

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 11 January 2016

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.05 pm

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

Other Councillors: K Angold-Stephens, G Chambers, P Keska, J Knapman, J H Whitehouse, J M Whitehouse and D Wixley

Apologies: H Kane

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)), T Carne (Public Relations and Marketing Officer), G J Woodhall (Senior Democratic Services Officer) and S Kits (Social Media and Customer Services Officer)

Also in attendance: P Lowe and C Pasterfield (Consultants)

116. WEBCASTING INTRODUCTION

The Leader 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.

117. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

118. REPORTS OF PORTFOLIO HOLDERS

There were no further reports from the Portfolio Holders present on current issues that were not covered elsewhere on the agenda.

119. PUBLIC QUESTIONS

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

120. OVERVIEW AND SCRUTINY

The Cabinet noted that there was nothing to report by the Chairman of the Overview & Scrutiny Committee.

121. EPPING FOREST SHOPPING PARK PROGRESS REPORT

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

The Portfolio Holder reported that tenders for the Section 278 Highways Works were received by 28 October 2015, and subsequently analysed by the Project Team. The recommendation was to appoint Walker Construction (UK) Limited to carry out the works for a sum of £2,070,029. Although this was not the lowest bid, it had scored the highest under the combined Quality/Price evaluation process. Following meetings with the successful bidder, Essex County Council Highways suddenly announced that they would not permit temporary traffic lights to restrict the flow of traffic in Chigwell Lane during the works, even at off peak times. This restriction related mainly to work required by Thames Water to enlarge a foul water drain located in the road, which the contractor had already proposed to do in 50 metre sections, and was very disappointing as the Council's Consultants had made numerous attempts to ascertain the Highways requirements for these works. An alternative plan to locate a new, larger foul drain in the grass verge was currently being examined for feasibility. Conversely, this might result in a financial saving as work in grass verges was less costly than work in the highway, and it was also recommended that the balance of the capital allocation for these works (£179,970) be retained for the time being as a contingency.

In respect of the Main Build contract for the Shopping Park, the Portfolio Holder informed the Cabinet that no bids had been received under the agreed single-stage OJEU procurement process by the closing date of 23 November 2015. A meeting of the Project Team on 7 December 2015 had discussed the re-tendering of the contract and concluded that a two stage restricted procurement process would attract more interest, and it was intended to issue Pre-Qualification Questionnaires and Invitation to Tender documents on 15 January 2016. This would now mean that practical completion of the Park would not be achieved for a Christmas 2016 opening, and that a revised opening date of Easter 2017 was now anticipated.

The Portfolio Holder stated that interest in the site was still high from potential tenants; however, some of the key 'anchor' tenants would not achieve sign-offs from their Boards for the leases until February 2016. The construction works at Oakwood Hill Depot had now completed both the foundations and steel frame. The works were expected to be completed by April 2016, which would allow the depot at Langston Road to be vacated in time for the planned commencement of construction works at the Shopping Park.

In response to questions for the Cabinet, the Council's consultant confirmed that there was a Project Plan in existence, and that the Section 278 Highways Works were on the 'critical path' as the Park could not open until these works had been completed. The Council would have a more accurate idea of the anticipated length of the project once the Main Build contract had been awarded. If this contract was successfully let in May 2016 then the buildings should be ready for fitting out by the tenants in February 2017.

Decision:

(1) That the tender of £2,070,029 from Walker Construction (UK) Limited to carry out the Section 278 road works in Chigwell Lane relating to Epping Forest Shopping Park be agreed, subject to revisions required by Essex County Highways regarding Thames Water required works;

(2) That the balance of the current capital allocation of £2,250,000 i.e. £179,970 be retained as a contingency to meet the costs of any variations as a result of the Thames Water requirements;

(3) That the Director of Neighbourhoods, in liaison with the Asset Management and Economic Development Portfolio Holder, be authorised to agree any variation subject to it being within the current capital budget for this element of the project; and

(4) That the revised target opening date for the Shopping Park of Easter 2017 (Easter Sunday 16 April 2017) be noted.

Reasons for Decision:

To award the contract for the Section 278 Highways Works.

To appraise the Cabinet on the general progress with the development of the Epping Forest Shopping Park, as previously requested, and highlight any issues of concern.

