

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 13 November 2006

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.35 pm

Members Present: Mrs D Collins (Chairman), C Whitbread (Vice-Chairman), A Green, Mrs A Grigg, J Knapman, S Metcalfe, Mrs M Sartin, D Stellan and Ms S Stavrou

Other

Councillors: Councillors M Colling, Mrs A Haigh, P McMillan, R Morgan, S Murray, Mrs C Pond and Mrs J H Whitehouse

Apologies: Councillors

Officers Present: P Haywood (Joint Chief Executive), J Gilbert (Head of Environmental Services), A Hall (Head of Housing Services), D Macnab (Head of Leisure Services), R Palmer (Head of Finance), M Shorten (Principal Valuer/Surveyor), T Tidey (Head of Human Resources and Performance Management), I Willett (Head of Research and Democratic Services), S Dobson (Information Assistant (Public Relations)), G J Woodhall (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

78. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg declared a personal interest in the following item of the agenda, by virtue of being the ward member. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the item and voting thereon:

- Potential Development for Affordable Housing – Pike Way, North Weald.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stellan declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the item and voting thereon:

- Acceptance of Tender – Communal Cold-Water Storage Tank Replacement Programme 2006/07.

79. MINUTES

RESOLVED:

That the minutes of the meeting held on 4 September be taken as read and signed by the Chairman as a correct record.

80. ANY OTHER BUSINESS

There was no other urgent business for the Cabinet to consider.

81. REPORTS OF PORTFOLIO HOLDERS

There were no oral reports from Portfolio Holders received by the Cabinet.

82. OVERVIEW AND SCRUTINY

The Chairman of Overview and Scrutiny informed the Cabinet that the Housing Portfolio Holder had requested a review of the Council's Handy Person scheme to be undertaken by the Older People and Disabled People Task and Finish Panel. The scheme provided retired homeowners and private tenants in the District with reputable contractors to carry out minor works up to a maximum of £150. The service was free to people over 60 years of age, retired and on a means tested benefit. The budget for the scheme had been supplemented by an additional £3,000 earlier in the year, which had been fully committed, and it had been recommended that this additional funding should be repeated for the 2007/08 financial year. In addition, the Panel had been informed of two schemes run by Leisure Services called Seated Exercise, and an arts project 'A sense of place'. The Panel had recommended the repeat of both schemes in the next financial year.

The Leisure and Young People Portfolio Holder stated that the Seated Exercise for the Elderly and Disabled was currently funded by the CVS, and would be until December 2007. Negotiations were currently being undertaken with the Primary Care Trust regarding the future funding of the scheme, but an additional £11,000 of DDF expenditure would be required if the Council were to agree to fund the scheme totally. The arts project 'A sense of place' had been externally funded, and it would require an additional £5,000 of DDF expenditure to repeat this project on a District-wide basis.

Finally, the Chairman of the Overview and Scrutiny Committee informed the Cabinet that the Council had been invited to join a Joint Scrutiny Panel by Havering Borough Council comprising the district or borough councils covered by the North East London Strategic Health Authority. The Strategic Health Authority had commenced a review to examine better ways of delivering health and social care, and appointment to the Joint Scrutiny Committee had been recommended to the Council.

RESOLVED:

- (1) That, in order to continue the provision of assistance to residents under the Council's Handy Person Scheme, a revenue DDF growth bid in the sum of £3,000 be made for 2007/08; and
- (2) That, in order to run on a District-wide basis, funding for the Seated Exercise for the Elderly and Disabled and a repeat of the Arts project 'A Sense of Place' be considered by the Leisure and Young People Portfolio Holder.

Reasons for Decision:

The Cabinet recognised the importance of both schemes but felt that the wider issues of the budget for 2007/08 should also be taken into consideration.

Other Options Considered And Rejected:

To remove the additional £3,000 funding for the Handy Person Scheme without further consideration of the wider budget.

To not repeat the Seated Exercise for the Elderly and Disabled, and the Arts project 'A sense of place' on a District-wide basis during 2007/08.

83. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 17 JULY 2006

The Finance, Performance Management and Corporate Services Portfolio Holder presented the minutes of the Finance and Performance Management Cabinet Committee held on 17 July 2006. The items highlighted for consideration included: the Internal Audit Monitoring Report for April/June 2006 as well as the Work Programme for July/September 2006; and the Risk Management Strategy and Policy.

