

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 8 October 2015

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.25 pm

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

Other Councillors: N Bedford, L Hughes, S Kane, H Kauffman, A Mitchell, R Morgan, A Patel, C Roberts, B Surtees, S Watson, 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), K Durrani (Assistant Director (Technical Services)), S G Hill (Assistant Director (Governance & Performance Management)), D Newton (Assistant Director (ICT and Facilities Management)), J Nolan (Assistant Director (Neighbourhood Services)), K Polyzoides (Assistant Director (Policy & Conservation)), K Bean (Planning Policy Manager), S King (Senior Planning Officer), S Kits (Licensing Officer), P Seager (Chairman's Secretary) and G J Woodhall (Senior Democratic Services Officer)

Also in attendance: A Blom-Cooper, C Pasterfield and R Thompson (Consultants)

55. 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.

56. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Councillor R Bassett declared a personal interest in agenda item 14, ICT Capital Requirements 2015, by virtue of his employment with Hewlett Packard. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

57. MINUTES

Decision:

(1) That the minutes of the meeting held on 3 September 2015 be taken as read and signed by the Leader of Council as a correct record.

58. REPORTS OF PORTFOLIO HOLDERSPlanning Policy

The Portfolio Holder stated that the Council would perform a Settlement Capacity Analysis exercise on the larger settlements within the District. The Council had engaged consultants to assist with this process, and it was expected to finish the project in January 2016. The Portfolio Holder outlined the scope of the review for the benefit of Members and stated that, a draft report on Settlement Capacity work would be considered by the Cabinet in 2016, alongside all of the other evidence being produced to inform the draft Plan – Preferred Approach.

Safer, Greener & Transport

The Portfolio Holder made the following statement, following the announcements made earlier in the week by the Police & Crime Commissioner, and the Chief Constable for Essex:

"I am sure that that members are already aware of the announcements which the Chief Constable and the Police and Crime Commissioner made on Tuesday about the future of policing in Essex.

In short, there are two reasons why the shape of policing in our county is changing. First, crime is evolving, with more emphasis on the need to prevent and deal with crimes like sexual exploitation and domestic abuse, as well as telephone and online fraud, the extent of which is in my view greatly underestimated.

Second, there are unprecedented financial pressures on the police. The Essex force has already saved £40 million, but is still expected to save a further £60 million over the next 5 years.

We can not argue with these facts and those figures. We just have to ensure that adaptations are made to ensure that together the police and their community safety partners can work as effectively as possible to combat crime and disorder.

As far as this District is concerned, the most visible changes will be the closure of Epping Police Station and the loss of the public counter at Loughton Police Station. In reality, the impacts will not be as great as some people fear. For instance, Epping is no longer an operational hub, and the operational base will continue at Loughton. Community policing is not coming to an end. On the contrary, new community policing teams are being established to protect people from harm and to prevent crime.

Few people these days use police stations. Over 2 separate months, the records show that 744 people visited Loughton's front counter, and only 381 at Epping - and only a handful were to report crime. Those numbers compare with 6389 at Harlow.

Going forward, it's essential that alternatives must be provided, so that those things that could only be done by visiting a police station - reporting a crime, for instance - can be done in other ways.

On Friday next week, I and officers concerned with community safety matters will be meeting with the divisional police commander. We want to explore, for instance, whether it might be possible to develop the idea of co-location - making a contact point available via the District Council. We are fortunate to have one of the most effective community safety teams in the county, and that will undoubtedly be of

benefit.

I want to place emphasis on innovative and low-tech means of communicating with the public, bearing in mind that those who do not have access to broadband are often the most vulnerable in our society.

The Police and Crime Commissioner has urged everyone to find solutions to the undoubted problems that change will bring. Everyone should be aware that the District Council and the Community Safety Partnership are ready to participate in the engagement process in the most positive way possible.”

59. PUBLIC QUESTIONS

The Cabinet noted that there had been no questions submitted from the public for consideration.

60. OVERVIEW AND SCRUTINY

The Cabinet noted that there was nothing to report by the Chairman of Overview & Scrutiny as the next meeting of the Committee was not scheduled until 20 October 2015.

The Chairman of the Overview & Scrutiny Committee reminded the Cabinet that the review of the implementation of the four-day service for the collection of domestic waste was due to begin in December; the meetings would be open to all Members.

61. ECONOMIC EVIDENCE FOR THE NEW LOCAL PLAN

The Portfolio Holder for Planning Policy presented a report on the Economic Evidence for the new Local Plan.

The Portfolio Holder stated that the Council's existing Employment Land Review had been completed in 2010 and required revision. Two reports had been prepared, by the same consultants, to provide up to date robust economic needs evidence for the Local Plan. These were:

- The 'Economic Evidence report for West Essex and East Herts' ('Joint Economic Report') – this was commissioned jointly by the Epping Forest, East Herts, Harlow and Uttlesford District Councils. There had been a strong emphasis by Inspectors at Examination in Public stage for some time now that jobs and housing requirements should be aligned, so this study was commissioned on the same basis as the Strategic Housing Market Assessment, to cover the four authorities and to inform all four Local Plans across the 'Functional Economic Market Area'; and
- The 'Economic and Employment Evidence to Support the Local Plan and Economic Development Strategy' ('Detailed Economic Report') – this was commissioned by and for the Council alone and provided a detailed analysis of the assessed economic need, in terms of employment floorspace and type to be provided through the Council's Local Plan. This document was necessary as the Joint Economic Report was a high level report, and expressed the Objectively Assessed Economic Need as a range of jobs growth per year, whereas the Council also needed to know the floorspace breakdown of what this need might be in order to inform the new Local Plan.

