

Supplementary Council Agenda



**Epping Forest
District Council**

Council Tuesday, 24th July, 2007

Place: Civic Offices, High Street, Epping
Room: Council Chamber
Time: 7.30 pm
Committee Secretary: Council Secretary: Ian Willett
Tel: 01992 564243 Email: iwillett@eppingforestdc.gov.uk

6. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 3 - 12)

To receive reports from the Leader, Chairman of the Overview and Scrutiny Committee and members of the Cabinet on matters falling within their area of responsibility.

- (a) Report of the Leader - attached;
- (b) Report of the Chairman of the Overview and Scrutiny Committee - attached;
- (d) Report of Community Wellbeing Portfolio Holder - attached;
- (h) Report of Leisure and Young People Portfolio Holder - attached; and
- (i) Report of Planning and Economic Development Portfolio Holder - attached.

10. REPORTS OF THE CABINET (Pages 13 - 28)

To consider the following reports of the Cabinet:

- (a) Additional Pitch Provision for Gypsies and Travellers;
- (b) Asset Management Plan;
- (c) Contaminated Land Budget;
- (d) Supplementary Estimate;
- (e) Waste Management Services Provider.

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Report to the Council

Subject: Leader's Portfolio

Date: 24 July 2007

Portfolio Holder: Councillor Mrs D Collins

Item: 6(a)

Recommending:

That the report of the Leader be noted.

Tour of Civic Offices

I recently toured part of the Civic Offices with John Scott and the Deputy Leader. The Deputy Leader and I learnt much about Council services and enjoyed meeting the staff. We will be completing the tour on 19 July.

Roydon - Traffic Issues

I recently met with Bill Rammell MP concerning a number of traffic issues in the Roydon area.

The Broadway, Loughton Town Centre Partnership

The Portfolio Holder for Planning and Economic Development and myself recently met members of the Broadway Town Centre Partnership to discuss a range of issues affecting the Broadway shopping area. The Council support for the work of the Partnership was clearly very important and I will be consulting with the Portfolio Holder about how we take some of the issues raised forward.

Waste Management Contract

I attended the interviews with potential contractors in respect of the waste management contract. The arrangements for the day worked very well and on tonight's Council agenda there are proposals for approving a tender and inaugurating a new service.

Blunt's Farm, Theydon Bois

The Blunt's Farm Site in Theydon Bois continues to concern local residents and I have taken part in a meeting with the Portfolio Holder for Planning and Economic Development and officers to review the current position.

Newham College - Construction Students

I am pleased to report that a group of construction students from Newham College have spent three days in the Epping Forest District touring our building sites and attending an all day lecture on local issues.

Joint Meeting with MPs and County Councillors

I recently chaired a meeting of MPs and County Councillors to discuss a wide range of topics of joint interest affecting the District.

Use of Resources and Value for Money Audit

I am meeting with officials of the Audit Commission regarding our use of resources and value for money audit. I am working closely with officers to ensure that the Council puts across the right message at this important event.

Interview for Deputy Chief Executive

I am due to chair the Interview Panel for the post of Deputy Chief Executive and will report further at the Council meeting.

Report to Council

Date of meeting: 24 July 2007

Subject: Overview and Scrutiny

Chairman: Councillor R Morgan

Committee Secretary: Adrian Hendry, ext.4246



Recommendation:

That the Overview and Scrutiny progress report from June to the present be noted.

Report

The main Overview and scrutiny Committee

1. At their second meeting, held on 10 July 2007, the Overview and Scrutiny Committee considered:

- the 2007/08 Cabinet Forward Plan. The Leader of the Council who emphasised their six key priorities, introduced the Cabinet's programme;
- the Committee confirmed the terms of references of the Crime and Disorder Task and Finish panel and the Leisure Services Task and Finish Panel;
- the report of the Constitution and Members Services Scrutiny Standing Panel on the Elections held in May 2007;
- the Committee agreed to hold an extraordinary meeting on 2nd August to consider the future of webcasting at EFDC when the pilot comes to an end in March 2008; and
- agreed to receive a further report from officers the proposal to hold a joint scrutiny review with Harlow and Uttlesford councils to consider issues relating to local healthcare services and West Essex PCT.