RESOLVED:

(a) Internal Audit – Monitoring Report April/June 2006 and Work Programme July/September 2006

- (1) That the reports issued and significant findings between April and June 2006 be noted;
- (2) That the audit follow-up status report be noted;
- (3) That the work plan for July to September 2006 be noted;
- (4) That the 2006/07 audit plan status report be noted; and
- (5) That the action taken by officers in relation to the investigation be supported;

(b) Risk Management – Strategy and Policy

- (6) That the Risk Management Strategy and Policy Statement be adopted; and
- (7) That the Terms of Reference of the Risk Management Group be noted.

Reasons for Decision:

The Cabinet were satisfied that the Finance and Performance Management 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 were satisfied that the Finance and Performance Management Cabinet Committee had considered all the relevant options in formulating their recommendations. The Cabinet did not consider that there were any other options.

84. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 25 SEPTEMBER 2006

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented the minutes from the Finance and Performance Management Cabinet Committee held on 25 September 2006. The items highlighted for consideration included: International Standards on Auditing for the Council's Audit of Accounts; Business and Internal Control Assurance Framework; and financial issues for the 2007/08 budget.

RESOLVED:

(a) Audit of Accounts – International Standards on Auditing

- (1) That the report be noted; and
- (2) That the recommendations and action plan regarding maintenance of the improvements to the arrangements for risk management and value for money be agreed;

(b) Business and Internal Control Assurance Framework

- (3) That the Council's draft Business and Internal Control Assurance Framework be adopted;

(c) Budget 2007/08 – Financial Issues Paper

- (4) That the 2007/08 budget guidelines be as follows:
 - (a) the ceiling for CSB net expenditure be no more than £17million, including net growth;
 - (b) that, as part of the budget setting process, all items of DDF expenditure be reviewed;
 - (c) that balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement; and
 - (d) the District Council Tax to be increased by no more than the rate of increase in the Retail Price Index;
- (5) That a revised medium term financial strategy for the period 2009/10 be developed in accordance with the budget guidelines agreed above; and
- (6) That communication of the revised medium term financial strategy to staff, partners and other stakeholders be undertaken by way of publishing key bullet points in appropriate publications.

Reasons for Decision:

The Cabinet were satisfied that the Finance and Performance Management 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 were satisfied that the Finance and Performance Management Cabinet Committee had considered all the relevant options in formulating their recommendations. The Cabinet did not consider that there were any other options.

85. FREE SATURDAY CAR PARKING

The Civil Engineering and Maintenance Portfolio Holder presented a report regarding free Saturday car parking within the District. The Portfolio Holder reminded the Cabinet that one of the Administration's key pledges had been the provision of free car parking on Saturdays as a way of providing further economic support to the District's town centres. Free parking was already provided on Saturdays throughout the District during December in order to support the Christmas trading period. There were a number of factors that had to be considered in determining the most appropriate strategy, however it had been recommended that only the long-stay and combined car parks should provide free Saturday car parking, which would provide free parking in all the town centres within the District.

The Portfolio Holder added that another important consideration was whether the car parks were to be free all day on a Saturday, or whether the free parking should be time limited. In terms of simplicity, it was felt that residents would better understand an all-day free regime. The proposals would provide free parking at an approximate cost of £75,150 per annum, with £56,000 in lost income and £19,150 in lost enforcement income, compared to £215,500 in lost income if free all-day Saturday car parking were to be provided in all of the Council's car parks and on-street locations. It had also been estimated that there would be additional costs of £10,000 associated with new signage and amendments to traffic regulation orders. It was envisaged that the new arrangements would start in April 2007, as this would allow time for the necessary changes to be made to the traffic regulation orders.

The Chairman of the Car Parks and Town Centres Task and Finish Panel informed the Cabinet that the Panel had considered the report and broadly supported the proposals, however there had been some concern expressed as to whether the free places would be used by local shoppers or commuters. With respect to the costs involved in implementing the measures, the Panel wanted to amend the third recommendation such that monies from the Local Authority Business Growth Incentive Scheme (LABGI) would offset the revenue consequences. The Panel had also suggested an additional recommendation such that the arrangements be kept under operational review with further reports to the Cabinet in due course. The Leader of the Council stated that LABGI monies could only be used for DDF purposes, not CSB items, although it was agreed that LABGI monies could be used to offset the £10,000 additional costs associated with the proposals.

It was suggested that the free places would be used by employees of the local businesses, not shoppers, and that this would have the effect of driving customers away from the town centres as they would find it harder to park not easier. It was also suggested that the proposals should be approved as a CSB growth item for the 2007/08 budget, bearing in mind the financial issues that had been considered earlier in the meeting. The Portfolio Holder agreed to accept the proposed additional recommendation to review the arrangements and submit a further report to the Cabinet, as this would enable the Council to ascertain whether the measures were having the desired effect. The Portfolio Holder reiterated that it would be simpler, easier to enforce and more cost effective if the free parking was to apply all-day and not be time limited.

