

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

**Committee:** Cabinet **Date:** 9 September 2013

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.35 pm

**Members Present:** C Whitbread (Chairman), Ms S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, Mrs A Grigg, D Stallan, H Ulkun, G Waller and Mrs E Webster

**Other Councillors:** K Angold-Stephens, K Avey, K Chana, L Girling, Ms J Hart, Ms H Kane, J Knapman, Mrs J Lea, A Mitchell MBE, R Morgan, J Philip, Mrs M Sartin, Mrs J H Whitehouse, J M Whitehouse and D Wixley

**Apologies:** -

**Officers Present:** D Macnab (Deputy Chief Executive), J Gilbert (Director of Environment and Street Scene), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), A Cronin (Interim Assistant Director), P Pledger (Assistant Director (Property and Resources)), L Swan (Assistant Director (Private Sector & Resources)), T Carne (Public Relations and Marketing Officer), C Overend (Policy & Research Officer), C Pasterfield (Principal Valuer/Surveyor), S King (Senior Planning Officer), J Warwick (Sports Development Manager), S G Hill (Senior Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

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#### **44. WEBCASTING INTRODUCTION**

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

#### **45. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor K Avey, W Breare-Hall and J M Whitehouse declared a personal interest in agenda item 10, Epping Hall – Sports & Leisure Feasibility Study, by virtue of being members of Epping Town Council. The Councillors had determined that their interest was not pecuniary and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a personal interest in agenda item 13, Proposed Refurbishment of Bakers Lane Toilets in Epping, by virtue of being a member of Epping Town Council. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the issue.

(c) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a personal interest in agenda item 15, Assets of Community Value, by virtue of being a member of Epping Town Council. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue.

(d) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a personal interest in agenda item 17, Section 106 Contribution from the Redevelopment of St Johns School in Epping, by virtue of being a member of Epping Town Council. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the issue.

(e) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 17, Section 106 Contribution from the Redevelopment of St Johns School in Epping, by virtue of being a member of Essex County Council and a resident of St Johns Road. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue.

(f) Pursuant to the Council's Code of Member Conduct, Councillors E Webster, S A Stavrou, A Mitchell, H Kane and J Lea declared a personal interest in agenda item 20, Transfer of the District Council's Freehold Interest in Waltham Abbey Town Hall to the Town Council, by virtue of being members of Waltham Abbey Town Council. The Councillors had determined that their interest was pecuniary and would leave the meeting for the consideration of the issue.

(g) Pursuant to the Council's Officer Code of Conduct, D Macnab, J Gilbert, C O'Boyle, R Palmer, P Pledger and L Swan declared a personal interest in agenda item 21, Directorate Restructuring, by virtue of being directly affected by the proposals. The Officers had determined that their interest was pecuniary and would leave the meeting for the consideration of the issue.

#### **46. MINUTES**

##### **Resolved:**

(1) That the minutes of the following meetings be taken as read and signed by the Chairman as a correct record, held on:

(a) 22 July 2013, subject to amendments in minutes 21 and 23 (Review of North Weald Airfield) stating that support for the Aviation Intensification option had been expressed by local residents in a survey undertaken by North Weald Bassett Parish Council; and

(b) 29 July 2013.

#### **47. REPORTS OF PORTFOLIO HOLDERS**

##### Planning

The Portfolio Holder reminded the Cabinet that the methodology for the review of the Green Belt within the District had been approved by the Local Plan Cabinet Committee on 3 September 2012, and a note would be published in the Council Bulletin setting out the context as well as the methodology on either 20 or 27 September, and an update on the work undertaken so far.

#### **48. PUBLIC QUESTIONS**

There had been no questions submitted from the public for the Cabinet to consider.

**49. OVERVIEW AND SCRUTINY**

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meeting held on 3 September 2013:

(a) a presentation from the Vice-President and Chief Financial Officer of the West Essex Clinical Commissioning Group regarding health care and their plans for health and social care for the next five to ten years; and

(b) the Quarter 1 Progress report for the Corporate Plan Key Objectives in 2013/14.

The Cabinet's agenda was reviewed but there were no specific issues identified on any of the items being considered.

**50. DEVELOPMENT STRATEGY - COUNCIL HOUSEBUILDING PROGRAMME**

The Housing Portfolio Holder presented a report on the approval of the Development Strategy for the Council Housebuilding Programme, as recommended by the Council Housebuilding Cabinet Committee.

The Portfolio Holder reminded the Cabinet that it had previously agreed to develop around 120 new Council properties over a six-year period, with East Thames undertaking the role of Development Agent to deliver this programme on behalf of the Council. In order to achieve this, a Development Strategy was required, setting out the approach the Development Agent and the Council would take, including what assumptions would be made, the standards used, the consultation methods that would be adopted, the procurement methods used for construction works, the performance targets used to measure progress, and ultimately the success of the programme. This Strategy had been fully considered and debated by the Council Housebuilding Cabinet Committee at its meeting on 10 July 2013, however, the decision to formally adopt the Strategy was reserved for the Cabinet.

It was highlighted that the first sentence of the section headed 'Meet Housing Need' stated that the new homes to be delivered by the Programme would directly meet the demand within the District for affordable rented homes. With over 2,000 people on the waiting list, the Strategy gave the impression that the Programme would solve the housing problems with the District. However, this would not be possible with only 230 houses planned to be built as part of the Programme. The Portfolio Holder acknowledged the point, that the new homes would contribute towards meeting the demand within the District, and that section of the Strategy would be amended accordingly.

The Planning Portfolio Holder was pleased that the Council was again building new homes targeted for residents on low incomes, and welcomed the role played by local Members in being consulted over proposed sites. The Portfolio Holder stated that he was keen for local Members to be involved with the proposed sites, and confirmed that this approach would continue. The Portfolio Holder also confirmed that the properties being built would be Council houses, not social housing, and was delighted that the first batch of new homes would be ready for occupation in 18 months time.

**Decision:**

(1) That, as recommended by the Council Housebuilding Cabinet Committee, the Development Strategy for the Council's Housebuilding Programme be approved, with

specific attention drawn to the following:

- (a) financial appraisals for each phase to be modelled on a 30-year pay-back period with a positive Net Present Value (NPV) over 30 years, using the financial assumptions set out in the appendix to the Strategy;
- (b) any financial shortfall to be met with subsidy;
- (c) the Key Performance Indicators that would be used to measure progress, which had previously been agreed by the Cabinet;
- (d) the feasibility reporting format, consisting of:
  - the design proposals (the number and nature of units to be developed);
  - a scheme budget estimate;
  - a procurement plan;
  - a financial appraisal of the site;
  - a project timetable;
  - a project risk assessment; and
  - a recommendation on how to proceed.
- (e) the Council would make use of East Thames' existing EU-compliant Framework Agreement for constructing the Council's new homes;
- (f) the Council would adopt the East Thames Design Guide to inform the design parameters and development of each site; and
- (g) the Council would adopt the East Thames Employers' Requirements.

