

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 11 April 2019

Place: Council Chamber - Civic Offices **Time:** 7.04 - 8.14 pm

Members Present: C Whitbread (Chairman), S Stavrou (Vice-Chairman), N Avey, A Grigg, H Kane, A Lion, G Mohindra and S Kane

Other Councillors: N Bedford, R Brookes, L Burrows, S Heap, H Kauffman, J Lea, M Sartin, J H Whitehouse, J M Whitehouse and H Whitbread

Apologies: J Philip

Officers Present: G Blakemore (Chief Executive), A Blom-Cooper (Interim Assistant Director (Planning Policy)), S Jevans (Interim Strategic Director), P Maddock (Chief Finance Officer), T Stankley (Interim Chief Finance Officer), T Carne (Corporate Communications Manager), A Hendry (Senior Democratic Services Officer) and S Kits (Social Media and Customer Services Officer)

98. WEBCASTING INTRODUCTION

The Leader of Council made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

99. DECLARATIONS OF INTEREST

1) Pursuant to the Council's Member Code of Conduct, Councillor N Avey declared an interest in agenda item 15 – St John's Road Development – Progress Report and Provision of New Leisure Centre, by virtue of being the Town Mayor of Epping. The Councillor had determined that his interest was prejudicial and the he would leave the meeting for the consideration of the item.

2) Pursuant to the Council's Member Code of Conduct, Councillors H Whitbread, L Burrows and J M Whitehouse declared a non-pecuniary interest in agenda item 15 – St John's Road Development – Progress Report and Provision of New Leisure Centre, by virtue of being members of Epping Town Council. The Councillors had determined that their interests were non-prejudicial and that they would stay in the meeting for the consideration of the item.

3) Pursuant to the Council's Member Code of Conduct, Councillors G Mohindra and C Whitbread declared a non-pecuniary interest in agenda item 12 – Accommodation Strategy by virtue of being Cabinet members of Essex County Council. The Councillors had determined that their interests were non-prejudicial and that they would stay in the meeting for the consideration of the item.

100. MINUTES**RESOLVED:**

That the minutes of the meeting of the Cabinet held on 7th March 2019 be taken as read and signed by the Leader as a correct record.

101. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports made by Members of the Cabinet on current issues affecting their areas of responsibility.

102. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

The Cabinet noted that no public questions or requests to address the Cabinet had been received for consideration at the meeting.

103. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that they had not held a meeting since she had last reported to the Cabinet. She went on to say that at their next meeting the O&S Committee would receive a presentation from the South-East Local Enterprise Partnership and the final report from the O&S Select Committee Framework Task and Finish Panel.

104. ACCEPTANCE OF TENDERS - PLANNED INSTALLATION OF PVCU DOUBLE GLAZED WINDOW AND DOORS

Councillor C Whitbread introduced the report on the acceptance of Tenders – planned installation of PVCu double glazed windows and doors to council owned blocks of flats. This was to undertake the planned installation of PVCu double glazed windows and doors to Council owned blocks of flats during the financial year 2019-20 and over the following 4-year period. It was therefore necessary to undertake a procurement exercise based on the Most Economically Advantageous Tender (MEAT) taking cost and quality into account to satisfy the Council's Procurement Rules.

Decision:

(1) That, Exterior Plas Ltd be awarded the 1-year contract renewable annually for up to a maximum of 4-further years, for the Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats in the sum of £2,017,444.20 with an overall weighted price and quality score of 87.8%;

(2) That, expenditure of the tendered sum £2,017,444.20, be programmed over a 5-year period commencing in the financial year 2019-20 and be capped to the sum included in the Capital Programme identified for Double Glazing installations on an annual basis; and

(3) That, this contract be designated as a serial contract to facilitate the annual adjustment to the tendered rates in accordance with the Royal Institution of Chartered Surveyors (RICS) BCIS ALLCOS Resource Cost Index of All Construction: All Repair and Maintenance Work #7419.

Reasons for Proposed Decision:

The existing double-gazed windows and doors installed in Council-owned blocks of flats were in a poor condition and in need of replacement. Under the Decent Homes Standard windows and doors are listed as a “Key Building Component” and it was recognised that further deterioration could have an immediate impact on the integrity of the building plus adverse safety and security implications.

