



Public Document Pack

Haverling
LONDON BOROUGH

CABINET

7.30 pm	Wednesday 16 November 2011	Council Chamber - Town Hall
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Members 10: Quorum 5

Councillor Michael White (Leader of the Council), Chairman

	Cabinet Member responsibility:
Councillor Michael Armstrong	Transformation
Councillor Robert Benham	Community Empowerment
Councillor Andrew Curtin	Culture, Towns & Communities
Councillor Lesley Kelly	Housing
Councillor Steven Kelly (Vice-Chair)	(Deputy Leader) Individuals
Councillor Roger Ramsey	Value
Councillor Paul Rochford	Children & Learning
Councillor Geoffrey Starns	Community Safety
Councillor Barry Tebbutt	Environment

Ian Buckmaster
Committee Administration & Member Support Manager

For information about the meeting please contact:
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Webcast

Please note that this meeting will be webcast.
Members of the public who do not wish to appear
in the webcast will be able to sit in the balcony,
which is not in camera range.

AGENDA

1 ANNOUNCEMENTS

On behalf of the Chairman, there will be an announcement about the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE

(if any) - receive

3 DECLARATIONS OF INTEREST

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES

To approve as a correct record the minutes of the meeting held on 19 October 2011, and to authorise the Chairman to sign them.

5 REPORT OF THE TOWNS & COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE - REQUISITION OF CABINET DECISION CONCERNING THE REVIEW OF COMMUNITY HALLS

Report to follow if requisition upheld

6 REPORT OF THE TOWNS & COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE - REQUISITION OF CABINET DECISION FOR THE APPROVAL OF THE PREFERRED DEVELOPMENT PARTNER FOR THE BRIAR ROAD ESTATE

Report to follow if requisition upheld

7 PROPOSED PROVISION OF A SHARED CIVIL CONTINGENCIES SERVICE FOR BARKING AND DAGENHAM, WALTHAM FOREST AND HAVERING (Pages 1 - 10)

8 HAVERING LOCAL DEVELOPMENT FRAMEWORK - APPROVAL OF ROMFORD TOWN CENTRE PAVEMENT CAFES LOCAL DEVELOPMENT ORDER (LDO) FOR ADOPTION (Pages 11 - 34)

9 KINGS GEORGE'S PLAYING FIELDS, EASTERN AVENUE EAST, ROMFORD - PROPOSED GRANT OF LEASE FOR THE DEVELOPMENT OF A 5-A-SIDE FOOTBALL COMPLEX (Pages 35 - 44)

10 HORNCHURCH COUNTRY PARK, SOUTH END ROAD, RAINHAM - PROPOSED INGREBOURNE HILL EXTENSION (Pages 45 - 82)

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Public Document Pack Agenda Item 4



MINUTES OF A CABINET MEETING Council Chamber - Town Hall Wednesday, 26 October 2011 (7.30- 9.45 pm)

Present:

Councillor Michael White (Leader of the Council), Chairman

Councillor Steven Kelly (Vice-Chair)

Councillor Michael Armstrong

Councillor Robert Benham

Councillor Andrew Curtin

Councillor Lesley Kelly

Councillor Roger Ramsey

Councillor Paul Rochford

Councillor Geoffrey Starns

Councillor Barry Tebbutt

Cabinet Member responsibility:

(Deputy Leader) Individuals

Transformation

Community Empowerment

Culture, Towns & Communities

Housing

Value

Children & Learning

Community Safety

Environment

Councillors Clarence Barrett, Denis Breading, Keith Darvill, David Durant, Linda Hawthorn, Pat Murray, Denis O'Flynn, Jeffrey Tucker, Linda Van den Hende, Keith Wells and Damien White also attended.

Approximately 35 members of the public and a representative of the press were also present.

There were no declarations of interest.

The decisions were agreed with no vote against.

26 **MINUTES**

The minutes of the meeting of Cabinet held on 28 September 2011 were agreed as a correct record and signed by the Chairman.

27 **REPORT OF THE TOWNS & COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE - LIVING AMBITIONS TOPIC GROUP**

Consideration was deferred at the request of staff to enable further detailed work to be carried out on the financial implications associated with the report.

28 **REFORM OF COUNCIL HOUSING FINANCE**

Councillor Lesley Kelly, Cabinet Member for Housing & Public Protection, introduced the report

The report presented information about the current Housing Revenue Account Subsidy system, and the proposals that were due to be implemented in April 2012 to reform the Housing Revenue Account system.

The report demonstrated how the proposed new system was currently projected to require Havering Council to take on estimated additional housing debt of £160m, which would mean that the Council's total housing debt would be £203m. These estimates were subject to changes before the final figures are known in January 2012.

It was explained that the Council would have to manage this debt and deliver stock investment over a 30 year HRA Business Plan. The initial baseline HRA Business Plan model showed that this was achievable as long as the Decent Homes funding allocated in February 2011 remained in place.

It was proposed that there be an annual review of the HRA Business Plan figures in order to ensure that the assumptions about expenditure, income and the repayment of debt were sound and had no adverse impact on Council tenants or Council Tax payers.

Reasons for the decision:

The current system of Housing Revenue Account Subsidy was not fit for purpose. It currently re-distributed resources on an annual basis from local authorities who had little debt, to those who had accumulated a great deal of debt. The defects of the system had been known for a long time, and criticised in several reports since the Audit Commission Report of 2005. The current system did not allow for local accountability, local decision making or local control of rents, investment or business planning.

Other options considered:

Clearly as the proposed new system was being imposed through legislation, the London Borough of Havering had no option now but to adopt and adapt to the new system. Whilst the system brought independence and responsibility, it also brought significant risks to the management of the housing debt. The report proposed that there should be an annual review of the HRA Business Plan so that the accuracy of all the underlying assumptions could be tested; and appropriate adjustments made in order to fulfil the twin objectives, of bringing the council housing stock up to a decent standard, as well as ensuring that the income, expenditure and debt were all managed in a prudent manner.

The Council could decide to borrow up to the maximum borrowing cap at the outset, however, this option had not being followed with, instead, the case for using the additional borrowing facility to meet some of the Council's other housing investment pressures being kept under constant review.

Cabinet **AGREED:**

1. **To note the changes in the Reform of Council Housing proposals that have occurred since the subject was last considered in June 2010.**
2. **To approve the baseline HRA Business Plan model – included in Appendix 2 of the report – for the management of the Council Housing stock over the next 30 years, and the assumptions which were included in it.**
3. **To note that the Council's Treasury Strategy will be reviewed, and that there is a report to this end, elsewhere on the agenda.**
4. **To commit to carrying out an annual review of the HRA Business Plan, in order to ensure that the objectives of maintaining the condition of the Council's housing stock and meeting the Council's financial obligations are fulfilled.**
5. **To approve the application of a 'mortgageable' standard for its stock in addition the Decent Homes standard for the purposes of HRA business planning.**
6. **To commit to review, no less frequently than annually, which, if any, of the Council's housing stock investment pressures should be met from additional borrowing up to the maximum borrowing cap.**
7. **That should the number of sales of council homes under the Right to Buy rise above the 13 assumed in the baseline HRA Business Plan model, the policy of not applying Right to Buy receipts to pay off the debt associated with those properties will be reviewed.**
8. **To refer the baseline HRA Business Plan model to full Council for approval.**

29 **THE COUNCIL'S FINANCIAL STRATEGY**

Councillor Roger Ramsey, Cabinet Member for Value, introduced the report

It was reported that over the course of the last 15 months, the Council had agreed a package of savings to mitigate the impact of very significant cuts in central government funding to local authorities.

The savings, totalling £19 million in the first tranche, with a further £16million in the second tranche, had been made up of a range of measures designed to reduce

back-office costs, cut bureaucracy and focus resources where they would have the most impact – while remaining fair to those local residents who most relied on the Council for their day-to-day support.

Subsequent to the approval of these savings measures, the Government had issued a series of consultation papers on a variety of issues. These would all impact to a greater or lesser extent on the Council's financial strategy. Accepting that the detailed proposals could differ when finally published, it was considered prudent to take stock of what effect these measures might have. The impact on the financial strategy could therefore be taken into account.

It was noted that whilst an assessment had been made of how the proposals could impact on the Council, this was only a best assessment. The Resource Review would likely have a major impact, but the detailed effect was unlikely to be known until the Autumn or Winter of 2012, when the final details would be announced. It was therefore important that the Council was mindful of the potential impact in developing its budget, but was also able to respond as and when the detailed proposals were finally issued.

The issues covered in the report before members were:

- Resource Review
- Localisation of Council Tax Benefits
- Housing Self-Financing
- Pensions
- Academies.

The report also set out the position in the current financial year, as this had to be taken into account when developing the detailed budget for 2012/13.

One of the elements of the Council's approach to delivering efficiencies was collaboration with other boroughs through East London Solutions (ELS). The report advised Cabinet on how the East London sub region was moving forward with shared services.

Reasons for the decision:

It was essential that the Council's financial strategy took due account of Government plans, and that the Council respond to proposals where these were likely to have had an impact on the Council's financial position. The Government was consulting on a number of areas that impact on this, and it was therefore important that the Council respond to this consultation.

Other options considered:

The option of not responding had been discounted as not being in the interests of either the Council or its community. The Council must ensure its views were made and heard as the Government sought to reshape the local government financial system.

Cabinet **AGREED:**

1. To note the Government's consultation process for the issues listed above, and the assessment of the potential impact on the Council.

2. To endorse the Council's responses to each of the consultation papers, as set out in Appendices B, D and F.
3. To note the position in the current financial year, as set out in Section 7 of the report.
4. To note the Government's recent announcement on further funding to enable a freeze of Council Tax to be maintained.
5. To note the current position with East London Solutions (ELS).
6. To confirm that the Council should be a party to the new ELS Memorandum of Understanding.
7. To note that further reports would be submitted to Cabinet once further details were available and/or as decisions were announced by the Government.

30 **TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT**

Councillor Roger Ramsey, Cabinet Member for Value, introduced the report

The mid year report provided members with a review of the Treasury Management Strategy Statement and a review of the Annual Investment Strategy.

The Treasury Management Strategy Statement (TMSS) for 2011/12 had been approved by Council as part of its annual budget setting process. The underlying TMSS approved previously required revision in the light of economic and operational movements during the year.

It was proposed that, subject to statutory powers, the Council make a one off payment to the CLG to remove the HRA from the current housing subsidy system. This one off payment was compensation, ensuring the HRA would no longer make future annual payments to the CLG. It was expected that the overall impact would be beneficial to the Council. It was reported that whilst the legislative framework was not yet in place, by agreeing to these revised prudential indicators it would ensure the necessary local requirements were in place before the payment was required on 28 March 2012.

It was reported that as part of the Council's Annual Investment Strategy, the Council aimed to achieve the optimum return on investments commensurate with the proper levels of security and liquidity. In the current economic climate, it was considered appropriate to keep the majority of investments short term, and only invest with highly credit rated financial institutions.

The report explained that as a result of the Authorities strict lending criteria, the recent downgrade on 7 October of many of the UK's leading banks, had meant many of the top UK banks, including the Authorities own bankers were now no longer eligible as approved counterparties. Because of the current economic climate and the uncertainties over many of the European countries, Members were requested to approve the amendment of the investment strategy so that the Authority was able to continue to place deposits with the major UK clearing banks.

To allow this, the report proposed that the initial tranche of Institutions covered by the UK Government liquidity guarantee scheme (subject to further market intelligence) be included as an eligible counterparty.

With respect to the Council's Capital Position, attention was drawn to the changes to the Prudential Indicators for the Capital Financing Requirement (CFR).

It was reported that net external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2011/12 and next two financial years. This approach permitted some flexibility for limited early borrowing for future years. It was noted that the Council had approved a policy for borrowing in advance of need which would be adhered to if this proved prudent. The Group Director of Finance and Commerce reported that no difficulties were envisaged for the current or future years in complying with this prudential indicator.

With regards to the Council's Investment Portfolio, it was reported that the Council held £83.9m of investments as at 30 September 2011 (£81.9m at 31 March 2011) and the investment portfolio yield for the first six months of the year is 1.35% against a budgeted rate of return of 1.06%.

The Council's Chief Financial Officer confirmed that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2011/12 and that the budgeted investment return for 2011/12 is £853k, and performance for the year to date was £188k above budget.

It was reported that no debt rescheduling was undertaken during the first six months of 2011/12. In the report, it was anticipated that new borrowing would not be undertaken during this financial year excluding any implications of the HRA reform.

Reasons for the decision:

The Council is obliged to review the Treasury Management Strategy Statement and the Annual Investment Strategy 2011/12

Other options considered:

No other options were considered due to the nature of the report.

Cabinet RESOLVED:

1. **To note the report, the treasury activity and recommend approval of the changes to the prudential indicators (including the changes set out in paragraph 2.2 and 2.3 relating to the HRA reform).**
2. **To recommend approval of the changes to the investment criteria as set out at paragraph 1.2 to full Council.**
3. **To note the expected impact on the capital and treasury plans of the HRA reform measures.**
4. **To note that the decision to borrow to finance the HRA subsidy payment will be made by the Group Director for Finance & Commerce in consultation with the Cabinet Member for Value**

31 **ARRANGEMENTS FOR THE PROVISION OF DOMICILIARY CARE TO ADULTS**

Councillor Steven Kelly, Cabinet Member for Individuals, introduced the report

The report provided Members with an overview of the current arrangements for the provision of domiciliary care services to the residents of Havering and detailed proposals to extend the existing delivery for a fixed period, to allow time to procure new arrangements for the provision of the service.

It was suggested that the new Framework Agreement would support the delivery of the emerging personalisation agenda within Adult Social Care and offer greater control over the resources used to provide care.

Reasons for the decision:

1. To preserve the continued delivery of domiciliary care to adults in Havering.
2. To make arrangements for the delivery of that care from mid 2012 onwards.

Other options considered:

1. Do nothing. The current contract arrangements would come to an end and all future domiciliary care packages would need to be procured on an individual basis. This is not a practical option and would lead to a potential decrease in quality and value for money.
2. To extend the current contracts would only offer the Council a short-term solution. The current contracts did not acknowledge many of the legislative changes of the past five years, the introduction of technologies to better manage the domiciliary process and establish real efficiency savings or allow for the flexibility. All of the aforementioned were now seen as essential to deliver on the personalisation agenda.

The extension of the current contractual arrangements for a period of up to one year is seen as essential. No other option would ensure that the Council is in a position to engage in a meaningful tender process or enable the development of an innovative service specification that allows for outcome based commissioning and contracting that will deliver on the personalisation agenda.

Cabinet AGREED:

1. **To approve the extension of the current block domiciliary care contract until 30th September 2012, in order to allow time for a formal tendering process to take place.**
2. **To approve the invitation and evaluation of tenders for the provision of domiciliary care services to Adults under a Framework Agreement with the Council.**

32 **DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

Councillor Robert Benham, Cabinet Member for Community Empowerment, introduced the report

The report explained that the Government had published its draft National Planning Policy Framework to set out its intended planning policies to deliver economic growth and new homes. The draft Framework was considerably more concise than the existing documents it would replace and reduced some 1000 pages of policy to less than 60 pages.

