

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

**Committee:** Cabinet **Date:** 19 July 2010

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.10 pm

**Members Present:** Mrs D Collins (Chairman), C Whitbread (Vice-Chairman), R Bassett, B Rolfe, Mrs M Sartin, Mrs P Smith, D Stellan, Ms S Stavrou and Mrs L Wagland

**Other Councillors:** W Breare-Hall, Ms R Brookes, Mrs T Cochrane, Mrs S Jones, R Morgan, J Philip, Mrs C Pond, Mrs J H Whitehouse and D Wixley

**Apologies:** -

**Officers Present:** P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), L MacNeill (Assistant Director (Operations, Administration & Finance)), T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer), C Pasterfield (Principal Valuer/Surveyor), I White (Forward Planning Manager), S Mitchell (PR Website Editor) and G J Woodhall (Democratic Services Officer)

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### **18. 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.

### **19. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor Ms R Brookes declared a personal interest in agenda item 11, Roding Valley Agreement with Buckhurst Hill Parish Council, by virtue of being a member of Loughton Town Council. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs C Pond declared a personal interest in agenda item 11, Roding Valley Agreement with Buckhurst Hill Parish Council, by virtue of being a member of Loughton Town Council. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Wixley declared a personal interest in agenda item 11, Roding Valley Agreement with Buckhurst Hill Parish Council, by virtue of being a member of Loughton Town Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 12, Sports & Leisure Management Ltd – Contract Extension Negotiations, by virtue of his wife and daughter being members of Ongar Leisure Centre. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a personal interest in agenda item 15, Shared Olympic Officer Post, by virtue of being one of the Council's appointed representatives on the Lee Valley Regional Park Authority. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Ms S-A Stavrou declared a personal interest in agenda item 15, Shared Olympic Officer Post, by virtue of being one of the Council's appointed representatives on the Lee Valley Regional Park Authority. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(f) Pursuant to the Council's Code of Officer Conduct, I Willett declared a personal interest in agenda item 8c, Parking Reviews, by virtue of being a resident of Epping, but determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(g) Pursuant to the Council's Code of Officer Conduct, D Macnab declared a personal interest in agenda item 12, Sports & Leisure Management Ltd – Contract Extension Negotiations, by virtue of his son being an employee of Sports & Leisure Management Ltd, but determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

## **20. MINUTES**

### **RESOLVED:**

(1) That the minutes of the meeting held on 7 June 2010 be taken as read and signed by the Chairman as a correct record.

## **21. REPORTS OF PORTFOLIO HOLDERS**

There were no verbal reports received from the Portfolio Holders present.

## **22. PUBLIC QUESTIONS**

There had been no questions received from members of the public for the Cabinet to consider.

## **23. OVERVIEW AND SCRUTINY**

The Chairman of the Overview and Scrutiny Committee presented a report of its meeting held on 12 July 2010, when the following items of business were considered.

(i) Call-In of a Cabinet decision on the adoption of revised standard licence conditions for permanent residential sites. After a long and involved debate, with over 200 members of the public in attendance as well as six separate petitions received on the issue, the Committee agreed to refer the decision back to the Cabinet. The Housing Portfolio Holder suggested that the issue be referred to the Housing Scrutiny

Panel to make detailed recommendations to a future Cabinet meeting, and this was endorsed by the Committee.

(ii) A presentation from the Local Strategic Partnership on its achievements over the last year. The Committee noted that the Partnership was in the process of producing a Local Community Strategy.

(iii) A report on 'Value for Money, Equality and Diversity'.

(iv) A review of debt and money advice undertaken by a Scrutiny Sub-Group the previous year, with details of the progress made on the original report recommendations.

(v) A review of the elections held in May 2010 by the Constitution & Member Services Scrutiny Panel, which indicated that the elections had been delivered without any major problems and had been successful.

(vi) An endorsement of the CCTV Delivery Plan, which would now be considered by the Cabinet in September 2010 for final approval.

#### **24. ANY OTHER BUSINESS**

In accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the Leader of the Council had permitted the following items of urgent business to be considered following the publication of the agenda:

(i) Reduction of Heating Charges – Ninefields, Waltham Abbey;

(ii) Gypsy & Traveller Development Plan Document – Revocation of the Direction; and

(iii) Parking Reviews.

#### **25. REDUCTION OF HEATING CHARGES - NINEFIELDS, WALTHAM ABBEY**

The Housing Portfolio Holder presented a report concerning the reduction of heating charges for Council tenants on the Ninefields estate in Waltham Abbey.

The Portfolio Holder reported that the heating systems in many of the Council-owned flats on the Ninefields Estate still dated from the 1960's and had now become costly to run. As a result, in 2010/11 the Council had to make a £22.19 per week heating charge to tenants and leaseholders just to cover costs, a charge that was clearly disproportionate for a one-bedroom flat.

