

## **EPHING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 16 July 2007

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.05 - 10.10 pm

**Members Present:** Mrs D Collins (Chairman), C Whitbread (Vice-Chairman), M Cohen, A Green, Mrs A Grigg, Mrs M Sartin, D Stallan and Ms S Stavrou

**Other Councillors:** K Angold-Stephens, R Church, P House, D Jacobs, A Lee, P McMillan, R Morgan, S Murray, B Rolfe, Mrs J H Whitehouse, J M Whitehouse and J Wyatt

**Apologies:** None.

**Officers Present:** P Haywood (Joint Chief Executive), D Macnab (Head of Leisure), J Gilbert (Head of Environmental Services), C O'Boyle (Head of Legal, Administration and Estates), R Palmer (Head of Finance), I Willett (Head of Research and Democratic Services), B Land (Assistant Head of Planning and Economic Development), P Pledger (Assistant Head of Housing Services (Property and Resources)), S G Hill (Senior Democratic Services Officer), M Shorten (Principal Valuer/Surveyor), C Overend (Policy & Research Officer), S Tautz (Performance Improvement Manager), Ian White (Senior Planning Officer), P Blamey (Parking Manager), J Boreham (Assistant Public Relations and Information Officer), S Mitchell (PR & Internet Assistant), G J Woodhall (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

**Also in attendance** D Butler (EF College) and D Latham (Nattrass Giles)

---

### **23. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following items of the agenda. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting and the voting thereon:

- C/032/2007-08 Springfields Improvement Scheme – Tender
- C/035/2007-08 Development Land Sale – T11 Industrial Estate, Loughton

(b) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in the following item of the agenda by virtue of being a resident of High Beach and being acquainted with the officers of Waltham Abbey Youth 2000. The Councillor determined that her interest was prejudicial and she would leave the meeting for the duration of the item and the voting thereon:

- C/028/2007-08 Grant Aid 2007/08 – High Beech Village Hall Management Committee and Waltham Abbey Youth 2000

**24. MINUTES****RESOLVED:**

That the minutes of the meeting held on 11 June 2007 be taken as read and signed by the Chairman as a correct record.

**25. ANY OTHER BUSINESS**

The Chairman informed the Cabinet that an additional item of business (C/036/2007-08) Epping Forest College Site – Development of Affordable Housing had been received but would be taken in Part II when the public and press had been excluded from the meeting.

**26. REPORTS OF PORTFOLIO HOLDERS**

The Housing Portfolio Holder reported to the Cabinet that an anonymous report had been published in the Ongar Gazette on 4 July 2007 regarding the conditions in Norway House. The article had claimed that Norway House residents suffered from poor living accommodation. The Portfolio Holder confirmed that these allegations were untrue and added that an independent audit visit in April 2007 had confirmed the high standard of accommodation and service provision at Norway House. The dedicated staff at Norway House, as well as a number of the residents, had been upset at the article and the Portfolio Holder had requested Public relations to organise a press visit.

**27. OVERVIEW AND SCRUTINY**

The Chairman of the Overview and Scrutiny Committee reported that the Constitutional Affairs Panel of the Overview and Scrutiny Committee would discuss the Local Government and Public Involvement in Health Act when it came into force in the autumn. The Cabinet would receive reports from the Committee and members of the Cabinet were invited to attend their meetings. He stated that the Committee was of the opinion that all aspects of the Act should be dealt with by the Constitutional Affairs Panel, including executive matters, which were to be considered later in the meeting. The Committee felt that many of the issues were interlinked and would benefit from consideration by a single panel.

The Chairman of the Overview and Scrutiny Committee informed the Cabinet that the webcasting pilot was discussed at their meeting on 10 July 2007. A further meeting of the Committee would take place on 2 August 2007 where the pilot would be discussed further.

**28. RELEASE OF RESTRICTIVE COVENANT - LOUGHTON HALL, EPPING FOREST COLLEGE**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the release of a restrictive covenant at Loughton Hall, which was currently owned by Epping Forest College in Loughton. The Portfolio Holder reminded the Cabinet that in 1952 a covenant had been placed on the site, limiting its use to educational and health purposes only. In addition, it was also believed that a right of pre-emption existed whereby any disposal of part of the college site should first be offered to the Council at the current market value. Chartered Surveyors Montagu Evans had advised the Council back in 1998 that if it refused to release the covenant then the matter could be referred to the Lands Tribunal, who would most likely agree to the release.

The Portfolio Holder reported that Epping Forest College had been granted planning permission to redevelop the campus, but that this had been linked to the refurbishment of Loughton Hall. Loughton Hall was a Grade II listed building but had been allowed to fall into a state of disrepair. The Hall had been offered for sale on the open market and a bid had been received to use the Hall as a residential care home; a planning application for such a change of use had been received and approved. As a result, the College had approached the Council to amend the covenant in order to permit the proposed residential care home use, subject to a restriction against use for residential dwellings. The Cabinet had considered this matter at its previous meeting, but had expressed a preference for a community or educational based use of the premises. As a result, the matter had been deferred until this meeting for further marketing.

The Principal Valuer and Estates Surveyor reported that the marketing exercise had generated five offers for Loughton Hall: two for residential care homes; three for educational uses. The College's property consultants, Natrass Giles, were preparing a report regarding the five offers received. The Cabinet were advised by representatives of the College that the educational use currently permissible did not extend to private educational establishments, hence the covenant would have to be released regardless of which bid was accepted. The Cabinet, whilst supportive of the College's efforts, felt that the Council needed to know which bid had been accepted by the College before amending the covenants. Hence, it was felt that this issue should be deferred again, pending the outcome of the marketing exercise and a decision by the College over which bid to accept.

**Decision:**

That the release of the Restrictive Covenant at Loughton Hall, Epping Forest College be deferred until a later meeting of the Cabinet, pending the outcome of the marketing exercise.

**Reasons for Decision:**

The Cabinet felt that the covenant could not be lifted until the College had decided which of the five offers it had received, as a result of the marketing exercise, would be accepted.

**Other Options Considered and Rejected:**

To release the restrictive covenant at Loughton Hall as requested by the College, although it was likely that the covenant would be lifted by any appeal to the Lands Tribunal, which would not necessarily impose a further condition that the site not be used for residential dwellings.