RESOLVED:

(1) That car parking charges in the Council's short stay car parks be retained and free car parking on Saturdays be provided in the following Council-owned long-stay and combined car parks:

- (a) Traps Hill, Loughton;
- (b) Smarts Lane, Loughton;
- (c) Queens Road (lower), Buckhurst Hill;
- (d) Cornmill, Waltham Abbey;
- (e) Darby Drive, Waltham Abbey;
- (f) Quaker Lane, Waltham Abbey;
- (g) Bakers Lane, Epping; and
- (h) The Pleasance, Ongar;

(2) That all necessary changes to the existing traffic regulation orders be made;

(3) That the consequences of approximately £75,150 lost CSB revenue per annum be noted;

(4) That, to be funded from LABGI monies, a one-off DDF cost in the sum of £10,000 for signage and traffic regulation orders be noted; and

(5) That the free car parking arrangements on Saturdays be kept under operational review and further reports submitted to the Cabinet for consideration.

Reasons for Decision:

The proposed regime would provide in excess of 800 free parking places in the town centres, which should facilitate local shopping and support the town centre economies. It would also limit the loss of revenue to the Council, although no estimate had been made of the possible effect of reduced use of the Council's short stay car parks and on-street pay and display bays where the standard tariffs would remain in place.

Other Options Considered and Rejected:

To not provide any free car parking, but this would contravene one of the Administration's key pledges.

To provide free Saturday car parking in all of the Council's car parks, but the loss of revenue for the Council would be approximately three times greater than the proposed regime.

86. POTENTIAL DEVELOPMENT FOR AFFORDABLE HOUSING - PIKE WAY, NORTH WEALD

The Housing Portfolio Holder presented a report concerning a potential development for affordable housing at Pike Way in North Weald. The Housing Portfolio Holder

reported that the Head of Housing Services had been exploring possibilities to secure more affordable housing within the District utilising the limited land available. The Council owned 0.17Ha of land adjacent to 2 Pike Way, North Weald held under Housing Act powers, which currently provided an amenity area to the entrance of Pike Way. Discussions held with the then Head of Planning Services in 2000 had affirmed that planning permission for the development of the Council's land alone would be unlikely due to the potential overlooking of 2 Pike Way. Consequently, discussions had recently been held between the Head of Housing Services, Home Housing Association and the owners of 2 Pike Way on the possibility of developing an affordable housing scheme on a combined site comprising the Council's land and 2 Pike Way, which was currently a detached house.

The Portfolio Holder stated that a feasibility exercise had established that Home Housing Association could purchase 2 Pike Way at market value and redevelop the combined site to provide approximately 24 (100%) affordable flats, subject to planning permission and the Council providing the land free of charge to Home in return for nomination rights. Home had also undertaken a financial analysis and established that if the development was in receipt of a Housing Corporation Grant of approximately £580,000 then 11 rented homes and 13 shared ownership or low cost home ownership homes could be provided. If no Housing Corporation grant was forthcoming then the development would compromise 24 shared ownership homes.

The Portfolio Holder stated that he had been carefully considered the proposal, and the potential benefit of increasing the amount of affordable housing within the District had been balanced against the environmental impact of the proposal. The Portfolio Holder had concluded that the development of the Council's land at this location would be inappropriate, as it would remove an attractive grassed amenity area at the entrance to Pike Way and Park Close. Consequently, it was recommended that the development not be pursued any further. The Portfolio Holder added that following publication of the agenda, forty-three letters from local residents had been received objecting to any development at this location. The Parish Council had applied for the area to be granted Village Green status, the outcome of which was not yet known, and the Portfolio Holder agreed to consider further options for the future use of the land in due course.

RESOLVED:

- (1) That the Council-owned land adjacent to 2 Pike Way, North Weald, held under Housing Act powers, not be developed in conjunction with 2 Pike Way to provide 100% affordable housing; and
- (2) That other options for the future use of the land be considered by the Housing Portfolio Holder, including the possible transfer of the land to North Weald Bassett Parish Council as an amenity area.

Reasons for Decision:

The development of the Council's land at this location would be inappropriate, as it would remove an attractive grassed amenity area at the entrance to Pike Way and Park Close.

Other Options Considered and Rejected:

To pursue the development potential of 24 flats on the land, with the amount of affordable homes provided determined by the amount of Housing Corporation Grant received.

To pursue a less dense development, however in order for it to be viable the amount of affordable housing would be significantly less than if 24 flats were provided.