Other Options Considered and Rejected:

To not accept the tender from Walker Construction (UK) Limited. However, this would delay the completion of the necessary Highways Works and risk further delay to the opening of the Shopping Park, with a consequential revenue loss for the Council.

122. ALTERNATIVE OPTIONS FOR THE PROVISION OF THE OFF STREET PARKING ARRANGEMENTS IN THE DISTRICT

The Portfolio Holder for Safer, Greener & Transport presented a report on alternative options for the provision of the off street parking arrangements within the District.

The Portfolio Holder reminded the Cabinet that North Essex Parking Partnership (NEPP) had been created in 2011 following the decision by Essex County Council (ECC) to terminate the agency agreement for the delivery of the Decriminalised Parking Enforcement. The Council had joined the Partnership in 2012 at the end of the then enforcement contract with Vinci Parks Limited. The delivery of on street parking operations had been delegated to the Partnership by the County Council and all six member local authorities, and Colchester Borough Council hosted the Joint Committee that oversaw this. However, joining the management arrangements for the off street operations was voluntary and only five of the authorities had chosen to be part of this arrangement. In 2012, before making the decision to join the off street element of the Partnership, the Council had requested Vinci Parks to quote for the delivery of the off street parking enforcement and cash collections.

The Portfolio Holder reported that RTA Associates were recently commissioned to carry out a scoping study to establish if the Council was getting value for money from the Partnership, in respect of off street operations only, and give advice on alternative delivery options. The advice from RTA Associates was that there was a clear advantage to the Council providing the off street parking enforcement, cash collection and administrative functions either directly in house, fully outsourced or a combination of both. Based on soft market testing, the Council could save from approximately £31,000 per annum for a fully in-house service to approximately £113,000 for a fully outsourced service.

The Portfolio Holder reported that if the Council was minded to leave the Partnership then, under the terms of the Joint Committee Agreement of 2011, notice of at least twelve months had to be served on the Lead Authority, to be co-terminus with the

end of the financial year. By giving notice before 31 March 2016, the Council could commence the new arrangements from 1 April 2017.

In response to questions from the Members present, the Portfolio Holder re-iterated that if the Council withdrew from the Partnership for off street operations then the Council would only receive a service for on street operations from the Partnership. In this instance, the Portfolio Holder would liaise with the Partnership Manager based at Harlow to ensure that the District received the best possible service for on street operations from the Partnership. The new machines being installed at the Council's off street car parks would have the facility to accept card payments, and that there would be at least one of these machines at each car park. The Assistant Director of Neighbourhoods (Technical Services) cautioned that there were some issues over how the Council received the money for card payments made by customers of the car parks, primarily revolving around the fees levied by the banks for such payments. Residents could also pay by mobile phone, which incurred a lower charge for the Council.

The Consultant in attendance from RTA Associates reassured the Cabinet that the soft market testing undertaken for the report gave confidence that the figures quoted were accurate, and that there would be savings from withdrawing from the Partnership for off street operations and undertaking a procurement exercise to outsource it. The Portfolio Holder added that the provision of the service in-house was the fall-back position if any issues arose during the procurement exercise.

In response to further questions from the Members present, the Portfolio Holder stated that not all of the Civil Enforcement Officers currently working in the District would be affected by the Council's withdrawal from the Partnership for off street operations; it was anticipated that no more than four of the current Enforcement Officers within the District would be affected. In addition, the Partnership would have to re-evaluate its coverage of the Epping Forest District if the Council withdrew from off street operations, as there would then be two sets of Enforcement Officers patrolling the District. It was anticipated that the 'My Permit' scheme would continue unchanged, and that the coverage of Housing Estate off street parking schemes would need to be discussed with the Housing Portfolio Holder in due course. One option would be to introduce permits for these schemes. It was highly unlikely that the County Council would delegate the authority for on street parking enforcement to the District Council.

The Cabinet noted and welcomed that the Council would regain control of off street parking operations if it withdrew from the partnership; the Housing Portfolio Holder stated that he would be happy to discuss the future enforcement of housing estate parking schemes with his colleague for Safer, Greener and Transport.