The Government viewed planning as delivering sustainable development and wants the planning system to help deliver positive growth. The Framework provided the opportunity for people and communities to be involved in planning and was a key part of its wider 'localism' agenda. It addressed planning for prosperity, people and places. The Framework maintained the overall policy approach of many well understood and supported policies including safeguarding the Green Belt.

The report highlighted the key features of the draft Framework and what it could mean for Havering in terms of its plan making and development management roles.

It was suggested that the broad thrust of the Framework could be supported and that the focus on economic growth can be welcomed as this will complement the Council's own priorities.

However, it was noted within the report, and in an Appendix to the report, that there were key concerns about aspects of the draft Framework which should be addressed by Government before it was published. These included issues such as:

- the need for clarity and consistency on the definition of 'sustainable development';
- the importance of environmental and other sustainability considerations not being over-ridden in the priority afforded to economic growth;
- more information being needed on how the new system would be introduced,
- clarity needed on the respective roles of Local and Neighbourhood Plans and how and when the community may be involved in the latter, and
- the importance of local interests and priorities being properly taken account of in planning decisions.

The report also highlighted concern that the draft Framework failed to address the particular circumstances of planning in London where the Mayor's London Plan was a key part of the planning system for all boroughs, and where some issues specific to London (such as housing land availability) were unique and particular.

The report identified that recent planning guidance from the Government (for example, that on heritage matters) was so slimmed down in the draft Framework that authorities had to prepare local advice to supplement the Framework. It was

noted that 'culture' was identified as a theme where the Framework required further work if it was to help address quality of life issues properly.

The report included a recommendation to the Council's Regulatory Services Committee about how the draft Framework should be used in the determination of planning applications. The report noted in this regard that in specific circumstances, it should be afforded weight taking into account the need to secure economic growth providing proposals did not have unacceptable adverse social or environmental impacts.

Reasons for the decision :

To ensure that Havering's views on the draft National Planning Policy Framework were taken into account by the Government when it finalised the Framework.

Other options considered :

The National Planning Policy Framework sets out the Government's planning policies and, importantly, also sets out very clearly how 'planning' should take place to best deliver economic growth.

As such, it would provide a context for the Council's own planning and regeneration policies and programmes and the assessment of development proposals. It was important that Havering respond to the consultation on the draft Framework and that the option of not responding had been discounted

Members welcomed the report and the proposed reduction in bureaucracy that the new Framework would bring. Members noted with caution however that the new framework lacked clarity in issues such as the Local Neighbourhood Plan and local green space.

Cabinet **AGREED:**

1. **To welcome the overall approach set out in the draft National Planning Policy Framework ;**
2. **To agree that the comments in Section 4 of the report (paras. 64 -147) and Appendix 1 to the report be submitted as the Council's response to the draft Framework ;**
3. **To recommend to the Regulatory Services Committee that the draft National Planning Policy Framework be afforded weight, in particular when schemes did not accord with the Havering Local Development Framework or the Local Plan was silent (ie. indeterminate) provided development would not have unacceptable adverse social or environmental impacts.**

33 REVIEW OF COMMUNITY HALLS

Councillor Roger Ramsey, Cabinet Member for Value, and Councillor Andrew Curtin, Cabinet Member for Culture, Towns and Communities, jointly introduced the report

As part of the Council's Asset Management Plan, it was explained that strategic reviews were periodically undertaken for individual asset groups to challenge whether the existing asset base should be retained, or alternatively whether the opportunity could be taken to rationalise and/or release assets where Council ownership was no longer optimal.

It was reported that the Council completed a review of all of its community halls in 2009. A decision on the future of the halls managed by Culture and Leisure was deferred pending a review of the Council's capital programme and consideration of any Medium Term Financial Strategy (MTFS) proposals that might impact on the future of the community halls.

Members were reminded that the Council's MTFS Financial Strategy, agreed by Cabinet in July 2011, outlined a variety of savings proposals, including a projected saving of £60k in 2012/13, rising to £107k in 2013/14, resulting from a review of management arrangements for the community halls operated by Culture and Leisure services.

The most recent Condition Surveys for the community halls managed by Culture and Leisure Services had been conducted in 2007. Since then a lack of capital resources had meant that little work had been carried out to the halls and, in addition to outstanding works, there were now additional works that needed to be undertaken. The report provided details of the investment needed for the four halls.

Members noted the suggestion by staff that the transfer of the management of community halls could not easily be achieved unless outstanding urgent investment needs were addressed prior to transfer. It was therefore recognised that to achieve a successful transfer, in a timescale that ensured the MTFS revenue savings were achieved, it was considered essential to have capital funds available to deal with such urgent works. It was noted however that there were currently no capital funds available and little likelihood that the Council could secure external funding for this purpose.

In the view of staff, there was no alternative but to dispose of one of the halls to realise a receipt and use a proportion of that receipt to invest in the halls that would remain open. If this strategy is not progressed there is a danger that Culture and Leisure's MTFS savings may not be achieved and, worse, levels of income would reduce further as a result of the buildings deteriorating further.

The report provided details concerning the usage and distribution of the remaining facilities in order to make recommendations about their future retention, transfer or closure.

Reasons for the decision:

To provide a sustainable community halls infrastructure, ensure retained assets receive adequate investment and ensure that Culture and Leisure Services achieves its MTFS savings targets.

Other options considered:

Options had been considered for each of the four community halls that currently remain in the direct management of Culture and Leisure Services. The decision to retain, close or transfer management has, in each case, been based on a number of factors including condition, investment needs and proximity to other community facilities.

Retention of all four facilities within the Council's direct management is not considered to be a sustainable option, resulting in the decision to rationalise these assets, recycling the receipt from the disposal of some for the benefit of investment in others.

Attention was paid to the relevant equalities implications and risks as detailed in the report. Cabinet noted that a number of local community groups would be affected by the proposals and that the Council would seek to protect usage by existing user groups where a transfer took place and, where a closure resulted the Council would help the groups affected to find alternative premises.

Cabinet noted that an Equality and Fairness Assessment had been completed for the restructure report that was linked to Culture and Leisure Services' MTFS proposals. This included an assessment of the impact on transferring or closing the Culture and Leisure community halls on staff and the local community.

A considerable portion of the debate focussed on the proposed closure of Dukes Hall. Cabinet noted that a further Equality Impact Assessment would be produced and any recommendations carefully considered, to ensure that the impact on current Dukes Hall users was minimised as far as was possible. In considering the recommended closure of Dukes Hall, Cabinet gave due consideration to the potential impact upon some groups with protected characteristics as defined by the Equality Act 2010 and that all reasonable measures would be taken to mitigate the impact upon these individuals in considering alternative accommodation proposals which was highlighted during the debate as a concern for members present at the meeting.

Cabinet AGREED:

1. **To the closure of Dukes Hall, as from April 1st 2012 and to delegate to the Lead Members for Value and the Lead Member for Culture, Towns and Communities authority to agree terms for its disposal.**
2. **To agree to demolish Old Windmill Hall now, to be initially funded from Capital Contingency, which will be reimbursed from the Dukes Hall receipt**
3. **In principle, to a proportion of the capital receipt arising from the disposal of Dukes Hall being utilised to deal with urgent repair and maintenance issues at the New Windmill Hall and Tweed Way Hall, assuming that these two halls transfer to a community organisation under a Lease Agreement. To delegate the decision on the level of capital spend from the Dukes Hall receipt on alternative community halls managed by Culture and**

Leisure Services, to the Lead Member for Value and the Lead Member for Culture, Towns and Communities.

4. **In principle, to the transfer of the management of the New Windmill Hall to a community group or, in the event of this not proving possible, bring a further report back to Cabinet for consideration of subsequent options.**
5. **In principle, to the transfer of the management of the Tweed Way Hall to a community group or, in the event of this not proving possible, bring a further report back to Cabinet for consideration of subsequent options.**
6. **To delegate decisions on all property matters associated with the transfer of New Windmill Hall and / or Tweed Way Hall, including the criteria for selecting the preferred voluntary group if more than one group expresses an interest in managing one of the halls, the selection of the preferred community group (s) and finalising lease terms, to the Lead Member for Value and the Lead Member for Culture, Towns and Communities.**
7. **In principle, to protecting existing bookings at those community halls that transfer to a community group, to be set out in relevant agreements;**
8. **To the demolition of the Old Windmill Hall building given the danger it poses to people who might try to enter the site, subject to the Dukes Hall site being disposed of and to be funded from the associated capital receipt**
9. **To receive a further report on the option of disposing of the Old Windmill Hall site and adjoining land, to secure further investment in the New Windmill Hall facility for the purposes of leasing the building to a community group and surrounding facilities, in the context of improving the local environment and taking account of the setting of nearby listed buildings.**
10. **In principle to Cottons Hall being reopened when a Lease can be agreed with a suitable community organisation or, if this does not prove possible, to receive a further report on the future of the site.**

34 APPROVAL OF THE PREFERRED DEVELOPMENT PARTNER FOR THE BRIAR ESTATE

Councillor Lesley Kelly, Cabinet Member for Housing & Public Protection, introduced the report

Members were reminded that in November 2008, Cabinet approved the Harold Hill Ambitions Plan, with the improvement of the Briar Road Estate as a priority. The report before them set out the procurement process for the selection of a

Development Partner for the Briar Estate to provide new homes on small sites and redevelop the shops area.

The report recommended the approval of Notting Hill Housing Group as the Council's preferred partner. The report also set out the background to the development of the Briar Improvements Action Plan, including the consultation to date with residents and key partners, and a summary of the environmental improvements essential for the Briar's successful renewal, to be funded primarily through the receipts from the disposal of sites to the development partner.

Information on the evaluation of tenders submitted was available to members in an exempt appendix to the report.

Reasons for the decision:

To ensure that the London Borough of Havering had a cost effective and value for money contract awarded for the development partner for the Briar Estate.

Other options considered:

Alternative tenders were considered the details of which were outlined in the exempt appendix to the report.

Cabinet gave assurances that consultation with local residents on the proposed redevelopment would be meaningful and that planning applications would not be submitted before consultation had taken place.

Cabinet **AGREED:**

1. **To approve Notting Hill Housing Group, as the Preferred Development Partner for the Briar Estate, subject to the final agreement of terms and the satisfactory conclusion of legal agreements;**
2. **To approve Notting Hill Housing Group's Variant offer as set out in the Exempt Appendix to the report.**
3. **To request the Preferred Development Partner to proceed with the development of their design proposals, including consultation with residents, in order to submit a planning application(s);**
4. **To authorise the Property Strategy Manager, the Head of Housing & Public Protection and the Assistant Chief Executive Legal and Democratic Services to provisionally agree Heads of Terms, deal with all matters arising and prepare the appropriate legal agreements with the Preferred Development Partner for the disposal and development of land in accordance with the principles of the Briar Development Brief and Improvement Proposals and subject to final approval of the terms by the Lead Members of Housing and Public Protection and Value;**
5. **To authorise the Head of Housing and Public Protection under section 167 (2E) of the Housing Act 1996 to consult on the development of a local lettings scheme for the Briar developments;**

6. To authorise the Head of Housing and Public Protection to consult stakeholders on amendments to the Lettings Policy to enable specific local lettings policies to be developed for specific developments.
7. To subject to all the above, approve £2.0 million be used to fund the schedule of Briar environmental improvements set out in para 3.13 of the report.
8. To note that the £2m Capital Budget, as referred to in 2.6., will be an addition to the Council' Capital Programme, and therefore to Resolve that this addition be referred to Council, at the next appropriate opportunity – as reported in para 5.3 of the report.

Chairman

CABINET 16 November 2011	REPORT

Subject Heading:	Proposed provision of a shared civil contingencies service for Barking & Dagenham, Waltham Forest and Havering
Cabinet Member:	Councillor Starns
CMT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Patrick Keyes Ext 2721
Policy context:	East London Solutions
Financial summary:	No financial implications arising from the initial joint working pilot, however, there is the potential to realise benefits in the longer term. This potential will be considered as part of the evaluation of the pilot.
Is this a Key Decision?	No
Is this a Strategic Decision?	No
When should this matter be reviewed?	12 months
Reviewing OSC:	Towns and Communities

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[√]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Valuing and enhancing the lives of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

Brought forward within the East London Solutions initiative for efficiency opportunities arising through partnership working, this report proposes that Havering join, on a pilot basis, the existing joint Civil Contingency arrangement operated by the boroughs of Barking and Dagenham and Waltham Forest.

The outcomes of the pilot will be reviewed and evaluated in April 2012 to assess the merits or otherwise of formalising the arrangement across the three boroughs.

RECOMMENDATIONS

The Cabinet is asked to:

1. Agree that Havering share resources on a pilot basis with the single Civil Contingencies service between Barking & Dagenham and Waltham Forest.
2. Agree to receive a report in April 2012 evaluating the partnership pilot and making a recommendation as to whether to proceed to a joint working arrangement.

REPORT DETAIL

1. Background

- 1.1 The Civil Contingencies Act 2004 has several major implications for Local Government. Chief among these is the essential element of cooperation in all stages of risk identification, planning, training, exercising and response.
- 1.2 Under the Act, Local Authorities are designated as Category One responders, alongside services such as the Police, NHS, etc. However all other Category One Responders in London have a Pan-London command and control process. In essence this means that all of their duties under the Act are carried out on a much wider base than any single London Local Authority is able to provide.
- 1.3 The London Boroughs of Barking and Dagenham and Waltham Forest have a Civil Contingencies Joint Service. The objectives include improving the resilience and flexibility of the service, reducing the duplication involved in

the formulation of single Borough strategies and plans and making the best use of allocated resources to deliver a service that would follow the approach adopted by the other Category One Responders.

2. The Benefits of the Shared Service between Waltham Forest and Barking & Dagenham

2.1 Barking and Dagenham advise that reduction of duplicated work has been achieved in key activities that each authority previously had to deliver:

- A single Multi Agency Flood Plan was prepared and forwarded to the Environment Agency. It was one of only 8 across London to receive approval by the due deadline.
- Gaps in both Boroughs' plans identified under the requirements of the Minimum Standards for London Tranche 2 (MSL2) have been identified and all 26 Plans are now completed. The joint service is among only a few Boroughs to have done this work.
- Although not identified under MSL2 the more corporate level Business Continuity Plans are now also a single document with minor adjustments in terminology. The longer term aim is for a single approach to Business Continuity.
- Work has started on a single Community Risk Register following the requirements of the National Risk Register produced by the Cabinet Office. This will have both a professional version and a public facing document to increase awareness of emergencies among the population of both Boroughs.
- Joint presentations to pupils during Local Democracy Days in 2009 and 2010.

2.2 Barking and Dagenham also advise that increased resilience of response to emergencies has resulted from common shared practices. As all plans, training and exercising are brought together the whole unit will be available for response to either Authority helping to meet the needs of the Minimum Standards for London Tranche 1, illustrated during the August riots.

2.3 A greater number of trained Civil Contingencies staff is already showing benefits in delivering advice and support across both Authorities even if the lead person is not at their desk.

2.4 An established back up Borough Emergency Control Centre (BECC) is also available from which to carry out the command and control elements of a Major Incident response thus allowing either BECC to support either Authority.