Standing Panels

2. The 4 Standing Panels each have a rolling programme that consider ongoing cyclical issues and are comprised of the Housing Standing Panel under the Chairmanship of Councillor S Murray; the Constitution and Members Services Standing Panel chaired by Councillor R Church; the Finance and Performance Management Standing Panel chaired by Councillor Jon Whitehouse; and the Environment and Planning Standing Panel chaired by Councillor Mrs Smith.

3. The Housing Standing Panel did not meet on 5th July 2007 as they had completed their scheduled workload at their last meeting in April 2007. They are not due to meet again until October 2007.

4. The Constitution and Members Services Standing Panel met in June 2007 to review the May elections. Their report went to the main Overview and Scrutiny Committee on 10th July 2007.

5. The Finance and Performance Management Standing Panel met on 19th June 2007 when they considered Key Performance Indicators, the Value for Money Sub-Group report, the Council Plan review and the Consultation plan.
6. The Environment and Planning Standing Panel met on 26th June 2007, when they considered the Nazeing Focus day.

Task and Finish Panels

7. Of the four new Task and Finish Panels only the Leisure Task and Finish Panel had met to consider their terms of reference and their future work programme which was agreed by the main Overview and Scrutiny Committee, along with the Crime and Disorder task and Finish Panel's terms of reference.

Report to the Council

Subject: Community Wellbeing Portfolio

Date: 24 July 2007

Portfolio Holder: Councillor Mrs S Stavrou

Item: 6 (d)

Recommending:

That the report of the Portfolio Holder be noted.

Training Days for Council Staff, the Police and staff from Housing Associations

Training days organised by the Council's Anti-Social Behaviour Co-ordinator on 3, 10 and 17 July were successfully completed. The training covered partnership problem solving and some of the subjects covered were:

- The National Intelligence Model
- Acceptable Behaviour Contracts and ASBOs
- Tasking
- Basic Domestic Security Surveys
- Working in Partnership
- Current CDRP Initiatives

I opened the courses together with Acting Chief Inspector Alan Ray of Essex Police. The three days were attended by 41 representatives who included all PCSOs, the Council's Housing Services Senior Management Team, housing officers and staff from various Housing Associations in the District. All of the training literature was prepared in-house.

At the completion of each training day, attendees were requested to complete an assessment form to evaluate the usefulness of the session. The response was excellent and the trainers felt that the courses were well received and addressed the relevant subjects. Many commented on the value of the networking process that the training days facilitated.

Overall the training sessions have demonstrated the value of practitioners from the responsible authorities working together to produce and deliver essential training to other agencies involved in crime and disorder reduction within the District.

Crucial Crew

Crucial Crew, the annual safety event for all year six school children, returned to the District again this year. It was held at Gilwell Park between 11 and 22 June and was visited by 1,350 children aged between 10 and 11 years old. This popular and well attended event was run by the Council, Essex Police, Voluntary Action Epping Forest, Essex Fire and Rescue Service, Essex Ambulance Service, London Underground, Essex County Trading Standards, West Essex Primary Care Trust and Lea Valley Regional Park Authority.

The aim of the workshops is to give young people the basic skills needed to keep themselves safe by tackling the everyday dangers they can encounter in their lives.

The workshops are lively, interactive sessions with real front-line members of the emergency services and associated organisations.

Topics covered this year included road safety, the internet, drink and drugs, what to do in a fire and other similar scenarios. The workshop exposing the dangers of playing in and around drains and pipes was especially useful as flash flooding hit the district only days later.

Report to the Council

Subject: Leisure and Young People Portfolio

Date: 24 July 2007

Portfolio Holder: Councillor M Cohen

Item: 6 (h)

Recommending:

That the report of the Portfolio Holder be noted.

Roding Valley Lake

On 28 June 2007, I advised the Council of the need to incur emergency expenditure to mitigate the impact of adverse environmental conditions experienced at the Roding Valley Lake. I can now report that the oxygen levels in the Lake have returned to normal.

The Council has worked closely with the Environment Agency throughout this incident and even with their extensive knowledge they cannot be definite with regard to the cause, now that bacteriological tests have ruled out sewerage contamination.

The Environment Agency have agreed to assist the Council in further advice on the future management of the Lake and any re-stocking. However, it should be stressed that whilst it has previously been necessary on occasions to take remedial action to combat algae growth, nothing as sudden or catastrophic has been experienced, nor could reasonably have been anticipated.

