

## **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 2 December 2013

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.30 pm

**Members Present:** C Whitbread (Chairman), Ms S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, Mrs A Grigg, D Stallan, H Uikun, G Waller and Mrs E Webster

**Other Councillors:** K Angold-Stephens, T Church, Ms J Hart, J Knapman, A Lion, A Mitchell MBE, G Mohindra, R Morgan, J Philip, Mrs C Pond, Mrs P Smith, Mrs L Wagland, Ms S Watson and J M Whitehouse

**Apologies:** -

**Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), J Chandler (Assistant Director (Community Services and Customer Relations)), A Cronin (Interim Assistant Director), A Mitchell (Assistant Director (Legal)), M Tipping (Assistant Director (Facilities Management & Emergency Planning)), J Twinn (Assistant Director (Benefits)), T Carne (Public Relations and Marketing Officer), C Pasterfield (Chief Estates & Valuation Officer), P Seager (Chairman's Secretary) and G J Woodhall (Democratic Services Officer)

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### **89. WEBCASTING INTRODUCTION**

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **90. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor J Knapman declared a personal interest in agenda item 12, Pooling of Non-Domestic Rates, by virtue of being a member of the Essex Fire Authority. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the issue.

### **91. MINUTES**

**Resolved:**

(1) That the minutes of the meeting held on 21 October 2013 be taken as read and signed by the Chairman as a correct record.

### **92. REPORTS OF PORTFOLIO HOLDERS**

There were no verbal reports from the Portfolio Holders present.

**93. PUBLIC QUESTIONS**

There were no questions submitted by the public for the Cabinet to consider.

**94. OVERVIEW AND SCRUTINY**

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meeting held on 26 November 2013:

- (a) a presentation on the consultation from Essex County Council regarding the future of their Children's Centres;
- (b) a presentation from some of the Members of the Youth Council outlining their activities during the past 18 months; and
- (c) a report on "Allocation of Costs" from a sub-group of the Finance & Performance Management Scrutiny Panel.

The Cabinet's agenda was reviewed and the Committee wished to raise the following issues:

- The Sale of Church Hill Car Park, Loughton - an assurance that the proposed 40% affordable housing would be maintained when the site at Church Hill Car Park was developed;
- Potential Strategy Options for Council Property Assets - Ward Members would be consulted before any decisions were taken on any of the Council's property assets;
- Safeguarding Audit & Resource Requirements - had the Council considered sharing a Safeguarding Officer with other nearby local authorities;
- Review of Licensing – Staffing & Budget - the Committee agreed the recommendations proposed by the Constitution & Member Services Scrutiny Panel regarding the review of the current Licensing arrangements, which would be reported to the next meeting of the Council; and
- Calendar of Council Meetings 2014/15 - the Committee agreed the recommendations in the report from the Overview & Scrutiny Review Task & Finish Panel which would require some adjustment to the dates listed for the Overview & Scrutiny Committee on the draft Calendar of Council Meetings.

**95. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 19 SEPTEMBER 2013**

The Portfolio Holder for Finance & Technology presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 19 September 2013.

The Cabinet Committee had made recommendations to the Cabinet regarding the revision of the Council's Corporate Risk Register and the Financial Issues Paper developed as part of the budget setting process for 2014/15. Other issues that the Cabinet Committee had also considered included the outturn report for Treasury Management in 2012/13, three financial consultation papers that had been issued by the Government during the summer, the Revenue and Capital financial monitoring

reports for the first quarter of 2013/14, and the Annual Governance Report prepared by the External Auditors.

**Decision:**

Corporate Risk Update

- (1) That the revised Corporate Risk Register be noted;
- (2) That no new risks were incorporated into the Corporate Risk Register be noted; and
- (3) That further clarification for Risk 3, Welfare Reform, be noted.

Budget 2014/15 – Financial Issues Paper

- (4) That the establishment of a new budgetary framework, including the setting of budget guidelines for 2014/15, be set including:
  - (a) the ceiling for Continuing Services Budget net expenditure be no more than £14.069million including net growth;
  - (b) the ceiling for District Development Fund expenditure be no more than £142,000;
  - (c) the balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement; and
  - (d) the District Council Tax not be increased, with the charge for a Band 'D' property remaining at £148.77;
- (5) That a revised Medium Term Financial Strategy for the period to 2017/18 be developed accordingly;
- (6) That communication of the revised Medium Term Financial Strategy to staff, partners and other stakeholders be undertaken;
- (7) That a detailed review of fees and charges, specifically parking charges, be undertaken; and
- (8) That reductions of 13.6% and 14.1% in parish support, in line with the reductions in the central funding received by this Council, be taken forward.

**Reasons for Decision:**

The Cabinet was satisfied that the Cabinet Committee had fully addressed all the relevant issues in relation to the recommendations and that these should be endorsed.

**Other Options Considered and Rejected:**

The Cabinet was satisfied that the Cabinet Committee had considered all the relevant options in formulating their recommendations. The Cabinet did not consider that there were any further options.

**96. THE SALE OF CHURCH HILL CAR PARK, LOUGHTON**

The Portfolio Holder for Asset Management & Economic Development presented a report on the sale of Church Hill Car Park in Loughton.

The Portfolio Holder stated that the car park was small with only 34 spaces and had been closed since 2006. The land was surplus to Council requirements and was not required by any of the Council's services for operational reasons. There had been very strong interest in purchasing the site and after a marketing campaign by Bidwells LLP, the Council's agent, 12 bids to purchase the site were received. The site currently had planning permission for the construction of eight 1-bedroom flats and two 2-bedroom flats, of which 40% would be reserved for affordable housing. As the site had been unused for seven years, it had an unkempt and run down appearance which would be vastly improved if it was re-developed.

The Cabinet generally welcomed the proposal as it represented a good deal for the Council. Some of the other Members present urged the Portfolio Holder to retain the 40% affordable housing, and it was questioned why the site had not been included in the Council Housebuilding Programme. The Portfolio Holder responded that the site was already being marketed for sale when the Programme was given approval; the Chief Estates Officer added that the Director of Housing was aware of the site but chose not to include it in the Programme.