The Portfolio Holder advised that the Council was undertaking a programme of works to replace the boilers in the 216 affected properties but this work would not be fully completed until 2011/12. Until each occupier had their new system installed, they would have to continue to pay these high charges. Following representations from the tenants, and a consultation exercise undertaken on new boiler installations, it was considered reasonable to reduce the charge to £16.69 a week, the amount paid by tenants and leaseholders in 2009/10, as a goodwill gesture until they each had their own heating system installed. The cost of making this reduction was estimated at £57,000.

The Portfolio Holder stated that efforts had been made to fund this measure from potential shortfalls in existing budgets but at this relatively early point in the financial year, this had not been possible. Therefore, the Cabinet was being requested to agree that a request for a supplementary estimate of £57,000 be made to Council.

The Director of Housing added that some of the properties in Ninefields already had meters installed within their properties, but that it was the responsibility of the tenant to arrange their own meters with their gas supplier when their heating system was fitted.

**Decision:**

(1) That the heating charge in respect of 216 one-bedroom properties at Ninefields, Waltham Abbey be reduced from £22.19 per week for 2010/11 to the amount charged in 2009/10 of £16.69 per week until the installation of new individual boilers; and

(2) That, in order to fund the cost of the reduction in 2010/11, a Housing Revenue Account supplementary estimate in the sum of £57,000 be recommended to the Council for approval.

**Reasons for Decision:**

The current heating charge of £22.19 per week, per property, was disproportionate and excessive in comparison to heating charges for similar sized, and even larger properties. The Council would shortly be starting a programme of works to replace the boilers in all of the 216 properties affected, but it would not be possible to complete this work until 2011/12. In order to compensate tenants and leaseholders for these high costs since April 2010, the charge would be reduced to the amount charged in 2009/10 of £16.69 per week until such time as each resident had a new heating system installed.

**Other Options Considered and Rejected:**

To not reduce the charges, however it would be inappropriate to charge £22.19 per week for a one bedroom property.

To reduce the charges by an alternative amount, however it was considered more appropriate to reduce the charge to the same level as last year, rather than setting an arbitrary reduction.

**26. GYPSY & TRAVELLER DEVELOPMENT PLAN DOCUMENT - REVOCATION OF THE DIRECTION**

The Leader of Council presented a report concerning the revocation of the Direction to produce a separate Gypsy & Traveller Development Plan Document (DPD).

The Leader reported that the revocation by the Minister for Decentralisation of the Secretary of State's Direction to prepare a separate Gypsy and Traveller DPD meant that it was no longer necessary for the Council to concentrate its Forward Planning resources on this one issue. Since its adoption, Local Plan Policy H10A (Gypsy Caravan Sites) had and continued to allow the Council to consider new applications for pitches pending the preparation of a replacement DPD. Future pitch provision would be dealt with appropriately within the Local Development Framework. The letter from the Minister had vindicated the view of the Council and the local community whilst recognising the progress which had been made in meeting the

needs of the travelling community. The Leader thanked all of the local residents who had responded to the consultation.

The Leader added that the following advice had been received from Counsel, after the report had been published:

*“For the avoidance of doubt, nothing in this Report, or any formal decision that the Council may take when accepting the recommendations herein should be construed as a guarantee that any land will, or will not be allocated for development as a Gypsy and Traveller site, whether or not the land was identified in the Options Consultation document. Such considerations will be relevant in the future when the Council decides upon the proper way forward for the provision of Gypsy and Traveller sites through the LDF process, if that proves necessary. Similarly, the revocation of the Direction does not guarantee that land identified in the Options Consultation will not be the subject of an application for planning permission, or that if such an application is made, that the Council, or the Secretary of State, will not grant planning permission in the future. The Council is duty bound to determine all valid applications for planning permission having regard to the facts and circumstances that are relevant at the time of the decision, including whether the proposed development is in accordance with relevant policies within the statutory development plan in force at the time.”*

The Cabinet welcomed the decision of the Minister, as it ended a three-year period of uncertainty for those residents living in close proximity to sites that had previously been identified as potential sites for Gypsies & Travellers. The efforts of Officers in both complying with the Direction, and then trying to lift the Direction was gratefully acknowledged. It was felt that the decision of the Minister was in accord with the Government’s stated policy of Localism. It had also indicated that the Council was prepared to listen to its residents, and it was hoped that residents would also participate fully in the process to develop a new Local Development Framework.

**Decision:**

- (1) That the following proposals be recommended to the Council for approval:
  - (a) That all site owners, relevant Town and Parish Councils, known local Residents' Associations and the local travelling community be informed of the decision from the Minister for Decentralisation to revoke the direction which had required the Council to prepare a separate Gypsy and Traveller Development Plan Document;
  - (b) That further work on the Gypsy and Traveller Development Plan Document be ceased immediately;
  - (c) That the Council’s website be updated as soon as was practical;
  - (d) That the options and issues consultation work be discontinued; and
  - (e) That, as an impact of the decision above, those residents who own land or live in the vicinity of affected sites be reassured of the restoration of the identified sites to the planning status previously possessed as appropriate prior to the Direction of September 2007; and
- (2) That the advice received from Counsel on this matter also be noted.

