

CABINET
Monday, 19th July, 2010

Place: Council Chamber
Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services Officer: Gary Woodhall (The Office of the Chief Executive)
Tel: 01992 564470
Email: gwoodhall@eppingforestdc.gov.uk

Members:

Councillors Mrs D Collins (Leader of the Council) (Chairman), C Whitbread (Finance & Economic Development Portfolio Holder) (Vice-Chairman), R Bassett, B Rolfe, Mrs M Sartin, Mrs P Smith, D Stallan, Ms S Stavrou and Mrs L Wagland.

**PLEASE NOTE THE START TIME OF THE MEETING
THE COUNCIL HAS AGREED REVISED PROCEDURES FOR THE OPERATION OF
CABINET MEETINGS. BUSINESS NOT CONCLUDED BY 10.00 P.M. WILL, AT THE
DISCRETION OF THE CHAIRMAN, STAND REFERRED TO THE NEXT MEETING OR
WILL BE VOTED UPON WITHOUT DEBATE**

1. WEBCASTING INTRODUCTION

- (a) This meeting is to be webcast;
- (b) Members are reminded of the need to activate their microphones before speaking; and
- (c) the Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights. If you have any concerns then please speak to the Webcasting Officer.

Please could I also remind Members to activate their microphones before speaking.”

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

4. MINUTES

To confirm the minutes of the last meeting of the Cabinet held on 7 June 2010 (previously circulated).

5. REPORTS OF PORTFOLIO HOLDERS

To receive oral reports from Portfolio Holders on current issues concerning their Portfolios, which are not covered elsewhere on the agenda.

6. PUBLIC QUESTIONS

To answer questions asked by members of the public after notice in accordance with the motion passed by the Council at its meeting on 19 February 2008 (minute 102 refers) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

7. OVERVIEW AND SCRUTINY

To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function.

8. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

9. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 14 JUNE 2010

(Finance & Economic Development Portfolio Holder) To consider the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee held on 14 June 2010 and the recommendations therein (report to follow).

10. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 17 JUNE 2010

(Leader of the Council) To consider the minutes from the recent meeting of the Local Development Framework Cabinet Committee held on 17 June 2010 and the

recommendations therein (report to follow).

11. RODING VALLEY AGREEMENT WITH BUCKHURST HILL PARISH COUNCIL (Pages 7 - 20)

(Legal & Estates Portfolio Holder) To consider the attached report (C-008-2010/11).

12. SPORTS & LEISURE MANAGEMENT - CONTRACT EXTENSION NEGOTIATIONS (Pages 21 - 30)

(Leisure & Wellbeing Portfolio Holder) To consider the attached report (C-009-2010/11).

13. COUNCIL PLAN 2006-10 & KEY PRIORITY OBJECTIVES 2009/10 - OUTTURN (Pages 31 - 34)

(Performance Management Portfolio Holder) To consider the attached report (C-010-2010/11).

Please note that the two Appendices referred to in the report have been published as a separate supplementary agenda. Any Member wishing a copy to be provided for them should contact the listed Democratic Services Officer prior to the meeting.

14. HOUSING ENFORCEMENT POLICY (Pages 35 - 44)

(Housing Portfolio Holder) To consider the attached report (C-011-2010/11).

15. SHARED OLYMPIC OFFICER POST (Pages 45 - 50)

(Leisure & Wellbeing Portfolio Holder) To consider the attached report (C-012-2010/11).

16. LOCAL AUTHORITY BUSINESS GROWTH INCENTIVE SCHEME (Pages 51 - 60)

(Finance & Economic Development Portfolio Holder) To consider the attached report (C-013-2010/11).

17. O2 MAST - HONEY LANE, WALTHAM ABBEY (Pages 61 - 76)

(Finance & Economic Development Portfolio Holder) To consider the attached report (C-014-2010/11).

18. PURCHASE OF THE FREEHOLD OF THE CAR PARK BEHIND THE BLACK LION PUBLIC HOUSE (Pages 77 - 80)

(Legal & Estates Portfolio Holder) To consider the attached report (C-015-2010/11).

19. LANGSTON ROAD DEPOT - PLANNING APPLICATION FOR A RETAIL PARK (Pages 81 - 88)

(The Leader of the Council) To consider the attached report (C-017-2010/11).

20. EXCLUSION OF PUBLIC AND PRESSExclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Report to the Cabinet

Report reference: C-008-2010/11

Date of meeting: 19 July 2010



**Epping Forest
District Council**

Portfolio: Legal and Estates

Subject: Roding Valley Recreation Area Transfer to Buckhurst Hill Parish Council

Responsible Officer: John Gilbert (01992 564062).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To note the current stance of the Buckhurst Hill Parish Council regarding the transfer of the Roding Valley Recreation Area;**
- (2) To consider the options available to the Council as set out in paragraph 17 of the report;**
- (3) Subject to recommendation (2) to make appropriate Continuing Service Budget provision to meet the management requirements;**
- (4) Subject to recommendation (2) to bring a report to cabinet following any further discussions with the Buckhurst Hill Parish Council; and**
- (5) To recommend to Council for approval a supplementary DDF estimate in the sum of £10,000 to deal with the urgent works required to reinstate key features of the recreation area.**

Executive Summary:

In 1997, as part of the creation of the south of the District Parish and Town Councils, the District Council decided to transfer to them areas previously financed through the Chigwell Special Fund. This included halls, allotments, open spaces and playgrounds etc. 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 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

Loughton Town Council 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 this reports sets out options for Cabinet to consider. There are potentially significant budgetary implications depending upon the decisions made.

This is a key decision

“A safe, healthy and attractive place”:
maintain the special character of the District
address local environmental needs
address leisure needs

Reasons for Proposed Decision:

To enable the Council to decide how it wishes to proceed with the management of the Roding Valley Recreation Area and to seek the short term (DDF) and longer term (CSB) funding required to implement that decision

Other Options for Action:

Not to agree to 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.

Report:

Background

1. In 1997, as part of the creation of the south of the District Parish and Town Councils, the District Council decided to transfer to them areas previously financed through the Chigwell Special Fund. This included halls, allotments, open spaces and playgrounds etc. 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 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.

2. The area of Roding Valley as shown on the plan (see appendix) was split in accordance with the boundaries of the parish councils shown blue. As can be seen from the plan the land inside the Chigwell Parish boundary was very small and so Chigwell Parish Council agreed with the Loughton Town Council that the Town Council should manage that area on their behalf. This Council retained responsibility for the lake and the arboretum areas as shown on the plan

3. The draft of the lease of land to the parish councils specified that their responsibilities would include:

(a) to repair and keep the premises in repair;

- (b) to keep all ditches watercourses and bridges over those ditches and watercourses and their banks in good repair and condition;
- (c) to keep the fences, paths, bridleways, hedges and gates in good repair and condition;
- (d) to take joint responsibility for any fences and conduits for services running under the land;
- (e) grass cutting and limitations on works that could be carried out on the banks of the River Roding and the lake;
- (f) joint maintenance of the bridges over the River Roding; and
- (g) as head lessees to manage the existing leases on the Recreation Ground.

4. There was also a requirement that, because of the significance of the Roding Valley Recreation Area, there should be some consistency in the way the Loughton and Buckhurst Hill areas were managed. Members required that a Committee be created with representatives from Epping Forest District Council, Loughton Town Council and Buckhurst Hill Parish Council, with provision for other interested parties to attend. In this way Chigwell Parish Council would be able to have representation if it so desired. The role of the Committee was to essentially oversee the matters referred to in (a) to (g) above, discussing new developments as well as publicising the facilities, ensuring public access, and recognising the unique character of the area.

5. The Committee would have no funds of its own and the representatives would report to their respective Councils with regards to any works that required funding. In the respect of shared facilities where failure to carry out work could lead to a danger arising, the lease provided that the costs would be shared proportionally, for example bridge replacement.

6. After lengthy negotiations Loughton Town Council signed a 125-year lease on the 10th January 2008. There were various reasons for the length of time taken to complete the lease, including:

- (i) a flood relief scheme was proposed for part of the Roding Valley area and provisions were included which would allow the District to carry out this work. The Town Council did not agree these proposals and during negotiations the District decided that it would not proceed with the scheme and the documents had therefore to be redrawn;
- (ii) under the Council's original decision the parish councils were to take responsibility for the banks of the River Roding. Loughton Town Council did not wish to take on this responsibility and members were asked to agree a change;
- (iii) the original Council decision excluded responsibility for the lake. After negotiations this was included and then later excluded requiring a referral to Members; and
- (iv) the solicitors required the Council to register its title at the land registry. This took some time because of the number of and age of the documentation involved.

7. It had been agreed with the Buckhurst Hill Parish Council that the negotiations for the lease would be conducted by the Loughton Town Council and when a final, or a near final draft was agreed, this would be sent to the Parish's solicitors for approval. During the negotiation period with Loughton Town Council, legal services also sent copies of the first draft and all major amended drafts of the lease to Buckhurst Hill Parish Council. During this

period the District Council understood that the Town and parish Councils had the responsibility to maintain the areas that were designated to them in accordance with the draft of the first management agreement, which had been submitted but they had refused to sign.

8. This Council's budget for the Roding Valley area ceased when the parishes were created as it was understood that responsibility for management and maintenance of the area would fall to the Town and Parish Councils even though the actual documentation had not been finalised and signed. The draft lease prepared outlined all the areas and responsibilities as previously undertaken by Epping Forest District Council under the auspices of the Chigwell Special budget, as outlined in paragraph 3 .

9. In December 2007, Buckhurst Hill Parish Council appointed Foskett, Marr, Gadsby and Head (FMGH) to act as their solicitors and draft documentation was submitted to them for approval. Loughton Town Council was in a position to complete in January 2008 and anxious to proceed. Although Buckhurst Hill and their solicitors were not ready, the lease with Loughton Town Council was completed.

Present position with Buckhurst Hill Parish Council

10. Negotiations with Buckhurst Hill's representative continued but the parish was now not happy to accept a lease on the same terms as accepted by Loughton. On the 23rd of November 2009 FMGH returned the latest draft documentation stating that the Parish Council had met to consider the proposed lease at their full Council meeting on 22nd October and had come to the conclusion that they were unable to take the lease in the form currently offered. They were however keen to establish some form of relationship with Epping Forest District Council in order to allow them to manage this area in partnership. The factors that Buckhurst Hill Parish Council had considered were stated as:

- (i) the current financial climate;
- (ii) the present poor state of repair of the land and buildings at the Recreation Ground;
- (iii) the absence of any budget;
- (iv) the lack of any information in respect of the requested breakdown of costs for works undertaken by Epping Forest District Council;
- (v) the onerous obligations on the part of the landlord in respect of the existing leases and the lack of income from the rents of them;
- (vi) the fact that Epping Forest District Council have not been able to fully devolve title to the land; and
- (vii) the concern about management and repair of the riverbanks.

11. Officers reviewed these issues and commented that :

(ii) As from the initial transfer in 1997 the maintenance was deemed the responsibility of the Parish Council and thus should be being undertaken by them. This Council had understood that the original management and maintenance responsibilities had been transferred and undertaken Buckhurst Hill PC since 1997, but they appear to be implying that they have never maintained the ditches, fences etc. and this seems to be evidenced by the state of some infrastructure.

(iii) The financial clarification is as outlined in this report.

- (iv) Details and documentation was sent to the Parish Council on numerous occasions.
- (v) These were the same obligations as those held previously by the Council.
- (vi) This was regarding a small strip of land and all that was required was for a plan to be redrawn.
- (vii) These were the same obligations as those held previously by the Council.

12. Instead of the original agreement, the parish has offered to split responsibilities along the following lines:

- (a) Epping Forest District Council will be responsible for:
 - (i) the River Roding and the Lake and their banks, up to a point 8 metres from their banks; as denoted by the black line on the plan;
 - (ii) the bridges over the River Roding and any ditches;
 - (iii) the ditches of the Recreation Ground, principally the overflow brook and the ditch at Green Walk (although this is believed to be within the area already the responsibility of Loughton Town Council);
 - (iv) the repair and maintenance of the footpaths;
 - (v) the maintenance of all trees and hedgerows;
 - (vi) the collection of rubbish and dog litter from the bins;
 - (vii) the removal of graffiti; and
 - (viii) the maintenance and repair of the Bye-Law notice boards.
- (b) Buckhurst Hill Parish Council will be responsible for:
 - (i) grass cutting within their allotted area;
 - (ii) the upkeep of the fences to the Recreation Ground (provided that Epping Forest District Council meet the cost of that upkeep);
 - (iii) the dry ditch adjacent to the allotments;
 - (iv) the purchase and installation of new litter bins;
 - (v) the purchase and installation of new dog litter bins; and
 - (vi) the purchase and installation of public seating.

13. Furthermore, the Parish Council are seeking the right to erect and maintain a notice board at the Roding Lane entrance to the Recreation Ground and have stated that they do not wish to participate in the Joint Management Group.

14. According to the letter received from their solicitors the area that they wish to have under this agreement is stated as follows:

“The area over which Buckhurst Hill Parish Council proposes to exercise the licence is all of the Recreation Ground shown edged red on the draft Lease Plan excluding the 8 metres closest to the river bank and the lake, and excluding any area presently let to any third party.”

15. The reason for BHPC coming to this decision is stated as:

“Buckhurst Hill Parish Council has come to this decision based on their wish to provide local people with good facilities but also on their knowledge that many people from outside their parish make use of the recreation ground.”

Consequences of Buckhurst Hill Parish Council’s position

16. The Parish Council’s position differs significantly from the original terms of the lease agreed by members and entered into by Loughton Town Council. If the agreement as requested by Buckhurst Hill is accepted in its amended format there would be a significant impact on the budget for this Council in respect of:

- the upkeep of ditches;
- the repair and maintenance of footpaths;
- the repair and maintenance of bridges;
- the maintenance of trees and hedgerows;
- the collection of rubbish, litter and dog bin emptying;
- the maintenance of the bins as above;
- graffiti removal;
- the repair and maintenance of notice boards;
- the provision of third party insurance;
- the repair and maintenance of fences;
- the management of the sporting leases; and
- the strategic long term management of the area.

17. Furthermore, there could be difficulties if the District wished to use the Recreation Grounds otherwise than in accordance with the management agreement. The Parish may also find it difficult to obtain funding from any charitable or government groups if it does not have a long-term lease meaning that there may not be any investment in the area unless provided by the District Council. However, the Parish has stated that it is not their intention to seek any such funding. The proposed split of responsibilities would also lead to mixed area management issues such as:

- (a) Buckhurst Hill Parish Council maintaining the fencing but with this Council meeting the costs, although at present it is not clear whether the District could veto any works being carried out;
- (b) the arbitrary boundary of 8 metres from the banks of the lake would bring with it difficulties as the boundary would have no definitive line. Also, this would mean that all paths round the lake would be EFDC’s responsibility thereby leaving the Parish with only grass maintenance responsibilities; and
- (c) there could be varying standards of maintenance based upon each council’s resourcing capabilities.

18. In 2008 BHPC completed an agreement with the Council for part of the Roding Valley land so that they could construct a playground, on the designated area only. The playground

was funded via a grant from EFDC and lottery funding. When the District agreed this licence it did so against the background that the lease of the recreation ground was in negotiation. Although the equipment must be kept in a safe condition there is no requirement to replace the equipment in the future. Either Council can give the other immediate notice to terminate if there is a breach; otherwise they can give the other one year's notice to terminate. If the agreement is terminated the Parish must remove the equipment and surfacing and return the playground to a grassed area. However, the Agreement can remain in place as long as both of the Council's are content with the arrangement.

19. There are several issues on the recreation area that have been highlighted recently as needing attention such as the gate in Roding Lane, the bye law and entrance signs need replacing and ditch ,hedge and path work needs to be undertaken. Under the original agreement, these were the responsibility of the parish, but they have now refused to accept responsibility. As there is currently no EFDC budget or authority to undertake works, neither council is undertaking the work. However EFDC has recently repaired a gate so as to prevent health and safety and access issues arising. Much of the current need for maintenance stems from the fact that Buckhurst Hill Parish Council has not undertaken the maintenance work as defined originally and therefore the infrastructure has deteriorated.