No other affects on wildlife, birds etc., have been observed, with evidence that some fish have survived, although at this stage, it has not been able to quantify how many.

Epping Forest Youth Council

Following on from the work of the Scrutiny Task and Finish Panel on Young People, which concluded that there was a need to assist young people to enable them to formally articulate their views on issues affecting their lives and to become more involved in the democratic process, significant progress is being made in the establishment of a Youth Council for the Epping Forest District.

Support for the initiative has been received from all of the District's secondary schools, with the intention of holding elections to co-incide with Local Democracy Week in October. The Youth Council's members will receive support and training in undertaking their role. I am sure all Members of the Council will welcome this initiative as a positive way of young people being able to directly engage with the Council.

Race for Life

Finally, I would like to report on the tremendous success of the fourth Cancer Research UK "Race for Life", hosted by North Weald Airfield on the 11th July. Some 2,600 women runners took part over the 5K course and raised a massive sum approaching £285,000, to support valuable medical research.

Report to the Council

Committee: Cabinet

Date: 24th July 2007

Subject: Planning and Economic Development Portfolio

Portfolio Holder: Councillor Mrs A Grigg **Item:** 6(i)

Recommending:

That the report of the Planning and Economic Development Portfolio Holder be noted.

Development Control Performance - April to June 2007

Major Applications

Performance during this period saw 87.5% of major applications determined in the 13 week period and exceed the Top Quartile Target and Government Target.

Major	Top Quartile Target	Government Target
87.5%	74.5%	60%

Minor Applications

Performance during this period saw 77.89% of minor applications determined in the 8 week period. This unfortunately did not meet the Top Quartile Target but did exceed the Government Target.

Minor	Top Quartile Target	Government Target
77.89%	80.39%	65%

Other Applications

Performance during this period saw 86.62% of other applications determined in the 8 week timeframe. This did not meet the Top Quartile Target but did exceed the Government Target.

Other	Top Quartile Target	Government Target
86.62%	91.61%	80%

Loughton Town Centre Enhancement Scheme

The issue with the trees continues with difficulties in respect of land ownership and the technicalities of the planting itself. A report is being prepared and will be presented to Cabinet as early as possible. Officers have opened discussions with Essex County Council on the basis that the unregistered land was clearly in use as public highway before the TCE works and therefore could be considered to be highway land.

The Broadway Enhancement Scheme

There has still been no response or even acknowledgement from Transco to the Council's letter. Drop testing is due to be undertaken over the weekend period 22nd/23rd July to establish whether and how extensively the grouting system can be used to support the existing road infrastructure. There will be a meeting with Essex County Council in mid-August to discuss the outcomes of the drop testing and the ensuing technical issues.

Burton Road Car Park - The TRO objection period ended on the 15th July 2007. The Portfolio Holder for Civil Engineering and Maintenance will consider any objections and make the decision.

Mast - Waltham Abbey

A meeting will shortly be held between Legal Services, Head of Planning and Economic Development and Counsel to discuss this matter. The outcome of this meeting will be reported as soon as possible.

Report to the Council

Committee: Cabinet

Date: 24 July 2007

Portfolio Holder: Councillor Mrs A Grigg

Item: 10(a)

1. ADDITIONAL PITCH PROVISION FOR GYPSIES AND TRAVELLERS

Recommending:

That, for the purposes of discussions with potential developers, the draft Core Strategy Policy on Gypsy and Traveller Provision, attached as an appendix to this report, be approved in order that provision be delivered along with any major developments resulting from the East of England Plan.

