

Report to the Cabinet

Report reference: C/053/2007-08.
Date of meeting: 8 October 2007.



**Epping Forest
District Council**

Portfolio: Civil Engineering and Maintenance.

Subject: Epping Drinking Fountain.

Officer contact for further information: John Gilbert (01992 564062).

Democratic Services Officer: Gary Woodhall (01992 – 564470).

Recommendations/Decisions Required:

That the previously agreed Cabinet decision to transfer ownership and responsibility of the Epping Drinking Fountain to Epping Town Council be rescinded

Report:

1. At its meeting on 10 April 2006, the Cabinet agreed to refurbish the Epping Drinking Fountain following which the ownership and responsibility for future maintenance would be transferred to Epping Town Council.
2. Although all refurbishment works have now been completed the transfer to the Town Council has not been completed due to their concerns about the stability of the structure (in the main the vertical alignment of the fountain is off centre and the structure leans to one side).
3. To allay the Town Council's concerns a structural survey of the structure was commissioned. It is the Engineer's view that the 'lean' is principally due to irregularities within the above ground structure and not the base/foundation. He believes that the foundation is sound and would expect it to remain so. This opinion is based on site inspection and observations only and not on intrusive investigations.
4. The structural engineer's written report has been made available to the Town Council. However, their concern remains and they have requested a 25-year indemnity clause to be included within the handover agreement, whereby the District Council would remain liable for the future failure of the foundation and as such all reasonable costs associated with rectifying the problem, this would include dismantling and re-erection. In the event that this became necessary, the present day estimated cost of these works could be in the region of £80,000.
5. The District Council's insurers have advised that in the event of a transfer to the Town Council that included this provision, any future repair costs would not be covered and all the risk would lay with the District Council. However, should the fountain remain in District Council ownership, the structure will be covered in the normal way.

Statement in Support of Recommended Action:

6. The District Council will retain a significant financial responsibility irrespective of whether the fountain is transferred to the Town Council or not. If the fountain were transferred, any claim for problems associated with foundation failure would have to be met directly by the District Council. However, should the fountain not be transferred any claim could be met by the District Council's insurers.

Other Options for Action:

7. To continue with the transfer of the fountain to the Town Council with the associated risk of addressing the costs of foundation failure for the next 25 years.

Consultation undertaken:

8. Epping Town Council, and Zurich Municipal Underwriting Services.

Resource implications:

Budget provision: It is estimated that an annual expenditure of £2,000 is likely to cover maintenance, energy and incidental damage costs. No additional funding is sought and any expenditure is to be incurred from existing Environmental Services budgets.

Personnel: Nil.

Land: Possible transfer of asset.

Community Plan/BVPP reference: None.

Relevant statutory powers: None.

Background papers: Correspondence with Epping Town Council.

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A.

Key Decision reference: Not a key decision.