

# **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 11 June 2015

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.55 pm

**Members Present:** C Whitbread (Chairman), S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, A Grigg, D Stallan, G Waller, H Kane and A Lion

**Other**

**Councillors:** K Angold-Stephens, N Bedford, S Kane, H Kauffman, A Mitchell MBE, R Morgan, A Patel, C C Pond, C P Pond, B Surtees, L Wagland and J M Whitehouse

**Apologies:** J Philip

**Officers Present:** G Chipp (Chief Executive), C O'Boyle (Director of Governance), R Palmer (Director of Resources), A Hall (Director of Communities), K Durrani (Assistant Director (Technical Services)), P Pledger (Assistant Director (Housing Property)), K Polyzoides (Assistant Director (Policy & Conservation)), K Bean (Planning Policy Manager), T Carne (Public Relations and Marketing Officer), S Devine (Private Sector Housing Manager), E Higgins (Insurance & Risk Officer), S Tautz (Democratic Services Manager), G J Woodhall (Democratic Services Officer) and J Leither (Webcasting Officer)

**Also in attendance;** C Pasterfield and L Edwards (Consultants)

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## **1. WEBCASTING INTRODUCTION**

The Leader of the Council 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.

## **2. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

## **3. MINUTES**

(1) That the minutes of the meeting held on 13 April 2015 be taken as read and signed by the Leader of the Council as a correct record.

## **4. REPORTS OF PORTFOLIO HOLDERS**

### Environment

The Environment Portfolio Holder made the following statement concerning the waste collection service operated in the District by Biffa Municipal Limited:

*"I'm grateful for this opportunity to update the Cabinet, Members and residents on the latest situation with the waste, recycling and street cleansing services, delivered by our contractor, Biffa.*

*I'd like to begin by making it clear that I consider Biffa's failure to deliver a universally acceptable service, of the standard we require and our residents expect, to be extremely serious. I share the very real anger and frustration of all those who Biffa have let down, and especially those who have suffered repeated missed collections. I want to reiterate my sincere apologies to all those affected, and assure them that I and the Council's Officers are doing all in our power to compel Biffa to urgently resolve these problems. My statement this evening is not, therefore, a defence of this situation. Rather, it is an account of what has happened and what is being done to correct it.*

*I'd like to briefly remind the Cabinet of the procurement exercise that led to the appointment of Biffa.*

*The previous waste management contract expired in November last year. In March 2013 we began the procurement process by means of Competitive Dialogue, with initially eight bidders, which was reduced to 4 by the time we reached the final stage. In the early stages of the exercise the tender assessment criteria was based 60% on price and 40% on quality, but at the final stage this was changed to 50% for both price and quality, to reflect and emphasise this Council's focus on quality. The 50% awarded for quality was subdivided into 40% for a technical assessment by Officers and 10% for a Member interview panel.*

*The procurement process was led by a project team that consisted of Officers from this Council and representatives from Essex County Council and the Council's specialist consultants, WYG Environmental Limited. Key elements of the assessment process included considering company structure; company finances and insurances; the ability to deliver the services being tendered; health and safety; equalities, and business continuity.*

*At the Final Tender stage the Council asked the 4 remaining contractors to bid on 2 service levels – a Monday to Friday service and a Tuesday to Friday service – and agreed that the lowest priced submission for each of these would be considered for assessment. The highest scoring tender bid was from Biffa and that was based on a 4 day collection service – something they deliver in authorities elsewhere in the country. Biffa's bid was assessed by Technical Officers and the Council's expert consultants, WYG, who confirmed that the level of resources Biffa had allocated for the new service were sufficient and that there was no operational reason why a 4 day service would not be feasible.*

*The decision to award the 10 year contract to Biffa was made by Cabinet on 19 May 2014. There followed a mobilisation period to ensure a smooth transition from the previous contractor and this was completed on 4 November last year, when Biffa assumed responsibility for the service.*

*In their tender bid, Biffa proposed that the 4 day service commence in March of this year but, mindful that such a major service change would require considerable preparation, I instructed that this be put back to at least May. Accordingly, the new service commenced on 12 May. Biffa had, therefore, operated the service successfully for 6 months prior to the introduction of their new fleet, new technology, and the 4 day collection schedule.*

*Unfortunately, as is now widely recognised, a number of problems have beset the service from 12 May, not all of which are directly linked to the introduction of the 4 day service.*

*These include:*

- IT failures affecting the in-cab technology that contains the new collection rounds and the supply of live information back to Biffa management and the Council;*
- issues with the compactors on some of the new freighters not operating whilst the vehicles were in motion;*
- problems with safety sensors on the bin lifts;*
- faults with the on-board weighing equipment, that prevented the freighters from accepting the full pay load; and*
- the need for the work force to familiarise themselves with new rounds and adapt to longer working days.*

*For many residents, the switch to a 4 day service also necessitated a change in the day, and time of day, of their collection. For some, notably those in Chigwell, Debden and Waltham Abbey, it also resulted in a change in the collection week of their recycling and black bin. A letter was sent to every household in the District detailing these changes, but a number of residents remained unclear as to the new arrangements and I accept that this communication could have, and should have, been clearer and measures put in place to mitigate the impact of the week change. I have instructed Officers to issue a reminder to residents of their collection day, mindful that the numerous catch-up collections Biffa have had to undertake has caused many people additional confusion. Further publicity will be distributed once the collection service is stabilised.*

*Of course, not all the services that Biffa provides have been affected. The vast majority of collections are completed successfully, and street cleansing services have continued with little or no disruption, but a significant number of residents, located across the District, have endured some, sometimes severe, disruption and inconvenience. It is estimated that the number of missed collections over the initial 4 week period was around 15,000, out of a total of 432,000. To date, this has generated around 9,000 phone calls and 3,000 emails to the Council's Customer Contact Centre.*

