

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Cabinet	Date:	Monday, 10 October 2022
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.00 - 8.19 pm
Members Present:	Councillors C Whitbread (Chairman), N Bedford, N Avey, S Kane, A Lion, A Patel, J Philip and K Williamson		
Members Present (Virtually):	Councillors H Whitbread		
Other Councillors:	Councillors R Balcombe, C McCredie and J M Whitehouse		
Other Councillors (Virtual):	Councillors R Brookes, S Heap, H Kane, S Murray and J H Whitehouse		
Apologies:	L Burrows		
Officers Present:	G Blakemore (Chief Executive), A Small (Section 151 Officer), A Hendry (Democratic Services Officer), T Carne (Corporate Communications Team Manager), C Hartgrove (Interim Chief Financial Officer), S Mitchell (PR Website Editor), M Thompson (Interim Acting Service Director (Technical)) and J Warwick (Interim Acting Service Director (Contracts))		
Officers Present (Virtually):	V Messenger (Democratic Services Officer) and S Jevans (Group Managing Director)		

38. WEBCASTING INTRODUCTION

The Leader of Council made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

39. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

40. MINUTES

There were no completed minutes to confirm at this meeting.

41. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports made by Members of the Cabinet on current issues affecting their areas of responsibility.

42. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

The Cabinet noted that no public questions or requests to address the Cabinet had been received for consideration at the meeting.

43. OVERVIEW AND SCRUTINY

The Chairman of the Committee reported that there was nothing to report as there had been no recent meetings of the Overview and Scrutiny Committee.

44. UPDATED MEDIUM-TERM FINANCIAL PLAN 2023/24 TO 2027/28

The Finance Portfolio Holder introduced the report. The Cabinet noted that the preparation of an MTFP provided the cornerstone on which the Council can build and deliver services in accordance with its aims and objectives. It also provides an early warning sign of potential budget pressures that lie ahead.

This was the first iteration of the MTFP within the 2023/24 budget cycle. It was a forward-looking document which provided a tentative look at the Council's financial picture over the next five years (2023/24 through to 2027/28) and sets the scene by providing a framework for developing both the General Fund and Housing Revenue Account (HRA) budgets for 2023/24.

The General Fund element of the MTFP could be found at Appendix A of the report. It revealed a projected deficit of £4.126 million in 2023/24. This reflects major spending pressures – driven by inflation – (for example) on Employees and Supplies & Services, which is exacerbated by an anticipated drop in Government grants of £1.154 million. Estimated net expenditure in 2023/24 was £19.402 million, compared to available funding of £15.276 million. The Council was required to eliminate this deficit and set a balanced budget for 2023/24 in February 2023.

Councillor Patel asked if there was potential to sell one of our commercial assets. The Portfolio Holder replied that this would make things worse as there would be less revenue coming in.

Councillor Murray acknowledged the difficult decisions that had to be made and the potential reduction of £1.15 million from the government. He made a plea to protect the front line services and have consultations with officers to where savings could be made.

The Leader thanked the Portfolio Holders and officers that were working together to fill the budgetary gap. It was good we were preparing the budget early this year. This was not just a problem for this year, but we may need to change the way we did things from now on. The most important thing being that we protect those services to our residents.

Decision:

- 1) The Cabinet noted the contents of the report, including:

- The General Fund element of the updated Medium-Term Financial Plan (2023/24 to 2027/28); and
 - The Housing Revenue Account element of the updated Medium-Term Financial Plan (2023/24 to 2027/28).
- 2) The Cabinet discussed and agreed any actions required, including the assumptions contained in the MTFP and the potential options for addressing the underlying budget deficit in order to set a balanced budget for 2022/23.

Reasons for Proposed Decision:

To provide an updated financial position for the Council based on latest available information, allowing Cabinet to consider the implications and potential options available, and provide strategic direction to senior officers in preparing a (balanced) draft budget for 2023/24.

Other Options:

There are no matters for decision in this report.

45. CAPITAL PROGRAMME UPDATE 2023/24 TO 2027/28

The Finance Portfolio Holder introduced the report. He noted that the updated (indicative) Capital Programme was in two parts and comprises total investment of £226.564 million (General Fund £46.466 million, Housing Revenue Account £180.098 million) over the five-year period 2023/24 to 2027/28.

The purpose of this report was to present and provide context for consideration by Members – alongside the Medium-Term Financial Plans (for both the General Fund and Housing Revenue Account) – an indicative draft Capital Programme for 2023/24 to 2027/28.