20. Both Loughton and Buckhurst Hill councils contract EFDC Grounds Maintenance service to undertake the maintenance work and therefore at present, the fulfilment of the Parish/Town Councils' responsibilities in this aspect is monitored. However, if in the future either could change their contractor, EFDC would need to have a more managed monitoring regime. If all or part of the responsibilities for the area return to EFDC as per the BHPC proposal then resourcing this from a management aspect will need to be reviewed.

Options available

21. There are four options available for action, each of which is detailed in the sections below.

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

22. This would mean that the area would be managed in a consistent manner and also in line with the management provided by Loughton Town Council. The increase CSB budget estimated at £42,080 could be funded from a one off DDF bid in the current financial year. The rental income as outlined in paragraph 21 would further reduce the ongoing CSB costs.

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

23. This provides the same outcome as the first option above but would see the Council's costs reduced by £20,998 (2009/10 budget).

To agree the terms as proposed

24. This would segregate the area into three areas of responsibilities and inconsistencies of standards would arise. The division of provision and maintenance of services would cause site management difficulties. A CSB increase would still be needed as described in paragraph 23. There would also be the unknown costs due to the additional items described in paragraphs 10 and 11. At present this has been estimated at £15,000. There would be difficulties in entering into or carrying out any long-term management proposals of the area by either party. Further negotiations would be required to establish the length of the term of the agreement, whether the Council's could determine it earlier, whether the parish would be

prepared to assist in the enforcement of the bylaws etc, whether the District could run events on the area etc. At present the parish receives the rents for the sports leases and it would have to be decided whether this money should continue to be paid.

Do nothing

25. This would be to the detriment of the planning and management of the area and environment and is therefore cannot be considered to be a satisfactory way forward. If the parish continued to manage as it currently does, the responsibility for any liabilities would remain unclear as outlined in this report and health and safety and environmental issues relating to gates, fences and ditches would be to the detriment of the area and its users. This would require this Council to set aside some monies to ensure that health and safety requirements are met.

Further negotiations with Buckhurst Hill Parish Council

26. To arrange further discussions with BHPC to emphasise to them the severity of the present situation and the strong likelihood that, given current financial constraints, if they remain unwilling to sign the agreement as originally envisaged and are also unwilling to accept the second option above, which will require them to continue to contribute towards the costs, then the Council will have no option other than to pursue the fourth option (i.e. Do Nothing) which will have significant consequences for the local community.

Resource Implications:

- In 1996/97 budget estimates were produced for the South of the District Parishes in readiness for the new structures. There was one year where EFDC worked alongside the newly formed Councils to assist in the transition but the EFDC budget ceased in 1997/98.
- When the new parish councils were formed, the balance of the then Chigwell Special Account, amounting to £124,653, was distributed to the parishes on an agreed basis. The Council held capital receipts from the sale of Chigwell Golf Course and allotments, Accounting arrangements then were that 50% of the receipt had to be set aside for repayment of debt and the remainder could be used for capital expenditure. The remaining usable element amounting to £154,255 was paid over to the parishes on the same basis as the Chigwell Special Account. However, there was no legal basis on which to redistribute the set aside amount and therefore agreement was reached that a revenue support grant would be paid over a five year period in recognition of the interest to be received on investing this money. The money transferred was on the basis that the parish councils would take over the management of the assets and include the running costs within their precepts
- To estimate the resource implications for the purposes of this report the 1996/97 budget figures have been used. The original budget for Roding Valley held within Leisure prior to the parish split includes sums to cover responsibilities for building maintenance, grounds maintenance, materials, electricity, water, direct officer costs for monitoring drainage works, drainage works, management of the area and support service costs. The expenditure for the area was split between Loughton, Chigwell and Buckhurst Hill parish councils. Finance officers have estimated that BHPC share was set at 20.3% although this cannot be confirmed from records. The budget pages from the 96/97 budget have been reviewed and is replicated in the table below. In the list below grounds and ditch maintenance are the actual work costs for 1996/97:

	Total Budget	BHPC @ 20.3%	Actual Costs	Total
Building Maintenance	6,310	1,281		
Grounds Maintenance	Actual		19,028	
Ditch Maintenance	Actual		2,707	
Material	2,490	505		
Direct cost Drainage Offices	2,480	503		
Third Party Payments	Actual		6,130	
				£30,154

- If updated by inflation to present day this would give a required budget of £42,080. This budget may be able to be reduced further with regards to the third party and managerial and professional costs once the requirements for management and monitoring are known.
- At present this Council collects and transfers to BHPC the rentals from various leases that were passed over to the Parish Councils. (2009-10) These are:
 - (a) Woodford Rugby Ground Limited: £940 p.a;
 - (b) Trustees for the Buckhurst Hill Cricket and Lacrosse Club: £1,000 p.a.;
 - (c) Trustees of the Roding Valley Cricket Club: £800 p.a.
- This amounts to £2,740 per annum. If the responsibilities for the area transfer back to this District Council then these rents would be retained and the estimated net increase in CSB budget would be marginally reduced.
- Until it is fully known what maintenance is required then budget costs have been estimated as above. If the Council agrees to the Buckhurst Hill proposal the budget estimate figure of £42,080 would be reduced by the cost of basic grounds maintenance, which would remain the responsibility of BHPC. In 2009/10 this was £20,998 but this would reduce due to their proposed changes in responsibility i.e. the maintenance on the 8m strip, any maintenance responsibility from any areas let to any third party and other items as in the report.
- The table below on the next page summarises the financial consequences of the options:

Option	Item	2010/11		2011/12 (onwards)	
		CSB	DDF	CSB	DDF
1.	Core maintenance Rental income to EFDC One off works		42,080 2,740 10,000 49,340	42,080 (2,740) 39,340	
2.	Core maintenance Rental income to EFDC BHPC contribution One off works		42,080 (2,740) (20,998) 10,000 28,342	42,080 (2,740) (20,998) 18,342	
3.	Core maintenance Rental income BHPC cover their responsibilities Est. Est. possible additional works re maintenance fences, bridges, clearance of additional litter/dog bins, One off works		42,080 (2,740) (10,998) 15,000 10,000 53,342	42,080 (2,740) (10,998) 15,000 43,342	
4.	One off works		10,000 10,000		15,000 15,000

- Note: For 2010/11 the maintenance responsibilities cost will be subjected to a pro rata basis depending on when the option chosen is put into action.

- Whether the area comes back to EFDC or if the proposal from BHPC is accepted there will still be a need for a condition review to be undertaken to assess the cost of urgent one-off maintenance work to bring the area up to its original condition as BHPC has not undertaken ditch work etc and their proposal continues not to include this. This will need to be funded via the DDF and is estimated at present at around £10,000. If the do nothing proposal is chosen the one off costs could increase each year due to the gradual decline of the site through lack of timely maintenance as the one off costs does not take into account regular maintenance such grass cutting etc.

- The CSB costs going forwards could be reduced depending upon the outcome of the VFM review of the Grounds Maintenance and Nursery services and any savings made through the on-going renegotiation of the Leisure Management contract.

- It is worth briefly considering the overall financial position of BHPC and their ability to meet both ongoing and one-off costs. The latest published accounts for BHPC are to the end of March 2009 and show reserves at that date in excess of £264,000. For 2010/11 BHPC has precept income of £366,201 and has the third highest band D charge amongst the town and parish councils of £69.25 for a band D property.

Legal and Governance Implications:

The creation of the three parishes in the south of the District led to an agreement of the functions that could be transferred. These functions included:

- Allotments;
- Cemeteries;
- bus shelters;
- bye laws in pleasure grounds and open spaces;
- clocks;
- entertainment and arts;
- highways - repair and maintenance of public footpaths, lighting roads and public places, shelters, roadside seats;
- litter – provision of litter bins and receptacles;
- public buildings and village halls; and
- recreation – management of open spaces (includes Roding Valley Recreation area park).

It has taken considerable time for BHPC to now consider that they do not wish to undertake the original outlined responsibilities regarding the open space. If there is a decision not to continue with the agreement along the lines as stated then there will be an impact on the part agreement with BHPC regarding the playground area.

Safer, Cleaner and Greener Implications:

The area is a major piece of public open space and if one part of it is not maintained to the required level then this could have an impact on the whole recreation area as well as the Nature Reserve and the river. As many members of the public use the area the infrastructure needs to be managed in a comprehensive way to ensure safety aspects as well as keeping the environment conducive to use.

Consultation Undertaken:

Buckhurst Hill Parish Council and their legal advisors.

Background Papers:

Report to CEF – 5th of May 2010

Correspondence from BHPC and their legal advisors Foskett, Marr, Gadsby & Head

Original Council decision to transfer land to Parish Councils

Impact Assessments:

Risk Management

There is a risk to health and Safety of the public if one part of the recreation area is not maintained to the required level. There would be an impact on the whole recreation area as well as the adjacent Nature Reserve, lake and the river. Many members of the public use the area and if the infrastructure were not managed in a comprehensive way then the standards of safety and the environment would be compromised.

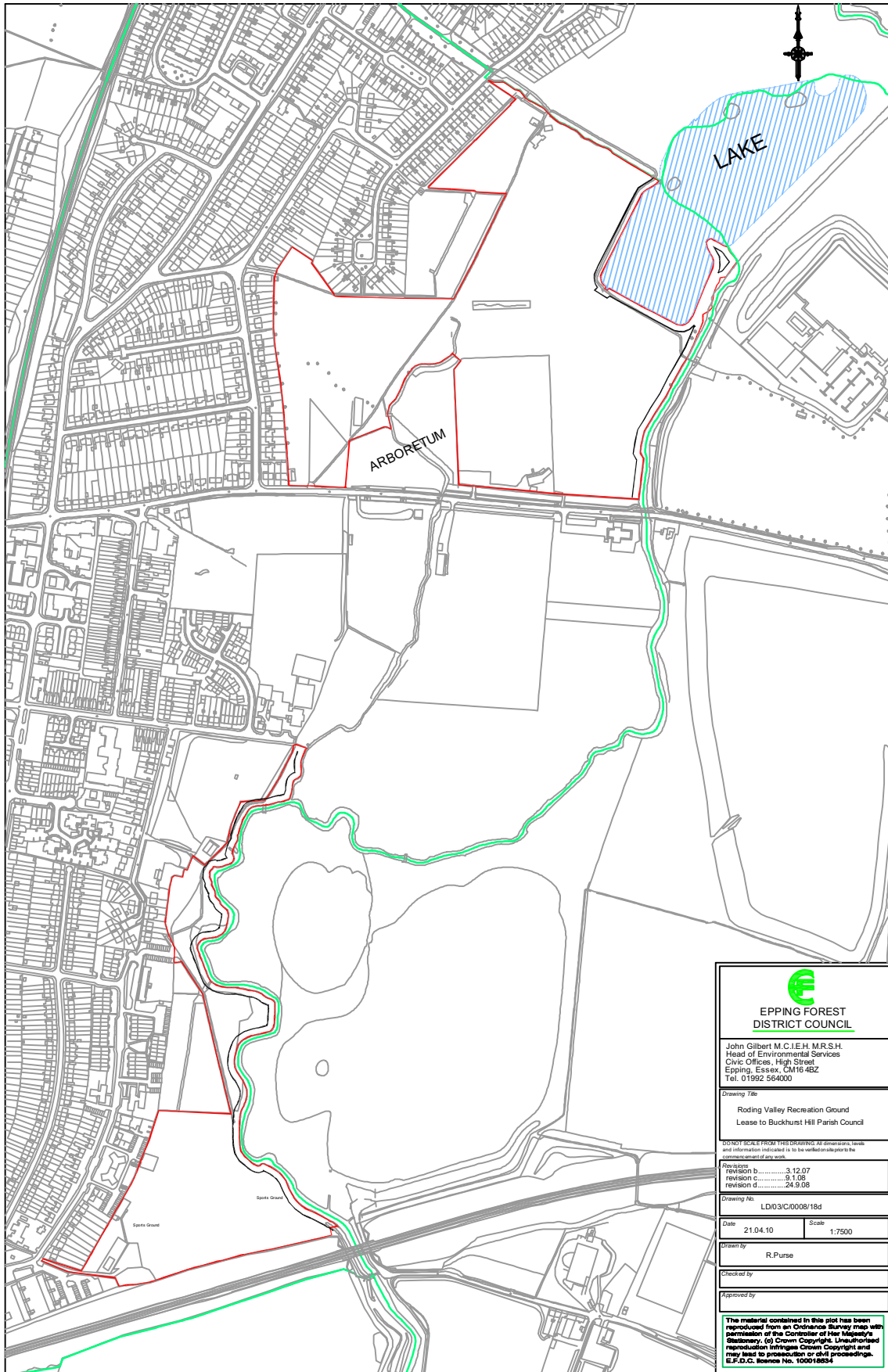
Equality and Diversity:


Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? Yes

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
Possible inequality in terms of the standard of service and access to all users in the District.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
It is the intention that if the land is retained by EFDC that the area will be maintained similar to the long term agreement with Loughton Town Council and thus the standard and provision of the service and area as a whole will be uniform and equal to residents of Loughton and Buckhurst Hill and other users in the District.



 EPPING FOREST DISTRICT COUNCIL	
John Gilbert M.C.I.E.H. M.R.S.H. Head of Environmental Services Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992 564000	
Drawing Title Roding Valley Recreation Ground Lease to Buckhurst Hill Parish Council	
<small>DON'T SCALE FROM THIS DRAWING. All dimensions, levels and information indicated is to be undertaken in the common interest of any work.</small>	
Revisions revision b 3.12.07 revision c 9.1.08 revision d 24.9.08	
Drawing No. LD/03/C/0008/18d	
Date 21.04.10	Scale 1:7500
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Approved by	
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Report to the Cabinet

Report reference: C-009-2009/10

Date of meeting: 19 July 2010



Portfolio: Leisure and Wellbeing

Subject: Sports and Leisure Management Contract Extension Negotiations

Responsible Officer: John Gilbert (01992 564062).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To note that negotiations with Sports and Leisure Management Ltd (SLM) have resulted in the following proposals:
 - (a) the Council to provide capital investment of £798,300 for structural alterations at the Loughton Leisure Centre to generate a reduction in the CSB management fee of £100,000 per annum;
 - (b) the Council to provide capital investment of £192,000 for new fitness equipment at the Epping and Ongar Leisure Centres to generate a reduction in the CSB management fee of £53,000 per annum; and
 - (c) the withdrawal of the additional management fee of £15,530 at Waltham Abbey Swimming Pool in relation to the management of the proposed new sports hall;
- (2) Further to recommendation (1) above to recommend to council for approval a supplementary capital estimate in the sum of £62,000 for new fitness equipment at the Epping and Ongar Leisure Centres;
- (3) That in relation to the construction of a new sports hall at Waltham Abbey Swimming Pool either:
 - (a) part of the overall management fee savings of £153,000 per annum be utilised to meet the additional operational revenue costs of £48,920 per annum resulting in an overall saving of £104,080 per annum;
 - (b) the scheme not be proceeded with and the abortive capital costs of bringing the proposals to the pre-planning stage of £42,000 be funded through the District Development Fund; or
 - (c) the scheme not be proceeded with at this time but be reconsidered annually as part of the normal reviews of the Council's capital programme; and
- (4) Subject to Members' consideration of recommendations (1) to (3) to extend the contract with SLM from January 2013 to January 2016.

Executive Summary:

The present contract with Sports and Leisure Management Limited (SLM) for the management of the Council's four leisure facilities is due to end in January 2013. The February 2010 Cabinet agreed that proposals brought forward by SLM to reduce revenue cost should be pursued further, in line with the Council's policy of generating revenue benefits from investing capital monies. The report also recognised that as part of the negotiations the Council would consider extending the present contract for 3 years from January 2013 to January 2016.

There were 2 elements to the proposals put forward by SLM:

- (i) the Council to make capital provision for alteration works to Loughton Leisure Centre (LLC) and new fitness equipment for Ongar Leisure Centre (OLC) and Epping Sports Centre (ESC) in exchange for a reduction in the CSB management fee; and
- (ii) a reduced management fee for the potential new hall at Waltham Abbey Swimming Pool (WASP).