**29. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 18 JUNE 2007**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented the minutes from the meeting of the Finance and Performance Management Cabinet Committee held on 18 June 2007. The items that had been considered included: the Provisional Revenue Outturn for 2006/07; the Provisional Capital Outturn for 2006/07; Risk Management; and the Local Area Agreement for Essex.

**Decisions:**

**(a) Provisional Revenue Outturn**

- (1) That the 2006/07 Revenue outturns for the General Fund and Housing Revenue Account be noted; and
- (2) That the carry forward of £873,000 of District Development Fund expenditure from 2006/07 to 2007/08 be approved;

**(b) Provisional Capital Outturn**

- (3) That the Capital outturn for 2006/07 be noted;
- (4) That the under and overspends for the Capital Programme in 2006/07 be retrospectively approved;
- (5) That the carry forward of unspent estimates into 2007/08 for delayed Capital schemes be approved;
- (6) That the bringing forward of estimates into 2006/07 for Capital schemes which progressed more rapidly than anticipated be approved; and
- (7) That the previous approvals to use the unapplied balance of transitional capital receipts for financing contributions to affordable housing schemes be noted;

**(c) Risk Management**

- (8) That the updated Corporate Risk Register be adopted; and

**(d) Local Area Agreement for Essex**

- (9) That the current position with regard to the Essex Local Area Agreement and the Performance Reward Grant received to date be noted; and
- (10) That, given the likely requirements of the new Comprehensive Area Assessment and the Government's stated long-term commitment to Local Area Agreements and financial advantages, the Overview and Scrutiny Committee be requested to consider how the Council can become more actively involved in the future.

**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.

**30. ANNUAL REPORT OF THE EXECUTIVE 2006/07**

The Leader of Council presented a report regarding the Annual Report of the Executive 2006/07. This report provided a summary of the issues discussed and decisions taken by the Cabinet during the year.

**Decision:**

That the Annual Report of the Executive for 2006/07 be endorsed.

**Reason for Decision:**

It was a requirement of the Constitution that the Executive provided an annual report of its activities for each municipal year.

**Other Options Considered and Rejected:**

To have not provided an Annual Report of the Executive.

**31. CHARGING FOR PRE-APPLICATION DISCUSSIONS**

The Planning and Economic Development Portfolio Holder presented a report concerning a draft scheme whereby the Council would charge developers for any pre-application advice and discussions that took place. The Cabinet were informed that the Local Government Act 2003 permitted Councils to charge customers for holding discussions prior to the submission of planning applications. The Council had always encouraged pre-application discussions, and a charging scheme would have the benefit of recouping some of the cost involved for officer time.

The Portfolio Holder stated that research had been carried out on other authorities in Essex, other authorities deemed to be similar to the Council by the Audit Commission, and adjacent London Borough Councils. It had been discovered that no authorities within Essex currently charged for such advice, within the group judged to be similar to the Council only Mid-Sussex and St Albans had such a charging scheme, whilst Redbridge and Havering were the only adjacent London borough Councils to have such a scheme. Within the authorities that did charge for such advice, there were also a variety of tariffs in use, from Redbridge that only charged £2,000 for large developments, to St Albans that had a sliding scale of charges ranging from £50 to £500 depending upon the size of the application.

The Portfolio Holder advised the Cabinet that during consultations, it had become apparent that charging for such advice in respect of smaller schemes would be resented and might lead to disinclination in seeking such advice. Hence, the draft scheme proposed a charge of £1,500 for major applications only, similar to the scheme currently in operation in Redbridge, using the Department of Communities and Local Government definition of a major planning application. The scheme also emphasised that payment for such advice would not guarantee planning permission to be granted for the scheme, and that a considerable amount of advice was already freely available on the Council's website.

The Portfolio Holder admitted that Planning Officers had reservations about such a scheme, both in principle and in the detailed arrangements. However, it was felt that such a scheme should be introduced for a one-year pilot from 1 October 2007, with a review and evaluation being undertaken before its continuance beyond October 2008. It was anticipated that the scheme would generate an income of approximately £37,000 per annum. The Cabinet felt that the scheme did not currently contain any reference to a timescale for the receipt of such advice, and that this should be added to the scheme.

**Decisions:**

- (1) That the approaches adopted by other local authorities in respect of charging for pre-application discussions between planning officers and developers be noted;
- (2) That a charge of £1,500 plus VAT be introduced for such discussions in relation to major planning applications from 1 October 2007;
- (3) That the draft scheme be agreed in principle, subject to the addition of a reference to a summary of the advice given being available within a pre-determined timescale;
- (4) That advance publicity for the scheme be given:
  - (a) to other Essex authorities;
  - (b) on the Council's website; and
  - (c) in the Planning Services Reception; and
- (5) That the scheme be monitored and reviewed before the end of its first year of operation.

**Reasons for Decision:**

A scheme based upon major planning applications would be preferable as developers would be able to assimilate these costs more readily, and that it would not penalise householders unduly or dissuade them from seeking such advice. A one-year trial period would enable the Council to analyse whether the scheme had been worthwhile and not detrimental to the overall service provided to the local community.

**Other Options Considered and Rejected:**

To leave all pre-application advice as a service without specific charge, or to introduce a wider ranging scheme of pre-application charges for all prospective applicants.

**32. CONTAMINATED LAND CONSULTANCY BUDGET**

The Planning and Economic Development Portfolio Holder presented a report on the Contaminated Land Consultancy Budget. Under environmental protection legislation the Council had identified over 5,000 sites within the District that may have had some level of potential contamination. The Council had an obligation under the Environmental Protection Act 1990 Part 2A, to carry out an analysis of the risk associated with potential contamination and, once prioritised, seek remediation.

Government guidance had identified that much of the necessary work of remediation, would come forward under the planning process and must be dealt with when sites were re-developed. The costs of remediation fell on the landowner or developer, however there were significant costs incurred by the Council in assessing site investigations and remediation measures. It had been agreed at the November 2005 meeting of the Cabinet that the costs of such work would be passed to the developer via legal agreements rather than being met from the public purse. However,

experience had shown that such agreements were almost impossible to achieve. The costs of consultancy had been running at £40,000 per annum, thus a CSB budget of that scale was requested.