**Reasons for Proposed Decision:**

Responsibility for the approval of the Development Strategy rested with the Cabinet.

**Other Options for Action:**

To not adopt the contents of the Strategy in the format presented and alter any of its statements, targets, standards, procedures or assumptions. However, this could have an effect on the feasibility studies already approved by the Housebuilding Cabinet Committee.

To adopt alternative Design Standards and Employers' Requirements and develop the Council's own. However, this would be time consuming and ultimately delay the programme, and were unlikely to be much different from East Thames'.

To procure the construction works independently of the East Thames framework of contractors. However, this would require an EU procurement exercise and all of the time and expense that went with it, which would mean a delay in Phase 1 of the Programme.

**51. REPAIRS MANAGEMENT CONTRACT RENEWAL**

The Housing Portfolio Holder presented a report concerning the renewal of the Repairs Management Contract.

The Cabinet was reminded that, in May 2011, the Council had entered into a three-year contract with Mears Ltd as the Repairs Management Contractor as part of the

Repairs Refresh Programme. Since then, the Council's Housing Repairs Service had seen a stepped change in performance and service delivery. The changes that have been made to the service and the subsequent improvements that had been realised were highlighted.

The Portfolio Holder reported that, when extending the existing agreement, the Council was able to add further new "Key Deliverables" to the contract, and it was proposed that the Housing Scrutiny Panel should consider and recommend to the Housing Portfolio Holder what these should be, and the benefits they would bring to the Council and its tenants. The Cabinet was advised a further report in October would be recommending one additional "Key Deliverable" relating to the Council's Out of Hours service.

The Portfolio Holder also drew the Cabinet's attention to the statement provided by Mears, which reassured the Council that the current Repairs Manager provided by Mears would continue to be based alongside the Housing Repairs Team and that the work at Epping Forest would remain his priority.

The Cabinet noted the dramatic improvement in service provided by the Housing Repairs team since the current contract had commenced, and that the implementation of the appointment system had ensured work was carried out at a convenient time for the tenant and the satisfaction levels for the service had remained high throughout the contract.

When the proposal to increase the rates for the contract in line with the Consumer Price Index was queried, the Assistant Director of Housing (Property) stated that advice had been taken when letting the contract and the use of the Consumer Price index had been recommended; however, alternatives would be considered on the expiry of the contract.

The Leader of the Council commented that this had been an innovative contract which had been well managed, leading to better performance from the Housing Repairs team and increased satisfaction from tenants. It was a mark of the contract's success that other Councils were now examining the Epping Forest model.

**Decision:**

- (1) That the results of the first three years of the "Insourcing" arrangements with Mears Ltd as the Repairs Management Contractor be noted;
- (2) That the contract with Mears Ltd as the Repairs Management Contractor be renewed for a further three years, with the rates adjusted in line with the Consumer Price Index in accordance with the terms of the agreement;
- (3) That the Consumer Price Index also be applied to the "Incentive" payment of £2,000 per quarter as set out in the contract, subject to all contract Key Performance Indicators being met in each quarter; and
- (4) That any future "Key Deliverables" and Service Enhancements be considered by the Housing Scrutiny Panel and recommended to the Housing Portfolio Holder for addition to the agreement in Years 3 - 6.

**Reasons for Decision:**

The agreement with Mears Ltd as the Repairs Management Contractor was initially for a three-year term, with an option to extend for up to two more terms of three

years. In April 2014, the Council was required to enter into a further contract for three years in accordance with the initial OJEU Notice.

**Other Options Considered and Rejected:**

To not enter into a new contract with Mears, and to revert back to a Housing Repairs Service managed in-house. However, this would mean procuring a new IT package to replace the one currently used by the Housing Repairs Service licensed by Mears.

To not enter into a new contract with Mears, and to re-tender to appoint an alternative Repairs Management Contractor. However, this would mean placing a new notice in the OJEU and undertaking a further procurement exercise.

**52. CORPORATE PLAN KEY OBJECTIVES 2013/14 - QUARTER 1 PROGRESS**

The Leader of the Council presented a progress report on the Corporate Plan Key Objectives for 2013/14 in Quarter 1.

The Leader stated that the Corporate Plan was the Council's key strategic planning document, setting out service delivery priorities over the four-year period from 2011/12 to 2014/15, with strategic themes reflecting those of the Community Strategy for the District. Updates to the Corporate Plan were published annually, to reflect the key objectives for each year of the plan period and progress against the achievement of objectives for previous years.

The Leader added that the annual identification of key objectives provided an opportunity for the Council to focus specific attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered over the coming year. The key objectives were intended to provide a clear statement of the Council's overall intentions for each year, containing specific actions and desired outcomes. A range of key objectives for 2013/14 had been adopted by the Cabinet in March 2013. Progress in relation to the achievement of the key objectives was reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and outturn basis.

**Decision:**

(1) That progress in relation to the achievement of the key objectives for the first quarter of 2013/14 be noted.

**Reasons for Decision:**

It was important that relevant performance management processes were in place to review and monitor progress against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance.

**Other Options Considered and Rejected:**

No other options were appropriate in this respect. Failure to monitor and review performance against the key objectives, and to take corrective action where necessary, could have negative implications for the Council's reputation and for judgements made about the progress of the authority.

**53. EPPING HALL - SPORTS AND LEISURE FEASIBILITY STUDY**

The Portfolio Holder for Leisure & Wellbeing presented a report on the Sports & Leisure Feasibility Study undertaken on Epping Hall.

The Portfolio Holder reminded the Cabinet that a Design & Development Brief had been prepared to guide the future redevelopment of sites and buildings in the St John's Road area of Epping, which were predominantly in public ownership with Essex County Council owning approximately 67% of the land while the District and Town Councils owned approximately 16.5% each. During the public consultation, strong local support was expressed for the idea that sport and leisure facilities could be provided within the St John's Road site as a possible replacement for Epping Sports Centre. The Town Council also wanted to explore the possibility of providing a leisure facility which included Epping Hall. Consequently, it was agreed to undertake a feasibility study.