**Reasons for Decision:**

The Council had committed a very significant amount of resources to this project since September 2007 and the revocation of the Direction meant that the identification of considerable numbers of potential sites as a separate exercise was no longer required.

**Other Options Considered and Rejected:**

To continue with the preparation of a separate DPD, however, this would be contrary to the Council's preferred approach, which had now been endorsed by the Minister, and would also divert resources from addressing the emerging Localism policy for development plan preparation.

**27. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 14 JUNE 2010**

The Portfolio Holder for Finance & Economic Development presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 14 June 2010. Recommendations had been made regarding the Provisional Capital Outturn and Risk Management. Other issues considered by the Cabinet Committee included: the 2009/10 outturn for Key Performance Indicators and Adoption for 2010/11; the Provisional Revenue Outturn for 2009/10; Sundry Debts Performance Monitoring; and the effects of recent Government announcements on the Medium Term Financial Strategy.

**Decision:**Provisional Capital Outturn

- (1) That the provisional outturn report for 2009/10 be noted;
- (2) That the over and underspends on certain capital schemes in 2009/10, as identified within the report, be retrospectively approved;
- (3) That the carry forward of unspent capital estimates relating to schemes upon which slippage had occurred be approved; and
- (4) That the funding of the capital programme in 2009/10 be retrospectively approved; and

Risk Management

- (5) That the likelihood for the risk relating to the Reduction in Government Grant be updated from 'High' to 'Very High';
- (6) That a new risk relating to the 2012 London Olympics and possible service disruption be added to the Risk Register and scored as B3 (High Likelihood, Marginal Impact);
- (7) That the risks relating to Compliance with Regulations and Public Comments at Member Level which may Commit the Council to Policies or Actions be removed from the Register;
- (8) That the risk relating to Gershon Rule Changes be removed from the Register;

(9) That all existing risks on the Register be considered by the Risk Management Group for relevance and recommendations made to the next scheduled meeting of the Cabinet Committee;

(10) That the current tolerance line on the risk matrix be considered satisfactory and not be amended; and

(11) That, incorporating the above agreed changes, the amended Corporate Risk Register be approved.

**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.

**28. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 17 JUNE 2010**

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee held on 17 June 2010. The issues considered by the Cabinet Committee had included: the Abolition of Regional Strategies; the final report for the Strategic Housing Market Assessment; and the Scott Wilson report on the Spatial Options for the Harlow area.

**Decision:**

(1) That the minutes of the Local Development Framework Cabinet Committee held on 17 June 2010 be noted.

**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.

**29. RODING VALLEY AGREEMENT WITH BUCKHURST HILL PARISH COUNCIL**

The Portfolio Holder for Legal & Estates introduced a report regarding the transfer of the Roding Valley Recreation Area to Buckhurst Hill Parish Council.

The Portfolio Holder reminded the Cabinet that in 1997, as part of the creation of the Parish and Town Councils in the south of the District, the District Council decided to transfer to them areas previously financed through the Chigwell Special Fund. This

included halls, allotments, open spaces and playgrounds. However, the District Council wished to continue to exercise some control over the Roding Valley Recreation Ground and decided that the management of the area should be transferred to the Parish and Town Councils of Loughton, Buckhurst Hill and Chigwell and that the setting up of a trust for the area should be explored. In 1999, members resolved that the Town and Parish Councils were to be offered a management agreement for the area but this process stalled on the requirement of the Parish Councils for a freehold transfer of the land. In February 2004, the Cabinet agreed a compromise position whereby the parishes would be granted a 125-year lease of that part of the Roding Valley in their area

The Portfolio Holder added that Loughton Town Council had agreed to enter into a lease which was finally concluded in January 2008. Buckhurst Hill had agreed that the negotiations would be conducted by Loughton Town Council and when a final or near final draft was agreed this would be sent to the Parish's solicitors for approval. However when it came to them being required to formally sign they declined to do so for a range of reasons. Since then it has not been possible to conclude a lease with Buckhurst Hill Parish Council and a number of options had been offered for the Cabinet to consider, with potentially significant budgetary implications depending upon the decisions made. The Portfolio Holder's preferred option was to continue negotiations with Buckhurst Hill Parish Council to emphasise the seriousness of the current situation. The Council had also to undertake urgent works within the area to ensure that it met minimum health & safety standards for a public area. These works were estimated at £10,000, and a supplementary estimate was proposed for approval by the Council to fund these works.