Government Advice

- 1.1 The Government has concluded that there has been a failure to deliver adequate sites for gypsies and travellers in many areas of England. Provision of an adequate number of suitable sites, including transit sites, in locations that meet the current working patterns of gypsies and travellers is now very high on the national political agenda.
- 1.2 The Housing Act 2004 and ODPM Circular 1/2006 (Planning for Gypsy and Traveller Caravan Sites) provide for the future provision for gypsies and travellers to be brought into the mainstream. The Council as local housing authority will therefore have to include gypsies and travellers in its accommodation assessments, and indicate how their needs will be met as part of the Housing Strategy.
- 1.3 The circular outlines how the new Planning System will address future provision. Gypsy and traveller accommodation assessments will inform the Regional Spatial Strategy - The East of England Plan. The Regional Spatial Strategy will then allocate pitch numbers to each local planning authority area. This identified need will be dealt with at district council level by site allocations in a development plan document as part of the Local Development Framework. Housing numbers for each district in the Regional Spatial Strategy will therefore include provision for gypsies and travellers. The Circular stresses that it will no longer be sufficient for local authorities to rely on criteria-based policies alone - site allocations in development plan documents will be expected.
- 1.4 The Circular is rather ambiguous about development in the Green Belt. It states that development of sites on Green Belt land can usually be avoided if the local planning authority allocates sufficient sites elsewhere in its area to meet identified need. However, in this District, the Green Belt boundaries are drawn very tightly around settlements, and pressure for use or re-use of urban sites is such that the potential for use for gypsies and travellers is very limited. New land allocations to meet the housing requirement of the East of England Plan will mainly be taken out of the Green Belt and these should include provision for gypsies and travellers.

- 1.5 The Circular further advises that where there is clear and immediate need, for instance evidenced through the presence of significant numbers of unauthorised encampments or developments, local planning authorities should bring forward development plan documents containing site allocations in advance of regional consideration of pitch numbers, and completion of the new gypsy and traveller accommodation assessments. There is apparently no attempt to differentiate between need and demand.
- 1.6 Members have been briefed at various times on the implications of Circular 1/06 and this has also been considered in the context of the proposed Single Issue Review of the East of England Plan. The Travellers Task and Finish Panel was briefed on this issue and published its final report in July 2006, with the longer-term accommodation issues being passed to the Environmental and Planning Services Standing Committee. This indicates the Council's continuing awareness of the issue and the acceptance that there are significant on-going problems which require attention.

Need

- 1.7 The Essex Planning Officers' Association commissioned the University of Salford to prepare a report on gypsy accommodation needs in Essex. The report predicted requirements up to 2016 on a county level, rather than district-level basis and concluded that an extra 59 pitches (provision for 118 caravans) would be needed in the county, although immediate provision for 440 caravans on unauthorised sites was also recommended.
- 1.8 Earlier this year the East of England Regional Assembly commissioned a review of existing gypsy and traveller accommodation assessments in the East of England to prepare for a Single Issue Review of the East of England Plan which will identify and plan for the accommodation needs of gypsies and travellers in the region and break down these figures into county and district/borough totals. The first stage of this review has been published with a consultation period lasting until 31 July 2007.
- 1.9 The review document only calculates additional demand up to 2011 and presents two options for provision, one being broadly based on areas of current greatest demand, and the second being on a more even distribution. The results contrast sharply with those identified in the report commissioned by the Essex Planning Officers' Association. The Essex requirements, only up to 2011, are for 438 additional pitches under the first option, and 405 under the second. For both options, the additional provision required in this District would be 52 pitches (close to the figure for the whole of Essex up to 2016 in the report commissioned by the Essex Planning Officers' Association). A 3% annual growth rate is also suggested for estimating provision needs beyond 2011.
- 1.10 The Essex Planning Officers' Association have commissioned independent consultants to determine why the two studies have come up with such different results and to examine their different methodologies in the light of Circular 1/06. The consultants will be required to report in time for the Essex authorities to include their findings in the responses to the East of England Regional Assembly consultation.

Local Development Scheme

- 1.11 A draft revised local development scheme was submitted by the Council to Go-East in October 2006. This was intended to be an interim measure, because a final version of the scheme would need to base its programme on the final adoption of the East of England Plan. Go-East responded to the Council's draft scheme stating that

the relevant Minister considered that the Council was not attaching sufficient urgency to addressing unmet gypsy and traveller accommodation needs and that the scheme should therefore include a Council intention to prepare, as matter of urgency, a development plan document dealing specifically with this issue.

1.12 Following a response to that letter a meeting was held between Planning Officers and Go-East at which discussions focused on:

(a) the Council's view that a direction to produce a separate Gypsy and Traveller Development Plan document was both unwarranted and a poor use of limited resources;

(b) the delay by the Council in considering a report aimed at guiding discussions;

(c) the fact that the total of unauthorised caravans in this District was largely made up from two sites, one of which was due to be considered at a public inquiry in June (now October) and that if that inquiry found in favour of the appellants, the number of unauthorised caravans in the District would be halved, thereby significantly reducing the need for a separate development plan document;

(d) the suggestion by the Council that the issue of gypsy and traveller provision should be addressed through a Core Strategy Policy with site/pitch numbers being allocated through a Land Allocations Development Plan Document which would follow the Single Issue Review of the East of England Plan;

(e) concern about the suggestion that the Minister was minded to direct the Council to amend the Local Development Scheme;

(f) analysis of recent caravan counts for the District.