A 5-year contract was required for the Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats to ensure the properties remained in a decent condition. In order to undertake the procurement exercise all leaseholders were consulted in line with the Commonhold and Leasehold Reform Act 2002.

Other Options for Action:

The main alternative options considered were:

- (1) To re-tender the contract on an annual basis. However, this would-be time consuming and inefficient. Re-tendering would not guarantee more competitive tenders.
- (2) To re-tender based on price alone. However, this would not necessarily return a more competitive tender and would not identify or quantify a quality commitment from the lowest tenderer.
- (3) To seek quotations on an individual ad-hoc basis for each block on the planned PVCu double-glazed windows and door installation programme. However, this was very time consuming and was not cost effective, and given the volume of works per annum, this would breach the Council’s Procurement Rules C2 (9) with the works exceeding £25,000 in value during one financial year.

105. COUNCIL HOUSE BUILDING PROGRESS REPORT FOR PHASES 1-6

The Interim Strategic Director, Ms Jevans, introduced the Council House Building progress report for phases 1-6. This was presented to the Cabinet in line with the Terms of Reference of the Council House Building Cabinet Committee.

The report set out the progress that had been made across each of the six phases of the House-building programme that have either completed, are on site or are currently being procured. Since the programme began a total of 45 new homes for affordable rent have been completed and a further 63 were expected to be delivered under Phases 1, 2 and 3. Phases 4,5 and 6 would deliver another 73 homes over the next three years with more homes in the pipeline subject to planning consents.

An internal audit of the council house-building programme was undertaken in February 2019 and had identified some lessons to be learnt from phases 1, 2, and 3. Actions were now being put into place to improve future programme delivery including a new set of contractor performance indicators.

Councillor Mohindra commented that it was right that the Council was being proactive in the housing market. Councillor C Whitbread noted that this was the first time in 30 years that this was happening and there had been some issues, but the Council was producing top quality homes, which should be seen.

Councillor S Kane noted that on the Bluemans End (Phase 3) the table on page 26 of the agenda had an incorrect 'start on site' date and they had now been built. Councillor Mohindra noted that on the same page concerning the Burton Road fire, that the Council was not liable for any cost implications arising from this. It would be covered by the contractor and their insurers.

Councillor Lea asked if one of these new builds were bought outright, would they have the Freehold of that property? She was told that this would depend on what type of property this was.

Councillor Lion observed that it was encouraging to see the mix of housing that was being put in and that this was a great move forward.

Decision:

That the Cabinet noted the contents of the Progress Report on Phases 1 - 6 of the Council House-building Programme.

Reasons for Proposed Decision:

Set out in its Terms of Reference, the Cabinet Committee is to monitor and report to the Cabinet on an annual basis progress and expenditure in relation to the Council House-building Programme. This report set out the progress made over the last 12-months.

Other Options for Action:

This report is on the progress made over the last 12-months and is for noting purposes only. There were no other options for action.

106. APPROACH TO MANAGING THE EFFECTS OF AIR QUALITY ON THE EPPING FOREST SPECIAL AREA OF CONSERVATION

In the absence of the Planning Services Portfolio Holder, Councillor C Whitbread introduced the report on the approach to managing the effects of air quality on the Epping Forest Special Area of Conservation.

Special Areas of Conservation were within the top-tier of nature conservation sites within the UK. European legislation, which was transposed into the domestic Conservation of Habitats and Species Regulations 2018 (the Habitats Regulations) and stipulated within the National Planning Policy Framework (NPPF), affords European sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.

The legislation set out that where a land use plan, either alone or in combination, was likely to have a significant effect on a European site, the plan-making authority must undertake a Habitats Regulations Assessment (HRA). This applies to Local Plans produced by local authorities, in addition to Neighbourhood Plans produced by local communities. Such plans set out a broad quantum of development growth. HRA work must therefore consider the overall impacts of such growth – in combination with neighbouring authorities – and where there were any likely significant effects, adverse effects on the integrity of the site must be ruled out.

Councillor S Kane asked what would be the consequences if Natural England did not respond, by the end of April, to the findings of the updated Habitats Regulation

Assessment January 2019 with respect to its conclusions on air quality effects. The Interim Assistant Director (Planning Policy) said that officers had been assured by Natural England that they would reply by the end of April.