*As an outsourced service the ability of the Council to directly influence its delivery is inevitably limited but, from the moment these problems were identified, the Council's Officers and Staff have been working tirelessly to help Biffa address them, and to minimise the impact on residents. They have worked long hours, and in many cases over weekends, in often difficult circumstances. I would like to thank each of them for all they continue to do on behalf of our residents. If effort alone were sufficient to solve the problems Biffa have encountered, they would have been resolved a long time ago.*

*Biffa themselves have committed significant additional resources to dealing with the problems they have encountered, bringing in extra staff and vehicles and undertaking catch-up collections on Saturdays, Sundays and Mondays. However, the problems are not yet resolved, and collections are still being missed, so, together with the Leader, Chief Executive and the Director of Neighbourhoods, I continue to put pressure on Biffa at all levels of the company. Meetings are taking place with the Managing Director of Biffa Municipal, the Director Commercial, the Director Operations, the Regional Manager, the Business Manager, the Project Mobilisation Manager, the Process, Quality and Information Manager, and the Senior Business*

*Manager, amongst others. The next of these is tomorrow morning, after which I will be able to update Members again.*

*At the Overview and Scrutiny Committee meeting held on Tuesday of this week I asked that they undertake a thorough review of the implementation of the 4 day collection service, which I'm grateful to them for agreeing to do. It's very important that the causes of the problems we've faced are both identified and understood, and that lessons are learnt for the future. In the meantime, I can assure the Cabinet that my priority, and that of all those involved, is to bring a swift resolution to this situation."*

A local Member for Chigwell Village reminded the Cabinet of the approach taken by a previous Portfolio Holder for Environment, who used a dedicated mobile phone to take calls from the public concerning refuse collections. There had been problems over the communication with residents; the letter that was sent out was confusing. The Member had particular concerns with the four-day collection service, especially that crews were now expected to collect 25% more refuse per day in the new service, and therefore needed an extra two hours per day to cope with the workload. A longer working day for the crews would also lead to more delays through getting held up in the afternoon school runs around the District. The Member had discussed the matter with a crew member in her street, who had stated that there was not enough time allocated to finish the new round, the workload for the crews had tripled under the new system, and that it was his opinion that the new service would never be stabilised. The Member had considerable concern about the effect of the missed collections on residents, and had been inundated with emails about the service from disgruntled residents. It was also highlighted that one of the drivers for the new service had been the desire to avoid catch-up services after a bank holiday, but only four of the eight annual bank holidays fell on a Monday each year. The Member opined that the new service would not work and that the number of missed collections endured by residents was not acceptable.

The Environment Portfolio Holder agreed that there were lessons to be learnt from the way that the Council had communicated with residents, although the Council had used a number of different channels to advertise the new service. Biffa had modelled the new 4-day collection service and the Council's consultants, WYG Environmental Limited, had agreed that the new service was deliverable. The routes would remain under review to deal with issues as they arose, and a 4-day collection service did work in other parts of the country. It was emphasised that there had been other drivers for the new service, and not just the need to avoid bank holiday catch-up services.

The Assistant Director of Neighbourhoods (Technical Services) added that Colchester Borough Council operated a four-day collection service, and a further three Essex District Councils were also considering it. The problems with the new fleet of freighters had not helped the situation, and had led to a snowballing effect of the problems being experienced. However, the modelling performed during the competitive dialogue process had indicated that a four-day collection service was achievable and this had been borne out by the analysis performed by the Council's consultants.

The local Member for Chigwell Village countered that the current routes were clearly not working, and that Chigwell was a particularly difficult area to collect from. The Member wanted to know if Biffa Municipal had surveyed the Epping Forest District properly before offering their four-day collection service as an option to the Council. The Member also noted that the parent company, Biffa Limited, was beginning

preparations to obtain a listing for a public stock flotation in 2016 and wondered whether this had had any effect upon their bid to win the contract for Epping Forest.

The Portfolio Holder stated that it would be sensible to review the current routes and improve them if necessary. It was acknowledged that residents would see freighters moving throughout the District without stopping to make collections, however it could simply be that the freighter was full and needed to travel to the Waste Transfer Station in Harlow to empty its contents. The Council did provide all the bidders for the new contract with evidence of the uniqueness of the District during the competitive dialogue process.

Another local Member for Loughton Broadway added that the inclusion of the green/garden waste collections in the four-day service was an extra burden upon the crews. The Member also expressed his gratitude to the staff for their efforts during this difficult time. The Assistant Director responded that the refuse staff were contracted to work from 7.00am to 4.00pm; the Harlow Waste Transfer Station closed at 4.30pm each evening. Staff welfare and morale was important to the Council, as some of the refuse collectors had been in situ for 25 years. Biffa would make additional resources available for green/garden waste collections during the growing season.

The local Member for Chigwell Village asserted that the evidence indicated a four-day collection service would not work in Epping Forest, and enquired what the cut-off point was for the current schedule, and whether there was a contingency plan. The Portfolio Holder assured Members that Biffa was being questioned as to the viability of the four-day collection service, but there was no cut-off point for the current collection service.

The Leader of the Council apologised to residents affected by problems with the move to a four-day collection service, and assured residents that the Council was working tirelessly to resolve the problems with the new collection schedule. The points raised by the local Member for Chigwell Village would be discussed with Biffa at the next meeting with the Council scheduled for tomorrow morning. It was reiterated that the Council's first duty was to restore the collections service for all residents across the District.

## **5. PUBLIC QUESTIONS**

The Cabinet noted that there had been no public questions submitted for consideration.

## **6. 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 9 June 2015:

(a) A presentation from the Barts Health Trust which provided an update on the problems faced by the Trust, and particularly Whipps Cross Hospital. It was noted that the Trust was now in special measures and implementing an improvement programme.

(b) Reviewed the Key Decision List and the outturn of the Corporate Plan Key Objectives for 2014/15.

(c) Appointed the Members, Chairmen and Vice-Chairmen to the Select Committees and Task & Finish Panels for the municipal year.

