

EPHING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 10 July 2006

Place: Civic Offices, High Street, Epping **Time:** 7.00 - 8.20 pm

Members Present: C Whitbread (Vice-Chairman), Mrs A Grigg, J Knapman, S Metcalfe, Mrs M Sartin, D Stallan and Ms S Stavrou

Other Councillors: Councillors K Angold-Stephens, Mrs A Cooper, Mrs J Lea, P McMillan, R Morgan, S Murray and J Wyatt

Apologies: Councillors Mrs D Collins and A Green

Officers Present: P Haywood (Joint Chief Executive), J Gilbert (Head of Environmental Services), D Macnab (Head of Leisure Services), R Palmer (Head of Finance), J Preston (Head of Planning and Economic Development), A Scott (Head of Information, Communications and Technology), T Tidey (Head of Human Resources and Performance Management), I Willett (Head of Research and Democratic Services), C Crudgington (Environmental Services), R Wilson (Assistant Head of Housing Services (Operations)), J Dixon (Principal Building Control Surveyor), S Stranders (Environmental Services), Ian White (Senior Planning Officer), J Boreham (Assistant Public Relations and Information Officer) and G J Woodhall (Democratic Services Officer)

Also in attendance B Cox (Foresight Consulting)

14. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillor Mrs S Stavrou declared a personal interest in item (10) of the agenda (Compulsory Purchase – 8/8A Sun Street, Waltham Abbey) by virtue of being a member of Waltham Abbey Town Council. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the item and voting thereon.

15. MINUTES

RESOLVED:

That the minutes of the meeting held on 5 June 2006 be taken as read and signed by the Chairman as a correct record.

16. ANY OTHER BUSINESS

(a) Cottis Lane Car Park Refurbishment

The Deputy Leader had determined in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council's Procedure Rules, that this report should be considered as the design associated with

the refurbishment had been structured to ensure effective traffic management as well as to monitor and record incidents of anti-social behaviour.

In the absence of the Civil Engineering and Maintenance Portfolio Holder, the Deputy Leader presented a report on the refurbishment of Cottis Lane Car Park. Provision had been made within the 2006/07 Capital Programme to refurbish the car park. The works consisted of Civil Engineering, – resurfacing, kerbing, ducting – improved lighting and the provision of CCTV. Four companies had been invited to tender for the Civil Engineering component, and Wedge Contracts Limited had provided the lowest bid in the sum of £55,425.

RESOLVED:

That, for the Civil Engineering works associated with the refurbishment of Cottis Lane Car Park in Epping, the tender received from Wedge Contracts in the sum of £55,425 be accepted.

Reasons for Decision:

The car park surface was currently in a poor condition and the traffic management works, CCTV and lighting would address the anti-social behaviour problems being experienced.

Other Options Considered and Rejected:

To re-tender the works.

(b) Local Government Pension Scheme (Amendment) Regulations 2006-07

The Deputy Leader had determined in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council's Procedure Rules, that this report should be considered as one of the affected members of staff was due to retire from the Council in July 2006.

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the recent amendment to the Local Government Pension Scheme Regulations. The Cabinet was informed that some new regulations for the Local Government Pension Scheme had been implemented on 6 April 2006. Many of the regulations only affected members of the Pension Scheme and had no bearing upon the Council. However, some of the changes did affect the Council, and a further report would be forthcoming when the guidance on the new regulations had been issued. The issue that the Cabinet had to consider was the deletion of regulation (15).

The Portfolio Holder reminded the Cabinet that the Council had taken the decision in 1998 to reduce the superannuation contributions of those employees between the ages of 58 and 60, who had also forty years of pensionable service, from 6% to 3%. As the regulations in force at the time only permitted a maximum of forty years service to be counted towards pension benefits, any further contributions would not have added to the employee's benefit. However, as regulation (15) had now been deleted, there was no longer an upper limit to the years of service that employees could count towards their pensionable benefits and it had become a statutory requirement for all employees to make a 6% contribution. The regulations also permitted the Council to seek, retrospectively, the balance of the partially waived superannuation contributions for all reckonable service prior to 6 April 2006. There were two employees currently affected by the change, and it was felt that as they

would benefit from an extra two years of pensionable benefits, it would not be unreasonable to claim retrospectively the waived contributions.

