

EPHING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 3 November 2014

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.00 pm

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

Other Councillors: K Adams, L Girling, R Morgan, C C Pond, Mrs C P Pond, B Surtees, Mrs J H Whitehouse and D Wixley

Apologies: A Lion

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), A Hall (Director of Communities), R Palmer (Director of Resources), S G Hill (Assistant Director (Governance & Performance Management)), C Pasterfield (Assistant Director (Asset Management and Economic Development)), J Twinn (Assistant Director Benefits), T Carne (Public Relations and Marketing Officer), C Overend (Policy & Research Officer), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

74. WEBCASTING INTRODUCTION

The Chairman 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.

75. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a personal interest in agenda item 9, Leisure and Cultural Strategy, by virtue of being a Governor of Epping Forest College. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

76. MINUTES

Resolved:

(1) That the minutes of the meeting held on 6 October 2014 be taken as read and signed by the Chairman as a correct record.

77. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports from any of the Portfolio Holders present.

78. PUBLIC QUESTIONS

There had been no questions submitted by members of the public for the Cabinet to consider.

79. 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 14 October 2014:

(a) the Terms of Reference for the new Scrutiny Panel Review Task & Finish Panel had been agreed; and

(b) a PICK form regarding air pollution in the District, which was added to the work programme for the Safer, Cleaner, Greener Scrutiny Panel to consider.

80. PROPOSED AFFORDABLE HOUSING DEVELOPMENT - VERE ROAD, LOUGHTON

The Housing Portfolio Holder presented a report concerning a proposed affordable housing development at Vere Road in Loughton.

The Portfolio Holder proposed the development by Moat Housing of the Council-owned garage site between 34-46 Barrington Green and 29-33 Barrington Road, Loughton to provide 15 new flats at affordable rents, which would be let to applicants on the Council's Housing Register. The site currently comprised 36 difficult-to-let garages, which the Cabinet had previously agreed in principle to develop. In addition, under the Development Agreement with the developer of the adjacent site of the former Sir Winston Churchill Public House site, the Council had agreed to provide land for the required car parking for the new development. The proposed development on the Vere Road garage site would therefore also provide 14 car parking spaces that could be leased to residents of the development on the adjacent site, for which the Council would receive an annual rent.

The Portfolio Holder informed the Cabinet that Moat Housing was able to provide the Council with a capital receipt in the sum of £425,000 for the provision of a 999-year lease for the land on which the affordable housing development would be built, due to them offering to provide a subsidy of £885,000 for the development from their own resources. Since the garage site was originally acquired under Housing Act powers by the former Greater London Council (GLC) and was held in the Housing Revenue Account (HRA), the capital receipt had to be used for affordable housing or regeneration purposes in order to avoid having to pass 50% of the capital receipt to the Government. Therefore, it was proposed that 50% of the capital receipt be utilised to help fund the Council's House Building Programme and 50% be utilised to help fund other Council regeneration schemes.

The Portfolio Holder apologised for the tabling of an addendum report, which listed a further recommendation to authorise the Portfolio Holder to agree any amendments to the lease charge if the costs of the proposed development increased or decreased as a result of the planning application process.

One of the local Members for Loughton Broadway welcomed the development of affordable housing on brownfield sites, and expressed a desire for the Portfolio Holder to consult with local Members if changes to the lease charge were required. The Portfolio Holder thanked the Member for his comments and highlighted that the planning application would be heard by local Members at the appropriate Planning Sub-Committee. Any concerns of local residents would be dealt with by the planning process, to which local residents could provide their views and register to speak at the meeting.

In response to further questions from the Members present, the Portfolio Holder stated that, in accordance with the existing Development Agreement, the proposed £3,500 parking charge per annum for the 14 additional car parking spaces would be reviewed as and when the Developer of the Sir Winston Churchill Public House site reviewed the ground rent to lessees, and the same increase would be applied to both. It was confirmed that the parking on this site would be for residents of the proposed flats on the former garage site and some of the residents of the Sir Winston Churchill Public House site development, and that the planning application for this site would be considered by Area Planning Sub-Committee South. The Director of Communities thought it was unlikely that the Developer would include additional CCTV for the area in the planning proposal; there was currently CCTV installed in the town centre at the Broadway, and there were no plans to extend the current coverage in the area at the moment.

