

Supplementary Committee Agenda



**Epping Forest
District Council**

Cabinet Monday, 14th April 2008

Place: Civic Offices, High Street, Epping

Room: Council Chamber

Time: 7.00 pm

Committee Secretary: Gary Woodhall (The Office of the Chief Executive)
Email: gwoodhall@eppingforestdc.gov.uk Tel:01992 564470

5.b TEMPORARY USE OF CAPITAL CONTINGENCY (Pages 3 - 4)

(Finance, Performance Management & Corporate Support Services Portfolio Holder)
To consider the attached report (C-133-2007/08).

5.c NATIONAL CONCESSIONARY FARES SCHEME (Pages 5 - 8)

(Community Wellbeing Portfolio Holder) To consider the attached report (C-134-2007/08).

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Report to the Cabinet

Report reference: C-133-2007/08.

Date of meeting: 14 April 2008.



**Epping Forest
District Council**

**Portfolios: Finance, Performance Management & Corporate Support Services.
Environmental Protection.**

Subject: Temporary Use of Capital Contingency.

**Responsible Officers: Bob Palmer (01992-564279).
John Gilbert (01992-564062).**

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

Recommendations/Decisions Required:

- (1) To give retrospective approval for the temporary use of £9,300 from the Capital Contingency to fund the purchase of a refuse vehicle prior to reimbursement being received from Sita.**

Introduction:

1. On 16 July 2007 Cabinet appointed Sita as the Council's waste management service provider. The appointment is for a period of five years and commenced on 5 November 2007. As part of agreeing the fine detail within the overall contract framework an issue has arisen in respect of one vehicle that needs to be addressed.

Refuse Fleet:

2. When the former service provider, South Herts Waste Management (SHWM), was placed in administration by their bankers on 19 April 2006 it was necessary to put in place temporary arrangements to ensure continuity of service. After an initial period during which the Administrator ran the business, Cory Environmental were appointed, on a temporary basis pending contract negotiations, to provide the service from 22 May 2007.

3. In order for Cory to provide the service, the Council had to secure access to the refuse fleet formerly used by SHWM. This fleet was mainly being purchased through lease agreements with the Bank of Scotland. The Bank of Scotland were happy to enter into an initial agreement for three months under which the Council agreed to make the payments that would have been due from SHWM. The Council, following a Cabinet decision on 16 April 2007, ultimately purchased these vehicles.

4. There was one vehicle that Cory required the use of which was on a lease purchase arrangement with Barclays bank. Barclays were not prepared to allow an extended period of use of the vehicle without an assignment or settlement of the lease. Therefore, it was necessary for the Council to enter into a lease purchase agreement with Barclays for this vehicle. This was done with the intention of the lease being subsequently assigned to the incoming waste management service provider, when the long-term provision of the service had been resolved.

5. Sita wish to use the vehicle in the provision of the service but want to acquire it, rather than having the lease assigned to them or enter into some form of sub lease with the Council. However, Barclays are only prepared to sell the vehicle to the Council and not to Sita directly. This means it is necessary for the Council to acquire the vehicle and then sell it on to Sita for

the same price.

6. In performing this transaction the Council is essentially acting as an intermediary to assist Sita in acquiring the vehicle. The Council does not acquire any long-term interest in the vehicle and there is no increase in the capital programme as the expenditure will be re-imbursed. However, the initial purchase does require the temporary use of an amount from the contingency held within the capital programme.

7. This approval is being sought retrospectively as the sale price provided by Barclays was only fixed for fourteen days and officers were anxious to avoid any further delays in the completion of the final detailed contract with Sita.

Statement in Support of Recommended Action:

8. The proposed action does not increase the capital programme and will allow the conclusion of the detailed contractual arrangements with Sita.

Other Options for Action:

9. The Council could refuse to sell the vehicle to Sita although this would obstruct Sita's service provision and provide no benefit to the Council overall.

Consultation Undertaken:

10. None.

Resource implications:

Budget provision: Temporary allocation requested from the capital contingency that will be re-imbursed by Sita.