Councillor Lea asked if the air quality regulation was just for Epping Forest or did it include other forests in the United Kingdom. The forest did get a lot of visitors from all over so why did we have to pay and not have a fairer distribution. The Interim Assistant Director (Planning Policy) said that a recent visitor survey indicated that most of them came from within 6.2 km of the forest and Natural England asked us to devise a mitigation strategy to deal with that impact and separately the impact of air quality on proposed growth in the District, and our updated habitat assessment. This is the work now sitting with Natural England to agree. As for charging for developments we have agreed only to charge for large scale developments, small scale developments would have 'softer measures' put in. There were other European Designated sites across the UK that were similarly affected.

Councillor Jon Whitehouse asked if there was review as to where to put the air pollution monitoring points and if had the right number of them. The Interim Assistant Director (Planning Policy) replied that there would be an ongoing review in conjunction with Natural England.

Decision:

(1) That the Cabinet agree that the adoption of an Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation, to include the indicative costs for the monitoring of Air Quality within the Epping Forest Special Area of Conservation is delegated to the Portfolio Holder for Planning.

(2) That upon adoption the Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation be adopted as a material consideration in the determination of planning applications and permitted development right proposals within the Epping Forest District Council administrative area.

Reasons for Proposed Decision:

To comply with the Council's general obligations as a competent authority under the Habitats Directive [article 6(3)] and the Species and Habitats Regulations 2018 [Regulation 9(1)] and to support the Examination of the Council's Local Plan Submission Version.

Other Options for Action:

Not to develop and adopt an Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation as a material consideration in the determination of planning applications and permitted development rights schemes which result in a net increase traffic (based on Annual Average Daily Traffic levels). This would prevent the Council, as local planning authority, from positively determining such proposals, where appropriate, as advised by Natural England, as the responsible statutory body, in its letter of 15 June 2018. In addition, it would mean that the Local Plan may not be deliverable at examination and therefore not be found sound.

107. NORTH WEALD AIRFIELD MASTERPLAN

The Portfolio Holder for Commercial and Regulatory Services introduced the report on the North Weald Airfield Masterplan. North Weald Airfield was a 150ha site which was currently used for general aviation and commercial purposes, as well as playing host to a programme of outdoor events and other sporting/leisure uses. The aviation related activity was concentrated on the west side of the main runway, with the land to the east being utilised for non-aviation uses.

The Epping Forest District Council Local Plan Submission Version identified a Masterplan Area comprising of the operational airfield, including associated runways, taxiways and grassed areas, and a cluster of industrial, commercial and retail uses in the south east with associated car parks and hardstanding. Included in the area is an indicative development area of 40.8 ha (NWB.E4) within which was a specifically identified employment site that was allocated for a minimum floorspace of 10 ha of B1/B2/B8 class use (business use/general industrial/storage and warehousing).

The Control Tower on the airfield was Grade II listed as one of only seven of this type of post-war control towers in the country. As such it would be retained going forward. There was a requirement within the Local Plan Submission Version for community uses to the east of the main runway and it was envisaged that these could be potentially incorporated into the future use of the Control Tower without impinging on its historical integrity.

The Local Plan Submission Version referred to the construction of a new access from the Epping Road (B181) to service the west of the site which would facilitate the proper separation of air activities from the rest of the site.

Councillor Janet Whitehouse asked if a Park and Ride site would be considered for the people in Epping and for the residents of North Weald who wished to get to the Station. The Portfolio Holder said this would be something for the Masterplan to look at.

Councillor Kaufman asked about the consultants the Council would be looking at for this work. He was told that over the years substantial studies had been carried out for the Council and officers would be looking to this type of company for this work.

Decision:

- (1) That the Planning Brief for the Airfield Masterplan be agreed;
- (2) To seek expressions of interest from consultants to develop a Masterplan for the airfield in accordance with the requirements of the Local Plan Submission Version; and
- (3) To delegate the authority to appoint a suitable consultant to the Chief Executive.

Reasons for Proposed Decision:

In accordance with the requirements of the Local Plan Submission Version, the Council was proposing to develop a Masterplan.

Other Options for Action:

Not to carry out the Master Planning exercise now but to defer it to sometime in the future. This option has been discounted because any delay would mean a loss of potential income from any resulting development on the site.