**Decision:**

(1) That the sale of land known as Church Hill Car Park to the highest bidder, Constable Homes Ltd, for £858,000, plus the Council's reasonable legal costs, on an unconditional basis be agreed.

**Reason for Decision:**

To provide the Council with a substantial capital receipt.

**Other Options Considered and Rejected:**

To not sell the site and either attempt to lease the land or develop the site for residential and/or commercial use.

**97. POTENTIAL STRATEGY OPTIONS FOR COUNCIL PROPERTY ASSETS**

The Portfolio Holder for Asset Management & Economic Development presented a report on potential strategy options for Council property assets.

The Portfolio Holder was requesting additional funding to employ consultants to carry out design, valuation and costing of potential development for a number of properties in order for strategic decisions to be made regarding their future use, sale and development, which included making planning applications as necessary. By obtaining this data the Council could better assess the risks associated with the proposals, and these were not skills that were currently available within the Council. The sites that the Council wished to further evaluate were: the land adjacent to Oakwood Hill; North Weald Airfield; Town Mead Depot; The Broadway/Torrington Drive; Sir Winston Churchill Public House; St John's Road development area; Pylres Lane Nursery; and the formulation of an Economic Development Strategy. This was estimated to cost £160,000 in total.

It was highlighted that the Financial Issues Paper in September had recommended a ceiling for all District Development Fund Expenditure in 2014/15 of £142,000 and this report was proposing expenditure of £160,000 on this item alone. The Director of Finance & ICT responded that the figure quoted in the Financial Issues Paper was the estimate at the time and that it was subject to change as the budget setting process continued. The Portfolio Holder emphasised that the different sites needed different skills of evaluation and it might not be possible to engage one person to cover all the sites. The sort of skills required included Highways knowledge, Planning, and Flood Risks. The Cabinet agreed that it was important to get the proper advice for each site.

**Decision:**

(1) That a District Development Fund growth bid in the sum of £160,000 for 2014/15 be approved to cover specialist consultant feasibility costs for various different projects.

**Reasons for Decision:**

To achieve best value and the most efficient use of Council property assets.

**Other Options Considered and Rejected:**

To not progress the sites, however this would mean that the Council did not obtain information on costs, value and risks from professional consultants on which to base decisions regarding the future development of each site.

**98. LOCAL COUNCIL TAX SUPPORT SCHEME 2014/15**

The Portfolio Holder for Finance & Technology presented a report on the Local Council Tax Support Scheme for 2014/15.

The Portfolio Holder reminded the Cabinet that, as part of the major changes to the Welfare Benefits system, Council Tax Benefit had ended on 31 March 2013 and was replaced by a new scheme called Local Council Tax Support. A key principle of the scheme was the protection of people who were of an age where they could claim Pension Credit. The Government introduced Regulations to ensure that pensioners who had previously received Council Tax Benefit had continued to receive the same level of assistance they had prior to the Local Council Tax Support scheme being introduced. The Government funding to Councils for Local Council Tax Support in 2013/14 was set at 90% of what would have been available as subsidy if the Council Tax Benefit scheme had continued. Funding for 2014/15 was expected to reduce but the exact amount would not be known until later in the month.

The Portfolio Holder stated that development of the 2013/14 Local Council Tax Support scheme for Epping Forest had included consultation with the public and the major precepting authorities. It had sought to achieve cost neutrality, i.e. the cut in Government funding would be offset by making reductions in the amount of support that working age households could receive. A scheme that was not cost neutral was likely to result in cuts to services by the Council and other precepting authorities. It was too early to provide a definitive analysis of the 2013/14 scheme as the collection and recovery rates were yet to be finalised. However, indications were that the scheme would achieve the required cost neutrality and the collection rate was higher than originally anticipated.

The Portfolio Holder reported that on 22 July 2013, the Cabinet had approved the general principle that the Local Council Tax Support scheme for 2014/15 should be cost neutral for the Council and that public consultation should be undertaken on certain elements of the scheme; this was undertaken from 16 August 2013 to 30 September 2013. Following the consultation period, Officers were proposing that the Scheme should remain unchanged for 2014/15.

In response to questions from the Members present, the Portfolio Holder highlighted that approximately 4,500 people were now paying some Council Tax for the first time, whereas previously they would have been exempt. It was very disappointing to receive only 41 responses to the consultation, however this response level was in line with the experience of other Councils.

A local Member for Loughton Broadway highlighted the response (received after the consultation had closed) from Gingerbread, the charity for single parent families, that the scheme should be amended to disregard Child Maintenance. The Portfolio Holder pointed out that £15 per week of any maintenance income was disregarded anyway and that increasing the protection for one specific group of people would increase the burden on the other non-protected groups of people – some of whom had incomes as low as £71.70 per week.

**Decision:**

- (1) That the responses to the consultation on the scheme for 2014/15 be noted;
- (2) That in view of the consultation responses and experience of the 2013/14 scheme so far, no changes be made to the scheme for 2014/15; and
- (3) That the proposed Local Council Tax Support Scheme for 2014/15 be recommended to the Council for approval.

**Reasons for Decision:**

If any changes were to be made to the current scheme, then these needed approval by the Council on 17 December 2013.

**Other Options Considered and Rejected:**

If any amendments to the scheme were not approved by 31 January 2014 then the existing scheme would have to continue.

**99. POOLING OF NON-DOMESTIC RATES**

The Portfolio Holder for Finance & Technology presented a report regarding the pooling of non-domestic rates.

The Portfolio Holder reminded the Cabinet of an earlier report it had considered in July 2013, which had set out the potential advantages of entering into a non-domestic rates pool. This work had been progressed and an expression of interest was submitted to the Department of Communities & Local Government (DCLG) before the deadline of 31 October. The principles underlying the scheme were agreed by the Essex Strategic Leaders Finance Group but the formal pooling agreement was still to be completed and signed.

The Portfolio Holder reported that further modelling had been performed on the claim that members of a Pool could not be worse off than if they were outside the Pool.