SLM has produced an outline proposal for LLC, which is within the previously allocated capital budget of £800,000 and has offered a decrease in management fee of £100,000 per year in exchange for this investment. SLM predict that the project could be completed by January 2011 and thus the management fee reduction would commence from that date.

The capital for fitness equipment provision requested by SLM is £192,000 in exchange for a reduction in CSB management fee of £53,376 per year. This would necessitate an additional capital allocation of £62,000 2011/12 as only £130,000 is allocated in the 2010/11 capital programme.

SLM has agreed to a nil increase in the management fee for managing the service in the event that the new sports hall at Waltham Abbey Swimming Pool is constructed. It was hoped that SLM would offer a further decrease in Management fee to cover the future increase in revenue costs. This therefore means that, if the sports hall proposal is to go forwards, that additional revenue costs of £48,920 per annum will need to be met. Members have already resolved that the proposal can only proceed if there is no effect upon revenue budgets and therefore, unless some of the overall management fee savings is made available for this purpose the scheme will have to be abandoned.

These are key decisions

"A safe, healthy and attractive place": address leisure need

Cabinet priorities 2010-11: 21) Subject to meeting the policies on usage of capital resources to commence the design and build of the new sports hall at Waltham Abbey swimming pool

22) To negotiate a 3 year contract extension with SLM, the Council's Leisure Centre service provider

Reasons for Proposed Decision:

That the negotiations with SLM have met some of the requirements of Members as outlined in the February Cabinet in that:

- (i) the LLC project is within the allocated Capital budget and results in a reduction of the

management fee of £100,000 per annum, which represents an excellent return on the capital investment;

(ii) although additional capital is required for the fitness equipment at ESC and OSC it still represents an excellent return on the capital investment of £192,000 through the reduction in the management fee of £53,376 per year; and

(iii) although the SLM offer at WASP does not cover the future estimated increased revenue costs the budget can be covered by the decrease in management fee on the overall contract. If all the savings are taken then the hall extension project cannot proceed resulting in no direct replacement for some of the community services lost by the withdrawal from the Waltham Abbey Sports Centre Joint Use Agreement. It should be noted that the King Harold School are facilitating some community use at their centre.

Other Options for Action:

To not agree to the SLM proposals and not invest the capital in the LLC project and the equipment, thereby losing the offered reduction in management fee.

To continue with negotiations and seek new proposals from SLM. This is unlikely to produce any further increases and any delay would mean that LLC would not open in January 2011 thus losing the advantage to SLM of the traditional post Christmas high attendances

Not to extend the contract to 2016, cease negotiations and re-tender the contract to commence in January 2013.

Report:

1. At its meeting in February 2010 Cabinet received a report on the proposals put forward by Sports and Leisure Management Limited (SLM) in respect of the provision by the Council of capital monies to make structural alterations at Loughton Leisure Centre and the purchase of replacement fitness equipment at the Epping and Ongar Leisure Centres in return for a reduction in the CSB management fee. The report also covered the proposals for a new sports hall at WASP. Cabinet made the following key decisions;

(1) That detailed negotiations be entered into with Sports and Leisure Management to extend the existing management contract from January 2013 to January 2016;

(2) That Sports and Leisure Management be requested to act as the delivery agent for the proposed works at the Loughton Leisure Centre;

(3) That a capital supplementary estimate in the sum of £930,000 for 2009/10 be recommended to the Council for approval;

(4) That a further report be considered by the Cabinet following the progression of the proposed new sports hall at Waltham Abbey Swimming Pool to the pre-planning stage concerning:

(a) whether to proceed to the Design and Build stage; and

(b) whether Sports and Leisure Management be requested to act as the delivery agent for the Design and Build stage or the scheme be competitively tendered.

Loughton Leisure Centre

2. SLM invited design and build tenders from two of their pre-selected main contractors for the refurbishment and extension of the Loughton Leisure Centre. The results were presented to Officers on 14 June. The outline proposals are shown in the plan attached and comprise in general terms of:

- (a) the present communal area and cafeteria being converted into a movement studio;
- (b) the present movement studio becoming part of an extended fitness suite; and
- (c) changes made to the reception area to provide a small communal area with seating, vending machines etc.

3. The only external work is to provide a covered walkway from the rear of the reception area round to the "octagon" area.

4. The cost analysis presented by SLM is as follows:

Item	Cost £
Tender Costs as per Lavingtons Report	471,163
Client Contingency (10%)	47,116
Statutory Services (est)	10,000
Professional Fees – Architects (HCD), M& E Consultants (DDA) Project Manager (Lavingtons)	80,000
Local Authority Fees	10,000
Insurances	5,000
Legal Fees	5,000
Gym Equipment	140,000
Audio Visual Installations	25,000
Site Investigation costs	5,000
Total	<u>£798,279</u>

5. A capital sum of £800,000 is earmarked within the Council's 2010/11 capital programme and the estimate falls just within that allocation. However, the estimate has yet to be fully evaluated and SLM has been made aware that the scheme must remain within the budget allocated which was based on a projection completed by the Council's consultants Stace Project Management. The Council's Assets Management staff would normally oversee the project but due to an extreme concentration of work at present it is necessary to request that Stace project Management takes on this project monitoring role. The fee would be in the region of £5,000 which can be contained within the overall capital allocation.

6. The alterations would be undertaken by SLM in phases so that there is the least amount of disruption to the operation of the centre. If Members agree the proposal then officers will proceed with discussions with SLM on detailed design etc and it is hoped that the new facilities would be available as from January 2011. Planning permission will be required for the external walkway and to ensure that the timetable can be accomplished SLM, at their own risk, are putting in the application prior to Cabinet approval of the scheme.

7. The LLC building works proposal forms part of the negotiations for a 3 year extension to the present contract and reduction in management fee. If the recommendations of this

report are agreed in relation to these alterations then the reduction in management fee of £100,000 per year will commence on the opening of the new Loughton Leisure Centre fitness facility in January 2011.

Equipment Capital

8. Within the proposals included in the negotiation with SLM was the Council making capital provision for fitness equipment at Epping Sports Centre and Ongar Leisure Centre. For a capital investment of £192,000, SLM have agreed to a decrease in the management fee of £53,376 per annum. However, only £130,000 is allocated in the present Council capital programme and therefore a supplementary capital estimate in the sum of £62,000 is needed in 2011/12 if this agreement is to go ahead (*Recommendation (2)*).

Waltham Abbey Pool Hall Extension

9. SLM have engaged consultants Hadfield, Cawkwell and Davidson to undertake work to develop the new sports hall proposal to the planning pre-application stage. The capital estimate of £1.72m was set out in the Cabinet report of July 2009, and is detailed below.

Capital

Item	Est. capital cost
Develop proposal to planning stage (RIBA stage D)	130,000
Develop and oversee proposal to completion	130,000
Main construction costs	1,133,000
Other costs – sports equipment	46,250
sub station	100,000
EFDC officer costs (estimated)	25,000
Total construction related costs	1,564,250
Contingency @ 10%	156,425
Total project cost	1,720,675

10. Officers were also given the remit to ensure that the revenue consequences of the addition of a sports hall at Waltham Abbey Pool would not increase the Council's CSB expenditure. The Cabinet report in July 2009 outlined the estimated revenue costs to the Council of the new proposal as follows:

Revenue

Item	Est. revenue Cost £
Use of £1.721 million of capital at 2%	34,420
Additional SLM management fee	15,350
Estimated NNDR	10,500
Estimated annual building costs	4,000
Total additional revenue	64,270

11. SLM, as part of the contract renegotiations, have stated that they are prepared to waive the £15,350 additional Management fee. However, they have also stated that they are unable to bring forward any additional management fee savings. This then reduces the overall increase to £48,920 which could be met through utilising some of the management fee savings realised from the LLC and fitness equipment capital investment (*Recommendation (3)(a)*).

12. However, if savings are not earmarked the scheme will be unable to proceed at this time and consideration will be required on whether to:

(a) remove the scheme from the Council's capital programme with the capital already expended reverting to revenue through an additional DDF allocation (*Recommendation (3)(b)*); or

(b) retaining the scheme in the capital programme and reviewing the viability of the scheme as part of the normal annual reviews of the capital programme. This will not require the capital expended to revert to revenue (*Recommendation (3)(c)*).

Resource Implications:

If Members were minded to agree the outcome of the negotiations on the basis of a three year extension to the Contract being agreed, the following would result:

- The LLC Scheme could go ahead for the capital cost of £800,000 in accordance with the 2010/11 capital budget. When the project is completed then the management fee savings of £100,000 per year will commence (estimated January 2011). Thus management fee savings up until the end of the contract in January 2016 will total £500,000, broken down as follows:

Period	CSB saving (£)
Jan 2011 to end March 2011	25,000
Apr 2011 to end March 2015	400,000
Apr 2015 to January 2016	75,000
Total	500,000

- SLM have stipulated that there will be an uplift to the SLM income figure of £150,000 as from the opening of the LLC fitness studio to take into account SLM's estimate of the new business to be generated by the project. This income figure is added to the uplifted original tendered income figure and is used when calculating the difference between the actual income and the tendered income as the Council receives 30% of any difference as income share. Depending upon the overall success of the project and the rest of the contract, the Council may benefit from or may forego some potential income.

- The purchase of fitness equipment for ESC and LLC at a capital cost to the Council of £192,000 (£83,000 at ESC and £109,000 at OLC). This will be spent over 2010/11 and 2011/12. There is currently £130,000 in 2010/11 capital programme and therefore a further £62,000 is required by way of a supplementary capital estimate. The management fee saving would be £53,376 per annum commencing when the purchases are made, broken down as follows:

	Savings 2011/12	Savings 2012/13	Savings 2013/14	Savings 2014/15	Savings 2015/16 (Jan)	Total savings
ESC Mar 2011	22,911.46	22,911.46	22,911.46	22,911.46	17,183.59	108,829.43
OLC Dec 2010	7,522.14	30,088.54	30,088.54	30,088.54	22,566.41	120,354.17
Total	30,433.59	53,000.00	53,000.00	53,000.00	37,750.00	229,183.59

The Director of Finance and ICT considers this use of the capital resources to be a good investment and fully in accordance with the Council's policy on the use of capital for revenue generating purposes. Furthermore, the investment in LLC will improve and enhance one of the Council's key assets which may be of considerable benefit when the contract is tendered again in 2016.

The overall management fee savings of £153,376 per annum could be part utilised to offset the additional revenue costs associated with the new sports hall facility at Waltham Abbey Swimming Pool. However, if members wish to see the full management fee savings taken into the CSB, it will not be possible for the project to proceed. If the project ceases then the Capital of £42,000, for the abortive work being undertaken to preplanning stage, needs to be taken out of the 2010/11 capital budget and be funded by a one off DDF allocation. If however the scheme is put on hold, it will need to be processed to the pre-planning application stage using the existing capital allocation, but under those circumstances it will not be necessary to revert the moneys expended to capital until a final decision not to proceed is taken.

Legal and Governance Implications:

The SLM contract expires in January 2013. The contract provides for a three year extension until January 2016 with the agreement of both parties. Should the extension proceed a revised contract will need to be drawn up to reflect that extension plus incorporate the new financial agreement.

All the assets provided to the Contract, to SLM, remain in the ownership of the Council at the end of the contract. All new equipment and structures will come under the terms and conditions of the present contract.

Safer, Cleaner and Greener Implications:

All new building projects will take into account best environmental practice.

If the new sports hall at Waltham Abbey Pool is not constructed there will be no additional facility available to offset the loss of some of the community provision which arose through the ending of the Joint Use Agreement with the King Harold School.

Consultation Undertaken:

Discussion with SLM as outlined in the report.
Consultants Hadfield Cawkwell and Davidson.

Background Papers:

Cabinet reports and recommendations:

13th July 2009

1st February 2010-06-16

and associated Scrutiny and feasibility reports.

Impact Assessments:

Risk Management

The LLC project exceeds £800,000. SLM has been made aware that the amount is the capital limit and the project is to be brought in within the budget. Monitoring to be completed by consultants if the further funding of £5,000 is agreed.

If the three year extension is not agreed the contract will need to be re-tendered by January 2013. Work would commence in Spring 2011. This tender exercise will potentially coincide with the retendering of the waste contract with possible resourcing consequences

If part of the identified savings in management fees is not utilised for offsetting the revenue costs of the new sports hall, the project will not be able to proceed on the basis that:

(a) Members have resolved that the project can only proceed if there are no CSB consequences; and

(b) using the capital without generating a revenue benefit does not accord with the Council's capital strategy.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

The increase activity areas will allow greater usage of the facilities. General monitoring of the Contract and of participation figures ensures that access and usage for all is maintained throughout the service.

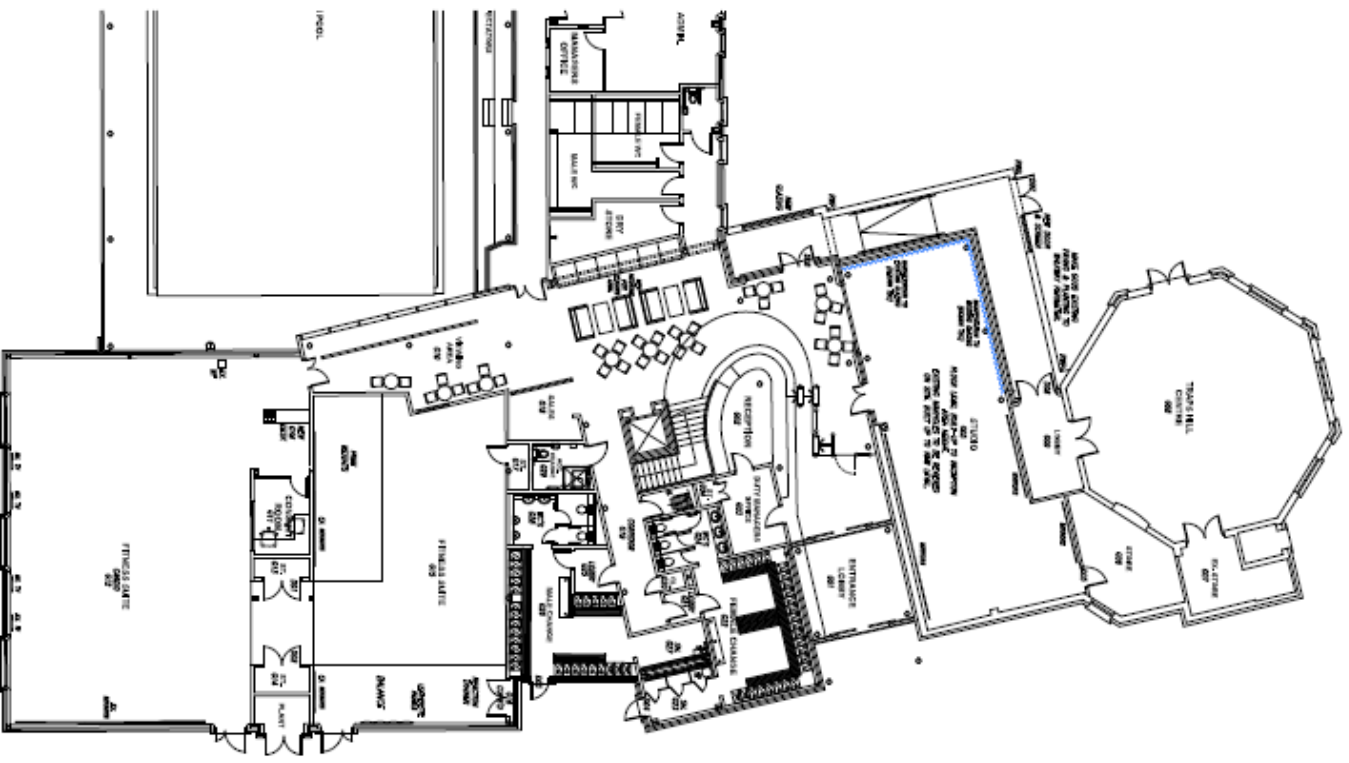
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PROJ No: 2008-04 / 20002

PROJ Name: LOUISA TOWN LEISURE CENTRE

PROJ Description: 1ST FLOOR GENERAL ARRANGEMENT

PROJ Client: B

TENDER



LOUISA TOWN LEISURE CENTRE

PROPOSED GROUND FLOOR GENERAL ARRANGEMENT

Stafford Council Division

ARCH / 2008-04 / 20002

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Report to the Cabinet

Report reference: C-010-2010/11.

