

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Cabinet	Date:	Monday, 7 November 2022
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.00 - 8.27 pm
Members Present:	Councillors C Whitbread (Chairman), N Bedford, N Avey, L Burrows, S Kane, A Lion, A Patel, J Philip and H Whitbread		
Members Present (Virtually):	Councillors		
Other Councillors:	Councillors R Balcombe, H Kauffman, C Nweke and J M Whitehouse		
Other Councillors (Virtual):	Councillors R Brookes, H Kane, S Murray and D Wixley		
Apologies:	K Williamson		
Officers Present:	G Blakemore (Chief Executive), A Small (Section 151 Officer), A Hendry (Democratic Services Officer), I Braddick (Garden Town Liaison Lead), T Carne (Corporate Communications Team Manager), N Cole (Corporate Communications Officer), N Finney (Interim Implementation Team Manager), J Gould (Interim Strategic Director), R Schunemann (Principal Planning Officer) and J Warwick (Interim Acting Service Director (Contracts))		
Officers Present (Virtually):	S Jevans (Group Managing Director) and R Perrin (Democratic and Electoral Services Officer)		

52. 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.

53. Declarations of Interest

Pursuant to the Council's Member Code of Conduct, Councillor R Brookes declared a non-pecuniary interest in agenda item 11 – 'Epping Forest District Museum Operating Model', by virtue of being a member of the Museum Association and the International Council of Museums. The Councillor had determined that her interest was non-prejudicial and that she would stay in the meeting for the consideration of the item.

54. Minutes

Decision:

That the minutes of the Cabinet meetings held on 30 September and 10 October 2022 be taken as read and would be signed by the Leader as a correct record.

55. Reports of Portfolio Holders

The Housing and Community Portfolio Holder reported back on the performance of housing repairs by Qualis. In future, she had agreed that Qualis would be reporting back to scrutiny (the Stronger Communities Select Committee) on performance matters. There has been some positive feedback on performance, with a 93% satisfaction rating for the housing repairs service, with only 88 complaints, but 1,112 compliments.

56. Public Questions and Requests to Address the Cabinet

Public Questions

Mr T Blanks sent in the following questions for the Finance Portfolio Holder. Mr T Blanks read out his question to the Cabinet.

Question:

My question is on which date did the employees begin their new employment by Qualis and were their full employment rights including long service and comparable pension benefits transferred to them by EFDC under TUPE arrangements as Qualis employees?

The Portfolio Holders response was:

The staff from EFDC TUPE'd across to Qualis Management on the 28th September 2020; all staff were transferred with their full employment rights including their long service and protected pension benefits.

Supplementary Question:

Mr Blanks then noted that it had been confirmed to him that 38 staff had been transferred over to Qualis Management; what was the name of the employers and were the transferred staff able to remain members of the Local Government Scheme or, had there been an error in the accounts.

The Portfolio Holders response was:

Yes, there had been an error in the audit of accounts which had not been picked up by the auditors. There was an average of 43 employees in Qualis Management over that period and 9 board members. As for the contract details, that was Qualis' business not the Council's business; but they did transfer with their protected pension benefits from the Local Government Pension Scheme.

57. Overview and Scrutiny

The Chairman of the Overview & Scrutiny Committee reported that they had held a special meeting on 3 November to discuss the report on the transfer of Ground Maintenance to Qualis. In the end the Committee were unable to support this move.

58. Waste Management Portfolio Holder Advisory Group

The Contracts and Commissioning Portfolio Holder, Councillor Avey introduced the report requesting the establishment of a waste management portfolio advisory group.

The purpose of this report was to establish a Waste Management Portfolio Holder Advisory Group to consider the current challenges with the delivery of the waste contract. The group would provide advice in dealing with the current challenges and support the procurement of a new waste and recycling contract. The group would provide feedback on the service specification for the new Waste and Recycling Contract to commence in November 2024.

Decision:

That the Cabinet noted and endorsed the establishment of a Waste Management Portfolio Holder Advisory Group, under the terms as set out in the report.

Reasons for Proposed Decision:

The reason for this decision was due to the high volume of missed collections that have been largely down to staff shortages, vehicle breakdowns and recruitment issues in the waste industry. This had caused widespread disruption and complaints throughout the district. It was felt that this advisory group would help to keep members informed as to the issues and what was being done to resolve the issues.

Other Options for Action:

Do not set up the advisory group.

