any presentations received, including a more critical approach to be taken in the selection of outside organisations and whether it was more appropriate for them to be heard by a Select Committee;

(d) scrutiny of the Central Line and TfL; Princes Alexandra Hospital Services for our residents; and Highway Services and Infrastructure within our District was added to the Scrutiny work programme; and

(e) consideration given to whether the annual presentation given by the Youth Council should now go to a full Council meeting to widen the audience for the work they did.

The Cabinet's Key Decision List was reviewed and the following specific issues were identified:

(i) was any drastic change planned to the 'Sheltered Housing Assets' strategy;

- (ii) what was the current status of the 'Off Street Parking Programme 2016/17'; and
- (iii) further information was requested concerning the 'Norway House Chalets'.

The Housing Portfolio Holder provided the following responses:

- (i) there were a number of Sheltered Housing Schemes across the District but there was a low demand for the places; there was a greater demand for affordable housing across the District and all of the Sheltered Housing Schemes were being reviewed by the Director of Communities;
- (ii) the capital budget for the 'Off Street Parking Programme 2016/17' was currently under review; and
- (iii) there were 10 chalets at Norway House, which had been in situ for 20 years and were in a bad condition; a feasibility study of the chalets had been agreed by the Cabinet last year.

22. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 16 JUNE 2016

The Finance Portfolio Holder presented the minutes of the meeting of the Finance & Performance Management Cabinet Committee, held on 16 June 2016.

The Cabinet Committee had made recommendations to the Cabinet concerning: proposals for the 'Invest to Save' fund; the approval of an updated Corporate Risk Register; the provisional Capital Outturn for 2015/16; and the Provisional Revenue Outturn for 2015/16. Other issues considered by the Cabinet Committee included: the performance of the Key Performance Indicators for Quarter 4 of 2015/16.

Decision:

Invest to Save Proposals

- (1) That the following 'Invest to Save' proposals be approved:
 - (a) capital works at North Weald Airfield to extend a vehicle compound in the sum of £12,000;
 - (b) a structural survey of the current main reception area in the sum of £15,000; and
 - (c) a programme management system for prototype activities in the sum of £6,000;

Risk Management – Corporate Risk Register

- (2) That the Key Date for Risk 1, Local Plan, be updated;
- (3) That the Effectiveness of Controls/Actions for Risk 2, Strategic Sites, be updated;
- (4) That the Effectiveness of Controls/Actions for Risk 6, Data/Information, be updated; and

- (5) That, as amended above, the Corporate Risk Register be approved;

Provisional Capital Outturn 2015/16

- (6) That, as identified in the report to the Finance & Performance Management Cabinet Committee on 16 June 2016, the under and over spends on certain capital schemes during 2015/16 be retrospectively approved;

- (7) That the carry forward of unspent capital estimates into 2016/17 for schemes on which slippage had occurred be agreed;

- (8) That, as outlined in the report to the Finance & Performance Management Cabinet Committee on 16 June 2016, the funding proposals for the Capital Programme in 2015/16 be approved;

- (9) That the in-principle decision to meet a funding requirement for the purchase of street properties in 2016/17 from under spends within the Housing Revenue Account in 2015/16 be agreed; and

- (10) That, as set out in the report to the Finance & Performance Management Cabinet Committee on 16 June 2016, an amendment to the position regarding the use of the attribute debt element of the retained capital receipts be approved; and

Provisional Revenue Outturn 2015/16

- (11) That the additional unbudgeted income of £254,000 from the agreement with the major preceptors be used to create a District Development Fund (DDF) budget of £100,000 for Transformation Projects and to top up the 'Invest to Save' fund by a further £154,000; and

- (12) That Transformation projects only be funded from the Transformation Projects budget within the DDF following approval by the Management Board and in consultation with the Leader of Council.

Reasons for Decision:

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

Other Options Considered and Rejected:

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

23. LOCAL DEVELOPMENT SCHEME AND LOCAL PLAN BUDGET UPDATE

The Portfolio Holder for Planning Policy presented a report on the Local Development Scheme and the Local Plan budget update.

The Portfolio Holder sought agreement to an updated Local Development Scheme (LDS), the high level project plan for the preparation of the Epping Forest District Local Plan. The preparation of the Local Plan for the District was an ongoing and complex process, and would provide a framework for the future development of the District for the period up to 2033. The proposed new scheme would supersede the previous Local Development Scheme agreed in June 2015. The new Scheme

indicated that the draft Local Plan would be prepared by October 2016, with the statutory consultation period running from 31 October to 12 December 2016. The final Plan was scheduled for submission to the Planning Inspectorate in December 2017, and the Examination in Public was likely to be held in the Spring of 2018. It was anticipated that the final Local Plan would be adopted in October 2018.