(d) Agreed the Overview & Scrutiny Annual Report 2014/15 for consideration by the Council on 28 July 2015,

(e) Agreed to receive a presentation for Essex County Fire & Rescue Service in January 2016, and to investigate the recent problems experienced by Biffa with waste collections throughout the District.

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

A local Member for Chigwell expressed concern that the report on Whipps Cross Hospital was the worst report seen at an Overview & Scrutiny meeting. Whipps Cross Hospital had a very bad reputation within medical circles, and there had been very few references to patients within the actual presentation itself. The Member requested a further presentation from the Health Trust in the near future.

The Leader of the Council agreed that Barts Health Trust should be requested to make an early return to the Council, and the Chairman of the Overview & Scrutiny Committee confirmed that this request had already been made.

## **7. NORTH WEALD BASSETT NEIGHBOURHOOD AREA DESIGNATION**

The Portfolio Holder for Planning Policy presented a report regarding the designation of a Neighbourhood Area for the parish of North Weald Bassett.

The Portfolio Holder stated that an application for the designation of a Neighbourhood Area for the purposes of the preparation of a Neighbourhood Plan had been received from North Weald Bassett Parish Council on 8 September 2014. At the Parish Council's request, to allow additional time to consider the recommendation of the Council, the consideration and determination of the Parish Council's application was deferred at the Cabinet meeting held on 9 March 2015.

The Portfolio Holder informed the Cabinet that the location of North Weald Bassett Parish, immediately adjacent to Harlow's administrative boundary, and the possibility of strategic cross-boundary growth via the Local Plans of Epping Forest, Harlow and East Hertfordshire District Councils, had caused the Council to question the desirability of designating the whole of the Parish as a Neighbourhood Area for neighbourhood planning purposes. In considering the alternatives available, the Council had sought legal advice from Counsel specialising in planning law. Having considered that legal advice, it was thought that the District Council had a broad discretion in determining whether, in the particular circumstances relevant to this application, it was desirable to designate the entire area identified in the application. As a result, it had been proposed that the north western part of the Parish, bounded by the M11 motorway to the east, the administrative boundary with Harlow to the north, the Parish boundary to the west and the London Road (B1393) and Rye Hill Road to the south, should be excluded from the Neighbourhood Area designation (the attached map at appendix 2 of the report refers).

The Housing Portfolio Holder, who was a local Member for North Weald Bassett, commented that the District and Parish Councils had a good record of working together. The five Neighbourhood Plans within the District previously agreed had covered the whole area of a particular Parish or Town Council, but North Weald Bassett was seemingly being treated differently. Residents had legitimate concerns about further land being granted to Harlow District Council, as had happened for the development of the Church Langley estate nearly 25 years ago. It was also

highlighted that a public consultation had been commenced by the County Council over the possible siting of a Construction & Demolition Waste facility at Hastingwood on a site adjacent to both Junction 7 of the M11 motorway and the area to be omitted from the Neighbourhood Area. The Parish Council wished to work with the District Council over the future of the Parish, and the current approach contravened the aims and aspirations of the Localism Act 2011.

The Portfolio Holder acknowledged that the County Council's proposed siting of a Construction and Demolition Waste facility had been unexpected, and details of the consultation were only sent to County Council Members last week. The Portfolio Holder had already discussed the matter with the relevant County Council Portfolio Holder and made his objections to the plans known. He also stated that the District Council would still consult with the Parish Council over plans for the area of the Parish to be omitted, even if parts of it was subsequently designated as a Strategic Site. The recommendations before the Cabinet concurred with the legal advice received by the Council, and there had been no plans put forward for possible boundary changes to this District and Harlow.

Both the local Members for North Weald Bassett felt that there was the potential for Harlow District Council to gain land that was currently in the Epping Forest District. There could be a request for the M11 motorway to form a new boundary for Harlow District Council, with the potential for further development in that area. The Portfolio Holder reassured the Cabinet that Harlow District Council had been informed that the area to be omitted from the Neighbourhood Area designation would, irrespective of any future strategic site designation, remain as Epping Forest District Council land, and that any houses built in this area would therefore be Epping Forest District houses.

The Assistant Director of Neighbourhoods (Forward Planning & Economic Development) acknowledged the concerns of the Parish Council, and Officers would continue to work closely with the Parish Council, but Neighbourhood Plans could not deal with the cross-boundary strategic issues that were being raised in this particular area bordering Harlow. The Portfolio Holder confirmed that the Parish Council would be included in any consultations concerning the area in question.

Other members of the Cabinet pointed out that a Neighbourhood Plan would not prevent any development in a particular area; however, the Council could then use the planning process to argue against development when plans were submitted. A local Member for Chipping Ongar, Greensted and Marden Ash noted that there could be a two-tier approach to Neighbourhood Plans, with those Parishes on the Epping Forest boundary being treated differently. The need to include Local Councils in local planning issues was re-iterated.

The Portfolio Holder advised the Cabinet that Local Councils had been fully included in the Local Plan process to date, and that the District Council was always willing to listen to the views of the Town and Parish Councils.

**Decision:**

(1) That the exclusion of an area to the west of the M11 motorway from the application by North Weald Bassett Parish Council for the designation of the whole Parish for the purposes of preparing a Neighbourhood Plan be agreed for the following reasons:

- (a) a number of strategic cross boundary matters had been identified which included, but were not limited to, Green Belt review, cross district

boundary agreement of housing and job growth figures, and planning and delivery of key strategic infrastructure;

(b) the matters identified in (a) above were not within the remit of a Neighbourhood Plan to address;

(c) a comprehensive assessment of all of the possible sites around Harlow (in Epping Forest, Harlow and East Hertfordshire District Council areas) must be carried out to ensure that the most suitable site(s) (if any at all) were allocated for development in the Local Plans for these three Districts; and

(d) the proposed area to be excluded from the Neighbourhood Area designation was defined by existing physical and administrative boundaries, and did not cover an area of high existing population.