Decision:

- 1) The Cabinet noted the contents of the report, including both the updated General Fund and Housing Revenue Account Capital Programmes (2023/24 to 2027/28) at Appendix A of the report; and
- 2) The Cabinet discussed and agreed actions required (in the context of the updated Medium-Term Financial Plan) for the further refinement of the Capital Programme as part of developing integrated draft budget proposals for further consideration by Cabinet in December 2022.

Reasons for Proposed Decision:

To provide an updated (initial) draft Capital Programme for the Cabinet's consideration, to allow discussion and direction in the further development of the Programme in order to balance the need to deliver on the Council's corporate priorities, whilst maintaining a balanced budget and achieving long-term financial sustainability.

Other Options:

There are no matters for decision in this report.

46. **QUALIS 1-YEAR BUSINESS PLAN - 2022/23**

The Finance Portfolio Holder introduced the report. He noted that events at a national and global level had introduced a rapidly changing and volatile position which was impacting heavily upon the Council's own financial planning. Qualis was far from immune to these impacts and was needing to adapt and change its plans in response to external influences and factors, inflation not being the least of these. In this space Qualis have brought forward a 1-year plan which responds to the uncertainty immediately in front of them. The medium-term impacts on their strategy will be reflected in the 4-year Business Plan which will be presented when the current uncertainty reduces.

This report presented the 1 Year Qualis Business Plan and sought the Council's permission to adopt this as its direction and focus.

Qualis was initially created by the Council to solve specific problems including the housing maintenance contract re-let and to progress a number of council owned regeneration sites. In the last Business Plan the Council had worked with Qualis to explore and refine its future purpose and the emerging focus was that of property development and management company. The shared ambition sought to consolidate all property Council management and development activities under the Qualis umbrella so that their specialism and expertise could be utilised to provided better quality and better value services.

This Business Plan sought to build on and further develop this intention. However, the work jointly undertaken by Qualis and the Council to develop this plan has had to take account of the uncertain economic landscape and was deliberately more cautious as a result.

Councillor Bedford asked if quotes from contractors were guaranteed for only 12 to 14 weeks or more open ended for up to 6 months. He was told that at present it was for the shorter period. Contractors were not prepared to hold prices for 6 months at present.

Councillor Lion if these conditions would affect the regeneration schemes. He was told it was important to distinguish between the Housing Revenue regeneration schemes, such as the Limes Farm scheme. Quails sets aside loans to do regeneration within the district, the challenge was to find commercial areas where this could happen, which was proving difficult at the moment.

Councillor Murray noted that, admittedly through anecdotal evidence, that the quality of Quails housing repairs and their interface with the tenants, was not good. He was told that in general the work done by Qualis was off an acceptable standard. They were also regular meetings with Qualis management to give appropriate feedback, which enabled quicker response from them.

Decision:

- 1) Cabinet approved the 1 Year Qualis Business Plan, including the specific permission set out within the covering report (Para 4.10 of the report); and
- 2) The Cabinet delegated to the Finance Portfolio Holder the negotiation of commercial terms with Qualis for contracting out of the management of the Council's

commercial assets, thereby formalising the interim arrangements which were due to end on the 30th September 2022, (including the formal transfer of the 2 asset management staff).

47. EFDC LITTER STRATEGY

The Contracts and Commissioning Portfolio Holder, Councillor N Avey, introduced the report. He noted that this report set Epping Forest District Council's commitment to the Government's Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019).

The strategy aimed to:

- change the behaviour of people who feel it is acceptable to drop litter through education and social media campaigns
- make it easy to dispose of litter, provide the appropriate facilities in the right places, and collect litter in a timely fashion
- improve enforcement by exercising council powers to deal with anyone who drops litter

This Litter Strategy explains how Epping Forest District Council's plans to continue its work in not only meeting the Government's expectations but also reflect resident's desire to have a clean and healthy local environment free of litter, fly-tipping and dog waste.

Councillor Lion asked if there could be an education plan associated this strategy to engage with the community. Councillor Avey agreed that education was key and the need to get young people involved.

Councillor Murray welcomed the work done by local volunteers and the rewarding of the right behaviour in schools. He noted that there was still a lot to be done on the weed removal programme and drain maintenance programme with some drains being completely blocked in his area. He was told that they had some problems with the weed management programme and noted that drainage maintenance was important, and he noted the problem.