The Portfolio Holder reminded the Cabinet that the budget agreed in February 2016 was £1.473million; this being the actual spend in 2015/16 plus the projected expenditure through to 2018/19. A review of the budget had indicated that additional funding would be required in 2017/18 and 2018/19, of approximately £448,810. This was due in part to the decision to appoint Ove Arup & Partners Limited as consultants to undertake work on settlement and site analysis and the Infrastructure Delivery Plan to meet the Local Plan timetable outlined above. The additional funding would be requested as part of the 2017/18 budget setting process. A detailed analysis of the Local Plan budget through to 2018/19 had been attached as an Appendix to the report.

The Portfolio Holder added that Ove Arup & Partners Limited was now performing significantly more work than had previously been envisaged, and hence the cost was now significantly higher.

Decision:

- (1) That the updated Local Development Scheme for 2016/17 be adopted and published on the Council's website; and
- (2) That expenditure against the Local Plan budget for 2015/16, the projected expenditure for 2016/17 and the estimated expenditure for 2017/18 and 2018/19 be noted.

Reasons for Decision:

The Council was obliged under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) to prepare and publish a Local Development Scheme so that the public and stakeholders were aware of the likely timing of key stages of the plan making process. The Cabinet had previously requested a six monthly update on the Local Plan budget, which had also been re-profiled to match the amended Local Development Scheme.

Other Options Considered and Rejected:

To not agree, or to vary, the Local Development Scheme.

24. LOCAL COUNCIL TAX SUPPORT SCHEME 2017/18

The Finance Portfolio Holder presented a report on the Local Council Tax Support Scheme for 2017/18.

The Portfolio Holder reported that on 15 December 2015, the Council had adopted the Local Council Tax Support scheme for 2016/17. Consideration now had to be given to the scheme for the financial year 2017/18 which would require approval by the Council in December 2016. It was necessary to undertake public consultation on the Council's scheme each year before the scheme was adopted by the Council. In view of the timescales, it would be necessary for the consultation to be undertaken between August and October 2016 in order to ensure that the Authority would have

consulted correctly and that Council could adopt the scheme at the December meeting.

The Portfolio Holder stated that very few complaints had been received in respect of the Scheme and there was a general acceptance by residents that they needed to pay some portion of their Council Tax bill. When the Scheme was amended in 2016/17 to reduce the maximum amount of support available from 80% to 75%, there was very little complaint and Council Tax Officers had been pro-active in assisting those residents who were not paid monthly.

The Portfolio Holder listed the elements proposed to be included in the consultation for the Scheme in 2017/18. The first two elements were based on the principle that the Scheme should be cost neutral to the Council; the other four proposed elements would bring the Scheme in line with other Welfare Reforms introduced by the Government for Housing Benefit. Essex County Council had again agreed to host the online consultation for 2017/18 for Essex Authorities, and the ability to respond by paper would be made available to those who did not have internet access.

In response to questions from the Members present, the Assistant Director of Resources (Benefits) stated that the proposed changes were in line those proposed by other Essex Authorities. The consultation would be advertised as wide as possible to let as many people know as possible, but historically there was a low level of responses to this consultation. The Director of Resources clarified that, when referring to the scheme as being cost neutral to the Council, it was correct there was no longer a separate grant received by the Council for the Scheme, but any reduction received in the overall Revenue Support Grant was also applied to the amount of funding considered available for the Scheme.

Decision:

(1) That a public consultation exercise on the 2017/18 Local Council Tax Support Scheme be undertaken between August and October 2016;

(2) That the following elements of the scheme be approved for inclusion in the consultation:

(i) a general principle that the Local Council Tax Support scheme for 2017/18 should aim to be cost neutral for the Council;

(ii) to seek views on alternative funding options for the Local Council Tax Support scheme if the scheme was not cost neutral;

(iii) to remove the Family Premium in the calculation for new claimants in line with other Welfare Reforms;

(iv) to reduce the period allowed for backdating to one month in line with other Welfare Reforms;

(v) to limit the number of dependant additions to a maximum of two for all cases where dependants were born on or after 1 April 2017, in line with other Welfare Reforms; and

(vi) to withdraw Local Council Tax Support where a person leaves the United Kingdom for 4 weeks or more in line with other Welfare Reforms.

Reasons for Decision:

The judgement given in the case of R v London Borough of Haringey on 29 October 2014, had highlighted the requirement for Local Authorities to consult on their Local Council Tax Support scheme annually, whether they intended to make any changes or not. The judgement also made clear that in their consultation, Local Authorities also needed to consult on how the scheme was to be funded. Respondents should be given the opportunity to give their views on whether the scheme should be cost neutral, or, if not, whether the scheme should be funded by making cuts to the scheme, increasing the Council Tax, cutting other Council services, or using Council reserves.