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

With regard to the location of the Parish on the District boundary with Harlow, there were a number of strategic and cross-boundary issues that had to be properly considered under the Council's Duty to Co-Operate. It was not within the remit of the neighbourhood planning process to address and deliver matters including, but not limited to, Green Belt review, cross-boundary agreement of housing and job growth figures, and the planning and delivery of key strategic infrastructure.

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

To designate the whole of North Weald Bassett Parish area as a Neighbourhood Area. However, this had been discounted due to the strategic and cross-boundary issues that had to be properly considered under the Council's Duty to Co-Operate.

To designate the whole of North Weald Bassett Parish area as a Neighbourhood Area, alongside a memorandum of understanding (or similar) setting out the matters which could be addressed and desired sequencing of plan preparation. However, as a result of the legal advice received from Counsel, this option was not considered to be lawfully available to the Council.

To designate alternative areas of the Parish. However, the law was clear that any such designation had to be fully justifiable.

### **8. HOUSING RELATED SUPPORT CHARGES**

The Housing Portfolio Holder presented a report concerning Housing Related Support Charges and properties designated as being suitable for older people.

The Portfolio Holder reported that the Council had increased its Housing Related Support (HRS) charges to private Careline users and Council tenants living in sheltered and other housing designated for older people by amounts higher than inflation for 2015/16. This was mainly to cover an expected significant reduction in support funding to the Council from Essex County Council (ECC) of at least £133,000 (42%), which Officers from the County Council had advised would be made from April 2016, although it was also to achieve a position whereby the Council's Careline Service was fully self-funded.

The Portfolio Holder informed the Cabinet that, at a very late stage, the County Council decided not to proceed with the planned Housing Related Support funding



reduction for 2015/16. However, since the Council had already implemented the increased charges and advised all affected tenants, the Housing Portfolio Holder had decided to provide the Cabinet with a report on the main options available to respond to the associated implications of this late decision by the County Council.

The Portfolio Holder outlined the five options available to the Council, with an assessment of the advantages and disadvantages of each one. This exercise had also highlighted the fact that, due to annual reductions in Support funding from the County Council since 2003, the combined income from Housing Related Support charges and the County Council's funding no longer bore any resemblance to the cost of the providing the service. Consequently, all other Council tenants, who did not receive the service, now subsidised the cost by around £10 per property per annum. Therefore, the preferred option was to continue the previously agreed Housing Related Support Charges for the remainder of 2015/16 to Council tenants and private Careline users, and for the Portfolio Holder to present a plan to a future meeting of the Cabinet for how much the charges should be increased each year from April 2016 until the Scheme became self-funded, with regard to any further annual reductions from the County Council.

The Portfolio Holder apologised for the tabling of an addendum report, but it indicated the Tenant & Leaseholder Federation's reluctant support for the preferred option, along with a request that future Housing Related Support Charges be increased over as long a period as possible.

The Portfolio Holder added that the number of properties on housing estates previously designated as being suitable for older people had been reducing, to meet the demand for general needs housing. It was proposed to request the Housing Select Committee to consider whether more properties should be de-designated and to review the staffing levels for the Scheme Management Service to determine if the costs of the Scheme could be reduced further. The Select Committee would be requested to make recommendations to the Portfolio Holder accordingly.

The Cabinet noted the rationale behind the recommendation of the Portfolio Holder and was reassured by the fact that the Tenants & Leaseholders Federation understood the situation that the County Council had placed the District Council in. In response to questions from the Members present, the Portfolio Holder added that it was not known at the current time how long it would take to make the Scheme Management Service self-funded, as this would depend on future budget decisions made by the County Council, and that support for people in need had been provided with a subsidy from the Housing Revenue Account in the sum of £58,000 for 2015/16.

**Decision:**

(1) That, having regard to the comments of the Epping Forest Tenants & Leaseholders Federation tabled at the meeting, the approach to Housing Related Support (HRS) charges set out in Option 5 within the report be taken, namely to continue with the agreed 2015/16 charges and increase charges further from April 2016 over a period of time until the cost of the Scheme Management Service was self funded, and that:

(a) the HRS charges made to Council tenants and private Careline users for 2015/16 be continued for the remainder of the current year; and

(b) in advance of the budget cycle for 2016/17, a plan on how much HRS charges should be increased each year from April 2016 until the cost of the

Scheme Management Service became self-funded, with regard to any annual reductions in HRS funding from Essex County Council, be recommended by the Housing Portfolio Holder to the Cabinet;

- (2) That the Housing Select Committee be requested to:
  - (a) consider whether more properties specially designated for older people on housing estates should be de-designated, with future vacancies used to meet the increasing demand for younger housing applicants;
  - (b) review the associated level of staffing required to provide the Scheme Management Service to determine if staffing costs (and therefore HRS charges) could be reduced as a result; and
  - (c) make recommendations to the Housing Portfolio Holder accordingly; and
- (3) That letters be sent to all service users in February 2016, once the Cabinet had determined the HRS charges for 2016/17 and the amount of HRS funding to be received from Essex County Council for 2016/17 was known, explaining the proposed approach and the reasons.

**Reasons for Decision:**

It was felt that the under-recovery of costs for the Scheme Management Service was unfair on other Council tenants who did not receive the service, and was untenable in the longer term.

**Other Options Considered and Rejected:**

To rescind the 2015/16 increase in HRS charges and, where considered appropriate, refund payments made by tenants back to April 2015.

To rescind the 2015/16 increase by reducing the 2015/16 HRS charges mid-year to an amount below the 2014/15 HRS charge, in order to off-set the increased charges made from April 2015, and refund where appropriate.

To continue with the 2015/16 charges and take into account any increase above that required as a result of the expected ECC funding cut when setting charges for 2016/17.

Implement variations to the options above for different categories of service user.

**9. REVISED PROGRAMME OF WORKS FOR OFF-STREET PARKING AT TORRINGTON DRIVE, LOUGHTON**

The Housing Portfolio Holder introduced a report concerning the timing of the off-street parking scheme at Torrington Drive in Loughton.