2.5 A unified approach to training and developing has been created sharing skills across both authorities:

- Development and delivery of a joint programme of Training for Rest Centre Managers and Staff.
- Two joint Business Continuity Exercises have taken place for Sheltered Housing and Care Homes one in each Authority.
- Exercises at Gold (Strategic) and Silver (Tactical) level have been conducted within each Borough and facilitated by the other.
- A Business Continuity Exercise was provided to the Waltham Forest Senior Management Team.
- A joint training and exercise programme for 2010/2011 is being developed.
- The larger number of people in the team has given an increased knowledge base, allowed lead officers for specific areas but at the same time a reduced meeting burden.

2.6 The joint service has also lead to an improved and consistent level of delivery to all Service Heads across both authorities.

- Business Continuity Strategy meetings at Waltham Forest previously chaired by the Director People, Policy and Performance have been chaired by the Joint Service lead.
- Regular joint briefings have been provided to both Lead Councillors, both Chief Executives and both Corporate Directors in their role as Line Managers.
- A joint service plan for 2010/11 has been written.
- Joint support documents for both Chief Executives and their London Local Authority Gold Teams and as above with one single support officer leading.
- A Pan London Multi-Agency Gold exercise in which the Chief Executive of Waltham Forest participated supported by officers from both authorities.

2.7 The arrangement has also enabled a collective voice for views to be presented to partner agencies and other London Emergency Planning units and the ability to reduce attendance at meetings with one representative for both boroughs wherever possible.

2.8 The Partnership has also:

- Achieved Customer Service Excellence in July 2010 - the only Joint Service to do so and the only such joint service delivering both Emergency Planning and Business Continuity.
- Adapted and extended the Warning and Informing approach developed by Waltham Forest for use within Barking and Dagenham and a number of other Boroughs.
- A greater pool of Civil Contingencies trained responders than any other single organisation in London.

3. The Opportunity

3.1 One of the aims of the joint service was to explore the potential to expand the model to other London Boroughs, particularly those in North East London. Boroughs have been discussing opportunities through East London Solutions and as a result Havering expressed an interest in joining the London Boroughs of Waltham Forest and Barking and Dagenham in a single Civil Contingencies Unit to meet the needs of their joint populations and the requirements of the Civil Contingencies Act in a more resilient and cost effective manner. However initially due to the senior management numbers it was not considered viable.

3.2 A number of things have happened within the joint service that provides an opportunity to reconsider Havering joining that partnership:

- There is no deputy manager post.
- The post holder of the manager post of the partnership will be retiring in 2012.
- Waltham Forest is a host Olympic borough and requires senior specific support in the running up to the Olympics.

3.3 The benefits as illustrated above would continue and be extended in summary:

- Resilience through a much bigger team.
- Increased skills by having teams that can specialise.
- Savings through reduced senior posts, and equipment.
- Cost avoidance through equipment and accommodation arrangement.
- Efficiency through documents being prepared just once and representative attendance at London meetings.
- Further potential cash savings through LALO (Local Authority Liaison Officer) arrangements.
- Ability to organise more beneficial training across the organisations.
- Increased business continuity capability and capacity.

- Other equipment and facilities will be shared between the boroughs and avoid the need to hold this in triplicate.

4. The Proposed Way Forward

- 4.1 The original partnership was initiated through a pilot which took place to enable an evaluation before formalising the joint arrangement between the two boroughs including TUPE transfer of staff. This enabled the benefits to commence whilst providing time to resolve particular issues and test compatibility. It is intended that a similar pilot approach is adopted to assess the implications of Havering joining the Partnership. An evaluation would then take place in March with a view to making a formal decision as to whether to formalise the arrangement in April. This would then provide sufficient time, if the Partnership was not moved forward, for Waltham Forest and Barking & Dagenham to recruit a new manager to take over upon the retirement of the existing manager.
- 4.2 The pilot if approved will be taken forward on the following basis:
- Managers will work together and cover each as appropriate.
 - Each borough will undertake a gap analysis of civil contingency requirements. The boroughs will work together to fill the gaps and enabled trust and relationships to be built. The working together will include:
 - Using each others information where one had something the other did not.
 - Undertake the preparation of plans together so these were a joint plan.
- 4.3 A proposal will then be built for a joint team which would be reviewed as part of the evaluation. Staff will remain employed with their existing employer however the staffing arrangements for a joint unit including consistent job profiles will be proposed. Shared resources in specialisms and support would also be piloted. Each borough would retain responsibility for resolving local accommodation and health/safety issues
- 4.4 Joint team meetings will take place with the aim of some being virtual to avoid travelling. Communication facilities would be shared. ICT access arrangements already exist and an ICT facility is being developed in the existing Partnership for sharing documents. Havering can be party to this development.
- 4.5 Local teams will be accommodated on each site. Each borough will maintain its own arrangements for LALOs and rest centre managers however if the partnership is formalised, the aim would be to review and align these to make further efficiencies.

- 4.6 Each borough will maintain its own BECC as its primary BECC, and uses each others as the secondary BECC. There is access to generators. Havering has facilities in Mercury House however these are not suitable as a sole arrangement given the risk assessment of the town centre. The arrangement would provide access to the purpose built facilities at Barking if required.
- 4.7 All training will be done jointly which assists service officers in building relationships and resilience across specific services. The aim would also be that exercises would be planned jointly.
- 4.8 Each borough will continue to have its own Resilience Board. The arrangements and priorities can differ although experience and reviews to date have shown that that the priorities are broadly the same namely:
- Olympics
 - Flooding
 - Flu Pandemic
 - Business Continuity
- 4.9 During the pilot, the service would be governed through a Havering Corporate Director joining the existing management board. Individual borough members' involvement and decision making would remain as it is at present. The eventual Partnership, if formalised, would have the formal Governance arrangements included within the Partnership Agreement.
- 4.10 The three boroughs will send one representative to regional or sub regional meetings where possible
- 4.11 Boroughs will still operate separate support teams for each CE when taking the London Gold role as they would want teams that are familiar working together.
- 4.12 Each borough would maintain its own running expenses and the managers will allocate expenses as appropriate.
- 4.13 Evaluating the Pilot

It is proposed that an evaluation would take place in March 2012 against the following criteria:

- Improved Resilience
- Financial savings including cost avoidance
- Increased skill, capacity and capability
- Fit for Purpose operating model and structure.

If the evaluation confirms the merits of a formal partnership, it will receive clearance from management teams and members of all authorities and any

staff consultation be put into effect. The shared service would be built on the principles that:

- Each borough would maintain an office on site, however during leave etc cover can be provided.
- Secondary BECCs for each borough will be provided by other boroughs facilities avoiding holding of assets and space.

There would be a formal partnership agreement between all the boroughs built on the existing one between Waltham Forest and Barking & Dagenham.

REASONS AND OPTIONS

Reasons for the decision: Havering is committed to identifying more efficient ways of working through partnership with other authorities and agencies. The initiative described in this report has come through the East London Solutions work which aims to deliver such efficiencies. The potential merits and opportunities arising from the initiative mean that a Pilot would certainly be of value as a means of evaluating whether, and if so to what degree, formal partnership working could be beneficial to all authorities within the joint arrangement.

Other options considered:

- 1. Option 1: Do Nothing**
This would forego the benefits.
- 2. Option 2: Immediate merger**
Experience has shown that a pilot arrangement to assess compatibility has proved to be the most effective approach. In addition, there would be more complicated human resource implications to address. There is also the need to ensure adequate resource given the Olympics.

IMPLICATIONS AND RISKS

Financial implications and risks:

- 1 It is not anticipated that the pilot itself would have any significant financial implications as both parties would continue to operate with their current resources, with costs met from their existing budgets.

2. The current staffing level for the existing joint Barking and Dagenham and Waltham Forest service is a Group Manager, Emergency Planning, and three members of staff. Havering has a manager and two staff members. The pilot will enable boroughs to agree if senior management savings can be achieved as part of the formal arrangements.
3. Once staff have been consolidated into a single unit there also will be an opportunity to examine the true service cost and agree any necessary changes in the level of funding contributions from each Authority.
4. In managing the service, account will be taken of the needs of both Authorities to reduce expenditure as well as investigating any new work resulting from, for example, Government Legislation such as the Flood and Water Management Act 2010, the Civil Contingencies requirements of the Olympic Games and any developments from the East London Solutions project about partnership working with other North East London Boroughs.
5. The expenditure from budgets such as the current use of communications equipment will be reviewed in order to address any duplication in expenditure which can then be removed and the savings shared by the Councils.
6. During the pilot, financial arrangements will be considered including the practicalities of the merger, arrangements for changing funding levels and the process for invoicing employees, supplies and services costs as and when necessary between the Authorities.
7. In summary, there are no financial issues at this stage that would prevent the proposed partnership from proceeding in line with the scheduled timetable. Once sufficient operational experience has been gained, there will be a further review of the service to examine both its operation and its costs which may lead to additional benefits and savings arising.

Legal implications and risks:

1. The Council has various duties and obligations to discharge under the Civil Contingencies Act 2004. Each local authority in England and Wales also shares these same duties and obligations, along with other types of authorities such as the police authorities and the fire and rescue authorities.
2. Under the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005, which are regulations made under the 2004 Act, local authorities may:
 - (i) perform duties jointly with another authority; or
 - (ii) make arrangements with another authority for that authority to perform their duties
3. The pilot project will have Havering staff working with the joint Barking and Dagenham/Waltham Forest service and sharing resources without forming a

joint arrangement. This can easily be reversed out of if the pilot is unsuccessful. Should a formal arrangement move forward, each borough will need to arrange for appropriate joint arrangements and mutual delegation of powers as part of agreeing the final arrangements.

Human Resources implications and risks:

1. During the pilot, staff will work within existing terms and conditions. The arrangements for a formal arrangement would be proposed during the pilot and any HR implications properly reviewed thereafter.

Equalities implications and risks:

1. No equalities implications or risks have been identified.

BACKGROUND PAPERS

1. *The Civil Contingencies Act (2004).*

CABINET 16 November 2011	REPORT

Subject Heading:	Havering Local Development Framework: Approval of Romford Town Centre Pavement Cafés Local Development Order (LDO) for adoption
Cabinet Member:	Councillor Robert Benham
CMT Lead:	Cynthia Griffin, Group Director Culture and Community
Report Author and contact details:	Peter Hall, Development Planning Team Leader Tel : 01708 432522 E-mail: peter.hall@havering.gov.uk
Policy context:	LB Havering Local Development Framework
Financial summary:	The costs of adoption are expected to be minor will be met from existing budgets within the Development and Transport Planning Service
Is this a Key Decision?	No
Is this a Strategic Decision?	Yes
When should this matter be reviewed?	n/a
Reviewing OSC:	Partnerships

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[✓]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[✓]
Valuing and enhancing the lives of our residents	[✓]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The Council and its partners are delivering an ambitious programme of initiatives to secure the regeneration of Romford including the preparation of planning and regeneration strategies, public realm improvements and tackling congestion. Such measures will make Romford a more attractive place to visit, work and live and will assist its response to the competition provided by Lakeside, Bluewater and Westfield at Stratford.

The report recommends a simplified process for allowing eating and drinking businesses in specific areas of Romford town centre to develop a pavement café type 'offer' as part of enhancing Romford's attractiveness. Such an approach would add to its vitality and viability and should help to broaden its appeal to a wider range of customers.

A Local Development Order (LDO) is recommended to deliver this. LDOs enable local planning authorities to grant planning permission for specified activities by extending permitted development rights within a defined area and subject to the LDO's conditions. They are consistent with local determination and the shift to remove bureaucracy and incentivise development that meets locally specific policy objectives. The controls on pavement cafés permitted by the LDO will be at least as stringent as the controls previously imposed when planning permissions were granted to individual businesses. The controls aim to protect and enhance the quality of the town centre and to ensure that any pavement cafés make a positive contribution to Romford town centre. The General Design Guidance for the LDO provides controls on the signage associated with the café.

The Romford Town Centre Pavement Cafés LDO would allow pavement cafes within specified areas of Romford Town Centre where the lawful use of the premises is A3 (Restaurants and Cafés) or A4 (Drinking Establishments). It includes design guidance specific to each area to ensure the protection and enhancement of the Conservation Area. The LDO cannot influence the mix, or distribution, of these uses within Romford.

The LDO would serve to encourage local businesses to establish well-designed pavement cafés to support a coherent street scene, while concentrating the regulatory responsibility for pavements cafés within the Trading Standards Service.

A Street Trading Licence would need to be obtained prior to the establishment of a pavement café, which would regulate, among other things, the hours during which each pavement café would be permitted to operate.

The report outlines the purpose of the LDO, regulatory process and results of the consultation on the proposed LDO.

Cabinet is recommended to adopt the LDO, subject to the necessary approval by the Secretary of State.

RECOMMENDATIONS

That Cabinet:

- (1) Adopts the Romford Town Centre Pavement Cafés Local Development Order (LDO), attached as Appendix 2, subject to approval by the Secretary of State.

REPORT DETAIL

What Local Development Orders are

Local Development Orders (LDOs) grant planning permission for a specified type of development, within a specified area. They are an existing legislative tool (made primarily under the Planning Act 2008) with the purpose of extending permitted development rights, within a defined area and subject to the conditions within the LDO, as set by the Local Authority; the LDO can be modified or revoked at any time at the discretion of the Local Authority.

By reducing the need for individual planning applications, LDOs are flexible and consistent with local determination and the shift to remove unnecessary bureaucracy for business and incentivise development that meets locally specific policy objectives.

Romford Town Centre Pavement Cafés LDO

In recent years the Council has granted a substantial number of individual planning permissions for pavement cafés in Romford. Pavement cafés contribute to an attractive and welcoming environment, creating an atmosphere that broadens the appeal of a town centre to a wider range of visitors. They may help encourage people to stay within the town centre and potentially contribute to its economic well-being. The adoption of an LDO would serve to encourage local businesses to establish well-designed pavement cafés to support a coherent street scene, while

concentrating the regulatory responsibility for pavements cafes within one department of the Council.

Since planning applications for pavement cafés are usually granted subject to conditions, it would be more efficient and consistent to give consent through an LDO for those parts of the town centre where the Council is prepared to allow them. The Romford Town Centre Pavement Cafés LDO will extend permitted development rights for the establishment of pavement cafes within specified areas of Romford Town Centre, where the lawful use of the premises is A3 (Restaurants and Cafés) or A4 (Drinking Establishments). The LDO will apply to the following premises:

- Numbers 87-131 (odd) South Street
- Numbers 6-68 (even) and 5-83 (odd) South Street
- Numbers 8-56 (even) and 7-55 (odd) South Street
- Numbers 18-46 (even) High Street

Any eligible premises within the specified areas would therefore be able to place tables and chairs outside their premises, provided that they comply fully to the conditions and design guidance set within the LDO. Should premises not meet these strict conditions this would require a specific planning application to be made. A Street Trading Licence would need to be obtained prior to the establishment of a pavement café. This would regulate, among other things, the hours during which the pavement café would be permitted to operate. The licence application form will require applicants to indicate their compliance with the LDO otherwise a specific planning permission would be required before issue of a licence.