Date of meeting: 19 July 2010.

Portfolio: Performance Management.

Subject: Council Plan 2006-2010 and Key Priority Objectives 2009/10 – Outturn.

Responsible Officer: Steve Tautz (01992 564180)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) That the Cabinet consider:

(a) performance against the objectives and actions contained in the Council Plan for 2006 to 2010, for the year to 31 March 2010; and

(b) performance for 2009/10, in relation to the Council's key priority objectives for the year.

<p>PLEASE NOTE THAT THE TWO APPENDICES REFERRED TO IN THE REPORT HAVE BEEN PUBLISHED AS A SEPARATE SUPPLEMENTARY AGENDA. ANY MEMBER WISHING A COPY TO BE PROVIDED FOR THEM SHOULD CONTACT THE DEMOCRATIC SERVICES OFFICER LISTED ABOVE PRIOR TO THE MEETING.</p>

Executive Summary:

The Council Plan for 2006/07 to 2009/10 was the authority's key strategic 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. Performance against the objectives and actions contained in the Council Plan is reviewed annually at year-end.

The Local Government Act 1999 and the Best Value regime previously required all local authorities to publish an annual Best Value Performance Plan (BVPP), detailing priorities for the year ahead. Although the statutory requirement to publish a BVPP was removed from 2009/10, this process traditionally provided an opportunity for the Council to articulate its key priority objectives for each year. A range of specific key priority objectives for 2009/10 was adopted by the Cabinet at its meeting on 5 February 2009, and performance in relation to the key priority objectives for the year is reviewed on a six-monthly basis.

Reasons for Proposed Decision:

It is important that relevant performance management processes are 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 provides an opportunity for the Council to focus specific attention on how areas for improvement will be addressed, opportunities exploited and better outcomes delivered for local people.

Other Options for Action:

No other options are appropriate in this respect. Failure to monitor and review 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.

Report:

Council Plan 2006-2010

1. The Council Plan for 2006/07 to 2009/10 translated the vision for the district set out by the Community Strategy into the Council's strategic direction, priorities and the most important outcomes that it wanted to achieve, and informed all other plans and helped prioritise resources to provide quality services and value for money. The Council Plan did not cover everything that the authority does, focusing instead on those issues that matter most to local people, national priorities set by the government and local challenges arising from the social, economic and environmental context of the district. As a strategic document, the Council Plan also did not contain specific information on the wide range of services that the authority provides, or how it delivers statutory duties or enforces legislation, and details of the provision of services can be found in the individual directorate business plans produced each year.

2. The Council Plan is an important element in the Council's Performance Management Framework and corporate business planning processes, and informs the content of annual directorate business plans to illustrate the work that directorates and services perform that directly contributes towards the achievement of the Council's corporate objectives. The Council Plan also provides the policy foundation for the authority's Medium-Term Financial Strategy.

3. Progress against the objectives and specific actions contained in the Council Plan is reviewed on an annual basis by the Cabinet and the Finance and Performance Management Scrutiny Panel, and a schedule setting out current (year four) progress towards the achievement of individual Council Plan objectives and actions is attached at Appendix 1 on the supplementary agenda. It should be noted that this progress report, which has previously been considered by the Scrutiny Panel (10 June 2010), reflects final outturn performance for the Council Plan as at 31 March 2010.

4. The lifespan of the Council Plan has now concluded. Members will be aware that work has commenced on the development of a new corporate plan to take the authority forward from 2010/11 to 2013/14, in conjunction with the similar development of a new Community Strategy for the district by the Epping Forest Local Strategic Partnership. A joint Cabinet/Management Board workshop is shortly to be held to facilitate the further development of the new Corporate Plan, which it is currently anticipated will be adopted by the Council in October 2010.

Key Priority Objectives 2009/10

5. The Council's key priority objectives for 2009/10 were adopted by the Cabinet at its meeting on 5 February 2009. A schedule detailing outturn performance (at 31 March 2010) against the key priority objectives is attached at Appendix 2 on the supplementary agenda.

6. Progress against the Council's key priorities and objectives was an area of inspection focus in the Managing Performance element of the Comprehensive Area Assessment (CAA) process introduced in April 2009. Managing Performance comprised the annual assessment

of the progress the Council is making towards achieving improvement in the services it delivers to the public, and was intended to identify and reflect efforts to put in place plans to secure improvement. Whilst CAA is to be abolished and all work on the Managing Performance element for 2009/10 has ceased, it is nevertheless important to ensure that relevant performance management processes are in place to review and monitor performance against the authority's key objectives, and to agree proposals for corrective action in areas of current under performance.

7. The Cabinet is requested to consider outturn performance against the objectives, actions and targets within the Council Plan for 2006-2010, and the key priority objectives adopted for 2010/11.

Resource Implications:

Resource requirements for any proposals for corrective action in respect of areas of current under-performance set out in this report will be identified by the respective service director.

Legal and Governance Implications:

There are no legal implications or Human Rights Act issues arising from the recommendations in this report, which ensure that the Council monitors progress and reports against the achievement of its corporate priorities.

Safer, Cleaner and Greener Implications:

There are no implications arising from the recommendations in this report for the Council's commitment to the Nottingham Declaration for climate change, the corporate Safer, Cleaner and Greener initiative, or any Crime and Disorder issues within the district.

Consultation Undertaken:

Current performance against the objectives, actions and targets contained in the Council Plan 2006-2010 and the key priority objectives adopted for 2009/10 have been reported by the respective service director.

Background Papers:

None.

Impact Assessments:

Risk Management

The respective service director will have identified any risk management issues arising from proposals for corrective action in respect of areas of current under-performance in relation to objectives, actions and targets contained in the Council Plan for 2006-2010 and the Council's key priority objectives for 2009/10, as set out in this report

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No. The content of this report has no specific equality implications. However, the respective service director will have identified any equality issues arising from proposals for corrective action in respect of areas of current under-performance in relation to objectives, actions and targets contained in the Council Plan for 2006-2010 and the Council's key priority objectives for 2009/10, as set out in this report.

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?

N/A

What equality implications were identified through the Equality Impact Assessment process?

N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A

Report to the Cabinet

Report reference: C-011-2010/11

Date of meeting: 19 July 2010



**Epping Forest
District Council**

Portfolio: Housing

Subject: Private Sector Housing Enforcement Policy

Responsible Officer: Lyndsay Swan (01992 564149)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

That the updated version of the Private Sector Housing Enforcement Policy be approved and adopted.

Executive Summary:

The Council's existing Enforcement Policy relating to Private Sector Housing is now several years old and dates 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 has now also been produced that relates solely to the Council's Private Sector Housing functions and this is attached as an Appendix to the Report. The new Policy sets out how officers in the Housing Directorate will carry out enforcement activities.

This is a key decision.

Reasons for Proposed Decision:

In order to ensure that service users are fully aware of what to expect from Council officers and can be satisfied that they will be treated fairly and proportionately.

Other Options for Action:

Not to adopt the Policy. This course of action would leave the Council open to criticism. We are already a signatory to the Government Cabinet Office Enforcement Concordat which requires us to demonstrate openness and fairness in our approach to enforcement.

Report:

1. Some years ago, as part of the Council's commitment to fair and equitable enforcement activity, an enforcement policy for environmental health was developed and put into practice. This was at a time prior to the Corporate restructure when Private Sector Housing functions were the responsibility of the former Environmental Services. As well as relating to Private Sector Housing functions, therefore, it also included the Council's wider Public Health responsibilities, such as those relating to food premises. The Policy was guided by the Government's Cabinet Office Enforcement Concordat, published by the Cabinet Office in 1998

and adopted by this Council, and the Regulator's Compliance Code issued under Section 22 of the Legislative and Regulatory Reform Act 2006.

2. In September 2009, the Environment and Street Scene Directorate produced a new Enforcement Policy relating to the responsibilities of the former Environmental Services now under their control. The Cabinet approved the Environment and Street Scene Directorate's Enforcement Policy on 7 September 2009 (Ref: C-030-2009/10). This excluded private sector housing enforcement which had become the responsibility of the Housing Directorate in the restructure.

3. It is now necessary, therefore, to have a Policy setting out the approach that the Housing Directorate will take in relation to enforcement upon matters concerning private sector housing. Some real examples of Private Sector Housing enforcement are:

- Action to secure compliance with a Notice under the Environmental Protection Act 1990 served on the landlord of a property where the boiler was not working. In this case the Notice was complied with but had it not been, the Council would have the option of arranging for remedial work to be carried out and charging the landlord the full costs including administrative and officer time. The landlord could also be prosecuted with a fine on successful conviction of £20,000.
- To determine the action to be taken to remove the risk of occupants falling from the unguarded flat roof of a privately-tenanted property. As this resulted in a Category 1 hazard under the Housing Act 2004 and the family occupying the property included a young child, officers arranged for immediate temporary remedial work to be carried out. An Improvement Notice under s.11 of the Housing Act 2004 was served on the landlord requiring him to carry out remedial work to secure the doors permanently.
- To ensure that the landlord of a House in Multiple Occupation (HMO) did not let a room that was smaller than the size required under the Council's space standard. The Council served the landlord with a Prohibition Order under Section 21 of the Housing Act 2004 making it an offence for the room to be let.

4. The new Private Sector Housing Enforcement Policy is attached at Appendix 1. It sets out exactly what can be expected in the event that the Directorate finds it necessary to embark upon any form of enforcement action against an individual or organisation. The Policy's three main principles are:

- (i) *Consistency* - taking a consistent approach to achieving the required ends;
- (ii) *Proportionality* - relating enforcement action to risks and the severity of the potential breach of the law; and
- (iii) *Openness* - explaining our actions in plain language and making a clear distinction between advice and guidance.

5. It is also based around the key principles of the Enforcement Concordat which forms an Appendix to it.

6. In addition to the changes made necessary as a result of the restructure, since the publication of the original enforcement policy, the Government published the Hampton Review; "Reducing Administrative Burdens: Effective Inspection and Enforcement" in March 2005 and the Rogers Review of "National Enforcement Priorities for Local Authority Regulatory Services" in March 2007. The findings of these reviews have been reflected within the new Policy.

Resource Implications:

All costs are contained within current budgets.

Legal and Governance Implications:

The adoption of the revised Policy will ensure that Private Sector Housing enforcement activities are fair and consistent and meet the principles of the Enforcement Concordat.

Other Directorates within the Council undertake enforcement activities and Directors will, over a period of time, be bringing forward reviews of their Directorate enforcement policies, including the overarching corporate enforcement policy.

Safer, Cleaner and Greener Implications:

One of the main aims of the Council's Private Sector Housing function is to protect the health and safety of the residents of, and visitors to, private sector residential properties. Enforcing legislation and relevant standards appropriately is key to this.

Consultation Undertaken:

None

Background Papers:

The Private Sector Housing Enforcement Policy including the Enforcement Concordat.
The Regulator's Compliance Code issued under Section 22 of the Legislative and Regulatory Reform Act 2006.

Impact Assessments:Risk Management:

Failure to ensure compliance with legislation and relevant standards may compromise the health and safety of the residents of, and visitors to, private sector residential properties.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process? N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group? N/A.

Private Sector Housing Enforcement Policy

1.0 Introduction

1.1 Enforcement is considered to be the actions that are taken to achieve compliance with a statutory requirement. This Policy sets out the enforcement procedures that will be used to achieve statutory housing and environmental standards. It sets out what owners, landlords, their agents and tenants of private sector properties can expect from Council Officers.

1.2 Anyone likely to be subject to formal enforcement action will receive a clear explanation of what they need to do to comply and will be given an opportunity to resolve issues before enforcement action is taken. Our aim is to encourage co-operation between the Council and property owners to help keep homes in good repair.

1.3 The Council expects landlords to support their tenancies throughout any enforcement action and if the tenant leaves the property, enforcement action will continue until the property is brought up to a satisfactory condition.

1.4 In general, any enforcement action will be taken in line with the principles of good enforcement outlined in the Enforcement Concordat, a copy of which is attached as an Appendix to this document.

1.5 This Enforcement Policy promotes efficient and effective approaches to regulatory inspection and enforcement to improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code. In certain instances, we may conclude that a provision in the code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

2.0 How do we decide what to inspect or investigate?

2.1 We will target our programmed, routine and reactive inspections on those premises, nuisances and other public health matters that are statutory requirements and/or present the greatest risk to occupiers, neighbours and the public. Vacant private sector residential properties and sites will be identified and dealt with in the context of our Empty Property Strategy.

2.2 Some categories of complaints are urgent, such as those that might affect health and safety, and in some circumstances these may receive a response within 24 hours. Our Housing Charter explains how and when we aim to respond to all other complaints. The Housing Charter is contained within our Housing Service Standards which is available on our web-site or a paper copy can be provided on request from the Civic Offices. Contact details are at the end of this document.

2.3 This Policy relates to enforcement action relating to homes in the private sector. Requests for advice and assistance on conditions in Council accommodation should be directed to the Housing Repairs Service.

3.0 General Principles

3.1 The three main principles that will determine the course of action to be taken are:

- Consistency;
- Proportionality; and,
- Openness.

3.2 **Consistency:** means taking a similar approach in similar circumstances to achieve similar ends. It does not mean uniformity, as officers will take into account many factors such as the level of risk, the history of compliance and the attitude and actions of those involved.

3.3 **Proportionality:** means relating enforcement action to the risks and severity of the breach of the law involved. This will ensure that the most serious risks are targeted first.

3.4 **Openness:** means explaining our actions clearly in plain language. We will discuss any failure to comply with the required standards, or problems in meeting them, with anyone experiencing difficulties. A clear distinction will be made between legal requirements and advice or guidance.

3.5 There may be circumstances where shared, or complementary, enforcement action may be taken with other agencies. In these cases, regard shall be taken of policies and procedures of those agencies, and enforcement activity will be co-ordinated wherever possible.

4.0 Enforcement Options

4.1 A staged approach is taken to enforcement wherever possible to ensure solutions are initially sought through advice, co-operation and agreement. However, where this is not successful there will be cases where formal action is necessary and this may ultimately lead to prosecution or other summary action.

4.2 There may also be circumstances, such as when there is an imminent risk to health, where it may be necessary to take formal action in the first instance. Section 4.3 below identifies the different courses of action that are available and the criteria that Officers will use to choose which are the most appropriate in each case.

4.3

Action	Circumstances
No action:	<ul style="list-style-type: none">• Complaints or allegations of breaches of housing legislation or statutory nuisances are unsubstantiated; and/or,• Formal action is inappropriate in the circumstances.
Verbal advice:	<ul style="list-style-type: none">• There is insufficient evidence of breaches; and/or,• Immediate action is taken to comply with failures.
Informal letters:	<ul style="list-style-type: none">• Past history of dealing with the relevant parties allows confidence that informal action will achieve compliance;

- Conditions are not serious enough to justify formal action; and/or,
 - To notify the responsible person that action is required prior to taking formal action.
- Advisory notices:
- The conditions are serious enough to justify formal action; and/or,
 - Opportunity given to landlords and tenants to make representations.
- Formal notices:
- There are significant failures of statutory requirements;
 - There is a lack of confidence in the individual or management, i.e. the willingness to respond to an informal approach;
 - There is obstruction or assault;
 - There is a history of non-compliance;
 - The Council is required to serve a statutory notice; and/or,
 - The defect presents an imminent risk to health.
- Works in Default: -emergency remedial action
- There is an imminent risk to health and safety to the public; and/or,
 - Prosecution would not adequately protect the public interest.
- Works in Default – non compliance:
- We may choose to carry out works required by a notice if they have not been completed within the permitted time; and/or,
 - This may be taken in conjunction with, or followed by, with a prosecution with a notice.
- Formal (Simple) Caution:
- Where a prosecution is determined not to be in the public interest.
- Revocation of licenses and approvals:
- The property manager is not a 'fit and proper person'.
- Prosecution:
- There is sufficient and reliable evidence that an offence has been committed;
 - There is a realistic prospect of conviction; and/or,
 - The prosecution is in the public interest.