Local Ward Members from Loughton felt that Buckhurst Hill Parish Council should accept the lease offered by the Council, and that Loughton Town Council would be happy to work with both parties in partnership for the wider area. One of the local Loughton Members offered to help the Portfolio Holder in negotiating with Buckhurst Hill, which the Portfolio Holder was grateful to accept. The Cabinet felt that Buckhurst Hill Parish Council should be urged to re-think their current stance, and that the Council should make one last effort to negotiate with them. The Portfolio Holder for Finance & Economic Development stated unequivocally that the monies for the urgent works should be met from existing budgets rather than a request for supplementary finance.

**Decision:**

- (1) That the current stance of Buckhurst Hill Parish Council regarding the transfer of the Roding Valley Recreation Area be noted;
- (2) That further negotiations be undertaken with Buckhurst Hill Parish Council regarding the transfer of the Roding Valley Recreation Area to emphasise the seriousness of the current situation;
- (3) That a further report be submitted to the Cabinet upon the outcome of the further negotiations with Buckhurst Hill Parish Council; and
- (4) That the sum of £10,000 to deal with the urgent works required to reinstate key features of the Recreation Area be met from existing budgets.

**Reasons for Decision:**

To make Buckhurst Hill Parish Council aware of the seriousness of the situation and of the consequences of not entering into a management agreement for the land.



Savings should be sought from existing budgets to fund the urgent works required to maintain the area rather than seeking a supplementary estimate from the Council.

**Other Options Considered and Rejected:**

To agree to not enter into a (revised) management agreement of the land and to directly manage the area.

As above but with the Buckhurst Hill Parish Council being requested to continue with funding equivalent to the costs currently met by them for grass cutting etc.

To agree the terms as proposed.

Do nothing.

**30. SPORTS & LEISURE MANAGEMENT - CONTRACT EXTENSION NEGOTIATIONS**

The Portfolio Holder for Leisure & Wellbeing introduced a report on the contract extension negotiations with Sports and Leisure Management Ltd.

The Portfolio Holder reported that the present contract with Sports and Leisure Management Ltd (SLM) for the management of the Council's four leisure facilities was due to expire in January 2013. The Cabinet in February 2010 agreed that proposals brought forward by SLM to reduce revenue cost should be pursued further, in line with the expectation of the Council investing capital monies and extending the present contract for three years to 2016. There were two elements to the proposals;

- (i) the capital provision for works to Loughton Leisure Centre and new fitness equipment for Ongar Leisure Centre and Epping Sports Centre; and
- (ii) the project for a new hall at Waltham Abbey Swimming Pool.

The Portfolio Holder stated that SLM had produced an outline proposal for Loughton Leisure Centre, which was within the allocated Capital budget of £800,000 and had offered a decrease in Management fee of £100,000 per year. Their expectation was that the project would be completed by January 2011 and thus the management fee reduction would commence as from that date. The capital for fitness equipment provision requested was £192,000 for a reduction in management fee of £53,376 per year. This would need £62,000 additional capital budget in 2011/12 as only £130,000 was in the present 2010/11 capital programme.

The Portfolio Holder advised that SLM had agreed to a nil increase in the management fee for managing the service at the new Waltham Abbey Pool Sports Hall, if the project went ahead. It was hoped that SLM would offer a further decrease in Management fee to cover the future increase in revenue costs. The offer therefore meant that an estimated additional revenue cost of £48,920 as outlined in the July 2009 report was needed. This could be covered by the management fee savings, on the fitness equipment capital investment agreement, of £53,376 as outlined above. Otherwise the project would need to cease as the Cabinet had previously decreed that the ongoing revenue costs should not increase the future Continuing Services Budget.

The Portfolio Holder added that the report had presented three options for the proposed construction of a new Sports Hall at Waltham Abbey Swimming Pool. The recommendation was for the Cabinet to agree to not proceed with the scheme at the current time, due to budgetary constraints, but that the scheme be reconsidered each

year as part of the annual process for reviewing the Council's Capital Programme. The Portfolio Holder expected that the scheme would recommence within the next two or three years. The £42,000 of project costs already incurred would be taken from the District Development Fund. The Cabinet was advised that the issue of the Sports Centres remaining open over bank holiday weekends had not yet been resolved with Sports and Leisure Management Ltd.

Members of the Cabinet, whilst disappointed with the proposal to postpone the construction of a new Sports Hall at Waltham Abbey Swimming Pool, accepted the current financial issues facing the Council and welcomed the viability of the project being reviewed annually. The Portfolio Holder for Finance & Economic Development added that the Council had developed a very good working relationship with Sports and Leisure Management Ltd, and was pleased at the proposed 12.5% return for the Council from its capital outlay.