RESOLVED:

- (1) That the new Local Government Pension Scheme (Amendment) Regulations 2006 be noted and a further report be submitted when guidance on the new regulations had been issued;
- (2) That the deletion of regulation 15 from the Local Government Pension Scheme Regulations 1997 ('the Principal Regulations') be noted and that with effect from 6 April 2006 employers will no longer be able to waive or reduce the contributions of employees who have completed 40 years service; and
- (3) That the Council exercises its discretion available under the regulations whereby partially waived superannuation contributions of 6% be sought retrospectively for all reckonable service prior to 6 April 2006.

Reason for Decision:

The change to the regulations that required Councils to charge employees the full 6% superannuation contributions for any superannuable service in excess of 40 years from 6 April 2006 was equitable, as employees would now directly benefit from a higher final pension and lump sum based upon all years of pensionable service. Given that increased benefits would apply prior to this date, it would also seem equitable that contributions should be matched with benefits and that eligible contributions prior to 6 April 2006 should be charged retrospectively.

Other Options Considered and Rejected:

Not to seek retrospective contributions from members of staff who had in excess of forty years service and had been charged the reduced rate of 3% for their superannuation contributions.

(c) Alternate Weekly Refuse Collections

The Deputy Leader had determined in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council's Procedure Rules, that this report should be considered as it was felt that an urgent review of the current arrangements was required due to the high level of reported problems arising from the inclement summer weather.

The Customer Services, Media, Communications and ICT Portfolio Holder presented a short report regarding a possible review of the alternate weekly collection of residual waste. The Portfolio Holder reported that, in recent weeks, there had been numerous complaints from residents regarding smells, flies and maggots in the residual wheeled bin received both by Environmental Services staff and the Portfolio Holder's 'Waste Hot Line'. This had been estimated to account for 40-50% of the calls received. Given this relatively high level of concern, the Portfolio Holder had considered it appropriate to review whether any action was required. There were a number of possible options, but each had policy and budgetary implications that would necessitate a referral to the Council. Hence, it had been recommended that a detailed report on this issue should be submitted to the meeting of the Council on 25 July 2006.

The Head of Research and Democratic Services alerted the Cabinet to the fact that any change in the current arrangements would be a key decision, and that as it had not been published in the Forward Plan for the requisite amount of time, Rule (16) of the Access to Information Rules within the Council's Constitution would need to be invoked.

RESOLVED:

- (1) That, in respect of the alternate weekly collection of residual waste, a detailed report be submitted to the Council on 25 July 2006; and
- (2) That, as this issue was a key decision and had not been previously published in the Council's Forward Plan, the Head of Research and Democratic Services be authorised to invoke Rule (16) of the Access to Information Rules within the Council's Constitution.

Reasons for Decision:

It was not considered reasonable to submit such a detailed report to the Cabinet at such short notice, and any decision to change the present arrangements would constitute a change of policy necessitating a referral to the Council. In addition, such a decision to change the present arrangements would also constitute a key decision, which had not been published for the requisite period in the Forward Plan, hence the Head of Research and Democratic Services had been authorised to invoke the necessary procedure for an urgent key decision.

Other Options Considered and Rejected:

To take no action and review the current arrangements at a later date. Alternatively, the Cabinet could have decided upon a course of action at this meeting and then referred as appropriate to the Council at the next or a subsequent meeting.

17. REPORTS OF PORTFOLIO HOLDERS

(a) Planning and Economic Development

The Portfolio Holder drew the Cabinet's attention to the decision that had been signed prior to the meeting in respect of the Inspector's Report on the Local Plan Alterations. The Portfolio Holder was pleased that the Inspector had accepted the Council's position on the vast majority of points. The Portfolio Holder also reminded the Cabinet that the East of England Plan had been published on 23 June 2006, and reported that only 11,000 new homes had been allocated for development within the District. A report upon the East of England Plan had been placed in the Member's Bulletin.