1.13 Draft minutes of the meeting taken by Go-East were sent to the Council and there followed correspondence between the parties on those minutes. This correspondence has so far failed to resolve differences between the Council and Go-East and we have been advised that the Minister will make a final decision after consideration of this meeting's recommendation.

Core Strategy Approach

1.14 We are of the clear view that the proposed Core Strategy approach is the best one to meet the medium/long-term needs for gypsy and traveller provision, and to do so sooner than a Gypsy and Traveller Development Plan document. We believe this approach is more effective and resource efficient. Adopting the draft Core Strategy Policy attached as an Appendix to this report will assist this approach.

1.15 We recommend as set out at the commencement of this report.

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Draft Core Strategy policy on Gypsy and Traveller Provision

Generally, provision for gypsies and traveller accommodation should be made in accordance with the following sequence of locations:

- 1a) close to the larger settlements in the district and to Harlow (a Key Centre for Development and Change);
- 1b) close to other settlements in the district that have reasonable access to public transport and an appropriate range of facilities;
- 2) elsewhere where there is a specific identified need.

All sites considered for allocation, or otherwise for permission, must have their environmental, social and economic impacts assessed in accordance with the requirements of sustainability appraisal.

Specifically, new provision for gypsy and traveller accommodation will be made in land allocations for housing, mixed use, and sizeable employment development (except glasshouses) made in accordance with the East of England Plan (and subsequent reviews) to meet needs identified in the Single Issue Gypsies and Travellers review of the EEP (and subsequent reviews). [These may be indicated on a Key Diagram].

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Report to the Council

Committee: Cabinet

Date: 24 July 2007

Portfolio Holder: Councillor C Whitbread

Item: 10(b)

1. ASSET MANAGEMENT PLAN 2007-2012

Recommending:

That the Asset Management Plan 2007-2012 be approved.

Introduction

- 1.1 The updated Asset Management Plan (AMP) incorporates the latest revisions to the Council's 5-year Capital Strategy. Further updates will be needed to reflect outcomes of the Asset Conditions Survey which is near completion, and the annual review of the Council's Planned Maintenance Programme.
- 1.2 The updated AMP results from an analysis undertaken by the Institute of Public Finance Limited which featured a number of key aspects, including:
 - (a) a comprehensive review of the previous plan (2001-2006) and the environments which it supported;
 - (b) a review of current objectives and strategies which facilitate the delivery of effective asset management within the organisation;
 - (c) option appraisal; and
 - (d) a definition of the key considerations in the development of a programme for asset management.
- 1.3 In addition to ensuring a high standard of property is available to support the delivery of Council Services, the AMP dovetails with the aims of a number of other key strategies within the Council, including the Community Strategy, the 5-Year Council Plan and the Capital Strategy.

Corporate Asset Policy and its Environments

- 1.4 A key element of the AMP is the importance of capital receipt income to support the Council's Capital Strategy and Capital Programme. There are a number of key aims within the Corporate Asset Policy therefore which are aimed at generating disposal, or potential for disposal of surplus land and building assets.
- 1.5 Property Asset Management within the Council is based on a number of key principles founded on fundamental assumptions, such as the promotion of shared use accommodation where appropriate, adoption of key national performance indicators to measure asset management performance, a strong commitment to

consultation with key stakeholders, and aspiration to achieve an excellent rating under CPA.

- 1.6 Since the initial AMP was developed there have been a number of developments within the environment in and around the District, which potentially have implications on property generally and on the Council's property portfolio. They include:
- (a) demanding new central government targets for affordable housing;
 - (b) opportunities for regeneration and redevelopment arising from the success of the London 2012 Olympic Games Bid; and
 - (c) the development of a new portfolio of performance measures based on condition, suitability and sufficiency to complement the approach taken within the AMP.

Existing and Future Services and Accommodation

- 1.7 Property is now very much seen as being a corporate resource, with asset management, investment and maintenance a key element in all strategic and operational plans. This is evidenced by improved income from rents and receipts from disposal of assets.
- 1.8 An Accommodation Strategy is in development which will cover a number of key aspects such as requirement, location, access and space. In addition, a rolling programme of review is also proposed which will ensure that all opportunities for improvement of accommodation and facilities, both industrial and commercial, together with the creation of affordable homes and the release of land and property, are sought out, and that robust option appraisal is undertaken when examining options.
- 1.9 Partnering in the use and occupancy of property is also a key objective of the AMP, and a number of existing and potential options will improve not only the efficiency in use but the overall quality and accessibility of services.
- 1.10 Excluding HRA housing stock, the Council has a total portfolio of land and properties valued at £72.55 million of which £38.80 million is operational. Rental income from these assets has risen almost 10% during 2006/07 to £3.874 million per annum. Full implementation of rent reviews and lease renewals and re-letting vacant properties as they arise, coupled with improving property markets, has had a key impact on the Estate Management Business Plan, and effective performance continues to be monitored.
- 1.11 The Council has a robust capital management process in place to ensure successful delivery of projects. In addition, achievable opportunities for disposal of surplus assets continue to be identified, which has resulted in significant capital receipts to the authority.
- 1.12 Survey and maintenance of all property continues to be a strong feature within the authority with the implementation of a 5 year planned maintenance programme, an improved programmed works budget and a programme of Disability Discrimination Act compliance works within all public-assessable buildings used by the authority.

Review, Challenge and Option Appraisal

- 1.13 A programme of rigorous review and challenge has been developed.
- 1.14 The Council reassesses its capital priorities on an annual basis. A number of best value reviews carried out recently has impacted on the AMP and Capital Strategy, including those affecting the HRA stock repairs and maintenance, leisure, waste management, and projects and partnerships.
- 1.15 A structured system for identifying needs/opportunities has been implemented in parallel with consideration of corporate objectives. This enables all options to be evaluated in a consistent and comparable way. A key option appraisal objective for the Council is to continue to identify and secure opportunities for partnering in order to achieve best value.
- 1.16 Consultation is also an important feature, and there are a number of examples in place where the Council has already maximised crosscutting partnership working.
- 1.17 As well as undertaking capital projects itself, the Council will continue to seek out opportunities for delivering and procuring capital assets through the private sector and, for large schemes will ensure the adoption of Egan principles to continue to accrue a number of benefits.

Asset Management Programme

- 1.18 In terms of generating income and funding asset creation and improvement, a number of opportunities are available, and the ability to undertake capital projects often depends on such funding. To maximise this potential, the Council forecasts in its Capital Strategy the likely funding to become available over the period of each five year forecast, which is reviewed at least quarterly, and adjustments to the programme are made accordingly.
- 1.19 The Council has set a Capital Plan which, including housing, aims at investing almost £51 million over the 5 year period to 2011. Over £18 million (almost 36%) of this gross expenditure will be funded from Capital Receipts. Currently, the Council holds a high amount of Capital Receipts, interest from which is used to support the General Fund Revenue account. Should the receipts be reinvested then this will have an impact on revenue income. In recognising this, the Council has adopted a policy of seeking out revenue/generating assets in investment decisions, in order to mitigate such an impact.
- 1.20 The Council has eight key capital priorities, ranked in order of strategic importance with regard to overall Council aims and objectives. These go from "improving housing stock" and "delivering quality public services through E-Government" at the top to "improving private sector housing" at the bottom.
- 1.21 The current five year plan maintenance programme commenced in April 2007 with a year one budget of £118,000. The level of planned maintained in the authority is increasing and the AMP will continue to develop planned maintenance with the aspiration of increasing the planned maintenance programme to 70% of overall maintenance within the organisation.
- 1.22 It is essential that there are clearly defined responsibilities for implementation of the AMP. Areas for improvement continue to be identified through best value reviews and a number of other areas will be identified through Service Plans. The Portfolio

Holder for Finance, Performance Management and Corporate Support Services will monitor the progress of the AMP.

Statement in Support of Recommendation

- 1.23 Adoption of a comprehensive AMP should enable the Council to secure the best possible return on its assets, both in terms of revenue and capital value and in terms of the suitability and sustainability of its buildings. The draft AMP takes into account feedback from Government Offices on previous AMP and incorporates the latest guidance on asset management planning. A comprehensive and current AMP will attract credit as part of the next use of resources assessment.
- 1.24 We recommend as set out at the commencement of this report.