The Portfolio Holder reported that both documents had been prepared in accordance with the Government's National Planning Policy Framework and the Planning Practice Guidance. They provided an objective assessment of economic need over the Local Plan period 2011 - 2033; whilst in themselves the report findings did not necessarily represent the employment/jobs target, they were an important step towards establishing this for the District. It was therefore proposed that the two new economic evidence reports be accepted into the Local Plan Evidence Base, so that they could be used, and balanced along with all the other evidence, to help determine the eventual future employment/jobs target for the District through the Local Plan process.

The Portfolio Holder added that there had been some confusion about the recent announcements by the local Member of Parliament for Harlow. There was no background data to support these announcements and the reports had been prepared using the available, confirmed data. The Cabinet welcomed the reports, and felt that it was important that they recognised the people who worked from home as this had reduced the amount of economic land required to be made available within the District.

Decision:

- (1) That the findings of the 'Economic Evidence Report for West Essex and East Herts' be noted and accepted into the Local Plan Evidence Base; and
- (2) That the findings of the 'Economic and Employment Evidence to Support the Local Plan and Economic Development Strategy' report be noted and accepted into the Local Plan Evidence Base.

Reasons for Decision:

To ensure that the Evidence Base for the new Local Plan included robust, up to date economic needs assessments, conforming to national planning policy and guidance, and demonstrating cross border co-operation. This was necessary in order to ensure the preparation of a Local Plan which would be found 'sound' at an Examination in Public.

Other Options Considered and Rejected:

To not include the Joint Economic Report and the Detailed Economic Report into the Local Plan Evidence Base. However, this would jeopardise the Local Plan timetable, and seriously risk the new Local Plan being found unsound at the Examination in Public stage, as it would not be based upon up to date economic needs assessments.

Also, as the Joint Economic Report had been commissioned in conjunction with the three other authorities in the Functional Economic Market Area (East Herts, Harlow and Uttlesford District Councils), even if it were not included in the Evidence Base by this Council it was highly likely to appear in the other authorities' Evidence Bases, and so would be in the public domain and therefore used within our Functional Economic Market Area.

62. STRATEGIC HOUSING MARKET ASSESSMENT

The Portfolio Holder for Planning Policy presented a report on the Strategic Housing Market Assessment.

The Portfolio Holder stated that the existing Strategic Housing Market Assessment (SHMA), which covered the Epping Forest District (along with the East Herts, Harlow and Uttlesford Districts), was out of date and required revision. A revised, robust SHMA had been prepared by consultants, covering the same four districts, and complied with the current requirements in the National Planning Policy Framework, the Planning Practice Guidance and technical advice from the Planning Advisory Service. The revised SHMA had reconsidered the factors defining a Housing Market Area, and had found that the four Districts still formed an effective Housing Market Area. The SHMA had then proceeded to assess housing need on that basis.

The Portfolio Holder advised the Cabinet that the revised SHMA provided figures for the Objectively Assessed Housing Need (OAHN) for the Epping Forest District, and the other three Districts named above. For the Epping Forest District, the OAHN had been calculated as 11,300 additional dwellings over the Local Plan period of 2011 – 2033. This figure for OAHN was not the final housing target, but an important step towards establishing one. The Council now had to take account of a number of Policy and Supply Factors to arrive at the final Housing Provision Target. It was recommended that the revised SHMA be accepted into the Local Plan Evidence Base, so that it could be balanced along with all the other evidence, to help find the eventual future housing target for the District through the Local Plan process.

The Portfolio Holder added that the Council was not looking for economic growth within the District per se, as the Council's main priority within the Local Plan was the protection of the Metropolitan Green Belt. The Council would inquire of the other Councils within the Housing Market Area whether they would be willing to accept some of Epping Forest's Housing Need to fuel their own economic growth.

It was highlighted to the Cabinet that, although there was a breakdown between affordable rented housing and intermediate housing within the SHMA, recent Government announcements on requirements for 'starter homes' meant that in future there might be more reliance on affordable housing for purchase rather than building affordable housing for rent. The Government had not yet released many details on the likely future requirements regarding 'starter homes'. The Senior Planning Policy Officer emphasised that the SHMA was linked to the Joint Economic Report considered earlier in the meeting, and took account of residents in the District commuting to work in London. It was possible that some of the District's housing numbers could, through negotiation, be allocated to Uttlesford, for example, to provide for additional workers for the planned expansion of Stansted Airport.

Decision:

(1) That the findings of the updated Strategic Housing Market Assessment be noted and accepted into the Local Plan Evidence Base.

Reasons for Decision:

To ensure that the Evidence Base for the new Local Plan included a robust and up to date SHMA, conforming to national policy and guidance, and demonstrating cross border co-operation. This was fundamental to preparing a Local Plan which could be found 'sound' at Examination in Public.

Other Options Considered and Rejected:

To not include the updated SHMA into the Local Plan Evidence Base. However, this would jeopardise the Local Plan timetable, and risk the new Local Plan being found unsound at the Examination in Public stage. Also, as the updated SHMA was a joint

study with three other authorities in the Housing Market Area (East Herts, Harlow and Uttlesford District Councils), even if it were not accepted by this Council into the Local Plan Evidence Base, it was extremely likely to appear in the other authorities' Evidence Bases, and so would be public and in use within our Housing Market Area.

63. DEED OF VARIATION TO THE AGREEMENT WITH NORTH ESSEX PARKING PARTNERSHIP

The Portfolio Holder for Safer, Greener and Transport presented a report on the Deed of Variation to the Agreement with North Essex Parking Partnership.