Councillor H Whitbread noted that the regeneration schemes in the housing estates were looking at litter such as the 'save a street' scheme in Waltham Abbey which was a good example of this.

Councillor Patel noted that the level of fines given out in response to littering was quite low and went on to ask how the council actually caught people in the act of littering and take forward prosecutions. He was told that it was difficult especially if litter was thrown out of cars. CCTV cameras could be used, but in all these things the evidential level was quite high. He agreed that fines were too low but were outside the scope of what the Council could do; this was down to the government and the courts.

Councillor McCredie noted that this report did go to the Stronger Place Select Committee in July but did not come back although she would have liked to see more details. Councillor Avey replied that they had noted the comments made by the select committee and changed the report accordingly. He noted that this was an overarching, high level report that did not go into details. Regular updates will be provided to the Stronger Place Select Committee.

Decision:

The Cabinet approved and adopted the Epping Forest District Council Litter Strategy.

Reasons for Proposed Decision:

The Litter Strategy sets out three principal reasons why the Council needs a litter strategy, namely:

- Publication by the UK Government of the National Litter Strategy for England and the Code of Practice on Litter and Refuse 2019 (COPLAR); https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834331/pb11577b-cop-litter1.pdf
- The importance of maintaining a clean environment and the need for a clear statement of how we intend to achieve this aim.
- The continuing pressure on Council budgets.

Other Options for Action:

Epping Forest District Council have never had a Litter Strategy, we can continue to operate without a litter strategy, but this strategy explains how Epping Forest District Council and other relevant partners can meet their legal duties to keep streets and open spaces for which they are responsible clean and free of litter.

48. WASTE AND RECYCLING COLLECTION / STREET CLEANSING CONTRACT

The Contracts and Commissioning Portfolio Holder introduced the report. The Council was currently in contract with Biffa Municipal Ltd. for the delivery of waste, street cleansing and processing of dry recycling services at an annual cost of £6.6m, with income received from the sale of the dry recycling currently in the region of £450,000, however this varies year on year with fluctuations in the market. The Contract was due to expire in November 2024 after an initial period of ten years and had the option to extend by (up to) a further ten years, by mutual agreement.

Ricardo Energy & Environment (Ricardo) was commissioned by the Council to conduct a high-level review of their current waste contract in August 2020, based on this review it was recommended that members agree in principle to extend the waste contract with Biffa. Since this recommendation Biffa's performance and service delivery has deteriorated leading to ongoing missed collections and service delivery issues. This has led to district wide disruption to the collection of residents' waste and recycling.

Contract extension discussions with Biffa have been protracted and Biffa were still yet to present finalised extension options with full detailed costings. Biffa had indicated that any extension was likely to cost Epping Forest District Council significantly more than the current contract price and reluctant to specify a specific figure that they could guarantee would be accurate in November 2024. The agreement to extend the Contract in principle does not legally bind the Council and this report considering Biffa's current performance and costs of extending the contract recommends that approval is given to enable a full procurement exercise to take place to demonstrate value for money.

Councillor Philip said that it made sense to spend money on consultants at this stage as it could cost more if not done.

Councillor Patel agreed but asked for assurance that we did not get more bins and kept the bags. He was told that this would depend on costs and what the waste company wanted to do. Also, the Government would be issuing guidance on this. Councillor Philip noted that the recycling bags cost a lot of money on an ongoing basis each year and not everyone used them for what they were intended.

Councillor Brookes thanked officers for their hard work in chasing things up when they went wrong and asked why we had not gone ahead with getting our own depot.

Councillor C Whitbread endorsed her thanks to the officers who have been first class in handling these issues.

Councillor Avey agreed that officers had worked hard. He went on to say that a depot had now become an issue and they would continue to investigate this.

Decision:

- (1) The Cabinet agreed to go to market and run a full procurement process for the Waste / Street Cleansing Contract which expires in November 2024; and
- (2) The Cabinet agreed to allocate £120,000 for specialist Environmental Consultants to lead on the procurement and legal costs.

Reasons for Proposed Decision:

This decision is based upon Biffa's assessment of the additional costs they require to extend the contract which have increased considerably since discussion of the waste contract extension began. There have been issues with Biffa's current performance which has led to ongoing missed collections for over six months. This has caused widespread disruption and complaints throughout the district. A procurement exercise is the only way to demonstrate value for money.