Decision:

- (1) That, in accordance with the Cabinet's previous decision in principle and subject to the receipt of planning permission, sufficient land at the difficult-to-let Council-owned garage site at Garages 110-145 Vere Road – located between 34-46 Barrington Green and 29-33 Barrington Road, Loughton - (as shown on the location plan attached as an Appendix to the report) be leased to Moat Housing (one of the Council's Preferred Housing Association Partners) for 999 years for the sum of £425,000 to develop an affordable rented housing scheme comprising 15 one and two bedroom flats and associated parking;
- (2) That nomination rights be received by the Council to at least the level set out in the District-wide Nominations Agreement with Moat Housing;
- (3) That, subject to planning permission, the Council be provided by Moat Housing with a licence to construct an additional 14 car parking spaces on the remainder of the site, for the Council to lease at a commercial rate to the management company responsible for providing leasehold services for the new development being constructed on the adjacent site of the former Sir Winston Churchill Public House;
- (4) That the capital receipt be shared as follows:
 - (a) 50% to be ring-fenced to help fund the Council's own Housebuilding Programme; and
 - (b) 50% to be utilised for other Council regeneration schemes; and
- (5) That, if the costs of the proposed development increase or decrease as a result of any changes made during the planning application process, the Housing Portfolio Holder be authorised to agree an appropriate corresponding change to the lease charge in (1) above.

Reasons for Decision:

To enable the Council's difficult-to-let garage site to be developed for affordable rented housing and to provide some of the required car parking for the adjacent private development on the site of the former Sir Winston Churchill Public House.

Other Options Considered and Rejected:

To not develop the site for affordable housing. However, the proposed site was a

brownfield site where less than 50% of the garages were occupied and there was no waiting list, therefore the land would be better utilised to provide affordable accommodation for residents on the Council's housing waiting list.

To not utilise the capital receipt for either further housebuilding or other regeneration schemes. However, the Council would then be obliged to return 50% of the capital receipt to the Government.

81. LEISURE AND CULTURAL STRATEGY

The Portfolio Holder for Leisure & Community Services presented a report on the Leisure & Culture Strategy.

The Portfolio Holder stated that the Council currently provided a range of Leisure and Cultural services, with the most significant being the provision of four Sports/Leisure Centres managed under contract for the Council. This contract was due to expire in 2016 and the Council needed to consider the services it wished to provide in the future as well as contractual options to procure. Therefore, one of the Council's Key Objectives for 2014/15 was the development of a new Leisure and Culture Strategy to identify future need within the District.

The Portfolio Holder reminded the Cabinet that a Portfolio Holder Advisory Group had been established to develop the Strategy, with Members drawn from across the District. The Group met on a number of occasions and considered the Council's Community & Cultural Services, the future provision and procurement options for the new Leisure Management Contract, and the key demographic and health issues across the District. Site visits were also undertaken to the Council's facilities.

The Portfolio Holder reported that a draft Leisure and Cultural Strategy had been developed by the Portfolio Holder Advisory Group, and its formal adoption was being sought. The Strategy had made 20 key recommendations as the basis of the Council's future role and priorities for the provision of Leisure and Cultural opportunities, a number of which would be central to the procurement of the Council's new Leisure Management Contract in 2016. It was highlighted that the Strategy would need to be formally adopted by the Council if approved by the Cabinet.

In response to questions from the Members present, the Director of Neighbourhoods stated that the Council had a very good record of working with people with special needs and that this would continue. However, the Council would look to address the access issues at the current sites. There were no plans to reduce the number of parking spaces currently available at Ongar Sports Centre. The "Learn to Swim" programme was an integral part of the service provision provided by Sports & Leisure Management (SLM) Limited and it was an aspiration of Sport for England for all children to undertake swimming lessons. The Council needed to understand the specific reasons for residents not using the facilities currently provided by the Council.

A local Member for Loughton Fairmead expressed alarm at the current condition of Loughton Leisure Centre/Swimming Pool as it was only built in 2003, and the perceived weakness of the management team at the facility. It was also highlighted that there were no Diving Boards at the Loughton facility, no mention of Badminton in the 'Future Need' section of the Strategy, no mention of 'Lifewalks' and no mention of Countrycare Volunteering. The Portfolio Holder stated that the current condition of the building at Loughton had been noted, as had the weak management currently in place but this could be improved in the future. The Director of Neighbourhoods added

that diving was only permitted in a separate pool under health & safety regulations, and these were very expensive to provide. The nearest facility to provide diving capability was based in Waltham Forest.