108. ACCOMMODATION STRATEGY

The Leader of the Council introduced the accommodation report, updating the accommodation programme. He noted that their plan was that the Civic Offices building would continue with its civic and customer functions for the Town of Epping, keeping a community hub. He wanted to be clear they were not taking lots of people out of the Town and would be keeping the same number of people (around 400) working from this building, maintaining a vibrant economy for the local High Street.

The Chief Executive noted that the accommodation programme continued to make progress. The Accommodation Programme Board had met monthly since December 2018 and a governance structure had been developed with four distinct projects: i) Construction of a new building; ii) sale of land at the back of the Civic Offices; iii) refurbishment of Civic Offices; and iv) recruitment of partners, tenants for the Civic Offices.

Following on from the December 2018 Cabinet decisions and constructive feedback from members, further assurances were documented on 14th January 2019 (appendix A of the report) giving clarity around the detail of work required and steps to be taken prior to final decision making to award contracts, sell land and build new accommodation.

Councillor S Kane asked if there was a Plan B, in case the Council could not build in North Weald. He was told that there was always a way forward.

Councillor Lion said that it was important to note that they would maintain the vibrancy of the High Street and would also be extending the High Street. Councillor C Whitbread added that they wanted the offices to become part of the High Street.

Councillor Janet Whitehouse said as they expected up to 400 people to use the building, would they be offered car parking as currently residents were complaining about parking. Councillor C Whitbread said that would be the subject for future reports noting that this would always be a difficult balance to achieve.

Councillor Jon Whitehouse indicated that the report had said that there would be no canteen facilities from June 2019, would this be replaced by a café? And was there any indication of a time scale for discussions with Essex County Council on the library and the floorspace they could expect in their new location. The Chief Executive said that officers were presently in discussions with Essex CC Library services, who were looking to deliver their services in a different way. As for the delivery of food and beverages, the current contract finishes at the end of May, but we will offer a year's extension to retain this service while officers look at alternative solutions.

Councillor Kaufman referring to pages 105 and 106 of the report noted that the variables given were too big at present and would like these inconsistencies narrowed down and to receive a better report with better numbers. Councillor C Whitbread said that this was a good point and more work was needed on this.

Decision:

- (1) That the formal marketing of Civic building areas inviting formal expressions of interest following on from the positive soft market test exercise approved by Cabinet in December 2018 be approved;
- (2) That the approach of interim development of the Civic building over the next 18 – 24 months to support and enable working in more efficient and effective ways be agreed; and
- (3) The Cabinet noted:
 - a) the overall progress made;
 - b) the governance in place to ensure continued programme delivery;
 - c) the timeline for future decision points.

109. ASSET MANAGEMENT & ECONOMIC DEVELOPMENT CABINET COMMITTEE

The Portfolio Holder for Commercial and Regulatory Services presented the minutes from the meeting of the Asset Management & Economic Development Cabinet Committee, held on 17th January 2019.

It was noted that the Cabinet Committee had not made any recommendations to the Cabinet on this occasion.

110. EXCLUSION OF PUBLIC AND PRESS

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated, and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
15	St John's Road Development – Progress Report	3

111. ST JOHN'S ROAD DEVELOPMENT - PROGRESS REPORT AND PROVISION OF NEW LEISURE CENTRE

The Leader of the Council noted that the background papers to this report were considered to have exempt information in them and should not be discussed in detail in open session. However, he would like to take the covering report in open session and not move into private session unless members wanted to ask detailed questions that involved the background papers.

Councillor C Whitbread noted that the St John's Road development was an important strategic project for the Council. Negotiations on a tripartite agreement between the District Council, Epping Town Council and the previously appointed development partner, Frontier Estates, had failed to reach a mutually acceptable conclusion and terminated in October 2018. On 10th December 2018, the Cabinet agreed to proceed with an alternative scheme, still in accordance with the previously adopted Design

and Development Brief, but incorporating a replacement Leisure Centre for Epping Sports Centre.

This report updated Members on general progress with the redevelopment of the site, and specifically sought authority to proceed with the new Leisure Centre in partnership with Places Leisure. In addition, it sought agreement on an approach to the procurement of the Retail and Cinema provision.

Councillor Mohindra congratulated the Leader and the Officers for drawing up exciting plans and putting in a state-of-the-art leisure facilities.