Other Options for Action:

Extend the contract with Biffa and pay the additional costs they are requesting. However, this will not demonstrate value for money and Epping Forest will have little control over the contract.

Bring the service in-house, although without a depot this would not be feasible. Epping Forest District Council would also have to fully fund, or contract hire an entire new fleet of vehicles and pay for ongoing maintenance costs. Epping Forest District Council would also be liable for TUPE costs, recruitment, health and safety, legal, annual leave, and sickness absence. Costs to bring in house would be considerably more than the current contract price.

49. CORPORATE PLAN 2023 - 2027

The Leader of the Council, Councillor C Whitbread introduced the report. He noted that the Corporate Plan 2018 to 2023 was the authority's current key strategic planning document. The lifetime of the current Corporate Plan comes to an end 31st March 2023, a new Corporate Plan has been developed to take the authority forward over the period from 2023 to 2027.

The Council's main areas of focus for the four-year lifetime of the new Plan had been captured in a new set of corporate aims. In addition, a new set of key results have been developed to support the aims and key objectives. These Corporate aims would be reviewed annually through Objectives and Key Result measures to deliver and work towards the achievement of each objective that year.

Councillor Philip noted that this was contained within existing budgets and agreed that it should be an electronic document.

Decision:

- (1) The Cabinet agreed the new Corporate Plan for the period 2023 – 2027; and
- (2) That the Corporate Plan 2023-2027 be recommended to Council for adoption.

Reason for decision:

The identification and adoption of the Council's high level strategic aims and the key objectives to support the aims, for the four-year period of the new Corporate Plan, provide an opportunity for the Council to focus specific attention on how areas for improvement will be addressed, opportunities exploited and better outcomes delivered for local people.

Other Options considered:

Not applicable.

50. MARKET POLICY

The Technical Services Portfolio Holder, Councillor K Williamson introduced the report.

He noted that there was currently no regulatory framework in place for the establishment and operation of markets across the district, which are recognised as an important contributor to the local economy. The Food act 1984 empowers a local authority to carry out this function and Cabinet was asked to consider the proposal for the introduction of an Epping Forest District market policy that would allow the Council to influence the nature and type of markets in a particular locality for the benefit of the community. This will be regulated through a licensing regime and the costs recovered through a fee charging framework. The draft policy has been subject to a full public consultation and amendments have been made where appropriate in response to representations made.

Cabinet was also asked to ratify Section 37 of the Local Government (Miscellaneous Provisions) Act 1982, that is also relevant to the Market Policy. Whilst the Council's constitution references the said legislation in its delegations, no minuted records exist to evidence the adoption of the legislation in the first instance. Cabinet is therefore being asked to ratify and minute the adoption of the legislation again for completeness.

Decision:

1. The Cabinet agreed to adopt the proposed Market Policy;

2. The Cabinet agreed the proposed Fees Policy and charging schedule be included in the Councils Fees and Charges Schedule and reviewed annually; and

3. The Cabinet agreed to ratify section Section 37 of the Local Government (Miscellaneous Provisions) Act 1982, in relation to markets, that was known to have been adopted historically but did not appear in any current records.

Reasons for Proposed Decision:

The Council wants to encourage a market trading environment that compliments the surrounding area and retail offer, that is sensitive to the needs of all users of our town centres and provides a diversity of choice for consumers.

A Market Policy was proposed that will allow the Council to influence the nature and type of markets in a particular locality for the benefit of the community. It will also include an appropriate regulatory framework, through a licensing regime that will set licence fee conditions to protect public safety, nuisance, highways issues and other regulatory concerns

Applications for a Market Licence administered and enforced by the Licensing Team within the Regulatory Service will be subject to a fees schedule that will be reviewed annually.

Other Options for Action:

The Council has a policy for controlling street trading of single market operators in the district by virtue of street trading consents. However, it is not appropriate to apply this mechanism to market events which consist of multiple stalls each selling different products by different individual traders.

Powers vested in the Council under Part 3 of the Food Act 1984, allows it to hold markets within its area and affords the right to licence and control the frequency of such markets. It is also good practice for councils to publish a Market Policy and have a licensing regime that allows it to influence the nature and type of market for the benefit of the community.

To not adopt a new policy to address market trading events prevents the Council from having the necessary framework to influence and control the market offer to local communities and fails to provide a robust and fair regulatory regime.

51. ANY OTHER BUSINESS

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

CHAIRMAN