The Portfolio Holder reported that Essex County Council (as Highway Authority) had transferred the delegated authority from Epping Forest District Council to the North Essex Parking Partnership (NEPP) in respect of on-street civil parking enforcement. The Council had joined the Partnership along with Braintree, Harlow, Tendring and Uttlesford District Councils and Colchester Borough Council by entering into the Joint Committee Agreement in April 2011. The Joint Committee consisted of Executive Cabinet Members from each District and the County Council Cabinet Member for Highways. The Committee had recently voted to seek agreement to utilise the £100,000 allocated by Essex County Council for cash flow purposes, at the time the Partnership was set up, towards making and implementing new traffic regulation orders and repairing signs and lines across the partnership.

The Portfolio Holder stated that, in order to satisfy Governance requirements, Cabinet approval was required for the transfer of the £100,000 and the resultant Deed of Variation to the Joint Committee Agreement of 2011. It was also felt that authority should be delegated to the Portfolio Holder to agree future minor amendments to the Deed of Variation, following consultation with the Director of Neighbourhoods.

Decision:

- (1) That the transfer of £100,000 from a ring fenced account of the North Essex Parking Partnership be agreed for the purpose of additional resource to make and implement traffic regulation orders across the Partnership;
- (2) That the consequent Deed of Variation to the Joint Committee Agreement of 2011 be entered into; and
- (3) That authority be delegated to the Portfolio Holder for Safer, Greener and Transport to agree future minor amendments to the Deed of Variation, in consultation with the Director of Neighbourhoods.

Reasons for Decision:

The Joint Committee Agreement 2011 was a legal contract between the six Local Authorities and County Council which required each member authority to agree any amendment under its own governance arrangements.

Other Options Considered and Rejected:

To not agree to the Partnership's use of the £100,000, currently sitting in a holding account, for the making of traffic regulation orders and the maintenance of signs and lines across the Partnership. However, this might reduce the Council's ability to benefit from reallocated resources and/or ultimately in the sum being returned to the County Council.

64. CREATION OF NEW POST - WATER AND POLLUTION CONTROL OFFICER

The Environment Portfolio Holder presented a report on the creation of a new Water and Pollution Control Officer post.

The Portfolio Holder stated that the Private Water Supplies Regulations 2009 (PWSR) were implemented to meet the UK's obligations under the revised European Union (EU) Directive 98/83EC. The regulations placed a number of additional statutory requirements on Local Authorities and consequently increased the burden on both staff and financial resources. At the time the PWSR were introduced, it was decided by the Council to try and implement the new provisions within existing staff and budgetary resources. Despite the commitment and concerted effort made to try and get the work done, this had not been possible.

The Portfolio Holder informed the Cabinet that the Council had been identified by the Drinking Water Inspectorate (DWI) for failing to meet its statutory obligations. The Inspectorate had said that, in the event the EU fine the UK for failing to meet the relevant directive, it might look to the Local Authorities who had not met their obligations under the PWSR to cover the cost of any infraction. Officers had met with the DWI in order to discuss the challenges that the Council was faced with regards to the nature of the private water supplies within the District and to demonstrate its commitment and proposed remedial strategy to meet its obligations. If the Council was to meet its statutory duties with regards to private water supplies and other pollution related work, as well as reduce the potential risk of both reputational and financial penalties, an additional member of staff was required.

The Portfolio Holder reported that, in order to fund the new post at Grade 7 from April 2016, a growth bid for the Continuing Services Budget in the sum of £36,650 was being sought. In addition, a supplementary estimate in the sum of £10,000 for 2015/16 was also being requested in an effort to progress the recruitment process and have the new Officer in post from January 2016.

In response to questions from the Members present, the Assistant Director of Neighbourhoods (Technical Services) stated that he did not know the precise number of statutory notices that had been issued against the Council, but would ascertain the exact number and inform Members at a later date. The sampling had to be carried out during the day between a Monday and Friday as a number of sites were business sites and this would indicate normal usage.

Decision:

- (1) That a permanent new post of Water and Pollution Control Officer be created to enable the Council to meet its statutory duties in respect of water quality and pollution control;
- (2) That a growth bid in the sum of £36,650 for the Continuing Services Budget in 2016/17 be agreed; and
- (3) That a supplementary estimate for the Continuing Services Budget in the sum of £10,000 for 2015/16 be recommended to the Council for approval.

Reasons for Decision:

There were serious public health and environmental issues posed by defective and sub standard private water supplies and drainage systems particularly on many

horticultural sites within the District. The Council had not been able meet the requirements of the Private Water Supplies Regulations 2009 and therefore had failed in its statutory duties. It was not possible to absorb the work within existing resources.

Other Options Considered and Rejected:

To continue to try and absorb the work within existing resources.

To offer overtime to existing staff to carry out the work.

To continue with the existing arrangement of employing a temporary officer from an agency for 16 hours a week.

To employ an alternative temporary officer from an agency but increase the contract to 36 hours a week.

To commission a consultant to carry out all the initial risk assessments associated with private water supplies and then review the position.

To employ an officer for a fixed term (3 years) and then review the position.

65. KEY OBJECTIVES 2015/16 - QUARTER 1 PROGRESS

The Leader of Council presented a report on the progress made during the first three months of the municipal year with the Corporate Plan Key Action Plan for 2015/16.

The Leader stated that the Corporate Plan was the Council's key strategic planning document, setting out its priorities over the five-year period from 2015/16 to 2019/20. The priorities or Corporate Aims were supported by Key Objectives, which provided a clear statement of the Council's overall intentions for these five years. The Key Objectives were delivered by an annual Action Plan, with each year building upon the progress against the achievement of the Key Objectives for previous years. The annual Action Plans contained a range of actions designed to achieve specific outcomes, to ensure the actions remained relevant and appropriate, and to identify opportunities to secure further progress or improvement.