The Local Government Act 2003 allowed local authorities to charge customers for holding discussions prior to the submission of planning applications. The proposed charge was to be £1,500 plus VAT for major schemes and was being introduced from October 2007. The income from the scheme would be used to offset the £40,000 Continuous Services Budget for contaminated land consultancy.

In the event that the additional spending exceeded the additional income, the contaminated land consultancy budget was to be funded from other savings within the Planning Services budget so there is no overall increase in the Continuing Services Budget.

**Decisions:**

- (1) That the creation of a new Continuing Services Budget for Contaminated Land Consultancy in the sum of £40,000 be recommended to the Council for approval;
- (2) That this budget be funded by income from the introduction of a scheme of Charging for Pre-Application Discussions; and
- (3) That, should the additional spending exceed the additional income, the Contaminated Land Consultancy budget be funded from other savings to be identified within the Planning Services budget, such that there is no overall increase in the Continuing Services Budget.

**Reasons for Decision:**

To properly consider contaminated land issues and ensure that suitable remediation measures were undertaken.

**Other Options Considered and Rejected:**

To do nothing, however the Council was under a statutory legal obligation to deal with contaminated land issues. Any other long-term possible solutions would require Government action and in the short term there was little option but to create a budget to meet the cost.

**33. KEY PERFORMANCE INDICATORS - 2006/07 AND 2007/08**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Council's Key Performance Indicators for 2006/07 and 2007/08. The Cabinet were reminded that a range of Key Performance Indicators had been adopted for 2006/07, which had been considered crucial to the Council's core business and corporate priorities. The aim of Key Performance Indicators was to focus improvement actions upon key areas and to gain top quartile status for each indicator where appropriate. For 2006/07, the Cabinet had set a target for 50% of the Key Performance Indicators to achieve top quartile status by the end of the year. The outturn performance for 2006/07 was:

- (i) 52% of Key Performance Indicators achieved their performance target;

- (ii) 14% of Key Performance Indicators nearly achieved their performance target, being within 5%; and
- (iii) 34% of Key Performance Indicators failed to achieve their performance target.

The Portfolio Holder reported that local authorities had been encouraged not to set performance targets for indicator CEM1 (a) – (g), relating to the issue of Penalty Charge Notices for on-street and off-street car parking. Consequently, it was felt that this indicator should be deleted as a Key Performance Indicator for 2007/08. The Department of Communities and Local Government had also deleted a number of Best Value Performance Indicators for 2007/08, of which two had been Key Performance Indicators for the Council in 2006/07:

- (i) BVPI 164 – Access to Social Housing; and
- (ii) BVPI 183(a) – Length of Stay in Temporary Accommodation.

Thus, it was also felt that these two indicators should also be deleted from the Council's list of Key Performance Indicators for 2007/08, and that the remaining Key Performance Indicators should be re-adopted for 2007/08, without any further indicators being added.

The Portfolio Holder advised the Cabinet that the Audit Commission had previously reported the Council's current rate of performance improvement was slower than that of other comparable local councils. Thus, it had been recommended that a target be set for at least 75% of the Key Performance Indicators to achieve top quartile status where appropriate during 2007/08.

#### **Decisions:**

- (1) That the Council's performance in relation to Best Value Performance Indicators (BVPIs) and Local Performance Indicators (LPIs) for 2006/07 be noted;
- (2) That the Council's Key Performance Indicators (KPIs) for 2006/07 be readopted for 2007/08, with the exception of:
  - (a) BVPI 164 – Race Equality in Housing;
  - (b) BVPI 183a – Length of stay in Bed and Breakfast accommodation; and
  - (c) LPI CEM1 – Penalty Charge notices for Car Parking;
- (3) That no further BVPIs or LPIs be adopted as KPIs for 2007/08; and
- (4) That a target be set for at least 75% of the KPIs to achieve top quartile (or other appropriate target) performance for 2007/08.

#### **Reasons for Decision:**

To ensure that the Council monitored progress against its aim of achieving top quartile status for at least half of its Key Performance Indicators during 2006/07, and that proposals for corrective action were considered in respect of areas of current under-performance.



To determine the key indicators to be used to measure the Council's performance and achieve top quartile status where appropriate in 2007/08.

**Other Options Considered and Rejected:**

To set a target other than 75% of the Key Performance Indicators to achieve top quartile status where appropriate.

**34. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL**

The Leader of the Council presented a report regarding the Local Government and Public Involvement in Health Bill, which covered a wide range of governance issues affecting the Council. Some of these related to Overview and Scrutiny, others to the electoral cycle and electoral wards, together with proposals for the Council's ethical framework, the Standards Committee and new forms of executive governance. The issue of executive governance could be dealt with by the Cabinet, a Cabinet Committee, Portfolio Holder Advisory Group, or the Overview and Scrutiny Committee. The latter had been recommended, as it would ensure that all the issues were dealt with by a single member group.

The Bill provided for local authorities to choose one of three executive options. The first option was a directly-elected executive. Under this model, voters would choose between proposed executive teams to be elected for a term of four years. The Leader and Cabinet members need not be Councillors in the accepted sense. The second option was an elected Mayor and Cabinet. The third option was a variation on the present Leader and Cabinet model (chosen by the Council in 2000) where the bill proposed to give the Leader of a Council the attributes of a "strong leader", namely serving for four years with authority to make decisions such as the appointment of members to the Cabinet, defining portfolios and delegating powers to Portfolio Holders. Once the final provisions of the Act were known a further awareness session would be necessary for members.

**Decisions:**

(1) That, with the Local Government and Public Involvement in Health Act due to become law, the Overview and Scrutiny Committee be requested to conduct a review of executive governance in conjunction with other aspects of the Act which the Committee was already dealing with; and

(2) That a further awareness session for Members and Senior Officers on the provisions of the Act be authorised.

**Reasons for Decisions:**

Arrangements needed to be implemented in order to consider the implications of the Act when it became law.

**Other Options Considered and Rejected:**

To defer consideration of the matter until the Act had been finalised. To undertake the review of executive governance itself by the Cabinet.