In addition to the requirement for the operator of the café to obtain a Street Trading License, the proposed LDO contains several conditions to ensure that the amenity and safety (in particular provision for emergency access) of the town centre is maintained. The design guidance, specific to each of the four areas of coverage of the LDO, sets out clear criteria to ensure that any pavement cafés established under the LDO make a positive contribution to the street scene and enhance the character of the town centre. The design guidance has been developed in consultation with the Council's Heritage Officer to ensure the LDO supports the enhancement of the Romford Conservation Area and to protect and enhance the appearance of the wider town centre.

The LDO is consistent with and supports ongoing regeneration projects within the town centre, as well as the implementation for the LDF Romford Area Action Plan, specifically policies ROM8, ROM10 and ROM11; ROM8 seeks to diversify the day and evening economy, and ROM10/11 require active frontages on all non-retail uses within the Retail Core and Retail Fringe areas.

The LDO does not influence the mix of uses within the town centre. The establishment of non-retail uses is determined against the criteria in ROM10 and ROM11, which restrict the number and concentration of non-retail uses in the town centre. Premises establishing a pavement café under the LDO must already have planning permission for an eligible use.

The hours of operation of each individual pavement café would be regulated by their own Street Trading licence, the conditions of which will be determined on a case by case basis and in consultation with relevant Council departments and the Metropolitan Police. Street Trading licences can be revoked if the conditions of the licence are breached.

Process for making the LDO

The procedure for production and adoption of LDOs is governed by Part 6, Paragraph 34 of *The Town and Country Planning (Development Management Procedure) (England) Order 2010* (DMPO 2010). Paragraph 34 stipulates that where a local planning authority proposes to make an LDO they shall first prepare a draft of the order and a statement of their reasons for making the order. The Statement of Reasons must contain a description of the development which the LDO would permit, and a plan/statement identifying the land to which the order relates.

Both documents must be subject to formal consultation, including both compliance with the publicity and consultation requirements as required for production of a DPD and consultation with anybody who would have been a required to consult for an application for planning permission for the development in question. The consultation must be for a period of not less than 28 days.

When considering what modifications should be made to the Draft LDO, or whether the LDO should be adopted, the local authority must take account of all representations received during the consultation period. Once the local authority has complied with the publication and consultation requirements, a copy of the final LDO and the Statement of Reasons, including any modifications to either as a result of consultation, must be sent to the Secretary of State who has a 21-day call in period. Once this period has elapsed or such period as extended by the Secretary of State has elapsed the Council may formally adopt the LDO.

Consultation on the Draft LDO

Following approval by Members earlier this year, the Council undertook consultation on the draft Romford Town Centre Pavement Cafés LDO from 21 February to 21 March 2011 in line with Paragraph 34 of the DMPO 2010. All properties within the proposed LDO areas were consulted.

Seven parties responded to the consultation, however only two made formal representations: the Liberty Shopping Centre and English Heritage. The representations made have been considered in producing the final LDO, and a Consultation Report summarising the responses made and how they have been addressed is attached as Appendix 1.

The Liberty Shopping Centre expressed concerns about how the café areas will be managed in the night time economy; these concerns will be addressed as part of the Street Trading Licence regime. English Heritage raised several points regarding the consideration of heritage assets within the town centre, with the recommendation

that the borough's conservation staff be actively involved in the development and implementation of the LDO as they are best placed to advise on local heritage matters. The Council's Heritage Officer has been fully involved in the development of the LDO, and did not recommend any modifications to the Draft LDO in response to English Heritage's comments. **Officers recommend that no changes are needed in response to the consultation.** However, a minor change is recommended to the General Design Guidance to confirm that all furniture should be sufficiently stable as to withstand being blown over by the wind or being knocked over by café users as a result of accidental contact. Additionally, the General Design Guidance now confirms that external seating areas should comply with the Equalities Act 2010 and ensure good access for all.

A copy of the final LDO as it is recommended to be adopted is attached as Appendix 2. Members are asked to note that the presentation of the final document has been altered from the Draft LDO issued for consultation, so that the Design Guidance forms an Appendix to the order itself. However the text and supporting images remain the same.

Next Stages

Subject to Cabinet approval, the LDO and Statement of Reasons (attached as Appendix 3) will be sent to the Secretary of State who has a 21-day call in period. Once this or such period as extended by the Secretary of State has elapsed, the Council will formally adopt the LDO. The adopted LDO will then be placed on Part III of the Planning Register (maintained by Development Control) and copies distributed to the local land charges department and all premises within the LDO area of coverage.

REASONS AND OPTIONS

Reasons for the decision:

The statutory authority for an LDO comes from sections 61A-D and Schedule 4A of the Town and Country Planning Act 1990 (as inserted by the Planning and Compulsory Purchase Act 2004). Schedule 4A dealing with procedure on LDOs at paragraph 3 states *'a local development order is of no effect unless it is adopted by resolution of the local planning authority'*. Therefore for the LDO to come into effect, Cabinet must resolve to adopt the LDO, subject to approval by the Secretary of State.

Other options considered:

There are no alternative options as the requirements for adoption of an LDO are set out in statute and subordinate legislation. Should the Council choose not to adopt the LDO, pavement cafés will continue to require individual planning permissions,

imposing an unnecessary regulatory burden on local businesses, and involving additional work and costs for the Council.

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of formally adopting the LDO are expected to be minor and will be met from existing budgets within the Development and Transport Planning Group.

Fees for street trading licences should be for cost recovery only, not income generation, but may include allowable costs. Section 32 of the London Local Authorities Act 1990, as amended by the London Local Authorities Act 2007, says that Authorities may charge such fees as they determine and “as may be sufficient in the aggregate to cover in whole or in part the reasonable administrative or other costs in connection with their functions under this part of this Act”. Each pavement café will require its own street trading licence irrespective of whether planning permission is granted by means of the LDO or a separate planning application.

Legal implications and risks:

The regulations that must be followed once the Council has resolved to adopt the LDO are set out in Paragraph 34(10-12) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The final LDO and Statement of Reasons have been prepared in line with Paragraph 34(1) and (2) of the DMPO 2010, and the consultation on the Draft LDO has been carried out in line Paragraph 34(3-9).

Human Resources implications and risks:

None relating directly to this decision.

Equalities implications and risks:

The LDO states that external seating areas should comply with the Equalities Act 2010 and ensure good access for all.

BACKGROUND PAPERS

None

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Consultation Statement: Summary of representations and recommended response to comments of Draft Romford Town Centre Pavement Cafes LDO

Respondent	Comments	Recommended modifications
1. GLA	No comments as not considered to be a strategic document.	None.
2. Natural England	No comments as the document primarily concerns shop and pavement infrastructure. Natural England's interest is provision of Green Infrastructure and biodiversity enhancement.	None.
3. The Liberty Shopping Centre	In principle we have no problem with what is being proposed and in theory this will encourage a "café society" within the Market Place. The main concern we have however is that the new zones could end up like the existing one on South Street, which is cluttered and dirty, and how they will be policed in terms of the agreed areas and the antisocial behavior, as we move into the evening and night time economy?	None. The concerns will be addressed via the Street Trading License application and enforcement process.
4. Met Police	My concerns were to a large extent addressed as part of the pre-planning process. The consultation detailed below was forward by me at the time to the Police Licensing Officer, Licensing Inspector and Chief Inspector Community. At this time I have had no replies to my emails and as a consequence have no further comments to offer at this time.	None.
5. Highways Agency	No comments on the Draft LDO.	None.
6. Epping Forest	No comments on the Draft LDO.	None.

<p>7. English Heritage</p>	<p>It is noted that consideration has been given to the historic environment (Statement of Reasons para 7), principally the designated heritage assets, of the Romford Conservation Area and the Golden Lion Public House (grade II listed building). However it should be noted that the setting of The Lamb Public House (grade II listed building), the Church House (grade II listed building) and the Church of Edward the Confessor (grade II* listed building) could also be affected by the proposals to allow for additional street furniture associated with pavement cafés. When considering the setting of the listed buildings, in line with the guidance provided in PPS5, it is important to ensure that their significance as designated heritage assets will not be harmed by the measures set out in the draft LDO regardless of whether they are permanent or temporary. At present it appears that this approach has not been fully explored and therefore raises concerns with regards to the impact of the draft LDO on the areas heritage assets.</p>	<p>None. The impact of the draft LDO on designated heritage assets has been considered in line with the guidance in PPS5, and the borough's Heritage Officer considers that their significance will not be harmed by the measures set out in the LDO. The three listed buildings are not included within the LDO area, and there is a clear separation between the listed buildings and the LDO boundaries. As stated in paragraphs 7.1 and 7.2, due consideration has been given to the heritage assets within the town centre, and detailed area specific design guidance developed to ensure that all pavement cafes established under the LDO are sympathetic to the character of the Conservation Area.</p>
	<p>In terms of Romford Conservation Area, as noted in the draft LDO, this designated heritage asset is identified as being on the English Heritage At Risk Register. It is understood that the purpose of draft LDO is to enable the development of a café culture in the public realm, so making the town centre more attractive and appealing for people to use. There are, however, concerns that further street furniture, unless introduced as part of a wider programme of townscape improvements and following an audit of existing street furniture and signage could result in unnecessary visual clutter that would undermine further the quality and significance of the conservation area. For example undertaking an audit could help identify opportunities for existing items to be removed or rationalised, and stimulate further discussion and action on how to enhance the public realm and buildings that define the this part of the town centre.</p>	<p>None. The Council is undertaking several concurrent initiatives aimed at improving the public realm within the town centre, including an audit of existing street furniture and removal of redundant items. With its focus on a limited palette of high quality materials, the design guidance accompanying the LDO will ensure that any pavement cafes established support a coherent street scene throughout the town centre.</p>

	<p>It is noted that there is a Romford Conservation Area Appraisal and Management Plan, adopted Romford Area Action Plan and the Romford Urban Study. It is, however, not clear how the draft LDO seeks to deliver these aspirations in a coherent manner. At present the purpose of the draft LDO appears to be divorced from the opportunities of delivering greater public benefits and enhancement of the historic environment. We would suggest that this point should be addressed.</p>	<p>None. This purpose of the LDO, to contribute the vitality and attractiveness of the town centre, is directly related to the aspirations of the mentioned plans/strategies. However, while it will make a contribution to the enhancement of the historic environment through its consistent application of minimum design standards, the LDO is not intended to provide a public realm framework for the town centre. The Council therefore considers it inappropriate to focus on the LDO as a delivery tool for the wider aspirations within the mentioned plans/strategies.</p>
	<p>Due to the recognised heritage interests of the area we would advise that the Borough's own conservation staff are actively involved in the development and implementation of the LDO as they as they are often best placed to advise on local heritage matters.</p>	<p>The borough's Heritage Officer has been actively involved in the development and implementation of the LDO, and has included the adoption of the LDO as a project on their Action Plan to remove Romford from the Heritage at Risk Register.</p>

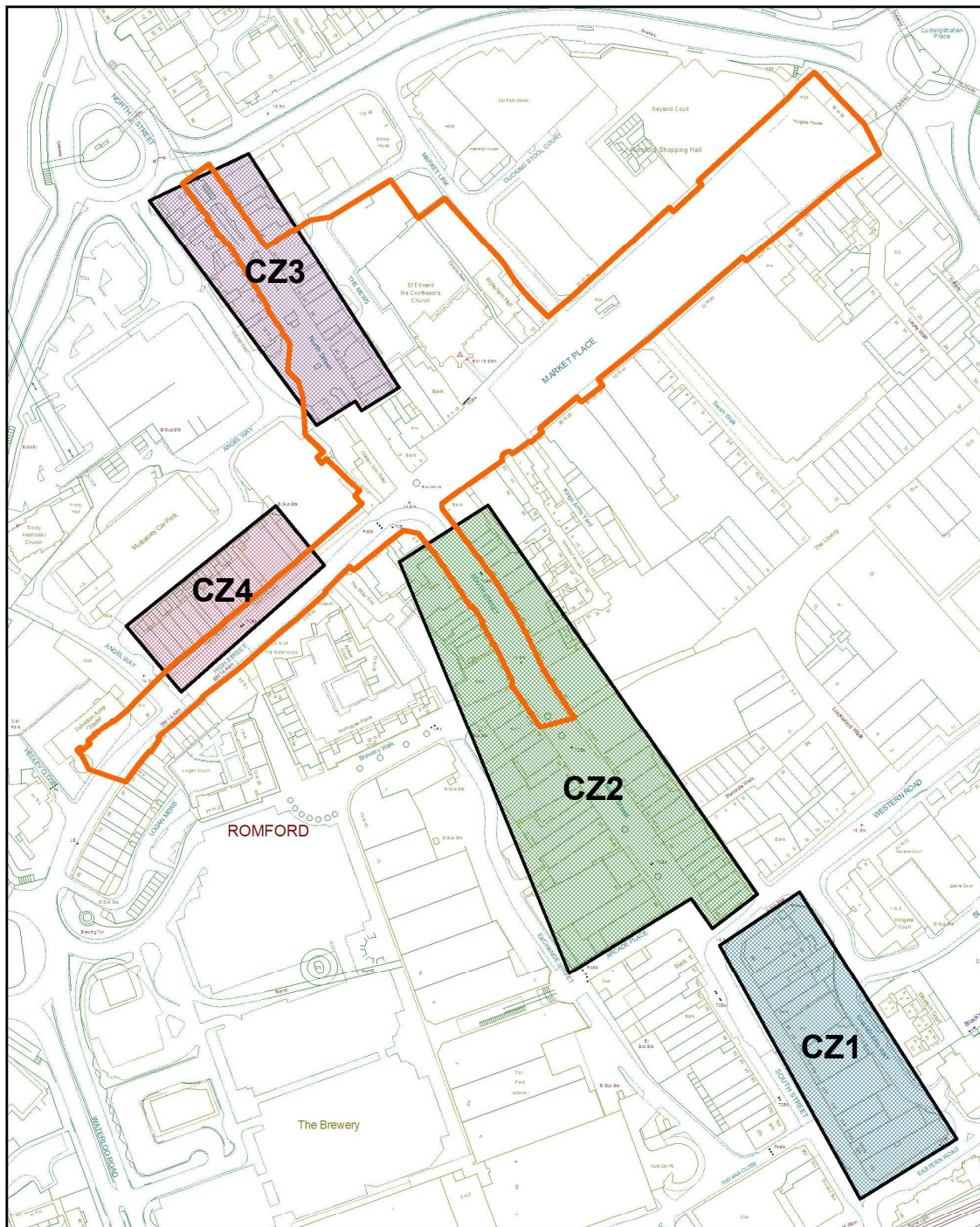
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Local Development Order

Romford Town Centre Pavement Cafes

- 1.1 Within the four Character Zones in Romford Town Centre, as defined in Map 1 and the Schedule of Premises, planning permission will be granted for the establishment of pavement cafes, subject to the applicable design guidance within the supporting design guide, where the lawful use of the premises is within the following use class orders:
 - A3 Restaurants and Cafes (including snack bars)
 - A4 Drinking Establishments (including public houses and wine bars; excluding night clubs)
- 1.2 Schedule of Premises covered by the LDO:
 - CZ1: Numbers 87-131 (odd) South Street
 - CZ2: Numbers 6-68 (even) and 5-83 (odd) South Street
 - CZ3: Numbers 8-56 (even) and 7-55 (odd) North Street
 - CZ4: Number 18-46 (even) High Street
- 1.3 The four areas have been defined based on their distinct character/role within the town centre. Each character zone (CZ) within the LDO is therefore subject to the design guidance specific to that CZ within the supporting design guidance.
- 1.4 Planning permission for the establishment of pavement cafes within the LDO areas of coverage is granted subject to the following conditions:
 - Tables and chairs are placed adjacent to the building and do not extend more than 4 metres from the building frontage into the highway or beyond the length of the frontage of the premises.
 - The external seating area leaves a minimum unobstructed footway width of 3 metres, extending to 3.7 metres in pedestrianised streets.
 - Where the proposed seating area is more than a single row of tables and chairs, the seating area is marked out on the highway by temporary barriers not exceeding a height of 1 metre.
 - The external seating area is not used outside the hours of 8am to 11pm, with all furniture and equipment is removed from the highway at the end of each day.
 - No marks or studs are placed on the highway, and nothing is fixed into the surface of the highway.
 - Any lighting provided to the pavement cafe is attached to the building.
 - Design of the café area, including barriers and materials used, must be of high quality and appropriate to the character area, as defined in the supporting design guide for the applicable character zone (CZ).
 - A Street Trading License has been obtained.
- 1.5 The LDO and the terms within it will be in force for a period of three years from the date of adoption, and will expire following this period. It will therefore cease to apply on the day following the third anniversary of the adoption of the order. Development which has started under the provision of the LDO will be allowed to continue to operate following the expiry of the LDO without planning permission to the end of the period for which the Street Trading Licence has been obtained.