59. Latton Priory Masterplan Allocation Sites

The Place Portfolio Holder, Councillor Bedford, introduced the report on the Latton Priory Masterplan Allocation Site.

The Harlow and Gilston Garden Town aims to coordinate and enable delivery of 16,000 homes by 2033, along with associated infrastructure, in and around Harlow, East Herts and Epping Forest Districts, delivering the Garden Town Vision, principles and guidance that has been agreed by the five partner councils. 3,900 of these homes are allocated within Epping Forest District, making up over a third of the District's allocated housing to be built to the TCPA's Garden City Principles.

Latton Priory Masterplan Area located within the Parish of North Weald Bassett. It is bounded to the north by the border between Epping Forest District and Harlow District. The masterplan is allocated for a minimum of 1,050 homes, primary and secondary schools, 1ha of employment land, 0.5ha for up to 5 Gypsy & Travellers pitches, a vibrant local centre and community facilities. The masterplan will also feature extensive green and blue infrastructure to promote natural and sustainable drainage and improved biodiversity, along with a large Suitable Alternative Natural Green space (SANG) to the southeast of the site to improve biodiversity and alleviate mounting pressure on the EFDC Special Area or Conservation (SAC).

The site promoters for Latton Priory Commercial Estates Group (CEG) and Hallam Land, had been engaging with EFDC officers since 2018 in the development of the

Latton Priory SMF following the Strategic Masterplanning Briefing Note, which was agreed by the Council's Cabinet in October 2018. This document set out the requirement for the endorsement of Strategic Masterplans and Concept Frameworks as allocated in the emerging LPSV.

Councillor Philip noted that a potential issue was that it may clash with the Main Modifications Consultation. Could we make sure that we signpost clearly the two different consultations taking place. He would also like to know what form the Latton Priory response were likely to take and who would be processing them. He was told that officers were working closely with EFDC's communications team to make sure there was no confusion. The consultation responses were to be collected a few different ways to allow maximum responses. There will be a consultation platform to enable us to collect responses digitally, this would be based around a questionnaire. We will also accept hard copies and email responses. These will be processed by the developer.

Councillor Lion asked if the infrastructure delivery plan referenced broadband infrastructure. He was told that from the start of this development it had always been key they would put in the best infrastructure that they could. It was also noted that provision of broadband was in the Local Plan.

Councillor Jon Whitehouse brought up some general area of concerns such as having sustainable transport links into the wider area and not just into Harlow. He asked if there was a mechanism to achieve Modal Shift to destinations other than to Harlow. Finally, was there any assurance that the aspirations in the Masterplan would feed through into practice. He was told that the sustainable transport links beyond the Masterplanning area (other than to Harlow) were being considered by officer who were looking to make it viable. As for a Modal Shift they have policies around this and would also welcome comments on this in the consultation. As for the commitments of the masterplan and how they carried on into planning applications. This was in the forefront of officers thinking as it was there to fix how things came forward in planning applications so the community could have clarity on what the expectations were.

Councillor Wixley asked if any land had been identified for sports facilities. He was told that there had been, and it formed part of the consultation process.

Decision:

(1) The Cabinet approved the draft Latton Priory Strategic Masterplan Framework and commencement of the public consultation for the Latton Priory Strategic Masterplan Area allocation identified as SP 5.1 in the Local Plan Submission Version 2017

(2) The Cabinet noted that the staged public consultation would take place over a minimum of six weeks from mid-November 2022 and will run through December 2022. It would be planned to allow the widest possible contribution and taking into account the Christmas / New Year period.

(3) The Cabinet noted that a further update would be provided to share the results of the public consultation, any updates to the masterplan and/or framework document to reflect consultation and to endorse the masterplan, so that it could be given appropriate weight as a material planning consideration in the determination of future planning applications.

Reasons for Proposed Decision:

To ensure that members were kept fully up to date on the progress of Masterplans and Concept Frameworks and other major proposals being promoted within the District.

To comply with the Council's general obligations as a local planning authority and the requirements set out in national planning guidance.

Other Options for Action:

N/A

60. Implementation of the Local Plan: update on Progress

The Place Portfolio Holder, Councillor Bedford, introduced the report update on the implementation of the Local Plan.

This report was prepared by the Policy and Implementation Team to provide members with an update on the progress of the Local Plan, Strategic Masterplans, Concept Framework Plans and Planning Performance Agreements (PPAs) within the district, including major projects and planning applications dealt with by the team.