Personnel: N/A.

Land: N/A.

Council Plan 2006-10/BVPP Reference: N/A.

Relevant Statutory Powers: N/A.

Background Papers: None.

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

Key Decision Reference (if required): N/A.

Report to the Cabinet

Report reference: C-134-2007/08.

Date of meeting: 14 April 2008.



**Epping Forest
District Council**

Portfolio: Community Wellbeing.

Subject: National Concessionary Fares Scheme.

Responsible Officer: Bob Palmer (01992-564279).

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

Recommendations/Decisions Required:

(1) That the Council enter into negotiations with Essex County Council and bus operators to amend the start time of the concessionary bus pass scheme in the Epping Forest District from the statutory time of 9.30am to the earlier time of 9am; and

(2) That in addition to the statutory benefits of the National Scheme the Council further enhance the scheme by offering companion passes, although such passes will only be issued to applicants in receipt of the higher rate of the mobility element of Disability Living Allowance (or for those over 65 in receipt of attendance allowance).

Introduction:

1. The Transport Act 2000 introduced a national minimum standard for local authority concessionary travel schemes for elderly and disabled people. The concession required at least half-fare off-peak travel on local buses within the travel concession authority's (TCA) area.

2. Since 1 April 2006, local authorities have been required to provide their residents who are 60 and over, or disabled with at least free off-peak local bus travel.

3. The 2006 Budget announced that the statutory minimum was to be extended to free off-peak local bus travel anywhere in England from 1 April 2008. At the Cabinet meeting of 12 November 2007 it was decided that the benefits to be provided to pass holders in the District should be as set out in the National Scheme. The National Scheme has a start time of 9.30am and does not include companion passes.

National Scheme:

4. Across the County, and indeed the Country, there has been much concern that the additional funds made available by the Government would fail to meet the additional costs that would be imposed on district councils. In view of these concerns all Essex districts reached initial agreement that in implementing the National Scheme no additional benefits on top of those set out in the National Scheme should be provided. It was felt that any extension of benefits, that districts are required to pay for, beyond the National Scheme would weaken the argument that the scheme is under funded and that the scheme represents an unacceptable financial burden on district councils.

5. In an attempt to obtain full funding for the scheme the Chief Executive of Castle Point District Council was authorised by the Essex Chief Executives group to act on behalf of Essex authorities and make representations to the Department for Transport. A meeting was recently held between the Minister, Lord Hanningfield, the leaders of Castle Point and

Chelmsford Councils, the Chief Executive of Castle Point and various other officers from Essex County Council and the Department for Transport. Unfortunately it appears that there will be few, if any, positive outcomes from this meeting.

Scheme Start Time:

6. There have been a number of complaints in both the local and national press, and also direct to this Council, about the change from a 9am start to a 9.30am start under the National Scheme. In view of these complaints a number of districts have re-considered their original position on the start time for the scheme in their areas. To date Braintree, Brentwood and Maldon have all reverted to a 9am start.

7. Given the change of policy by other districts, Members may feel that it is appropriate for this authority to also review the scheme start time. If a 9am start time is felt appropriate it would be necessary to enter into negotiations with Essex County Council and the bus operators to seek to achieve this. As these negotiations are unlikely to be straightforward it is not possible to predict a date from which any change could be introduced.

8. Moving to an earlier start time will increase the cost of the scheme. The consultants who co-ordinate the Essex scheme, MCL, have estimated that increasing the hours of the scheme could cost in the region of £25,000. It is extremely difficult to make predictions about the costs of the new scheme as the method for calculating the costs to districts has changed from 1 April 2008. Prior to 1 April 2008 districts were required to pay for travel undertaken by their residents anywhere within the Essex scheme boundaries, e.g. a journey by one of our residents in Colchester would be paid for by this Council. From 1 April 2008 districts have to pay for travel by any pass holders within the District, e.g. a journey by one of our residents in Colchester would now be paid for by Colchester. This picture is further complicated by the wider travel now allowed under the National Scheme.

