

## **EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES**

**Committee:** Overview and Scrutiny Committee      **Date:** Thursday, 3 September 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.30 pm

**Members Present:** Councillors R Morgan (Chairman) K Angold-Stephens (Vice-Chairman) K Chana, M Colling, Mrs A Grigg, Mrs A Haigh, D Jacobs, J Knapman, R Law, G Mohindra and Mrs L Wagland

**Other Councillors:** Councillors Mrs R Brookes, Mrs P Brooks, M Cohen, Mrs D Collins, Mrs M McEwen, J Markham, Mrs P Richardson, Mrs M Sartin, C Whitbread, J M Whitehouse, R Bassett, B Rolfe and D Wixley

**Apologies:** Councillors A Green

**Officers Present:** D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), L MacNeill (Assistant Director (Operations, Administration & Finance)), N Richardson (Assistant Director (Development Control)), M Tipping (Assistant Director (Facilities Management & Emergency Planning)), C Pasterfield (Principal Valuer/Surveyor), T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

### **23. WEBCASTING INTRODUCTION**

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **24. SUBSTITUTE MEMBERS**

It was noted that Councillor K Chana had substituted for Councillor A Green.

### **25. DECLARATIONS OF INTEREST**

Councillor K Angold-Stephens declared a personal interest in item 6 of the agenda by virtue of being one of the members that had called this report in. He would relinquish his role as the Vice Chairman for this part of the meeting.

Councillor J Knapman declared a personal interest in item 6 of the agenda by virtue of being the County Councillor for the Broadway, Loughton.

### **26. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 9 July 2009 be taken as read and signed by the Chairman as a correct record.

**27. CALL IN - THE BROADWAY, LOUGHTON - RENT DEFERMENT SCHEME**

The Committee were asked to consider the call-in of the Legal and Estates Portfolio Holder's Cabinet report (C-014-2009/10) regarding the consideration of rent deferment for the shops in Loughton Broadway. The report was called in by two different sets of councillors.

Councillor Angold-Stephens, the lead member of one of the call-ins, vacated his position as Vice Chairman of the Committee for the duration of the consideration of this item. The Chairman then informed the meeting of the protocol for the handling of a call-in.

In accordance with the Overview and Scrutiny procedure rules, the representative of the first group of members to call-in the report, Councillor Angold-Stephens, outlined their concerns, which were summarised in the call-in notification. He noted that the LRA had supported the decision made by the Cabinet affecting the plight of the traders and that supporting them was untenable. However, no other shopping parade had their whole road closed which meant that the footfall fell away dramatically during this period. An added problem of the refurbishment was the bus stops that were taken out had still not been reinstated. Many traders had described themselves as being on their knees, and about half are behind on their rent. Five were on instalment plans and four were seriously struggling, although the council was not pressing hard to collect their arrears. Business was down by between 25% and 40%. It would be helpful if their business rate could be reduced by 20% or 25% and backdated. It should be noted that business had still not recovered fully as shoppers had developed new habits, although you could exclude pubs, garages, post offices and banks as they did not rely on passing trade. According to his calculations it would cost the council from about £28k to a maximum of £38k. With a rent rebate of about £630 it would be just enough to ease the burden on traders. He noted that his figures were just estimates, so a cap should be put on the rebate of about £40k. Officers could provide accurate figures to the Cabinet. He recommended that the Committee refer this decision back to the Cabinet for further consideration.

Councillor Wixley added he hoped that the Cabinet members agreed that this was sensible and affordable. A petition had also been collected and this would be submitted later. If businesses fail then that would affect unemployment and jeopardise the buoyancy of the shopping centre. If shops failed it would not be easy to get replacements, the Council would then lose rent revenue, so it could be seen as an investment in the future. These businesses needed a kick start and he recommended that the Cabinet be asked to reconsider its decision.

The representative of the other group of members to call-in the report, Councillor Mrs P Richardson outlined their concerns. She said that a few years ago, shops in a similar situation had been let off paying their rent for a short while. It was short sighted for the Council not to do this. Cash needed to flow before it could be paid back. They suggested that the Council help independent traders but not the multinational or chain stores. Councillor Law added that the Council had a healthy budget, and it was time that they backed this up or there was danger of The Broadway becoming a ghost town.