**35. ASSET MANAGEMENT PLAN 2007-12**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Asset Management Plan for 2007-12. The

Portfolio Holder reported that the Asset Management Plan 2007-12 had resulted from analysis undertaken by the Institute of Public Finance Limited, as well as work undertaken by: the Asset Management Working Party; the Office Accommodation Working Group; the Depot Working Group; and the Use of Resources Working Group. A key element of the Plan was the importance of capital receipt income to support the Council's Capital Strategy and Programme, through the disposal of surplus land and building assets. Since the previous Asset Management Plan had been developed, there had been a number of developments with implications for the Council's property assets: new increased targets for affordable housing; opportunities for regeneration and development as part of the London 2012 Olympic Games; and the development of new performance measures to complement the Asset Management Plan.

The Portfolio Holder advised that an Accommodation Strategy for Council Staff was in development, which would cover a number of key aspects such as requirement, location, access and space. In addition, a five-year Planned Maintenance Programme of the Council's property assets had also been implemented with an approved budget. The Council currently had a total portfolio of land and properties valued at £72.55million, of which £38.8million was operational. Rental income during 2006/07 had risen 10% to £3.874million per annum. The Valuation and Estate Management Service currently employed 7.5 FTE staff, and the Portfolio Holder would monitor the progress of the Asset Management Plan during its five-year period. The adoption of the Asset Management Plan was not an executive function, and the Cabinet was requested to recommend the Plan for adoption by the Council accordingly.

The Principal Valuer added that the Council was formulating a strategy for the Langston Road Depot via the officer Depot Working Group, whilst in respect of the sustainability of the Council's assets, five national performance indicators were used with consideration being given to further Local Performance Indicators.

**Decision:**

That the Asset Management Plan 2007-12 be recommended to the Council for adoption.

**Reasons for Decision:**

Adoption of a comprehensive Asset Management Plan would enable the Council to secure the best possible return on its assets, both in terms of revenue and capital value, and in terms of the suitability and sustainability of its buildings, in order to meet its long-term strategic aims.

**Other Options Considered and Rejected:**

To amend the Asset Management Plan as produced by the Institute of Public Finance Limited and recommend a revised version to the Council for adoption.

**36. VARIATION OF CONTRACT - BLOCK 1 - 8, EDWARD COURT, WALTHAM ABBEY**

The Housing Portfolio Holder presented a report regarding the Variation of a Contract for Block 1-8 Edward Court, Waltham Abbey. Quotations were invited in accordance with Contract Standing Orders from seven appropriate contractors registered on Constructionline for the underpinning of 1-8 Edward Court, Waltham Abbey.

The quotation was based on 18 staged excavations, which varied in depth from a maximum of 3.0m to a minimum of 1.7m. However during the excavations, tree roots were still present, up to a depth of 3.7m.

It was agreed between the Council's Building Control Officers and Consultant Structural Engineer that the excavations needed to be increased to 4.1m (an additional excavation depth of 1.1m for 10 out of the 18 excavation stages with varying additional depths required on the remaining 8 stages). The extent of tree root encroachment was unforeseen and was not allowed for within the contingency set aside for the contract. The deeper foundations resulted in additional costs of £9,293 being incurred.

The original contract sum was £15,341.00, however the final account figure of £24,649.00 had exceeded the approved budget by £9,308.61. This equated to a 60.7% increase in the contract sum, and in accordance with cabinet Standing Orders, had to be reported to Cabinet.

**Decision:**

That, in accordance with Contract Standing Order C31 (3), the exceeding of the original contract sum by £9,301.61 (or 61%) for the underpinning works at 1-8 Edward Court, Waltham Abbey be noted.

**Reason for Decision:**

Pre-tender trial holes were undertaken to ascertain the extent of the underpinning necessary. However, the additional excavation depth was unforeseen. In order to maintain the future integrity of the block, it was essential to modify the design of the foundations so as to reflect the ground conditions.

**Other Options Considered and Rejected:**

No other option as the Constitution required the overspend to be reported to the Cabinet.

**37. JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY - LETTER OF SUPPORT**

The Environmental Protection Portfolio Holder presented a report regarding the Letter of Support for the Joint Municipal Waste Management Strategy. At the previous meeting, the Cabinet had agreed that the Environmental Portfolio Holder would sign the "Memorandum of Understanding" with the County Council, which established the basis behind partnership working to progress the agreed Joint Municipal Waste Management Strategy (JMWMS). The next step was for Council to approve the signing of a "Letter of Support" made by the Chairman of the West Essex Waste Management Joint Committee. The letter formed a crucial part of the County Council's application for PFI credit to fund the significant infrastructure, which would be needed to support the JMWMS.

In the letter the constituent members of the West Essex Joint Committee confirmed their support and commitment to meeting statutory targets for recycling and diversion and the "Reference Project." The "Reference Project" was the waste infrastructure project put forward to Government in support of the PFI bid. The County Council Portfolio Holder had recently written to District and Borough Leaders, Cabinet members and Chief Executives, providing a briefing note on the Reference Project. Members had also received a presentation on the revised JMWMS from the County

Portfolio Holder and County Waste Management Officers at the Council meeting on 28 June 2007.

**Decision:**

That, in support of the Joint Municipal Waste Management Strategy, the signature of the Letter of Support by the Chairman of the West Essex Waste Management Joint Committee be endorsed.

**Reasons for Decision:**

The "Letter of Support" was a key component of the JMWMS and was crucial to a successful bid to Government for PFI. Without PFI credits the costs of the infrastructure necessary to deliver the strategy were unlikely to be met. The Government would not provide PFI funding unless there was a clear commitment on behalf of the Districts and Boroughs and the County Council in delivering the jointly agreed waste management strategy.

**Other Options Considered and Rejected:**

To do nothing, however failure to divert biological municipal waste away from landfill would result in significant financial penalties.

**38. GRANT AID 2007/08 - HIGH BEACH VILLAGE HALL & WALTHAM ABBEY YOUTH 2000**

The Leader of Council presented a report regarding the applications by the High Beach Village Hall Management Committee and Waltham Abbey Youth 2000 for Grant Aid funding. Applications for grant aid funding were normally considered and determined by the Portfolio Holder for Community Wellbeing, but in this instance the Portfolio Holder, being a Waltham Abbey Town Councillor, an acquaintance of some of the officers working for the applicant groups and a resident of the locality, had referred the applications onto the Cabinet for determination. The Cabinet received a tabled schedule of revised figures showing a statement as of 13 July 2007 under the Grant Aid Scheme, which showed that a balance of £46,240 remained for the current municipal year 2007-08.

**Decisions:**

- (1) That funding from the Grant Aid Scheme for 2007-08 totalling £3,700 be awarded to High Beach Village Hall Management Committee; and
- (2) That, being the first year of a three-year agreement, £4,311 be agreed as payment for 2007-08 to Waltham Abbey Youth 2000.

**Reasons for Decision:**

The application from High Beach Village Hall Management Committee for funding was deemed appropriate under the terms of the Grant Aid Scheme because it contributed to targets within the BV plan for social inclusion, meeting the needs of all age groups residing in the locality and providing community and leisure provision.

The Cabinet approved an application from Waltham Abbey Youth 2000 for grant aid on 12 March 2007 in respect of a three year funding agreement for the years 2007/08, 2008/09 and 2009/10. The amount of £4,311 was recommended as appropriate for grant aid assistance in the first year of the agreement being last

year's funding plus inflation and similar to that awarded to other groups of this size and nature, under other long term agreements.

#### **Other Options Considered and Rejected:**

Options considered in terms of the grant aid application were for the approval, deferral or refusal of the application. There were no other options for consideration within the Community Wellbeing Portfolio as the only transfer of funds possible, was from the various Voluntary Sector Assistance Budgets.

### **39. ADDITIONAL PITCH PROVISION FOR GYPSIES AND TRAVELLERS**

The Planning and Economic Development Portfolio Holder presented a report about additional pitch provision for gypsies and travellers within the District. The Portfolio Holder reported that ODPM Circular 01/2006 – Planning for Gypsy and Traveller Sites - had come into force on 1 February 2006 which, in conjunction with the Housing Act 2004, had intended that the Council, as the local housing authority, would have to include gypsies and travellers in its accommodation assessments and indicate how their needs would be met as part of the Housing Strategy. Gypsy and Traveller Accommodation Assessments would inform the Regional Spatial Strategy, which would then allocate pitch numbers to each local planning authority. Encampments for gypsies and travellers were considered inappropriate development in the Green Belt, however the circular advocated the use of a rural exception site policy where there was a lack of affordable land to meet local gypsy and traveller needs. In addition, new land allocations to meet the housing requirements of the East of England Plan would be predominantly from Green Belt land, and that these would include provision for gypsies and travellers.

The Portfolio Holder advised the Cabinet that the Essex Planning Officers Association had commissioned a report by the Housing and Urban Studies Unit from the University of Salford on gypsy accommodation needs in Essex. It had concluded that an additional 59 pitches would be required in the county before 2016. The East of England Regional Assembly had also commissioned a review of the existing Gypsy and Traveller Accommodation Assessments in the East of England and the preparation of the Single Issue Review of the East of England Plan. Two options for gypsy and traveller provision had been presented; option one was for an additional 438 pitches within Essex, whilst option two was for 405 pitches to be provided. In both cases it was envisaged that the additional provision for the District would be 52 pitches. The Essex Planning Officers Association had commissioned independent consultants to determine why the two studies had come up with different results, and it was expected that the report would be included in the Essex authorities' response to the East of England Regional Assembly consultation.

The Portfolio Holder stated that a draft Local Development Scheme had been submitted to the Government Office for the East of England in October 2006. However, the response had been that the Council should prepare a Development Plan Document, as a matter of urgency, to address gypsy and traveller accommodation needs. Officers responded that the resources to prepare a separate Development Plan Document could not be justified due to the range of housing and employment issues arising from the East of England Plan and the increasing requirements of the Local Development Framework. In addition, a Gypsy and Traveller Development Plan Document was expected to lead to greater public unacceptability and challenge, with corresponding delays and consequently less certainty of provision. It was argued that a Core Strategy Policy on Gypsy and Traveller Provision would be the best approach to meet the medium and long-term needs in terms of effectiveness and resource efficiency. However, if this did not result

in sufficient provision being made then a more general Land Allocations Development Plan Document would be formulated to aid the process.

The Portfolio Holder added that if the appeal for the Holmesfield Nursery site in Nazeing was upheld, then the number of unauthorised sites within the District would be halved. If the appeal was dismissed then it had been suggested that the County Council's Gypsy and Traveller Services Manager be approached for assistance with other unauthorised sites in the District. Alternatively, the use of consultants could also be considered if Essex County Council were unable to provide any assistance.

#### **Decisions:**

(1) That, for the purposes of discussions with potential developers, the draft Core Strategy Policy on Gypsy and Traveller Provision be recommended to the Council for approval in order that provision be delivered along with any major developments resulting from the East of England Plan;

(2) That, should the combined effect of the draft Core Strategy Policy and developers' keenness to develop sites not result in sufficient planned provision, the Council's approach to planned Gypsy and Traveller provision be comprised of the Core Strategy Policy and a Land Allocations Development Plan Document as necessary;

(3) That the Government Office for the East of England be informed of the Council's opinion:

(a) That planned provision be better achieved via the Core Strategy Policy than by a Gypsy and Traveller Development Plan Document; and

(b) That a Gypsy and Traveller Development Plan Document would be expected to lead to greater public unacceptability and challenge, with corresponding delays and consequently less certainty of provision;

(4) That, given its lesser effectiveness, the Government Office for the East of England also be informed the extra resources required to produce a Gypsy and Traveller Development Plan Document could not be justified due to:

(a) the burgeoning requirements of the Local Development Framework; and

(b) the range of housing and employment issues arising from the East of England Plan;

(5) That, should the Holmesfield Nursery appeal be dismissed, further approaches be made to Essex County Council's Gypsy and Traveller Services Manager for assistance in formulating planning applications for other unauthorised sites within the District; and

(6) That should approaches to Essex County Council's Gypsy and Traveller Services Manager not yield a satisfactory answer, the use of consultants be considered.

#### **Reasons for Decision:**

The proposed Core Strategy Policy was a better approach to meeting the medium and long-term needs of gypsies and travellers than a Gypsy and Traveller Development Plan Document. The Core Strategy Policy would be more effective, resource efficient and operate in tandem with the intentions of landowners and developers. Due to the significance attached to unauthorised sites by the Government Office for the East of England, an approach to Essex County Council for assistance would be warranted if the Holmesfield Nursery Appeal was dismissed.

**Other Options Considered and Rejected:**

To produce a Gypsy and Traveller Development Plan Document either following a Government direction or through a revision to the local Development Scheme.

**40. EERA CONSULTATION ON PLANNING FOR GYPSY AND TRAVELLER ACCOMODATION IN THE EAST OF ENGLAND**

The Planning and Economic Development Portfolio Holder presented a report concerning the Council's formal responses to the East of England Regional Assembly's Consultation upon Gypsy and Traveller Accommodation in the East of England. The Portfolio Holder informed the Cabinet that the consultation consisted of a series of questions, 16 in total but actually listed as 11, for which responses had been requested by 31 July 2007. Officers from Forward Planning had considered each of these questions and offered a recommended formal response for the Cabinet's consideration and approval. Town and Parish Councils had also been encouraged to respond to the Consultation, and to send a copy of their response to the District Council.

The Portfolio Holder stated that the consultation had proposed two options for the distribution of future provision within the County; option one was for an additional 438 pitches, whilst option two was for an additional 405 pitches. In both cases an additional 52 pitches had been proposed for the District, in part due to the high number of unauthorised pitches within the District at the time of the Consultation's compilation. The Essex Planning Officers Association had also commissioned an independent report, which had concluded that an additional 59 pitches was required throughout the County. The Essex Planning Officers Association had further commissioned independent consultants to examine why the two studies had come up with differing results. The consultants were due to report before 31 July 2007, and it was felt the Portfolio Holder should be authorised to amend any of the Council's responses following the publication of their report.

**Decisions:**

- (1) That, in order to meet the deadline of 31 July 2007, the formal responses to the 16 questions contained within the consultation document be agreed; and
- (2) That, following the outcome of any research work completed by consultants on behalf of the Essex Planning Officers Association, the Planning and Economic Development Portfolio Holder be authorised to amend the responses to any of the questions contained within the consultation document.

**Reasons for Decision:**

The consultation had a deadline of 31 July for responses to be received. Consultants working on behalf of the Essex Planning Officers Association might yet challenge

some of the figures contained within the document, and this would be reported to the Planning and Economic Development Portfolio Holder in order to enable any amendments to the responses to be made.

**Other Options Considered and Rejected:**

To not respond to the East of England Regional Assembly consultation on planning for Gypsy and Traveller accommodation, however this option was rejected due to the sensitive nature of the topic.

**41. CLG CONSULTATION - DRAFT GUIDANCE ON THE DESIGN OF SITES FOR GYPSIES AND TRAVELLERS**

The Planning and Economic Development Portfolio Holder presented a report upon the Council's proposed responses to the Department of Communities and Local Government's consultation on the draft Guidance on the Design of Sites for Gypsies and Travellers. The Portfolio Holder commented that, given the pressure the Government was exerting to increase the provision of gypsy and traveller sites, the draft guidance had attempted to bring together the different considerations in the development of such sites. However, it was felt that the Guidance should contain illustrative layouts, diagrams and photographs, which highlighted the land take required for each individual pitch as well as sites of 12 to 15 pitches. It was also felt that the Guidance should address the issue of conflict with Green Belt policy. As gypsy and traveller sites were considered inappropriate development, the Guidance would need to advise on how the normal restrictions against permanent buildings could be satisfied, in order to protect the openness of the Green Belt.

The Cabinet were concerned that the standards being applied to such sites could give the impression that gypsies and travellers were being given preferential treatment. As such, it was felt the policies applied to gypsies and travellers should endeavour to achieve parity with the policies applicable to the settled community.

**Decisions:**

That, as part of the Department of Communities and Local Government's consultation on the draft Guidance on the Design of Sites for Gypsies and Travellers, the following responses be agreed:

- (a) The Guidance should contain explanatory and illustrative diagrams and photographs, highlighting the land take requirements of individual pitches as well as sites of 12 to 15 pitches; and
- (b) The Guidance should address in detail the potential conflict of site requirements, notably the number of permanent structures required and the need to:
  - (i) protect the openness of the Green Belt; and
  - (ii) seek to achieve parity with the policies as applied to the settled community.

**Reasons for Decision:**

The consultation had raised a number of issues of concern within the District, regarding the land requirements, Green Belt policy and the need to balance the policies applied to the settled community. The Cabinet felt these should be reported



back to the Department of Communities and Local Government before the response deadline of 22 August 2007.

#### **Other Options Considered and Rejected:**

To have reported the response to the consultation via the Members' Bulletin, however given the sensitivity surrounding gypsy and traveller sites, it was considered more appropriate to report the responses to the Cabinet.

#### **42. EXCLUSION OF PUBLIC AND PRESS**

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:

<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
22	Tender – Springfields Improvement Scheme	3
23	Appointment of Parking Enforcement Contractor	3
24	Appointment of Waste Management Service Provider	3
25	Development Land Sale – T11 Industrial Estate, Loughton	3
26	Epping Forest College Site – Development of Affordable Housing	3

#### **43. SPRINGFIELDS IMPROVEMENT SCHEME - TENDER**

The Housing Portfolio Holder presented a report regarding the Tender for the Springfields Improvement Scheme. In November 2004, the Cabinet agreed in principle to undertake a major improvement scheme at Springfields, Waltham Abbey, a budget for £4 million from the Housing Capital Programme.

Following a tendering exercise on June 18 2007, where five tenders were opened, it was found that Apollo London Ltd was the lowest tender submitted. Evaluation by the Consultant Quantity Surveyor, Stace, confirmed it was a fully compliant bid. The tenders were based on a 15 month contract period, however, each of the contractors were invited to offer an alternative contract sum based on either a shorter or longer contract period. Since the Design Team had not had the opportunity to explore these alternatives with the contractors, it was therefore recommended that, provided the revised contract programme and all health and safety measures were considered realistic and achievable, the Head of Housing be given delegated authority to agree a revised contract sum and contract period with the contractor.

Following the tender exercise, the lowest and second lowest tenders received, were invited to attend post-tender interviews on 29 June 2007 as part of the tender evaluation process. Based on the presentations by each of the contractors, and

subsequent questions and answers, the interview panel had recommended Apollo London Ltd.

**Decisions:**

- (1) That, being the lowest and most economically advantageous tender received, the Springfields Improvement Scheme Contract be awarded to Apollo London Limited, in the sum of £3,233,204;
- (2) That, based upon a shorter contract period as put forward by Apollo London Limited during the tender process, the Head of Housing Services be authorised to agree a reduced contract sum by up to £70,000, provided the revised contract programme and all health and safety measures were considered realistic and achievable; and
- (3) That, until the completion of the scheme, short reports on the progress of the scheme be given at each meeting of the Cabinet.

**Reasons for Decision:**

Tenders for the Springfields Improvement Scheme had been received in accordance with EU regulations and Contract Standing Orders. The tender evaluation exercise incorporated not only an evaluation of price, but also post tender interviews for the lowest two tenders, which included resident representatives on the interview panel.

**Other Options Considered and Rejected:**

To have accepted the second lowest tender to have re-tendered the works and selected an attentive contractor, or not to accept any of the tenders received and not undertake the improvement scheme at Springfields, Waltham Abbey.

**44. APPOINTMENT OF PARKING ENFORCEMENT CONTRACTOR**

The Civil Engineering and Maintenance Portfolio Holder presented a report concerning the appointment of a parking enforcement service provider. In October 2002, Vinci Park had been appointed to undertake enforcement of both on-street parking controls through an agency agreement with Essex County Council and the Council's own off-street car parks, for a period of five years with an option to extend the contract for a further year; the Council declined this option in 2006. To facilitate the procurement process, the Council had appointed Parking Associates as consultants and engaged the Essex Procurement Hub to assist with the contract documentation. Three tenders were opened on 25 May 2007 by the Portfolio Holder, and evaluated by Parking Associates and the Council's Parking Officers. Following the evaluation exercise, it had been recommended that Vinci Park be awarded the contract for a period of five years, with an option to extend the contract for a further two years, in the sum of £721,579 per annum. This sum included: the use of the Council's preferred ICT supplier – Spur; and the retention of the Burton Road facility as an operational base, plus the provision of a new parking shop.

The Portfolio Holder reported that this would exceed the agreed budget and result in continuing services budget growth of £19,455 for 2007-08 and £38,909 thereafter, however the new contract had included a sum of £45,000 per annum for improved facilities that would be required in order to enhance the service. Following changes to the Transport Act 2004, that required the Council to process all challenges to Penalty Charge Notices, and the need to undertake residual minor highways functions following the reversion of the Highways Agency to Essex County Council, an

additional full-time equivalent post was required to be added to the establishment. This would result in further continuing services budget growth of £12,500 in 2007-08 and £25,000 per annum thereafter.

**Decisions:**

- (1) That Vinci Park be appointed as the Council's Parking Enforcement Contractor in the sum of £721,579 per annum for the period 1 October 2007 to 20 September 2012, with an option to extend to 2014;
- (2) That the inclusion within the contract of a sum of £45,000 for enhanced facilities be noted;
- (3) That, in addition to the existing facilities at Burton Road in Loughton, the inclusion of a new Parking Office within the contract be noted;
- (4) That, through the provision of the new contract, the following increases within the Continuing Services Budget (CSB) be noted:
  - (a) £19,455 for 2007/08; and
  - (b) £38,910 per annum thereafter;
- (5) That, in order to meet the Government requirements under the Traffic Management Act 2004 and to undertake residual highway functions, an additional full-time post be added to the establishment, at a cost of:
  - (a) £12,500 for 2007/08; and
  - (b) £25,000 per annum thereafter;
- (6) That a revenue CSB supplementary estimate in the sum of £31,955 for 2007/08 be recommended to the Council for approval; and
- (7) That a revenue CSB growth bid in the sum of £63,910 for 2008/09 be made.

**Reasons for Decision:**

Of the three tenders received, Vinci Park had demonstrated best value, a robust and well-tested ICT solution, and a measured approach to the provision of a Parking Shop and facilities for the operation of the service.

**Other Options Considered and Rejected:**

To appoint one of the alternative bidders, or reject all the bids and recommence a further procurement exercise.

**45. APPOINTMENT OF WASTE MANAGEMENT SERVICE PROVIDER**

The Environmental Protection Portfolio Holder presented a report regarding the appointment of a waste management service provider. Following the failure of the previous waste management service provider in April 2006, the Council had embarked upon a procurement exercise, with key decisions on the select list, nature of the contract and specification being made by the Cabinet following consideration by a Portfolio Holder Advisory Group. Four prospective service providers were invited

to attend the Waste Management Contract Appointment Panel on 5 July 2007. The interview process undertaken by the Panel was extensive and it was concluded that the appointment of Sita UK as the Council's waste management service provider should be recommended to the Cabinet and then the Council.

The Portfolio Holder reported that the Panel then considered the level of residual service to be provided. Given that the current arrangements were operating satisfactorily and the Council had the second best recycling service within Essex, the Panel concluded that the waste management contract should be let upon the basis of a 30-week period of alternate weekly residual collections from October to April and a 22-week period of alternate weekly residual collections from May to September inclusive.

The Chief Executive reminded the Cabinet that the Council had received assistance from both Indecon Limited, the Council's waste management consultants, and the Essex Procurement Hub, which had contributed to a reduction in costs for the procurement exercise. In addition, it was felt that special thanks should be given to the following officers for their efforts during the procurement process: B Palmer (Head of Finance); J Gilbert (Head of Environmental Services); L MacNeill (Assistant Head of Leisure Services); A Mitchell (Assistant Head of Legal Services); and D Marsh (Principal Team Leader – Waste).

#### **Decisions:**

- (1) That, in accordance with the recommendations of the Waste Management Contract Appointment Panel, the appointment of Sita UK as the Council's waste management service provider with effect from 5 November 2007 for five years in the sum of £4,427,958 per annum be recommended to the Council for approval; and
- (2) That, as recommended by the Waste Management Contract Appointment Panel, the level of service for residual waste collections be:
  - (a) a 22-week period of weekly collections from May to September; and
  - (b) a 30-week period of alternate weekly collections from October to April.

#### **Reasons for Decision:**

The Cabinet were satisfied that the Waste Management Contract Appointment Panel 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 Waste Management Contract Appointment Panel had considered all the relevant options in formulating their recommendations and that there were no further options worthy of consideration.