To sell the land on the open market, however this could lead to no affordable housing being provided as part of the development.

87. ACCEPTANCE OF TENDER - COMMUNAL COLD-WATER STORAGE TANK REPLACEMENT PROGRAMME 2006/07

The Housing Portfolio Holder presented a report regarding the acceptance of tenders for the Communal Cold-Water Storage Tank Replacement Programme 2006-07. The Portfolio Holder reported that the existing communal cold-water storage tanks to 17 Council-owned blocks of flats were in a poor condition. A water tank condition survey had identified the tanks as being in need of replacement.

Five tenders were sought from contractors listed on Constructionline, who were able to carry out this type of work. The lowest tender submitted was from Homesales Construction Ltd in the sum of £101,088, however the tender was above the existing budget within the Capital Programme of £73,000. Due to the scope of works for these blocks, the tanks were much larger than in previous contracts and the existing tanks that were to be removed contained asbestos. In order to meet the shortfall it was recommended that £28,000 be made available from the £311,000 savings reported to the Cabinet at its meeting in September, arising from the Wickfields Stock Transfer.

RESOLVED:

(1) That, being the lowest tender received, Homesales Construction Ltd be awarded the Communal Cold-Water Storage Tank Replacement Contract for 2006/07, at various addresses in Loughton and Woodford Bridge in the sum of £101,088; and

(2) That, in order to fund the shortfall in the existing Capital Programme, £28,000 be made available from the £311,000 savings reported to the Cabinet at its meeting in September resulting from the Wickfields stock transfer.

Reasons for Decision:

The existing cold-water storage tanks to various Council properties had been identified as in need of immediate replacement due to their age and condition.

Other Options Considered and Rejected:

Not to undertake the works. However this would have resulted in further deterioration of the cold-water storage tanks, which could have led to their eventual failure and possibly cause significant flooding and damage to the flats within the blocks.

88. SPRINGFIELDS IMPROVEMENT SCHEME - REPURCHASE OF LEASEHOLD FLAT

The Housing Portfolio Holder presented a report regarding the repurchase of a leasehold flat at 36 Springfields, Waltham Abbey in order to facilitate the Springfields Improvement Scheme. The Cabinet were reminded that it had been previously agreed to repurchase the leasehold flats at Springfields, Waltham Abbey to progress

the improvement scheme planned for the area, as negotiations to vary the leases to account for any changes that might occur as a result of the works would be time consuming. Initially, seven of the nine leaseholders had agreed for their flats to be repurchased by the Council at a cost of £596,000, however a further leaseholder had now expressed an interest in the Council repurchasing his leasehold property. This would mean that eight of the nine leaseholders would have sold their properties back to the Council, with the remaining leaseholder willing to contribute their share of the cost of the works as determined by the lease.

The Portfolio Holder reported that since the publication of the agenda, the Valuation Office had confirmed the value of the leasehold as £90,000, thus the Portfolio Holder requested that Recommendation (2) be amended accordingly, with the monies to be made available from the savings that had resulted from the Wickfields stock transfer to complement the £596,000 previously agreed. The Head of Housing Services clarified for the Cabinet that of the £310,000 savings generated by the Wickfields stock transfer, £162,000 had been spent, which left £148,000 still available.

RESOLVED:

- (1) That, in order to facilitate the Springfields Improvement Scheme, a further leasehold flat at 36 Springfields, Waltham Abbey be repurchased; and
- (2) That, in order to fund the repurchase, a further £90,000 be made available from the £310,000 savings reported to the Cabinet at its meeting in September from the Wickfields stock transfer within the HRA Capital Programme.

Reasons for Decision:

Repurchasing the leases removed the risk of the leaseholders not agreeing to the works proposed for Springfields, as the leaseholders were under no obligation to agree to a variation to their lease. In addition, it would be quicker to repurchase the properties than to negotiate over variations to leases, and the properties could then be subsequently let to persons on the housing waiting list.

Other Options Considered and Rejected:

To not repurchase the property, however this could lead to delays to the improvement scheme through negotiations with the leaseholder over a variation to the lease.