Decision:

(1) That the outcome of the scoping study by RTA Associates Limited into the alternative provisions for the delivery of off street parking arrangements, which concluded that the Council would have a clear financial benefit by withdrawing from the North Essex Parking Partnership (NEPP) for the off street element of the agreement, be noted;

(2) That, subject to agreement with the conclusion of the scoping study, notice be served on NEPP for the Council to withdraw the off street parking element from the Joint Committee before 31 March 2016, enabling the commencement of the new service by 1 April 2017;

(3) That authority be delegated to the Portfolio Holder for Safer Greener and Transport to agree the formal notice to NEPP, in consultation with the Directors of Neighbourhoods and Governance;

(4) That a further report be submitted to the Cabinet outlining the procurement strategy, potential savings and set up costs and timeline for the delivery of off street parking operations outside of NEPP;

(5) That the Portfolio Holder Advisory Group already established for the review of the impact of the parking strategy be requested to consider the options for the future provision of off street parking arrangements; and

(6) That Contract Standing Orders C4 (contracts exceeding £25,000 but not exceeding £50,000) and C11 (Contract selection) be waived to appoint RTA Associates to provide specialist advice in preparing the tender specifications and consultancy support during the procurement process.

Reasons for Decision:

To ensure that the Council was getting value for money for the off street car parking enforcement, cash collection and administration services.

Other Options Considered and Rejected:

To ignore the outcomes of the scoping study and not consider alternative options for the delivery of the off street parking operations. The outcome of the RTA Associates study was very clear in that there were other delivery options available to the Council which could ensure a cost effective off street service.

123. PLANNING APPEAL COMPENSATION BUDGET

The Portfolio Holder for Governance & Development Management presented a report on the Planning Appeals Compensation budget.

The Portfolio Holder reminded the Cabinet that, up to 2008, a supplementary estimate from the District Development Fund was sought each time appeal costs were awarded against the Council. Instead of agreeing to pay out using this same procedure, and because of one particularly costly case in 2008, the Council approved a contingency of £100,000 for allocation to the Development Control Appeal budget instead. In 2012, the Cabinet allocated a budget of £90,000. Subsequently, where a cost claim had been awarded against the Council, it had been paid out from this budget.

The Portfolio Holder reported that there was only £12,700 remaining in this budget as of December 2015, following a recent cost award of almost £23,000 for one appeal case in Loughton at the Former Public Car Park, Church Hill (EPF/1412/14 – Development of ground floor retail and 6 apartments above). Whilst costs awarded against the Council in respect of planning and enforcement appeals was uncommon, a subsequent costs on appeal was currently unlikely to have sufficient budget funding. Therefore, the Planning Compensations Budget for Development Control required further funding. Whilst the contingency budget amount had usually lasted approximately three years, the advice following discussions with the Assistant Director of Resources (Accountancy) was that the allocation of £90,000 be split over 2 years, but any underspend be carried forward to successive years.

The Portfolio Holder added that, although it was not very often that the Council had costs awarded against it, it was extremely rare for a Planning Inspector to award costs to the Planning Authority. The Portfolio Holder agreed that it was important for Members to attend the regular Planning training sessions each year, and equally important for Members to read in detail the Planning Appeals reports that were submitted to each of the three Planning Sub-Committees every six months as well.

Decision:

(1) That a District Development Fund Growth Bid in the sum of £90,000 (split as £45,000 for 2016/17 and £45,000 for 2017/18) be made for the Planning Compensations budget in respect of Planning Appeals in the Development Control budget; and

(2) That any underspend be carried forward into successive years until it was spent.

Reasons for Decision:

Although the Council could challenge the amount of costs awarded at a Planning Appeal, it was difficult to challenge the Planning Inspectorate's decision to award them. Once an amount was agreed it had to be paid or it could be enforced as a debt.

Other Options Considered and Rejected:

To seek a supplementary estimate from the District Development Fund every time an award of costs against the Council was successful, as per pre-2008. However, this caused delay as it required approval through Cabinet and Council and the threat of further costs from the chasing appellant's planning consultancy.

124. TRAINEE PLANNING OFFICERS AND TRAINEE CONTAMINATED LAND OFFICER - DEVELOPMENT MANAGEMENT

The Portfolio Holder for Governance & Development Management presented a report on the creation of two Trainee Planning Officer and one Trainee Contaminated Land Officer posts.