This showed that if all authorities within a Pool suffered reductions of 5% or more in their rating lists then this could result in an authority being worse off. However, for this scenario to come to pass then there would have to be a severe economic depression across the entire county. The modelling had also indicated that if there was no overall growth in the Pool then this Council would gain £100,000 of additional funding in comparison to not being a member of the Pool.

The Portfolio Holder requested that the original 'in principle' decision be confirmed and that authority be delegated to the Director of Finance & ICT, in consultation with the Portfolio Holder, to conclude the final agreement when the Essex Pool was approved by the Department of Communities & Local Government.

When questioned by Members, the Portfolio Holder explained that the Council had suffered a slight reduction in its rating lists, and that approximately 25% of the appeals against a rating were being upheld, although this had been factored in to the modelling. It was confirmed that the Essex Strategic Leaders Finance Group was Member-led. It was also emphasised that the Pool was an annual scheme whereby the Council could opt out if it wished, and that the administration costs were paid for out of the Pool.

**Decision:**

- (1) That the previous in principle decision to join the Essex Region Business Rates Pool be confirmed; and
- (2) That authority be delegated to the Director of Finance & ICT, in consultation with the Finance & Technology Portfolio Holder, to approve and sign the detailed pooling agreement.

**Reasons for Decision:**

To confirm the Council's membership of the Essex Region Business Rates Pool for 2014/15.

**Other Options Considered and Rejected:**

To not pursue the option of pooling, however, this would expose the Council to a greater degree of financial risk.

**100. LOCAL PLAN EVIDENCE BASE - UPDATED POPULATION FORECASTING WORK AND STRATEGIC HOUSING MARKET ASSESSMENT**

The Planning Portfolio Holder presented a report about accepting two key pieces of technical work into the Local Plan Evidence base.

The Portfolio Holder reported that the first document was the updated population forecasting work produced by Edge Analytics. This work had been produced for the Epping Forest District alone, using the most up to date information available, including the newly released 2011 census information and new household formation rates. The new population projections predicted a lower level of trend population growth than had previously been suggested by the Government's official 2010 population projections, released in 2012.

The Portfolio Holder stated that the second document was an updated Strategic Housing Market Assessment (SHMA), which considered the housing market, particularly in terms of affordability, current housing need, property prices and future

need. The updated SHMA was already in the public domain by virtue of having been published by the other authorities which were part of the Housing Market Assessment group: namely Harlow, East Hertfordshire and Uttlesford District Councils.

The Portfolio Holder highlighted that the updated SHMA had used the official 2010 population projections and would require further review following the work referred to above by Edge Analytics. The other three authorities within the Housing Market Assessment Group were not necessarily unhappy with the official population projections as they related to their areas, and therefore the Council intended to seek a review of the SHMA which would differ only in the population projections applied to the Epping Forest District. However, the SHMA as presented was still useful as it provided useful trend information on the proportions and types of homes and affordability levels required within the District, even though the final numbers required further revision.

The Portfolio Holder concluded that both documents were key pieces of technical work to inform the Local Plan, and were required to assess the future housing need within the District and demonstrate the soundness of the Plan at the Examination in Public.

A number of the Members present expressed grave concerns about accepting the updated Strategic Housing Market Assessment into the Local Plan Evidence Base as it required further revision following the updated population forecasting work performed by Edge Analytics. It was emphasised that Planning Inspectors took note of the documents that had been accepted into the Local Plan Evidence Base, and that if the SHMA was accepted into the Evidence Base then it would carry weight at Planning Appeals in the future. The population figures were known to be wrong, and it was felt that the Council was not in a position to accept the figures, therefore the SHMA as it currently existed should be noted but not accepted into the Local Plan Evidence Base.

The interim Assistant Director of Planning & Economic Development (Policy) commented that the SHMA had already been published by the other three authorities in the Housing Market Assessment Group, and therefore it was already in the public domain. This Council had completed some further work on population forecasting within the District and hence some of the figures within the SHMA required further updating. The population forecasting work was a counterbalance to the SHMA, and the Council would not be able to use the trend information within the SHMA if it was not accepted within the Evidence Base. It was pointed out that a SHMA regularly required updating.

The Portfolio Holder acknowledged the comments made by Members, but emphasised that the SHMA had already been placed in the public domain by Harlow, Uttlesford and East Hertfordshire District Councils and that the recommendations before the Cabinet had been very carefully worded as it was known that the SHMA required revising following the population forecasting report produced by Edge Analytics.

The Cabinet considered the comments of other Members very carefully, and agreed to revise the second and third recommendations in the report accordingly. The Cabinet agreed to note the revised Strategic Housing Market Assessment, but not to accept it into the Local Plan Evidence Base at the current time as it required further revision following the population forecasting report produced by Edge Analytics.



**Decision:**

- (1) That the updated population forecasting report from Edge Analytics be noted, and accepted into the Local Plan Evidence Base;
- (2) That the updated Strategic Housing Market Assessment be noted, subject to the proviso that it would need to be further revised in light of the population forecasting report from Edge Analytics referred to above.

**Reasons for Decision:**

Adopting these two key pieces of technical work into the Local Plan Evidence Base would enable the Council to work towards a sound new Local Plan, based upon robust information. This in turn would mean that the new Local Plan would be far more likely to be accepted at the Examination in Public by the independent Inspector.

As the Strategic Housing Market Assessment required further revision following the population forecasting report produced by Edge Analytics, it was not accepted into the Local Plan Evidence Base at the current time.

**Other Options Considered and Rejected:**

To not adopt either, or both, documents into the Local Plan Evidence Base. However, if the new Local Plan was prepared without these two key pieces of technical work then it would be lacking robust evidence, and not be prepared in accordance with the National Planning Policy Framework and other guidance.

To adopt the Strategic Housing Market Assessment into the Local Plan Evidence Base at the current time, however it was known to require further revision with the figures from the population forecasting report produced by Edge Analytics and could be considered as evidence by an Inspector at a planning appeal if it was accepted into the Evidence Base at the current time.