The Cabinet was advised to look for further savings from the Council's Sports and Leisure Facilities, as they were used by a minority of the residents, although the recommendation to employ competitive dialogue as the method to procure the new Leisure Management Contract was welcomed following its success with the new Waste Management Contract. The attendance figures for the four Council-owned sites were listed in the draft Strategy, but the Director of Neighbourhoods informed the Cabinet that the Contract Monitoring Board had further figures which partitioned the attendance figures by activity, and this could be distributed to Members.

Decision:

- (1) That the Leisure and Cultural Strategy be noted;
- (2) That the Key Recommendations of the Strategy be agreed as detailed below, as the basis of the Council's future role and priorities with respect to the provision of Leisure and Cultural opportunities:
 - 2.1 That the key aim of the District Council with respect to the future provision of Leisure and Cultural activity, be to increase the number of people actively participating, by ensuring that provision was accessible and of the highest affordable quality;
 - 2.2 That the ability of Leisure and Cultural activities to deliver across a number of broader themes, such as Health and Wellbeing, Social Inclusion, Regeneration, Skills and Employment, Community Safety and Economic Development, be acknowledged and as such, be considered important to delivering policy objectives in these areas;
 - 2.3 That the Leisure and Cultural Strategy sets out a medium term vision of 10 years, with a formal review after 5 years, to coincide with the length of the District Council's Corporate Plan;
 - 2.4 That the Draft Vision Statement developed by the Community Visioning consultation exercise of the Local Plan, steers the longer term aspirations of the Leisure and Cultural Strategy;
 - 2.5 That the Council's Leisure and Cultural Strategy takes account of National and Regional Policy, which should be kept under review;
 - 2.6 That future service provision delivered by the Council maintains alignment to the locally relevant priorities of National/Regional grant making bodies, to maximise external funding opportunities;
 - 2.7 That, since the Council's investment in purpose built leisure facilities represented the largest area of discretionary spend, future provision should be delivered by the most cost effective means possible and that maximum Value for Money be sought in terms of cost and quality;
 - 2.8 That whilst this Leisure and Cultural Strategy focused on the role of the District Council, with respect to the services it delivered directly or played a significant role in enabling, the conclusions of the "Epping Forest Open

Space, Sport and Recreation Assessment” should form part of the key deliverables with respect to the Local Plan;

2.9 (a) That the conclusions of the Assessment Report with respect to future provision be accepted with regard to the quantitative adequacy of Swimming Pools, Health and Fitness Facilities, Squash Courts and Synthetic Pitches, based on current and future demand;

(b) That the need to provide additional sports hall provision be accepted and that the opportunity to meet the deficiency by working with Epping Forest College, be positively explored;

(c) That it was acknowledged that the current level of provision was adequate with respect to catchment standards, (although age and condition of the Council’s facilities would need to be addressed), but that future leisure facility provision was kept under review, as growth scenarios develop as part of the Local Plan; and

(d) That provision of dual purpose spaces and facilities, where practically possible and affordable, be included within any development of new Leisure Facilities in the District, in order to accommodate arts, cultural and community activity;

2.10 That the current relative performance of the Council’s Leisure Facilities with respect to cost, participation and subsidy, be noted and form a key consideration with respect to future provision;

2.11 That, subject to confirmation of the final results of the building condition surveys, Waltham Abbey Pool be deemed to have reached the end of its viable life, and be replaced by a new facility in Waltham Abbey, the part of the District with amongst the poorest health outcomes, with further work undertaken on the most suitable location, and how it might be funded;

2.12 That, in the medium term and depending on growth in the locality, the opportunity to re-provide a replacement facility for Epping Sports Centre should be investigated and that any new Leisure Management Contract had appropriate break clauses to enable relocation;

2.13 That, now confirmation of funding for the new Ongar Academy had been confirmed and on the basis that the site adjacent to the existing Leisure Centre remained the preferred location, negotiations be entered into with respect to a dual-use arrangement for the Leisure Centre, with the intention of increasing use and sharing cost;