In view of the timescales, the consultation needed to be undertaken between August and October 2016. If the consultation was commenced any later, then it would not be possible to complete the consultation and make any amendments to the scheme in time for a further report to Cabinet on 1 December 2016. The Council's scheme had to be agreed by the Council and be in place by 31 January 2017.

Other Options Considered and Rejected:

The Cabinet could either decide not to carry out a consultation exercise for the 2017/18 Local Council Tax Support scheme, or that the consultation should only be carried out on potential changes to the scheme, not the funding of the scheme. However, bearing in mind the judgement in R v London Borough of Haringey, the Council could be judicially reviewed.

25. EPPING FOREST SHOPPING PARK - AWARD OF CONSTRUCTION CONTRACT

The Portfolio Holder for Asset Management & Economic Development presented a report on the award of the Construction Contract for the Epping Forest Shopping Park.

The Portfolio Holder stated that the re-tendering of the main building contract for the Shopping Park was carried out under European procurement regulations for a two-stage tender. Three tenders were received on 3 May 2016, and were evaluated by the Project Team including interviews with all three contractors on 26 May 2016. The bid from McLaughlin & Harvey Construction scored 92% during the evaluation process, and its bid of £10,218,000 was below the previously estimated pre-tender cost of the Shopping Park construction works prepared by the Council's quantity surveyors, Ridge & Partners LLP, of £10,500,000. This cost was allowed for within the projections contained in the Development Appraisal approved by Cabinet on 11 June 2015. Therefore, it was proposed to award the contract for the construction of the Shopping Park to McLaughlin & Harvey Construction.

The Portfolio Holder reported that amendments to the construction programme for the Section 278 works for the Shopping Park had increased the cost of this contract. The report had requested approval for an increase of £343,053 to the original contract sum; however, further amendments requested by Essex County Council had increased the cost of this contract by £908,208 and approval for this increase was also sought.

The Portfolio Holder disclosed that marketing of the Shopping Park continued with strong interest from a number of quarters, and a number of legal agreements for the lease of various units were with Solicitors for completion. The Grounds Maintenance and Fleet Operations Teams had relocated to the Oakwood Hill Depot and the Langston Road Depot had now been vacated. A combination of the delay to the

Highways Works and the need to repeat the tender for the main construction contract had led to the opening date for the Shopping Park to be altered to August 2017.

In response to questions from the Members present, the Portfolio Holder stated that the maintenance works scheduled for the roads in that area had now been deferred for a number of years by Essex County Council, whose approval was needed before the Shopping Park could open. The Council was entering into negotiations with Essex County Council regarding the recovery of some of the costs for the Section 278 Works, and the Council would do all it could to recover some of these costs. The Section 278 Works had not yet started on site. It was reiterated that the contract for the Construction works was within the agreed budget and the Council was getting good value for money from this contract.

The Deputy Chief Executive reassured the Cabinet that the Council's Quantity Surveyors would examine closely any claims for extra monies for the Section 278 works, and there was an adequate contingency provision in the budget for the Shopping Park to cover the additional costs of these works. The Council's Consultant also pointed out that, even with the additional £908,208 for the Section 278 Works, this contract had not breached the £4.5million limit for contracts having to follow the EU procurement procedure.

Decision:

- (1) That the tender in the sum of £10,218,000 from McLaughlin & Harvey Construction to carry out the construction of the Epping Forest Shopping Park in Langston Road be agreed;
- (2) That an increase also be agreed in the contract sum for Section 278 Highways works in the sum of £908,208 to the contract awarded to Walkers Construction on 11 January 2016;
- (3) That, in liaison with the Portfolio Holder for Asset Management and Economic Development, the Director of Neighbourhoods be authorised to agree any final variation to the Highways Contract, subject to it being within the current capital budget for this element of the project; and
- (4) That the current anticipated opening date for the Shopping Park of August 2017 be noted.

Reasons for Decision:

To award the main construction contract for the Shopping Park and agree a variation to the costs of the associated S278 Highways Work.

Other Options Considered and Rejected:

To not accept the tender from McLaughlin & Harvey Construction; however, this would delay the works being carried out and therefore the opening of the Shopping Park.

Similarly, to not agree the increased provision for the Highways Works would also delay the opening.

26. TRANSFORMATION PROGRAMME MONITORING REPORT - MAY 2016

The Leader of Council presented the Transformation Programme Monitoring report for May 2016.