**101. UPDATE OF THE CAPITAL PROGRAMME 2013/14 - 2017/18**

The Portfolio Holder for Finance & Technology presented a report on the update of the Capital Programme for the period 2013/14 to 2017/18.

The Portfolio Holder reported that the Council's Capital Programme included the forecast capital investment in Council owned assets; estimates of capital loans to be made for private housing initiatives; and projected levels of revenue expenditure funded from capital under statute. The Capital Programme had been prepared by updating the programme approved in February 2013 with new schemes and any subsequent allocations approved by Cabinet. Each scheme within the Capital Programme had been reviewed, with Spending Control Officers reassessing the estimated final costs and the phasing of expenditure profiles for each scheme as part of the review. Recommendations for amendments to the Programme had been made where appropriate.

The Portfolio Holder highlighted the Council's overall programme of capital expenditure, which indicated a commitment to invest £83.564million on Council-owned assets over the five-year period under consideration. Details of individual schemes or groups of projects were listed in Appendix 2 of the report for the General Fund capital programme and at Appendix 3 for the Housing Revenue Account (HRA) Capital Programme. There was also a commitment to finance capital loans in the sum of £2.436million and planned expenditure of £1.971million which was now

classified as revenue expenditure but which could be financed from capital resources.

The Portfolio Holder also stressed the funding available to finance these schemes over the five-year period. Estimated external funding from grants and private sources of £5.104million had been identified and it was proposed that capital receipts estimated to be £13.486million and revenue contributions estimated to be £69.381million be applied to finance the capital programme over the next five years. In conclusion, the balance of capital receipts was expected to fall from £13.9million at 1 April 2013 to £6.611million by 31 March 2018, and the Major Repairs Fund balance was expected to decrease from £9.755million to £3.652million by the end of the period.

In response to questions from the Members present, the Portfolio Holder clarified that £202,000 had been spent on Traffic and Parking Schemes during 2013/14, and a carry forward of £185,000 to 2014/15 was being recommended for the parking review in the Loughton Broadway, as this would not commence until after the Buckhurst Hill scheme had been completed. The Portfolio Holder for Safer, Greener & Transport reassured the Cabinet that the proposed scheme for the Loughton Broadway would be completed. The Portfolio Holder for Finance & Technology added that the Capital Programme would be further revised after the agenda items concerning the purchase of the leasehold interest in 2-8 Torrington Drive, Loughton and the release of the clawback covenant for the T11 site in Langston Road, Loughton had been considered following the exclusion of the public and press.

**Decision:**

- (1) That the latest five-year forecast of capital receipts be noted;
- (2) That the level of usable capital receipts, currently predicted to be £6.611million at 31 March 2018, be noted;
- (3) That the following amendments to the Capital Programme be approved or, where relevant, recommended to Council to approve:
  - (a) carry forwards totalling £888,000 from 2013/14 to 2014/15 in respect of General Fund capital schemes as outlined in the report;
  - (b) a carry forward of £150,000 from 2013/14 to 2014/15 in respect of the Open Market Shared Ownership initiative;
  - (c) re-phasing of the Disabled Facility Grant budget by bringing forward an allocation of £94,000 to 2013/14 from future years;
  - (d) virements within the Housing Revenue Account in respect of the categories of work identified in the report;
  - (e) re-phasing of the Housebuilding Programme, Planned Maintenance Programme and Off Street Parking initiative financed within the Housing Revenue Account as identified in the report.

**Reasons for Decision:**

The capital programme was based on previously approved decisions or decisions to be considered later in the meeting. The expenditure profiles suggested were based on agreed timescales and practical considerations. The decisions proposed were

intended to make the best use of the capital resources currently available and forecast to become available for capital schemes up to 2017/18.

**Other Options Considered and Rejected:**

To reconsider the inclusion of some new schemes or re-assess the inclusion of some existing schemes in order to reduce overall capital expenditure as the revenue consequence of reducing the level of capital receipts over the next five years would be to reduce investment income.

To reduce the Revenue Contribution to Capital Outlay contributions by increasing the use of usable capital receipts, beyond that which was currently required. However, the levels suggested in the report were affordable within the Housing Revenue Account (HRA), according to current predictions, and any further use of usable capital receipts for HRA purposes would have the effect of reducing the capital resources available for the General Fund.

**102. CORPORATE PLAN KEY OBJECTIVES 2013/14 - QUARTER 2 PROGRESS REPORT**

The Leader of the Council presented a progress report on the Corporate Plan Key Objectives for 2013/14, after the first six months of the municipal year.

The Leader reported that the Corporate Plan was the Council's key strategic planning document, setting out service delivery priorities over the four-year period from 2011/12 to 2014/15. It contained strategic themes reflecting those of the Community Strategy for the District. Updates to the Corporate Plan were published annually, to reflect the key objectives for each year of the plan period and progress against the achievement of objectives for previous years. A range of key objectives for 2013/14 was adopted by the Cabinet in March 2013, and progress on the achievement of the key objectives was reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and outturn basis.

**Decision:**

(1) That the progress in relation to the achievement of the Key Objectives for 2013/14 for the first six months of the year be noted.

**Reasons for Decision:**

It was important that relevant performance management processes were in place to review and monitor progress against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of under performance.

**Other Options Considered and Rejected:**

No other options were appropriate in this respect. Failure to monitor and review performance against the key objectives and to consider corrective action where necessary, could have negative implications for the Council's reputation and judgements made about its progress, and might mean that opportunities for improvement were lost.

**103. CORPORATE CLEANING AND WINDOW CLEANING CONTRACT 2014-19**

The Portfolio Holder for Asset Management & Economic Development presented a report on the Corporate Cleaning and Window Cleaning contract for the period 2014-19.