Map 1: Areas of Coverage for the Local Development Order



LDO Proposed Areas of Coverage	Map Reference: TQ5188NW
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<p>The National Land & Property Gateway</p>	<p>Scale @ A4 1:2500 Date: 14/12/2010</p>	<p>Scale</p>
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<p>Havering LONDON BOROUGH</p>	<p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>Based upon the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown © copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. London Borough of Havering: 100024327 2010</p>
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Pavement Cafes: Tables and chairs placed on the public highway for the consumption of food and drink.

Public Highway: Includes the carriageway and footway, alleys and passageways.

Appendix 1: Design Guide

1 Introduction

- 1.1 The purpose of this design guide is to ensure that any pavement cafes established under the Romford Town Centre Pavement Cafes Local Development Order (LDO) make a positive contribution to the street scene and enhance the character of the town centre. This design guide supports the application of LDO, and offers clarification and guidance to eligible premises regarding the parameters of the LDO as set by the Council.

2 The Romford Town Centre Pavement Cafes LDO

- 2.1 The Romford Town Centre Pavement Cafes LDO grants planning permission for the establishment of pavement cafes, subject to the applicable design guidance within this design guide, where the lawful use of the premises is within the following use class orders:

- A3 Restaurants and Cafes (including snack bars)
- A4 Drinking Establishments (including public houses and wine bars; excluding night clubs)

- 2.2 Pavement cafes are considered to be tables and chairs placed on the public highway for the consumption of food and drink. The public highway includes the carriageway and footway, alleys and passageways.

Areas of Coverage for the Local Development Order

- 2.3 The LDO applies to four areas of Romford town centre, as defined in Map 1. The four areas have been defined based on their distinct character/role within the town centre. Each character zone (CZ) within the LDO is therefore subject to the general design guidance in Section 3 of this design guide as well as the design guidance specific to that CZ, set out in Sections 4 to 7.

Conditions of the Local Development Order

- 2.4 Planning permission for the establishment of pavement cafes within the LDO areas of coverage is granted subject to the following conditions:
- Tables and chairs are placed adjacent to the building and do not extend more than 4 metres from the building frontage into the highway or beyond the length of the frontage of the premises.
 - The external seating area leaves a minimum unobstructed footway width of 3 metres, extending to 3.7 metres in pedestrianised streets.
 - Where the proposed seating area is more than a single row of tables and chairs, the seating area is marked out on the highway by temporary barriers not exceeding a height of 1 metre.
 - The external seating area is not used outside the hours of 8am to 11pm, with all furniture and equipment removed from the highway at the end of each day.
 - No marks or studs are placed on the highway, and nothing is fixed into the surface of the highway.
 - Any lighting provided to the pavement cafe is attached to the building.
 - Design of the café area, including barriers and materials used, must be of high quality and appropriate to the character area, as defined in the design guidance for the applicable character zone (CZ).
 - A Street Trading License has been obtained.

3 General Design Guidance

- 3.1 To support a coherent street scene throughout the town centre, the following design criteria apply across all character zones.
- 3.2 All furniture must be of high quality and designed for outdoor commercial use, made from stainless steel/aluminium, timber/natural materials, or a combination of both. Painted metal or wood, plastic furniture and picnic tables are not acceptable.
- 3.3 Tables and chairs should be of a plain, simple style and only one design of table/chair used within the pavement café. Styles of tables and chairs that easily stack are recommended for ease of storage when the pavement café is not in use.
- 3.4 If the pavement café has more than one row of tables and chairs, it must be enclosed by freestanding barriers to demarcate the licensed area and contain the tables and chairs. Because barriers must be removed outside the licensed period, when the café is not in operation during the licensed period, and for any works required to the public highway, barriers should be portable but sufficiently stable to prevent collapse in windy conditions or if accidentally walked into.
- 3.5 Regardless of design, all barriers must have solid/fixed horizontals and verticals, with the upper edge set at 1000mm and the lower edge at 100mm. Rope barriers are not suitable.
- 3.6 Where umbrellas are proposed, they must be made of non-reflective fabric and in a solid colour, either cream or in the same colour as the barrier, if a canvas barrier is used, or the shopfront. Umbrellas should be capable of being folded down and secured to withstand reasonable winds, and must not overhang the edge of the enclosure or impair sight lines.
- 3.7 Where non-furniture items are proposed, such as A-boards, menu boards and portable gas heaters, these should be of similar high quality and colour coordinated with the furniture. The use of portable gas heaters will require a formal risk assessment as part of the licensing process. Where an enclosure is included, all non-furniture items proposed must be placed within the enclosure, and only one standard size A-board and one menu board is permitted.
- 3.8 Where no enclosure is included, permitted non-furniture items are limited to one standard size A-board or menu board placed immediately adjacent to the shopfront.

4 Character Zone 1: South Street Restaurant Quarter

- 4.1 The character zone comprising 87-131 (odd) South Street contains a mix of independent and chain retail, pubs and restaurants, and is well removed from the Conservation Area.
- 4.2 Where temporary fabric screens are proposed as barriers, these must be held taut between stainless steel/aluminium posts at the top and bottom, and the colour of the fabric a muted tone matching the colour of the shopfront. Where an alternate type of barrier is proposed, this must be of natural materials, either stainless steel/aluminium or timber. Painted or plastic barriers are unacceptable.

- 4.3 Discrete corporate branding showing only the name of the establishment is acceptable on fabric barriers and umbrellas; other forms of advertising, such as for a drinks brand, are unacceptable.
- 4.4 The pavement café/enclosure must not extend into the public highway beyond the stone set drainage channel.

5 Character Zone 2: South Street Conservation Area

- 5.1 The character zone comprising Numbers 6-68 (even) and 5-83 (odd) South Street contains a mix of uses and falls partially within the Conservation Area. This area forms a major route through the town centre and is comprised of primarily interwar development with several 1960s era buildings dispersed throughout.
- 5.2 The design of barriers should not be overly fussy or ornate and respect the character of the building and the setting of the Conservation Area. Where temporary fabric screens are proposed as barriers, these must be held taut between stainless steel/aluminium posts at the top and bottom, and the colour of the fabric a muted tone matching the colour of the shopfront. Where an alternate type of barrier is proposed, this must be of natural materials, either stainless steel/aluminium or timber. Painted or plastic barriers are unacceptable.
- 5.3 No form of branding or advertising is acceptable on barriers or umbrellas.
- 5.4 The pavement café/enclosure must not extend into the public highway beyond the stone set drainage channel.

6 Character Zone 3: North Street Conservation Area

- 6.1 The character zone comprising Numbers 8-56 (even) and 7-55 (odd) North Street has recently benefited from a high quality public realm treatment, and is entirely within the Conservation area.
- 6.2 The design of barriers should not be overly fussy or ornate and respect the character of the building and the setting of the Conservation Area. Where temporary fabric screens are proposed as barriers, these must be held taut between stainless steel/aluminium posts at the top and bottom, and the colour of the fabric a muted tone matching the colour of the shopfront. Where an alternate type of barrier is proposed, this must be of natural materials, either stainless steel/aluminium or timber. Painted or plastic barriers are unacceptable.
- 6.3 The use of well-maintained planters is encouraged as part of the pavement café to soften the street scene which is predominately hard landscaped.
- 6.4 No form of branding or advertising is acceptable on barriers or umbrellas.
- 6.5 The pavement café/enclosure must not extend into the public highway beyond the stone set drainage channel.

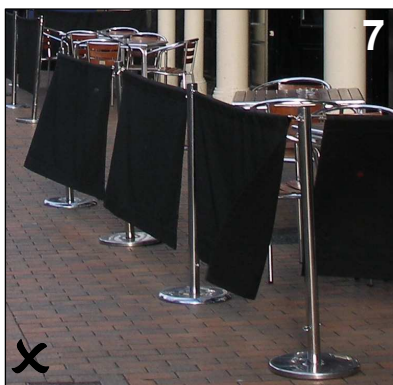
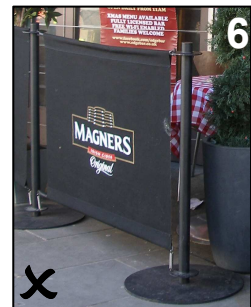
7 Character Zone 4: High Street Conservation Area

- 7.1 The character zone comprising Number 18-46 (even) High Street is a purpose built 1960s development with a colonnaded shopping arcade. Because the zone in which pavement cafes are permitted is covered, the use of umbrellas is unacceptable.
- 7.2 The design of barriers should not be overly fussy or ornate and respect the character of the building and the setting of the Conservation Area. Where temporary fabric screens are proposed as barriers, these must be held taut between stainless steel/aluminium posts at the top and bottom, and the colour of the fabric a muted tone matching the colour of the shopfront. Where an alternate type of barrier is proposed, this must be of natural materials, either stainless steel/aluminium or timber. Painted or plastic barriers are unacceptable.
- 7.3 No form of branding or advertising is acceptable on barriers.
- 7.4 The pavement café/enclosure must not extend into the public highway beyond the pillars forming the edge of the colonnade

Illustrative examples: Temporary barriers and umbrellas

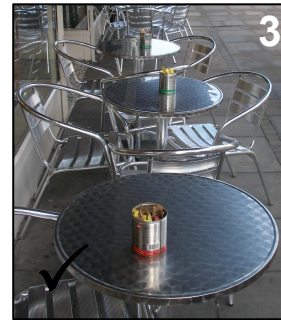


Where allowed (CZ1), corporate branding of temporary fabric barriers and/or umbrellas must be discrete (1, 2). Logos that dominate the barrier are unacceptable, and temporary barriers should be placed to form an unbroken line, rather than individually (3). For example, Costa Coffee demonstrates an appropriate style and colour of barrier for CZ1, but incorrect arrangement and an overly dominant corporate logo.

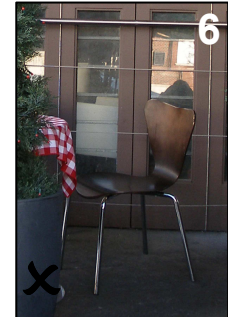


Outside of CZ1, temporary fabric barriers must be of a solid, muted colour (4). Advertising on temporary fabric barriers is not permitted throughout the LDO area (5, 6), and barriers must be constructed of an acceptable material to the specified height (6) and fixed at both the top and bottom (7).

Illustrative examples: Tables, chairs and non-furniture items



Throughout the LDO area, all furniture must be of high quality and designed for outdoor commercial use. Acceptable materials include stainless steel/aluminium (3), timber/natural materials, or a combination (1, 2). Only one design of table/chair may be used in the pavement café (1, 2, 3).



Coloured or mismatched furniture is not acceptable (4, 5), and furniture must be designed for outdoor commercial use (6). When the pavement café area is not in use, all furniture must be removed from the public highway (7).



Non-furniture items must be coordinated with the furniture (8). Where no enclosure is included, A-boards must be adjacent to the shopfront (8). Where an enclosure is included, permitted non-furniture items must be placed inside the enclosure (9, 10).

Romford Town Centre Pavement Cafes Local Development Order

Statement of Reasons

1 Description of Development Permitted

- 1.1 It is proposed that the LDO extend permitted development rights for the establishment of pavement cafes within specified areas of Romford Town Centre where the lawful planning use of the premises is within the following use class orders:
- A3 Restaurants and Cafes (including snack bars)
 - A4 Drinking Establishments (including public houses and wine bars; excluding night clubs)
- 1.2 Pavement cafes are considered to be the tables and chairs placed on the public highway for the consumption of food and drink. The public highway includes the carriageway and footway, alleys and passageways.
- 1.3 Any eligible premises within the specified areas would therefore be able to place tables and chairs outside their premises, subject to the conditions and applicable design guidance, without the need to apply for planning permission. A Street Trading Licence and Advertisement Consent (if applicable) would need to be obtained prior to the establishment of a pavement café. Street Trading Licences are currently issued on a six-month temporary basis, with a 20 percent surcharge for operation after 8pm.
- 1.4 Premises wishing to operate pavement cafes that do not comply with the conditions set out within the LDO will require planning permission.

2 Proposed Areas of Coverage for the LDO

- 2.1 It is proposed that the LDO cover four areas of Romford town centre (refer to Map 1); the four areas have been defined based on their distinct character/role within the town centre and each area within the LDO will therefore be subject to appropriate design guidance. The LDO is proposed to apply to the following premises:
- CZ1: Numbers 87-131 (odd) South Street
 - CZ2: Numbers 6-68 (even) and 5-83 (odd) South Street
 - CZ3: Numbers 8-56 (even) and 7-55 (odd) North Street
 - CZ4: Numbers 18-46 (even) High Street

Conditions

- 2.2 The following conditions are proposed to apply to the LDO:
- Tables and chairs are placed adjacent to the building and do not extend more than 4 metres from the building frontage into the highway or beyond the length of the frontage of the premises.
 - The external seating area leaves a minimum unobstructed footway width of 3 metres, extending to 3.7 metres in pedestrianised streets.
 - Where the proposed seating area is more than a single row of tables and chairs, the seating area is marked out on the highway by temporary barriers not exceeding a height of 1 metre.
 - The external seating area is not used outside the hours of 8am to 11pm, with all furniture and equipment is removed from the highway at the end of each day.

