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## MINUTES OF A CABINET MEETING Council Chamber - Town Hall Wednesday, 16 November 2011 (7.30 - 8.15 pm)

### **Present:**

Councillor Michael White (Leader of the Council), Chairman

Councillor Michael Armstrong  
Councillor Robert Benham  
Councillor Andrew Curtin  
Councillor Lesley Kelly  
Councillor Steven Kelly (Vice-Chair)  
Councillor Roger Ramsey  
Councillor Paul Rochford  
Councillor Geoffrey Starns

### **Cabinet Member responsibility:**

Transformation  
Community Empowerment  
Culture, Towns & Communities  
Housing  
(Deputy Leader) Individuals  
Value  
Children & Learning  
Community Safety

An apology for absence was received from Councillor Barry Tebbutt.

Councillors Clarence Barrett, Denis Breading, David Durant, Linda Hawthorn, Paul McGeary, Pat Murray, Denis O'Flynn and Garry Pain also attended.

6 members of the public and 2 representatives of the Press were present.

The decisions were agreed with no vote against.

There were no declarations of interest.

Agenda items 5 and 6 concerning the requisition of Cabinet decisions relating to the review of community halls and the approval of the preferred development partner for the Briar Estate, respectively, were not dealt with as the Towns and Communities Overview & Scrutiny Committee had declined to support the requisition of the decisions referred to in those items.

## 35 **MINUTES**

The minutes of the meeting of Cabinet held on 26 October 2011 were agreed as a correct record and signed by the Chairman.

36 **PROPOSED PROVISION OF A SHARED CIVIL CONTINGENCIES SERVICE FOR BARKING AND DAGENHAM, WALTHAM FOREST AND HAVERING**

*Councillor Geoffrey Starns, Cabinet Member for Community Safety, introduced the report*

The report before members proposed that Havering join, on a pilot basis, the existing joint Civil Contingency arrangement operated by the boroughs of Barking and Dagenham and Waltham Forest. It was explained that the proposal had been brought forward within the East London Solutions initiative for efficiency opportunities arising through partnership working.

It was announced that the outcomes of the pilot would be reviewed and evaluated in April 2012 to assess the merits or otherwise of formalising the arrangement across the three boroughs.

**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 the report had come through the East London Solutions work which aims to deliver such efficiencies. The potential merits and opportunities arising from the initiative meant 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 had shown that a pilot arrangement to assess compatibility had proved to be the most effective approach. In addition, there would be more complicated human resource implications to address. There was also the need to ensure adequate resource given the Olympics.

Cabinet **AGREED:**

- 1 **That Havering share resources on a pilot basis with the single Civil Contingencies service between Barking & Dagenham and Waltham Forest.**
- 2 **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.**

37 **HAVERING LOCAL DEVELOPMENT FRAMEWORK - APPROVAL OF ROMFORD TOWN CENTRE PAVEMENT CAFES LOCAL DEVELOPMENT ORDER (LDO) FOR ADOPTION**

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

It was explained that the Council and its partners were 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 would make Romford a more attractive place to visit, work and live and would assist its response to the competition provided by Lakeside, Bluewater and Westfield at Stratford.

The report recommended 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) was recommended to deliver this. LDOs enabled 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 were 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 would be at least as stringent as the controls previously imposed when planning permissions were granted to individual businesses. The controls aimed 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 provided controls on the signage associated with the café.

It was explained that 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 was A3 (Restaurants and Cafés) or A4 (Drinking Establishments). It included design guidance specific to each area to ensure the protection and enhancement of the Conservation Area.

It was noted that 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.

It was emphasised that 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 outlined the purpose of the LDO, the regulatory process and results of the consultation on the proposed LDO.

**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 were 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 would continue to require individual planning permissions, imposing an unnecessary regulatory burden on local businesses, and involving additional work and costs for the Council.

Cabinet **AGREED:**

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

**38 KINGS GEORGE'S PLAYING FIELDS, EASTERN AVENUE EAST, ROMFORD - PROPOSED GRANT OF LEASE FOR THE DEVELOPMENT OF A 5-A-SIDE FOOTBALL COMPLEX**

*Councillor Andrew Curtin, Cabinet Member for Culture, Towns and Communities, introduced the report*

It was explained that the development of a 5 a-side football Centre within the Borough had been a long standing objective of the Council. The chosen site at King George's Playing Fields had been designated as open space and as such there was a statutory duty for the Council to seek objections and representations to the grant of a lease of the land.

The report before members detailed the process undertaken to satisfy statute in connection with the proposed grant of a 30 year lease to Playfootball Limited.

**Reasons for the decision:**

1. The Council had 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 required consideration by Cabinet.
3. The matters raised by the objection were not considered to be serious enough to outweigh the benefits of the proposed development. Noise would be minimised as it would be located as far as possible from the residences at the perimeter and separate sign-posted car parking would be provided.

**Other options considered:**

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

Cabinet considered the objection raised and **AGREED**:

- 1 To proceed with the disposal of the open space by way of the lease to Playfootball Limited in view of the objection received**

**39 HORNCHURCH COUNTRY PARK, SOUTH END ROAD, RAINHAM - PROPOSED INGREBOURNE HILL EXTENSION**

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

It was proposed that an 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, be created in order to provide a more interesting profiled and managed forested / wetland landscape.

In addition, the proposal would generate 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.

**Reasons for the decision:**

It had been considered 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 would provide a more interesting landform and features.

The proposal also had 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 would 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 would 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 were 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 to the report, 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 were no alternative proposals identified that could be pursued by the Council with other companies.

An option not to proceed had 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.

Concern was expressed that the proposed lorry routes for the importation for the inert material would pass through residential areas. Staff explained that the company involved with the scheme had a proven track record in delivering such projects and minimising the impact on local residents.

Cabinet **AGREED:**

1. **in principle to the Council:**
  - **Entering 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,**
  - **Undertaking 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.**
  - **That the agreement would include an income share between the company and the Council for the deposit of inert waste.**
  
2. **In principle that the Option Agreement include a right for the company, once satisfactory planning permission and environmental permits had been obtained and statutory consultation 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 when the depositing works were complete.**
  
3. **In principle to the Option Agreement giving 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 once a planning permission had been applied for by the company, the Council initiate statutory consultation in accordance with S.123 (2A) Local Government Act 1972. Any objections received to be reported on at the earliest opportunity for consideration by Cabinet.
5. To delegate to the Assistant Chief Executive – Legal & Democratic Services, in conjunction with the Property Strategy Manager, the responsibility for the completion of all necessary contractual documentation.

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Chairman

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