Report to the Council

Committee: Cabinet

Date: 24 July 2007

Portfolio Holder: Councillor Mrs A Grigg

Item: 10(c)

1. CONTAMINATED LAND CONSULTANCY BUDGET

Recommending:

(1) That approval be given to the creation of a new Continuing Service Budget for contaminated land consultancy in the sum of £40,000 per annum;

(2) That this budget be funded by income from the introduction of a scheme of charging for planning pre-application discussions; and

(3) That, should the additional spending exceed the additional income, the contaminated land consultancy budget be funded from other savings to be identified within the Planning Services budget such that there is no overall increase in the Continuing Services Budget.

- 1.1 Under environmental protection legislation, the Council has identified over 5,000 sites within the District that may have some level of potential contamination. Environmental Services has an obligation under the Environmental Protection Act 1990 to carry out an analysis of the risks associated with the potential contamination and, once prioritised, to seek remediation.
- 1.2 However, Government guidance suggests that much of the necessary work of remediation will come forward under the planning process and must be dealt with when sites are redeveloped. The costs of the remediation all fall on the landowner or developer but there are significant costs for the Council in assessing whether the site investigation has been adequate and then whether the remediation measures proposed and carried out are adequate.
- 1.3 Contamination, or potential contamination, comes in a variety of forms. In this District major issues were evident when it was first decided to redevelop the Royal Ordnance site and Royal Gunpowder Mills at Waltham Abbey. However, contamination to some greater or lesser degree is likely to be an issue in the redevelopment of any urban, commercial site or of any former intensive agricultural site or on or close to any landfill site.
- 1.4 Experience shows that few developers deal with this matter at their own instigation at an early stage. Instead, they submit a planning application that is scrutinised against the database of potentially contaminated sites. A condition or an informative is then included in any planning permission that requires further details to be submitted of how a site investigation is to be carried out and what remediation measures are then intended to deal with any contamination the investigation reveals.

- 1.5 Planning Officers do not have the technical expertise to deal with these reports which are forwarded to Environmental Health Officers for assessment, but they do not have the in-house resources, or in some complex cases the specialist expertise, to deal with the large volume of reports received so they in turn send the material to selected consultants.
- 1.6 The lack of a sufficient budget within Environmental Services has resulted in them being unable to be proactive in the analysis of potentially contaminated sites to reduce the number on the register as it has been necessary to spend the budget on planning consultation work.
- 1.7 At our meeting on 14 November 2005 we agreed that such costs should be met by requiring legal agreements that would include the expense of such work being passed to the developer rather than being met from the public purse. This will continue to be the aim but experience is that few such agreements have proved possible and, to date, no income has been received to offset these growing consultancy costs.
- 1.8 From the beginning of the current financial year, the officer undertaking this function within Environmental Services was transferred into Planning Services and it is now necessary to create a specific budget of an appropriate scale in order to comply with the financial requirements. In recent years, the costs of consultancy have been running at £40,000 per annum and a CSB budget of that size is requested.
- 1.9 The Local Government Act 2003, allows local authorities to charge customers for holding discussions prior to the submission of planning applications. We are proposing that a charge of £1,500 plus VAT for major schemes be introduced from 1 October 2007 and that the income from this scheme should be used to offset the £40,000 CSB budget for contaminated land consultancy.
- 1.10 In the event that the additional spending exceeds the additional income, we are further proposing that the contaminated land consultancy budget be funded from other savings to be identified within the Planning Services budget such that there is no overall increase in the Continuing Services Budget.
- 1.11 We recommend as set out at the commencement of this report.

Report to the Council

Committee: Cabinet

Date: 24 July 2007

Portfolio Holder: Councillor C Whitbread

Item: 10(d)

1. SUPPLEMENTARY ESTIMATE – APPOINTMENT OF PARKING ENFORCEMENT CONTRACTOR

Recommending:

That a revenue CSB supplementary estimate in the sum of £31,955 for 2007/08 be approved to meet the additional costs of the new parking enforcement contract and additional staffing resources relating thereto arising in the current financial year.

- 1.1 Following a competitive tendering exercise, we are proposing to appoint Vinci Park as the Council's parking enforcement contractor for the period of 1 October 2007 to 30 September 2012 (with an option to extend to 2014) in the sum of £721,579 per annum.
- 1.2 The budget allocated for 2007/08 for the present contract is £682,670. The new contract, therefore, represents CSB growth of £38,909 for the full year. However, given that the new contract will not commence until 1 October 2007, CSB growth for 2007/08 will be £19,455.
- 1.3 Although CSB growth is regrettable it should be noted that all of this arises from the very necessary changes to service and accommodation provision through:
 - (a) an enhanced service provision through a parking shop where the contractor's management and customer interface staff will operate;
 - (b) meeting Disability Discrimination Act and Health and Safety requirements through the parking shop and upgrading the existing Burton Road location; and
 - (c) provision of modern ICT systems to replace existing systems.
- 1.4 Items (a) and (b) above alone account for £45,000 per annum of the tendered sum. It can be seen, therefore, that the base operational costs are actually less than the current contractual sum. It should also be recognised that the tender sum will take into account increases in parking restrictions throughout the District, which will require an enhanced level of enforcement.
- 1.5 Changes within the Traffic Management Act 2004 now require that the Council deals with all challenges to PCNs, including those at the initial stage that are currently dealt with by the contractor. This additional workload will equate to a 0.5 full time equivalent member of staff. Furthermore, when the Highways Agency reverted to Essex County Council, this Council was left with responsibility for a number of minor highway matters, such as street signs, bus shelters, street furniture and the like,

which the Parking Team have had to manage within the existing resources. As the Parking Service expands this is not sustainable and in order to ensure that all elements of the Parking Service and the residual Highways Service are effectively managed and delivered, an additional full time equivalent post is required with effect from October 2007 at a cost of £12,500 in 2007/08.

- 1.6 We recommend as set out at the commencement of this report.

Report to the Council

Committee: Cabinet

Date: 24 July 2007

Portfolio Holder: Councillor Mrs M Sartin

Item: 10(e)

1. APPOINTMENT OF WASTE MANAGEMENT SERVICE PROVIDER

Recommending:

That, in accordance with the recommendations of the Waste Management Contract Appointments Panel:

(a) Sita UK be appointed as the Council's waste management service provider with effect from 5 November 2007 for five years in the sum of £4,427,958 per annum; and

(b) the level of service for residual waste collections be:

(i) a 22 week period of weekly collections from May to September; and

(ii) a 30 week period of alternate weekly collections from October to April.

Background

- 1.1 Following the failure of the previous waste management service provider in April 2006, these services have been provided by Cory Environmental Municipal Services (CEMS). Attempts to formulate a longer-term contractual arrangement with CEMS were unfortunately not successful and the services have been provided on an "open book" basis.
- 1.2 As a result, the Council embarked on a procurement exercise, overseen by a Portfolio Holder Advisory Group, with key decisions of the select list and nature of the contract and specification being made by the Cabinet.
- 1.3 This process culminated on 5 July 2007 when four prospective service providers attended the Waste Management Contract Appointments Panel.

Panel Appointment Process

- 1.4 The role of the Panel was to:
 - (a) note the officer assessment and recommended order of preference;
 - (b) give consideration to the content and quality of bidder presentations;

(c) give consideration to the bidders' responses to the set questions and any clarification questions; and

(d) make an overall assessment as to whether the company could provide the services outlined within their tender bid.

- 1.5 The Panel then reconsidered the officer assessment outcome in the light of what they had heard to determine whether the officer evaluation outcome should be endorsed or changed.

Panel Outcome

1.6 Both the original officer assessment and the Panel's assessment scored Sita UK as the preferred bidder for both a 22 week weekly/30 week alternate weekly residual collection service and a 52 week weekly residual collection service.

1.7 The Panel's assessment was based on the fact that Sita had clearly demonstrated the ability to deliver the services required by the Council, to a high standard. They had also put forward sustainable changes to service delivery, which would enhance the service levels and recycling performance.

1.8 The Panel then considered the level of residual service to be provided. Given that the present summer collection arrangements were operating satisfactorily, and the need to safeguard the Council's current top quartile performing recycling service, the Panel concluded that the interests of the Council and its residents would best be served through the retention of the present arrangements. The Panel proposed, therefore, that the service should be let on the basis of a 30 week alternate weekly residual collection and a 22 week weekly residual collection.

Conclusions

1.9 We agree with the views of the Waste Management Contract Appointments Panel and recommend as set out at the commencement of this report.