

Report to the Cabinet

Report reference: C/135/2005-06.

Date of meeting: 10 April 2006.



**Epping Forest
District Council**

Portfolio: Civil Engineering and Maintenance.

Subject: Epping Drinking Fountain.

Officer contact for further information: Colin Crudginton (01992 – 56 4055).

Democratic Services Officer: Gary Woodhall (01992 – 56 4470).

Recommendations:

(1) That, in order for the Epping Drinking Fountain to be licensed to be on the Highway, the Head of Environmental Services be authorised to enter into a retrospective Section 50 Agreement with Essex County Council;

(2) That, in order to refurbish the Epping Drinking Fountain, a virement in the sum of £25,000 from the Capital Contingency Fund be recommended to the Council for approval; and

(3) That, upon completion of the refurbishment works, ownership and responsibility for the Epping drinking fountain be transferred to Epping Town Council.

Background:

1. In 1989 the Council funded the recovery and reinstatement of the Epping drinking fountain, which was originally erected by the people of Epping in 1887, to celebrate the fiftieth year of the reign of Queen Victoria. The reinstatement included a recyclable water trough system, a drinking water tap and a Bespoke designed electric lighting system to replicate the original gas lighting. The restoration of the Epping drinking fountain was well received and the lighting component was successful in winning a National Lighting Award.
2. The drinking water and the recyclable water trough were ceased during 2002 due to high maintenance costs and vandalism. However, the lighting system has remained operational and provides an attractive contribution to the night-time scene of Epping High Street, which forms part of the Conservation Area.
3. Routine electrical and structural testing of the lighting component of the Epping drinking fountain has revealed the need for a major overhaul and structural improvements, the cost of which has been estimated at £25,000. The Epping Town Council has previously agreed to assume responsibility for maintaining the fabric of the fountain. However, the District Council continues to be responsible for the routine and non-routine maintenance of the lighting component.
4. As the Epping Town Council currently have partial responsibility for the Epping drinking fountain, the Cabinet are requested to consider if it wishes to transfer the ownership of the drinking fountain plinth, structure and lighting component to the Epping Town Council. An informal approach has been made to the Town Council and the Town Clerk has agreed to put such a proposal to his Council on the proviso that the Cabinet approves funding for the refurbishment of the Epping drinking fountain.

5. Under Section 50 of the New Roads and Street Works Act, 1991 it is an offence to place private apparatus on highway land without a license. A check with Essex County Council Highways has revealed that when the Epping drinking fountain was reinstated, no license was sought therefore Cabinet authority is sought to make a retrospective application.

Options for Action

6. The options for action are:
- (i) to recommend to Full Council that a supplementary capital estimate of £25,000 be approved for the refurbishment of the Epping drinking fountain;
 - (ii) to remove the lighting component and associated electricity supply of the Epping drinking fountain; or
 - (iii) to do nothing is not considered to be an option, as further deterioration of the lighting component could result in structural failure.

Consultation undertaken:

7. Epping Town Council and Essex County Council (Highways).

Resource Implications

Budget provision: £25,000 virement from the Capital Contingency Fund.

Personnel: Nil.

Land: Possible transfer of asset.

Community Plan/BVPP Ref: None.

Relevant Statutory Powers: New Roads and Street Works Act 1991.

Background Papers: Correspondence with Epping Town Council.

Environmental/Human Rights/Crime & Disorder Act Implications: Enhanced Local Environment.

Key Decision Reference (if required): N/A.