The Leader stated that regular monitoring reports on the progress of the Transformation Programme would be presented to the Cabinet, and this was the report for May 2016. It was anticipated that the format of the report would evolve over time in order to remain an effective tool for highlighting progress, slippage and remedial actions being undertaken. It was highlighted that the Transformation Programme was at an early stage and all progress indicators were green.

The Leader reminded the Cabinet that it had agreed on 3 March 2016 (report C-074-2015/16 refers) to proceed with the appointment of a Customer Services Manager and ICT Support post for the Council. Job Descriptions had been drafted and the roles had been evaluated as Head of Customer Service, Grade 11, and Business Support Analyst, Grade 5, respectively. The Transformation Programme Board had decided that funding for these appointments would come from the salary budget underspend in 2016/17 and from a consolidation of roles across the Directorates from 2017/18. Any proposed changes to employment contracts would be undertaken in line with the Council's agreements with staff and Trades Unions. This decision was endorsed by the Cabinet.

The Leader added that the Transformation Programme Board had made concerted efforts to involve the Staff in the Transformation process, via Staff Briefings, articles in District Lines and updates posted to the Council's intranet.

Decision:

(1) That the progress of the Transformation Programme up to the end of May 2016 be noted; and

(2) That the decision of the Transformation Programme Board to progress permanent recruitments for the Head of Customer Service and Business Support Analyst posts from within existing resources be endorsed.

Reasons for Decision:

To inform Cabinet of progress on the Transformation Programme and to endorse the recruitment of the Customer Service posts.

Other Options Considered and Rejected:

To not endorse the recruitment for the Customer Service posts but this would delay the implementation of the priority Customer Contact project.

27. DEVELOPMENT STRATEGY - COUNCIL HOUSEBUILDING PROGRAMME

The Housing Portfolio Holder presented a report concerning the Development Strategy for the Council Housebuilding Programme.

The Portfolio Holder reminded the Cabinet that, since its formation in March 2013, the Council Housebuilding Cabinet Committee had considered a number of policies that had shaped the way the Council was delivering new affordable housing across the District as part of the Council Housebuilding Programme. All of these had been captured in the Development Strategy that was first agreed by the Cabinet in

September 2013 and then updated in February 2014. The main change in this update was in respect of the Affordable Rent Policy, whereby all new homes built or purchased as new, or purchased off the open market should be let at an affordable rent. This also reflected the Council's decision to purchase new-build or open market properties in order to avoid returning unspent 1-4-1 receipts back to the Government. This further revised Development Strategy had been considered by the Council Housebuilding Cabinet Committee at its meeting in April 2016 and had been recommended to the Cabinet for adoption.

The Portfolio Holder confirmed that the Council would lose money on any property that was purchased on the Open Market and which was subsequently sold under the Right-to-Buy scheme.

Decision:

(1) That the Development Strategy, attached at Appendix 1 of the report, be approved with specific attention drawn to the Council continuing to charge Affordable Rents for all new Council homes built under the Programme and that Affordable Rents also be charged for any homes purchased as new or purchased off the open market; and

(2) That the Development Strategy now be reviewed every three years, in line with the review period for other strategies, or earlier if circumstances made it necessary.

Reasons for Decision:

Responsibility for the approval of the Development Strategy rested with the Cabinet, rather than the Council Housebuilding Cabinet Committee.

Other Options Considered and Rejected:

To not adopt the contents of the Strategy in the format presented and alter any of its statements, targets, standards, procedures or assumptions. However, this could have an effect on the feasibility studies already approved by the Council Housebuilding Cabinet Committee.

28. MASTERPLAN AND DEVELOPMENT SCHEME - HILLHOUSE, WALTHAM ABBEY

The Portfolio Holder for Leisure & Community Services presented a report on the Master Plan and Development for Hillhouse in Waltham Abbey.

The Portfolio Holder stated that the Council's adopted Leisure and Cultural Strategy 2015-2025 identified a need for the existing Waltham Abbey Swimming Pool to be replaced by a new facility in Waltham Abbey, as well as an opportunity to provide a "community hub" at Hillhouse, Waltham Abbey - with the aim of co-locating health and wellbeing services to improve the quality of life of residents in this area of health inequality. Accordingly, the Council's Key Action Plan for its Corporate Plan included plans to investigate the feasibility of developing a new leisure/community hub at Hillhouse and to progress the provision of a replacement swimming pool in Waltham Abbey. In addition, other statutory partners had identified the need for: a replacement community space/facility in the locality; the provision of around 240 independent living homes; and a new health centre to replace the existing Doctors Surgery adjacent to the site.