The Leader reported that after the first three months of 2015/16, progress was as follows:

- 45 (90%) of the individual actions had been achieved or were on schedule to be achieved by the target date or a revised target date before the end of the year;
- 2 (4%) of the individual actions were behind schedule and might not be completed before the end of the year; and
- 3 (6%) of the individual actions were on hold as a result of external circumstances.

Decision:

(1) That the progress made with the achievement of the Council's Key Objectives during the first Quarter of 2015/16 be noted.

Reasons for Decision:

It was important that relevant performance management processes were in place to

review progress against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under-performance.

Other Options Considered and Rejected:

None, as failure to monitor and review performance against the key objectives and to consider corrective action where necessary, could have negative implications for the Council's reputation and might mean that opportunities for improvement were lost.

66. CORPORATE PLAN KEY ACTION PLAN 2016/17

The Leader of Council presented a report on the Corporate Plan Key Action Plan for 2016/17.

The Leader stated that the Corporate Plan was the Council's key strategic planning document, setting out its priorities over the five-year period from 2015/16 to 2019/20. The priorities or Corporate Aims were supported by Key Objectives, which provided a clear statement of the Council's overall intentions for these five years. The Key Objectives were delivered by an annual Action Plan, with each year building upon the progress against the achievement of the Key Objectives for previous years. The annual action plans contained a range of actions designed to achieve specific outcomes and to identify opportunities to secure further progress or improvement.

The Leader informed the Cabinet that a draft Key Action Plan for 2016/17 had been developed, which built on work identified in the 2015/16 Action Plan, to take forward the Key Objectives during the second year of the Corporate Plan. The draft Action Plan had been subsequently considered by the Finance and Performance Management Cabinet Committee and the Overview and Scrutiny Committee in July 2015, and comments and suggestions made had been incorporated. The Action Plan was further considered by Management Board on 9 September 2015 and was attached at Appendix 1 of the report. If approved by the Cabinet then the next stage would be to recommend its adoption by the Council.

Decision:

(1) That the Corporate Plan Key Action Plan for 2016/17 be recommended to the Council for adoption.

Reasons for Decision:

The annual adoption of an Action Plan in a timely way supported the delivery of the Council's Key Objectives and informed the budget setting process.

Other Options Considered and Rejected:

The Council could decide not to adopt an annual Action Plan, although this might mean that the potential to make progress and opportunities for improvement were lost.

67. ICT CAPITAL REQUIREMENTS 2015

The Portfolio Holder for Technology & Support Services presented a report on the capital requirements for ICT projects in 2016/17.

The Portfolio Holder reminded the Cabinet that, following the revision of the Capital Programme, all proposed ICT projects were considered on an annual basis and funding made available when required. There were three projects considered priority ICT strategy projects:

- (i) replacement of security devices used for authentication of electronic payment system transactions;
- (ii) upgrade to the Accountancy General Ledger system; and
- (iii) Storage Solution for public facing servers.

The estimated project costs for the financial year 2016/17 for these three projects were £65,000.

The Portfolio Holder stated that there were a number of other projects identified from the ICT Strategy which would improve productivity, efficiency or maintain services. It was estimated that these other projects would cost £120,000, giving a total of £185,000 required to progress and implement all of the planned projects.

The Portfolio Holder reported that funding relating to the Corporate Flexible Working project had been excluded at the current time. The Council was currently looking to recruit a Head of Transformation to facilitate the progression of this scheme. Therefore, it was felt sensible to withhold any request for funding for this specific project until such time as recommendations were forthcoming.

When questioned by the Members present, the Assistant Director of Resources (ICT & Facilities Management) stated that Tape Drives were still the most economical solution for the back up of the Council's data. Funding for security enhancements had been split into two separate items to make it clearer that a considerable portion of this work was to aid integration with the third party systems that the Council used. The Council would need to embrace cloud computing in the next few years, and all of the Council's third party systems used the relevant version to ensure that they were properly supported by the suppliers.

One of the local Members highlighted that there had been some recent issues with accessing the Council's website and hoped that the proposed investment would improve access for residents. The Assistant Director stated that the performance indicators showed that the website was generally running well, with no broken links and 90% availability. Members were requested to inform the Assistant Director of any particular problems encountered with the Council's website that they were aware of or made aware of by residents.

Decision:

(1) That a sum of £185,000 be included in the Capital Programme for 2016/17 for the following ICT projects:

- (a) replacement of security devices used for authentication of electronic payment system transactions;
- (b) upgrade to the Accountancy General Ledger system;
- (c) Storage Solution for public facing servers; and

- (d) the implementation of other projects identified from the ICT Strategy to improve productivity, efficiency or maintain service.

Reasons for Decision:

These ICT projects were necessary to maintain the current ICT infrastructure, improve business continuity within the Council and allow staff to fully utilise the benefits available from technology.

Other Options Considered and Rejected:

To refuse the critical projects identified would impact on the reliability of the ICT infrastructure and could result in the inability of residents to make payments to the Council. To refuse funding for the other projects would impact on the implementation of the ICT Strategy.

68. LEISURE MANAGEMENT CONTRACT - BUSINESS CASE AND PROCUREMENT STRATEGY

The Portfolio Holder for Leisure & Community Services presented a report on the Business Case and Procurement Strategy for the new Leisure Management Contract.

The Portfolio Holder reminded the Cabinet that, in December 2014, the Council had adopted a new Leisure and Cultural Strategy. The Strategy identified the future need and defined the role that the District Council might play, in the provision of opportunities for people to lead healthier lives. The most significant direct investment in leisure, was the provision of the four Sports/Leisure Centres, currently managed under contract on the Council's behalf by Sport and Leisure Management Ltd (SLM). The ten year contract was due to expire in January 2016.