The Portfolio Holder reported that, during the course of the study, four specific options were identified and evaluated:

- (i) replacement facilities on a like-for-like basis, with a new building extending back from the existing Epping Hall building line to retain the green space and accessible parking;
- (ii) replacement facilities on a like-for-like basis, retaining and re-using the existing Epping Hall building;
- (iii) replacement facilities on a like-for-like basis, within the curtilage owned by Epping Town Council; and
- (iv) replacement facilities on a like-for-like basis, within the curtilage owned by Epping Town Council and retaining the existing building.

The Portfolio Holder stated that the study had concluded all four options were technically feasible, but with strengths and weaknesses that would need to be balanced. However, the preferred option of the consultants was to provide a facility within the curtilage owned by the Town Council but removing the existing building. An indicative costing for this option was £3.76million, although this could be offset by the sale of the site occupied by the current Sports Centre in Epping.

The Portfolio Holder drew the Cabinet's attention to the fact that the current Leisure Management Contract was due to be re-tendered and the new contract would commence in January 2016. As part of the procurement process, a new Leisure and Culture Strategy would be prepared, via a soon-to-be established Portfolio Holder Advisory Group, and the feasibility study would form an important part of the evidence base that the new strategy would be based on. Therefore, it was proposed that the outcome of the feasibility study should be noted at the current time and that, although a preferred option had been identified, none of the options be excluded at this point. However, it was noted that the Council did not own this land and that the formal views of the Town Council should be sought.

Local Members for Epping highlighted that the issues with the current Sports Centre in Epping were well documented, and that the feasibility study had made no provision for parking at the potential new centre, despite the known parking problems within the town. The Portfolio Holder responded that the peak times for use of the new centre would be evenings and weekends, and that parking provision at the new site would fully considered before a planning application was submitted. The Portfolio

Holder re-iterated that the study would form part of the evidence base for the new Leisure & Culture Strategy, and the formal views of the Town Council would be sought as the land was in their ownership.

Another local Member for Epping, who was also a member of the Town Council, informed the Cabinet that the Town Council had not come to any decision yet as a new site would need to be found for the Town Hall. This Member also stated his belief that the land currently occupied by St John's School was bound by a covenant for educational use only, and if it was not to be used for this then it should be returned to the original family who owned the land. The Council's Solicitor emphasised that this point had been discussed with the County Council in the past, and all the relevant information was known and in the public domain. The brief for the consultants had been to examine the best possible use of the land in the ownership of the Town Council, which was not subject to any covenant.

**Decision:**

- (1) That the Epping Hall Sports and Leisure Feasibility Study be noted;
- (2) That, whilst a preferred option had been identified within the Study, none of the options be excluded at this stage, by virtue of the fact that no other proposals had yet to be considered as a result of the Expressions of Interest exercise;
- (3) That the Epping Hall Sports and Leisure Feasibility Study be included in the evidence base for the preparation of a new Leisure Strategy for the District and the Procurement Strategy for the Council's next Leisure Management Contract; and
- (4) That the formal views of Epping Town Council be sought on the Feasibility Study and include their level of commitment to the re-provision of a new Sports Centre on land within their ownership.

**Reasons for Decision:**

To report on the results of Epping Hall Sports and Leisure Feasibility Study.

**Other Options Considered and Rejected:**

To choose one particular option identified during the Feasibility Study prior to the completion of the Council's new Leisure & Culture Strategy.

**54. LIMES FARM CENTRE**

The Portfolio Holder for Leisure & Wellbeing presented a report on the Limes Farm Centre.

The Portfolio Holder reminded the Cabinet that on 31 March 2009, the Council resumed the management responsibility for the Limes Farm Hall in Chigwell. A multi-agency group was formed to identify how the potential of the facility could be maximised for the benefit of local residents. As a result the hall had been refurbished and extended and now offered a wide range of community activities and advisory services.

The Portfolio Holder reported that a capital budget of £1.102million was allocated for this project. This comprised a sum of £842,000 from the Council's capital programme and a grant of £260,000 from Essex County Council's Extended Schools Funding programme. The final outturn figure was £1.101million which was £1,000 within



budget, despite the unforeseen delays to the project due mainly to having to remove additional asbestos not indicated in the initial building surveys. The Partners involved in the project had committed to contributing to the revenue costs of the new building, with the Council's contribution being met from within existing budget provision.

A local member for Chigwell Village commented that the new facility had had a positive impact on the area and it was pleasing to note that the project had been completed within budget. The Leader added that he had been very impressed with the hall on a recent visit and that it was an asset to the area. It was also pleasing to note the number of stakeholders now becoming involved with the facility.

**Decision:**

(1) That the outturn figure for the redevelopment of the Limes Farm Centre of £1,101,000 against the Capital Provision of £1,102,000 (£842,000 from Epping Forest District Council and £260,000 capital grant from Essex County Council Extended Schools Funding) be noted.

**Reasons for Decision:**

It was a Policy requirement of the Council that the final account of major capital Projects was formally reported to Members.

**Other Options for Action:**

In accordance with the above policy, there were no alternative options.

**55. PROPOSED REFURBISHMENT OF BAKERS LANE TOILETS EPPING**

The Portfolio Holder for Asset Management & Economic Development presented a report concerning the proposed refurbishment of the public toilets in Bakers Lane, Epping.

The Portfolio Holder reminded the Cabinet that, in February 2013, it had approved capital expenditure in the sum of £85,000 to refurbish the public toilets in Bakers Lane, Epping. This sum had included a grant of £50,000 from Essex County Council to provide a Changing Places facility for disabled people and their carers to use. The following month, the Portfolio Holder had made a delegated decision to enter into a negotiated contract, in accordance with Contract Standing Order C9, with Beardwell Construction Ltd to refurbish the facility, with the value of the contract not exceeding £85,000. This was to ensure that the grant funding from the County Council was secured. The Council's agents, Stace LLP, entered into negotiations with Beardwell but could not achieve a tender price within the set budget. Stace then sought alternative tenders from two other companies that had undertaken similar projects.

The Portfolio Holder reported that Amwell Construction Ltd had submitted the lowest tender in the sum of £87, 277.47 which was only slightly in excess of the agreed budget. Stace had also recommended a small capital contingency of £2,000 should be set aside for this project. To avoid the approval of supplementary finance by the Council, it had been proposed to vire the additional monies from the capital contingency within the Planned and Preventative Maintenance Programme budget for 2013/14.

The Portfolio Holder added that whilst the process had not been carried out in strict accordance with Contract Standing Orders, it was evident that a competitive process had been undertaken, the recommended company was on Constructionline, and a

negotiated contract had been achieved – albeit with a different company. Therefore, rather than delaying the refurbishment further by starting the procurement process again, it was proposed that Contract Standing Orders be waived for this tender and the contract awarded to Amwell Construction Ltd.