**Decision:**

(1) That, following negotiations with Sports and Leisure Management Ltd, the following proposals be agreed:

(a) to provide capital investment of £798,300 for structural alterations at the Loughton Leisure Centre to generate a reduction in the Continuing Services Budget management fee of £100,000 per annum;

(b) to provide capital investment of £192,000 for new fitness equipment at the Epping and Ongar Leisure Centres to generate a reduction in the Continuing Services Budget management fee of £53,000 per annum; and

(c) the withdrawal of the additional management fee of £15,530 in relation to the management of the proposed new Sports Hall at Waltham Abbey Swimming Pool ;

(2) That, in relation to recommendation 1 above, a supplementary capital estimate in the sum of £62,000 for new fitness equipment at the Epping and Ongar Leisure Centres be recommended to the Council for approval;

(3) That, with regard to the construction of a new Sports Hall at Waltham Abbey Swimming Pool, the scheme be suspended at the current time and reconsidered each year as part of the annual review of the Council's capital programme; and

(4) That, subject to the implementation of the works indicated in recommendations (1) & (2) above, the Council's contract with Sports and Leisure Management Ltd be extended from January 2013 to January 2016.

**Reasons for Decision:**

The negotiations with Sports and Leisure Management Ltd had achieved a number of the objectives set by the Cabinet in February 2010. The expenditure at Loughton Leisure Centre was within the allocated budget and would result in a reduction of the Management Fee by £100,000 per annum. The expenditure at both Epping and Ongar Leisure Centres, whilst requiring supplementary finance, would generate a reduction in the Management Fee of over £53,000 per annum. The construction of a new Sports Hall at Waltham Abbey Swimming Pool had been suspended due to the additional budgetary pressures facing the Council, but would be re-evaluated each year during the Capital Programme review. The Council had developed a very good working relationship with Sports and Leisure Management Ltd, which the Cabinet was keen to continue.

**Other Options Considered and Rejected:**

To not agree to the SLM proposals regarding capital investment. However, the proposed reductions in Management fee would be jeopardised and the contract would not be extended.

To continue with negotiations and seek new proposals from SLM. However, this would be unlikely to produce any proposals better than those currently on offer.

To not seek an extension to the current contract. However, this would lead to the contract being re-tendered in January 2013.

To continue with the construction of the new Sports Hall at Waltham Abbey Swimming Pool as planned. However, this would place considerable pressure on the Council's capital budgets at time when the Council's revenue was being reduced by the new Government.

**31. PARKING REVIEWS**

The Portfolio Holder for Operational Planning & Transport introduced a report on Parking Reviews within the District.

The Portfolio Holder reminded the Cabinet that it had previously considered the issues surrounding the high costs of implementation of the three parking reviews at its last meeting. The Cabinet had resolved that the County Council Portfolio Holder for Highways and Transportation be asked questions on the costs of the reviews. A special meeting had been held with the County Portfolio Holder and regular discussions had also been taking place with Senior Highways Officers. Although the Council was committed to undertaking parking reviews in Epping, Buckhurst Hill and Loughton Broadway, there remained significant costs risks to the Council as the existing budget allocation was not enough to complete all three reviews.

The Portfolio Holder added that a significant element of the cost arose from the need to place public notices in the local press. The County Council was seeking legal advice on this matter and it might be possible to reduce these costs. The Portfolio Holder was hoping for a response within the next ten days. If the outcome of these discussions were satisfactory then it would be beneficial, subject to budget considerations, to resume the schemes instead of waiting for the next scheduled Cabinet meeting in September. It was proposed that the decision to proceed be delegated to the Leader of Council in association with the Portfolio Holders for Finance & Economic Development and Operational Planning & Transport.

The Portfolio Holder added that if the scope of any of the schemes had to be reduced due to budgetary considerations, then there would be consultation with the relevant Ward Members. The Cabinet was reassured that no decisions had yet been made about any possible reductions in the scope of the schemes as the budget for each scheme had to be finalised first. The Leader of the Council added that any decisions made by the three Portfolio Holders could be either advertised via the Council Bulletin or published as a Operational Planning & Transport Portfolio Holder decision and subject to call-in.

**Decision:**

(1) That the consideration of alternative advertising arrangements by Essex County Council to significantly reduce the costs of compliance with their statutory

obligations to advertise be noted;

(2) That, to avoid unnecessary delays, the following Portfolio Holders in association be authorised to recommence the parking Reviews:

- (a) the Leader of Council;
- (b) the Portfolio Holder for Operational Planning and Transport; and
- (c) the Portfolio Holder for Finance and Economic Development;

(3) That, to keep the schemes within existing budget allocation, the Parking Reviews be recommenced subject to the following:

(a) confirmation from Essex County Council that the revised advertising arrangements complied with statutory requirements; and

(b) the revised advertising costs were acceptable and could be accommodated within the existing Parking Review budgets; and

(4) That, in the event of the budget being exceeded, the extent of the schemes be scaled back following consultation with the relevant Ward Members.

**Reasons for Decision:**

To avoid unnecessary delays associated with seeking a new Cabinet decision on recommencement of work for the three parking reviews, if the revised costs from Essex County Council were within budget, or through reducing the scope of the schemes.