The Portfolio Holder reminded the Cabinet that, at its meeting in February 2015, it had delegated authority to the Council Housebuilding Cabinet Committee to consider the benefits of providing off-street parking spaces in areas in close proximity to housebuilding sites at the same time as when the associated housebuilding feasibility study was considered and recommend to the Cabinet if and when any off-street parking sites were to be included in future years' programmes. When the Cabinet Committee on 5 March 2015 considered the housebuilding development site at

Burton Road in Loughton, consideration was also given to the provision of an off-street parking scheme in Torrington Drive in Loughton. The Cabinet Committee recommended that the scheme be progressed, subject to a public consultation with residents, and that the Director of Neighbourhoods be requested to include the new off-street parking spaces in a Residents Parking Scheme.

The Portfolio Holder stated that an evaluation of the Scheme had concluded it was possible to provide 64 parking spaces, which would enable one space to be allocated to each of the 64 west facing flats that overlooked the Central Line. Permits would be offered for these spaces at a cost of £43 per year and it was suggested that such permits should initially be limited to one per household. The total cost of the Scheme was estimated at £215,000, and the budget for off-street parking schemes currently stood at £1.9million. The proposed Scheme at Torrington Drive was already top of the ranking list for 2016/17, so the construction of the Scheme now would bring it forward by approximately nine months.

The Cabinet heard from a public speaker on this item who stated that residents had been requesting a solution for the parking issues in this area for some time now. The member of the public also requested that the new parking spaces be reserved for the residents of the west facing flats only; that none of the spaces should be made available to other residents in the area, such as Burton Road; and that the surrounding green areas be landscaped as part of the construction of the Scheme. Finally, the resident enquired as to why residents were being asked to pay for parking permits?

The Portfolio Holder responded that the Council would initially offer one space per household to cover all 64 of the west facing flats in Torrington Drive. The fee would enable the parking bays to be managed and enforced and, although the bays would not be numbered, only 64 permits would be issued for the 64 spaces. The local ward Councillors had been consulted upon each of the proposed off-street parking schemes and further public consultation would be undertaken as part of the process to determine the necessary application for planning consent. The Cabinet was reminded that a majority of the residents in the flats had to be in favour of the scheme for it to proceed.

The Assistant Director of Housing (Housing Property and Development) confirmed that the area around the west facing flats was heavily congested, and hence the proposed scheme before the Cabinet. If the remaining parts of Torrington Drive become equally congested then this would be examined at a later date. The Assistant Director confirmed that a Road Traffic Order would be required for the proposed scheme.

A local Member for Loughton Broadway welcomed the scheme, but was concerned about a possible lack of parking available for the proposed development in Burton Road, and highlighted a more general problem concerning parking in the area.

The Portfolio Holder reassured the Cabinet that the issue of parking in the Burton Road area would be considered when the planning application was determined by the District Development Management Committee. Visitor permits would be available for the proposed bays, and the Council would liaise with the North Essex Parking Partnership over enforcement issues in the area.

**Decision:**

(1) That the off-street parking scheme at Torrington Drive, Loughton be brought forward for inclusion in the 2015/16 off-street parking programme to coincide with the

Council Housebuilding development, subject to resident consultation and planning approval; and

(2) That any new off-street parking spaces be provided as a Residents Parking Scheme, consistent with other schemes across the District with permits limited to one per household.

**Reasons for Decision:**

The Cabinet Committee had agreed that a report be submitted to the Cabinet recommending that priority be given to the provision of an off-street parking scheme in Torrington Drive, Loughton being undertaken, subject to a resident consultation; and that the Director of Neighbourhoods be asked to give consideration to including any new off-street parking spaces being provided as a Residents Parking Scheme.

**Other Options Considered and Rejected:**

To not bring forward the off-street parking scheme at Torrington Drive. However, this would not offset the fears of local residents that any new housing development would create a parking problem in the future.

To not provide the parking spaces as a Residents Parking Scheme. However, this would create free parking for commuters and would not benefit the local residents.

To allow residents to apply for more than one parking permit on a first-come-first-served basis. However, this would mean some residents would not be able to park their car and the offer of a permit should be made accessible to all residents.

**10. LOCAL DEVELOPMENT SCHEME AND LOCAL PLAN RESOURCING**

The Portfolio Holder for Planning Policy presented a report regarding the agreement of the Local Development Scheme for 2015/16, and an update on the Local Plan budget.

The Portfolio Holder stated that the Council had a statutory obligation under the Localism Act 2011 to prepare a Local Development Scheme, which was the high level project plan for the preparation of the Epping Forest District Local Plan. The current Scheme had been approved in July 2014, and now required updating. The main factors that had affected the timetable for the production of the Local Plan since last year were:

- (i) the requirement for a comprehensive review of the Green Belt;
- (ii) the work required under the duty to co-operate and to update the Strategic Housing Market Assessment;
- (iii) the publication of the latest household projections for the period 2012-37 which had been published in February 2015;
- (iv) the additional work required to complete the Strategic Flood Risk Assessment; and
- (v) the advice and assistance provided for the development of Neighbourhood Plans.

The Portfolio Holder reported that the revised timetable for the preparation of the Local Plan indicated that the draft Local Plan public consultation would start in July 2016 and run until September 2016 to allow for the summer holiday period, it would then be published for representations in April 2017, submitted to the Planning Inspectorate in October 2017, the Examination in Public occurring in early 2018, and the final Plan adopted in September 2018.

The Portfolio Holder informed the Cabinet that expenditure on the Local Plan had been approximately £1.2million since 2004/05, and that estimated additional funds in the sum of £537,673 would be required up to 2018/19. This additional expenditure would be provided by the District Development Fund. The Council had experienced difficulties in recruiting experienced staff, despite the budgetary resources being made available, due to the limited number of suitably qualified applicants being available and competition from neighbouring authorities for such staff. Thus, it had been agreed to use the budget from the vacant Planning Officer and Technical Support posts to recruit a Senior Planner on a fixed term contract for 18 months.