The Legal and Estates Portfolio Holder, Councillor M Cohen, replied saying that he knew of no time when store holders had been given a rent holiday; there was no precedent for this. It may be that some street stall holders were let off rent for a short

period. Also, who was to define what an independent trader was; what if they had more than one shop? The proposal was to give deferment to monies owed, which Cabinet had already turned down. He said it would be disastrous as the money would still have to be paid at some point and the store holders would only be storing up debt. He continued that Councillor Angold-Stephens had tonight asked for a reduction in rent, which was irrelevant for tonight's debate, as the original Cabinet decision was about deferment of rent. The figure that he and officers had worked out was not the £40k Councillor Angold-Stephens had said, but £140k in loss of rent; they were dealing with substantial figures. He informed the Committee that in July, the rent arrears was £81,945, but this had now been reduced to £52,477 and over half of this debt went back to before the scheme had begun, so was not relevant here. Councillor Cohen asked that the Cabinet decision be confirmed, as deferment would be a complete disaster for the traders and a potential loss to the Council. Councillor Cohen went on to say that there was now evidence from the District Valuer of a downturn in business and has therefore recommended a reduction of 20% in the rate for an 8 month period. The Cabinet had been concerned that it would discriminate against other parts of the District, but the decision of the District Valuer had demonstrated special circumstances existed in the Broadway. The losses were not caused simply by the regeneration works but by a coincidence with the economic downturn. They hoped to offer these traders more than the members of the call-ins were asking for. They hoped to offer a rent rebate of 20% for 8 months. This would cost the Council in the region of £130k and he hoped to confirm the figures within the next 4 to 6 weeks. Councillor Cohen concluded by asking the Committee to confirm the Cabinet decision.

Councillor Colling commented that he was a small trader who had undergone a similar 'enhancement' in Leytonstone High Road, where they received no rebates. It had been a hard year and all businesses could do was hope that business picked up as Christmas drew nearer. It was never good to defer payment especially if you were a small business. He backed the 20% rebate that was being offered.

Councillor Knapman said this was welcome news and he was happy not to refer it back to the Cabinet because of the rebate package that would be offered to the retailers. The Committee's decision should be put in terms such that they were asking the Cabinet for some action on this.

Councillor Mrs Grigg also welcomed the news. She was very conscious of the difficulties faced by the retailers and if Councillor Cohen could produce the rebate, then it would be the best that could be asked for.

Councillor Jacobs said he agreed with the Portfolio Holders deferment argument. He also recognised the amount of work that Councillor Angold-Stephen's had done on this. This was great news about the rebate but if it did not happen he felt the council should fall back to Councillor Angold-Stephen's suggestions.

Councillor Mrs Haigh agreed with Councillor's Jacobs sentiments, she had sympathy with the call-in but was happy to go with the proposed rebate.

Councillor Mrs Wagland asked what was meant by retail and traders for the purposes of this discussion; is the 20% to be based on footfall; and will banks be affected by this? Councillor Cohen replied that that he did not know as this was new. He sounded one note of caution. Members have said that that they agreed to confirm the Cabinet report on condition of this rebate happening. He restated that deferral would be a disaster and they did not wish to have a further discussion on deferral.

Councillor Colling asked for some reassurance that the bus stops would be sorted out. The Director of Environment and Street Scene said he was informed that this was imminent and was to be finished by the County Council. There have been temporary bus stops erected and these will be put back into their original position. Councillor Knapman said that the County had recently published a date for this.

Councillor Whitbread thanked Councillors Angold-Stephens and Cohen for all the hard work that they put in. What the Portfolio Holder had come up with was the more sensible way forward and he would try and get a report to the next Cabinet meeting on Monday.

The two lead members of the call-ins (Councillors Angold-Stephens and Mrs Richardson) and the Portfolio Holder (Councillor M Cohen) were then asked to sum up the debate.

Councillor Angold-Stephens said that he agreed with the Portfolio Holder on rent deferment. The new offer was generous and if it was achievable he would support it.

Councillor Mrs Richardson said that what had been suggested was far in excess of what was asked for, which was good.

Councillor Cohen commented that the policy was to give as much assistance as the council could to the local traders. What they proposed had nothing to do with the deferment of the scheme as that would be a disaster. They would do the right thing once they had all the evidence.

**RESOLVED:**

That the Overview and Scrutiny Committee confirmed the original decision of the Cabinet on the report C-014-2009/10, on the 'Consideration of rent deferment for the shops in Loughton Broadway', providing the Cabinet pursued the 20% rent reduction for the period of 8 months.

**28. CALL IN - PROVISION OF SPORTS HALL - WALTHAM ABBEY SWIMMING POOL**

The Committee were then asked to consider the call-in of the Leisure and Wellbeing Portfolio Holder's Cabinet report (C-012-2009/10) regarding the provision of a sports hall at the Waltham Abbey Swimming Pool.