**Other Options for Action:**

To accept the delays associated with a deferral of a Cabinet decision until September 2010.

**32. COUNCIL PLAN 2006-10 & KEY PRIORITY OBJECTIVES 2009/10 - OUTTURN**

The Portfolio Holder for Performance Management introduced a report concerning the outturns for the Council Plan 2006-10 and the Key Priority Objectives for 2009/10.

The Portfolio Holder reminded the Cabinet that the Council Plan for 2006-10 had been the authority's key planning document, setting out service delivery priorities over the four year period, with strategic themes matching those set out in the Community Strategy for the District. The Council Plan had been due for its fourth and final review at the end of March 2010 and a schedule listing the Council's progress against the Plan had been attached to the report. The Cabinet noted that work had commenced on the development of a new Corporate Plan for the period 2010-14, in conjunction with the development of a new Community Strategy for the District by the Epping Forest Local Strategic Partnership. The Portfolio Holder added that the Key Priority Objectives for 2009/10 had been adopted by the Cabinet in February 2009, and the Council's performance against them was reviewed every six months. A schedule detailing the Council's performance against each Key Priority Objective had been attached to the report.

**Decision:**

(1) That the Council's performance against the objectives and actions within the Council Plan for the period 2006 to 2010 be noted; and

(2) That the Council's performance against the Key Priority Objectives for 2009/10 be noted.

**Reasons for Decision:**

It was important that relevant performance management processes were in place to review and monitor performance against the Council's priority objectives, actions and targets, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of under performance.

The annual identification of key priority objectives provided an opportunity for the Council to focus specific attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered for local people.

**Other Options Considered and Rejected:**

No other options were considered as failure to monitor and review the Council's performance against priority objectives, actions and targets, and to take corrective action where necessary, could have negative implications for the Council's reputation and for judgements made about the authority in corporate assessment processes.

**33. HOUSING ENFORCEMENT POLICY**

The Housing Portfolio Holder presented a report regarding the adoption of the Private Sector Housing Enforcement Policy.

The Portfolio Holder acknowledged that the Council's existing Enforcement Policy relating to Private Sector Housing was now several years old and dated from the period when Private Sector Housing was part of the former Environmental Services. On 7 September 2009, the Cabinet approved and adopted a new Enforcement Policy for the Environment and Street Scene Directorate. A new Policy had now also been produced that related solely to the Council's Private Sector Housing functions and clearly stated how the Council would carry out enforcement activities. The Cabinet was requested to approve the policy for adoption.

**Decision:**

(1) That the updated Private Sector Housing Enforcement Policy be approved and adopted.

**Reasons for Decision:**

In order to ensure that service users were fully aware of what to expect from the Council and could be satisfied that they would be treated fairly and proportionately.

**Other Options Considered and Rejected:**

To not adopt the Policy, however this would leave the Council open to criticism. The Council was already a signatory to the Government Cabinet Office Enforcement Concordat which required the Council to demonstrate openness and fairness in its approach to enforcement.

### 34. SHARED OLYMPIC OFFICER POST

The Portfolio Holder for Leisure & Wellbeing presented a report concerning a shared Olympics Officer Post, for which the Council had been invited to contribute.

The Portfolio Holder reported that the Olympic White Water Canoe Centre, currently under construction on the border between Waltham Abbey and Waltham Cross, had the potential to provide significant legacy benefits for the local area. The Council was an active partner in the multi-agency Olympic Legacy Partnership Board, chaired by the Leader of Broxbourne Council, and a contribution was being sought from Epping Forest District Council for a shared Olympics Officer post, in partnership with Broxbourne Borough Council and Hertfordshire County Council. The role of the Officer would primarily be to deliver projects and promote actions to ensure that the optimum positive outcomes were achieved by the Canoe Centre in terms of economic development and regeneration, environmental improvement and tourism. A draft job description for the post had been included within the report, however the Portfolio Holder expected the final version to be more robust and to include liaison with the Council's Member Olympic Champion.

The Deputy Chief Executive informed the Cabinet that the proposed post would report directly to Broxbourne Borough Council and would have a seat on the Legacy Partnership Board. One of the most important proposed roles would be to attract funding to improve the areas adjacent to the Centre, which would hopefully provide further funding for the regeneration of Waltham Abbey. The Olympic Centre was expected to attract at least 70,000 visitors per annum after the Games, which should also provide a boost to the local economy of nearby Waltham Abbey. It was acknowledged that the attached Job Description and Work Programme was only in draft form and could be amended, whilst it was suggested that the post could be agreed in principle subject to a stronger Job Description being developed. The post had yet to be properly evaluated, but the salary was not expected to exceed £50,000 per annum. It was anticipated that the post would report through both the Council Bulletin and the Member Olympic Champion.