The Portfolio Holder stated that Development Management intended to address workforce improvement in the 2016/17 Business Plan through the implementation of succession planning, with 'growing our own' talent as a key element of this. As at April 2015, 37% of employees within the Governance Directorate were aged 55 and over and there was a need to ensure that there was in place plans to address the risks of key professional staff either retiring or moving to other authorities. It was proposed to support the development of the Workforce Plan by recommending the funding and appointment of three important traineeship posts - a Trainee Contaminated Land Officer and two Trainee Planning Officers to address identified skills gaps within Development Management.

The Portfolio Holder was confident that the income from planning applications would cover the costs of the posts for two years, as there was nothing to suggest that this income would decrease during that time. The Director of Governance informed the Cabinet that the Council could not prevent any of the Trainees from leaving the Council once qualified, but the terms of the Professional Education Scheme stipulated that if they were to leave within two years of completing their Masters Degrees then they would be required to pay back some or all of their course fees.

Decision:

(1) That authority be granted to create two trainee Planning Officer posts and a trainee Contaminated Land Officer post for a duration of two years at a total cost of £144,690; and

(2) That the funding for these posts, in the sum of £144,690, be provided from the District Development Fund, sourced as a direct result of the additional planning income received (over budget) for 2015/16.

Reasons for Decision:

There was a general difficulty in recruiting and retaining Planning Officers and other specialists within Development Management across Essex and the East of England, such that the Council was participating in a project to help address the planning skills shortage across the region. This recruitment difficulty was now being experienced by this Council and had become more pronounced due to the increase in planning applications and competition from the private planning sector, who was recruiting with more competitive job opportunities and salaries.

Other Options Considered and Rejected:

To do nothing; however, this might result in Development Management being subject to vulnerability and weakness in key areas of planning and contaminated land.

125. PURCHASE OF AERIAL CAMERA SYSTEM

The Portfolio Holder for Governance & Development Management presented a report on the proposed purchase of an aerial camera system.

The Portfolio Holder stated that the purchase of a Council owned and operated aerial camera system would enable the Council to carry out its own aerial and oblique surveys of sites, with a subsequent cost saving from not having to buy bespoke commercial photographs and videos, and would enable the use of a flexible and responsive system to carry out these surveys at short notice and to a bespoke option to suit the user. The potential users would include Development Management, Planning Enforcement, Trees & Landscape, Private Sector Housing, Housing Repairs, Emergency Planning, Council Tax, and the Engineering, Drainage and Water Team. It was envisaged that more sections would find uses for the system as it came into operation. There was also the option to use the system to generate an income stream for the Council in the sale of air time to other authorities and agencies. The Cabinet was requested to authorise the purchase of the equipment and training for a cost of £5,000. The systems would be purchased and operated by the GIS Section.

In response to questions from the Members present, the Portfolio Holder stated that the aerial photographs for an average meeting of Area Planning Sub-Committee East, with ten applications, would cost approximately £1,200 as they currently cost £120 each. The applicant and neighbours could be alerted about possible overflying when the Council wrote to inform them about the planning application; covert operations would be covered by the Regulation of Investigatory Powers Act 2000. There could be potential issues if the operators were not properly trained, but Council staff who operated the system would be properly trained. Flying in controlled airspaces, such as North Weald Airfield or Stansted, would require prior written permission.

The Portfolio Holder felt that residents were now more relaxed about aerial views of their properties; the reliability of the cameras were better and the training of the operators were better. There was the potential to sell the aerial photographs commercially, but the Council would still be subject to the provisions of the various Data Protection Acts. The intention would be to fly high enough that there would be no danger to either humans or livestock. The aerial camera systems would be available for use across the Council, but there had not yet been any discussions with neighbouring Councils regarding their possible hire. It was intended to transport the drone to the required location, rather than fly it from a central location within the District to the required location. A policy for the usage of the systems would be drafted and agreed.

Decision:

(1) That two aerial camera systems and associated training be purchased for £5,000, under the 'Invest to Save' scheme, to enable the Council to carry out its own aerial photographic surveys for a number of different sections across all four Directorates.

Reasons for Decision:

An opportunity to purchase aerial camera systems had arisen and it was considered that such a purchase would save the Council money and result in a more efficient way of working for all Directorates.

Other Options Considered and Rejected:

To continue using commercially available aerial photography. However, this had a significant associated cost and was inflexible in its response to the needs of the end user department.

126. ANY OTHER BUSINESS

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

127. EXCLUSION OF PUBLIC AND PRESS

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

CHAIRMAN