The Portfolio Holder reported that a tender process had been undertaken for the renewal of the Corporate Cleaning and Window Cleaning Contract for the following operational buildings: Civic Offices; Hemnall Street Offices; Epping Depot; Town Mead Depot; and Langston Road Depot. The contract would also encompass the Epping Forest District Museum when it re-opened in 2015. Flexibility had been included in the contract specification to vary, suspend or terminate the cleaning requirements at a particular building during the course of the contract without penalty to the Council. The tender process was undertaken in accordance with European Union rules due to the value of the contract and that there was no framework agreement available via the Essex Procurement Hub. The tenders were evaluated on a 50/50 price/quality basis, as per the existing contract.

The Portfolio Holder stated that tender documents were issued to six companies, of which three were invited to interview. Following the interviews, the recommendation of the Assessment Team was that the contract should be awarded to Comprehensive Cleaning Services, who were the highest ranked company under the evaluation criteria (although ranked second on price alone), and the new contract would cost the Council £92,829.68 in the first year. This would represent a saving on the true value of the current contract had the provider applied the inflationary increases.

**Decision:**

(1) That a contract for cleaning and window cleaning at the Civic Offices, Hemnall Street Offices, Epping Depot, Langston Road Depot, Town Mead Depot and the Epping Forest District Museum, when it re-opens in 2015, be awarded to Comprehensive Cleaning Services for a period of five years from 1 April 2014 at a cost of £92,829.68 for the first year; and

(2) That Comprehensive Cleaning Services were the first ranked company following an evaluation based on price and quality but had the second lowest tender on price alone be noted.

**Reasons for Decision:**

To ensure an adequate standard of cleaning at the six operational sites whilst at the same time achieving best value for money.

**Other Options Considered and Rejected:**

To do nothing and carry on with the current cleaning arrangements. However, this would be contrary to financial regulations and contract standing orders as well as not offering the best value for money.

**104. SAFEGUARDING AUDIT AND RESOURCE REQUIREMENTS**

The Portfolio Holder for Safer, Greener & Transport presented a report on the resource requirements for the Council following the Safeguarding Audit.

The Portfolio Holder stated that the Council had a Duty of Care under Section 11 of the Children's Act 2004 in respect of safeguarding and promoting the welfare of

children and young people who lived and received services within the District, and those young people originating from the District who were 'looked after'. In addition, although there was currently no legislative requirement for the safeguarding of vulnerable adults, the Council was responsible for ensuring that these adults who lived in the District, or received local services were safe from harm and were not subjected to exploitation or abuse.

The Portfolio Holder explained that, as part of the Essex County Council Audit Inspection, Ofsted had announced it would also scrutinise the safeguarding arrangements for District and Borough Councils on an annual basis, and publish their findings. The Council had completed the first of these self-assessments in October 2013, and it was identified that the Council was 'not meeting' 10% and only 'partly meeting' 55% of its requirements under Section 11 of the Children Act 2004. Therefore, only 35% of the Council's arrangements for safeguarding fully met the standards required.

The Portfolio Holder reported that particular weaknesses were detected under the theme of Embedding Policy across the organisation and that there was a need for senior and leadership commitment, adequate resourcing, wider staff awareness, training, record keeping and policy development. As this required a significant amount of extra work, many Councils within Essex had established full time Safeguarding Officer posts and some had small safeguarding teams to undertake the additional work required. Until now, it had been possible for the Council to manage the workload involved in the previous triennial assessments, through expanding the roles of existing staff. However, it was now evident that a new, dedicated resource was required, to accommodate the volume of work entailed and to ensure that the Council, its staff and Elected Members could meet their duties and responsibilities. Therefore, the proposal was to appoint a full-time Safeguarding Officer and a part-time Administration Assistant, both for a fixed term of two years.

The Leader of the Council highlighted the training course on Safeguarding that was run approximately two months ago; the Portfolio Holder added that a further training course would be run in 2014. As the Council currently did not have any full-time staff dedicated to safeguarding, it was difficult to estimate the amount of time devoted to safeguarding duties and that this would fluctuate according to the number of incidents arising in the District. Existing staff would still need to be aware of and involved in safeguarding issues, even if approval was given to appoint the requested staff.

The Assistant Director (Community Services & Customer Relations) explained that the District Council had a different role to the County Council, and therefore there should not be any duplication of work between the two councils. There were a number of Officers throughout the Council who spent a proportion of their time on Safeguarding duties, therefore it was difficult to quantify the total time spent and hence the request for a full-time role and a part-time support role. The procedures and paperwork for referring incidents and concerns had changed over the last year, and the new system was proving to be more efficient, with the County Council dealing with referrals from District Councils and partners more effectively.

A local Member for Chigwell Village welcomed the report and urged the Council to endorse the recommendations previously made by the Children's Services Task & Finish Scrutiny Panel. The Leisure & Wellbeing Portfolio Holder fully supported the recommendations and congratulated the Officers on their hard work.

**Decision:**

- (1) That the new and emerging issues relating to the Safeguarding of Children, Young People and Vulnerable Adults, and the increased responsibilities of District and Borough Councils in relation to this be noted;
- (2) That the findings of the Council's Safeguarding self assessment audit submitted on 25 October 2013 be noted; and
- (3) That a District Development Fund growth bid for 2014/15 in the sum of £88,000 for the appointment of a full-time senior level Safeguarding Officer post and a part time Administration Assistant post, both for a fixed term period of two years, be made.

**Reasons for Decision:**

Due to changes in Safeguarding Ofsted Inspections and local assessments, greater scrutiny would be placed on district and borough councils. In future, instead of inspections focusing predominantly on Essex County Council, greater scrutiny would be placed on District and Borough Councils and any strengths and weaknesses found would be published in addition to the identified strengths and areas for improvement of the multi-agency response.

**Other Options Considered and Rejected:**

To not appoint the requested staff. However, this would put the Council at risk of not meeting its legal duties and responsibilities.

**105. BUDGET ARRANGEMENTS TO FACILITATE DIRECT ENFORCEMENT ACTION**

The Planning Portfolio Holder presented a report concerning the budget arrangements to facilitate direct enforcement action.

The Planning Portfolio Holder stated that when the Council utilised the enforcement powers available to it under the various Town and Country Planning Acts, the service of an enforcement notice generally led to the breach of planning control being resolved. In rarer instances, when the owner or developer did not take action to comply with the enforcement notice, the Council then had powers to take direct enforcement action under section 178 of the Town and Country Planning Act 1990.

The Planning Portfolio Holder reminded the Cabinet that, whilst the taking of most enforcement action was delegated to Officers, decisions to take direct action had previously been taken by Members, perhaps partly reflecting that it was an unusual power, but also partly because in the past there had not been a budget set aside to allow for direct action. Unfortunately, the requirement to obtain Cabinet approval for the budget for direct action added further time to an already lengthy process.

The Planning Portfolio Holder reported that there was already a budget within the District Development Fund to deal with instances where costs were awarded against the Council at a planning appeal and other similar contingencies. This budget currently stood at £46,000 and it was being suggested that this budget should be used to cover direct enforcement action as well. The Council would attempt to recoup any costs from taking direct enforcement action by placing a charge on the land.

As a consequence, the Planning Portfolio Holder proposed that the taking of direct action under Section 178 of the Town and Country Planning Act 1990 should be

delegated to the Director of Planning & Economic Development. Any costs incurred should be met from the existing budget within the District Development Fund for Appeals and Contingencies, with a charge placed on the land to recoup the cost when the land was sold.

The Cabinet welcomed the proposals, and the problems encountered by the Council in undertaking direct enforcement action on the Blunts Farm site in Theydon Bois were highlighted. The Director of Corporate Support Services confirmed that, under certain circumstances, the Council could force land to be sold in order to recoup its costs from having taken direct enforcement action, but it would be dependent on the magnitude of the costs involved.

**Decision:**

- (1) That the taking of direct action by the Council using section 178 of the Town and Country Planning Act (as amended) be confirmed as being delegated to the Director of Planning & Economic Development;
- (2) That the costs of taking such action be met from the existing District Development Fund budget for Appeals and Contingencies; and
- (3) That the costs of taking such direct action be placed as a charge on the land or property, in order to be eventually recouped.

**Reasons for Decision:**

To confirm the previous delegation of powers, and simplify procedures by removing the need to gain Cabinet approval through the funding of direct enforcement action from an existing budget. This would not prevent the Council from taking steps to recoup its costs by placing a charge on the land.

**Other Options Considered and Rejected:**

To leave the existing arrangements for direct action, requiring a Member decision to agree the action, and Cabinet to agree funding in each case.

To implement a budget solely for direct enforcement action.

**106. REVIEW OF LICENSING - STAFFING AND BUDGET**

The Portfolio Holder for Safer, Greener and Transport presented a report on the staffing and budget implications from the review of the new Licensing arrangements.

The Portfolio Holder reminded the Cabinet that a trial in respect of new licensing arrangements was approved by the Council in April 2013. The trial period was designed to operate for one year, effective from the date on which the new arrangements came into operation, with a review after nine months. The trial involved:

- (a) new processes for consulting the public on premises licences submitted to the Council involving notifications to householders within the vicinity of the premises concerned; and
- (b) new member meeting arrangements so as to make licensing hearings more accessible to the public by holding them in the evening on a regular basis.

The Portfolio Holder explained that two additional posts, a Licensing Officer and a Democratic Services Assistant, were approved to cover the additional work generated by the trial. These posts were temporary and budgetary provision for them would terminate at the end of the financial year.

The Portfolio Holder added that the results of the trial period would be reviewed by the Licensing Committee and the Constitution and Member Services Scrutiny Panel. However, a decision was being sought, in principle, on whether these posts were to become part of the permanent establishment. Although it was possible that the holding of evening meetings to consider Alcohol Licences would be discontinued, there was widespread support for continuing with the process of extended consultation for such applications. In addition, the total number of Committee meetings each year was still increasing and Democratic Services were due to lose two senior members of staff as part of the Directorate restructuring. Therefore, it was proposed to approve growth bids, in principle, for the Continuing Services Budget to make both posts permanent in 2014/15. A further report would be submitted to the next meeting of the Cabinet on the outcome of the two reviews, to enable a final decision to be made.

The Chairman of the Constitution & Member Services Scrutiny Panel stated that there had been benefits from the wider consultation arrangements, but the scheduling of evening meetings had proved too expensive given the lack of public attendance. There was the possibility of holding occasional evening meetings to hear particular applications, perhaps based on a call-in system by local Members.

The Housing Portfolio Holder endorsed the comments of the Chairman of the Constitution & Member Services Scrutiny Panel and opined that the new system had not had the desired results. However, residents were now better informed about applications in their area and a mechanism for some evening meetings to be held for Licensing applications was to be welcomed.

The Planning Portfolio Holder inquired about the District Council gaining the authority to determine applications for road closures. The Portfolio Holder for Safer, Greener and Transport confirmed that the County Council had devolved the powers to determine road closures to the District Council. The Assistant Director of Corporate Support Services (Legal Services) added that the County Council would still be included in the consultation process for road closures, and that applications for road closures were predominantly processed by District Councils in other areas.

The Chairman of the Licensing Committee supported the proposals before the Cabinet and emphasised the additional work facing the Licensing Section from the implementation of the Scrap Metal Dealers Act 2013. It was acknowledged that holding evening meetings to consider applications under the Licensing Act 2003 had not been successful and had proved to be very costly.

**Decision:**

(1) That the inclusion of a growth item in the 2014/15 Continuing Services Budget in the sum of £ 54,780 be approved in principle in respect of:

(a) one additional post of Licensing Officer at a cost of £28,810 per annum (including on costs);

(b) one additional post of Democratic Services Assistant at a cost of £21,170 per annum (including on costs); and



- (c) other associated costs (such as Committee Allowances, printing costs and GIS expenses) of £4,800 per annum;
- (2) That, in relation to recommendation (1) above, the existing temporary positions of Licensing Officer and Democratic Services Assistant approved by the Council at its meeting on 23 April 2013 (minute 127(vii) refers) for the purpose of a nine month trial of new licensing arrangements be made permanent;
- (3) That recommendations (1) and (2) above be subject to the outcome of the following reviews of the trial licensing arrangements:
- (a) by the Constitution and Member Services Scrutiny Panel and the Overview and Scrutiny Committee of member meeting arrangements for hearing licensing applications; and
- (b) by the Licensing Committee of matters relating to the review that affect licensing policy; and
- (4) That a further report be made to the next Cabinet meeting on the outcome of the reviews set out in the recommendations above so that a final decision on whether or not the Continuing Services Budget growth item was to be incorporated in the budget could be made.

**Reasons for Decision:**

To secure provisional Continuing Services Budget funding to make these two temporary posts a part of the permanent establishment, pending further review by the Licensing Committee and the Constitution & Member Services Scrutiny Panel.

**Other Options Considered and Rejected:**

None at this stage, pending the outcome of the reviews. Options which could arise include:

- reversion to previous licensing arrangements;
- continuation of staffing support on a purely temporary basis; or
- no additional staffing.

**107. CALENDAR OF COUNCIL MEETINGS - 2014/15**

The Portfolio Holder for Support Services presented a report on the proposed Calendar of Council Meetings for 2014/15.

The Portfolio Holder reminded the Cabinet that it considered the proposed Calendar of Council Meetings each year prior to its final approval by the Council. The Calendar had developed over time to meet the changing needs of the authority and, where possible, meetings of a Committee had been standardised on a particular night of the week. Within the current Democratic Services Business Plan, there was an item to review the Calendar of Council Meetings, and especially the frequency of meetings. The only changes proposed for the Calendar this year were:

- an extra meeting of the Cabinet and Overview & Scrutiny in the autumn;

- Overview & Scrutiny Committee meetings rescheduled to allow Members more time to study the Cabinet agenda; and
- an additional week after the Local Elections kept free from meetings of Area Planning Sub-Committees to allow training in the Planning Protocol for any new Members elected to the Council.

The Portfolio Holder reported that an additional Cabinet meeting had also been scheduled for 12 May 2014, to consider the letting of the new Waste Management Contract. An additional Council meeting had also been scheduled for 16 June 2014 for the same reason. One change made last year was the scheduling of a monthly evening meeting of the Licensing Sub-Committee, as this was one of the recommendations put forward by the Licensing Review Task & Finish Panel. This had been retained for 2014/15, but if the forthcoming review of these arrangements proposed a return to daytime meetings for the Licensing Sub-Committee then these meetings would be cancelled or re-scheduled as necessary.

The Portfolio Holder explained that a schedule of dates had not been set for the Local Highways Panel as the Panel agreed its own dates, usually at the previous meeting. In addition, the Council Housebuilding Cabinet Committee met only when there was a potential site to evaluate, therefore no meetings had been scheduled at the moment.

The Portfolio Holder requested the Cabinet to consider the proposed Calendar of Meetings for 2014/15 and whether any further changes were required. However, it was highlighted that the current Calendar was very congested and the organisation of any additional meetings should be given very careful consideration. The Calendar would be considered by the Council on 17 December 2013 for final approval.

The Environment Portfolio Holder drew the attention of the Cabinet to a revised date of 19 May 2014 for the special meeting of the Cabinet to consider the award of the new Waste Management Contract, not 12 May 2014 as listed in the report.

It was highlighted that a number of the revised dates listed for the Overview & Scrutiny Committee clashed with meetings of the Theydon Bois Parish Council, who traditionally held their meetings on the last Thursday of each month. The Democratic Services Officer reassured the Cabinet that the proposed dates for the Overview & Scrutiny would be revised following the discussion at its meeting last week and the comments by the Chairman of Overview & Scrutiny Committee earlier in the meeting. A number of other Members felt that there would be further clashes between the meetings of the Area Planning Sub-Committees and various Town or Parish Councils. The Leader of the Council commented that this was sometimes the difficulty with being a dual hatted Councillor, but the Democratic Services Officer undertook to conduct a quick poll of Town and Parish Councils to ascertain whether any had yet to set their meeting dates for 2014/15.

#### **Decision:**

- (1) That the revision of the dates for the Overview and Scrutiny Committee, as advised by the Chairman of the Committee, be noted; and
- (2) That, as attached at Appendix 1 of the report, the draft Calendar of Council Meetings for 2014/15 be recommended to the Council for adoption, subject to the following amendments:

- (a) the revision of the meeting dates for the Overview and Scrutiny Committee, referred to above;
- (b) the Cabinet meeting scheduled for 12 May 2015 being revised to 19 May 2014; and
- (c) the addition of a provisional meeting of the Council on 16 June 2014.

**Reasons for Decision:**

The drafting of the Calendar of Council Meetings for next year was an item for action within the Democratic Services Business Plan for 2012/13 & 2013/14.

**Other Options Considered and Rejected:**

Individual frequencies of meetings could be varied. In practice additional meetings were added as and when issues dictated. Similarly, meetings could be cancelled if there was a lack of business.

**108. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Cabinet.

**109. EXCLUSION OF PUBLIC AND PRESS**

**Resolved:**

(1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
23	Purchase of the Leasehold Interest in 2-8 Torrington Drive, Loughton	3
24	Release of Clawback Covenant – T11 Site, Langston Road, Loughton	3
25	Waste Management Contract – Outcome of ISDS Dialogue	3

**110. PURCHASE OF THE LEASEHOLD INTEREST IN 2-8 TORRINGTON DRIVE**

The Portfolio Holder for Asset Management & Economic Development presented a report on the purchase of the leasehold interest in 2-8 Torrington Drive in Debden.

The Portfolio Holder reported that the site at Torrington Drive in Debden had been monitored for some time by the Asset Management Coordinating Group as the Council was the freehold owner. Torrington Drive Ltd, a subsidiary of Stobart Properties owned the Head Lease of 125 years from 31 May 1988 with an unexpired term of 99 years. An opportunity had arisen for the Council to purchase the Head

Lease for £3.35million, plus Stamp Duty at 4% - £134,000. The Portfolio Holder outlined the detailed negotiations and the expert opinion of the Council's external consultants, Bidwells LLP. The benefits to the Council of acquiring the asset was set out and it was considered that this deal would represent very good value for the Council.

**Decision:**

(1) That a supplementary capital estimate in the sum of £3.484million, including stamp duty land tax, for the purchase of the long leasehold Head Lease interest of 2 - 8 Torrington Drive, Debden including the Sainsbury store, car park and 0.121 acre car park in Burton Road, be recommended to the Council for approval.

**Reasons for Decision:**

The acquisition of the Head Lease would provide the Council with a valuable addition to its property portfolio and provide additional income.

As freehold owners of the site and freehold owners of the adjoining petrol station site the Council would be able to consider redevelopment of both sites in the future in accordance with the regeneration Design Brief approved by the Council in 2008 - subject to the sub-lease agreed with Sainsbury and the terms of the lease of the petrol station.

**Other Options Considered and Rejected:**

To not purchase the site and future redevelopment would therefore have to be agreed with the Head Lease owner at an appropriate time in the future. This would not give the Council the control of the site and it would adversely impact on the likelihood of securing and influencing the regeneration of the larger site.

**111. RELEASE OF CLAWBACK COVENANT - T11 SITE, LANGSTON ROAD, LOUGHTON**

The Portfolio Holder for Asset Management & Economic Development presented a report on the release of a clawback covenant relating to the former T11 site, which was proposed to form part of a new retail park in Langston Road, Loughton.

The Portfolio Holder reminded the Cabinet that the Council had sold the land known as the T11 site in Langston Road, Debden in August 2006 to Polofind Ltd for £6.05million. The original agreement had included a clawback covenant if the purchasers had obtained planning permission for a use on the site that substantially increased its value. The Council was progressing a development agreement with Polofind Ltd to develop this site along with the adjoining Council Depot in Langston Road for a retail park, classified as A1 use.

The Portfolio Holder reported that outline planning approval was granted on 20 July 2012. Subsequently, the Cabinet had approved supplementary District Development Fund finance of £150,000 on 9 September 2013 to cover half of the cost for contamination surveys with Polofind Ltd of the site and to submit a full planning application for the retail park development. The Council had appointed Berwin Leighton Paisner as legal advisers to negotiate a development agreement with Polofind Ltd to develop the retail park, but it would not be possible to finalise this agreement until the issue of the clawback covenant had been settled. The negotiated payment of £2.25million would be due three months after the practical completion of the retail park.

**Decision:**

(1) That Polofind Ltd be released by the Council from the terms of the clawback clause relating to the sale of the former T11 site in return for a payment of £2.25million payable three months after the practical completion of the Langston Road retail park.

**Reasons for Decision:**

To obtain a valuable capital receipt for the Council and to allow the development agreement for the retail park with Polofind Ltd to be progressed.

**Other Options Considered and Rejected:**

To not agree the capital payment for the release of the clawback provision. However, this would delay progress of the retail park development agreement and Polofind Ltd could decide to develop their site for a use that did not trigger the clawback provision.

**112. WASTE MANAGEMENT CONTRACT - OUTCOME OF INVITATION TO SUBMIT DETAILED SOLUTIONS DIALOGUE**

The Environment Portfolio Holder presented a report on the outcome of the dialogue sessions for the Invitation to Submit Detailed Solutions (ISDS) stage of the Waste Management procurement process.

The Portfolio Holder reported that a number of key issues had arisen during the dialogue sessions which needed to be clarified by the Cabinet before 9 December 2013 – the final date for seeking clarifications by the contract bidders. These were as follows:

- All of the Contractors were made aware of the Council's decision to retain the Grounds Maintenance service in-house, and that the Oakwood Hill site would not be available as a potential Waste Management depot. However, all of the Contractors had expressed a desire to work closely with the Grounds Maintenance team and locate some of the Street Cleansing resources at Oakwood Hill. Therefore, it was felt that this should be included as an option at the current time.
- One Contractor had included an option to extend the working week for waste collections beyond 4.30pm and to include Saturday mornings, whilst the others had discussed it during the dialogue sessions. There would be a number of issues to consider prior to implementation but it was felt that this could remain as an option at the current stage.
- All of the Contractors were pleased that the Council was prepared to accept some of the risk associated with the sale and value of recyclables. The Council's Waste Management Consultant from WYG Environmental had produced a revised clause 22 for discussion at the next stage.
- At the previous stage, tenders were assessed on the basis of the lowest price for an acceptable level of service. However, this had led to concerns about possible 'loss leader' bids and therefore it was suggested that the next stage be assessed on the basis of the tendered price for the 'as is' service, i.e. the service that was currently being delivered. Contractors would still be

encouraged to include service delivery options as part of alternative bids for the Council to consider alongside the standard bid.

The Portfolio Holder reported that all five bidders remained keen to win the Council's Waste Management Contract, and that a review was being undertaken of the Council's Fleet operations service prior to its transfer to the Oakwood Hill site.

The Cabinet had reservations about some of the service options being considered, but was content to agree them for further discussion at the next stage of the process.

**Decision:**

(1) That for the purposes of the Invitation to Submit Detailed Solutions (ISDS) Competitive Dialogue process, the following be agreed in principle:

(a) the availability of part of the proposed Oakwood Hill depot site to the waste contractor for street cleansing operations;

(b) the inclusion of the 'extended working week' as a service delivery option;

(c) the extent of exposure through the 'risk and reward' arrangement on commodities, as set out in the revised clause 22 produced by the Council's Waste Management Consultant; and

(d) the assessment of tender price be based upon the "as is" service; and

(2) That the review of the Fleet Operations service currently being undertaken, prior to its move to the Oakwood Hill Depot site, be noted.

**Reasons for Decision:**

To consider a number of issues arising from the ISDS Competitive Dialogue undertaken in respect of the new waste contract and changes in the assessment methodology for the assessment of ISDS tender returns.

**Other Options Considered and Rejected:**

The only options were to leave the process as it was, however this carried with it a number of risks to the ISDS process and outcomes.

**CHAIRMAN**