2.14 That the Council’s Key Objectives with respect to Leisure Management be re-affirmed as the basis for any future management contract, with the preferred option being to outsource to either the private sector or external trust;

2.15 That the procurement approach to the new Leisure Management Contract be by Competitive Dialogue, seeking to deliver flexibility for any partner to develop income streams to reduce costs, whilst still meeting the Council’s Key Objectives with respect to participation and community access;

2.16 That based on the success of other authorities, any new management partners be encouraged to invest in new facilities, which may involve the Council in providing capital finance;

2.17 (a) That the future Community and Cultural Priorities for the Council be Community and Cultural Cohesion, Health Inequalities, Young People and Youth Unemployment, Anti-Social Behaviour, Ageing Population and Rural isolation; and

(b) That the potential for a further community hub development at Hillhouse, Waltham Abbey, be positively explored with the aim of co-locating community, health and wellbeing services to improve the quality of life of residents, in this area of health inequality;

2.18 That the priorities of the West Essex Health and Wellbeing Strategy be adopted by the Council and continue to play a key role in the local delivery of services, which had a positive impact on addressing health inequality, allowing people to live a longer more active life;

2.19 That the Council, whilst acknowledging the important role of the voluntary sector, undertook a review of its Grant Aid Policy and Discretionary Rate Relief Policy for Voluntary Organisations to ensure that resources were used in the most efficient way possible, and that policy priorities were met; and

2.20 That the Council continued to support the work of "One Epping Forest" generally, but specifically the work of the Tourism Taskforce in delivering their Action Plan, given the economic and social benefits that increased visitors to the District could bring; and

(3) That the Leisure and Cultural Strategy be recommended to the Council for adoption.

Reasons for Decision:

To fulfil one of the Council's Key Objectives for 2014/15 and provide a basis for the new Leisure Management Contract, due to be procured via competitive dialogue in 2015.

Other Options Considered and Rejected:

To not adopt the proposed Strategy. However, this would leave a policy vacuum with respect to the future delivery of the services covered by the Strategy.

82. COUNCIL TAX AND LOCAL COUNCIL TAX SUPPORT COMPLIANCE

The Finance Portfolio Holder presented a report on Council Tax and Local Council Tax Support Compliance across Essex.

The Portfolio Holder briefed the Cabinet on the progress made by the pan Essex partnership of local authorities in respect of a business case to increase Council Tax discount compliance. The business case was an excellent example of partnership working across Essex and sought to build on the success of the discounts and exemptions business case that had been in place since April 2013. Approval was sought from Cabinet to delegate authority for making decisions regarding the fine

detail of the business case to the Director of Resources in consultation with the Finance Portfolio Holder.

Decision:

(1) That the progress made regarding partnership working across Essex to increase compliance with respect to Council Tax discounts and exemptions be noted; and

(2) That, in consultation with the Finance Portfolio Holder, the Director of Resources be authorised to negotiate an agreement with other agencies and authorities as set out in the report, and a further report be submitted to the Cabinet once the cost benefit of setting up the arrangements was known.

Reasons for Decision:

The Compliance business case should generate additional income for the Council through increased Council Tax income. Negotiations regarding the sharing of any additional revenue were taking place in the arena of the Essex Strategic Leaders Forum, hence the proposal that the Cabinet delegated decision-making on this matter to the Director of Resources who attended that forum, in consultation with the Finance Portfolio Holder.

Other Options Considered and Rejected:

To not approve the delegation authority to the Director of Resources to agree the sharing of financial benefits. However, this would necessitate further reports to the Cabinet to agree the fine detail of the business case.

83. POOLING OF NON DOMESTIC RATES

The Finance Portfolio Holder presented a report on the Pooling of Non Domestic Rates.

The Portfolio Holder reminded the Cabinet that it had received reports last year in July and December which had set out the potential advantages of entering into a non-domestic rates pool. Unfortunately, due to the late changes to the system in the Autumn Statement, several authorities decided not to pool for 2014/15.

The Portfolio Holder informed the Cabinet that there was another opportunity to pool for 2015/16 and it was proposed to proceed on a similar basis to that agreed last year. Current predictions had indicated that the additional business rates income which could be retained in Essex for 2015/16 would be approximately £3.4million and that this Council could benefit by more than £100,000. The principles underlying the scheme had previously been agreed by the Cabinet but the formal pooling agreement was still to be completed and signed, and it was proposed to delegate authority to the Director of Resources, in consultation with the Portfolio Holder, to approve and sign the detailed pooling arrangement.