The Portfolio Holder reported that, in preparation for a new contract, the Council had been considering, through the work of the Portfolio Holder Advisory Group for Leisure Management, the level of service to provide in future and the best procurement and contractual options in order to deliver the Council's Key Objectives. The Council had engaged RPT Consultants to support the process, and they had been working with the multi-disciplinary Officer project team to develop a Business Case and Procurement Strategy. These were presented to the Portfolio Holder Advisory Group on 17 September 2015. Cabinet approval of the Business Case and Procurement Strategy was being sought, as recommended by the Portfolio Holder Advisory Group. In addition, agreement for a contract extension with SLM, the current management partner, for up to a year on the existing terms and conditions was also being proposed.

The apparent contradiction of offering a contract for 20 years, with the repayment cost of new and upgraded facilities being based upon a 30 year payback period – both of which were significantly longer than the Council's Medium Term Financial Strategy – was highlighted. The Deputy Chief Executive confirmed that the Medium Term Financial Strategy was only for 4 years; however, the 20 year contract period would allow the contractor to earn a return on their investments in the Council's facilities. The Contract would have break clauses. The Council's Consultant added that the Leisure Facilities would still have a useful economic life when the 20 year contract period expired, hence the borrowing costs could be spread over the longer period of 30 years.

Concerns were expressed about the possible closure of Epping Sports Centre. The Deputy Chief Executive stated that Epping Sports Centre was no longer fit for purpose, and the provision of enhanced leisure facilities had been an outcome from the masterplanning exercise undertaken for North Weald. If a new Centre was built at North Weald then it would be equidistant between Epping and Ongar, and would not be dependent on any new development at North Weald. The Council's Consultant added that the provision of a new Sports Centre in North Weald was currently a variant bid and further details regarding its viability would emerge as part of the competitive dialogue process. The Deputy Chief Executive commented that the use of funding from the Community Infrastructure Levy would be an option for the provision of the new facility in North Weald, assuming the Levy was pursued by the Council, and if it was to happen then it would be completed in the next three to five years.

Members queried whether there was any flexibility in the terms of the proposed new contract, and whether the potential new Centre in North Weald would have enhanced facilities. The Consultant stated that the contract would include rolling five-year Service Development Plans to give flexibility to both the Council and the contractor, and it was intended to provide significantly enhanced facilities at any potential new Centre in North Weald.

The Consultant informed the Cabinet that the competitive dialogue process would clarify the level of management fees that the Council would be required to pay, which could involve receiving fees from the contractor rather than paying them. The Deputy Chief Executive advised the Cabinet that the Council would be involved in dialogue with the new Ongar Academy concerning the use of Ongar Leisure Centre. There was a natural synergy with the co-location of the Academy and the Leisure Centre, and it was expected that there would be some leisure provision for residents on the site in the future.

The Leader of Council reminded the Cabinet that the previous Leisure Management Contract had been a resounding success, and the new Contract represented an exciting opportunity for local residents. No decisions had yet been taken about the provision of Leisure/Sports facilities by the Council, but the competitive dialogue process would enable the options available to the Council to be discussed and firm proposals to emerge from the bidders.

Decision:

(1) That, as recommended by the Portfolio Holder Advisory Group for Leisure Management, the Business Case and Procurement Strategy for the Council's new Leisure Management Contract be agreed, which would:

- (a) be through a Design, Build, Operate and Manage contract for a period of 20 years and deliver a new build replacement for Waltham Abbey Swimming Pool;
- (b) be based on the affordability levels identified seeking to maximise return on investment;
- (c) consider a detailed variant Business Case to include operating costs for a potential new Leisure Centre development at North Weald, with the option to either replace or retain Ongar and Epping Sports Centres;
- (d) enable the market to present options which were commercially more favourable to the Council; and

(e) utilise the evaluation criteria within the Procurement Strategy to select the best future management partner; and

(2) That, in accordance with the Business Case and Procurement Strategy, the existing Leisure Management Contract with Sports & Leisure Management Limited be extended by one year from 3 January 2016 on the existing terms and conditions, and with a three month break clause included.

Reasons for Decision:

To ensure that the Council could continue to operate and maintain its facilities and achieve maximum value for money from the delivery of Sports and Leisure opportunities to its residents.

Other Options Considered and Rejected:

The Council had previously determined that a management contract with a suitably, experienced external private sector operator or Leisure Trust, was the best means of achieving its Key Objectives for the management of its Leisure Facilities. There were alternative options, such as the establishment of an in-house Leisure Trust or re-adopting direct management at the end of the current contract. However, these would present greater financial risks to the Council.

69. EPPING UPLAND NEIGHBOURHOOD AREA

The Portfolio Holder for Planning Policy presented a report on the designation of a Neighbourhood Area for the parish of Epping Upland.

The Portfolio Holder informed the Cabinet that an application for the designation of a Neighbourhood Area for the purposes of the preparation of a Neighbourhood Plan was received from Epping Upland Parish Council on 4 August 2015. Once received, the Local Planning Authority was required to publicise the application. The Neighbourhood Planning (General) Regulations 2012 (as amended) prescribed timescales for the consultation, and determination of neighbourhood area applications. Once publicised, the Local Planning Authority was required to determine the application within 8 weeks, including consulting on the application for a minimum of 4 weeks. Accordingly, the consultation period on the application started on 17 August 2015, and ran until 14 September 2015. The Council was under an obligation to determine the application by 12 October.