4.4 Consistency and adherence to this Policy are maintained through the Council's internal case review procedures.

- 4.5 Where formal action is required officers will provide:
- Clear information and advice to all relevant parties;
 - Ensure an opportunity is given to discuss what is required before formal action is taken (unless urgent action is required);
 - Advise the relevant parties of the named officer responsible for dealing with their case;

- Give a written explanation of any rights of appeal at the time the notice is served;
- Notify the relevant parties about any financial charge that the Council may apply and seek to recover as part of the enforcement process; and,
- If there is an appeal against a notice then a charge will only be applied if the notice is upheld.

5.0 Complaints: In the event that an individual or company is not satisfied with the service or if does not agree with the action taken by the investigating officer they should first contact the Private Housing Manager (Technical). If this does not resolve their complaint the Council also has a formal Compliments and Complaints Scheme. This is available on our web-site or a paper copy can be provided on request from the Civic Offices. Contact details are below.

6.0 Monitoring: This Policy will be reviewed at least annually and more frequently if circumstances dictate.

Contact Details:

Private Sector Housing (Technical),
Housing Directorate,
Epping Forest District Council,
Civic Offices,
High Street,
Epping
CM16 4BZ

Tel: 01992 564072

E-mail: privatesectorhousing@eppingforestdc.gov.uk

Website: www.eppingforestdc.gov.uk

The Enforcement Concordat

The Principles of Good Enforcement:

1.0 Policy and Procedures

1.1 This document sets out what business and others being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.

1.2 The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

1.3 The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice and safety.

1.4 We have therefore adopted the central and local government Concordat on Good Enforcement. Included in the term 'enforcement' are advisory visits and assisting with compliance as well as licensing and formal enforcement action. By adopting the Concordat, we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

Policy

2.0 Standards

2.1 In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

3.0 Openness

3.1 We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organizations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

4.0 Helpfulness

4.1 We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice/information from us. Applications for approval of establishments, licenses, registrations, etc. will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

5.0 Complaints about Service

5.1 We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved.

6.0 Proportionality

6.1 We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

6.2 We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

7.0 Consistency

7.1 We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

8.0 Procedures

8.1 Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what timescale, and making sure that legal requirements are clearly distinguished from best practice advice.

8.2 Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection or to prevent evidence being destroyed).

8.3 Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.

8.4 Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

Report to the Cabinet

Report reference: C-012-2010/11.

Date of meeting: 19 July 2010.



**Epping Forest
District Council**

**Portfolio: Leisure and Wellbeing.
Finance and Economic Development.**

Subject: Shared Olympics Officer Post.

Responsible Officer: Derek Macnab 01992 554040.

Democratic Services: Gary Woodhall 01992 564470.

Recommendations/Decisions Required:

(1) That Members note 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; and

(2) That Members agree to fund a contribution of £10,000 per annum from the District Development Fund over the next two years, subject to formal agreement of the post's work programme, to fund the appointment of a shared Olympics Officer.

Executive Summary:

The Olympic White Water Canoe Centre, currently under construction on the border between Waltham Abbey and Waltham Cross, has the potential to leave significant legacy benefits for the local area. The Council is an active partner in the multi-agency Olympic Legacy Partnership Board, chaired by the Leader of Broxbourne Council. This report seeks a contribution from Epping Forest District Council to a shared Olympics Officer post. The role of the Officer will be to deliver projects and promote actions to ensure that the optimum positive outcomes are achieved by the canoe centre in terms of economic development and regeneration, environmental improvement and tourism.

Reasons for Proposed Decision:

To enable the Council to confirm to the Legacy Partnership Board whether they are prepared to contribute to the funding of a shared Olympics Officer post.

Other Options for Action:

Not to contribute to the cost of the shared post. This may result in the focus of the work programme shifting to Broxbourne and the Hertfordshire area.

Report:

1. The Lee Valley White Water Canoe Centre is being built by the Olympic Delivery Authority (ODA) on the border between Essex and Hertfordshire. Although the site itself is within the Borough of Broxbourne, the new facilities are in close proximity to Waltham Abbey.

2. The Centre will host the canoe slalom events over four days, Sunday 29 July to Wednesday 3 August, during the 2012 London Olympic Games. After 2012, the venue will be owned and funded by the Lee Valley Regional Park Authority as a sporting and leisure facility, for public participation in canoeing and white water rafting, as well as hosting major competitions and elite training events.

3. The ODA started construction on the venue in July 2009. Works on the canoe courses are well underway with the 160m intermediate/training course nearing completion and the 300m Olympic Competition Course taking shape. The structure of the two storey facilities building is also now complete, with internal fit out work now started. The target completion day for the whole project is the 1 October 2010.

4. Uniquely amongst Olympic venues, the Canoe Centre will be made available for public use in advance of the games themselves. A “soft opening” is proposed for the facility in 2011, for Thursdays – Sundays of each week. Following the games time occupation in 2012, full scale operation by the Lee Valley Regional Park Authority will start in 2013. A number of initiatives are already underway with local schools to enable local young people to have first use of the facilities. The ODA has a communication strategy in place to advise local people of progress. In addition, a number of tours of both the Canoe Venue and the main Olympic site in Stratford have been arranged.

5. Clearly the provision of an Olympic venue and the profile it will achieve during the games, coupled with the legacy of having a world class sports facility on the edge of the District, can have significant benefits. In order to maximise the potential, an Olympic Legacy Board has been established. Chaired by the Leader of Broxbourne Council, the Board has representation from the Lee Valley Regional Park Authority, Hertfordshire County Council, the Olympic Delivery Agency, the London Organising Committee of the Olympic Games, the East of England Development Agency, Nations and Regions East, Enfield Council, Essex County Council and Waltham Abbey Town Council. Epping Forest District Council is represented by the Council’s nominated Member Olympic Champion, Councillor Liz Webster and the Deputy Chief Executive.

6. The Board has identified a number of work streams namely Economic Development, Community Engagement, Tourism and Visitors, Communications, Regeneration or Environmental Improvement, and Sports Development. Each working group is led by one of the partners. Given that the venue’s post games business plan is predicted on attracting thousands of users a year, and that Waltham Abbey has a strong day visitor offer in terms of local attractions, the District Council has indicated that they wish to play a leading role in the area of tourism.

7. To date, whilst structures have been put in place, real practical progress has been hampered by a lack of dedicated capacity within the various interested parties. To this end Broxbourne and Hertfordshire County Council have each agreed to contribute £20,000 per annum over the next two years, up to the time of the Olympic Games themselves, to appoint a dedicated Olympics Officer. The focus of the role (Draft Job Description attached as Appendix 1) is to drive forward initiatives and co-ordinate actions to maximise the potential legacy benefits of the venue. Epping Forest District Council and the London Borough of Enfield have also been asked to contribute financially to the cost and practical work of the post.

8. An opportunity, therefore, presents itself to influence the role, thus ensuring that the District has a real say in the delivery of a programme of work around the venue. The work programme envisaged will focus on Economic Development, Tourism and Regeneration. It is understood between the partners that the work programme will need to be formally mutually agreed and focus on real quantifiable practical outcomes.

9. The Council has now received a sum of £72,000 DDF, as yet unallocated, in the form of Local Authority Business Growth Incentive Grant (LABGI). Given the potential benefit to local businesses, particularly with respect to day visitors and tourism, it is proposed that a contribution of £20,000, i.e. £10,000 per annum over two years is made to part fund the Olympic Officer Post. Not only could this greatly assist the local economy in Waltham Abbey, given the anticipated number of visitors to the Canoe Venue after the games (estimated up to 70,000 per annum), but also the District generally, in terms of increased tourism spend.

Resource Implications:

£72,000 LABGI remains unallocated. It is likely that this grant will be the last that the Council receives in the current economic climate. An allocation could be made totalling £20,000 (£10,000 per annum in 2010/11 and 2011/12) to ensure that the District has influence in this important role. If other partners contribute and the salary costs are fully met, then any residual funding could be used to fund jointly agreed initiatives. The post will be on a temporary fixed term basis.

Legal and Governance Implications:

The Borough of Broxbourne will be the employing body for the post. The role falls within the powers invested in the Council by the Community Wellbeing Act 2000.

Safer, Cleaner, Greener Implications:

Significant amenity improvements in relation to the local area could flow from the development of the White Water Canoe Centre. The venue itself has been designed to minimise its environmental impact. As a diversionary activity for local young people, the centre could play a role in reducing anti-social behaviour.

Consultation Undertaken:

With the Olympic Legacy Board.

Background Papers:

Minutes of Legacy Partnership Board and Job Description/Person Specification.

Impact Assessments:

Risk Management

There is a risk that the Council will not maximise the potential benefits of the Olympic White Water Canoe Venue unless additional capacity is provided.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

Whilst Canoe Slalom will not feature in the 2010 Paralympic Games, the Canoe Centre will be fully compliant with respect to the requirements of the DDA.

What equality implications were identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

Olympics Officer

Draft Job Description

Purpose of Job

To pursue initiatives and to co-ordinate actions, in liaison with partner agencies, to ensure that the Borough of Broxbourne, Epping Forest District and North Enfield obtain the optimum potential benefits from the development of the Olympics White Water Canoe Course in Waltham Cross (Lee Valley White Water Centre).

Main tasks

1. To work with partner agencies to deliver projects and to promote actions which will ensure that the Borough of Broxbourne, Epping Forest District and North Enfield and the surrounding locality, achieve the optimum benefits from the development of the Lee Valley White Water Centre in Waltham Cross in terms of economic development and regeneration, environmental improvements, sports and leisure development and publicity and promotion.
2. Co-ordinate with partner agencies including Hertfordshire and Essex County Councils, the Lee Valley Regional Park Authority, Epping Forest District Council, Waltham Abbey Town Council, EEDA, LOGOC, the ODA and the London Borough of Enfield to ensure the effective delivery of a range of inter-related projects which will establish the Lee Valley as a major leisure destination.
3. Support the work of the inter agency Legacy Board preparing agendas and papers for the meetings and work with lead officers on the preparation and implementation of action plans for the identified key themes of:
 - a. Economic Development
 - b. Tourism
 - c. Regeneration
 - d. Sports development
 - e. Community engagement
 - f. Communications
4. Identify and pursue funding opportunities to support the implementation of actions which will help to secure the Olympics legacy.
5. Work with developers and landowners to identify and deliver regeneration projects which will support the delivery of the Olympics legacy.
6. Work with partners to ensure ongoing liaison with the local community, including schools, to ensure that it is aware of, and benefits from, the opportunity presented through the development of the Lee Valley White Water Centre.
7. Input to the development of policy documents to ensure that they recognise and promote the opportunities presented in a consistent and co-ordinated manner and provide the strategic framework for ongoing actions.
8. Work with partner agencies to implement schemes to both improve the physical appearance of the locality and to promote the Olympic Games and the associated opportunities.

9. Generally ensure that the Legacy Board's actions are promoted and publicised through the implementation of an effective Communications Strategy which will include regular press releases, updates to the Council's website and the publication of promotional leaflets.
10. Work with colleagues on the co-ordination and implementation of the Waltham Cross Renaissance Strategy ensuring that projects and ongoing routine maintenance work are actioned in accordance with agreed timescales.

This is a fixed term 2 year contract working 37 hours per week. The post, which is jointly funded by the Borough of Broxbourne, Epping Forest District Council and Hertfordshire County Council will be hosted by the Borough of Broxbourne and the successful applicant will report directly to ?.

	Essential	Desirable
EXPERIENCE		
Experience of working at a senior level delivering complex inter agency projects	x	
Proven policy development skills	x	
Good project management skills	x	
Proven experience of delivering economic regeneration and/or environmental improvement projects		x
SKILLS / ABILITIES		
Good communication skills with a proven ability to engage effectively on complex issues to a range of stakeholders.	x	
Ability to organise and keep records effectively		x
Good interpersonal skills	x	
Able to work in a logical manner	x	
Good IT skills	x	
KNOWLEDGE		
Knowledge of the policy development process	x	
General knowledge of local authority functions		x
Commercial awareness of the private sector		x
QUALIFICATIONS		
Educated to degree or similar level with a high level of literacy skills	x	
PERSONAL QUALITIES		
Ability to work flexibly, alone, on own initiative and with minimal supervision	x	
Able to meet objectives and strict deadlines	x	
Enthusiastic and motivated	x	
Methodical and accurate	x	
SPECIAL CONDITIONS		
Willingness to work evenings when required	x	
Full driving licence and own vehicle		x

Report to the Cabinet

Report Reference: C-013-2010/11.

Date of meeting: 19 July 2010.



**Epping Forest
District Council**

Portfolio: Finance and Economic Development.

Subject: Local Authority Business Growth Incentive Scheme.

Responsible Officer: Bob Palmer (01992 564279).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To note that under the Local Authority Business Growth Incentive (LABGI) scheme £71,584 was received in 2009/10 and that the LABGI scheme has now been closed;**
- (2) To agree that the funds received in 2009/10 be ring fenced for economic development purposes; and**
- (3) That the Finance and Economic Development Portfolio Holder, in consultation with officers and business support organisations, be delegated authority to allocate the funding to appropriate schemes to aid economic development in the Epping Forest District.**

Executive Summary:

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

Members have previously determined that LABGI grant should be credited to the District Development Fund and available to support any projects. The Federation of Small Businesses (FSB) approached the Council requesting that LABGI be ring fenced for economic development and made a number of suggestions about possible schemes.

Reasons for Proposed Decisions:

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

Other Options for Action:

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.

Report:

Introduction

1. Late in 2009/10 the Department for Communities and Local Government (DCLG) announced details of grants under the Local Authorities Business Growth Incentive Scheme (LABGI) for 2009/10. Following the announcement that this Council was to receive £71,584 a request was received from the FSB that the Sustainable Communities Theme Group of the Local Strategic Partnership should have an agenda item – “To consider projects funded through LABGI grant money”.

Policy Context of the Scheme

2. The current Local Government finance structure does not fully recognise or reward local authorities' contribution to economic growth. Local authorities bear many of the costs of economic development although they do not benefit from the increased revenues it generates. Since 1990, business rates revenues have been paid into a central pool so that local authorities get no direct individual or local benefit.

3. LABGI gives local authorities a direct financial incentive to encourage business in their areas, by allowing them to retain a proportion of revenues created by increasing business growth above a predetermined floor.

How the Scheme Works

4. Business growth is measured in terms of the increase in a local authority's rateable value during a calendar year. It is based on actual changes to rateable values in the previous calendar year, provided by the Valuation Office Agency (VOA).

5. Each authority has a target level of growth in rateable value that must be reached to benefit from LABGI, known as the floor. The floor level is calculated using historic growth figures. The amount by which each authority exceeds their floor target will then determine their relative allocation from the Government's overall LABGI budget.

6. Given the uncertainty about the life of LABGI, and in line with a previous decision of Cabinet (19 December 2005, minute 128), LABGI income is credited to the District Development Fund (DDF). One of the published principles of the scheme is “that the scheme will give local authorities additional revenue to spend on their own priorities”. This has been re-confirmed by the DCLG in other statements “As in year 1, LABGI grant is entirely additional to the local government finance settlement and local authorities are free to spend the grant however they wish”. As Members allocate DDF funding amongst competing bids from the different Portfolios it is clear that DDF monies are spent on this Council's own priorities.

Potential Projects

7. The FSB believe that LABGI grant money should be available for projects to enhance economic development and regeneration. Members of the Sustainable Communities Theme Group were invited to bring forward suggestions for potential schemes that could then be reported to the Council's Cabinet for consideration.