It was suggested that the recommended contingency of £2,000 should also be added to the recommendations, in case it was required, and the Portfolio Holder agreed that this was sensible. This would increase the proposed virement to a total of £4,227.47.

**Decision:**

(1) That a tender by Amwell Construction Ltd., in the sum of £87,277.47 be accepted for the refurbishment of the Bakers Lane Public Toilets in Epping, including provision for a Changing Places Facility;

(2) That Contract Standing Orders in relation to the procedure for inviting, receiving and opening tenders be waived in respect of this contract for the reasons set out in the report; and

(3) That a sum of £4,277.47 be vired from the Capital Contingency budget within the Planned and Preventative Programme Maintenance Programme for 2013/14 and added to the budget for the refurbishment of the public toilets at Bakers Lane in Epping as:

(a) the bid from Amwell Construction Ltd had exceeded the previously agreed budget by £2,277.47; and

(b) Stace LLP had recommended a small contingency in the sum of £2,000 be set aside for this project.

**Reasons for Decision:**

To enable the refurbishment project to proceed without delay and also to avoid jeopardising the grant funding received from Essex County Council for the Changing Places element of the refurbishment project.

**Other Options Considered and Rejected:**

To set aside the tenders received and conduct a fresh tendering process in accordance with Contract Standing Orders. However, this would lead to further delays before the refurbishment project could proceed and also incur delays in terminating the contract for the existing Superloo in Buckhurst Hill, which could not be done until the Superloo currently at Bakers Lane was transferred to Buckhurst Hill.

**56. METHODOLOGY FOR DETERMINING OBJECTIVELY ASSESSED HOUSING NEED**

The Planning Portfolio Holder presented a report to consider the methodology for determining objectively assessed housing need.

The Portfolio Holder reported that in the vacuum left by the revocation of Regional Spatial Strategies (e.g. the East of England Plan), local authorities had to now set their own Local Plan figures for the future development of housing. National policy required that each area determined its 'Objectively Assessed Housing Need' (OAHN) using official population and household projections, housing information such as a Strategic Housing Market Assessment (SHMA), and economic data.

The Cabinet noted that, as housing markets did not respect administrative boundaries, the SHMA covering the housing market area which included Epping Forest District also included other local authorities. If the OAHN could not be accommodated within a district's own boundaries, then the authority should work with other adjacent authorities within the housing market area, through the Duty to Cooperate (National Planning Policy Framework paragraph 178), to determine if they could accommodate some of the unmet need.

The Portfolio Holder commented that national policy, guidance and best practice and recent Examinations in Public all indicated the need for a robust determination of OAHN, based on clear evidence. The Cabinet was requested to approve the methodology for determining the OAHN. The next phase of work, which related this to a target for market and affordable housing in the Epping Forest area, would be considered in a future Cabinet report.

When questioned by Members, the Portfolio Holder confirmed that the report on the review of the Green Belt would be published in the Council Bulletin and on the Council's website. It was not considered necessary to submit the report to the Cabinet as it was only for noting.

Some of the Members present felt that there didn't seem to be any mention of the need to identify and deliver the required infrastructure to complement the assessed housing need. The Interim Assistant Director of Planning (Policy) highlighted the generation of Infrastructure Delivery Plans in the process diagram to determine objectively assessed housing need, compiled by Nathaniel Lichfield & Partners, and included in the report. The Cabinet was reassured that this work would be completed. The Portfolio Holder was hopeful that the relevant information to support an identification of the OAHN would be available for a Member Workshop in the Autumn and reported to the Local Plan Cabinet Committee on 14 October 2013, as well as the Cabinet on 21 October 2013.

In respect of the Council's Duty to Cooperate, the Portfolio Holder reported that discussions with adjoining Councils were under way. Discussions with Harlow District Council were especially important as the former Regional Spatial Strategy (the East of England Plan) had placed some of their housing need within Epping Forest.

The Portfolio Holder confirmed that the Council would be using the data from the 2011 census, not the 2001 census. The Interim Assistant Director of Planning emphasised that there were issues other than just demography to consider when determining the Council's objectively assessed housing need, such as the requirement for more affordable housing within the District. As the report had made clear, there was no set approach and the Cabinet had to decide what was the right strategy for Epping Forest.

**Decision:**

- (1) That national planning policy and best practice in determining Objectively Assessed Housing Need, and the implications for the preparation of the new Local Plan for Epping Forest District be noted; and
- (2) That the broad methodology for determining the Objectively Assessed Housing Need within the District be agreed.

**Reasons for Decision:**

To ensure that on-going preparation of the new Local Plan was robust, conformed to the national planning policy and guidance, and took account of best practice.

**Other Options Considered and Rejected:**

To not consider Objectively Assessed Housing Need, as required by national planning policy (and thus not to base a new housing target on this assessment). However, this would seriously risk the new Local Plan being found 'unsound', which in turn was very likely to mean that the Council would have much less control over where development took place. Therefore, there was no realistic alternative option to establishing the Objectively Assessed Housing Need for the District and basing housing development targets upon this assessment.

**57. ASSETS OF COMMUNITY VALUE**

The Portfolio Holder for Asset Management & Economic Development introduced a report regarding Assets of Community Value.

The Portfolio Holder informed the Cabinet of the the duty placed on local authorities under the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 to administer the Community Right to Bid (Assets of Community Value). The Community Right to Bid placed a new duty on local authorities in England and Wales to maintain two lists: a list of assets of community value successfully nominated by the local community; and a list of assets that were nominated, but were unsuccessful in meeting the eligibility criteria of assets of community value. If land or buildings on the list of assets of community value came up for sale, the local community would be given six months to prepare a bid to try to buy the land or asset.

The Portfolio Holder highlighted the proposed procedures to be followed to ensure that the Council complied with their new duty. The first part detailed the process to be followed by the local community to secure an asset being listed as a community asset, whilst the second part illustrated the procedure to be followed when an asset of community value was offered for sale. In addition, a table had been provided for use in determining whether a building or other land could be classed as an asset of community value.

**Decision:**

(1) That the procedure and policy to ensure the Council complied with the requirements of the Community Right to Bid (Assets of Community Value) within the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 be approved.

**Reasons for Decision:**

To ensure that the Council complied with its legal obligation introduced by the Localism Act 2011 and to agree a procedure to ensure these requirements were met.

**Other Options Considered and Rejected:**

An alternative or modified procedure could be adopted, but there had to be a procedure in place to deal with such bids as might be made.

**58. CAPITAL BUDGET ALLOCATION FOR REPLACEMENT OF PAY AND DISPLAY MACHINES**

The Portfolio Holder for Safer, Greener and Transport presented a report about a capital budget allocation for the replacement of pay-and-display off-street parking machines.