The Portfolio Holder stated that the location of Epping Upland Parish, immediately adjacent to Harlow's administrative boundary, with the possibility of strategic cross-boundary growth via the Local Plans of Epping Forest, Harlow and East Hertfordshire District Councils, had caused Planning Policy Officers to consider the desirability of designating the whole of the Parish as a Neighbourhood Area for neighbourhood planning purposes. In assessing the alternatives available, Officers had sought legal advice from Counsel specialising in planning law. Having considered that legal advice, it was confirmed that the District Council had a broad discretion in determining whether, in the particular circumstances relevant to this application, it was desirable to designate the entire area of the Parish identified in the application as requested.

The Portfolio Holder reported that the recommendation of Officers was that the north eastern extension of Epping Upland Parish, covering an area of land that followed the Parish boundary with Nazeing Parish Council along the Epping Road (B181) and

Roydon Parish Council to the north of Richmond's Farm and then following the Parish / District boundary with Harlow District Council to the point where it met Epping Long Green, south west following the public right of way running through Epping Long Green to where it met the Epping Road should be excluded from the Neighbourhood Area Designation (as per the attached map at appendix 2 of the report).

Decision:

(1) That the area in the north of the Parish shown on the map at Appendix 1 of the report be excluded from the Neighbourhood Area applied for by Epping Upland Parish Council for the following reasons:

(a) a number of strategic cross boundary matters had been identified, which included but were not limited to Green Belt review, cross District boundary agreement of housing and job growth figures, and planning and delivery of key strategic infrastructure;

(b) the matters identified in (a) above were not within the remit of a Neighbourhood Plan to address;

(c) a comprehensive assessment of all of the possible sites around Harlow (in Epping Forest, Harlow and East Hertfordshire District Council areas) had to be carried out to ensure that the most suitable site(s) (if any at all) were allocated for development in Local Plans for those three Districts; and

(d) the proposed area to be excluded from the Neighbourhood Area designation was defined by existing physical and administrative boundaries, and did not cover an area of high existing population.

Reasons for Decision:

With regard to the location of the Parish on the District boundary with Harlow, there were a number of strategic and cross-boundary issues that had to be properly considered under the Council's Duty to Cooperate. It was not within the remit of the neighbourhood planning process to address and deliver matters including, but not limited to, Green Belt review, cross-boundary agreement of housing and job growth figures, and the planning and delivery of key strategic infrastructure.

Other Options Considered and Rejected:

To designate the whole of the Epping Upland Parish area as a Neighbourhood Area.

To designate alternative areas of the Parish as a Neighbourhood Area.

70. EPPING FOREST SHOPPING PARK - PROGRESS REPORT

The Portfolio Holder for Asset Management & Economic Development presented a progress report on the Epping Forest Shopping Park.

The Portfolio Holder stated that strong interest in the Shopping Park from major retailers continued to be shown and work was continuing on drafting the Heads of Terms and the fittings requirements for each potential tenant. It was hoped that the 'anchor' tenants would be formally signed up very soon. In relation to the governance arrangements in place, the Cabinet had been receiving regular monitoring reports at

each meeting, with key decisions having been taken by both the Cabinet and the Council. It was now proposed that the Asset Management & Economic Development Cabinet Committee should take responsibility for more detailed monitoring of the scheme. The practical arrangements for this was due to be discussed at the next meeting of the Cabinet Committee on 15 October 2015.

In response to questioning from the Members present, the Portfolio Holder advised the Cabinet that there had been no assessment performed of the impact the Shopping Park would have on other shopping areas in the District. However, studies had previously shown that a lot of the potential retail spend by residents was lost to centres outside the District. The Deputy Chief Executive added that the Council already promoted the local centres throughout the District through initiatives such as One Shop Local managed by the Economic Development Team. The Leader of Council requested that details of the marketing campaign for the Shopping Park be included in the next progress report. The Portfolio Holder also undertook to include the potential project risks in future monitoring reports.

The Council's Consultant advised the Cabinet that the prospective opening time for the Shopping Park would be known following receipt of the tenders for the Main Build and Section 278 works contracts on 7 December 2015. The original target date was October 2016, but some of the units could take up to four weeks to fit out, so the secondary target date was Easter 2017 if the Park would not be ready to open before Christmas 2016. For the Section 278 works, the Highways Agency (Essex County Council) would not allow all three items of work to be progressed at the same time, and risk traffic backing up on the M11 motorway. Therefore, it was expected that works would continue until 8.00pm each evening in an effort to complete the schemes as soon as possible. The Highways works would also improve access to the Loughton Broadway.

Decision:

- (1) That progress with the Epping Forest Shopping Park project be noted; and
- (2) That, in addition to ongoing regular reports to the Cabinet, future detailed monitoring of the project be undertaken by the Asset Management & Economic Development Cabinet Committee.

Reasons for Decision:

To appraise the Cabinet on the current progress with the Epping Forest Shopping Park project, as requested.

To allow more detailed monitoring of the project to be undertaken through the Cabinet Committee.

Other Options Considered and Rejected:

To allow more detailed monitoring of the project to be undertaken by the Cabinet; however, it was felt that the Asset Management & Economic Development Cabinet Committee would be better suited to this role.

71. ANY OTHER BUSINESS**Decision:**

(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 items of urgent business be considered following publication of the agenda:

- (a) Finance & Performance Management Cabinet Committee – 17 September 2015;
- (b) Epping Forest Shopping Park – Tendering of Building Contracts for Section 278 Works and the Main Building Contract by Electronic Submission; and
- (c) Greater Essex Devolution.

72. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 17 SEPTEMBER 2015

The Finance Portfolio Holder presented the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee, held on 17 September 2015.