The Cabinet felt that the Job Description and indicative salary suggested that an experienced Project Manager was being sought for this position. The Cabinet was minded to agree to part-fund the post in principle, provided that a more robust work programme was agreed for the post and that the Olympics Officer would be expected to report to Council meetings periodically in return for the Council's contribution to the costs. The Portfolio Holder for Finance & Economic Development felt that the post should be funded from existing budgets within either the District Development Fund or the Local Authority Business Growth Incentive scheme, rather than through a request for supplementary finance.

#### **Decision:**

- (1) That the progress being made in relation to the construction of the Lea Valley White Water Canoe Centre and the potential Legacy Benefits arising from the 2012 Olympic Games be noted;
- (2) That, subject to the formal agreement of the post's work programme, a contribution of £10,000 per annum from existing budgets within the District Development Fund over the next two years to fund the appointment of a shared Olympics Officer be agreed in principle; and
- (3) That, in return for the Council's contribution to the funding of this post, the

shared Olympics Officer be expected to report to Council meetings on a regular basis.

**Reasons for Proposed Decision:**

To attract funding and visitors to the Waltham Abbey area of the District, both during and after the Olympic Games.

**Other Options for Action:**

To not contribute to the cost of the shared post, however this might result in the focus of the work programme shifting to Broxbourne and the Hertfordshire area.

**35. LOCAL AUTHORITY BUSINESS GROWTH INCENTIVE SCHEME**

The Portfolio Holder for Finance & Economic Development presented a report on the Local Authority Business Growth Incentive Scheme.

The Portfolio Holder reported that the Local Authorities Business Growth Incentive Scheme (LABGI) had operated for a number of years to provide an incentive to local authorities to invest in economic development. The new Government had announced that funding for the scheme had been withdrawn and no more grant would be payable. Throughout the period of operation of the scheme, increases in the Council's non-domestic rating list had ensured that annual awards had been received, the last of which was £71,584 in 2009/10.

The Portfolio Holder added that it had been previously determined that LABGI grant should be credited to the District Development Fund (DDF) and available to support any projects. The Federation of Small Businesses (FSB) had approached the Council requesting that LABGI funding be ring fenced for economic development and made a number of suggestions about possible schemes. In addition, a request had been received from Waltham Abbey Town Council to increase the grant of its Tourist Information Centre by £5,000 per annum for the next two years, which the Portfolio Holder felt should be given favourable consideration. Another option could be to use some of the funding to ensure that the off-street car parking tariffs remained at their current level for another year, which would benefit the retail centres within the District. The Cabinet was requested to delegate authority to the Portfolio Holder to allocate the funding to appropriate schemes within the District to promote economic development.

**Decision:**

- (1) That the receipt of £71,584 under the Local Authority Business Growth Incentive Scheme in 2009/10 be noted;
- (2) That the funds received in 2009/10 be ring fenced for economic development purposes;
- (3) That the Portfolio Holder for Finance and Economic Development, in consultation with Officers and business support organisations, be delegated authority to allocate the funding to appropriate schemes within the District to promote economic development;
- (4) That the request from Waltham Abbey Town Council to increase the grant for the Tourist Information Centre by £5,000 per annum for two years be given favourable consideration; and

(5) That the closure of the Local Authority Business Growth Incentive Scheme by the new Government be noted.

**Reasons for Decision:**

To ring fence the final LABGI grant for economic development purposes, in accordance with requests from the FSB and other partner organisations.

**Other Options Considered and Rejected:**

The grant could be left as part of the DDF generally available to fund one-off schemes.

Cabinet could decide not to delegate the allocation of funds between schemes to the Finance and Economic Development Portfolio Holder and ask for further reports on schemes prior to any use of the funds.

**36. O2 MAST - HONEY LANE, WALTHAM ABBEY**

The Portfolio Holder for Finance & Economic Development presented a report concerning the O2 mobile phone mast erected in Honey Lane, Waltham Abbey.

The Cabinet was reminded that in 2006 the Council had failed to decide an application for a determination as to whether prior approval was required for the erection of a mobile phone mast. The consequence of the decision was that the mast gained deemed planning permission and was subsequently erected despite the Council raising objections to its siting and design. The lawfulness of the mast and options for using planning enforcement powers to seek its removal had been explored and the District Development Control Committee had agreed on 4 August 2009 that there was no reasonable prospect of securing a better solution. Residents who had originally objected to the mast had already been paid £250 each as a goodwill gesture by the Council and the Cabinet was requested to consider whether any further compensation should be paid to residents in respect of this matter.

The Leader of Council added that a letter had been written to the Chief Executive Officer of O2 UK Ltd, but no response had yet been received. Attempts had been made to contact the Chief Executive Officer of O2 UK Ltd by telephone, but again with no success. The Leader proposed that this item be deferred until the next scheduled meeting of the Cabinet in September pending a response from O2 UK Ltd.