8. The main proposals suggested were:

(a) pump-priming money for M11 Corridor Showcase event in November. Likely investment needed was felt to be in the order of £4,000 judging on Chelmsford/Maldon's experience last year. The money would contribute towards marketing, venue/catering etc;

(b) Incentive/Shop Local Scheme - reference made to similarities between this district and Rochford and its 'Shop at my local' web-based loyalty scheme. This scheme also involves partnership with Anglia Ruskin University to deliver training;

(c) the need for fast and reliable Broadband - reference to Maldon Local Strategic Partnership/Essex County Council project which is working in partnership with Suffolk/Thames Water using its towers and providing businesses with radio receivers etc. The initial financial injection for the Maldon scheme was approximately £33,000 but installation and usage charges were recovered from businesses signing-up; and

(d) work to support the LSP's commitment to NI171 Business registration in the Local Area Agreement and increasing support available to business start-ups e.g. voucher schemes as implemented in Harlow.

9. In addition to the above suggestions, a request has been received from Waltham Abbey Town Council for additional assistance in the build up to the 2012 Olympics. An annual grant of £15,000 is made to support the Tourist Information Centre (TIC) in Waltham Abbey and the Town Council have requested that this is increased to £20,000. The grant could be increased by £5,000 for 2010/11 and 2011/12 at a total cost of £10,000. The Town Council have stated that the additional grant would place the TIC "in a far better position to fully utilize the opportunities afforded to the area due to the Olympic Games and its legacy."

10. Members may also wish to consider the use of the LABGI funding to freeze parking charges for a further year. The freezing of parking charges for the last two years has been very popular with the business community and could be seen as an effective way of helping businesses across the District. Annual income from the Council's off street car parks is in the region of £800,000, so if a potential increase of 5% was foregone this would equate to a reduction in potential income of approximately £40,000.

Resource Implications:

The report proposes ring fencing £71,584 from the DDF for economic development purposes. As at 31 March 2010 the balance on the DDF was £4,041,000, of which £637,000 was unallocated.

Legal and Governance Implications:

There are no legal or governance implications.

Safer, Cleaner, Greener Implications:

There are no environmental implications.

Consultation Undertaken:

The Sustainable Communities Theme Group of the Local Strategic Partnership was consulted on the use of LABGI grant.

Background Papers:

None.

Impact Assessments:

Risk Management

It is possible that the amount to be ring-fenced may not be sufficient to take forward all of the proposed schemes.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A

One Epping Forest, Epping Forest District Council, & Business Link in Partnership

Introduction

At Epping Forest local strategic partnership; Sustainable Communities Theme Group Meeting on: 21st May 2010:- Bob Palmer (Director of Finance, EFDC) gave an overview of the LABGI funding based on his previously circulated paper.

This may be the last grant received under the LABGI scheme. Bob asked for suggestions for projects which would benefit from a grant. This paper fleshes out the initial suggestion from Business Link.

Background

Over recent months, the economic climate has resulted in business stress, & unfortunately job losses. Two specific consequences of this have been a marked reluctance for business to invest, and a significant increase in the number of people looking to become self employed or start their own business.

Based on the above, Business Link will be delighted to partner with Epping Forest to deliver a package of structured and targeted support, through projects directed at those two issues.

The two suggested projects are:-

- a. Based on successful interventions with other partners in the region.
- b. Scalable. Although each is laid out on a £10k base, costs per element are included so that partners can readily re-specify the projects.

The main objectives of the partnership activities will be:-

Project 1

1. *Raise awareness and Build Confidence of people in Epping Forest District to explore self employment options*
2. *Provide ongoing support to pre starts and newly self employed individuals through a series of drop-in sessions with Enterprise Awareness Champion*
3. *Deliver additional business start up and skills workshops.*

Project 2

1. *Build on and enhance core Business Link: Information, Diagnostic & Brokerage support to the businesses in Epping Forest District.*
2. *Intervene to overcome cost driven inertia, once a business has an action plan.*
3. *Use existing system capacity, to distribute funds as redeemable vouchers; allocated to encourage business investment.*

These activities will also contribute to the following LAA targets:- NI 171 Business Registration Rate: NI 166: workplace earnings NI 164 Level 3 Skills NI 151 Employment rate.

Project 1: Additional Business Start Up Support in Epping District:

Activities

Activity	Elements
Raising Awareness/Building Confidence Field Marketing events Information sessions	Field marketing using Business Link Mobile Office Unit. Half day – Drop in Sessions with Enterprise Awareness Champion
Delivering additional workshops	Starting a Business Workshop Financing my Business/Idea Workshop Marketing Your Business Workshop Using the Web in your Business Workshop

Project Period

The various activities could be delivered over a period as short as six months: e.g. *(Commence awareness raising around 1st August 2010: Extra delivery commencing 1st September 2010 and end on the 31st March 2011).*

Project 2: Business Growth Support Voucher (Epping):

Activities

Activity	Elements
Business survival & growth support	Existing Business Link Service delivered from the local team. This takes the business to an agreed action plan.
Induce a higher rate of action on business plans	Deploy an agreed proportion of the Epping Forest LABGI fund, as vouchers; (redeemable by the businesses) to overcome cost based inertia.

Project Period

Start would be possible quickly; once parameters are agreed. We would suggest a deployment period of one year, with a program of awareness / promotion based on take-up.

Activity and Costs: Project 1 Additional Business Start Up Support in Epping

Activity	Estimated Costs	Comments
1. Building confidence & raising awareness 2 X Field marketing Events Information Sessions	2 x £2,000 2 X £100 £4,200	Target of 80 people interested in self employment or starting a business Cost of using extra placements of the Mobile Office Unit and Field marketing personnel Delivered by Business Link Enterprise Awareness Champion. Costs include venue & Refreshments
2. Workshops: Starting a Business Workshop (Half day Business Awareness workshop) Financing my Business/Idea (Half day Business Awareness workshop) Marketing Your Business Workshop (Half day Business Skills workshop) Using the Web in your Business (Full day Business Skills Workshop)	5 x £200 2 x £200 2 x £500 2 x £800 £4,000	Target of 108 delegates on Workshops Delivered by Business Link Enterprise Awareness Champion. Costs include venue & Refreshments Delivered by Business Link Enterprise Awareness Champion. Costs include venue & Refreshments Delivered by Business Link accredited supplier Costs include presenter venue and refreshments Delivered by Business Link accredited supplier Costs include presenter venue and refreshments
3. Additional Marketing TOTAL COSTS	£800 £10,000	

Activity and Costs: Project 2 Business Growth Support Voucher (Epping).

	Activity	Costs	Comments
1	Business awareness raised	£0	Target increase in businesses coming forward for support.
2	Providing "Business Growth" vouchers {suggested value £500} from LABGI, will promote businesses to act and source the support.	£10,000	<p>Partners will be asked to promote the scheme to businesses in the locality / or their membership</p> <p>Target 20 positive business development projects.</p> <p>Administering through Business Link's existing Voucher system, means no overhead cost.</p> <p>A flexible / scalable intervention; directly supporting 2 businesses directly for each £1000 deployed. At the proposed value 20 businesses supported directly to invoke their growth plans.</p> <p>Experience shows that such initiatives increase general interest in business support, and hence has a multiplier effect</p>
		£10,000	The intervention will set out to promote growth. To ensure as many Epping businesses as possible stay active, and grow.

Responsibilities

1. Awareness element: Business Link needs Epping partners to be responsible for securing all the necessary permits required for the Business Link Mobile Office to be placed at selected locations, and Business Link will be responsible for ensuring the van is placed at events and staffed accordingly.
2. Workshops & Information Sessions Venues: Business Link needs Epping partners to be responsible for sourcing extra workshop venues.
3. Event Booking & Management: Business Link will be responsible for all workshop bookings. These will be managed via the Event Booking website www.bookevents.org or telephone, and managed by designated Business Link staff.
4. Marketing: Business Link and partners will jointly market the projects through various channels.

Principal marketing channels will be: - co-branded flyers and posters, e-shots, the Business Link e-zine, PR (local radio stations & newspapers) and key partners (JCP, Connexions etc. for Project 1: & FSB, local Chambers of Commerce etc for project 2).

Reporting

The performance of all strands of the partnership activities will be reported by Business Link. Updates will be provided on request during the project period and a final report at the end of the projects.

The reports will provide details on number of attendees at workshops and information sessions by area, ethnicity, gender and disability. We will also provide a report on pre starts that have actually started trading and those that remain in business further down the line.
Uptake of Business

Business Link Contacts

Keith Hughes – Partnership Director; Tel: 08456419838:
Mobile: 07766997684

Bidemi Alabi – Enterprise Champion & High Growth Start up Business Adviser;
Tel: 08456009139.

Graham Coultas – Head of Business Start up; Tel: 01707 398300

Kevin Smith – Local Adviser Manager: Tel 07717 200500

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Report to the Cabinet

Report reference: C-014-2010/11

Date of meeting: 19 July 2010



**Epping Forest
District Council**

Portfolio: Finance & Economic Development

Subject: O2 Mast - Honey Lane, Waltham Abbey

Responsible Officer: John Preston (01992 564111).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

That, provided they have not moved home, those residents who originally objected to the application for a determination as to whether prior approval was required for the erection of a mobile phone mast be paid a further sum of £250 as compensation in respect of the Council's failure to make a timely decision on the application.

Executive Summary:

In 2006 the Council failed to decide an application for a determination as to whether prior approval is required for the erection of a mobile phone mast. The consequence of the decision is that the mast gained deemed planning permission and was subsequently erected despite the Council raising objection to its siting and design. The lawfulness of the mast and options for using planning enforcement powers to seek its removal have been explored and following consideration of a report on 4 August 2009 the District Development Control Committee agreed there was no reasonable prospect of securing a better solution on the ground.

Residents who originally objected to the mast were paid £250 each as a goodwill gesture by the Council prior to the District Development Control Committees decision. Members are now requested to consider whether any compensation should be paid to residents for the Councils' failure to issue a timely decision on the original prior approval application and the consequences arising from that failure. In the event that Members decide to compensate, Members are requested to decide on what basis to compensate. Options for compensation are discussed and Officers preferred option recommended.

Reasons for Proposed Decision:

Although it is highly likely a mobile phone mast would have been erected within the vicinity of the existing mast, the visual amenities of residents are nevertheless harmed by the existing mast. That mast was lawfully erected as a consequence of the Council's failure to make a timely decision on the application for a determination as to whether prior approval was required for the erection of the mast and it is not expedient to take action to secure its removal.

Options for Action:

- (i) Give no compensation.

- (ii) Compensate the residents who originally objected to the application for a prior approval determination by a fixed sum.
- (iii) Compensate the residents who originally objected to the application for a prior approval determination on the basis of a possible loss of property value.
- (iv) Compensate all those who have either signed a petition or submitted individual letters complaining about the Council's failure to meet the 56 day deadline and/or calling for the removal of the mast by a fixed sum.
- (v) Compensate the owner/occupier of all properties that are seen within the context of the mast as identified on the map that forms an appendix to this report by a fixed sum.
- (vi) Compensate on an alternative basis decided by Members.

Report:

Background:

1. On 20 June 2006 O2 submitted an application for a determination as to whether prior approval of the Council is required for the erection of a 12m high imitation telegraph pole antenna and equipment cabinet at ground level at the junction of Honey Lane and Stonyshotts in Waltham Abbey, Ref EPF/1242/06. The Council was obliged to issue a decision on the application within 56 days.
2. Such applications are unique in that failure to ensure the applicant receives the Council's decision within the 56 day timescale results in a deemed planning permission for the development being granted.
3. In this particular case, although the Council decided prior approval was required and refused to grant such approval (on the basis the mast would cause harm to the amenities of the locality), the decision letter was received by O2 1 day outside the 56 day limit for the Council to notify the applicant of its decision. Consequently, under the provisions of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) [the GPDO] O2 gained deemed planning permission to erect the antenna and equipment cabinet.
4. In order to remedy the harm caused by the telecommunications mast the Council has sought to challenge the existence of a deemed planning permission in the light of Counsels' advice. The advice was that it appeared O2 had not complied with all the relevant criteria in the GPDO because requirements to get the prior written consent of owners or occupiers of the land set out in the Electronic Communications Code had not been complied with. On the basis of that advice, Cabinet resolved on 4 February 2008 that urgent measures be taken by the Director of Planning and Economic Development to commence enforcement action to secure the removal of the telecommunication mast and defend any appeal.
5. Prior to proceeding to issue an enforcement notice, the Council made further enquiries of Essex County Council and O2. New information was given and then provided to Counsel in order to seek confirmation that the advice previously given still held.
6. Following consideration of that information, Counsels' advice regarding the lawfulness of the mobile phone mast changed. The advice in respect of that question is now that the mast has been erected lawfully and that the Council cannot serve an enforcement notice under S172 of the Town and Country Planning Act requiring its removal.

7. Counsel states “O2 have now shown that they did come within the provisions of the (Electronic Communications) Code and hence, having served a developers notice on Essex County Council on the 19th of June 2006, within Part 24 of Schedule 2 to General Permitted Development order do not require express planning consent to erect and maintain the mast and equipment. This means it is not open to Epping Forest District Council to issue an enforcement notice requiring the mast and equipment to be removed”

8. Counsel further advises “There is no doubt the council have acted carefully in considering all options and seeking to pursue the prospect of enforcement action for as long as it was possible to do so. The Council has also dealt with matters transparently as advised by the Ombudsman’s Special Report of June 2007. However the choice is now between taking discontinuance action and paying compensation to O2 or responding to complaints to the local ombudsman which local residents have indicated they will make based on the council’s failure to notify O2 that they objected to the proposal to erect the mast within the required 56 day period.”

Discontinuance Action:

9. Under s102 of the Town and Country Planning Act 1990 a Local Planning Authority may, if having had regard to the Development Plan and any other material considerations concluded that it is expedient in the interests of the proper planning of their area (including the interests of amenity), issue an Order requiring the removal of any building or works. This power can be used against both lawful and unlawful development. Where an Order is made, any person who has suffered damage in consequence of the Order or who carries out works in compliance with the order would be entitled to seek to recover compensation for the loss from the Local Planning Authority.

10. This course of action was considered by the District Development Control Committee on 4 August 2009 when it resolved that the Council should not proceed with the discontinuation action based upon the low likelihood of a beneficial outcome even if such action were successful. It also resolved that the Cabinet should be asked to consider the levels of further compensation to be paid to residents.

Compensation for local Residents:

11. In accordance with the resolution of the District Development Control Committee, Cabinet is now requested to give consideration to compensating local residents for the harm caused as a consequence of the Councils failure and the basis on which any such compensation is paid. To inform this report the Councils’ Complaints Officer and surveyors, Strutt & Parker have given advice.

12. As a general proposition, there is justification for compensating the owners of neighbouring properties who objected to the mast when the original application was before the Council. It is not clear whether such justification could properly be extended to any other persons.

13. Strutt & Parker were employed by the Council to advise on matters relating to the mast including the basis on which residents could claim compensation. Strutt & Parker advise that any claim by residents to the Ombudsman for compensation would be on the basis of:

- (a) loss of value to property caused by the mast, and
- (b) harm to the amenities of the occupants of the property.

14. Strutt & Parker also advise that any loss in value is unlikely to be in excess of 5% of property value and there are good grounds for resisting such a claim for compensation on the basis of loss of property value. This is because even if the Council had issued its decision in time, it is most likely that planning permission for the mast would have been granted on appeal so the mast would have been erected anyway. In any event, the affected owners/residents may have a redress available directly against O2 under the Electronic Communications Code, however, they would need to take their own legal advice on that point.

15. Members are advised that the occupants of 10 neighbouring houses objected to the mast when consulted on the application by the Council. Land Registry searches show one of the properties was sold in March 2008, about a year after the mast was erected, and the price stated to have been paid was £247,000. Another property changed hands in September 2006, approximately 6 months prior to the erection of the mast, but the register of title does not include details of how much was paid. No other properties changed hands shortly before the mobile phone mast was erected or between the date it was erected and when property prices generally started to fall due to market conditions.