The Portfolio Holder added that the Council continually needed to take account of more information made available once the Planning Inspector reports of recent Examinations in Public were published. Further items for the Evidence Base would be coming forward for decision later in the year. The Leader of the Council acknowledged that it was frustrating when the timetable was changed and the publication of the Local Plan was further delayed, but this was predominantly as a result of changes to the process by the Government. It was accepted that this was a long process. The legal advice received was that the Council's approach was right, and the mantra from the Queens Counsel engaged by the Council was "Do it once, do it well, do it right!".

**Decision:**

- (1) That the updated Local Development Scheme for 2015/16, attached at Appendix 1 of the report, be adopted and published on the Council's website; and
- (2) That expenditure against the Local Plan budget in 2014/15, the projected expenditure for 2015/16, and the estimated expenditure for 2015/16 and future years, including a need to reconsider the project fund as a whole in the next available budget cycle, be noted.

**Reason for Decision:**

The Council was obliged under the Localism Act 2011 to prepare and publish a Local Development Scheme so that the public and stakeholders were aware of the likely timing of key stages of the plan making process. The current Scheme, approved a year ago, was due for renewal.

To keep the Cabinet apprised of the current and likely future expenditure in respect of the Local Plan preparation process.

**Other Options Considered and Rejected:**

To not agree or vary the Local Development Scheme.

**11. PROVISION OF NEW DEPOT AT OAKWOOD HILL**

The Portfolio Holder for Asset Management & Economic Development presented a report concerning the provision of a new Depot at Oakwood Hill in Loughton.

The Portfolio Holder reported that, in order for the development of the Epping Forest Shopping Park at Langston Road to take place, the existing services at that Depot needed to be relocated. Therefore, it was proposed to relocate the Grounds Maintenance Service and Fleet Operations garage to a new depot at Oakwood Hill, also in Loughton. The design layout of the new buildings had been undertaken in consultation with the two services involved to ensure that the proposed accommodation and facilities would need their meets adequately. The project to construct the new depot was offered to five companies, of which three had submitted bids. The lowest bid received was from T. J. Evers Limited in the sum of £2,385,176 although this bid had only accounted for statutory signage and not signage specific to the depot services; this would be covered under the contingency allowance. In addition, statutory diversions had not been included in the tender price, which were the highways works necessary to construct the depot entrance and relocate the bus stop. It was estimated that £50,000 would cover these works.

A local Member for Loughton Broadway noted that the construction cost of the new Depot had not been included in the Development Appraisal for the construction of the Epping Forest Shopping Park. The Council's Development Consultant for the Shopping Park project confirmed that the cost for the new depot at Oakwood Hill had not been included, as it was being treated as a separate issue.

**Decision:**

(1) That the tender bid of £2,385,176 from T. J. Evers Ltd to undertake the design, build and construction of the new depot at Oakwood Hill for Grounds Maintenance and Fleet Operations be accepted; and

(2) That, pursuant to Overview and Scrutiny Rule 21 (Special Urgency), the Chairman of the Council be requested to waive the call-in arrangements for this decision due to its urgency as any delay in relocating services from Langston Road Depot may impact on the programme for delivering the new Epping Forest Shopping Park.

**Reasons for Decision:**

To provide new accommodation for relocated staff and to vacate the Langston Road Depot in order to facilitate the development of the Epping Forest Shopping Park.

**Other Options Considered and Rejected:**

To not relocate staff to this location and delay the construction of the Epping Forest Shopping Park.

**12. SITE LICENCE CONDITIONS ON HOLIDAY CARAVAN AND CAMPING SITES**

The Housing Portfolio Holder presented a report on the proposed Site Licence Conditions for Holiday Caravan and Camping sites.

The Portfolio Holder reminded the Cabinet that the Council was responsible, through its site licensing regime, for ensuring health, safety and fire safety provisions were satisfactory on the holiday caravan and camping sites within the District. The existing site licence conditions for holiday sites had not been reviewed for many years and were outdated. Following consultation with site operators, statutory consultees and other interested parties, new conditions had been produced which the Cabinet was

now being requested to adopt as the Epping Forest District Council Standard Site Licence Conditions for Holiday Camping and Caravan Sites.

The Portfolio Holder added that site licence conditions had been agreed for permanent residential sites in 2013, and for Gypsy, Roma and Traveller sites in 2014. This was the last set of site licence conditions that the Council had to review and implement, and the Portfolio Holder added his thanks to the Officers for their efforts over the past few years.

The Cabinet noted that the Council was now consulted upon by other authorities when they were undertaking similar exercises.

**Resolved:**

(1) That, following consultation with site operators, statutory consultees and other interested parties, the Standard Licence Conditions for Holiday Caravan and Camping Sites in Epping Forest District, as attached at Appendix 1 of the report, be adopted.

**Reasons for Decision:**

The Council was required to issue licences on all park homes sites in the District with conditions that were relevant, consistent and would adequately protect the health and safety of people residing at, or visiting the sites. The existing site licence conditions for Holiday Sites in the District had not been reviewed for many years.

**Other Options Considered and Rejected:**

To not produce new licence conditions. However, the existing conditions were outdated and could compromise the health and safety of those visiting the sites.

To not consult with site owners, statutory consultees and other interested parties. However, the relevant legislation required the licence holder to be given an opportunity to make representation before any changes were imposed, and that the Fire Service was consulted before any changes were made.

**13. CORPORATE PLAN KEY OBJECTIVES - 2014-15 OUTTURN**

The Leader of the Council presented a progress report on the achievement of the Council's Key Objectives for 2014/15.

The Leader stated that the Corporate Plan was the Council's key strategic planning document, setting out its 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 Key Objectives for previous years.