The Council, in conjunction with the Local Plan Inspector, had finalised the proposed Further Main Modifications that it considers are required to the Local Plan in order to meet the tests of soundness. The Council was busy preparing for the Further Main Modifications consultation to commence at the end of October 2022.

Regarding Strategic Masterplans scheduled meetings and workshops continue to take place with site promoters and developers in accordance with project plans agreed within PPAs. The majority of workshops/meetings continue to take place virtually, but in-person meetings were being arranged for specific masterplan workshops.

The CIL Amendment Regulations introduced a requirement for authorities to prepare Annual Infrastructure Funding Statements. Appendix E of the report set out the proposed Infrastructure Funding Statement for the District for 2021/2022. The Infrastructure Funding Statement (IFS) applies to financial year 2021/2022 and sets out s106 agreements completed in that year, the types and values of contributions included in the agreements and the monies paid to the Council. The report then sets out the S106 projects deliverable within the next 5 and 10 years. The IFS also sets out how the s106 income will be spent and prioritised over the plan period.

Decision:

(1) The Cabinet noted the latest position in relation to the Examination of the Emerging Epping Forest District Local Plan.

(2) The Cabinet noted the progress of Strategic Masterplans and Concept Frameworks, including the use of Planning Performance Agreements and the progress of other proposals at pre-application and application stage (see Appendices A – D of the report);

(3) The Cabinet agreed the Infrastructure Funding Statement 2021/2022 (see Appendix E of the report) for online publication by 31 December 2022.

Reasons for Proposed Decision

To ensure that members were kept fully up to date on the progress of Masterplans and Concept Frameworks and other major proposals being promoted within the District.

To comply with the Council's general obligations as a local planning authority and the requirements set out in national planning guidance.

Every Local Authority was required to publish an Infrastructure Funding Statement ('IFS') by 31 December each year that sets out the amount of planning obligation expenditure where funds have been allocated.

Community Infrastructure Levy Guidance 2014 sets out that:

"Reporting on developer contributions helps local communities and developers see how contributions have been spent and understand what future funds will be spent on, ensuring a transparent and accountable system."

Paragraph: 172, Reference ID: 25-172-20190901

The Council's Infrastructure Delivery Plan had identified the infrastructure projects that were required to deliver development in the District to 2033.

Other Options for Action:

Not to update members on the progress on the above issues would be contrary to the commitment made by the Implementation Team as noted in the 18 October 2018 Cabinet Report.

Not to publish the Infrastructure Funding Statement within the deadline would result in a failure to comply with the Community Infrastructure Levy regulations.

61. Epping Forest District Museum Operating Model

The Wellbeing & Community Partnerships Portfolio Holder, Cllr A Patel introduced the report.

The Council was committed to future-proofing the delivery of the Museum service whilst also addressing the need to make efficiencies in the current fiscal climate. Following a meeting held at the Museum on 12th September, which was attended by a number of District Councillors, Officers, and an independent specialist consultant, where it was proposed that Epping Forest District Museum should be moved into trust status. It was felt that the Museum's future would be best secured by outsourcing its management and operation as a 'community' museum.

The report provided an assessment of possible options as to how this could be achieved, together with key issues that need to be considered in transferring from a

directly provided local authority service into another entity. It also proposed a concept of what a 'community' museum might be and an indicative timetable and tasks for transitioning.

Councillor Philip welcomed the report, as it gave an opportunity to keep the museum going and to make it better. Councillor H Whitbread noted that the museum was valuable to the district and its schools, and this would protect it in the long term.

Councillor S Kane said it seemed sensible and asked when the final decision would return to Cabinet (as stated in recommendation 4). He was told that they were employing the skills of a specialist consultant to take this forward, and they should be able to come back to the Cabinet in 4 to 6 months.

Councillor Kauffman said that he would like this linked to tourism in the district and could it be linked to other things such as the Gunpowder Mill. He was also nervous about the appointment of trustees and would like a mechanism to employ local, knowledgeable people in these posts. He was told that the council already had good established links with the community through the work of the council staff. They would be looking to recruit trustee that had the right skill sets to run and enhance the museum.

Councillor Jon Whitehouse noted that the property was not mentioned in the report, or at least it was not made clear, would the council maintain the property or have a rental agreement. Also, would it continue to have a registered museum status, this should be added to the report. He was told that the Council would retain responsibility for the building and its artifacts, and they would consider its status. Details had not yet been worked out but keeping the museum registration was important.