89. PROVISION OF SOCIAL HOUSING GRANT TO PROVIDE AFFORDABLE HOUSING - THE QUARTER, CHIPPING ONGAR

The Housing Portfolio Holder presented a report concerning the provision of Social Housing Grant to provide affordable housing at The Quarter in Chipping Ongar. The Portfolio Holder reminded the Cabinet that the Capital Programme for 2006/07 had included a budget of £500,000 for the provision of affordable housing within the District. In addition, there was a further £210,000 available in the Housing Capital Programme to fund Social Housing Grants; none of this funding had yet been allocated. At the development at The Quarter in Chipping Ongar, the Council in partnership with London & Quadrant Housing Trust had negotiated the provision of 30% affordable housing (24 properties) through a Section 106 agreement. It had been intended that London and Quadrant would let the properties to applicants on the Council's Housing Register at market rents until funding had been provided by the Housing Corporation to convert the rents to affordable levels. However, the bid

for Social Housing Grant was unsuccessful, as the Housing Corporation's Eastern Region had changed its funding criteria after the closing date for bids had expired. It would now only consider schemes with a "Very Good" rating under its Eco-homes standard for funding, not schemes that only had a "Good" rating such as The Quarter. As the scheme had already been built, it was not possible to meet the new criteria and the tenants would continue to pay market rents.

The Portfolio Holder reported that normally a scheme of this nature would require £1.83million of Social Housing Grant to convert the rents from market rates to affordable levels. However, following discussions, London & Quadrant had offered to provide £827,000 from its reserves if the Council could provide the remaining £1million. There was currently only £710,000 of funding available but this would enable the thirteen two-bedroom flats and five four-bedroom houses to be converted to affordable rents, and the remaining six three-bedroom houses could be converted when an additional £290,000 had either been included within the Capital Programme or had been received from developers in the future through further Section 106 agreements. London & Quadrant would also be obligated to repay a pro rata amount of the Social Housing Grant should any of the tenants exercise their Right-to-Acquire.

The Cabinet felt that this was the correct course of action in the circumstances, however this situation should not be allowed to recur in the future and that the relevant funding should be secured before work was begun on a development. The Head of Housing Services explained that the tenants of five of the twenty-four properties were not in receipt of full Housing Benefit, and the Cabinet felt that these properties should be given priority. The Cabinet commended the agreement to repay Social Housing Grant should any of the tenants exercise their right-to-acquire.

RESOLVED:

- (1) That Social Housing Grant (SHG) of £710,000 be provided to London & Quadrant (L&Q) Housing Trust, funded from the unallocated budget for SHG within the Housing Capital Programme, to enable the rents of 18 properties at The Quarter, Chipping Ongar, including if possible the five properties not in receipt of Housing Benefit, to be converted from market rents to affordable rents; and
- (2) That further SHG totalling £290,000 be provided to L&Q Housing Trust when additional provision for SHG is made available within the Housing Capital Programme in the future, in order to convert the rents of the remaining 6 properties from market rents to affordable rents.

Reasons for Decision:

The provision of Social Housing Grant would be a prudent use of the Council's unallocated funding and would enable all of the market rents for the properties to be converted to affordable rents in perpetuity.

Other Options Considered and Rejected:

To not provide any Social Housing Grant; this would result in the potential for affordable housing being lost and the Council would need to decide which alternative schemes the budget provision for social housing grants should be used for.

To allocate less Social Housing Grant; this would result in less rents being converted and some properties continuing at market rates. Not only would there be less

affordable housing, but it would also be inequitable for those Council nominees whose rent would continue at market rates.

90. CONSULTATION PLAN 2006/07

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Consultation Plan for 2006/07. The Portfolio Holder stated that during 2005, the Audit Commission undertook a User Focus assessment across Essex, looking at how effectively councils engaged with local communities. The results had identified a number of possible areas for improvement in relation to the Council's approach to public consultation, particularly its engagement with minority communities and other hard to reach groups. A New Public Consultation and Engagement Strategy had been adopted in April 2006, detailing how the Council would plan and execute future consultation exercises, and a revised Consultation Toolkit was also being produced in order to standardise approaches and methodologies wherever possible. The Portfolio Holder added that the Council had undertaken a considerable number of consultations with its residents during 2005/06 and that the Council would endeavour to widen its consultation exercises as the majority were housing based at the current time.

RESOLVED:

That the Consultation Plan for 2006/07, setting out those issues on which public consultation is planned to be undertaken during the remainder of 2006/07 and detailing those public consultation exercises completed during 2005/06, be noted.

Reasons for Decision:

To address the findings of the Audit Commission's User Focus assessment and to develop an overall corporate approach to public consultation and engagement, which promoted inclusivity amongst minority groups and communities that might not always be fully engaged or represented.

Other Options Considered and Rejected:

None. The Council was expected to take action to address the results of the Audit Commission's User Focus assessment. User Focus was an important element in the methodology for the second-round of Comprehensive Performance Assessments for upper-tier authorities and was also expected to figure significantly in the next round of second-tier assessments.