The Portfolio Holder explained that the proposed site comprised land in the ownership of Epping Forest District Council and Essex County Council, who had worked together with NHS England to develop a Master Plan for the area which, following consultation with local people and key stakeholders, would provide the identified community facilities, whilst also retaining around half of the existing playing fields as informal recreation space, and help facilitate alternative sports/recreation to be provided elsewhere in Waltham Abbey. An Outline Planning Application now needed to be submitted by the three key partners to seek approval to the general principle of development and to the general location and size of the three main components, in order to enable the three partners to progress their individual elements.

The Deputy Chief Executive added that the proposed new Leisure Centre would be included in the new Leisure Management Contract, and the indicative costs would be reported to the Portfolio Holder Advisory Group the following week. The existing Swimming Pool at Roundhills would remain open until the new Leisure Centre was complete, and the Roundhills site would be considered as part of the Local Plan process.

The Cabinet felt that the proposed scheme was an excellent development, which would provide a new Leisure Centre and Health Centre for Waltham Abbey. The input from residents during the consultation was welcomed and the development would be an asset for Waltham Abbey. The Portfolio Holder confirmed that approximately 60 independent living homes would also be provided as part of the scheme.

A local Member informed the Cabinet that local residents had appreciated the consultation exercise; however, would the Portfolio Holder respond to the concerns of residents before the detailed planning application was submitted. The Portfolio Holder confirmed that she would be happy to talk to residents and answer any questions they might have before the detailed planning application was submitted.

The Deputy Chief Executive reiterated that the costs of the Development would be apportioned across all partners, including the fee for the planning application, and 50% of the space would be retained as open space. The Community facility had been merged with the Leisure facility to increase usage. The Leader of Council highlighted that the scheme was a good example of partnership working and would free up an existing site for better uses.

Decision:

(1) That the Hillhouse Master Plan, produced by Essex Housing and JTP Consultants on behalf of the Council, Essex County Council and NHS England (available as a Background Paper and summarised in the Concept Illustrative Master Plan in the Appendix attached to the report) be endorsed;

(2) That approval be given to the Council being a party to the submission of an Outline Planning Application by Essex Housing, on behalf of the Council, Essex County Council and NHS England, and to the Council's expenditure for its share of the costs of preparing the Outline Planning Application;

(3) That approval be given to the Council contributing an appropriate amount, through the Council's new Leisure Management contractor, towards the overall financial contribution required from the three key partners towards the provision of alternative sports/recreation facilities elsewhere in Waltham Abbey, in order to

compensate for the loss of informal recreation space at Hillhouse and to enable the proposed development to proceed; and

(4) That the Portfolio Holder Advisory Group on Leisure Management be authorised to include a provision, and to determine an appropriate specified amount, within the Invitation to Tender for the Council's Leisure Management Contract, requiring the new Leisure Management contractor to provide the Council's share of the required financial contribution, referred to in Decision (3) above.

Reasons for Decision:

The Council had identified a need to replace its existing swimming pool at Roundhills, Waltham Abbey with a new facility elsewhere in Waltham Abbey. Other statutory partners had also identified the need for an independent living scheme for older people in the District and a new health centre to replace the existing doctors surgery in Maynard Court.

The site at Hillhouse was in a relatively central, well-populated, part of Waltham Abbey; was no longer used for formal sports activities; the community centre had been closed; and the land was in the ownership of the Council and Essex County Council – all of which presented a good opportunity to provide an integral leisure and community hub for Waltham Abbey.

Cabinet approval was required for submission of an Outline Planning Application by Essex Housing, on behalf of the three key partners.

Other Options Considered and Rejected:

To not endorse the Master Plan. However, this would result in an Outline Planning Application not being submitted in time for the procurement of the new, long-term, Leisure Management Contract, which would not only significantly increase the financial risks of the Leisure Management Contract, but would also lose the opportunity for three much-needed community facilities being provided in a planned and co-ordinated way.

To not agree to the Council being a party to the Outline Planning Application. However, not only would this result in the Outline Planning Application not being made, but would also lead to an un-planned and un-coordinated approach to the development of the Hillhouse area.

To not contribute an appropriate amount towards the provision of alternative sports/recreation facilities elsewhere in Waltham Abbey. However, this would undoubtedly result in an objection to the planning application by Sport England, a statutory consultee, and result in the planning application being referred to the National Planning Casework Unit.

To not authorise the Leisure Management Portfolio Holder Advisory Group to include provision within the Invitation to Tender for the Council's Leisure Management Contract for the Council's share of the required financial contribution. However, if provision was not made for the new Leisure Management contractor to make the payment then the Council would still need to meet the cost and make appropriate budgetary provision for the payment.

29. NEIGHBOURHOOD PLAN EXAMINATION OUTCOME - MORETON, BOBBINGWORTH AND THE LAVERS

The Portfolio Holder for Planning Policy presented a report on the outcome from the independent examination of the Neighbourhood Plan for Moreton, Bobbingworth and The Lavers.