The Portfolio Holder reported that there were 41 pay-and-display machines in the 22 car parks owned by the Council. Whilst machines were normally replaced when a car park enhancement and improvement scheme was undertaken, or if a machine was damaged or vandalised, there was currently no budget allocation for the replacement of machines which had reached the end of their operational life. A number of machines had now reached this stage and were proving difficult and expensive to repair and maintain.

The Portfolio Holder reminded the Cabinet that the Council had entered into an agreement with North Essex Parking Partnership (NEPP) in October 2012 for cash collection and maintenance of pay and display machines in all Council owned car parks. For this, NEPP received a set management fee. NEPP was finding it increasingly difficult to keep the pay and display machines operational and there were frequent faults, with machines being out of operation for longer.

The Portfolio Holder stated that it was not easy to find spare parts for the older machines. If these were not replaced then NEPP could ask for an increase in their management fee to recover the costs resulting from additional officer time and purchase of parts. Newer modern machines would allow better management control and monitoring. For example, diagnostic checks and amount of cash collected could be checked remotely via the internet. To this end, it had been proposed that capital allocations of £40,000 and £50,000 be included in the Capital Programme for 2014/15 and 2015/16 respectively.

The Portfolio Holder reassured the Cabinet that this programme would not see the withdrawal of cash machines for phone or card payments only, as had happened in some parts of the country; it was envisaged that the ability to pay by cash would be available in the Council's car parks for the foreseeable future. It was also not to be assumed that the car parking fees would go up as a result of this proposed capital investment. Any decision to increase the fees would be fully debated as part of the budget setting process before implementation. The Council would only replace those machines that needed replacing; approximately 30 machines would need to be replaced as some had already been replaced.

**Decision:**

(1) That the replacement of the off street Pay and Display charging machines in Council owned car parks that had reached the end of their design life and were beyond economic repair be agreed; and

(2) That capital allocations of £40,000 and £50,000 be included in the Capital Programme for 2014/15 and 2015/16 respectively.

**Reasons for Decision:**

To replace end of life and unsustainable pay and display machines.

**Other Options Considered and Rejected:**

To continue to operate the old and dated machines by allocating additional revenue budgets to cover the increased cost of maintenance and upkeep. However, this could not be recommended as effective asset management required replacement of those machines that were beyond economic repair.

**59. SECTION 106 CONTRIBUTION FROM THE REDEVELOPMENT OF ST JOHN'S SCHOOL, EPPING**

The Portfolio Holder for Leisure and Wellbeing presented a report on the use of the Section 106 funding contribution from the redevelopment of St John's School in Epping.

The Portfolio Holder reminded the Cabinet that, as part of the overall planning process, a Section 106 contribution of £225,000 from the redevelopment of St John's School in Epping was secured for implementing off-site playing field projects, to compensate for the loss of part of the school's playing fields. Epping Forest District Council had consulted with Epping Town Council, the Essex Football Association, Sport England and St John's School and it was considered that the best use of the Section 106 money would be to improve and redevelop sports and leisure facilities at Stonards Hill Recreation Ground, also in Epping. A procurement exercise was undertaken and Surfacing Standards Ltd had been appointed to undertake a feasibility study exploring the potential options for improving sports and leisure facilities at the Recreation Ground.

The Portfolio Holder reported that the proposed potential improvements identified within the Feasibility Study were:

- (i) resurfacing the tennis courts with a 2G Astroturf to reduce wear and tear on the current grass surface;
- (ii) outdoor gym equipment;
- (iii) increase and improve the existing skate park facilities; and
- (iv) upgrades to the changing rooms and toilets.

The total cost of these upgrades had been estimated at nearly £429,000, which was clearly in excess of the £225,000 available. However, Sport England had indicated that they would be receptive to a grant aid application to meet the shortfall. Therefore, it was proposed to formally decide to allocate the £225,000 to the Stonards Hill project to enable some improvements to be made and to support the grant applications. It was highlighted that the District Council would provide advice and guidance on the project but Epping Town Council would be responsible for the management of the project.

A local member for the Epping Hemnall ward welcomed the report and the fact that the recent survey on the skate park undertaken by the Youth Council was fed into the feasibility study. It was felt that the local demand for training facilities currently outstripped the supply. The Deputy Chief Executive added that a new 3G Astroturf pitch was being developed at St John's School, which would provide further facilities within Epping, and probably lessen the demand for football on the proposed 2G pitch at Stonards Hill. The Sports Development Officer stated that the Council had already run a number of initiatives for outdoor gym work at Stonards Hill; the planned

equipment would be suitable for use by people of all ages and the Council would look to promote it to all sections of society.

Another local member for the Epping Hemnall ward informed the Cabinet that the Town Council had wanted to extend the size of the recreation ground at Stonards Hill for a number of years. Epping was deficient in the number of playing fields available within the town and inquired whether land at North Weald Airfield could be used for sport. The Deputy Chief Executive stated that some football use took place at the Airfield. The local member for Epping Upland offered to provide the Sports Development Officer with details of two grant funding bodies that the Council could apply to assist with financing the project.

**Decision:**

(1) That the use of the Section 106 contribution, in the sum of £225,000, from the redevelopment of St John's School in Epping to improve and redevelop sports and leisure facilities at Stonards Recreation Ground, Epping be approved; and

(2) That further reports on the detail of the final improvement projects to be implemented, along with the outcome of any further funding applications, be received by the Cabinet in due course.

**Reasons for Decision:**

The conditions of the Section 106 agreement stipulated that the contribution should be used locally to improve and redevelop sports and leisure facilities for the wider community, to compensate for the loss of playing fields at the redeveloped St John's School in Epping.

**Other Options Considered and Rejected:**

To use the contribution elsewhere in the District to improve sports and leisure facilities. However, this would need to be justified and demonstrated that there was a real priority need elsewhere in the District, as well as obtaining specific approval from Sport England.

**60. REPLACEMENT OF WASTE & RECYCLING CONTAINERS AND THE USE OF PRUDENTIAL BORROWING POWERS FOR THE NEW WASTE MANAGEMENT CONTRACT**

The Environment Portfolio Holder introduced a report on the replacement of waste and recycling containers and the use of prudential borrowing powers for the new Waste Management Contract.

The Portfolio Holder reminded the Cabinet that the Council had first introduced wheeled bins for refuse collection in 2005. Additional wheeled bins and containers were introduced in 2009 for the collection of food and garden recycling. Wheeled bins were expected to last at least seven years before requiring replacement, however some could last a lot longer. Wheeled bins could get damaged for a variety of reasons. Wherever possible, repairs were carried out by swapping usable parts with other damaged bins. With an aging bin stock it was becoming increasingly difficult to carry out repairs, and bins were also beginning to fail structurally.