**Decision:**

(1) That consideration of further compensation for the residents of Honey Lane in Waltham Abbey who objected to the erection of a mobile phone mast be deferred pending a response from the Chief Executive Officer of O2 UK Ltd.

**Reasons for Decision:**

To await the outcome of discussions with O2 UK Ltd before considering whether any further compensation should be paid to residents.

**Other Options Considered and Rejected:**

To agree to pay further compensation to residents as originally recommended by the report, however it was felt that this option should only be considered after



discussions with O2 UK Ltd.

**37. PURCHASE OF THE FREEHOLD OF THE CAR PARK BEHIND THE BLACK LION PUBLIC HOUSE**

The Portfolio Holder for Legal & Estates introduced a report on the purchase of the freehold of the car park to the rear of the Black Lion public house. The Council was currently the leaseholder of the Car Park to the rear of the Black Lion public house, however the freehold owner, Punch Taverns plc, had offered to sell their interest to the Council for £150,000. The Portfolio Holder for Finance & Economic Development was satisfied with the 6% return for the Council from the purchase, and the Cabinet was requested to recommend a supplementary capital estimate to the Council to complete the purchase.

**Decision:**

(1) That a supplementary capital estimate in the sum of £150,000 to purchase the freehold of the Car Park at the rear of the Black Lion public house in Epping be recommended to the Council for approval.

**Reasons for Decision:**

Purchasing the freehold interest would secure the Council's staff car parking provisions, and would also save £9,000 in lease costs from the Continuing Services Budget.

**Other Options Considered and Rejected:**

To decline the offer to purchase the freehold of the car park and continue leasing the car park, however this could potentially jeopardize the Council's long term interest on the site.

**38. LANGSTON ROAD DEPOT - PLANNING APPLICATION FOR A RETAIL PARK**

The Portfolio Holder for Legal & Estates presented a report on the potential for making a joint application for planning permission with the owner of the adjoining T11 site for development of the Langston Road Depot as a retail park.

The Portfolio Holder reported that the development of the Depot site for retail warehousing would provide a wide range of comparison retail goods that were not currently available in the District and would prevent leakage of spend from the District that was currently at a high level for comparison goods. The development would also provide a high level of new employment in the District whilst it was being constructed, and would provide a large increase in employment opportunities in the Debden area once completed.

The Portfolio Holder stated that for any development to proceed at the Langston Road Depot, it would be necessary to satisfy Essex Highways Authority over traffic on the A1168 Chigwell Lane and only once this requirement had been satisfied would it be worth the expense of making a planning application for development of the Depot site. If the planning application for a retail park was successful then the Council would have a very valuable site, which together with the T11 site was likely to have a gross development value in excess of £30million. The value of the Depot site for this development was likely to be comparable or in excess of the price received for the T11 site.

The Portfolio Holder added that it was important to realise how much retail spend leaked out of the District and that the Council should consider steps to reverse this trend. The proposed development could help existing local traders by attracting more customers to the area, and the Cabinet was reminded of the Council's substantial investment in the Broadway area of Loughton. A Retail Impact Assessment would ascertain the possible impacts of the proposed development upon existing local traders and assist in addressing their concerns.

The Leader of the Council advised that Polofind Ltd owned the adjoining T11 site following its sale by the Council, and was keen to jointly develop both sites to maximise the return from both sites. This was felt to be a sensible course of action to pursue, although the potential highways problems in the area were acknowledged. The Cabinet was reminded that all possibilities for the site were being examined and that no decisions had yet been made. The Council would consult with local residents at the appropriate time over the proposed scheme.

The Portfolio Holder reassured Members that the Council would probably impose restrictions on the type of stores permitted at the proposed new retail park, and a small cinema might be included as part of the development. No detail was available yet as no decisions had been made, although the possible moving of the nearby Petrol Station was not currently being included within the remit of the scheme.

**Decision:**

- (1) That negotiations be entered into with Polofind Ltd, the owners of the T11 site adjacent to the Langston Road Depot, for a joint development of both sites for a retail park of approximately 10,000 square metres;
- (2) That a revenue supplementary estimate in the estimated sum of £16,587.50 to cover half of the cost (total £33,175 + VAT) for the preparation of a highways modelling and traffic impact assessment by JMP Consultants Ltd and negotiations with the Highway Authority (Essex County Council) for the upgrading of the A1168 Chigwell Lane in relation to the proposed development of Langston Road Depot be recommended to the Council for approval; and
- (3) That, subject to successful negotiations with the Highways Authority, a revenue supplementary estimate for expenditure of half of the cost of a joint outline planning application for the redevelopment of the Langston Road Depot and adjoining T11 site be recommended to the Council for approval.

**Reasons for Decision:**

To achieve best value and most efficient use of Council property assets.

**Other Options Considered and Rejected:**

To develop the Depot site unilaterally for retail warehouse or light industrial use.

**CHAIRMAN**