The Portfolio Holder stated that the Examiner of the Moreton Bobbingworth and the Lavers Neighbourhood Plan had concluded that the Plan did not meet the basic conditions required of a Neighbourhood Plan and therefore could not recommend that the Plan should proceed to referendum. Having considered each of the Examiner's recommendations and reasons for them, Officers had agreed with the Examiner's conclusions. Whilst the District Council could make modifications to the Plan to put it forward for referendum, these would be critical to the Plan Purpose and were therefore considered to be the purview of the Parish Council. Therefore, the Council should now refuse the Plan proposal. The Council would continue to advise and assist the Parish Council of Moreton, Bobbingworth and the Lavers in producing a revised plan should they seek to do so.

The Portfolio Holder added that the full Neighbourhood Plan had been published as a background paper to this meeting for other Local Councils to learn from, and one of the lessons was for Local Councils to heed the advice of the District Council's Planning Policy Officers. Although every Neighbourhood Plan was at a different stage in its development, they had to be in general conformity with the strategic policies of the District Local Plan. Therefore, most Local Councils were waiting for the consultation on the draft District Local Plan scheduled for 31 October to 12 December 2016, before continuing to progress their Neighbourhood Plans to the Examination and Referendum stages.

Decision:

- (1) That the Examiner's recommendation for the Moreton, Bobbingworth and the Lavers Neighbourhood Development Plan not meeting the basic conditions be noted;
- (2) That the plan proposal should be refused and should not proceed to referendum be agreed;
- (3) That publication of this decision would occur as soon as possible be noted;
and
- (4) That the District Council would assist the Parish Council in the process of producing a revised proposal, should it seek to do so, be noted.

Reasons for Decision:

To comply with the relevant regulations and in so doing make clear the Council's position, that the current Plan did not meet the basic conditions. The magnitude of change to a key policy in the Plan to enable it to meet the basic conditions was such that the Parish Council should reconsider and re-consult on their proposals.

Other Options Considered and Rejected:

Under the regulations, the Council was able to make changes to the plan proposal, consult on these and put it forward for referendum or send it back for examination. It could therefore, with the Parish's agreement, strike out the policies that were of concern to the Examiner and make the additional changes. However, given that the

Council generally agreed with the conclusions of the Examiner and Policy MBL 1.1 was critical to the Plan proposals, this was not a recommended course of action; it was considered that a revision of the Plan by the Parish Council would be needed followed by all the relevant regulatory stages.

30. HOME WORKING POLICY

The Portfolio Holder for Technology & Support Services presented a report on the Home Working Policy.

The Portfolio Holder reminded the Cabinet that the Council was moving towards implementing home, remote and mobile working options for its employees. The main objectives of the Framework were to establish a more flexible workforce, enhance the service provided to our customers and assist the Council in reviewing its accommodation requirements. The Joint Consultative Committee recommended adoption of the Smart Working Framework, the Flexible Working Policy and amendments to Council's Flexi Scheme, which were all subsequently agreed by the Cabinet. The Home Working Policy, which was out of date, was the outstanding document which required consideration by the Cabinet, and had been updated to give more detailed guidance on:

- what should be considered by Managers before agreeing home working;
- safety and ICT requirements;
- terms and conditions; and
- Manager and Employee responsibilities.

The Portfolio Holder stated that over several meetings, the Committee considered the Policy and in April considered the final outstanding section, Section 7 – Mileage. Each of the amended paragraphs were voted on separately and passed, although sections 7.2 and 7.4 were only passed by a small majority of the Committee. The Council required an up to date policy on Home Working to prevent the risk of the Transformation Programme being delayed.

The Cabinet welcomed the fact that the Policy would be reviewed in due course, and hoped that a significant number of staff would take advantage with benefits for both staff and the Council.

Decision:

(1) That, as requested by the Joint Consultative Committee and attached at Appendix A of the report, the Home Working Policy be adopted.

Reasons for Decision:

The current Home Working Policy was out of date and the proposed Policy reflected changes in technology, the Council's thinking and the practicalities of Home Working.

Other Options Considered and Rejected:

To amend the Policy further or substitute other processes.

31. TOWN AND VILLAGE CENTRES OPPORTUNITIES FUND POLICY 2016

The Portfolio Holder for Asset Management & Economic Development presented a report on the Town & Village Centres Opportunities Fund Policy.