The Portfolio Holder reported that, as more wheeled bins and containers reached the end of their operational life, it was becoming necessary to replace them. It was good financial management to replace these with capital budget and not revenue.

Therefore, it had been proposed to include an allocation of £30,000 per annum in the Capital Programme from 2014/15 for this purpose.

The Portfolio Holder added that, as the procurement exercise for the next waste management contractor gathered momentum, the Council's appetite for the use of its own capital resources or for prudential borrowing to fund the required vehicle fleets and associated equipment needed to be considered. Although it was entirely possible for the new service provider to meet the financing costs, it might be financially preferable, as with the containers referred to above, for the Council to use its own capital resources or borrowing powers, to achieve savings in revenue. The Cabinet was requested to decide 'in principle' as to whether this was desirable, as this had been mentioned in each of the competitive dialogues held with prospective contractors so far.

In response to questions from the members present, the Portfolio Holder confirmed that bins were recycled wherever possible when they had reached the end of their operational life and that bins were only replaced when they were broken beyond repair. Wheeled bins were a standard item and were expected to be continued to be used for a number of years, however possible alternatives might be identified during the competitive dialogue process. The Portfolio Holder added that if the Council provided the funding for the fleet then the Council would own the vehicles. However, it would be a clause of the new contract that if the contractor went into liquidation then the vehicles would revert to Council ownership.

A local member for Theydon Bois highlighted that the requested allocation of £30,000 would enable approximately 1,500 bins per annum to be replaced; there were 48,000 bins in operation throughout the District and it would take over 30 years to replace the whole stock. The Portfolio Holder stated that some bins actually lasted a lot longer than seven years, and £30,000 per annum was the current estimate to replenish the stock adequately. The Director of Environment & Street Scene added that it was considered prudent at the current time to limit the capital allocation to £30,000 per annum and then re-examine the situation after the new waste management contract had been let. The Portfolio Holder confirmed that some bins would need to be replaced before the new contract started.

The Portfolio Holder alerted the Cabinet to the fact that too much food waste was still being disposed of through the residual waste stream. When asked, the Director of Environment & Street Scene responded that the actual use of Kitchen Caddies were unknown and difficult to ascertain. However, the use of the Kerbside Caddies could be calculated by operatives on their rounds. Officers would continue to encourage residents to use their Kitchen Caddies for all their food waste.

**Decision:**

- (1) That the replacement of those waste and recycling containers which had reached the end of their design life and could not be repaired or reused be agreed;
- (2) That a capital allocation of £30,000 be included in the Capital Programme for 2014/15 and subsequent years; and
- (3) That the use of the Council's capital resources and/or prudential borrowing powers for the provision of the Waste Management and, if required, the Grounds Maintenance fleet and associated equipment, as part of the procurement of the next Waste Management (etc.) contract be agreed in principle.



**Reasons for Decision:**

To replace end of life waste and recycling containers and to be able to advise prospective service providers on the Council's willingness to make capital monies available for the provision of vehicles and equipment.

**Other Options Considered and Rejected:**

To only utilise revenue budgets to replace damaged and end of life assets and to procure new vehicles and other assets for the new waste management contract. However, this was not good financial management and could not be recommended.

**61. INTRODUCTION OF CHARGES FOR C.A.R.E HANDYPERSON SERVICE**

The Housing Portfolio Holder presented a report on the introduction of charges for Caring and Repairing in Epping Forest's (C.A.R.E.) Handyman service.

The Portfolio Holder reminded the Cabinet that C.A.R.E., the Council's in-house Home Improvement Agency, provided help and support to older and otherwise vulnerable homeowners and private tenants to maintain independent living in the community. As part of this function, a Handyman Service was provided to carry out small, low cost jobs such as minor plumbing and electrical jobs, remedial carpentry and falls prevention work for vulnerable people in the private sector.

The Portfolio Holder reported that the Handyman Service had been operating within its existing budget of approximately £10,000 per annum for a number of years. It was now considered appropriate to increase the budget through increased contributions by service users and a request for a Continuing Services Budget (CSB) growth item of £5,000 per annum. This would enable C.A.R.E. to extend the scheme to older people who, although not on means-tested benefits, were more likely to be on a low income and, therefore, vulnerable to disreputable builders. Thus, the eligibility criteria needed clarification to bring it into line with the current state retirement age, including a bar to previous users of the service who had not paid their contribution for works undertaken on their behalf. It was therefore proposed to amend both the contributions scheme and the eligibility criteria.

The Portfolio Holder confirmed that any work carried out by the Handyman Service was fully covered by the Council's Public Liability Insurance.

**Decision:**

(1) That charges be introduced for the Handyman Service from 1 October 2013 on the following basis:

a (a) service users who were on means-tested benefits be charged a fee of maximum of £30 each time they used the service, with the exception of falls prevention and home security work which would be free of charge;

(b) service users who were not on means-tested benefits be charged a fee of a maximum of £50 for Handyman Service work and £25 each time they used the service for falls prevention and home security work; and

pay (c) where the work cost less than these limits, service users would only the actual cost of the work;

(2) That, for the purposes of eligibility for the Handyman Service, an 'older

person' be defined as:

- (a) someone who was over 60 years of age and retired; or
  - (b) a couple where both were over 60 years of age and retired;
- (3) That a Continuing Services Budget growth bid in the sum of £5,000 per annum from 2014/15 be agreed to supplement the budget for the Handyperson Service's work; and
- (4) That future use of the Handyperson Service be denied to previous service users who had failed to pay their contributions for the use of the service.

**Reasons for Decision:**

For a number of years C.A.R.E.'s Advisory Panel had wanted the Handyperson Service to offer more practical and financial support to people who were not on means-tested benefits but, by virtue of being older people and retired, might be less able to organise and pay for smaller repair jobs. Without additional, on-going funding the only way of achieving this would be to introduce fees for the service.

Although the introduction of charging would subsidise the cost of work for additional customers, it could not compensate for it entirely so an additional source of funding would be required.

The eligibility criterion, that the service should be available to 'older people', had remained unchanged for many years. When it was introduced, the widely used definition of 'older' was 60 years old in line with the age at which women could receive their state pension. The state retirement age had increased and it was considered reasonable that the definition of 'older' for the purposes of the eligibility criteria should be amended accordingly.

**Other Options Considered and Rejected:**

To not extend the scheme to people who were not on means tested benefits. However, the C.A.R.E. Advisory Panel had expressed a wish for a number of years that this should happen.