16. The results of the searches do not provide sufficient information on which to base any assessment of the likely value of any claim that any residents might make. Nevertheless, having regard to the Strutt & Parker report, the total lost value that might be claimed by all the residents who had objected to the application as part of a claim to the Ombudsman against the Council for maladministration (up to 5% of property value) could be as much as £120,000. However, as also pointed out by Strutt & Parker, the likely success of such a claim is open to question.

17. Further research reveals the Local Government Ombudsman has considered this type of complaint by local residents across the country on a number of occasions. In those cases the Ombudsman's recommendation has been the Council concerned should pay compensation to those who objected to the application at the time it was being considered in recognition of their disappointment that the mast in question had to remain. The sum recommended by the Ombudsman has varied from £250-£300 and, as far as officers are aware, there have been no recommendations for any consideration to be given by the Council concerned to property devaluation.

18. These residents have already been paid £250 each as a goodwill gesture by the Council. However, it was emphasised to them that this offer was solely in recognition of the disappointment and frustration caused by the Council's failure to meet the 56 day deadline and would not prejudice any other claim they might wish to make for compensation for property devaluation should the mast have to remain. A further payment of £250 to £300 amounts to a cost to the Council of £2500 to £3000.

19. After the mast was erected around 100 additional residents have either signed a petition or submitted individual letters complaining about the Council's failure to meet the 56 day deadline and/or calling for the removal of the mast. However, none of these people raised any objection to O2s' proposal to erect the mast during the public consultation process on the application. Those who did not raise any comments at the time the proposal to erect the mast was advertised by the Council would not be entitled to any compensation in the event of them making a claim to the Ombudsman. Nevertheless, it is open to Cabinet to consider compensation for a wider group of residents. If the Council were to pay £250 to £300 compensation to the additional residents as well as those who originally objected to the original application, it would incur a cost of approximately £27,500 to £33,000.

20. A further basis on which residents could be compensated is to make a payment of

either £250 to £300 to the owner of all the properties that are seen within the context of the mast. The location of the mast and the properties identified as falling within that category are identified by a blue cross and a blue dot respectively on the map that forms an appendix to this report. The total number of properties identified is 71. The cost of identifying the owners by way of carrying out a Land Registry search would be up to £1,136 and the cost of compensation would be either £17,750 or £21,300 depending on the level of compensation paid. This would result in a total cost of either £18,886 or £22,436.

21. This report was presented to Members at Cabinet on 1 February this year. Before Members discussed that report they were advised that O2 were apparently interested in considering a location for a replacement mast. Attached at appendix AA are the notes of the meeting which subsequently took place, and at appendix BB are copies of the letters sent to O2 following that meeting.

22. Unfortunately, and despite chasing, there has been no response to those letters. Accordingly, as this matter has been outstanding for some time, the report and recommendation is resubmitted for Cabinet to come to a decision.

Conclusion

23. The opinion of Officers is that the Council should make a final reasonable offer of compensation on the basis that the Ombudsman would be likely to if the matter came before him. That would exclude those persons who did not raise any objection when consulted on the application for prior approval for the erection of the mast.

24. Officers do not consider a reasonable case can be made for compensating, on the basis of a loss of 5% of property value, any of those objectors who was the owner of a neighbouring property at the time the mast was erected. That is because there is no substantive evidence demonstrating an actual loss of value of any property near the mast and, even if there was, it is very likely that planning permission would have been granted for it on appeal. Consequently, the mast would have erected in any event and any impact on property value would still have taken place.

25. Rather, the appropriate course of action is to offer those residents previously paid £250 as a goodwill gesture who have not moved house a further sum (£250 would be appropriate) and to advise those residents they would have to pursue any further claim privately against O2. Members may, however, wish to offer the same payment to any of the residents who have moved house in the meantime.

26. This view is reached on the basis that the mistake by the Council is one that has been made by many other local authorities in recent years. The Local Government Ombudsman has therefore already considered this type of complaint by local residents across the country on a number of occasions. The Ombudsman's recommendation has been that the Council concerned should pay compensation to those who objected to the application at the time in recognition of their disappointment that the mast in question had to remain. The sum recommended by the Ombudsman has varied from £250-£300 but, as far as officers are aware, there have been no recommendations for any consideration to be given by the Council concerned to property devaluation. Given that the Council has already paid £250 to each of the 10 affected property owners/residents, any additional payment of a further nominal sum to the remaining residents would therefore be very likely to be regarded by the Ombudsman as a more than reasonable settlement.

27. Accordingly, Officers opinion is the Council should compensate residents for the Council's failure to make a timely decision on an application for a determination as to whether prior approval for the mobile phone mast was required, on the basis described in the

conclusion of this report. That is, a payment of £250 be made to each of the 10 residents who raised objection to the erection of the mast when consulted on the application for a determination as to whether prior approval was required to erect it, Ref EPF/1242/06, subject to them still either being an owner or an occupier of the same affected property.

28. Notwithstanding Officers views, it is open to Members to decide not to give any compensation on the grounds that it is very likely that a mast of the same height and scale would have been erected in the vicinity of the site even if the Council had issued its decision on time. Similarly it is open to Members to decide to compensate on an alternative basis to that suggested by Officers in the conclusion of this report. In suggesting amounts of compensation regard has been given to what the Ombudsman has suggested in other cases, but regard must also be given to the general duties concerning expenditure. If the Council was to suggest a higher level of compensation to appease some residents, or a greater number of other local residents, then local taxpayers elsewhere in the District may ask the External Auditor to query the legality of that higher expenditure. Alternatives discussed in the report include compensating as follows:

- (i) on the basis of a possible loss in property value;
- (ii) on the basis of a the payment of a fixed sum to all those who have either signed a petition or submitted individual letters complaining about the Council's failure to meet the 56 day deadline and/or calling for the removal of the mast; or
- (iii) on the basis of a the payment of a fixed sum to the owners of properties that are seen within the context of the mast as identified on the map that forms an appendix to this report.

Resource Implications:

A DDF item for £93,000 was originally included in the budget as a contingency for appeals. The sum currently available is £85,200.

Options, dependent upon the Cabinet's decision, are:

- (i) 5% of property value - compensation maximum £120,000;
- (ii) (Recommended by officers) Further £250 to £300 compensation to original 10 objectors £2,500 - £3,000;
- (iii) 100 petitioners - compensation £27,500 - £33,000; or
- (iv) 71 identified properties - compensation £18,886 - £22,436.

Legal and Governance Implications:

Members' decision would be given consideration in the event of a possible claim of maladministration heard by the Ombudsman.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

Council Complaints Officer
Director of Corporate Support Services.

Background Papers:

Report to District Development Control Committee on 4 August 2009 and minutes
Report to cabinet on 4 February 2008 and minutes
Report of Strutt & Parker dated August 2008
Planning Enforcement Investigation ENF/0088/07
Prior approval application EPF/1242/06

Impact Assessments:

Risk Management

Careful consideration to the matter of compensation will be given weight in the event of a claim of maladministration to the Ombudsman. The new Government has heralded that it will bring Mobile Phone Masts back into full planning control, but this has not been enacted yet.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

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Epping Forest District Council
Planning Services
Civic Offices
High Street
Epping CM16 4BZ

APPENDIX 1
O2 Mast, Honey Lane, Waltham Abbey
Properties within extent of main
visual impact.

Scale : 1:2500

Date : 14 Jan 2010

Centre X: 539307.553

Centre Y: 200424.209

Width : 450.000

Angle : .000

Time : 08:29:11 AM



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O2 Mast, Honey Lane, and O2 requirements in Waltham Abbey.

Main points of meeting on 11/2/10 between Messrs Stevenson and Hull of O2, and John Preston and David Baker of EFDC Planning.

- 1) The meeting was prompted by some residents in Honey Lane saying that O2 are looking for other sites for masts in the area, which could mean that the Honey Lane one may well be 'relocated'.
- 2) As part of their draft rollout plans O2 are considering an installation at the Marriot Hotel at the eastern end of Honey Lane. O2 have a nation wide agreement with Marriots, and the hotel accepts installations in part because hotel guests can be provided with good coverage. Also all new O2 installations would be shared with another provide ie Vodafone.
- 3) Mr. Stevenson explained that further work was required from the O2 technical team as to whether the Marriot would be a replacement for, or an additional facility, to the O2 mast in Honey Lane. David Baker had doubts that The Marriot' easterly location would provide sufficient coverage by itself. He suggested that westerly locations in the Brooker Road industrial estate, and /or Galley Hill nurseries, could accommodate a new mast. This would provide more coverage to Waltham Abbey in addition to the Marriot mast - so as to allow the Honey Lane mast to be removed.
- 4) Mr. Stevenson said that they will submit draft proposals for the Marriot, including the area to be covered, in the week commencing 15/2/10.

PL/DB

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Date: March 4 2010

Mr J Stevenson
Telefonica O2 UK Limited
218 Purley Way
Croydon
CR0 4XG

John de Wilton Preston (01992) 564111
email: jpreston@eppingforestdc.gov.uk

Dear Mr Stevenson

O2 Masts, Waltham Abbey

I refer to our meeting in this office with yourself, your colleague and David Baker of Development Control on February 11 2010, during which we discussed your mast at Stonyshotts/ Honey Lane and your company's desire to achieve a new mast on the roof of the Marriott Hotel at Waltham Abbey.

Although O2's aspirations for a further mast is not in the annual roll out plan from last year you indicated that it is in a revision of that plan which has not yet been published.

We briefly discussed some of the technical issues surrounding the case for such a mast within the Marriott site, and it was agreed that your technical advisors would be considering these points in more detail.

My expectation was that you will shortly be in a position to be able to provide us with more details of such a proposal, for example a more specific position, details of the height/ design of such a rooftop mast, the details of the cell or cells which it would cover and so that we can give such a proposal more consideration and which will then enable us to indicate whether a specific planning permission would be required or whether the project would be covered by the "prior approval" procedures.

It seems clear to me that a rooftop mast on such a large building complex is a quite different proposition from a "roadside" mast; although there are residential properties that adjoin the site of the Marriott Hotel.

It would be very useful for all concerned to understand how we could move forward quickly in this matter, recognising, of course, that due processes will have to be observed, but I would be very glad to hear of an intended timescale from you, as to when we might receive the information described in paragraph 4 above.

I am under pressure to achieve a way forward with you, failing which I need to report back to the Cabinet of the Council.

Yours sincerely

John de Wilton Preston
Director of Planning & Economic Development

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Date: March 26 2010

Mr J Stevenson
Telefonica O2 UK Limited
218 Purley Way
Croydon
CR0 4XG

John de Wilton Preston (01992) 564111
email: jpreston@eppingforestdc.gov.uk

Dear Mr Stevenson

Re: O2 Masts, Waltham Abbey

I refer to my letter of March 4 2010 and my e-mail to you, which was sent the following week.

We had a very positive meeting on February 11 2010, and I was disappointed that I do not appear to have heard anything further from O2 despite the above communications.

It is appreciated that you were passing matters onto colleagues with particular technical expertise, but I am sure that you will not be surprised to hear that I am being pressed to advise others of where we have got to; and I do not want to give a negative impression where one is not actually warranted.

I would therefore appreciate an update on the queries I posed in paragraphs 4-6 of my letter of March 4. I will be copying this letter to one of the key councillors who has been asking about progress.

Yours sincerely

John de Wilton Preston
Director of Planning & Economic Development

cc Cllr Ms Syd Stavrou

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Report to the Cabinet

Report reference: C-015-2010/11
Date of meeting: 19 July 2010



**Epping Forest
District Council**

Portfolio: Legal and Estates
Subject: Purchase of the freehold of the car park to the rear of the Black Lion public house
Responsible Officer: Christopher Pasterfield (01992 564135).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

(1) To recommend a supplementary capital estimate to the Council in the sum of £150,000 to purchase the freehold of the Car Park at the rear of the Black Lion public house, High Street, Epping.

Executive Summary:

The Council is the leaseholder of the Car Park to the rear of the Black Lion public house. The freehold owner, Punch Taverns PLc, have offered to sell their interest to the Council for £150,000.

Reasons for Proposed Decision:

Purchasing the freehold interest will secure the Council's staff car parking provisions, failure to do so will potentially jeopardize the Council's long term interest on the site. It will also save £9,000 in continuing Services Budget (CSB) lease costs.

Other Options for Action:

To decline the offer to purchase the freehold of the car park and continue leasing the car park.

Report:

1. The District Council currently leases and occupies land, comprising 0.05 hectares (0.14 acres) adjoining the Civic Offices, Epping for staff car parking. Twenty five car parking spaces are provided on the site in the position shown hatched on the plan attached at Appendix 1.
2. The car park is held on a 10 year lease from 18 December 2001 subject to a rent review every 5 years and was last reviewed on 18 December 2006 to £9,059.54. The rent is increased in line with the Retail Price Index. The Council under the terms of the lease are responsible for maintenance of the site.
3. The freehold has been offered to the Council for £150,000. This represents a yield of 6% on the current passing rent of £9,059.54, however it is estimated that the current market value is in the region of £10,500 per annum which would equate to a yield of 7%.
4. If the Council were not to purchase the lease subsists until 18 December 2011 and

although it would be protected as a business tenancy under the 1954 Landlord and Tenant Act, Part 2, a different purchaser could seek possession for own occupation or development.

5. In the long term the site would be a useful addition to the redevelopment of the Civic Offices site and includes access across the existing Black Lion public house car park.

Resource Implications:

Supplementary capital estimate of £150,000.

Budgetary provision:

The Council is required to agree a supplementary capital estimate for £150,000 which will save £9,000 per annum in CSB lease costs.

Legal and Governance Implications:

None.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None.

Background Papers:

Estates file 57B

Impact Assessments:

Risk Management

If we do not purchase this land there is the potential that in the future we may lose the use of the car park.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

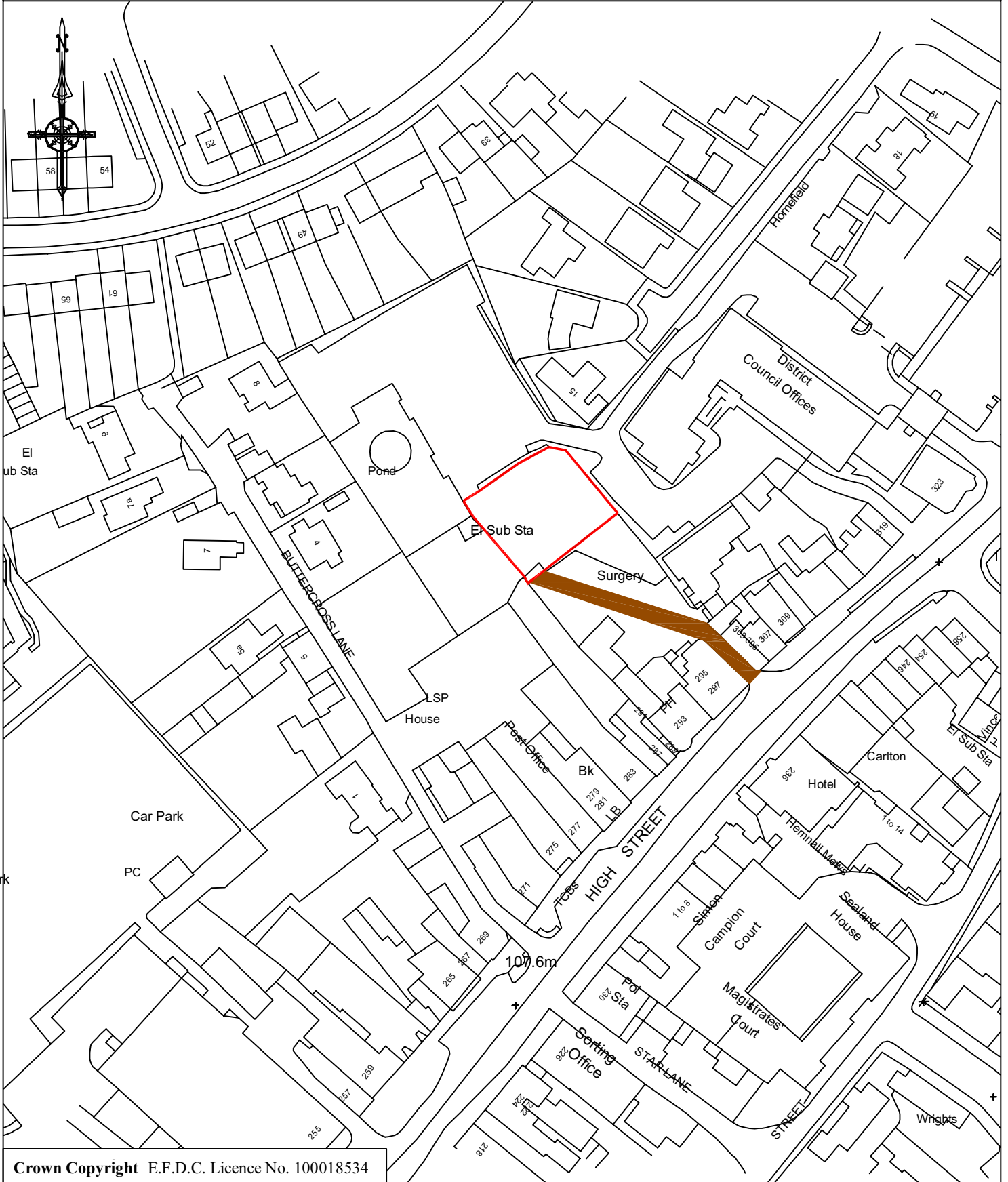
Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A



EPPING FOREST DISTRICT COUNCIL



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John Gilbert M.C.I.E.H.M.R.S.H. Director of Environment & Street Scene Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992564000	Project Lease Plan	Content Black Lion Yard Land at r/o High Street Epping Essex CM16 4BZ	Date 27.05.10
	Drawing No. 201005008		Scale 1:1250
	Page 77		Drawn by Robert Purse

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Report to the Cabinet

Report reference: C-017-2009/10

Date of meeting: 19 July 2010



**Epping Forest
District Council**

Portfolio: Leader
Legal & Estates

Subject: Making a joint application for planning permission with adjoining owner for development of Langston Road Depot as a retail park.