The Portfolio Holder reminded the Cabinet that, at its meeting in December 2015, it was agreed that District Development Funding be requested from the Council in the sum of £35,000 for 2016/17 to continue the work of the Town & Village Centres Opportunities Fund. Making these funds available for the Town Centre Partnerships, smaller District centres and other appropriately constituted organisations to bid for, encouraged them to think creatively about how they could sustainably promote their Town and District centres and create initiatives that had a lasting impact on the shopping centre economy. Furthermore, in order to formalise the scheme and to support its extension to encompass a wider range of properly constituted groups and organisations, the Cabinet had also agreed that a formal policy document be drafted setting out the full terms and conditions of the scheme and detailing the criteria for those groups that would be eligible to bid.

The Portfolio Holder reported that funding totalling £14,856 was allocated to 4 schemes during 2015/16, with a further project seeking seed funding up to £1,800. The four schemes funded last year were: two local town centres producing business directories; a village centre scheme to build a floral display area and seating facility; and the procurement of a refreshed tourism website for the District. All funding decisions from the Fund would be made via a delegated decision by the Portfolio Holder, with each decision subject to call-in. The future of the Fund would remain subject to the success of the annual bid for funding from the District Development Fund.

The Portfolio Holder requested an amendment to the Policy be agreed, to ensure that organisations which did not meet every requirement within the Policy could still be considered and a decision made on the application, following discussions with Officers from the Economic Development Team.

The Cabinet welcomed the expansion of the Policy, but also wanted to see firm results for the Town & Village centres from this funding. The Finance Portfolio Holder added that if monies from this fund was not used then he expected it to be returned to the General Fund.

Decision:

(1) That the Town & Village Centres Opportunities Fund Policy be adopted, subject to the following addition within the "Who can apply?" section:

"Where an organisation may not fulfil all of the above criteria, it is important that this is brought to our attention as early as possible so that any implications arising from this can be considered and a decision made as to whether the organisation can proceed with the application. If you wish to discuss any aspect of this, please do not hesitate to contact the Economic Development team.";

(2) That all decisions under the Town & Village Centres Opportunities Fund be made by the Portfolio Holder for Asset Management and Economic Development under the provisions for 'Decision Making by Portfolio Holders' within Article 14 of the Constitution; and

(3) That the continuation of the Town & Village Centres Opportunities Fund and Policy in future years be subject to the success of the annual bid for funding from the District Development Fund.

Reasons for Decision:

In adopting a formal policy for the fund, organisations were able to decide whether to apply with clarity, understanding and certainty as to whether they were eligible, what the scheme's objectives were, how applications would be processed and decisions made and how they would be expected to demonstrate the success of their proposal.

The Policy also enabled the Council to demonstrate how it intended the funding to be used and to set out its expectations of each organisation so as to ensure the money was used in an appropriate and transparent way.

Other Options Considered and Rejected:

To not adopt the policy, or to adopt the policy in a revised form.

32. ANY OTHER BUSINESS

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

33. 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 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 was considered to outweigh the potential public interest in disclosing the information:

| <u>Agenda Item</u> | <u>Subject</u> | <u>Paragraph Number</u> |
|--------------------|--|-------------------------|
| 20 | St John's Road Development, Epping | 3 & 5 |
| 21 | Procurement of Consultants to Support the draft Local Plan | 3 |

34. ST JOHN'S ROAD DEVELOPMENT, EPPING

The Portfolio Holder for Asset Management & Economic Development presented a report on the St John's Road development in Epping.

The Portfolio Holder reminded the Cabinet that, in June 2016, it was due to formally consider a report outlining the options available to facilitate the development of the St John's Road Site in Epping. Although in the event the report was withdrawn, one of these options was to seek a final negotiated purchase. The Portfolio Holder outlined the costs and terms of a final offer that had been accepted by the developer, Frontier Estates, and by Essex County Council, subject to final approval by the County Council's Cabinet and the Secretary of State's consent. One aspect of the final offer was that Lindsay House would not now be transferred to the County Council, but a cash payment in the sum of £750,000 would be made in lieu; this would require the Council to agree a capital supplementary estimate. Permission was also sought to subsequently dispose of Lindsay House on the open market in order to recoup as much as possible of the payment made to the County Council.

The Portfolio Holder requested that the Cabinet should also decide whether approval for the construction of the proposed, new Repairs & Maintenance Hub at Blenheim Way in North Weald should be given now, or after the contracts had been exchanged between the District Council and County Council for the St John's Road development and the outcome of the review of the Civic Offices being undertaken by PriceWaterhouseCoopers was known. The latter option was the one preferred by the Portfolio Holder.

The Leader of Council emphasised that the development was almost lost, and had only been revived at the last minute through the strenuous efforts of Councillors and Officers on all sides. A local Member for Epping commented that it was a relief the development was proceeding as the whole issue had taken far too long to resolve. The Cabinet was informed that a further report would be submitted outlining all of the options available for the disposal of Lindsay House. The Leader expected the development of St John's Road and the construction of the new Repairs Hub to run concurrently.