The Cabinet Committee had made recommendations to the Cabinet concerning: Invest to Save Proposals; and updates to the Corporate Risk Register. Other issues considered by the Cabinet Committee included: the Financial Plan for the Housing Revenue Account; the performance of the Key Performance Indicators during the first quarter of 2015/16; the Annual Outturn Report on Treasury Management and the Prudential Indicators for 2014/15; the revenue and capital financial monitoring reports for the first quarter of 2015/16; and the Annual Governance Report for 2014/15.

The Director of Resources stated that there had only been the headline announcement of Business Rates Retention by the Chancellor of the Exchequer, and details of the new scheme had not yet been forthcoming. The Council currently had a 97% collection rate for non domestic rates, of which 50% was currently paid direct to the Government. It was expected that some sort of equalisation system would be put in place to support those local authorities whose had low levels of Business Rates within their areas.

Decision:Invest to Save Proposals

- (1) That the proposals to invest in additional grass cutting equipment and LED Lighting in the Car Parks be agreed;
- (2) That the following proposals currently being developed be supported in principle:
 - (a) Replacement of the Cash Taking Facilities with Cash Kiosks within the District;
 - (b) Management of Off-Street Parking throughout the District;

- (c) A Masterplanning exercise for the redevelopment of the Hill House site in Waltham Abbey for the co-location of services; and
 - (d) Provision of additional Rental Loans to homeless single people to avoid the use of bed and breakfast accommodation;
- (3) That the proposal for a pool of hybrid vans for the Housing department be investigated; and
- (4) That, when acquired by the Council, the car park at St John's Primary School be considered for use by business permit users from the car park in Baker's Lane for the interim of the development on the site;

Corporate Risk Update

- (5) That the Key Dates within the Action Plan for Risk 1, Local Plan, be updated;
- (6) That the Effectiveness of Controls/Actions for Risk 2, Strategic Sites, be updated;
- (7) That the Key Date for Risk 4, Finance Income, be amended;
- (8) That the Required Further Management Action and updated Key Date for Risk 5, Economic Development, be amended;
- (9) That the Required Further Management Action for Risk 6, Data/Information, be amended;
- (10) That the Required Further Management Action for Risk 7, Business Continuity, be amended;
- (11) That the Existing Control within Risk 8, Partnerships, be amended;
- (12) That the Existing Control and Required Further Management Action for Risk 9, Safeguarding, be updated;
- (13) That the Vulnerability and Trigger for Risk 10, Housing Capital Finance, be added;
- (14) That the identification of no new risks for inclusion in the Corporate Risk Register by the Cabinet Committee be noted; and
- (15) That, as amended above, the revised Corporate Risk Register be approved.

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.

73. EPPING FOREST SHOPPING PARK - TENDERING OF BUILDING CONTRACTS FOR S278 WORKS AND THE MAIN BUILDING CONTRACT BY ELECTRONIC SUBMISSION

The Portfolio Holder for Asset Management & Economic Development presented a report on the tendering by electronic submission of the Building Contracts for Section 278 Works and the Epping Forest Shopping Park.

The Portfolio Holder reported that, in accordance with the previously agreed timetable, all tender documents for the Section 278 Highway Works and Construction Contract for the Epping Forest Shopping Park had been uploaded and displayed on the Government's Contract Finder website in accordance with European Procurement Regulations. The tendering process for these two large contracts was complicated and involved a great deal of technical information for contractors to assess and quantify. The resulting tender submissions by contractors would also be complex. The electronic submission of tenders into a protected "Safelink Room" would allow tenderers to upload substantial documents more easily and securely, and was becoming the modern industry standard. Therefore, the Cabinet was requested to waive Contract Standing Orders C17 and C18 to enable the tendering for these two contracts to be undertaken electronically.

Decision:

(1) That Contract Standing Orders C17, Receipt and Custody of Quotations and Tenders, and C18, Opening of Tenders and Quotations, be waived for the tendering of the Section 278 Works and main Build Contract for the Epping Forest Shopping Park to enable the electronic receipt of tender documentation for these contracts.

Reasons for Decision:

To allow for the efficient and secure tendering of these two large contracts.

Other Options Considered and Rejected:

To require paper submissions of tenders as currently required by the Council's Contract Standing Orders. However, this was not the normal modern industry approach and might potentially deter some companies from tendering.

74. GREATER ESSEX DEVOLUTION

The Leader of Council presented a report on the proposals to develop a Greater Essex devolution deal with the Department of Communities & Local Government.

The Leader reported that the fifteen local councils of Greater Essex (Essex County Council, Essex district, borough and city councils, plus Southend-on-Sea and Thurrock Unitary Councils) had been working together to explore devolution ideas and draft proposals which could see the transfer of powers and funding from central Government to a Greater Essex Authority. The proposals were not yet fully developed and any final deal would need to be considered by Full Council before a final decision was reached. It was suggested by those supportive of devolution that it could bring benefits like greater local control over issues such as:

- growing the local economy in a sustainable way
- application of skills funding to ensure training matched current and future business need
- increasing inward investment and job creation, and
- tackling some of the transport and infrastructure challenges of the area.

In order to agree to devolving power, the Government would require a set of proposals that showed ambition in terms of outcomes, a strong governance model and a realistic prospect of delivery.

The Cabinet was reminded that work had commenced on the devolution programme in December 2014 and the Leader had regularly updated members about the initiative in his reports to the Council. In April 2015, he advised that he had not signed a letter from Essex Councils to the Secretary of State expressing interest in negotiating a devolution deal for Greater Essex because he felt this Council needed to be provided with more information on the proposals before it could reach an informed decision. Since then work had progressed and some more detail about the proposals had emerged, though the proposals were still not complete and some key issues were not yet resolved. Perhaps most notably the Governance issue was yet to be addressed.