Councillor Bedford had reservations about the geographical spread of swimming pools in the centre of the district. At present the distribution of pools covered the district quite well. With this proposal they would tend to become centralised and there were concerns raised by the residents of Ongar who wanted to retain the Ongar pool. He noted that the continued use of this pool would be reviewed in the future but was concerned that it would recommend the closure of the pool at Ongar. He did not mind having a leisure centre in Epping but would like the pool in Ongar to remain to cover that side of the district. The Leader of the Council noted that the dry side of the Ongar Leisure centre had some investment but there were some issues around the pool. However, that was question for the future. Sports for England had said that Epping was the preferred site for a new centre. This had been carefully thought through.

Councillor Sartin picked up that this would be a leisure centre for Epping. In reality Epping was surrounded by a number of rural parishes, this should be seen as more than just a facility for Epping. The Leader of the Council agreed and noted that people came from all around to use our Leisure facilities and that our residents also had the opportunity use facilities from other areas.

Councillor H Whitbread said that this was great news for Epping and the District, and it was something that the people of Epping wanted. There had been some misleading statements saying that this was going to North Weald and asked the Leader to confirm this would be for Epping. The Leader of the Council confirmed that it would be for Epping. Councillor Jon Whitehouse said that it was not made clear in some of the Council documents. However, he welcomed this report and the prospect for mixed facilities being brought to Epping.

Councillor Brookes noted that this would be a more complicated build than it would have been in North Weald. Timing would be quite critical here, and difficult in terms of planning and conservation aspects. The Leader of the Council noted that this was not restricted by the Master Planning exercise for North Weald, so we are already making progress in Epping on this. North Weald had been proposed and Councillor Helen Kane had asked members for any alternative suggestions. Councillor H Kane added that they had looked at every possible site available and was pleased that they had found one in Epping.

The Leader of the Council then took the meeting into private session to cover some details of capital costs and timetabling of the proposed redevelopment that formed part of the recommendations.

Decision:

- (1) That the general progress on the St John's Road redevelopment scheme be noted;

- (2) That on the basis that the estimated Capital Costs for the construction of the new Leisure Centre were recovered by an uplift in management fee from the Council's Leisure Management Partner and capital receipts from the sale of the current Epping Sports Centre, as contained in the Development Appraisal, that formal negotiations be entered into with Places Leisure to vary the Leisure Management Contract for the development of a new Leisure Centre at the St John's Road Site, on a Design, Build, Operate and Manage basis;
- (3) That to construct the new Leisure Centre in the optimum location, that the District Council enter into formal discussions with Epping Town Council to acquire Epping Hall, to include the potential relocation of the Town Council to 323 House at the Civic Offices;
- (4) That expressions of Interest be sought for suitably qualified Cinema operators to establish the viability of the conversion of the Centrepoint Building in St John's Road, Epping and identify the most favourable financial agreement that could be reached;
- (5) That the Council adopt a similar approach as utilised in the development of the Epping Forest Shopping Park, namely that a specialist project team be appointed to procure the construction and letting of the units and that a further report be received on costs; and
- (6) That a future report be received on the most viable option to deliver the residential element of the project.

Reasons for Proposed Decision:

The St John's Road development site in Epping, comprises of the former Junior School, Town Council Offices and Hall and the District Council's housing repairs depot. Located in an important town centre location, redevelopment could deliver considerable community and economic benefits for residents, businesses and visitors to Epping. As the former school buildings have not been utilised for a considerable number of years, it was imperative that the Council, as owners, bring forward a redevelopment scheme in the wider public interest.

Other Options for Action:

There were several potential alternative options available to the Council to include the sale of the core site on the open market, to include the adjacent depot, or alternatively, the Council could seek another private sector development partner. Although the site does have an adopted Design and Development Brief and an allocation in the Submission Version of the Local Plan, these external marketing approaches would see a loss of direct control, potentially incurring further delay, and the risk that any new owner/partner would not produce a scheme, which fully realises the community benefits sought. Because of the Council adopting any alternative options, the result would likely be a need to find an alternative site for the relocation of Epping Sports Centre. This was because community sports provision of the type envisaged, would not be attractive to potential private sector developers, who would wish to provide more commercial facilities.

112. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Cabinet. However, it was the last Cabinet meeting of the municipal year and Councillor C Whitbread took the opportunity to thank Peter Maddock (Chief Finance Officer), who would be leaving the Council, for all his hard work and the advice he had given over the years.

CHAIRMAN

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