(b) Finance, Performance Management and Corporate Support Services

The Portfolio Holder reported that Heads of Services had now provided satisfactory explanations for the DDF expenditure shortfalls within the Revenue Expenditure Outturn for 2005/06.

18. OVERVIEW AND SCRUTINY

Following its recent meeting, the Chairman of the Overview and Scrutiny Committee reported that the Committee felt the Cabinet should clarify the position in respect of phases III and IV of the Loughton High Road Enhancement Scheme. The Head of

Environmental Services had previously reported that provision had not yet been made in the Capital Strategy for phases III and IV of the scheme, for consideration in September or October 2006. The Chairman of the Overview and Scrutiny Committee believed that the Cabinet would need to agree to phases III and IV of the scheme, or make budget provision, to allow work to continue without a break.

The Portfolio Holder for Planning and Economic Development reminded the Cabinet that the members for Loughton had been consulted about the scheme, and that the Portfolio Holder was awaiting their formal responses.

19. CHARGES FOR COPYING DOCUMENTS IN PLANNING AND BUILDING CONTROL

The Planning and Economic Development Portfolio Holder presented a report concerning the charges levied for copying documents in Planning Services and Building Control. The Portfolio Holder reminded the Cabinet that Planning Services had historically had a charging structure for copies of plans, decision notices and other planning documents as agreed by members. The current income this had generated was estimated to be approximately £14,000 per annum. The main users of the service were Solicitors involved in the conveyancing process, and the current service offered a response within two or three days.

The Portfolio Holder reported that the Information Commissioner had ruled, on 28 March 2006, that the charges imposed by Kings Lynn and West Norfolk Borough Council did not comply with the requirements of the Freedom of Information Act 2000. Charges should not exceed 10 pence per sheet of photocopying unless the justification for a higher cost could be made clear, and also should not include any element to cover staff time. The charging structure in use by Kings Lynn and West Norfolk had been similar to the Council's, and the ruling had dismissed the notion that Planning Information was exempt from the Freedom of Information Act 2000, due to its availability to the public under the various Planning Acts.

The Portfolio Holder also added that, with the proposed reduction of charges, the receipt of cheques for less than £5 was likely to be uneconomical and that a threshold of £5 should be applied to all requests for copying below which no charge would be levied. This threshold should also be applied to cash payments and raised the prospect of ending the receipt of cash at the Planning Reception. However, coordination would be required with the Cashiers Office to ensure that payments could be made at all times the Planning Reception was open.

RESOLVED:

- (1) That, with effect from 1 September 2006, the charge for copying documents in Planning and Building Control be reduced to no more than 10 pence per A4 sheet; and
- (2) That a threshold of £5, below which document requests will not be charged for, be agreed.

Reasons for Decision:

The legal advice for the Council was that a review of charges should be carried out urgently and adopted as soon as practicably possible, following the decision of the Information Commissioner. A charging threshold of £5 would ensure that small value cheques did not cause costs in excess of income, and for fairness should also apply

to cash payments as well. This would also enable the Planning Reception to discontinue the acceptance of cash payments.

Other Options Considered and Rejected:

To continue charging for documents at the current rate and await Government guidance, but legal advice had suggested that this would leave the Council open to possible complaint and a challenge.

To reduce the charges for documents to the suggested level of 10 pence per A4 sheet with immediate effect, however this would be premature, as time would be required to agree the changes and prepare for them.

To remove all charges would mean that that a charge could not be levied for any large-scale requests, which would not be desirable, and would also require a separate report in order to amend the Council's Freedom of Information Policy accordingly.

20. PLANNING SERVICES PERFORMANCE ISSUES AND PROGRESS REPORT

The Planning and Economic Development Portfolio Holder presented a progress report upon the performance issues within Planning Services. The Portfolio Holder reported that the new structure for Planning Services had been essentially implemented by 1 April 2006, with virtually all positions filled and training undertaken to enable staff to perform their roles within the new teams. One member of staff had not secured a post in the restructure despite every effort made, and it was felt that this member of staff should be made redundant on 1 September 2006, with a cost to the Council of £1,345. The Assistant Conservation Officer post was currently funded for four days per week, however increasing workloads for this post, particularly in support of Development Control performance improvement, had necessitated that this post be made full-time, which the current holder was happy to comply with. The costs of the extra measures outlined could be met from within existing budgets.