The Leader added that the annual identification of Key Objectives provided an opportunity for the Council to focus attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered during the year. The Key Objectives were intended to provide a clear statement of the Council's overall intentions for each year, and were supported by a range of actions and deliverables designed to achieve specific outcomes. A range of Key Objectives for 2014/15 had been adopted by the Cabinet in April 2014, and progress in relation to

individual actions and deliverables was reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and outturn basis.

The Leader reported that, at the end of the year, 35 (65%) of the individual deliverables or actions supporting the Key Objectives had been achieved; and that 19 (35%) of the deliverables or actions had not been completed by year-end although significant progress had been made.

**Decision:**

(1) That the review of the end of year position in relation to the achievement of the Council's Key Objectives for 2014/15 be noted.

**Reasons for Decision:**

It was important that relevant performance management processes were in place to review progress against the Key Objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of 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 consider corrective action where necessary, could have negative implications for the Council's reputation and judgements made about its progress, and might mean that opportunities for improvement were lost.

#### **14. TENDER FOR INSURANCE POLICIES**

The Finance Portfolio Holder presented a report on the outcome of the tender for the Council's insurance policies.

The Portfolio Holder reminded the Cabinet that the Council was currently insured almost exclusively through Zurich Municipal (ZM), an arrangement that had been in place for many years. When the last long term agreement was tendered in 2010 it was through a collaborative procurement exercise, sponsored by the Regional Improvement and Efficiency Partnership (RIEP), with eleven other authorities. The outcome of this process was disappointing as the only insurer to quote for the whole portfolio was Zurich Municipal, and Zurich Municipal were only prepared to enter into contracts for the whole portfolio of covers. Therefore, the Council had no option other than to enter into a new agreement with Zurich Municipal.

The Portfolio Holder reported that, for this renewal, the Council had conducted its own exercise, although given the specialised nature of insurance procurement it was necessary to first appoint a broker to assist with the process and to ensure the best possible response from the market. The Council obtained quotes from three brokers and selected Marsh Limited to assist with the procurement. Tenders were returned on 26 May 2015 by four different insurance companies. Having evaluated the tenders the most economically advantageous tender had been submitted by Zurich Municipal, which provided the Council with a significant saving. Therefore, it was recommended to enter into a further agreement with Zurich Municipal to provide the Council's insurance policies for five years, with an option to extend the cover for a further two years.



The Cabinet noted the projected saving of £125,000 for the Council's insurance premiums in 2015/16 from accepting the bid from Zurich Municipal.

**Decision:**

- (1) That the outcome of the tender exercise for the Council's insurance policies be noted;
- (2) That an agreement with Zurich Municipal be entered into for five years with an option to extend for a further two years; and
- (3) That, pursuant to Overview and Scrutiny Rule 21 (Special Urgency), the Chairman of Council be requested to waive the call-in arrangements for this decision due to its urgency as any delay would prejudice the Council's interests because there would be a gap between the expiry of the old policies and the commencement of the new policies leaving the Council uninsured for a short period.

**Reason for Decision:**

To provide the Council with comprehensive and cost effective insurance cover for the next five years, and Contract Standing Order C22 required approval from either the Council or the Cabinet before any tender valued in excess of £1 million could be accepted.

**Other Options Considered and Rejected:**

The Council could let a number of individual contracts for different parts of the policy portfolio to different insurance companies. However, this had not been recommended as it would be more costly and less efficient.

**15. ANY OTHER BUSINESS**

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

**16. EXCLUSION OF PUBLIC AND PRESS**

**Decision:**

- (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 paragraph 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</u>	<u>Subject</u>	<u>Paragraph Number</u>
18	Licence for North Weald Market	3
19	Epping Forest Shopping Park	3

**17. LICENCE FOR NORTH WEALD MARKET**

The Portfolio Holder for Asset Management & Economic Development presented a report regarding the licence for the North Weald Market.

The Portfolio Holder reported that, at the meeting of the Asset Management and Economic Development Cabinet Committee on 21 October 2014, it was recommended and subsequently agreed by the Cabinet that the Council would vary the current licence to Hughmark International, the operator of the North Weald Market. This variation eliminated a fixed fee; instead the Council would receive 75% of any profit, after Hughmark's operational costs were met. This decision was taken to reflect the trend of declining trade and income generated by the market. In reaching this decision, the Cabinet sought a formal review of the variation to the licence after six months of further trading.

The Portfolio Holder stated that this review was undertaken at the Asset Management and Economic Development Cabinet Committee meeting on 23 April 2015. In reviewing the performance of the market over the last six months, the previous trend of declining trade and income had continued, and the Cabinet Committee felt that the overall position could not be improved. Therefore, it had been recommended that the Council should exercise its right to terminate the Licence, and re-tender the opportunity to hold regular outdoor events on the current market area at North Weald Airfield. Under the terms of the current Licence, the Council had to give notice by 30 June 2015 for the Licence to expire on 31 December 2015. Consequently, it had also been recommended that the call-in period for this decision should be waived under the Special Urgency rules in the Constitution.

The Cabinet acknowledged that the Market had provided a significant income to the Council in the past, but that the current trading conditions had worsened. It was also noted that the Council had provided every possible support to the Market in the previous two years but that it had become no longer sustainable.

**Decision:**

- (1) That, as recommended by the Asset Management & Economic Development Cabinet Committee, the Council's right to determine the Licence for North Weald Market be exercised, giving six months notice by 30 June 2015, due to the unlikely prospect of an improved trading position by the current market operator Hughmark International;
- (2) That the opportunity to hold regular outdoor events on the current market area at North Weald Airfield be re-tendered by the Council, and to include but not restricted to outdoor markets;
- (3) That the results of the procurement exercise in (2) above be reported to a future meeting of the Cabinet; and
- (4) That, pursuant to Overview & Scrutiny Rule 21 (Special Urgency), the Chairman of the Council be requested to waive the call-in arrangements for this decision due to the urgency arising from the contractual obligation to give notice of determining the licence by 30 June 2015.