91. GAMBLING ACT 2005 - ADOPTION OF STATEMENT OF PRINCIPLES AND CONSEQUENTIAL CHANGES TO THE LICENSING SYSTEM

The Environmental Protection Portfolio Holder presented a report regarding the Statement of Principles under the Gambling Act 2005. The Gambling Act 2005 had modernised the legislation governing gambling through the creation of a single regulatory body, the Gambling Commission. This gave responsibility for licensing premises where gambling took place to local authorities, making them designated Licensing Authorities for the purposes of the Act. In respect of each 3 year period, starting in January 2007 each Licensing Authority had to publish a "Statement of Principles" before the beginning of each period. There were likely to be resource implications for Environmental Services due to the increase in the number of licenses administered, and there could be implications for Research and Democratic Services

as well as Legal and Administrative Services if a significant number of applications received representations.

The Statement of Principles had to describe how the Licensing Authority would promote the licensing objectives set out in the act, which were:

- (a) the prevention of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (b) ensure that gambling was conducted in a fair and open way; and
- (c) the protection of children and other vulnerable persons from being harmed or exploited by gambling.

Conditions and restrictions of the Gambling Act 2005 could only be applied where they were relevant to meeting the licensing objectives, all other restrictions would be illegal and challengeable in the courts. Furthermore, objections (“representatives”) were restricted to what the Act defined as “responsible authorities” or “interested parties.” If no representations were received, or they were not associated with one or more of the licensing objectives, then an application would have to be approved.

The Act also stated that all matters related to the discharge by a Licensing Authority of its licensing functions were to be delegated to its Licensing Committee and that the Committee had to discharge those functions on behalf of the authority. This placed the Licensing Committee in the same position that it held relative to the Licensing Act 2003. It was therefore recommended that the functions set out in the Statement of Principles be delegated to the Licensing Committee. The Portfolio Holder thanked the Sub-Committees for their recent hard work.

RESOLVED:

- (1) That the Statement of Principles made under the Gambling Act 2005 be recommended to the Council for adoption; and
- (2) That the functions outlined in the Statement of Principles be delegated to the Licensing Committee.

Reasons for Decision:

To comply with the requirements of the Gambling Act 2005 and to ensure that the functions undertaken by the Council are constitutionally and legally correct.

Other Options Considered and Rejected:

There was no option other than to adopt a Statement of Principles under the Act. There was the option not to delegate these licensing functions to the existing Licensing Committee, however this would fragment licensing policy making between different decision making bodies, and this option has therefore been rejected.

92. INDUSTRIAL DEVELOPMENT LAND SALE - MERLIN WAY, NORTH WEALD

The Leader of the Council presented a report concerning an industrial development land sale at Merlin Way in North Weald. The Leader informed the Cabinet that the last remaining plot on the industrial estate had been prepared for sale. This plot, that adjoined Hanger 3, comprised an area of approximately 0.88 acres and had been zoned in the Local Plan for employment generating development rather than residential use. Planning Services had advised that planning permission could be recommended for Class B1 (offices/light industrial) or Class B8 (storage/distribution)

but that class B2 (general industry) was not considered appropriate. Planning restrictions similar in nature to the nearby Booker warehouse would most likely be applied to this plot as well. It was considered prudent to undertake an environmental assessment and ground conditions survey prior to offering the plot for sale, to be funded from the General Capital Contingency initially but ultimately offset against the capital receipt that would arise from the sale. A further report would be submitted to the Cabinet following the completion of the marketing exercise.

RESOLVED:

- (1) That a planning application be submitted for Class B1 (offices/light industrial) and Class B8 (warehouse/distribution) uses on land adjoining Hangar 3, Merlin Way, North Weald;
- (2) That, upon the grant of the above planning permission and completion of the appropriate surveys and property information pack, the site be offered for sale on the open market by the invitation of best offers for the freehold interest;
- (3) That an allocation of £20,000 be made from the General Capital Contingency to initially fund an environmental assessment, ground conditions investigations, planning consultancy and other necessary site reports, such that if the site is ultimately disposed of all costs incurred in this process be off-set against the capital receipt arising; and
- (4) That, upon completion of the marketing exercise, a further report be submitted to the Cabinet regarding the developers' offers and schemes.

Reasons for Decision:

The proposed sale, in accordance with good practice guidelines and the Council's Asset Management Plan land sale programme, would develop vacant land declared surplus to requirements and raise a valuable capital receipt.

Other Options Considered and Rejected:

To retain the site pending later disposal or allocation for an alternative use or development.