To vary the charges proposed. However, if the charges were increased then the scheme could become unaffordable to many older people and if the charges were reduced then the income generated would not prove a worthwhile subsidy to the Handyperson Service budget.

To continue with the current eligibility and definition of an older person. However, this would enable people who were still working to be able to use the scheme.

**62. TRANSFER OF THE DISTRICT COUNCIL'S FREEHOLD INTEREST IN WALTHAM ABBEY TOWN HALL TO THE TOWN COUNCIL**

The Portfolio Holder for Asset Management & Economic Development presented a report on the transfer of the District Council's freehold interest in Waltham Abbey Town Hall to Waltham Abbey Town Council.

The Portfolio Holder stated that the District Council and Waltham Abbey Town Council had been attempting for several years to complete a transfer of Waltham Abbey Town Hall to the Town Council. Following a report by the Working Group on

Parishes in September 1997, it was resolved to transfer the freehold interest to the Town Council subject to conditions, but for various reasons it had not proved possible to complete the detailed terms for this transaction. There remained a willingness from both sides to finalise the matter and the fact that the District Council no longer required occupation of the building provided an opportunity to achieve a clean transfer of title.

The Portfolio Holder reported that, in the view of both Councils, the transfer would contribute to the economic and social wellbeing of Waltham Abbey, and therefore the consent of the Secretary of State would not be required for the disposal under the General Disposal Consent (England) 2003 regulations and section 123 of the Local Government Act 1972. The transfer would be at nil cost to the Town Council, but the District Council would have the right of pre-emption (i.e. first refusal) if the Town Council ever wished to dispose of the building. Liability for insurance and repairs of the building would pass to the Town Council, and delegated authority was sought for the Director of Corporate Support Services to negotiate the final terms of the agreement in consultation with the Portfolio Holder.

**Decision:**

- (1) That the freehold transfer of the Waltham Abbey Town Hall to Waltham Abbey Town Council at no cost, including a right of pre-emption as the disposal was likely to contribute to the promotion or improvement of the economic and social well being of the area, be agreed in principle;
- (2) That the Director of Corporate Support Services, in consultation with the Portfolio Holder for Asset Management and Economic Development, be delegated the authority to negotiate the final agreement of the terms; and
- (3) That further liability for insurance and repairs be transferred to Waltham Abbey Town Council.

**Reasons for Decision:**

To achieve transfer of the title to the Town Council.

**Other Options Considered and Rejected:**

To not complete the transfer and grant a lease for a term of years. However, this would not fulfil the spirit of the earlier decision or the recent discussions on the matter.

**63. DIRECTORATE RESTRUCTURING**

The Leader of the Council presented a draft report to the Council on the proposed Directorate Restructuring from the Head of Paid Service.

The Leader reported that the restructuring exercise was part of a transformation programme aimed at changing the culture of the Council and aligning the departmental hierarchy with the delivery of the Council's key strategic objectives. Within the current structure there were five Directorates and two 'Offices'; it was proposed to reduce this to just four Directorates as follows:

- (a) Directorate for Resources – management of internal resources to optimise the efficiency of support services and the financing arrangements of the Council;

- (b) Directorate for Governance & Law – management of legal, democratic and some regulatory services, including Internal Audit;
- (c) Directorate for Place – management of front line services in the neighbourhood and developing policies for economic growth and place shaping; and
- (d) Directorate for Communities – management of community development and safeguarding the provision of decent homes for communities within the District.

The Leader stated that part of the exercise involved the identification of key corporate values and associated behaviours to provide a clear vision of the service delivery standards that the Council aspired to. Staff across all levels and departments had been involved in this and the five key values identified were:

- (i) One Council;
- (ii) Trust;
- (iii) Performance;
- (iv) Customer; and
- (v) Innovation.

The Cabinet noted that there were currently 18 Assistant Director posts within the Council, excluding the Chief Internal Auditor. It was proposed to reduce this number to 15, with 14 of the posts being assimilated by existing Assistant Directors. Two Assistant Director posts were currently vacant, so they could be deleted from the establishment without redundancy costs. Other arrangements such as Ring Fencing, voluntary redundancy or early retirement would be considered for the remaining Assistant Director post.

The Leader announced that the statutory delegations of Chief Financial Officer and Monitoring Officer would not be assigned to specific posts, and could be applied for separately by Officers at Assistant Director level and above. The Deputy Chief Executive function would also not be assigned to a particular post, although only Officers at Director level would be considered for this role. It was proposed that the Chief Executive would appoint to the role of Returning Officer for the District.

The Leader highlighted that the consultation responses received so far had been very constructive and Members were reminded that any further responses received before the end of the consultation on 15 September would be considered for inclusion in the final report to Council. The final report was not now expected to be considered by the Council until its meeting scheduled for 5 November 2013.

In response to questions from the members present, the Leader stated that the names of the new Directorates had not been finalised and were being given further consideration; there would be another meeting of the Directorate Restructuring Panel before the final decision was taken at Council; and consideration would be given as to whether there would be another report submitted to the Cabinet if the final report to Council was delayed until November.

**Decision:**

- (1) That the draft report to Council from the Head of Paid Service regarding the proposed restructuring of the Directorates be noted; and

(2) That any further responses received from Members prior to the end of the formal consultation process on 15 September 2013 would be considered for inclusion in the final report to be submitted to the Council scheduled for 5 November 2013.

**Reasons for Decision:**

To permit the Cabinet to provide feedback on the Chief Executive's proposals as part of the formal consultation process.

**Other Options Considered and Rejected:**

To continue with the current structure and no clearly defined Values and Behaviours. However, this would result in a reduction of services as financial constraints on Local Government worsened.

To impose a top down reorganisation and set of values without the involvement and engagement of staff. However, the organisation was not currently in crisis and wider involvement would improve motivation and commitment to delivery of corporate goals.

To choose a more conservative option. However, this would merely postpone the inevitable and would undoubtedly lead to even more radical changes later.

**64. ANY OTHER BUSINESS**

The Cabinet noted that there was no other urgent business for consideration.

**65. EXCLUSION OF PUBLIC AND PRESS**

(1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
24	Capital Allocation for Installation of new CCTV Equipment at the Langston Road Depot	7
25	Site of Sir Winston Churchill Public House, The Broadway, Loughton	3
26	Langston Road Retail Park	3

**66. CAPITAL ALLOCATION FOR INSTALLATION OF NEW CCTV CAMERA EQUIPMENT AT LANGSTON ROAD DEPOT**

The Portfolio Holder for Asset Management & Economic Development presented a restricted report for the approval of a capital allocation to install new CCTV camera equipment at the Langston Road Depot.