Decision:

- (1) That the purchase of Essex County Council's interest in the St John's Road Site for an increased price, as advised at the meeting, be agreed;
- (2) That a substantial proportion of the additional cost would be funded by the developer, Frontier Estates, be noted;
- (3) That Lindsay House would not be transferred to Essex County Council as previously proposed, but rather a cash payment of £750,000 would be made to Essex County Council in lieu, be agreed;
- (4) That a supplementary Capital estimate in the sum of £750,000 be recommended to Council for approval to fund the alternative cash contribution for Lindsay House;
- (5) That consent be given to dispose of Lindsay House on the open market, as no operational requirement for the District Council had been identified, in order to recoup a capital receipt; and
- (6) That approval to inviting tenders and commencing the construction work for the proposed Repairs and Maintenance Hub at Blenheim Way, North Weald, in order to enable the Epping Depot to be vacated, the Council's Housing Repairs Service and Housing Assets Team to be co-located for operational reasons, and to free up accommodation at the Civic Offices in Epping as part of the Council's Accommodation Strategy, be delayed until after the exchange of contracts between Epping Forest District Council and Essex County Council for the proposed development of St Johns Road in Epping and the outcome of the PriceWaterhouseCoopers review of the Civic Offices was known.

Reasons for Decision:

The St John's Road Redevelopment Scheme was an important strategic project for the District, by virtue of the ability to deliver significant community and economic benefits, and to generate increased revenue to the Council from retained business rates and New Homes Bonus.

Other Options Considered and Rejected:

To agree to purchase the former Junior School site from Essex County Council, to cease negotiations with Essex County Council, terminate the partnership approach and renege on the jointly agreed Heads of Terms, to terminate the relationship with Frontier, the current preferred development partner and seek to jointly re-market the site, or to proceed with the compulsory purchase of the site. However, all of these options carried a degree of risk, would not meet the aspirations of the Design & Development Brief, and could require the Council to provide further subsidy for the Scheme.

35. PROCUREMENT OF CONSULTANTS TO SUPPORT THE LOCAL PLAN

The Portfolio Holder for Planning Policy presented a report on the procurement of Consultants to support the draft Local Plan.

The Portfolio Holder reminded the Cabinet that earlier in the meeting it had considered an updated Local Development Scheme which reflected the intention to go out to consultation on a Regulation 18 Draft Plan Preferred Approach for a six week period from the 31 October 2016. This was designed to coincide with similar Local Plan consultations being undertaken by the three other authorities in the Council's Strategic Market Housing Area. The Government had made clear their expectation that all local planning authorities should have a post National Planning Policy Framework Local Plan in place by Spring 2017, and had set out their intention to intervene in order to ensure compliance, including sanctions in relation to loss of New Homes Bonus.

The Portfolio Holder stated that the preparation of the Local Plan for Epping Forest was an ongoing and complex process, requiring the procurement of external expert support to help develop the significant amount of technical evidence required. Therefore, authority was being sought to regularise the appointment of Ove Arup & Partners Limited, who were central to the timely delivery of the plan. Their work had been timely and of high quality and it was clearly in the Council's interests to ensure the timetabled commitments were met. However there were risks of a legal and procedural nature which Members should be aware of. To that end, specialist legal procurement advice has been obtained in order to mitigate any challenge, and it was recommended that the appointment of Ove Arup & Partners Limited be approved with the publication of an appropriate Contract Award Notice in the Official Journal of the European Union.

The Cabinet supported the recommended action as it was recognised that the Council needed a strong evidence base for development in its Local Plan.

Decision:

- (1) That the letting of the entire Contract for the provision of technical support for the Local Plan in the sum of £366,272 to Ove Arup & Partners Limited be confirmed, and the publication of an appropriate Contract Award Notice in the Official Journal of the European Union be approved; and
- (2) That the Chairman of Council be requested to waive the call-in for this decision on the grounds that an urgent decision was in the best interests of the Council.

Reasons for Decision:

The adoption of a new Local Plan was a high corporate priority for the Council, and considerable time and resource had been invested in developing the Plan to this stage. A decision was required to confirm the contractual position between the parties and agree mitigating action in order to achieve the revised Local Development Scheme timetable and meet the expectations of the Government, as any delay would have significant negative consequences.

Other Options Considered and Rejected:

The following options were considered and rejected on legal advice:

- (i) enter into a new contract/variation with Ove Arup & Partners Limited but do not publicise it;
- (ii) publish a Voluntary Ex-Ante Transparency notice (VEAT) and wait 10 days before entering into a new contract/variation with Ove Arup & Partners Limited; or
- (iii) run a competitive procurement process for the additional work.

CHAIRMAN