- No marks or studs are placed on the highway, and nothing is fixed into the surface of the highway.
- Any lighting provided to the pavement cafe is attached to the building.
- Design of the café area, including barriers and materials used, must be of high quality and appropriate to the character area, as defined in the supporting design guide for the applicable character zone (CZ).
- A Street Trading License has been obtained.

3 Justification

- 3.1 The aim of the LDO is to contribute to the vitality and attractiveness of Romford town centre, by creating a welcoming environment that caters for a mix of users and encourages people to stay within the town centre. Romford has a vibrant day and night time economy, but there is a need to diversify this so that the town centre, particularly at night, is more attractive to all groups. This will become increasingly important as the number of town centre residents increases; the Romford Area Action Plan provides for at least 1500 additional homes within the town centre.
- 3.2 The recent review of the Council's licensing policies in combination with the Regeneration (Projects) Team's South Street project provided the opportunity for the Council to pilot an LDO as a proactive management tool to support regeneration objectives within the town centre.
- 3.3 Pavement cafes could and should play a part in Romford's busy street life, however the current regulation process for pavement cafes is poorly defined and regulated by two functions within the Council – Planning Control and Licensing. The lack of a clear process for obtaining consent likely discourages many businesses from establishing pavement cafes; those pavement cafes that have been established in the town centre generally do not have the appropriate permissions.
- 3.4 The adoption of an LDO will serve to simplify the regulation process for businesses in the town centre, through the removal of planning delay and associated cost, and thereby eligible premises will be encouraged to establish well-designed pavement cafes that make a positive contribution to the street scene.
- 3.5 Currently planning applications for pavement cafes are largely determined based on highways and environmental health considerations, which are appropriately covered under the Council's licensing regime as per the London Local Authorities Act 1990 (as amended); under the Act local authorities may grant temporary street trading licences for pavement cafes, including the hours during which the café may operate. An appropriate charging schedule is currently under review.
- 3.6 The design guidance accompanying the LDO will ensure that any pavement cafes established make a positive contribution to the appearance of the town centre and assure businesses that regulations are applied consistently to all eligible premises.

4 Supporting Policies

- 4.1 The LDO is consistent with and supports the implementation of the Romford Area Action Plan, specifically policies ROM8, ROM10 and ROM11; ROM8 seeks to diversify the day and evening economy and ROM10/11 require active frontages on non-retail uses within the Retail Core and Retail Fringe Areas. In addition, ROM8 and ROM10 encourage more restaurants in the town centre, particularly in the frontages of 72-116 (even) and 87-131 (odd) South Street.

- 4.2 The LDO does not influence the mix of uses within the town centre. The establishment of non-retail uses within the Retail Core and Retail Fringe Areas is determined against the criteria within ROM10 and ROM11, which restrict the number and concentration of non-retail uses in the town centre. Premises establishing a pavement café under the LDO must already have planning permission for an eligible use.

5 Lifetime of the LDO

- 5.1 The LDO will be in force for a period of three years from the date of adoption. The roughly equates with the timeline for the scheduled review of the Romford Area Action Plan. At the end of three years the LDO will expire. It will therefore cease to apply on the day following the third anniversary of the adoption of the order. Development which has started under the provision of the LDO will be allowed to continue to operate following the expiry of the LDO without planning permission to the end of the period for which the Street Trading Licence has been obtained.

6 Monitoring

- 6.1 The LDO will be formally monitored within the LDF Annual Monitoring Report, published annually, which will highlight how many pavement cafes have been established under the LDO and the general impact of the LDO on the town centre. This will be done by tracking the number of licenses issues in areas covered by the LDO; premises are required to gain a Highways License and Street Trading License.
- 6.2 During the first six months of implementation, the Council will actively monitor the establishment of pavement cafes to ensure that the LDO is operating effectively and that any applicable conditions are complied with.

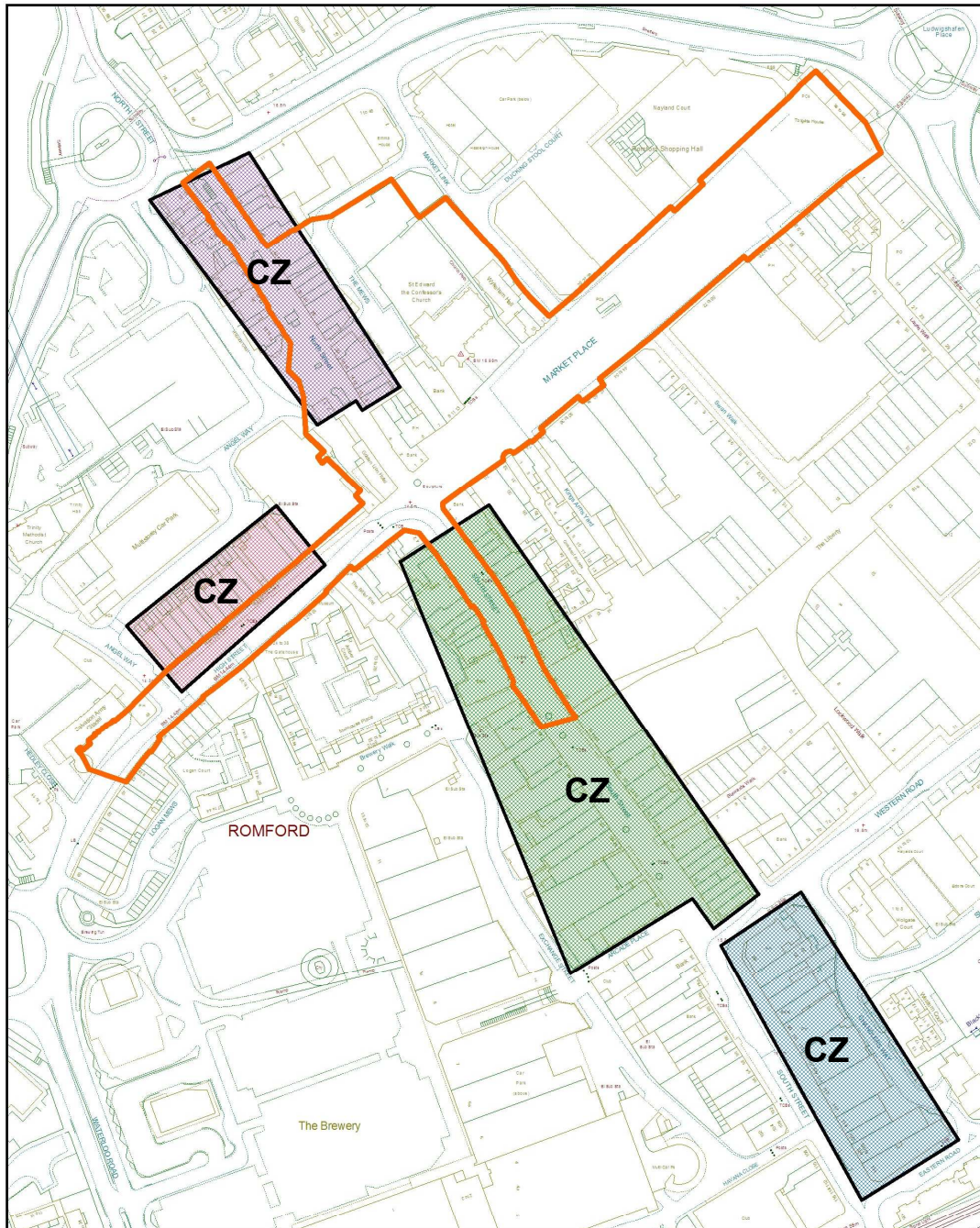
7 Heritage Considerations

- 7.1 The impact of the LDO on designated heritage assets has been considered in line with the guidance in PPS5, and the borough's Heritage Officer considers that their significance will not be harmed by the measures set out in the LDO. As temporary structures, pavement cafes do not permanently alter the conservation area or any of the buildings therein.
- 7.2 The regulations governing LDOs state that an LDO must not be made to grant planning permission that would affect a listed building. The three listed buildings within Romford Town Centre are not included within the LDO area, and there is a clear separation between the listed buildings and the LDO boundaries.
- 7.3 While there are no listed buildings located within the LDO areas, the Grade II listed Golden Lion Public House at no.2 High Street is in closest proximity to the LDO areas. Because the LDO only allows for the temporary placement of tables and chairs on the public highway, the Council does not consider that the LDO will affect the Listed Building at no.2 High Street.
- 7.4 Two of the four areas of coverage are entirely within the Romford Conservation Area, and a third is partially within the Conservation Area. The area specific design guidance included in the LDO will ensure that any pavement cafes established are sympathetic to the character of the town centre and contribute to a coherent street scene; this consistent application of minimum standards is especially important within the Conservation Area which is currently designated as 'at risk' by English Heritage.

8 Amenity and Community Safety

8.1 Amenity and community safety concerns relating to pavement cafes are controlled through non-planning regulations. Licensing regulations cover hours of use and health and safety considerations. The Council considers that licensing regulations are sufficient safeguard amenity and community safety within the town centre under the LDO.

Map 1 Proposed LDO Areas of Coverage



LDO Proposed Areas of Coverage		Map Reference: TQ5188NW	↑ N
	Scale @ A4 1:2500 Date: 14/12/2010	Scale 0 25 50 75 100 125 m	
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CABINET 16 November 2011	REPORT

Subject Heading:

King George's Playing Fields, Eastern Avenue West, Romford

Proposed grant of lease for the development of a 5 a-side football complex.

'In principle' decision to grant a 30 year lease, which is a 'deemed disposal' under S.123 of the Local Government Act 1972.

Cabinet Member:

Councillor Andrew Curtin: Cabinet Member for Culture, Towns and Communities.

Councillor Roger Ramsey: Cabinet Member for Value

CMT Lead:

Cynthia Griffin, Group Director – Culture and Community

Report Author and contact details:

Garry Green
LBH Property Strategy Manager
Tollgate House, 96-98 Market Place,
Romford RM1 3ER

Policy context:

Culture Strategy 2007 – 2012

Sport and Physical Activity Strategy 2010 – 2012

Financial summary:

Final terms yet to be agreed.

Is this a Key Decision?

No

Is this a Strategic Decision? No

When should this matter be reviewed? Not applicable

Reviewing OSC:

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input checked="" type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

The development of a 5 a-side football Centre within the Borough has been a long standing objective of the Council. The chosen site at King George's Playing Fields is designated as open space and as such there is a statutory duty for the Council to seek objections and representations to the grant of a lease of the land. This report deals with the process undertaken to satisfy statute in connection with the proposed grant of a 30 year lease to Playfootball Limited.

RECOMMENDATIONS

That Cabinet:

1. Consider the objection raised to the grant of a lease of part of King George's Playing Fields for a term of 30 years.
2. Determine whether disposal of the open space by way of the lease to Playfootball Limited should proceed in view of the objection received.

REPORT DETAIL

1. At the Cabinet meeting on 17th March 2010 (Minute No. 103), Members agreed to appoint a 'preferred partner' to work with the Council in the provision of a 5 a-side football centre within the Borough, the preferred partner being Playfootball Limited.

2. In February 2011 (Minute 11/23), an executive decision was taken by the Cabinet Member for Culture, Towns and Communities to locate the new facility at King George's Playing Fields.
3. Provisional terms for a lease to Playfootball have now been agreed including a lease term of 30 years. As the demise is designated as open space pursuant to S.10 of the Open Spaces Act 1906, the proposal is regarded as a disposal of open space as defined by S.123 of the Local Government Act 1972.
4. Under the 1972 Act the Council is required to invite any objections or representations from the public for the 30 year lease by advertising the proposal in a local newspaper for two consecutive weeks.
5. Legal Services placed advertisements in the Romford Recorder on 12th & 19th August 2011 with a closing date for objections of 9th September 2011. One objection was received by the deadline and is attached as an appendix to this report. The Act now requires the Council to consider the objection before proceeding with the grant of the lease.
6. The main concerns raised in the objection letter are as follows;
 - Lack of car parking resulting in overspill in adjoining roads – The proposal is to extend and improve the current car parking provision. Together with better bay marking and management it is felt that the current situation will be improved despite the increased use.
 - Increase in pollution caused by additional traffic and lighting – These will increase but are matters which will need to be addressed as part of the planning application. Any adverse effects of the development will be minimised by the use of good design.
 - The loss of open space within the park – The Playing Fields are of a significant enough size to accommodate all of the proposed uses for the land whilst retaining a large openly available park. To clarify the existing size of the park is 22.7 acres with 2.1 acres being dedicated to the proposed football facility – plan attached.
 - The current provision for football within the park is already at an adequate level – What is being proposed is substantially different to the current provision. It has been shown that there is a strong demand for this facility within the Borough.

REASONS AND OPTIONS

Reasons for the decision:

1. The Council has a statutory duty to consider objections raised to the 'deemed disposal' of land designated as open space.
2. At the deadline for objections only one was received. This now requires consideration by Cabinet.

Other options considered:

1. Other locations have previously been considered for the proposed development and have been discounted.

IMPLICATIONS AND RISKS

Financial implications and risks:

The Executive Decision in February 2011 (Minute 11/23) stated within the financial implications section that the rent for the new lease would be at a market rate, given the restrictions of the chosen site.

Legal implications and risks:

The Council is required to advertise and consider any representations received before disposing of land held as open space, which definition effectively includes all parks in the borough. Failure to do so would potentially invalidate the disposal. However, the Council just has to fairly consider any representations made and make a decision in light of those representations. The making of representations doesn't prevent the Council from making the disposal as such. Reasons are given in the report as to why the representation is not of sufficient weight to prevent the disposal proceeding.

Human Resources implications and risks:

There are no human resource implications or risks contained in this report.

Equalities implications and risks:

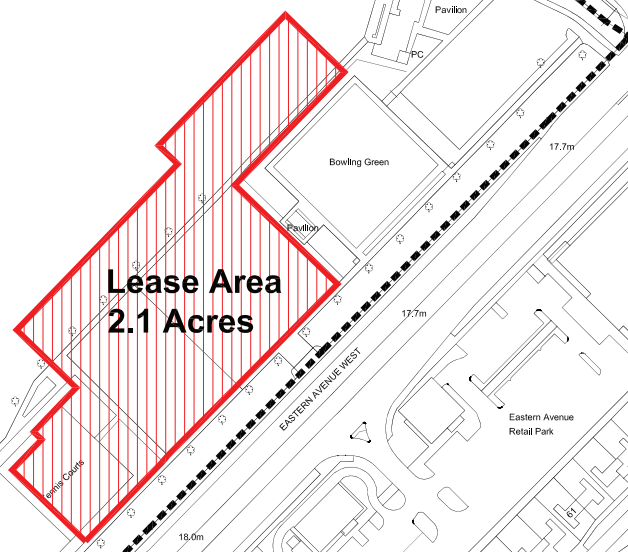
There are no equalities implications or risks contained in this report.