The Portfolio Holder further informed the Cabinet of the impact that the Development Control hit squad had had upon the backlog of planning applications. Since October 2005, the number of outstanding applications that were over eight weeks old had been reduced from 33% to 15% in May 2006. Accordingly, the Hit Squad had been a significant factor in the improvement in performance that had taken place. In budgetary terms, £100,000 had been allocated to the Hit Squad, of which £8,500 was still available. Despite the current focus upon performance, there was no evidence to suggest that the quality of the decisions had diminished, as indicated by the continuing high success rate with planning appeals. Finally, the Cabinet was reminded that the latest Development Control performance information was now placed in the Members' Bulletin on a monthly basis.

RESOLVED:

- (1) That the progress made with the restructure of Planning Services be noted;
- (2) That, with effect from 1 September 2006, the post holder in post PBC17 (part-time) be made redundant at a cost of £1345;
- (3) That, rather than the current four days per week, post PPE22 be made full time at a cost of £5,000.00 per annum; and

- (4) That the positive impact of the hit squad to date be noted.

Reasons for Decision:

The arrangements made to interview for posts in the restructure had been carefully considered and agreed with all relevant parties prior to the start of the process; these arrangements had now been completed with all relevant permanent posts filled. Despite being interviewed for several different roles and receiving independent counselling, one member of staff did not secure a post in the restructure and had been recommended for redundancy.

The Assistant Conservation Officer was a particularly important post, both to support the Assistant Head of Planning Services (Forward Planning and Conservation) and to support the Council in meeting the targets set for the BVPIs concerning management plans for the twenty-five Conservation Areas within the District.

The performance of the Hit Squad had been satisfactory, but future performance would need to be kept under close scrutiny and resourced accordingly.

Other Options Considered and Rejected:

To refuse the redundancy for post holder PBC17. To retain post PPE22 as part-time for four days per week.

21. ADDITIONAL PROVISION OF STAFF FOR MATERNITY LEAVE COVER

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the additional provision of Staff for Maternity Leave Cover within the Benefits Division. The Portfolio Holder reported that the Benefits Division, with a current establishment of thirty-three staff, were due to have two Benefits Officers and one Benefits Assistant commencing maternity leave in the autumn. All three members of staff were experienced, and their absence, for a period that could be for up to a year, and could not be absorbed by existing resources, would have a serious impact upon the performance of the Benefits Division, particularly in relation to the BVPIs and Government Returns. Claimants would also experience a lower standard of service and delays in the receipt of their benefit entitlements.

The Portfolio Holder informed the Cabinet that the Benefits Division had covered such absences in the past through overtime. However, this had only been partially successful as staff performance and morale had inevitably reduced over the period with a subsequent adverse effect upon the BVPIs. Thus, it was considered that employing a combination of temporary and agency staff would be the best solution to the problem. Advertisements could be placed for a temporary Benefits Officer and temporary Benefits Assistant, both on six-month contracts with a possible extension, with the necessity for agency staff dictated by the response to the temporary positions. The use of temporary staff would also provide some possible suitable applicants for any permanent positions that fell vacant during this period. It had been estimated that a supplementary DDF estimate of £40,000 would be required to cover the costs during 2006/07, with an additional £40,000 of DDF requested for 2007/08.

RESOLVED:

- (1) That, in order to maintain acceptable levels of service whilst staff are on maternity leave, a supplementary DDF estimate for 2006/07 in the sum of £40,000 be recommended to the Council for approval; and

- (2) That a DDF growth bid for 2007/08 in the sum of £40,000 be made.

Reasons for Decision:

It was essential to provide temporary cover for maternity leave in order to maintain the good performance of the Benefits Division.

Other Options Considered and Rejected:

To employ only temporary members of staff on fixed term contracts to cover the officers on maternity leave. To employ only agency staff to cover the officers on maternity leave.

22. COMPULSORY PURCHASE - 8/8A SUN STREET, WALTHAM ABBEY

The Housing Portfolio Holder presented a report regarding the compulsory purchase of the property at 8/8A Sun Street in Waltham Abbey. The Portfolio Holder informed the Cabinet that the property at 8/8A Sun Street in Waltham Abbey consisted of a ground floor commercial unit with two-storey residential accommodation above. The commercial part was vacant and the residential part was officially unoccupied although there had been signs of illegal occupation on the first floor. The premises had been neglected for more than ten years and were in a dilapidated condition with the residential part totally unsuitable for occupation in its current condition. Neighbouring properties in Sun Street had been improved through financial assistance from the Heritage Economic Regeneration Scheme, but the owner of 8/8A had not taken advantage of the scheme and the premises were now an eyesore in an otherwise rejuvenated area. In addition, the Council had a statutory duty within a Conservation Area to preserve and enhance the character and appearance of the area through the exercise of its planning powers.

The Portfolio Holder reported that the Council, over many years, had encouraged the owner to renovate the property and bring it back into use. Assistance had been offered through a Renovation Grant in 1993 and more recently the Heritage Economic Regeneration Scheme; neither offer had been taken up by the owner. Officers had also endeavoured to persuade the owner to sell the property voluntarily to the Council and had reminded the owner of the Council's powers of compulsory purchase. It had now been concluded that all reasonable steps had been taken to bring the property back into use, and that subject to the owner not agreeing to sell the property voluntarily to the Council by 31 July 2006, the Council should proceed with the compulsory purchase of the property.

The Portfolio Holder explained that the proposal, which would require the approval of the Secretary of State, was for the Council to purchase the property from the owner at the market value and then sell it on either to a Housing Association for repair and provision of social housing, or to a private developer. The property had been independently valued at £350,000, which entitled the owner to £26,250 compensation (7.5%) plus estimated legal costs of £1,250 under the terms of the Planning and Compulsory Purchase Act 2004. Thus, assuming that a subsequent disposal was made, the final cost to the Council would be approximately £27,500 as it had been confirmed that the Council's Legal Services department could perform the conveyancing.

RESOLVED:

- (1) That, subject to the Council being unable to negotiate an agreed purchase of 8/8A Sun Street, Waltham Abbey by 31 July 2006, approval be given to its compulsory purchase pursuant to Section 226 of the Town and Country Planning Act 1990;
- (2) That, in approving the Compulsory Purchase Order, the Council be satisfied that it will develop or improve the land, and such development or improvement be likely to contribute to:
 - (a) the promotion or improvement of the economic well-being of the area;
 - (b) the promotion or improvement of the social well-being of the area; and
 - (c) the promotion or improvement of the environmental well-being of the area;
- (3) That, in approving the Compulsory Purchase Order, the Council has had regard to:
 - (a) the provisions of the development plan, so far as is material;
 - (b) whether planning permission for any development of the land is in force; and
 - (c) any other considerations which would be material for the purpose of determining an application for planning permission for development on the land;
- (4) That, in order to fund the Compulsory Purchase Order, a supplementary capital estimate for 2006/07 in the sum of £377,500 be recommended to the Council for approval; and
- (5) That a final estimated cost for the Council in the sum of £27,500 be noted.

Reasons for Decision:

The property was the only run-down property in an otherwise rejuvenated Conservation Area, and had been either empty or occupied by squatters for 10 years. The Town Council and Conservation Groups had actively lobbied the Council to insist on improvement of the property. Compulsory purchase would facilitate new business within the ground floor commercial unit, whilst the residential part could be renovated to provide valuable housing in an area of high demand. This course of action would also contribute towards the Council's stated wish to see empty properties brought back into beneficial use and Best Value Performance Indicator BV164. There was current interest from East Thames Housing Association and also a private developer in purchasing the property from the Council.

Other Options Considered and Rejected:

To do nothing, which would continue the present unacceptable situation and permit the property to deteriorate to a state whereby renovation would no longer be an option.

To take action under the Housing Act 2004, which would only address the residential part of the property, not the commercial unit.

To take action under Section 215 of the Town and Country Planning Act 1990, which would only enable the Council to act upon the external appearance of the property, not its renovation or occupancy.

23. HOUSING ACT 2004 - MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION

The Housing Portfolio Holder presented a report about the inspection and mandatory licensing of houses in multiple occupation under the Housing Act 2004. The Portfolio Holder reported that the Housing Act 2004 came into force on 6 April 2006, and replaced the provisions in the Housing Act 1985 that related to unfit homes, disrepair, overcrowding and registration of, plus control orders for, houses in multiple occupation. All houses in multiple occupation of three or more storeys, with five or more residents forming two or more households were now subject to mandatory licensing. The aim was to ensure that those properties that potentially posed the greatest risk to their occupants were identified, with any issues of safety and management recognised. A survey of all three-storey potential houses in multiple occupation was currently being undertaken to identify those that would need licensing. It was felt that only thirty properties within the District would require licensing, but the Council still had a statutory duty to inspect and assess the remaining five hundred or so properties within the District.

In order to facilitate the licensing of houses in multiple occupation within the District, a policy had been drafted for the Cabinet's consideration and approval. The Portfolio Holder stated that the Council did not have the resources to subsume the function within current budgets, hence it had been proposed that a charging regime for these functions be introduced, in common with other local authorities in Essex. It was felt that this function should be the responsibility of the Licensing Committee and that officers should be granted the delegated authority to issue licenses in accordance with the policy as approved by the Cabinet. With the necessity to undertake an inspection and assessment regime of up to five hundred properties, it was felt that there were not sufficient staff resources currently within Environmental Services to fulfil the Council's statutory duty. It had been estimated that an additional Environmental Health Officer would be required in order to introduce the inspection and assessment regime necessary to fulfil the Council's statutory requirements under the Act. The Portfolio Holder pointed out an amendment to the recommendation published in the agenda; the supplementary estimate recommended to the Council for approval should have been for £19,000, not £38,000.

The Finance, Performance Management and Corporate Support Services Portfolio Holder queried the need for an additional full-time Environmental Health Officer to fulfil the requirements of the Act. The Principal Environmental Health Officer explained that the Council had a statutory duty to inspect houses in multiple occupation. These premises had not been inspected before in a proactive manner, hence there had been a need for an additional officer identified in order, not only to carry out the mandatory licensing but also to inspect these premises, enforce any action required, and liaise with partner agencies, particularly the Fire Authority. It had been estimated that it would take three years to inspect all the necessary properties within the District. The Head of Environmental Services added that no current member of staff was carrying out duties related to the requirements of the Act.

RESOLVED:

- (1) That the policy for the licensing of houses in multiple occupation be approved;

- (2) That the fees for 2006/07 be as follows:
 - (a) basic fee (5 units) £550; and
 - (b) units above 5 units £50 per additional unit;
- (3) That, as they relate to the licensing of houses in multiple occupation, the Constitution be amended to include the relevant sections of the Housing Act 2004 into the areas of responsibility for the Licensing Committee;
- (4) That officers be granted delegated authority to issue licences in accordance with the policy;
- (5) That an inspection and assessment regime be introduced;
- (6) That the establishment be increased by one full time equivalent Environmental Health Practitioner from 1 September 2006;
- (7) That, in order to enable the above appointment, a supplementary CSB estimate for 2006/07 in the sum of £19,000 be recommended to the Council for approval; and
- (8) That, in order to continue with the above appointment, a CSB growth bid for 2007/08 in the sum of £19,000 be made.

Reasons for Decision:

The mandatory licensing of houses in multiple occupation was a statutory requirement under the Housing Act 2004.

Other Options Considered and Rejected:

Not to charge applicants for licensing, but existing resources were not sufficient to cover these processes and the other provisions of the Housing Act 2004.

To extend the licensing scheme to cover other classes of houses in multiple occupation, but the current profile of houses in multiple occupation within the District was not considered sufficient for additional schemes.

24. COUNCIL PLAN 2006-10

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Draft Council Plan for 2006-10. The Portfolio Holder informed the Cabinet that over the past three months the Council Plan had been subject to consultation with members, residents, staff, partner agencies and other local representative organisations in order to ensure that actions and resources were targeted at those areas of greatest importance for the District. Despite an extension to the consultation period, a total of twenty responses had been received.