93. DEVELOPMENT PROPOSALS - LANGSTON ROAD INDUSTRIAL ESTATE, LOUGHTON

The Leader of the Council presented a report regarding development proposals for the Langston Road Industrial Estate in Loughton. The Leader of the Council reminded the Cabinet that the T11 development site comprised an area of approximately 2.6 acres. The Council had let 1.5 acres of the site to Galliard Homes as an employee car park until March 2007 for a rental income of £26,000 per annum. The County Council's development land comprised an area of 4.5 acres situated next to the T11 site behind the Prospect Business Park and the Seedbed Centre. However, vehicular access for the site was only obtainable via the T11 site or adjoining land on the other side within the Britannia Sports Ground. The site had been identified within the Local Plan as suitable for business or general industrial purposes, whilst the County Council felt that part of their site could be used for a new Waste Transfer Station, Civic Amenity Point and Materials Recycling Facility.

The Leader of the Council recognised that the T11 site could be developed on its own as a high quality office or light industrial scheme. However, Essex County Council had requested that the two councils undertake a joint sale in order to achieve a comprehensive development in the area. Preliminary negotiations with the County Council had produced a provisional agreement whereby the District Council would grant a vehicular access route through the T11 site to the County Council's land. The County Council would then reimburse the District Council for: the costs involved in establishing the vehicular access route; the market value of that part of the T11 site that provided the vehicular access route; a negotiated proportion of the market value of the County Council's land; and an overage clause in respect of the development of the County Council's land. The County Council would also reserve sufficient land for a possible Waste Transfer Station within its site.

The Leader of the Council stated that there was potential for the T11 site to be used for retail warehouse development (Class A1), however such a planning application would be contrary to the Local Plan and Government advice. The Council had been advised that such an application would cost approximately £250,000 to pursue through the appeal process. In February 2006, the Finance, Performance Management and Corporate Support Services Portfolio Holder had previously directed that the sale of the T11 site should include a restrictive covenant prohibiting the use of the site as a vehicle showroom or a retail warehouse, in order to maximise the employment generation of any development.

The Leader of the Council added that a further meeting had taken place with Essex County Council two weeks previously but no formal response had yet been received regarding the proposals. It was felt that if the County Council had not responded by Christmas then the Council should market the T11 site individually. The Cabinet were informed that there were traffic issues with the junction that led to the site and parking issues as Galliard Homes were currently using the site as a car park. The Leader of The Council responded that Galliard Homes were currently negotiating with the Bank of England over alternate arrangements for their car parking requirements. The Finance, Performance Management and Corporate Support Services Portfolio Holder stated that funding had been secured for a filter lane to be built at the junction of the main entrance to the site, however the work had not yet commenced and there was a subsequent risk that this funding could be withdrawn.

RESOLVED:

- (1) That the Head of Legal, Administration and Estates in consultation with the Leader of the Council be authorised to agree the principal terms of an agreement with Essex County Council for vehicular access rights through the T11 Development Site, Langston Road, Loughton;
- (2) That, conditional upon satisfactory agreement with Essex County Council in respect of vehicular access rights, the T11 Site and Essex County Council's adjoining land be jointly marketed by both Councils;
- (3) That the District Council's Langston Road Depot be retained for operational purposes for the time being and not included in any possible sale;
- (4) That, in the event of terms not being agreed with Essex County Council for the vehicular access rights through the T11 Development Site, the Head of Legal, Administration and Estates in consultation with the Leader of the Council be authorised to offer the T11 development site alone for sale on the open market by the invitation of best offers for the freehold interest; and

- (5) That, upon completion of the marketing exercise, a further report be presented to the Cabinet on the developers' offers and schemes.

Reasons for Decision:

The joint marketing of the T11 Development site and the adjoining land owned by Essex County Council would enable the two Councils to promote a major development scheme providing large-scale employment opportunities and significant capital receipts. The recent development of the Langston Road Industrial Estate as a business centre, coupled with the demand for development sites in the area, indicated that an opportunity had presented itself to develop these sites.

Other Options Considered and Rejected:

To retain the sites for future development, but this was no longer considered appropriate.

To submit a planning application for a retail warehouse development, which would produce the highest land value, but current planning policy was opposed to such a development in this location.

94. RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS AND ICT

The Portfolio Holder for Customer Services, Media, Communications and ICT, presented a report regarding the re-use of public sector information regulations. The report outlined a draft policy for the re-use of public sector information held by the Council in which the Authority held the copyright. The policy was not obligatory, however the Council needed to determine how it would respond to any request, which would be difficult without a policy. It was proposed that arrangements to allow the re-use of public sector information would be established by the policy, which had reflected the requirements of the regulations. These regulations, through the charging regime, allowed opportunities for income generation, and the regulations had envisaged that persons who received the information would make a conscious decision to apply to the Council for permission to re-use it. It was proposed that the task of setting the various scales be delegated to the Head of Research and Democratic Services. The Constitutional Affairs Standing Scrutiny Panel and the Overview and Scrutiny Committee had endorsed the report.