BACKGROUND PAPERS

1. Letter of objection received on 31st August 2011.
2. Site Plan

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King George's Playing Fields 22.7 Acres



**Lease Area
2.1 Acres**

No	Revisions	Date	Notes

Job Title: King Georges Playing Field Eastern Avenue West Romford	Date: October 2011
Drawing Title: Proposed 5-a-side Centre Lease	Drawing Number: sps1318



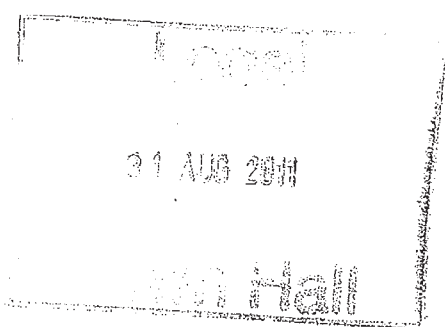
Strategic Property Services

Tollgate House | 96-98 Market Place | Romford | RM1 3ER
 Telephone: 01708 434343 | Internet: www.havering.gov.uk
 email: propertyservices@havering.gov.uk

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30th September 2011

Dear Sir,

I must write to you Re the proposed selling of the land in King Georges Playing Fields. This is going to spoil the park as it is now we do not need this. We have foot ball in the park now we donot want foot ball 7 day a week 365 day's a year. This is going to increase traffic to the area pollution will increace. The most important is the parking as I live in Susan Close we have trouble with parking on a Sat/Sun when foot ball is on .You will not have enough parking in the park even though you propose to increace the car park. People will park in the side road's because not enough space is provided. I do not want more parking in the road's around here. This has been proved as you did not allow for parking when you built the hospital the road's in Rush Green are full of people who work in the hospital. The light pollution from this is going to be a problem light will spill out even though you say it is special lighting. I know this is going to fall on deaf ears but we must keep the park as it is this is green fields not for building on. Once again we do not need this development.

Sincerely yours,

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CABINET 16 November 2011	REPORT

Subject Heading:

Hornchurch Country Park
South End Road
Rainham

Proposed Ingrebourne Hill Extension

Cabinet Member:

Councillor Roger Ramsey – Value
Andrew Curtin – Culture, Towns & Communities

CMT Lead:

Andrew Blake-Herbert

Report Author and contact details:

Garry Green
Property Strategy Manager
LBH Strategic Property Services
Tollgate House, 96-98 Market Place
Romford, RM1 3ER

Tel: 01708 43 2566 direct
E-mail: Garry.Green@havering.gov.uk

Policy context:

Revenue Generation & Improvements to Park

Financial summary:

Estimated income for a set period, as set out in an exempt appendix to this Report.

Is this a Key Decision?

Yes

Is this a Strategic Decision?

No

When should this matter be reviewed?

N/A

Reviewing OSC:

Value

The subject matter of this report deals with the following Council Objectives

- | | |
|--|-------|
| Ensuring a clean, safe and green borough | [√] |
| Championing education and learning for all | [] |
| Providing economic, social and cultural activity
in thriving towns and villages | [√] |
| Valuing and enhancing the lives of our residents | [√] |
| Delivering high customer satisfaction and a stable council tax | [√] |

SUMMARY

Proposed extension of Ingrebourne Hill northwards on 32 acres / 12.95 hectares of Council owned land within Hornchurch Country Park to just south of Albyns Farmhouse in order to provide a more interesting profiled and managed forested / wetland landscape whilst generating an income receipt to the Council from a pre-agreed share of the revenues from the deposit of inert material on the land, in association with Ingrebourne Valley Limited (the company), and a saving in Parks Service maintenance.

RECOMMENDATIONS

1. That it is agreed 'in principle' that the Council is to enter into a conditional Option Agreement with Ingrebourne Valley Limited to allow them a secure period within which to seek planning consent and the necessary environmental permits for the proposed inert waste depositing to form the Ingrebourne Hill extension and within which the Council is to undertake public consultation under the requirements of S.123 (2A) of the Local Government Act 1972 concerning interests being granted in respect of public open space. The agreement is to include an income share between the company and the Council for the deposit of inert waste.
2. That it is agreed 'in principle' that the Option Agreement is to include a right for the company, once satisfactory planning permission and environmental permits are obtained and the public consultation process under S.123 (2A) Local Government Act 1972 is concluded, thereafter within a defined timescale to take a pre-agreed form of short lease for the depositing of the inert waste, together with an obligation to take a pre-agreed form of a 99 year lease from the Council for forestry planting and wetland management obligations once the depositing works are complete.
3. That it is agreed 'in principle' that the Option Agreement is to give the company the right to pass on the forestry planting and wetland management obligations by way of a co-terminus Management Agreement with DEFRA / the Forestry Commission on the payment to it of an agreed dowry from the company – subject to the acceptance of the scheme by the Forestry Commission.
4. That it is agreed that, once a planning permission has been applied for by the company, the Council is to commence the S.123 (2A) Local Government Act 1972 process of advertising in two consecutive weeks in a newspaper circulating in the area in which the land is situated notifying the Council's intentions to grant lease rights over the land, which is held as public open space and forming part of Hornchurch Country Park. Any objections

received are to be reported on at the earliest opportunity for consideration by Cabinet.

5. That it is agreed that the responsibility for the completion of all necessary contractual documentation be delegated to the Assistant Chief Executive – Legal & Democratic Services, in conjunction with the Property Strategy Manager.

REPORT DETAIL

This report proposes the extension of Ingrebourne Hill northwards on Council owned freehold public open space land within Hornchurch Country Park to just south of Albyns Farmhouse in order to provide a more interesting profiled and managed forested / wetland landscape whilst generating an income receipt to the Council from a pre-agreed share of the revenues from the deposit of inert material on the land, in association with Ingrebourne Valley Limited, and making a long term notional annual saving from a transfer of maintenance obligations for the land to the company. The income stream will offer a short term revenue saving to the Council, as set out in Exempt Appendix 6.

It is proposed to grant an option agreement to the company for a period within which it can endeavour to obtain planning permission and necessary environmental permits and within which the Council is to undertake public consultation under the requirements of S.123 (2A) of the Local Government Act 1972 concerning proposals affecting public open space.

The site is close to the Ingrebourne Marshes Site of Special Scientific Interest and the Grade II Listed Albyns Farmhouse and adjacent Barn. These are issues that will need to be addressed in the planning application.

If and when a satisfactory planning consent and environment permits have been granted and the S.123 (2A) Local Government Act 1972 public consultation process is concluded by the Council, the company will have the right within a defined timescale to take a short lease for a defined period of years from the Council within which the company will be permitted to deposit inert waste material on the land in order to extend the existing Ingrebourne Hill in a northerly direction to just short of Albyns Farmhouse.

The Council would simultaneously enter into an agreement with the company for the grant of a pre-agreed form of a 99 year forestry planting / wetland management lease to commence from the completion of the inert waste depositing works. A wetland area is proposed to be created as part of the scheme in the north-east corner of the land, just south of an existing lake in the Park.

The company have had discussions with DEFRA / Forestry Commission who have indicated that 'in principle', on the payment of a dowry by the company, they would be interested in taking a 99 year Management Agreement from the company to

take on the responsibility for the forestry planting / wetland and long term maintenance of the land. This will be subject to a Forestry Commission assessment of whether the inert waste depositing works have been carried-out to a satisfactory standard for them to take on the scheme.

A DEFRA report has shown the land to be of poor quality and the proposed scheme will improve the top soil.

The Council is to receive a pre-agreed share of the company's receipts from the permanent deposit of inert material on the land to be demised, which is as shown edged red on plan sps 0741/1 at Appendix 1 to this Report. Details of the receipt are set out in the 'agreement' and Heads of Terms at Exempt Appendix 5 and the financial information at Exempt Appendix 6.

The existing and proposed landform contours and cross-section profiles for the subject land are as shown on Plans 92046/IH/1, 92046/IH/2 & 92046/IH/3 which are Appendices 2, 3 & 4 to this Report.

The proposed lorry access route over the company's land from Rainham Road up to the site is as shown shaded yellow on plan sps 0741/1 at Appendix 1.

The proposed route for the company to gain access from South End Road over the Council's unadopted access road with light vehicles to any site office and car park proposed to be located on the demised land, for the duration of the inert material deposit lease, is shown shaded blue on plan sps 0741/1.

It is intended to prohibit the company from parking on this access road from South End Road and in the small Hornchurch Country Park car park located just short of Albyns Farmhouse for site works parking.

It is intended to grant rights to the company for them to be able to install, entirely at their own expense, any necessary cables and pipes for the supply of electricity, water and telecoms alongside the Council's unadopted access road (shaded blue on plan sps 0741/1) from South End Road to the demised land for utility services required for the company's proposed site office, etc. for the duration of the inert material deposit lease term.

There are footpaths running through the demised land. The company will be granted rights to construct, divert, make use of, or repair roads or ways (including public footpaths and bridleways) over the demised land which may be necessary or convenient for the effectual deposit of the inert material.

There will be a notional saving to the Parks Service maintenance budget arising out of not having to mow the grass and maintain paths once the lease has been granted for the company to proceed to deposit inert material on the land and continuing for the duration of the 99 year forestry / wetland provision & maintenance lease. These savings are small in the context of the budget for the maintenance of this Park.

Any surveying of the land to be demised in preparation for the submission of a planning application and their application for necessary environmental permits is advised to be capable of being undertaken by the company without the need to close the land to the public. However, the land is thought likely to be closed to the public for period of around 3 years, whilst the Ingrebourne Hill extension is formed from inert waste deposits and the land is planted with trees and generally landscaped.

Estimated timings are as follows –

- Year 1 (2012) - obtaining planning consent & environment permits - Full Public access
- Year 2 (2013) - inert deposit works to extend Ingrebourne Hill - No public access
- Year 3 (2014) - inert deposit works to extend Ingrebourne Hill - No public access
- Year 4 (2015) - planting works - No public access

Once works are completed, the demised land will be opened up again for the use and enjoyment of the general public as community woodland providing access to all members of the public for leisure and recreation purposes at no charge.

Under S.123 (2A) of the Local Government Act 1972, there is a need, before ‘disposing’ of such land, to advertise the Council’s intentions in two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections to the proposed ‘disposal’ (in this case the grant of lease rights and obligations) which may be made to the Council. It is intended to give a period of 28 calendar days, from the publication of the first notice, within which any objections are to be received by the Council. It is proposed that this process is undertaken once an application for planning permission has been submitted by Ingrebourne Valley Limited for the proposed scheme.

REASONS AND OPTIONS

Reasons for the decision:

It is seen by the Council as desirable to make improvements to the landscape profile of Hornchurch Country Park, which is currently relatively flat. The extension of the Ingrebourne Hill and subsequent tree planting / wetland in a managed scheme will provide a more interesting landform and features.

The proposal also has the benefit of producing for the Council –

- (a) a share of significant receipts from the company’s rights to deposit inert material on the land, and
- (b) an ongoing saving from the transfer of the long term maintenance of the land to the company, which it will be required to use best endeavours to pass onto DEFRA / Forestry Commission by way of a Management Agreement on the payment of a pre-agreed dowry from the company.

The land will be contracted to be opened up again for the use and enjoyment of the general public as community woodland once the inert material deposit and forestry planting / wetland works are complete.

Other options considered:

It would be unacceptable for lorries to gain access to the subject land from South End Road utilising the Council's unadopted road shaded blue on plan sps 0741/1 at Appendix 1, as this would be incompatible with the retention of public access to the remainder of Hornchurch Country Park during the period of the inert material deposit works.

Ingrebourne Valley Limited control the land to the south, including the proposed lorry access off an existing entrance in Rainham Road, ¼ of a mile (0.4 km) to the north of the Dovers Corner roundabout, and therefore there are no alternative proposals identified that can be pursued by the Council with other companies.

An option not to proceed has been considered, but rejected as it would be passing over a good opportunity to improve the landscape profile of Hornchurch Country Park, whilst gaining a much needed income receipt to the Council and tree planting / wetland and long term management scheme producing long term maintenance savings to the Council.

IMPLICATIONS AND RISKS

Financial implications and risks:

The Council will have the right to receive a pre-agreed share of receipts from the deposit of inert waste material on the 32 acre / 12.95 hectare land in question.

Projected income receipt information is set out in Exempt Appendix 6 to this Report.

The method of calculation of the quarterly receipt is proposed to be set out in the documentation, along with an initial, annual and final geometric survey data check on the amount of material actually deposited on the land. Rights are proposed to be reserved in the documentation for the Council to inspect the company's site deposit records. The income to be received is for rights to be granted; the transactions as a whole are not viewed as a disposal, so the income received to can be taken to revenue, not having to be treated as a capital receipt.

The documentation will provide for the company to provide, free of charge to the Council, its geometric survey data on each occasion for checking by a surveying company to be commissioned by the Council.

The cost of the Council verifying the accuracy of the geometric survey data received on, say, 4 occasions will be a cost that will need to be paid from the Council's share of the inert material deposit receipts. Such costs are currently estimated at £1,000 per survey, giving a total estimated cost of £4,000.

If planning permission and necessary environmental permits are obtained and the company proceeds to take a lease for the deposit of the waste (and after that a long lease for the forestation of the extended Ingrebourne Hill), there will be no longer be a need for the Council's Parks Service to mow the grass, or maintain paths, producing a notional saving. The savings are small in the context of the budget for the maintenance of this Park.

There is a risk that acceptable planning permission and environment permits will, either, not be forthcoming, or, be difficult to get and slip the timetable, particularly if there is a lot of public opposition to the scheme.

Legal implications and risks:

This is a relatively complicated matter, but it can be dealt with using internal resources with normal conveyancing processes.

It is considered that the Council has the necessary statute consent to enter into this transaction, subject to the need under S.123 (2A) of the Local Government Act 1972 before 'disposing' (in this case granting lease rights and obligations) over public open space land, to advertise the Council's intentions in two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections to the proposed 'disposal' which may be made to it.

It is intended to give a period of 28 calendar days from publishing the first notice within which any objections are to be received by the Council. Any objections received are to be reported on at the earliest opportunity for consideration by Cabinet. It is proposed that this process is undertaken once a planning permission for the scheme has been submitted by Ingrebourne Valley Limited.

Human Resources implications and risks:

If planning permission and environmental permits are obtained and the Council has considered objections submitted under the 1972 Act and the company proceeds to take a lease for rights to deposit inert material on the land (and after that a long lease for the forestry planting, the establishment of the wetland area and subsequent maintenance of the extended Ingrebourne Hill), there will be no longer be a need for the Council's Parks Service to mow the grass / maintain paths for the duration of the inert waste deposit short lease, and the 99 year maintenance lease.

This will have a small human resources implication, but will not entail losing any Council maintenance staff.

Equalities implications and risks:

Once works are completed, the land will be contracted to be opened up again for the use and enjoyment of the general public as community woodland, without discrimination. The landscaping will be mindful of equal opportunities for all, as far as possible.