**Reasons for Decision:**

To reduce the financial risk to the Council from the continued under-performance of the Market at North Weald Airfield.

To maximise the potential future return to the Council through the re-tendering of the opportunity to hold other outdoor events, including Markets, on the current market area at North Weald Airfield.

**Other Options Considered and Rejected:**

To allow the Market to operate under the current terms of the revised Licence. However, this would risk the Council being exposed to further reductions in income.

To seek further alterations to the current Licence. However, it was not thought likely that the Operator would make further concessions to the Council to improve its financial position.

**18. EPPING FOREST SHOPPING PARK**

The Portfolio Holder for Asset Management & Economic Development introduced a report concerning the Epping Forest Shopping Park.

The Portfolio Holder reminded the Cabinet that, in accordance with previous policy decisions to derive best value from the Council's assets and to generate revenue from the investment of capital resources, a number of development projects on Council owned land were currently being progressed. The most significant of these was the Epping Forest Shopping Park in Langston Road, Loughton, which had the capacity to generate employment for local people, provide a significant boost to the local economy, and ensure that retail spend was retained within the District.

The Portfolio Holder reported that, having obtained the necessary planning consent, and appointed a project team, who had undertaken the necessary development appraisal and cost estimate work, the Cabinet was being requested to agree a number of important considerations in progressing the project. The first of these was the buying out of the interest of the current joint venture partner, Polofind Limited, for a negotiated sum of £10.25million plus £410,000 for stamp duty and £153,750 for agents fees. The purchase price would include no further liability by Polofind Limited for the clawback provision of £2.25million. The second of these was obtaining the capital provision required to construct and let the shopping park, which it was estimated would cost a further £19.181million. The third consideration was the retention of the existing project team, who would be engaged directly by the Council once the purchase was complete, through the waiver of Contract Standing Orders C5 and C6, and the confirmation of the appointment of DAC Beachcroft as specialist construction lawyers.

The Portfolio Holder highlighted that the European Union procurement requirements (OJEU) would apply to the main building contract, but not to the Section 278 Highways Works Contract, and the Cabinet was requested to authorise the tendering of the Highways works as detailed in the Section 278 agreement to include any advance utilities costs to be met within existing resources allocated to the project to date. It was stressed that the additional procedures to comply with OJEU would make completing the project in time for a Christmas 2016 opening more challenging.

The Cabinet noted the current position on the marketing of the retail park and the potential anchor tenants, as well as the latest Development Appraisal for the project as provided by the Council's consultants. Whilst it was acknowledged that there was an element of risk if the Council became the sole owner operator, this would enable the Council to have full control of the tenant mix and retain all future income generated by the Shopping Park. It was also emphasised that the Cabinet would continue to receive regular monitoring reports at future meetings.

Local Members from Loughton asked a number of detailed questions concerning the development of the Shopping Park and its potential effects on nearby town centres. The Cabinet noted that there was a lack of such smaller centres inside the area

bounded by the M25 motorway, and that the potential anchor tenants all had stores at nearby locations which indicated their belief that a presence at the Shopping Park would be profitable. It was highlighted that the move of the Museum store from the depot at Langston Road was being funded by the National Lottery, and that the Council's refuse contractor no longer required space at the depot. Although enabling costs had not been included in the Development Appraisal, the savings for the Council from the Clawback provision almost offset the cost of building the new depot at Oakwood Hill, considered earlier in the meeting. The Portfolio Holder agreed to provide additional information on the project to Members at the special Council meeting scheduled for 23 June 2015, which had been arranged to consider the request for the necessary supplementary finance to progress the project.

**Decision:**

- (1) That the buy out of the interest of Polofind Limited in the Epping Forest Shopping Park development by the Council be agreed and in particular, the site known as T11 for the sum of £10,250,000 plus £410,000 for stamp duty and £153,750 for agents fees in accordance with the Heads of Terms attached as an Appendix to the report, which included no further liability by Polofind Limited for the clawback provision of £2,250,000 plus reimbursement of Professional Fees incurred in bringing the site forward;
- (2) That a Capital Supplementary Estimate be recommended to the Council for approval at the Extraordinary Meeting on 23 June 2015 in the sum of the £10,250,000, plus £410,000 for stamp duty and £153,750 for agents fees for the purchase and an estimated £642,000 for professional fees, plus a sum of £19,180,530 making a total of £30,636,280 based on the latest Development Appraisal to enable the Council to construct and let the Epping Forest Shopping Park;
- (3) That Contract Standing Orders C5 and C6 be waived to enable the Council to retain the existing project team, who would be engaged directly by the Council under new contracts developed by DAC Beachcroft, whose provisional appointment as specialist construction lawyers would be confirmed; and
- (4) That a temporary licence of 12 months for two units at Oakwood Hill Industrial Estate be entered into by the Council, to facilitate the vacating of the depot pending the completion of the Council's new depot facilities at Oakwood Hill, at a cost of £69,000 including internet, utilities and building insurance but not business rates, to be contained within existing provision.

**Reasons for Decision:**

A considerable amount of urgent work was necessary to bring forward the development of the Epping Forest Shopping Park, in order to achieve an opening for the Christmas period in 2016.

In addition, the Council's joint venture partner, Polofind Ltd, had conditioned their agreement to sell their interest at the proposed price, on the basis of a final decision being taken by the end of June 2015.

**Other Options Considered and Rejected:**

To not proceed with the purchase of Polofind's interest at this time; however, this could delay the project and the opening of the Shopping Park.

To enter into the formal Joint Venture Agreement with Polofind Limited and continue the development in partnership. However, the Council would not then have sole control over the project or the expected financial return.

To dispose of the Council's interest in the depot site to Polofind Limited, or to market the depot site with the benefit of the retail planning permission on the open market. However, this option had been previously rejected by the Council and although it would provide a capital receipt, it would not provide a revenue stream to support the provision of future Council services.

**CHAIRMAN**