In accordance with the Overview and Scrutiny procedure rules, the representative of the Councillors calling in the decision, Councillor Mrs P Brooks, outlined their concerns, which were summarised in the call-in notification. She noted that they were supportive of the new sports hall. It would enhance the facilities for the area when the council withdrew from the Waltham Abbey Sports Centre. They however, had concerns about the gap between the closing of the sports centre and the opening of the new hall. What was in place to take up the slack?

Councillor Jon Whitehouse, another signatory of the call-in added that the Council would make substantial savings by withdrawing from the Sports Centre, and the Cabinet had decided to take that savings and not reinvest it in the Sports Hall. Also, the council need to look to Sports and Leisure Management (SLM) not charging more in their management fees, as there would be a greater footfall through the new hall. The council should be prepared to use some of the savings for the people of Waltham Abbey. He requested that the Committee ask the cabinet to reconsider this decision.

The Leisure and Wellbeing Portfolio Holder, Councillor B Rolfe replied that the Council did not own the Waltham Abbey Sports Centre site, it joint managed it with King Harold School. There was no suggestion that the school would not continue with the site. They have given no indication so far, either way, whether they want to proceed with running the centre or not. The school would not discuss this with the Council. The Council is fully conscious of the gap between 2010 and 2011 and would be happy to help the school. King Harold School could still run the sports centre and allow people to continue to use it. The Waltham Abbey Sports Centre was the most expensive centre in the district compared with the other centres. The savings had already been taken into account and had been factored into the Council's Medium Term Financial Forecast, and the £206k had been budgeted for.

Councillor Knapman said he was struggling with the concept of the call-in. The District will end up with a new sports hall, and will make a saving while offering more facilities. This should not have been called-in. The idea of making saving was to get the Council Tax down or to do other things that we could not do before.

Councillor Mrs Haigh said it was a good idea to have a new sports hall, but her concern was for the period in between. Waltham Abbey was a deprived area. Councillor Whitehouse alluded to negotiating with SLM, was there any likelihood of doing so? The transport links were not as good in the evening and local people would have the Sports Centre taken away with no concrete promise to build a new hall. It was the school's duty to provide education; they did not have a statutory responsibility to the community.

Councillor Whitbread said that the Leisure Task and Finish Panel had looked at this. The School had always known that that the Council would withdraw from the dual use agreement. The school's handling of this was poor. It would be good for the community and good for the school if they continued with the sports centre. The savings made from the withdrawal from the centre would help all the residents of Epping Forest as a whole, which was the path we have to follow. He would like to see a new sports hall for Waltham Abbey. It should be noted that the council would be spending in excess of one million pounds in improving Waltham Abbey Swimming Pool and have a duty to make sure we do not lose any revenue. This call-in should have come last December.

Councillor Jacobs said he agreed with some of what the Portfolio Holder had said, especially about King Harold School intransigence. There was no guarantee of future community use of the Sports Centre, but also no guarantee of a new sports hall.

Councillor Knapman citing the building of the Loughton Leisure Centre which was shut down for a number of years said there would always be an interim period, the council could only do so much.

Councillor Colling agreed with Councillor Whitbread. The previous Headmaster did not appear willing to help the council. He urged officers to build up a rapport with the new management of the school.

The lead member responsible for the call-in and the Portfolio Holder were then asked to sum up the debate.

Councillor Whitehouse said that the call-in had not been addressed. The trouble was the addition of resolution 6. It was not unreasonable that a proportion of the £206k be spent on the Waltham Abbey area. There was a need for plans on how to bridge the intervening gap between the closure of the sports centre and the opening of the new

hall. There was a need for the Portfolio Holder to come back with a fuller report on how this gap was to be bridged and what could happen if King Harold did not talk to the council.

Councillor Rolfe summed up by saying that they had made every effort to negotiate with King Harold School. They may have other things on their mind but they did need to talk to us. With respect to the new sports hall he had every confidence with officers to negotiate suitable terms with SLM the Council's contractor to ensure that no growth in reserve was required to manage any new facilities.

Councillor Whitbread added that if this was a call-in on finances it should have been done much earlier, as it had already been worked into the medium term budget and we could not spend money twice. He was confident on the future of Waltham Abbey and hoped the new head of the school would engage with the Council.

**RESOLVED:**

That the Overview and Scrutiny Committee confirmed the original decision of the Cabinet on the report C-012-2009/10, on the 'Provision of Sport Hall – Waltham Abbey Swimming Pool'.

**29. ELECTIONS 4 JUNE 2009 - REVIEW**

The Chairman of the Constitution and Member Services Standing Scrutiny Panel, Councillor Mrs McEwen, took the meeting through the Election report. The Panel had reviewed the recent elections held in June 2009.