The Cabinet was advised that a high-level submission was made to the Government on 4 September 2015 to confirm the Greater Essex Partnership's continued interest in a devolution deal. The letter was substantially amended to reflect specific concerns about housing growth and the importance of the metropolitan Green Belt raised by this Council. The submission deadline was set by the Government to filter the number of devolution deals being considered and so it was necessary for the Greater Essex Partnership to show strong interest in securing a devolution deal. Without Epping Forest's continued participation the submission would have been considerably weakened and would possibly have been rejected at that point. One of the main concerns of those bidding for devolution was that those securing early deals would fare better than those who were unsuccessful at this stage and would find themselves bidding for a diminishing amount of funding.

The Leader opined that there was still not enough information to make an informed decision about a final deal and that the case for devolution to a Greater Essex Authority was yet to be made. However, he had reluctantly signed the letter to enable the Partnership to continue to develop proposals. The letter did not commit any of the signatories to devolution at this point but had enabled the Greater Essex proposal to remain under consideration by the Department of Communities & Local Government. In December 2015, a more detailed submission would be made to the Government setting out the offer and requests as the basis of a devolution deal and the approach to a new governance arrangement. This would commence the detailed negotiation phase with the Government.

The Cabinet was being asked to consider whether they wished the Council to continue to participate in the discussions around the devolution programme, and the emerging shape of the devolution deal. In the meantime, Leaders and Officers from all of the Greater Essex partners would commence negotiations with the Government to co-produce a detailed submission. A copy would be shared with Members and debated at Council. If the Cabinet agreed to remain involved in the discussions around devolution, further reports would be submitted to the Cabinet during this process to update Members on the latest position. The detail of any final devolution deal reached with the Government, including any new governance model (such as a combined authority), would need to be approved by the Cabinet and then recommended to the Council for ratification. It was anticipated that this would not be until the first quarter of 2016 at the earliest.

The Leader concluded that the issue for the Council was the housing growth implicit with the proposals for economic growth within the Greater Essex area as 90% of the land within the Epping Forest District was Metropolitan Green Belt. There was also a lack of detail within the proposals concerning the governance model and the financial

model, including the costs of the Combined Authority. It was unclear at the current time exactly what the benefits would be for the Epping Forest District from being a part of the devolution deal, and the Leader invited the Cabinet to share their thoughts.

Members of the Cabinet expressed a degree of scepticism with the proposals and highlighted the issues listed in the report that needed to be addressed before a deal on devolution could be agreed. There was a considerable level of concern regarding the costs of the process and it was felt that the Council needed to be certain of the costs and benefits of being involved before a firm decision could be made. It was also felt that the governance arrangements needed to be determined, which should include both a veto for the Council and a mechanism to withdraw from the arrangement without penalty, legal or financial, if necessary.

The Leader highlighted that the devolution proposals were primarily concerned with economic growth, which would also require housing growth. The Portfolio Holder for Governance & Development Management emphasised that it was illegal for any authority outside of the Council's Strategic Housing Market Assessment area to take any of Epping Forest's projected housing. The Portfolio Holder for Planning Policy added that the Local Plan process was concerned with local people making decisions about their local area.

The Deputy Leader commented that the Council needed more clarity about the proposed governance arrangements, and pointed out that the timescale was unrealistic. The Council had also been asked to contribute financially to the costs involved in developing the devolution proposals, with a request for £15,000. The Council definitely needed to have a veto for proposals that was not in the interests of residents of the District, as well as an exit mechanism which would not penalise the Council. The Deputy Leader felt that the idea was good in principle, but it was hard to see any benefits for the Epping Forest District from devolution; the example of the Council's participation in the North Essex Parking Partnership was quoted as a precedent.

Other Members of the Cabinet felt that there were no substance to the current proposals, and that it would be difficult to reach agreement with all 15 authorities before the need to submit more detailed proposals in December 2015. It was also felt that the whole process was proceeding with undue haste, with very little or no detail forthcoming about the elements of the devolution deal. The possibility of having an elected Mayor for Essex was also raised, and the issues that would cause – not least an additional layer of bureaucracy. However, it was felt that the Council should remain involved in the discussions for the time being.

The Leader welcomed the comments from the Cabinet and requested further clarification as to what limits should be set for the conduct of future discussions by the Council. The Cabinet felt that the following limits would be appropriate:

- (i) The Council would not sign up to further proposals until there was a financial model showing the full costs of devolution, and that the time of the Chief Executive in leading one of the devolution work streams would be the Council's contribution to the costs incurred until now;
- (ii) The Council would not sign up to further proposals until there was a fully worked up Governance model, which included an exit mechanism without legal or financial penalty for the Council; and

- (iii) The Council would not sign up to any further proposals in relation to devolution without the support of the full Council.

Decision:

- (1) That the latest position in the ongoing discussions with the Department of Communities & Local Government concerning the proposal to develop a Greater Essex Devolution deal be noted;
- (2) That the continued participation of Epping Forest District Council in the discussions be agreed, with regular updates submitted to the Cabinet; and
- (3) That, once the nature of the emerging Devolution proposals had been finalised, a detailed report be submitted to the Council to debate the merits of the Council's participation.

Reasons for Decision:

To continue to explore the opportunity to receive devolved powers and funding streams from the Government.

Other Options Considered and Rejected:

To opt out of the Greater Essex bid at this point. However, this could weaken the Greater Essex bid significantly and risked damaging relationships with our partners in Essex. At this point, there was not enough information on the details of the bid to make a fully informed decision.

75. EXCLUSION OF PUBLIC AND PRESS

The Cabinet noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN