

## **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 6 October 2008

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.50 pm

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

**Other Councillors:** K Angold-Stephens, J Collier, Mrs A Cooper, R Frankel, P Gode, D Jacobs, Mrs J Lea, Mrs M McEwen, W Pryor, B Rolfe, Mrs P Smith and J M Whitehouse

**Apologies:** None

**Officers Present:** P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), J Gilbert (Director of Environment and Street Scene), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), J Chandler (Assistant Director - Community Services and Customer Relations), T Carne (Public Relations and Marketing Officer), A Wintle (Planning Officer), G J Woodhall (Democratic Services Officer), M Jenkins (Democratic Services Assistant), S G Hill (Senior Democratic Services Officer) and A Hendry (Democratic Services Officer)

**Also in attendance** A Lainton (External Consultant)

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### **63. WEBCASTING INTRODUCTION**

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **64. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Cooper declared a personal interest in agenda item 8b, Gypsy and Traveller Plan Document – Public Consultation, by virtue of being the ward member for Lower Nazeing. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

### **65. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 1 September 2008 be taken as read and signed by the Chairman as a correct record.

**66. REPORTS OF PORTFOLIO HOLDERS**

There were no oral reports from Portfolio Holders.

**67. GYPSY & TRAVELLER DEVELOPMENT PLAN DOCUMENT - PUBLIC CONSULTATION**

The Planning & Economic Development Portfolio Holder presented a report on the public consultation for the Gypsy and Traveller Development Plan Document (DPD). The Portfolio Holder stated that the report had been referred to the Cabinet, following a meeting of the Advisory Group on 23 September, as it was felt that a wider discussion amongst Councillors would be beneficial and would ensure that the members had a greater understanding of the issues involved as well as the potential sites that had been identified. The report had arisen from a direction by the Secretary of State that had required the Council to submit a DPD of the provision to be made for Gypsies and Travellers by 30 September 2009. The Council intended to argue that the provision of 49 additional pitches was too many and that the figure should be reduced to an extra 35 pitches within the District.

The External Planning Consultant that had been engaged by the Council to assist with the production of the DPD highlighted a number of points within the report:

- The document had only been proposed for public consultation and no decisions had yet been made.
- The document listed a number of potential sites, which the Council intended to shortlist in 2009 following a detailed analysis of the results of the public consultation.
- The process had to be open, transparent and evidence based, with access to schools, shops and health care services an important consideration for the siting of any Gypsy and Traveller sites.
- The public consultation was scheduled to begin on 4 November for a period of three months.
- The Council had already written to the owners of the potential sites, but the onus for objectors would be to identify other sites within the District that were better suited.
- All residents were urged to read the consultation document, understand the issues and respond to the consultation.

The Planning & Economic Development Portfolio Holder further advised the Cabinet that clear criteria on how to respond to the consultation was already in place and that a guidance note would be produced for the benefit of residents. It was intended to give the maximum possible publicity to the consultation and the possibility of holding an exhibition in all the affected parishes would be investigated, as well as placing the consultation document in all public libraries and local council offices within the District. The Cabinet were reminded that if the Council did nothing in this matter then the Government would appoint an Inspector to independently determine the required sites within the District.

In response to questions and comments made by members, the Portfolio Holder:

- Stated that Gypsies and Traveller sites had been designated a special circumstance for Green Belt land.
- Sympathised with the residents' human rights but advised that the Government had determined that Gypsies and Travellers had special rights.
- Stated that any factual errors in the draft document would be corrected before its final publication.
- Clarified that Compulsory Purchase Orders were generally not used by the Council.

- Agreed to add a Frequently Asked Questions section to the final document.
- Agreed to add the circular from the Office of the Deputy Prime Minister, issued in 2004, on concentration and clustering of pitch provision to the final document as it was felt to be pertinent to the situation in Roydon and Nazeing.
- Declared that one possible transit site had been identified and that further pitches could be developed alongside existing housing developments in various parts of the District.

The Leader of the Council emphasised that the Council was intending to follow an open and transparent process with as much public consultation as possible, but that the Council ultimately had no option but to conduct this process. The Cabinet agreed to recommend the approval of the consultation document for the Gypsy and Traveller Development Plan Document to the Council.

**Decision:**

(1) That, following the meeting of the Advisory Group on 23 September 2008, the decision by the Planning & Economic Development Portfolio Holder to refer the approval for the release of the draft consultation document on gypsy and traveller pitch provision to the Cabinet be noted;

(2) That the Leader of the Council had determined this item be referred to the meeting of the Cabinet as a matter of urgency in accordance with Section 100B(4) of the Local Government Act 1972 in order to comply with the direction of the Secretary of State dated 17 September 2007 whereby the Council must submit the document for independent examination by 30 September 2009;

(3) That the reasons detailed by the Planning & Economic Development Portfolio Holder for the referral of this matter to the Cabinet, to ensure that a potentially fraught issue had the widest possible ownership and understanding by the Executive and Council in general, be noted; and

(4) That the publication and distribution of the public consultation document for the Gypsy and Traveller Development Plan Document, including the amendments outlined in Appendix 1 of the report and any subsequent factual amendments, be recommended to the Council for approval.

**Reasons for Decision:**

The Council now had additional duties towards meeting the needs of Gypsies and Travellers under the Housing Act 2005 and the Race Relations Amendment Act 2000.

**Other Options Considered and Rejected:**

Preparation of a local development framework was a statutory requirement under the Planning and Compulsory Purchase Act 2004 and therefore no alternative action was possible.

**68. PUBLIC QUESTIONS**

(a) A public question was asked by Mr Peter Morgan of Waltham Abbey to the Planning and Economic Development Portfolio Holder querying why there were two proposed sites, both with ten pitches allocated, in the Crooked Mile area of Waltham Abbey and why these had been allocated on Green Belt land when there were brown field sites available?

The Portfolio Holder responded that the sites identified in the draft document were potential sites, not proposed sites. Nothing had been decided as the process was at a very early stage. Currently, the Council needed to consult on all reasonable alternatives but not all the identified sites would go forward. The Portfolio Holder stated that one of the key objectives of the consultation was the promotion of alternative sites by residents that were more suitable than those identified in the draft consultation document. Objectors were reminded that they would stand a better chance of success if they promoted better sites, and that this would be required by the independent Inspector who would decide on the final plan. The Portfolio Holder stated that the Council did not have a choice about whether to put forward sites, their only choice was where they went.

Mr Peter Morgan asked a supplementary question seeking clarification as to why so much land in the Crooked Mile area of Waltham Abbey had been identified for such sites and the possible use of Compulsory Purchase Orders?

The Portfolio Holder responded that it was unlikely both sites within the Crooked Mile area would be chosen as this would create an overconcentration. The relative merits of both sites would be discussed and consulted on. The Portfolio Holder agreed that priority should be given to brown field sites outside the Green Belt, however there were a shortage of such sites that were suitable for use by Gypsies and Travellers. At a recent appeal, the Secretary of State had agreed with the Planning Inspector that due to land values and amenity concerns within the District, potential sites would have to be in the Green Belt.

The Portfolio Holder stated that there were no proposals for any compulsory purchases at this stage of the process, and the Director of Planning & Economic Development added that the Council generally did not pursue Compulsory Purchase Orders. However, the Portfolio Holder could not rule the possible use of such orders in the future in order to deliver the necessary number of sites, but that their use would be a last resort.

(b) A public question was asked by Mr Anthony Marshall of Nazeing stating that as his site already had planning permission for ten pitches, could this site not be considered for further expansion?

The Portfolio Holder reiterated that the sites listed in the draft consultation document were only potential sites, not proposed sites, and the Questioner was urged to read the final options paper, which would consider the site and possible concentration issues there, and respond when the consultation period had begun. However, the Portfolio Holder added that if it was decided not to restrict further concentration in the Hoe Lane area of Nazeing, then there might be a case for expansion at the site to 15 pitches due to the interest of the owner and the recent permission to expand from six to ten pitches at the site.

(c) Following the completion of the Public Questions section, the Leader of the Council adjourned the meeting at 8.00pm for ten minutes, whilst the public that wished to leave the public gallery could do so without disturbing the rest of the meeting.

## **69. OVERVIEW AND SCRUTINY**

It was reported that the meeting of the Overview and Scrutiny Committee scheduled for 2 October 2008 did not take place, and consequently there was no report to the Cabinet from the Chairman.

**70. FINANCE & PERFORMANCE CABINET COMMITTEE - 22 SEPTEMBER 2008**

The Finance and Performance Management Portfolio Holder presented the minutes from the meeting of the Finance and Performance Management Cabinet Committee held on 22 September 2008. The items that had been considered included: the Insurance Performance Monitoring Exercise; the Financial Issues Paper relating to the Council's Budget for 2009/10; and the updating of the Corporate Risk Register. Other items that had been considered by the Cabinet Committee included: the performance indicators for Sundry Debtors; an update report on the review of the ICT Service; and the Financial Monitoring report for the first quarter of 2008/09. The Corporate Support & ICT Services Portfolio Holder informed the Cabinet that a full report regarding the ICT Service would be considered by the Council at its meeting scheduled for 28 October 2008.

**Decision:**Insurance Performance Monitoring

- (1) That the current levels of policy excesses be maintained until the end of the current long-term agreement with Zurich Municipal in 2010;

Budget 2009/10 – Financial Issues Paper

- (2) That the 2009/10 budget guidelines be set in accordance with the revised four year forecast as follows:

(a) the ceiling for CSB net expenditure be no more than £17.6m including net growth;

(b) the ceiling for DDF (one-off) expenditure be no more than £270,000;

(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;

(d) the Council Tax to be increased by no more than 2.5%; and

(e) any surplus General Fund balances be re-invested in the Council's service delivery in order to improve its performance;

- (3) That a revised Medium Term Financial Strategy for the period to 2011/12 be developed accordingly;

(4) 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; and

(5) That the policy of capitalisation of additional pension fund deficit payments be continued;

Risk Management – Updated Corporate Risk Register

- (6) That the following amendment to the Corporate Risk Register be agreed:

- (a) the score for risk 20 relating to Key Contracts be increased from D2 (low likelihood, critical impact) to C2 (significant likelihood, critical impact);
- (7) That the risk facing the Planning & Economic Development Directorate in relation to its current lack of middle management be considered by the Risk Management Group and reported back at the next meeting of the Cabinet Committee;
- (8) That no further new risks be added to the Corporate Risk Register; and
- (9) That the tolerance line on the risk matrix be retained at its current position.

**Reasons for Decision:**

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

**Other Options Considered and Rejected:**

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

**71. LOCAL DEVELOPMENT FRAMEWORK - RESOURCES UPDATE**

The Portfolio Holder for Planning and Economic Development presented an update report on the progress of the Local Development Framework. The Cabinet were advised that further progress on a replacement Local Development Scheme had been delayed, subject to further discussions with the Government Office for the East of England (GO East) to determine the options available to deliver the policy requirements of the East of England Plan. Subsequently, progress on the Core Strategy had also been delayed, although technical work to create a robust evidence base had continued, in partnership with other relevant authorities where necessary.

The Cabinet were reminded that a previous report in December 2007 had identified the funding required to deliver a successful Local Development Framework (LDF). Expenditure to date, commitments and anticipated work over the rest of the financial year had amounted to £337,000. A further DDF growth bid for £91,000 in the 2009/10 financial year had been proposed, to replace the monies taken from the LDF funding to pay for the production of recent development briefs in Debden and Epping. Recent announcements had indicated that the Council was in line to receive £93,284 from Housing & Planning Delivery Grant; the final amount would be confirmed in the autumn. It was difficult to assess the amounts that may be forthcoming in future rounds, but an assessment had been made of the criteria under which the Council may benefit in future. A further update report on the progress of the Local Development Framework was suggested for the Cabinet meeting scheduled in April 2009.

**Decision:**

- (1) That the progress on the Local Development Framework be noted;
- (2) That the expenditure and further commitments on the Local Development Framework be noted;

- (3) That a DDF Growth bid in the sum of £91,000 for 2009/10 be made to replace funding subsequently allocated to development brief projects in Debden and Epping;
- (4) That the potential sources of funds which might be available to add to the Local Development Framework fund in future be noted; and
- (5) That, in addition to the regular updates received by the Planning Scrutiny Panel, a further update be received by the Cabinet in April 2009.

**Reasons for Decision:**

Regular updates on the progress of the LDF and monitoring of the associated budget had been previously requested. The further bid for funding to replace that which had paid for the development briefs was being made now to prevent shortfalls in the LDF funding in future years.

**Other Options Considered and Rejected:**

To continue to use the LDF fund to pay for the development briefs in Debden and Epping.

**72. ONGAR LEISURE CENTRE - PROPOSED DEVELOPMENT OF PLAYING FIELDS**

The Portfolio Holder for Leisure & Young People presented a report concerning the proposed development of the playing fields at Ongar Leisure Centre. The Cabinet were reminded that it had previously supported in principle a range of improvements proposed for the playing fields at Ongar Leisure Centre, including the provision of a multi-sport site offering facilities to maximise the participation in sport by people of all ages and abilities. A District Playing Pitch Strategy had been produced in 2007 that had identified a lack of good quality playing pitches in the District and particularly in the northern sector. It had also highlighted the opportunity for financial support from the Football Foundation to establish a multi-sport hub site at Ongar, which would include junior, youth and adult facilities for football, rugby, athletics and cricket. This financial support would be dependent upon the confirmation of matched funding being available. A strong indication had also been received from the Essex Football Association, that a further contribution for the project of £200,000 would be available as part of the Olympic 2012 legacy funding. A funding application to the Football Foundation (which would be the major funding agency) would have to be made within the next three to six months, with a view to development commencing at Ongar within the next twelve months.

The Portfolio Holder confirmed that the Football Foundation's brief was wider than football, however the Cabinet still felt that Officers should investigate alternative sources of funding that might be available from other sports. The Portfolio Holder also confirmed that extensive consultation had been undertaken during the development of the Playing Pitch Strategy, and had included the Ongar Sports & Social Club. Planning issues such as parking and access would be decided later in the process. Concerns were expressed at the use of Ongar Youth Club land, however the Portfolio Holder contended that this land was being under utilised and the proposals would expand the facilities available for the youth in Ongar; the Youth Council had discussed the proposals. It was anticipated that the proposed facilities could generate a net surplus of approximately £17,400 per annum to the Council and that this should be included in future budgetary calculations.

**Decision:**

- (1) That, to enable the provision of a range of facilities which actively address local issues of health inequality and disadvantage, the development of the Playing Fields at Ongar Leisure Centre be actively pursued;
- (2) That Officers be authorised to formally bid for the external funding available in the sum of £727,000 from the Football Foundation and £200,000 from Essex Football Association to contribute towards the overall costs of the scheme;
- (3) That Officers be requested to investigate further sources of funding available from other sporting organisations;
- (4) That provision be made in the sum of £507,000 from the Council's Capital Programme for the balance of the works; and
- (5) That any estimated annual surplus income be incorporated in the budget process for 2009/10.

**Reasons for Decision:**

The Shelley ward within Ongar had been highlighted as a super output area, in terms of low income, unemployment and some health inequalities including above average obesity levels. Youth anti-social behaviour had also recently increased locally and it was anticipated that the planned facilities at Ongar would provide a much needed, accessible resource for young people, along with opportunities to address the health and well being of people of all ages in the locality.

It was likely that the Football Foundation would contribute up to 50% of the overall project funding for the proposed developments at Ongar on the proviso that a third generation synthetic turf pitch would be one of the new facilities. However, to meet with the timescales indicated by the Football Foundation, the Council needed to submit a full funding application within the next three months. In addition, the Essex Football Association (via Essex County Council) had also promised a contribution of £200,000 towards the development as part of the 2012 Legacy funding, but this had to be allocated by March 2009. The application to the Football Foundation would need confirmation of other matched funding, including a capital contribution from the Council.

**Other Options Considered and Rejected:**

To not provide any matched funding, however the Football Foundation and Essex Football Association would withdraw their offer of funding for the Ongar development.

**73. WASTE MANAGEMENT PARTNERSHIP BOARD - AMENDMENTS TO PARTNERSHIP CHARTER**

The Environment Portfolio Holder presented a report regarding proposed amendments to the Charter for the Waste Management Partnership Board. The new waste management contract with Sita had contained arrangements for the formation of a Partnership Board whose role it was to oversee the management and future development of the contract. The proposed membership of the Board envisaged four representatives from the Council and four representatives from the Service Provider, giving a total membership of eight. The Contract also provided for the establishment of an Innovation Forum, with a contribution of £5,000 from the Service Provider.



The Portfolio Holder advised the Cabinet that the contract documentation had within it a Partnership Charter, the wording of which was based around an existing charter document relating to a contract operated by a London Borough Council. This had been included within the tender documents so as to provide a template for the Epping Forest Charter once the Board had been established. The Cabinet was requested to agree some relatively minor wording changes to the Charter.

**Decision:**

(1) That the following amendments to the Waste Management Partnership Board Charter be agreed:

(a) That the Partnership Board should comprise of:

(i) from the Council:

- the Environment Portfolio Holder (as Chairman);
- the Leader of the Council;
- the Director of Environment & Street Scene; and
- the Council's representative under the Contract;

(ii) from the Service Provider:

- the Operations Director;
- the General Manager (South East region);
- the Finance Director (or his representative); and
- the Contract Manager for the Epping Forest contract;

(b) That, in support of the Innovation Forum, the sum of money to be provided by the Service Provider be amended to £5,000 per annum;

(c) That the word 'Service' be inserted before the word 'Provider' throughout the Contract; and

(d) That, to reflect the future Audit Commission inspection regime, the phrase 'CAA' be added alongside 'CPA' throughout clause 8 of the Charter.

**Reasons for Decision:**

To enable the Partnership Charter to reflect local circumstances and constitutional arrangements.

**Other Options Considered and Rejected:**

To not accept the changes and leave the wording based upon Charter arrangements elsewhere.

**74. NORTH WEALD AIRFIELD - FIRE COVER**

The Portfolio Holder for Leisure and Young People presented a report on the provision of Fire Cover at North Weald Airfield. North Weald Airfield was an unlicensed aerodrome and as such its operation was covered by the Civil Aviation Authority (CAA) guidance contained within CAP (Civil Aviation Publication) 428 "Safety Standards at Unlicensed Aerodromes." The issue of the level of fire cover provided at the airfield had been the subject of several reports over the years with the

main issue being the interpretation of CAP 428, which stated in Chapter 8 (Emergency Services):

*“The scale of emergency service that should be provided at an unlicensed aerodrome depends on the amount of flying and types of aircraft expected to use the aerodrome. At a farm strip this may of necessity be limited to a fire extinguisher for self help use. At larger unlicensed aerodromes, greater provision would be prudent”*

However, CAP 428 had also provided guidance on the minimum standards required for a licensed aerodrome and recommended that this should also be used as a basis for standards at an unlicensed facility. The current use of the airfield would support the argument that this standard should form the basis for the minimum provision.

The Portfolio Holder informed the Cabinet that to achieve this would require the provision of a suitably equipped replacement fire and rescue vehicle at the Airfield. In addition, the existing operational staff should be provided with additional training. Due to the number and type of aircraft that use the airfield, consideration should also be given to whether the basic fire and rescue services should be further enhanced and it was therefore suggested that a specialist aviation advisor be appointed to make recommendations to the Council in respect of the appropriate level of fire and rescue services.

When the engagement of a consultant was queried, the Portfolio Holder responded that due to the complex and varied use of the Airfield it was felt necessary to engage a consultant to ensure that the Council was complying with all aspects of the relevant health and safety legislation. The Director of Environment and Street Scene added that outside expertise was required to assess the specific risks at the Airfield; the report had been a response to the recent increased use of the Airfield at weekends.

**Decision:**

- (1) That the minimum level of fire and rescue cover at North Weald Airfield be implemented as set out in Chapter 8 and Appendix B to the Civil Aviation Authority guidance note CAP 428;
- (2) That a replacement fire and rescue vehicle be procured at a cost in the sum of £10,000 and capital provision in 2008/09 be made accordingly;
- (3) That training of the operations staff at North Weald Airfield be undertaken by the North Weald Fire and Rescue Service at a cost in the sum of £2,000 and met from within existing revenue budgets; and
- (4) That a District Development Fund growth bid in the sum of £20,000 be made for 2009/10 to facilitate the appointment of an aviation consultant to:
  - (a) provide the Council with a full risk assessment of all airfield activities; and
  - (b) advise the Council on the appropriate level of fire and rescue service to be provided.

**Reasons for Decision:**

The Airfield had to comply with the minimum standard for a unlicensed airfield in accordance with the guidance contained within CAP 428. Whilst the Airfield was well served by Essex Fire and Rescue Service, the increased use of the airfield at weekends and the wide range of aircraft types in use had suggested the need for a

further review to be undertaken.

The Council, as owner of the airfield, had to be aware of the law relating to health & safety at work and corporate manslaughter. If an incident arose at the Airfield then the Council had to be able to satisfy any subsequent inquiry that it had put in place fire and rescue services appropriate to the use of the airfield and which had met the relevant guidance.

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

To take no action, however current fire and rescue services might not meet the CAA requirements for an unlicensed airfield.

To not undertake a further review based upon the current airfield usage however this might not meet the CAP guidance in respect of providing suitable facilities based upon the type and nature of aircraft operating at the airfield.

#### **75. REVIEW OF THE CAPITAL PROGRAMME 2008/09 - 2012/13**

The Finance & Performance Management Portfolio Holder presented a report concerning the review of the Capital Programme for the period 2008/09 to 2012/13. The Capital Programme would form the basis of the forthcoming Capital Strategy and the Asset Management Plan. The Capital Programme had been prepared by updating the programme approved in February 2008 and adding the subsequent new schemes and allocations approved by Cabinet. It was proposed to include additions to the capital programme in three areas. Firstly, a new project to carry out works at Ongar Leisure Centre at a net cost of £507,000 to the Council for a £1,454,000 scheme. Secondly, to upgrade the call answering equipment used by Careline at a cost of £50,000. Thirdly, an increase of £5,000 in the annual allocation of grounds maintenance equipment. A further £10,000 allocation was added to the programme by the Portfolio Holder following the agreement to purchase a replacement Fire and Rescue vehicle at North Weald Airfield.

The Portfolio Holder advised the Cabinet that, with regard to schemes previously approved, the estimated final costs of each scheme and the phasing of expenditure profiles had been reassessed as part of the review. Proposals had been put forward to make the appropriate amendments to the Capital Programme. The programme covered the five financial years to 2012/13. The detailed capital programme for non-housing schemes had been detailed by Portfolio at Appendix 2 of the report, with the detailed capital programme for housing schemes at Appendix 3. A summary of estimated costs had been listed in Appendix 1, which showed an projected capital spend of £50,380,000 over the five-year period.

The Portfolio Holder reported that Appendix 1 of the report had also reassessed the funding available to finance the capital schemes and the suggested application of the different sources of funding over the five-year period. External funding from grants and private sources in the order of £4,490,000 had been identified, and it was proposed that the estimated capital receipts of £14,838,000 and estimated revenue contributions of £31.052million be applied to finance the Capital Programme. In summary, the balance of capital receipts was expected to fall from £26,824,000 as at 1 April 2008 to £13,305,000 by 31 March 2013 whilst the Major Repairs Fund balance was expected to increase from £7,290,000 to £7,802,000 by the end of the period.