Responsible Officer: Chris Pasterfield (01992 564124).

Democratic Services Officer: Gary Woodhall (01992 564470).

Decisions Required:

(1) To enter into negotiations with Polofind Ltd, the owners of the T11 site which adjoins Langston Road Depot, for a joint development of both sites for a retail park of approximately 10,000 square metres;

(2) To recommend to the Council for approval a supplementary estimate for expenditure of half of the cost, estimated at £16,587.50 (Total £33,175 + vat), of JMP Consultants Ltd preparing a highways modelling, traffic impact assessment and negotiating solutions with Essex County Highway Authority for the upgrading of the A1168 Chigwell Lane in relation to the proposed development of Langston Road Depot; and

(3) To recommend to the Council for approval a 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 provided the negotiations with Essex Highways Authority in recommendations (2) above are successful.

Executive Summary:

For any development to proceed at Langston Road Depot it will be necessary to satisfy Essex Highways Authority over traffic on the A1168 Chigwell Lane and only once this requirement has been satisfied will it be worth the expense of making a planning application for development of the Depot site.

If the planning application is successful for a retail park then the Council will have a very valuable site which together with the T11 site is likely to have a gross development value in excess of £30,000,000. The value of the Depot site for this development is likely to be comparable or in excess of the price received for the T11 site.

The development of the Depot site for retail warehousing would provide a wide range of comparison retail goods that are not currently available in the District and would prevent leakage of spend from the District that is currently at a high level for comparison goods.

The development of the Depot site would provide a high level of new employment in the

District whilst it is being constructed and once completed would provide a large increase in employment opportunities in the Debden area.

Reasons for Proposed Decision:

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

Other Options for Action:

The Council could develop the Depot site unilaterally without the T11 site for retail warehouse use or light industrial use.

Report:

1. At the 21 December 2009 Cabinet Meeting it was agreed in principal that investigations would be made into the relocation of the existing users of Langston Road Depot to alternative sites to obtain vacant possession of the depot for future redevelopment.

2. At the 1 February 2010 Cabinet Meeting it was agreed to sanction a DDF bid of up to £195,000 to cover consultant's feasibility costs for twelve Council properties.

3. The total estimated cost of submitting the planning application is set out in a letter dated 12 May 2010 from Nigel Lawrence Partnership(copy attached) at £158,910 + vat and plus disbursements which includes the £33,175 for JMP Consultants Highways modelling.. Estimated additional cost is therefore £62,867.50 + vat.

4. There is currently only one retail park within Epping District at Highbridge in Waltham Abbey which has four units and a McDonalds and there is a Sainsbury Homebase at Church Hill, Loughton. The draft Roger Tym & Partners Retail Study shows that Comparison Goods Spending Patterns in Epping District have a very low retention level of only 14.4% with 85.6% leaking out of the District to other centres, in particular Harlow, Romford, Ilford and Brentwood. Comparison goods are clothes, furniture, carpets, DIY goods, electrical and sports. It does not include food which is classed as convenience shopping and it is not intended that the retail park would include a supermarket but may include smaller food outlets such as fast food and coffee shops to refresh shoppers.

5. Highway considerations are a major factor in this area as Chigwell Lane is already heavily congested and any further development will have an impact. Essex County Highways have indicated that even without further development the situation will become worse and by 2015 the road could be at full capacity and an initial meeting was held with them on 15 June 2010. It is proposed that as part of the retail park scheme a widening of Chigwell Lane would be funded to allow for two lanes of traffic to continue under the railway bridge up to The Broadway where the mini roundabouts would be replaced with traffic lights. Essex County Highways have confirmed that they do not have any current proposals or budget to improve traffic congestion in this area.

6. A formal consultation with EFDC Planning Department was jointly undertaken at a meeting on 27 April 2010 and the scheme was discussed in outline. It was noted that the proposal would be contrary to the current Local development Plan as a change of use from light industrial to retail would be required. It was acknowledged however that the area has changed significantly in recent years with planning approval having been granted for Volkswagon, BMW/Mini and Mercedes car dealerships, also for office developments such as Kier, Higgins and Galliford Homes. It was recognised that employment would be an issue and that the retail park might provide a considerable number of local jobs. The T11 site which was sold by the Council in July 2007 to Polofind Ltd for £6,050,000 has obtained planning

approval for a large data centre but have not been able find a suitable tenant and has not therefore proceeded with the development. The data centre would have provided very little in the way of local employment. Traffic generation would be a major issue that would need to be resolved with Essex County Highways but it was noted that it would generate different peaks to local business traffic as customers would come more at the weekends and not during normal rush hour. A retail impact assessment would also need to be satisfied although it was noted that the retail park would supply more bulky goods than local shops. It is thought therefore that there would not be a significant impact on The Broadway Shopping Centre. Overall it was felt that the proposal had some merit worth investigating but the traffic issue would have to be satisfied first.

7. The proposed development of Langston Road depot has implications for other sites which are linked which includes Oakwood Hill new depot, Pyrles Lane Nursery, North Weald Airfield temporary site for Sita, Torrington Drive redevelopment including BP petrol station, Church Hill Car Park next to Esso petrol station and Sir Winston Churchill Public House. It is intended to appoint a consultant to assist the Estates & Valuation Section with project programming from the budget approved in 2 above.

Resource Implications:

Combined resources of internal Estates & Valuation Section using external consultants as required.

Legal and Governance Implications:

Section 123 Local Government Act 1972 – best consideration for the land and property assets.

Safer, Cleaner and Greener Implications:

The development will need to comply with building regulations. Any improvement to the traffic flow system will lead to a safer environment for local workers and members of the public.

Consultation Undertaken:

Asset Management Co-ordination Group and North Weald Airfield & Asset Management Strategy Committee.

Background Papers:

As attached at Appendix 1.

Impact Assessments:

Risk Management

Abortive costs if planning application unsuccessful.

If scheme does not proceed then Essex County Council do not currently have funds to carryout road improvements to A1168 Chigwell Lane.

Equality and Diversity:

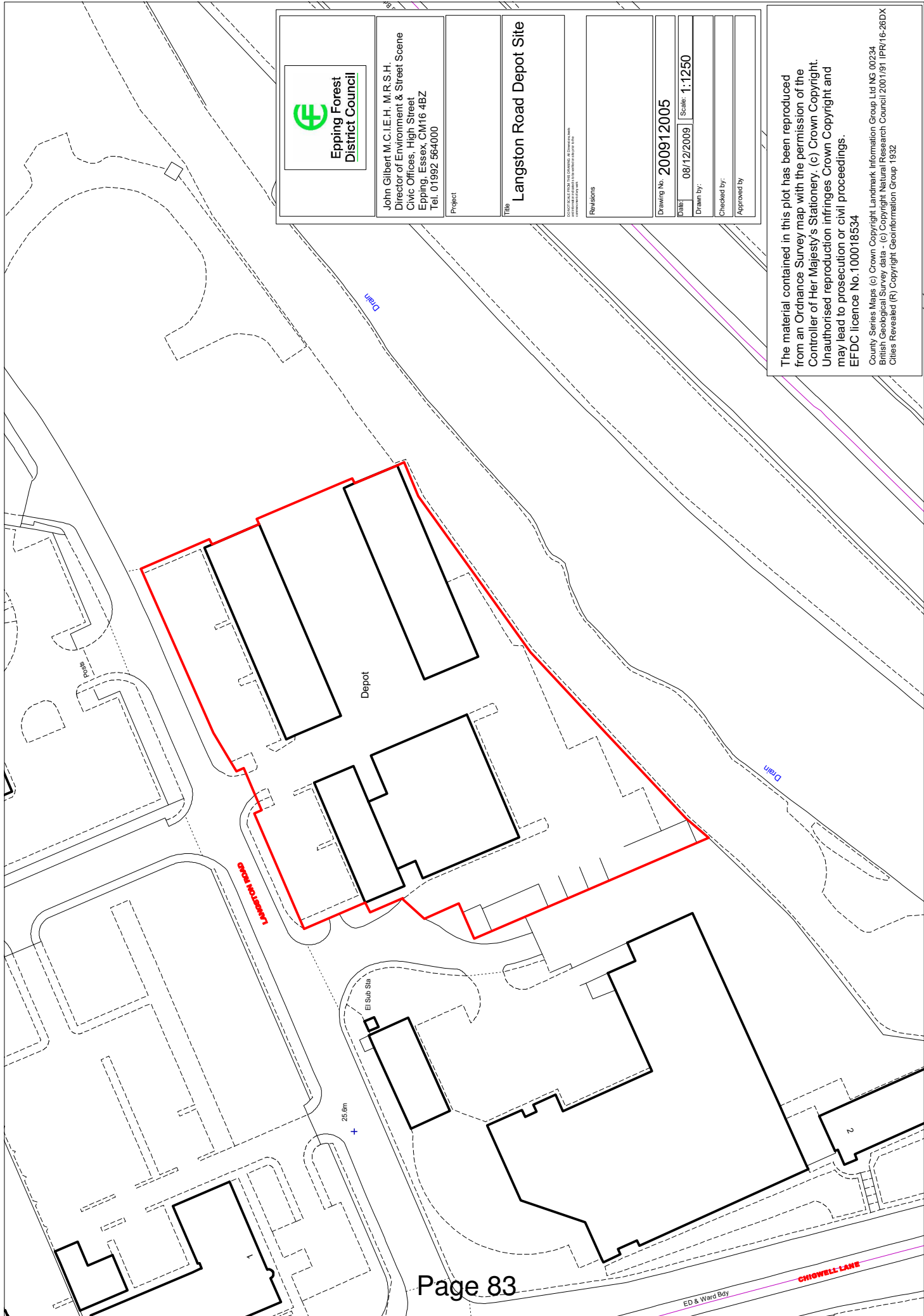
Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
No implications at this time.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A



**Epping Forest
District Council**

John Gilbert M.C.I.E.H., M.R.S.H.
Director of Environment & Street Scene
Civic Offices, High Street
Epping, Essex, CM16 4BZ
Tel. 01992 564000

Project

Title
Langston Road Depot Site

Revisions

Drawing No. **200912005**

Date: **08/12/2009** Scale: **1:1250**

Drawn by:

Checked by:

Approved by:

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NPB/lk

12 May 2010

C Pasterfield MSc MRICS
Principal Valuer & Estates Surveyor
Epping Forest District Council
Civic Offices
Epping
Essex
CM16 4BZ



NIGEL LAWRENCE
PARTNERSHIP

Property Advisers

10 Beechen Grove
Watford
Hertfordshire
WD17 2AD
Tel: 0845 481 0080
Fax: 0845 481 0070
Email: office@nigellawrence.co.uk
Web Site: www.nigellawrence.co.uk

DRIVING THE PROPERTY MARKET

Dear Chris

LANGSTON ROAD, LOUGHTON

Further to our various telephone conversations and our recent meeting at your offices, we have now had an opportunity to seek formal quotations from the various consultants required in order to prepare and submit an outline planning application of both Polofind Limited's site known as T11 and your own Authority's adjacent premises.

Together we met with Nigel Richardson with Douglas Bond of Woolf Bond Planning, to discuss the content of a potential outline planning application for the combined sites. Following the discussions from our meeting, we now have a complete picture of the information necessary for the submission of the outline planning application. This application will require involvement from numerous parties including architects, planning consultants, highways consultants, retail impact assessment consultants, environmental flood risk consultant, project manager and a professional survey team to carry out the site survey.

Please note that we have attached to this letter the correspondence received from each of these consultants which provide full information on their work as well as their quotation. I will paraphrase beneath the approximate budgetary costs envisaged to meet the application together with a warning that as the application progresses, there may be additional costs that come to light which will need to be borne in mind when seeking approval for these costs.

The approximate budget costs are as follows:-

	APPROX. COST
Planning Application LA Fee	██████████
Preparation of drawings and design statement from architects (PRC)	██████████
Submission of planning application with supporting planning and policy evidence provided by the planning consultants	██████████
Retail impact assessment and supporting evidence by retail planning specialist	██████████
Highways modelling, traffic impact assessment, solutions and negotiations by highways consultant	██████████



Also at
Barnett House, 53 Fountain Street, Manchester, M2 2AN. Tel: 0161 247 8390. Fax: 0161 247 8391
Nigel P Berney LLB (Hons), Guy Harman MRICS, Ian Singleton FRICS, Julian Haywood Smith BSc MRICS
Nigel Lawrence Ltd.
Registered in England No. 3510651

NPB/lk

Flood risk assessment and supporting documentation	[REDACTED]
Project manager co-ordination of consultants, reports for submission and progress of application	[REDACTED]
Site survey costs and preparation of CAD drawings	[REDACTED]
Landscape architectural drawings (if required)	[REDACTED]
Miscellaneous – including disbursements for all consultants as above	[REDACTED]
Sub Total	[REDACTED]
VAT @ 17.5%	[REDACTED]
TOTAL (Approx)	[REDACTED]

We have discussed that the costs for this application will be shared equally between Epping Forest District Council and Polofind Limited.

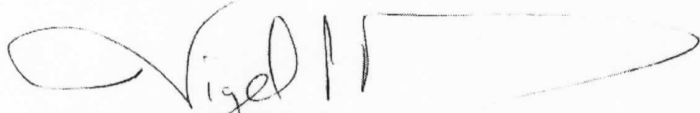
We understand that you will be meeting this week with members of the Council in order to seek further instructions. We hope that this meeting allows us to continue with the proposed planning application on the joint properties. We look forward to receiving confirmation that we can instruct the appropriate professionals to prepare the necessary information in order that this application can be submitted as soon as practically possible.

We would envisage a timetable of around 3 months to prepare all the necessary documents, drawings, information and investigations. We therefore we would like, if possible, to instruct consultants by the middle of June in order that we can submit the application by September.

Should you have any queries in relation to the costs or any other matters please do not hesitate to contact me at any time.

Kind regards

Yours sincerely



**NIGEL PHILIP BERNEY
ON BEHALF OF NIGEL LAWRENCE PARTNERSHIP
SUBJECT TO CONTRACT**

Encs

cc: Vincent Goldstein – Polofind Limited