The Committee noted the arrangements made for the elections and the resulting issues raised by candidates and agents after the elections for improving future elections.

**RESOLVED:**

That the report on the review of the elections held in June 2009 was noted by the Overview and Scrutiny Committee.

**30. DELEGATION TO OFFICERS - PLANNING APPLICATIONS**

The Chairman of the Constitution and Member Services Standing Scrutiny Panel, Councillor Mrs McEwen, introduced the report on Officer Delegation - Planning Applications: Comments by Town and Parish Councils and Single Rear Extensions. The Panel had been requested by the Council to reconsider the proposal not to change officer delegation in relation to comments by Parish Councils.

The proposal originated from Councillor Knapman who wished the Panel to consider that the delegated powers should not be used if the Head of Planning and Economic Development intended to refuse a planning application where a local council had indicated a measure of support in its response and that such cases should stand referred to the relevant Area Plans Sub-Committee.

Councillor Knapman said he was happy to go along with the recommendations made by the Constitution and Member Services Standing Panel.

Councillor Mrs Wagland, as Chairman of the Planning Services Standing Panel expressed concern on how to achieve something that could be understood by the constituents, as there was a need to explain it to them. The terminology used was not particularly clear. She said it needed to be consistent and clear as difficulties could occur. She was happy to have the report come to her Planning Scrutiny Panel so it could be considered in depth.

Councillor Knapman seconded this proposal saying he was happy for this to happen. Councillor Mrs Haigh supported this proposal as well.

**RESOLVED:**

That the Planning Services Standing Panel receives and considers the Constitution and Member Services Standing Panel report on 'Officer Delegation – Planning Applications'.

**31. APPOINTMENT OF MEMBER AND CHAIRMAN TO THE SAFER CLEANER GREENER STANDING PANEL**

The Committee resolved to appoint the following members to the Safer Cleaner Greener Standing Scrutiny Panel and also appointed the new Chairman and Vice Chairman.

**RESOLVED:**

- 1) That Councillors A Boyce and A Clark be appointed as members to the Safer Cleaner Greener Standing Panel.
- 2) That Councillor G Pritchard be appointed as the Chairman to this Panel; and
- 3) That Councillor A Boyce be appointed as the Vice Chairman.

**32. PITT REVIEW ON FLOODING TASK AND FINISH PANEL - TERMS OF REFERENCE**

The Committee received and approved the terms of reference from the newly formed Pitt Review on Flooding Task and Finish Panel.

**RESOLVED:**

That the terms of reference for the Pitt Review on Flooding Task and Finish Panel be endorsed.

**33. WORK PROGRAMME MONITORING**

**O&S Work Programme.**

The Senior Democratic Services officer, Simon Hill, took the Committee through their work programme. The Committee noted that:

**Item 1:** *Scrutiny of Essex Police* - now to go to the Safer Cleaner Greener, Crime and Disorder Panel and to take it off the O&S programme.

**Item 6:** *West Essex PCT – Joint Scrutiny* - officer have had discussions with the County Council who are responsible for health scrutiny. They are considering more formal scrutiny arrangements on an area basis.

**Item 14:** *Presentation from the Fire and Rescue Service* – noted that this would take place at the October meeting.

An additional item was to be added to the work programme. A review of the Youth Council; they came last year requesting funding and to report on their proposed work for the year. They are to come back in November 2009 and make a further pitch for future funding.

**Standing Panels.**

Councillor Jacobs reported that the Finance and Performance Management Standing Panel met on 25 August 2009, when they considered the financial monitoring, looked at the KPIs and reconvened the sub committee looking at Value for Money.

**Referral from Cabinet: Sustainable Communities Act 2007**

The committee decided that the best way to deal with this item of work was to create a Task and Finish Panel specifically to consider the issues involved with the Sustainable Communities Act (2007).

It was agreed that Derek Macnab would act as the lead officer.

**RESOLVED:**

- (1) That a Task and Finish Panel be established to consider the Sustainable Communities Act 2007;
- (2) That Councillor J Philip be appointed as the Chairman to this Panel;
- (3) That an item be placed in the Members Bulletin asking for volunteers to sit on this Task and Finish Panel.

**34. CABINET REVIEW**

Councillor Mrs Grigg asked the Committee to comment on Cabinet agenda item 24, the Former Parade Ground site at North Weald. Councillor Mrs Grigg asked that if the Cabinet were minded to transfer the land, that conditions be placed upon it to remain as open public space.

**CHAIRMAN**