**Decision:**

- (1) That the latest five-year forecast of capital receipts be noted;
- (2) That the level of usable capital receipts currently predicted to be £13,305,000 at 31 March 2013 be noted;
- (3) That the revised Capital Programme for the period 2008/09 to 2012/13 be approved;
- (4) That the following additions to the Capital Programme be approved or, where relevant, recommended to Council to approve:
  - (a) an additional capital estimate of £1,434,000 for the works planned at Ongar Sports Centre, for which external funding of £927,000 has been offered and funding of £507,000 is requested from Council funds;
  - (b) an additional £50,000 for upgrading the Careline equipment within the HRA in 2009/10;
  - (c) an increase of £5,000 in the annual allocation for grounds maintenance plant and equipment from 2009/10 onwards; and
  - (d) an additional £10,000 for the procurement of a replacement Fire and Rescue vehicle at North Weald Airfield;
- (5) That the following amendments to the Capital Programme be approved or, where relevant, recommended to Council to approve:
  - (a) a carry forward in the sum of £265,000 from 2008/09 to 2009/10 with regard to several of the capital schemes planned at the Civic Offices;
  - (b) a rescheduling of the Customer Services Transformation Programme into 2009/10 and 2010/11, and a carry forward of £150,000 on General IT from 2008/09 to 2009/10;
  - (c) virements of £140,000 and £14,000 from the General IT and IEG budgets to finance the additional work required to complete the new Revenues and Benefits and Land Charges IT systems respectively;
  - (d) a carry forward of £1,580,000 from 2008/09 to 2009/10 in respect of the Town Centre Enhancement Scheme at Loughton Broadway;
  - (e) a carry forward of £112,000 regarding the General Fund contribution to housing estate parking schemes;
  - (f) carry forwards totalling £951,000 from 2009/10 to 2010/11 in respect of Housing General Fund schemes;
  - (g) a virement within the HRA capital programme of £552,000 to the kitchen and bathroom programme from other categories within the HRA as detailed in the report; and
  - (h) carry forwards totalling £1,155,000 from 2009/10 to 2010/11 in respect of various categories of work within the Housing Revenue Account.

**Reasons for Decision:**

The Capital Programme had been based upon decisions already approved by the Cabinet or decisions that the Cabinet was soon to consider. The suggested expenditure profiles were based on agreed timescales and practical considerations. The proposed decisions were intended to make the best use of the capital resources currently available and forecast to become available for the period to 2012/13.

**Other Options Considered and Rejected:**

To reconsider the inclusion of new schemes or restrict existing schemes.

To increase the use of usable capital receipts instead of using increased Revenue Contributions to Capital Outlay (RCCO) contributions to enhance the HRA capital programme, however the RCCO levels suggested in this report were affordable within the HRA, according to current predictions, and any use of usable capital receipts for HRA purposes would have the effect of reducing capital resources available for the General Fund.

**76. AWARD OF COSTS IN PLANNING APPEAL - 1 CONNAUGHT AVENUE, LOUGHTON**

The Portfolio Holder for Planning & Economic Development presented a report concerning the recent award of costs against the Council for a planning appeal in respect of 1 Connaught Avenue, Loughton. Costs had been awarded against the Council in respect of three planning appeals relating to this site. There had been no budget provision for costs awarded in these circumstances and therefore a District Development Fund supplementary estimate was required to cover the costs. The claim was in the sum of £56,551.93; Officers had reviewed the claim and felt that this was reasonable for three appeals over a 3-day public inquiry. Officers would attempt to negotiate a smaller settlement but it was extremely unlikely to be less than £50,000.

**Decision:**

(1) That, in respect of costs awarded regarding the planning appeals for 1 Connaught Avenue, Loughton, a District Development Fund supplementary estimate in the sum of £50,000 be recommended to the Council for approval; and

(2) That in order for payment to be made promptly at the negotiated figure of £50,000:

(a) approval be given for a temporary virement of £50,000 from the LDF budget; and

(b) the Chairman of the Council be requested to approve the waiving of the call-in procedure, in accordance with Rule 21 – Special Urgency – of the Overview and Scrutiny rules.

**Reasons for Decision:**

The payment of costs was non-optional, having been decided by a Planning Inspector.

**Other Options Considered and Rejected:**

There were no other options considered. The evaluation of the costs drawn up by the appellant appeared justifiable.

**CHAIRMAN**