Councillor Murray asked when was the current appraisal of the museum done. If the meeting on 12th September was officer led or portfolio holder led. Would it be possible to see the input of the specialist consultants from that meeting. Will there still be a core of professional staff at the museum? He was told that this had been a member led idea for the last 5 years. As a council we had financial challenges, and the museum was expensive to run and to enable us to continue to run this we looked into the concept of the museum as a charitable trust. At the meeting on 12 September, we had the consultant there, with Councillors H Kane, L Burrows, H Whitbread and A Patel. This was a listening exercise, and this report was the first public stage to investigate the process. We were looking at the operating function of the museum and were considering all options available to us. Most of what the consultant said was in the appendices of the report.

Councillor Brookes noted we did not have a statutory duty to provide a museum. She was glad the Cabinet was taking this seriously but was disappointed that there were no figures in the report on savings. Councillor Patel noted that the building also had the library service within it so we were able to develop a community hub. Work was currently being done on what savings we could make in the future.

Decision:

(1) That Cabinet agreed, in principle, to adopt an alternative operating model for Epping Forest District Museum;

(2) That Cabinet agreed, in principle, to a charitable Trust being established to provide that alternative operating model and gives consent to work to progress toward that aim;

(3) The Cabinet acknowledged the process to achieve an alternative operating model would be subject to scrutiny at the relevant committee; and

(4) That any final decision on confirming an alternative operating model for the Epping Forest District Museum would return to Cabinet at the appropriate time.

Reasons for Proposed Decision:

In order to secure the long-term future of the Epping Forest District Museum service it is necessary to review its current operating model. Increasingly, local authorities nationally are successfully outsourced their museums. Securing Cabinet agreement, in principle, to the establishment of a charitable Trust to provide an alternative operating model will enable work to progress towards this aim.

Other Options for Action:

(i) Not to agree to progress exploration into an alternative operating model for the Epping Forest District Museum and to retain the delivery of the museum service in Epping Forest District Council

(ii) To make alternative changes to the museum service (subject to further consultation/scrutiny where appropriate).

62. Transfer of Services to Qualis

The Finance Portfolio Holder introduced the report on transfer of services to Qualis. He noted that members needed to be assured that there were tangible benefit to the Council from doing so. This could either be through reduced cost to the Council or improved performance, but ideally both. The report provided a high-level summary of the current costs of delivering the current in-house service, as well as suggesting an indicative Contract Payment in the event of the transfer of the Grounds Maintenance service.

This report had gone to a special meeting of the Overview and Scrutiny Committee on 3rd November where they spent significant time discussing it. The Committee in the end decided that they could not, at this stage, support this approach at this time. One of the reasons being that they thought that Qualis had not proved itself in the delivering of services. Councillor Philip would like to show that Qualis had demonstrated significant improvement. He noted that the Housing Maintenance Team had received over 92% of compliments. He also gave the commitment to bring the KPI's from Housing Repairs to Scrutiny and if they transferred grounds maintenance, they would develop KPI's in the coming year to also take to scrutiny. Officers would be TUPE'd over to Qualis.

The key point of the report was to provide quality services at a good cost to the Council. If Grounds Maintenance was kept within the Council, then they would have to move to charging commercial prices, as all prices were going up at present.

Councillor Lion commented that he had attended the Overview and Scrutiny Committee meeting and the important thing to note was they were attempting to preserve the service and increase the customer base.

Councillor Murray said that he did not think that Cabinet should go ahead with this tonight as he did not think that Qualis had proven itself as yet on Housing Maintenance, with no scrutiny having been carried out and it was difficult to quantify the financial case.

Councillor Philip replied that they were not ignoring the input received at the O&S Committee, but they just disagreed. Qualis had proved itself and was open to scrutiny.

Decision:

The Cabinet approved the transfer to Qualis of the Grounds Maintenance service on 1st April 2023 in accordance with the broad terms and approach proposed within the report, subject to consultation.

Reasons for Proposed Decision:

The Council has the opportunity to use this vehicle to group together and transfer services which fall under this heading to Qualis Management with the intention that they can be run in a more agile way, benefiting from a private sector performance approach, and by using their skills and equipment to attract other new – non Epping Forest District Council – business.

63. Any Other Business

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

CHAIRMAN