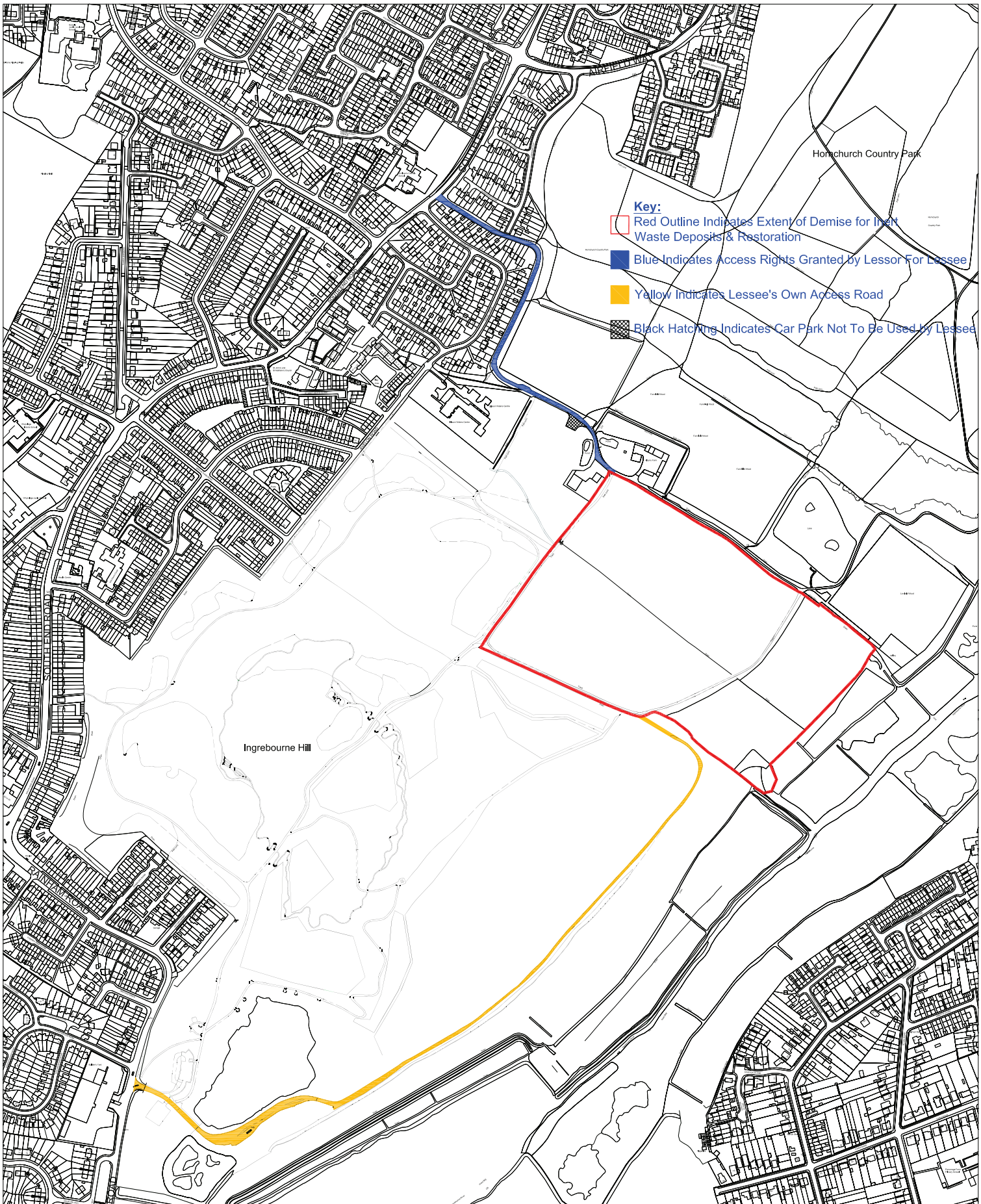
BACKGROUND PAPERS

Disclosable

1. Plan sps 0741/1 showing proposed Ingrebourne Hill Extension land to be leased, including lorry and light vehicle access routes.
2. Plan 92046/IH/1 showing the existing Ingrebourne Hill landform.
3. Plan 92046/IH/2 showing proposed Ingrebourne Hill extension landform after the proposed deposit of inert waste material.
4. Plan 92046/IH/3 showing illustrative cross-sections in two directions for the existing landform and the proposed landform.

Exempt

5. Indicative Heads of Terms
6. Projected income receipt to the Council



- Key:**
- Red Outline Indicates Extent of Demise for Inert Waste Deposits & Restoration
 - Blue Indicates Access Rights Granted by Lessor For Lessee
 - Yellow Indicates Lessee's Own Access Road
 - Black Hatching Indicates Car Park Not To Be Used by Lessee

Ingrebourne Hill

Hornchurch Country Park

No	Revisions	Date	Notes

Job Title:
Hornchurch Country Park
Ingrebourne Hill Extension

Drawing Title:
Inert Waste Lease

Date:
October 2011

Scale:
1:5000

Drawing Number:
sps0741/1






Havering
LONDON BOROUGH

Strategic Property Services

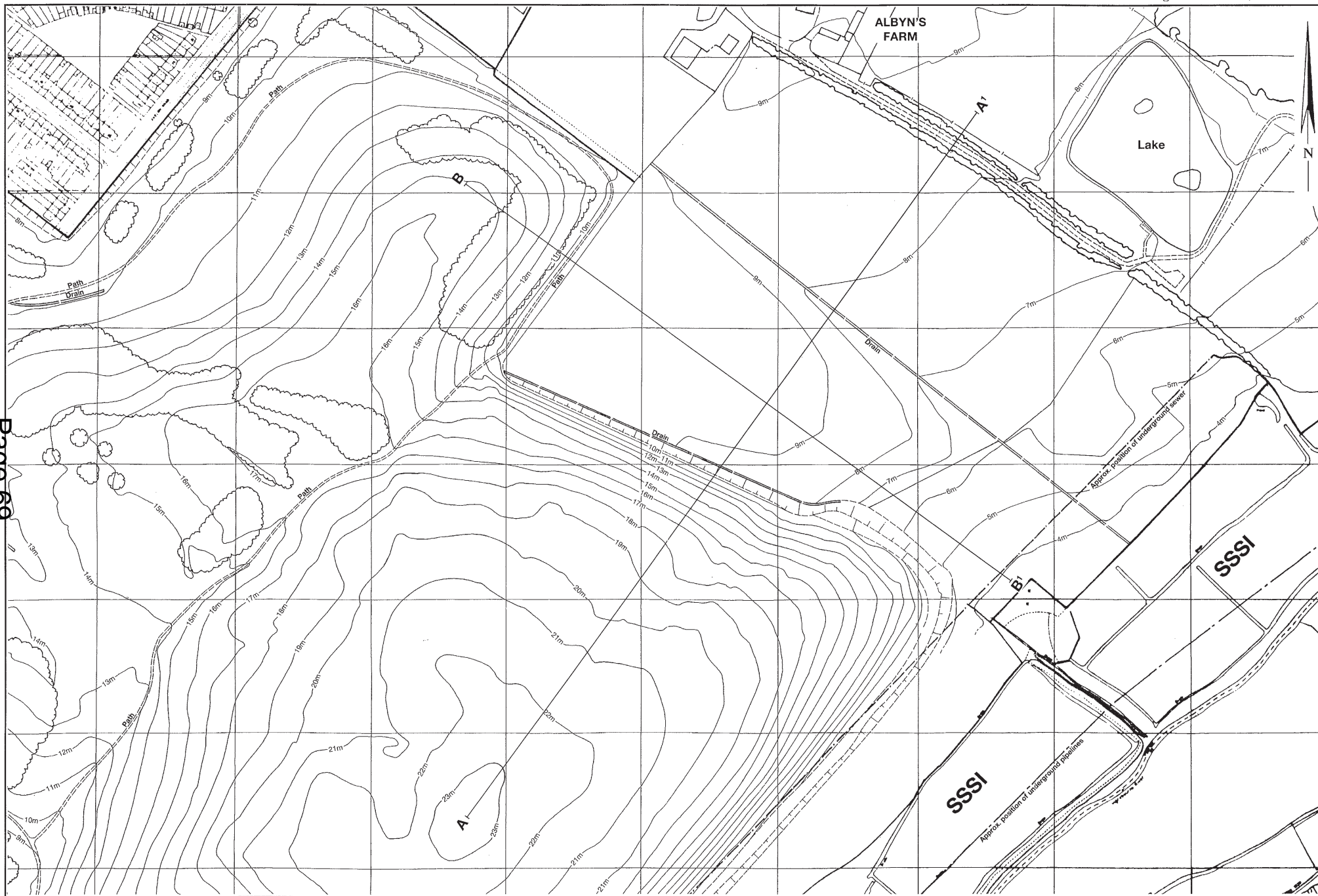
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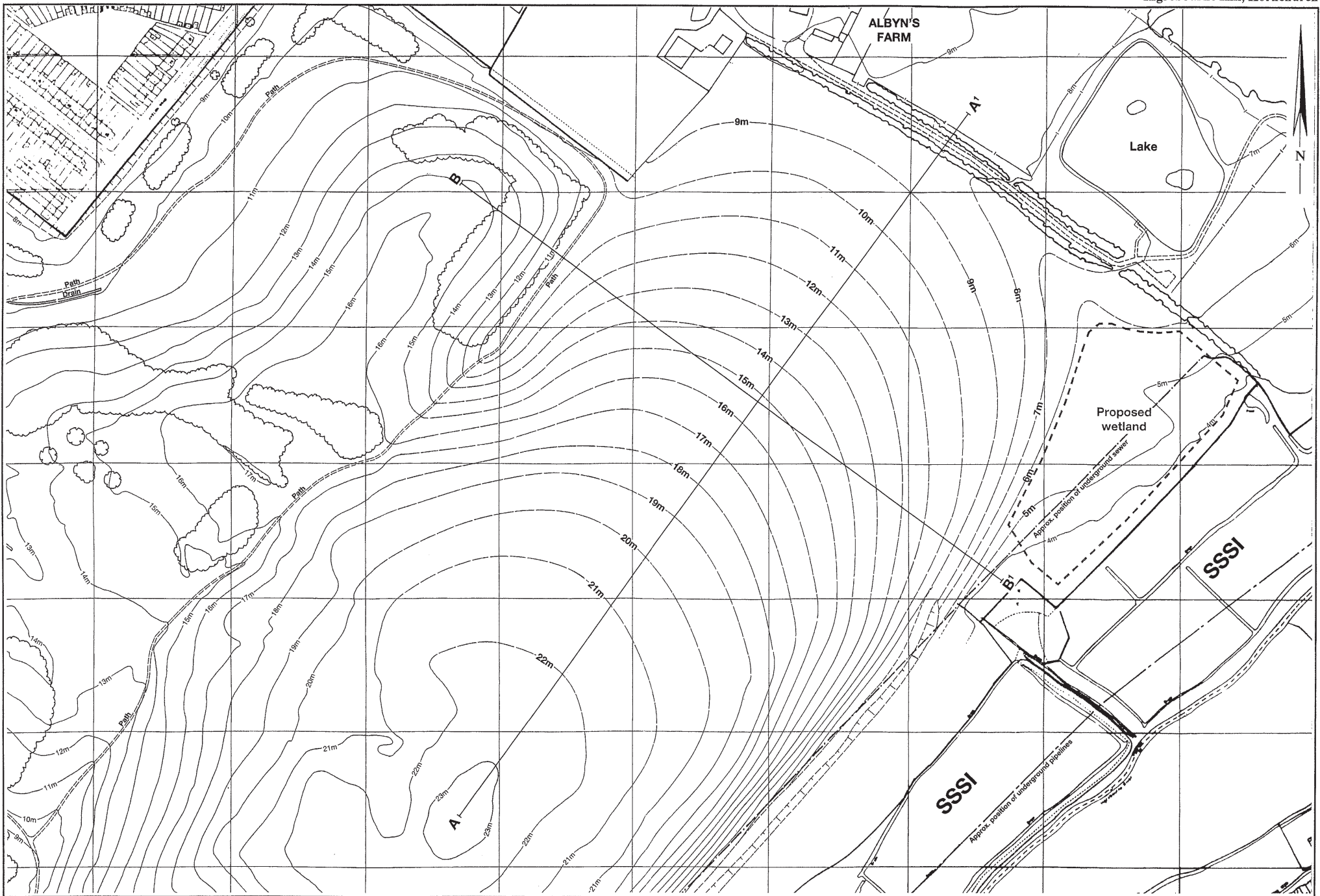
  

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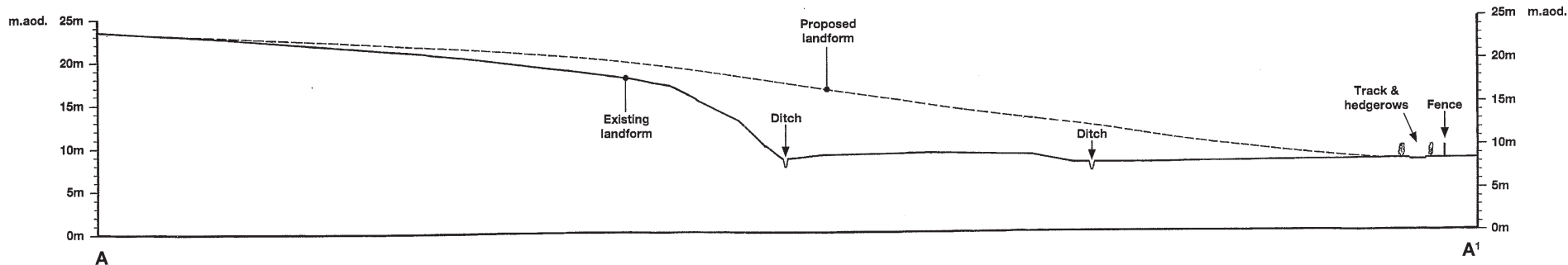
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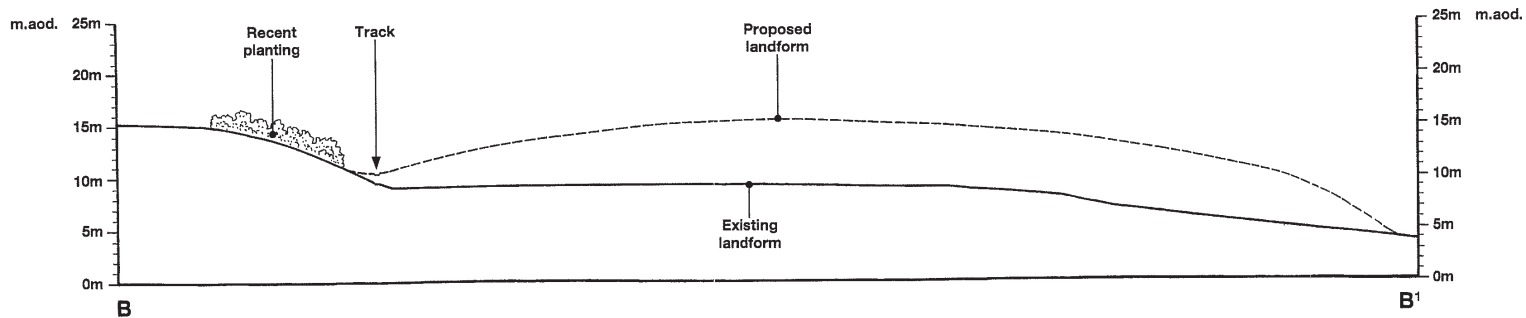
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SCALE - (HORIZONTAL) 1:2,000; (VERTICAL) 1:500
Vertical exaggeration - 4:1



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of the Local Government Act 1972.

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