RESOLVED:

- (1) That requests for public sector information in which the Council held the copyright be considered and made available for re-use in accordance with the adopted policy;
- (2) That the draft policy based on a case by case review of requests be approved with a view to implementation on 1 January 2007; and
- (3) That the Head of Research and Democratic Services be authorised to include appropriate scales of fees and charges in the policy.

Reasons for Decisions:

The re-use of public sector information regulations allowed local authorities to license the re-use of information that they held and which could infringe copyright. The Council had no policy in place and in order to be able to respond to applications for re-use of licenses, this had to be put in place.

Other Options Considered and Rejected:

To have no policy but this would not give clear advice to potential applicants.

95. EXCLUSION OF PUBLIC AND PRESS**RESOLVED:**

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
20	Leisure Management Contract - Epping Sports Centre	3

96. LEISURE MANAGEMENT CONTRACT - EPPING SPORTS CENTRE

The Leisure and Young People Portfolio Holder presented a report concerning the Leisure Management Contract for Epping Sports Centre. The Portfolio Holder reminded the Cabinet that Epping Sports Centre was initially let for a period of three years as the Council had been considering an opportunity to relocate Epping Sports Centre on to the site of St John's School. Whilst the Cabinet at the time had acknowledged the difficulties and constraints being experienced at the Sports Centre, it was decided not to proceed with the relocation due to green belt issues and uncertainty over the proposals of the East of England Plan for additional growth in the District. The current contract in respect of Epping Sports Centre would expire on 3 January 2009. It was proposed to extend the contract for Epping Sports Centre with Sports and Leisure Management limited (SLM) by four years in order to synchronise the contract with the contracts for the Council's other Sports Centres.

The Portfolio Holder stated that the Council could only extend the contract on the same terms and conditions as the other Sports Centres, otherwise the Council would be vulnerable to a legal challenge. The Council would be required to give notice of the contract extension in the European Union Journal, and the Cabinet would also need to agree to set aside Contract Standing Orders regarding the submission of tenders. It was expected that SLM would be keen to extend the contract for Epping Sports Centre, however the Council reserved the option to invite tenders for the contract if it was felt that SLM's proposals did not represent sufficient value for money. The Head of Leisure Services advised the Cabinet that customer feedback had indicated very high satisfaction levels with SLM's management of the Sports Centres, and direct debit membership had also increased.

RESOLVED:

That with respect to the future management of Epping Sports Centre after the termination date of the current contract on 3 January 2009:

- (a) the Council's Leisure Management Contractor, SLM be invited to submit proposals in line with the current Specification and Contract Conditions with respect to an extended contract period up to 3 January 2013 with an optional further period to January 2016, to be based on performance;

(b) Contract Standing Orders regarding the submission of tenders be set aside in order to consider a contract extension which can only be offered to SLM on the same general terms and conditions without open competition; and

(c) a further report be submitted to the Cabinet on the outcome of SLM's proposals prior to acceptance, reserving the option to seek bids from the open market if it is deemed that insufficient Value for Money had been achieved.

Reasons for Decision:

There had been a successful start to the contract with SLM and it was expected that SLM would be keen to extend the contract as investment had been made in terms of both equipment and staff training. Customer satisfaction levels were high and membership was increasing. Customers would also benefit from the consistency of approach across all the Sports Centres within the District. The contract for Epping Sports Centre would now be synchronised with the contract for the Council's other Sports Centres such that they would all now expire at the same time.

Other Options Considered and Rejected:

To take back the management of Epping Sports Centre in-house, but this would contravene one of the Council's key objectives for Transfer of Risk, and would also place the Council in direct competition with its current Leisure Management Contractor, which could lead to difficulties in partnership working.

To re-tender the management of Epping Sports Centre, possibly in a package to include Waltham Abbey Sports Centre. However, the dual use agreement for Waltham Abbey Sports Centre would expire fifteen months before the expiry of the current contract for Epping Sports Centre, and this approach would be unlikely to find favour with the Governing Body of King Harold School. There was unlikely to be much commercial interest in a single facility if the Waltham Abbey Sports Centre was not included in the package. The time and resources involved in a re-tender would be difficult to justify so soon after the original contract had been let.

CHAIRMAN