Companion Passes:

9. In addition to the authorities that have reviewed their position on the scheme start time a number of others have reviewed their positions on the issue of companion passes. Companion passes now appear to be offered by most other Essex districts, with only Basildon and Harlow still adhering to the National Scheme in this respect.

10. This Council did not offer companion passes as part of the previous Essex Countywide Scheme, although one pass was issued under the scheme run in conjunction with Transport for London in the south of the District. Given the Council's wider aims on inclusion and equalities Members may feel that it is now appropriate to assist residents with mobility difficulties through an expansion of the scheme. As this benefit has never been offered previously it is again difficult to predict the demand for and use of such passes. However, as with the change to the start time considered above, it is felt unlikely that issuing companion passes would incur additional costs exceeding £25,000.

11. If Members were minded to offer companion passes it would be necessary to have some form of checking in place to attempt to minimise any abuse of the scheme. Brentwood Borough Council have offered companion passes for some time and as part of their scheme require any applicants to supply a letter from their General Practitioner which confirms that they cannot travel unaided by a companion.

12. Some concern exists over both the consistency of judgement amongst General Practitioners and the placing of an additional burden on those in need of this help. To avoid placing additional complications in the way of applicants, entitlement could be linked to receipt of existing mobility related benefits. The Disability Living Allowance is available to those under 65 who need help with personal care or have walking difficulties because of a physical or mental disability. It is a tax-free benefit that has a care component and a mobility component and can be claimed whether you are in work or not.

13. The mobility component has two rates depending on the extent of the disability. The lower rate is payable to those who need guidance or supervision out of doors, whilst the higher rate is payable to those with more severe walking difficulties. It is suggested that the higher rate is the most appropriate level to offer companion passes at initially, although this could be amended in subsequent periods. If someone is in receipt of Disability Living Allowance when they reach 65 it may continue if they still have care or mobility needs. However, those making a first claim over the age of 65 would claim Attendance Allowance rather than Disability Living Allowance.

Budget Provision:

14. As part of the decisions on concessionary fares at the November Cabinet meeting Members agreed that the residual budget of £65,000 for the Transport for London scheme should not be taken as a saving but retained as a contingency within the overall concessionary fares budget. Current projections remain that the costs for 2008/09 will be within the amount budgeted and thus £50,000 of the £65,000 contingency within the concessionary fares budget could be allocated to pay for the possible enhancements to the scheme. Therefore the changes could be made without the need for a supplementary estimate, although this would reduce the comfort margin in this area.

Statement in Support of Recommended Action:

15. The proposed enhancements to the National Scheme would benefit many residents of the District and in particular the issue of companion passes would assist those with the greatest mobility problems. Any argument in favour of retaining a unified position on the basic terms of the National Scheme has already been weakened by other authorities changing their positions.

Other Options for Action:

16. The Council could decide to make either of the enhancements to the scheme in isolation or indeed to adhere to the basic terms of the National Scheme.

17. There are a number of options for determining entitlement to a companion pass. A letter confirming the applicant's need from their General Practitioner could be required. Or, if linking entitlement to Disability Living Allowance, the entitlement could be extended to those in receipt of the lower rate. As this is the first time companion passes have been offered in the District on this scale Members may feel it appropriate to initially link entitlement to the higher rate of mobility allowance but to keep this under review.

Consultation Undertaken:

18. Other districts have been consulted on the enhancements they have made to the National Scheme.

Resource implications:

Budget provision: see above.

Personnel: The implementation of the national scheme has required the use of some additional casual staff, but these costs have been met from within existing budgets.

Land: N/A

Council Plan 2006-10/BVPP Reference: N/A.

Relevant Statutory Powers: The Transport Act 2000, to be amended under the Travel Concessions (Extension of Entitlement) (England) Order 2005.

Background Papers: Report to Cabinet 12 November 2007.

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

Key Decision Reference (if required): N/A.

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