The Portfolio Holder reported that it was now understood that the depot in Langston Road would not be fully vacated until 2016 and it was felt necessary to install a new replacement system that complied with national CCTV protocols and the Council's own Code of Practice. It was intended that most of the new equipment would be reused at the new depot, although there would be some wastage if all the cabling and fittings could not be safely removed. Consequently, there would be costs associated with the installation and removal of the new equipment. It was confirmed that the Council's CCTV Officer would be closely involved in the proposed implementation.

**Decision:**

(1) That a supplementary capital estimate in the sum of £20,000 for 2013/14 to install new CCTV systems at the Langston Road Depot in Loughton be recommended to the Council for approval; and

(2) That the removal of all new equipment, CCTV cameras and other reusable hardware to the new depot following the relocation of services from the Langston Road Depot be noted.

**Reasons for Decision:**

To improve the safety of all users at the depot and cover a wider area of the premises.

**Other Options Considered and Rejected:**

To leave the current systems in place.

**67. SITE OF SIR WINSTON CHURCHILL PUBLIC HOUSE, THE BROADWAY, LOUGHTON**

The Portfolio Holder for Asset Management & Economic Development presented a restricted report regarding the site of the Sir Winston Churchill Public House at the Broadway in Loughton.

The Portfolio Holder outlined the proposed Heads of Terms for a Development Agreement for the Sir Winston Churchill Public House Site, in accordance with the approved Debden Town Centre and Broadway Development Options Brief that was adopted by the Council in August 2008. The next step would be to instruct external solicitors to prepare and negotiate a Development Agreement for the site, for which supplementary finance was requested. The Cabinet was requested to agree the proposed Heads of Terms and delegate authority to the Portfolio Holder to make minor amendments, in consultation with the Director of Corporate Support Services.

A number of the Members present expressed concern about the lack of affordable housing being provided as part of the development. The Housing Portfolio Holder stated that he had argued strongly for affordable or social housing at this location, but the financial analysis of the proposed scheme had indicated that this would not be viable. One nearby site was already being developed for social housing and other sites in the locality were being investigated.

The prospective size of the building was also a worry, as it was felt that a smaller building more in keeping with the Broadway area would be better. The Portfolio Holder reassured the meeting that the development would be subject to a planning application, which would be considered and determined by Members. The

preliminary plans had also indicated approximately 35 parking spaces would be provided at the location. The Principal Valuer and Surveyor explained that the scheme had been considered for a number of years, and the Development Options Brief had provided for the provision of a significant building to the entrance of the Broadway area. The financial analysis for the proposed scheme had been examined in detail by the Council's agent and they had concluded that it was not viable to provide social or affordable housing as part of this scheme.

With respect to the community's right to buy, the Council's Solicitor stated that the community only had a right to bid for the current property, and if such a bid was received then it would be considered by the Council. The Council was under no obligation to accept the community bid, and any such bid if received would delay the delivery of the scheme.

The Leader of the Council commented that this was an opportunity to progress a scheme that was in accordance with the Broadway Development Options Brief agreed in 2008. The Portfolio Holder for Asset Management & Economic Development added that this was also an opportunity to further redevelop the Debden area and this scheme would also provide the Council with a good financial return.

**Decision:**

- (1) That, following negotiations between the Council's agent Latham High Chartered Surveyors and CK Property Investments Ltd, the proposed Heads of Terms for the redevelopment of the Sir Winston Churchill site be agreed;
- (2) That external solicitors be instructed to prepare and negotiate a Development Agreement to document the agreed Heads of Terms for the redevelopment of the Sir Winston Churchill site;
- (3) That the Portfolio Holder for Asset Management and Economic Development, in consultation with the Director of Corporate Support Services, be authorised to agree minor amendments to the documentation; and
- (4) That, in order to instruct the external solicitors to prepare and negotiate a development agreement for the site, a supplementary capital estimate in the sum of £75,000 for 2013/14 be recommended to the Council for approval.

**Reasons for Decision:**

To achieve the strategic aim of redeveloping this site in accordance with the adopted Debden Town Centre and Broadway Development Options Brief.

To secure significant financial benefits to the Council in the near future, which otherwise could not be progressed until after 2035.

**Other Options Considered and Rejected:**

To not progress the redevelopment of the site until a later date or not at all, but this would be contrary to the previously agreed Debden Town Centre and Broadway Development Options Brief and the Council's stated objectives for the locality.

**68. LANGSTON ROAD RETAIL PARK**

The Portfolio Holder for Asset Management & Economic Development introduced a report concerning the Langston Road Retail Park.

The Portfolio Holder updated the Cabinet on the progress made with the negotiations with Polofind Ltd to bring together the Council's depot site and the T11 site at Langston Road, by way of a joint development agreement, to develop a fashion led retail park and highway improvements. The current position in relation to the application by Sainsbury to judicially review the grant of the outline planning consent for the site was also detailed.

The Cabinet noted the necessity to clear the Langston Road Depot site before construction could begin and the potential impact that the procurement exercise for the new Waste Management Contract could have on this. The Cabinet was requested to recommend to the Council a request for the necessary supplementary finance to contribute to the Council's 50% share of the cost of the detailed planning application for the proposed development, and the contamination survey work which would be required to support the application.

The Cabinet discussed potential new sites for the Depot, three that had already been identified and a further one that was suggested at the meeting. The Cabinet acknowledged that any potential new site for the Depot would be subject to discussions with the new Waste Management contractor when they were appointed, and was informed that a further report on the relocation of the Depot would be submitted in due course.

**Decision:**

- (1) That the progress of the project and negotiations with the owner of the T11 site, Polofind Ltd, to develop a Retail Park at Langston Road in Loughton be noted;
- (2) That a supplementary District Development Fund estimate in the sum of £150,000 to cover the Council's share of the cost of contamination investigations and to submit a detailed planning application for the proposed Retail Park be recommended to the Council for approval;
- (3) That the current status of the Judicial Review proceedings brought by Sainsbury PLC in relation to access to their Debden Store be noted; and
- (4) That the requirement to clear the Langston Road Depot site before the construction could commence and the impact of the procurement exercise for the Waste Management contract on this be noted.

**Reasons for Decision:**

To update the Cabinet on the progress being made with the project to construct a fashion led retail park at Langston Road in Loughton and to approve the required supplementary funding. To enable the Council to receive the financial and economic regeneration rewards from the successful implementation of the proposed scheme.



**Other Options Considered and Rejected:**

To abandon the Langston Road Retail Park project, however this would not accomplish the Council's stated objective for the site.

**CHAIRMAN**