#### **46. DEVELOPMENT LAND SALE - T11 INDUSTRIAL ESTATE, LOUGHTON**

The Leader of the Council presented a progress report upon the development land sale of Langston Road Industrial Estate in Loughton. The Cabinet were reminded that at its previous meeting on 11 June 2007, it had been agreed to sell the site to Exon Estates Limited. The Council's Solicitor had issued Exon Estates Limited with a draft contract, stipulating a timetable of 28 days to exchange contracts, which was

due to expire on 16 July 2007, and a further 28 day period to complete the deal. During pre-contract discussions, Exon Estates Limited had requested that the agreement be assigned to Rock Investment Holdings Limited for the same purchase price. Following discussions between the Leader and the Council's Solicitor, this request had been provisionally agreed, subject to formal approval by the Cabinet and no delay in the legal completion of the deal.

In the event that the agreed sale did not proceed to completion, it had been recommended that the Head of Legal, Administration and Estates be authorised to conduct a select tender exercise inviting, through property consultants Lambert Smith Hampton, short-listed offerees from the original marketing exercise to submit fresh, final and best offers to purchase the site for the Cabinet's consideration.

#### **Decisions:**

(1) That the request from Exon Estates Limited to include provision within the sale contract to assign the agreement to Rock Investment Holdings Limited for the same purchase price after an exchange of contracts but prior to legal completion be approved; and

(2) That, should the agreed sale to Exon Estates Limited not proceed to completion, the Head of Legal, Administration and Estates, through property consultants Lambert Smith Hampton and in consultation with the Leader of the Council, be authorised to complete a select tender exercise inviting short-listed offerees from the original marketing exercise to submit fresh, final and best offers to purchase the site for the Cabinet's consideration.

#### **Reasons for Decision:**

Issues that had arisen from the pre-contract enquiries had been resolved expeditiously, and pending the amendment to the assignment clause, Exon Estates had indicated that they remained in a position to complete the purchase within the original timetable.

#### **Other Options Considered and Rejected:**

To refuse the request to assign the agreement to Rock Investment Holdings Limited.

#### **47. EPPING FOREST COLLEGE SITE - DEVELOPMENT OF AFFORDABLE HOUSING**

The Leader of the Council presented a report concerning the development of affordable housing at the Epping Forest College site. The Cabinet were reminded that following their purchase of the site at Epping Forest College, Redrow Homes (Eastern) Limited had obtained planning permission to develop the site with 33% of the units as affordable housing. The terms of the associated Section 106 Agreement had stated that:

*"London and Quadrant Housing Trust or other such registered social landlord on the Register of Social Landlords maintained under section 1 of the Housing Act 1996 as shall be nominated by the Council which is one of the Council's Preferred Registered Social Landlords Partners."*

The Leader reiterated that all the interested developers had been made aware of this requirement during the marketing exercise, and London and Quadrant Housing Trust had submitted a scheme to ten interested developers. The Council had also made it

clear that whilst the selected developer could work with any of the Council's preferred Registered Social Landlords, the Council would only support a bid for funding from the Housing Corporation to develop the affordable housing at the site from London and Quadrant Housing Trust. In order to secure such funding, it was essential that the affordable housing element was constructed to the scheme development standards set by the Housing Corporation, which had meant achieving the Eco Homes "Very Good" standard. However, in May 2007, the Housing Corporation announced that any future grant applications had to meet the more stringent Code for Sustainable Homes Level 3, which would increase costs by approximately £4,000 per unit.

The Leader of the Council reported that Redrow Homes had been in contact with the Council, stating that they did not wish to continue working with London and Quadrant Housing Trust, as nominated by the Council. The Housing Trust had stated that they would only contract with Redrow Homes if the affordable housing met the higher standards imposed by the Housing Corporation in order to secure funding in the future. However, Redrow Homes contended that as planning permission had been granted in October 2006, and work had already begun on the site, it was unreasonable to impose the new code upon the development. Redrow Homes also stated that they had invited blind bids from other Registered Social Landlords and it had appeared that the scheme in its current form was deliverable, although one of the Registered Social Landlords had since confirmed to the Council that they had withdrawn their interest when it had emerged that the scheme was in Epping Forest District. Consequently, Redrow Homes had requested that an alternative Registered Social Landlord be nominated, as per the terms of the Section 106 Agreement.

It was highlighted to the Cabinet that, despite references to the contrary in the correspondence, no officer had actually provided an assurance that the Council would nominate an alternative Registered Social Landlord, as this was a decision reserved for the Cabinet. The Cabinet felt that the Head of Housing should facilitate further discussions between Redrow Homes, the Housing Corporation and the Council's preferred Registered Social Landlords with a view to nominating an alternative partner to provide the affordable housing element of the scheme, on terms no less favourable than those that currently applied to London and Quadrant Housing Trust; and that it was preferable for such discussions to be concluded without further financial commitment from the Council to the scheme. Authority was also delegated to the Leader of the Council and the Housing Portfolio Holder to resolve any further issues that might arise, following the discussions.

#### **Decisions:**

- (1) That the terms of the Section 106 Agreement for the development of affordable housing at the Epping Forest College site, requiring Redrow Homes (Eastern) Limited to work with the Council's preferred Registered Social Landlord partner London and Quadrant Housing Trust or an alternative Registered Social Landlord from the Council's list of preferred Registered Social Landlord partners, be noted;
- (2) That the request from Redrow Homes (Eastern) Limited for the Council to nominate an alternative preferred Registered Social Landlord partner be noted;
- (3) That the Head of Housing Services be authorised to undertake further negotiations with Redrow Homes (Eastern) Limited, the Housing Corporation and the Council's preferred Registered Social Landlord partners with a view to nominate an alternative Registered Social Landlord partner for the

development on terms no less favourable than currently applying to London and Quadrant Housing Trust;

(4) That the intention of the Council be that such negotiations be resolved without further financial commitment by the Council; and

(5) That, following the outcome of such negotiations by the Head of Housing Services, authority be delegated to the Leader of the Council and the Housing Portfolio Holder to resolve any further issues that might arise.

**Reasons for Decision:**

To ensure that Redrow Homes provided the affordable housing element of the development in partnership with one of the Council's preferred Registered Social Landlords, without the loss of Housing Corporation funding for the scheme and undermining the Council's scheme of preferred Registered Social Landlords and joint Commissioning.

**Other Options Considered and Rejected:**

To insist that Redrow Homes contract with London and Quadrant Housing Trust to provide the affordable housing element of the development, however this could lead to a legal challenge to the Section 106 Agreement by Redrow Homes, with further possible adverse consequences for the Council.

**CHAIRMAN**