Decision:

(1) That the previous in principle decision to join the Essex Region Business Rates Pool be confirmed; and

(2) That, in consultation with the Finance Portfolio Holder, authority be delegated to the Director of Resources to approve and sign the detailed Pooling agreement.

Reasons for Decision:

To confirm the Council's membership of the Essex Region Business Rates Pool for 2015/16.

Other Options Considered and Rejected:

To not to pursue the option of pooling; However, this would expose the Council to a greater degree of financial risk.

84. ESSEX VOLUNTARY AND COMMUNITY SECTOR FRAMEWORK

The Leisure & Community Services Portfolio Holder presented a report on the Essex Voluntary and Community Sector Framework.

The Portfolio Holder informed the Cabinet that the Essex Voluntary and Community Sector (VCS) Framework represented a new approach for public sector partners in their relationship with the VCS. It set out some expectations that the public and voluntary sectors could have of each other and how they could work together to achieve the vision of *'strong and resilient communities supported by a thriving voluntary and community sector'*. It was sponsored by the Essex Compact Steering Group which was responsible for implementing the Essex Compact - the written understanding between the various partners about how they would cooperate. A copy of the full framework document had been attached as an Appendix to the report.

In response to questions from the Members present, the Policy Officer stated that the cost of the annual self-assessment exercise would be met by existing resources within the Policy & Research team. Social value was included in the Council's current procurement process as a requirement of the Social Value Act 2012, and the Director of Resources added that the Procurement Steering Group considered that social value factors would be accounted for as part of the quality aspect of the procurement process.

The Cabinet welcomed the report as it highlighted the importance of the Voluntary Sector, and would regularise the way that the Council dealt with the Sector.

Decision:

(1) That the Essex Voluntary and Community Sector Framework be formally signed up to by the District Council.

Reasons for Decision:

At a time when funding for all public bodies was reducing, the need for resilient communities that could support themselves and the need for radical innovation in service design and delivery had never been greater. The sector already supported communities in areas as diverse as health and social care, the environment, sports and the arts and was an essential component of a strong and vibrant society.

Other Options Considered and Rejected:

To reject the Framework. However, the thrust of the Framework was to make the process more transparent.

85. ANY OTHER BUSINESS**Resolved:**

(1) That, as agreed by the Leader of the Council and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the following item of urgent business be considered following publication of the agenda:

- (a) Asset Management & Economic Development Cabinet Committee – 21 October 2014.

86. ASSET MANAGEMENT CABINET COMMITTEE - 21 OCTOBER 2014

The Portfolio Holder for Asset Management & Economic Development presented the minutes from the recent meeting of the Asset Management & Economic Development Cabinet Committee held on 21 October 2014.

The Cabinet Committee had made recommendations to the Cabinet concerning the Licence Fee for North Weald Market. Other issues considered by the Cabinet Committee included: a Progress Report from the Economic Development Team; the Asset Management Co-Ordination Group Report; and an update report on Income Generation at North Weald Airfield. The Leader of the Council welcomed the interest of Members in some of the items that had also been discussed, and advised that Members should attend future meetings of the Cabinet Committee.

Decision:Licence Fee for North Weald Market

- (1) That the current Licence for North Weald Airfield Market be varied on a temporary basis to eliminate any fixed fee and to receive a 75% profit share from Hughmark Continental Limited;
- (2) That a formal review of the variation to the Licence for North Weald Airfield Market be considered by the Cabinet Committee at its meeting scheduled for 23 April 2015;
- (3) That, as a condition of the variation, all outstanding arrears be brought up to date;
- (4) That 100% of the Rate Reduction applied for at North Weald Airfield Market by Hughmark Continental Limited be paid to the Council; and
- (5) That all of the above decisions be backdated to 1 April 2014, this being the beginning of the financial year.

Reasons for Decision:

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues in relation to the recommendations and that these should be endorsed.

Other Options Considered and Rejected:

The Cabinet was satisfied that the Cabinet Committee had considered all the relevant options in formulating their recommendations. The Cabinet did not consider that there were any further options to review.

CHAIRMAN