At its meeting on 6 July 2006, the Overview and Scrutiny Committee had considered the comments made by the consultees and had offered the following responses for the Cabinet's consideration:

- *District Council relations with Local Councils:* The Committee noted the comment of Loughton Town Council but specific proposals for delegation of powers from the District Council to the Town Council would be required.
- *Infrastructure for regional growth:* The Committee supported the views expressed regarding the provision of sufficient infrastructure for regional growth.
- *Levels of Affordable Housing:* The Committee understood the problems in attracting and retaining key workers for local services, given the District's close proximity to London, and noted the comment.
- *Waste Incineration Facility within the District:* It was already the Council's policy to oppose the siting of a waste incineration facility within the District, and that this should be added to the Council Plan.
- *Capital Expenditure Profile:* It had been suggested that the split between Housing and Non-Housing was disproportionate; the Committee felt that the split was justified if the Council was committed to meeting the housing needs within the District.
- *Rural Transport/Policing/Housing:* The Committee was sympathetic to the comments made but recognised that only Housing fell within the Council's remit.
- *East of England Plan:* the Committee felt that the comments should be noted, but agreed that the term 'economic prosperity' should be replaced with the term 'economic health'.
- *Local Agenda 21:* The Head of Environmental Services had agreed that the Council should make mention of Local Agenda 21 principles and the Council's contribution towards them.

The Portfolio Holder reminded the Cabinet that the Portfolio descriptions within the plan were as per last year, and that the Conservative Group's six-point plan for the District would be added to the Leader's comments in the Plan's Introduction. The Joint Chief Executive (Resources) added that it had become apparent that data quality would be a significant issue during the next Comprehensive Performance Assessment. Thus, it was proposed that the Council adopt a proactive approach and insert a Data Quality statement, written by the Head of Human Resources and Performance Management, in the Council Plan for 2006-10.

RESOLVED:

- (1) That, in respect of the responses received to the consultation on the draft Council Plan for 2006-10, the recommendations of the Overview and Scrutiny committee be accepted;
- (2) That the addition of a Data Quality statement by the Head of Human Resources and Performance Management be agreed; and
- (3) That, subject to the changes agreed above, the draft Council Plan for 2006-10 be recommended to the Council for approval.

Reasons for Decision:

To ensure that the Council's future priorities were clearly articulated to residents and partners, and that the priorities represented the views of residents and partners.

Other Options Considered and Rejected:

None as the Council was expected to identify its key priorities. The content of the previous Council Plan had been highlighted as a weakness in the previous

Comprehensive Performance Assessment, and the contribution of residents, partners and service users was critical to this process.

25. BUILDING CONTROL FEES AND CHARGES

The Planning and Economic Development Portfolio Holder presented a report that outlined the proposed Building Control Fees and Charges for 2006/07. The Portfolio Holder reported that the Building (Local Authority Charges) Regulations 1998 required each local authority to adopt a scheme of charges for carrying out functions under the Building Regulations. The charges were required to be set such that the estimated income derived was not less than the cost of providing the service, but neither should a significant surplus be made. The current scheme had been introduced on 1 January 2003.

The Portfolio Holder stated that from 2000/01 to 2004/05 the service had covered its costs, and in some cases had made a small surplus, which had subsequently been used to improve the service. Since 2005/06 this had not been the case, due to reduced levels of income and the need to contribute to the development of the new integrated Planning Services ICT system. In addition, the team had been short-staffed for a considerable period of time, with the consequent effect upon service, and had utilised costly consultants and agency staff in order to maintain the service at a basic level. In order to fund the current service, and the recruitment of further staff with the possible payment of market supplements, it had been considered prudent to increase the charges by 10%, to be effective from 31 July 2006.

RESOLVED:

- (1) That, in pursuance of the Building (Local Authority Charges) Regulations 1998, the proposed Scheme of Charges for 2006/07 be adopted;
- (2) That the Charges be introduced with effect from 31 July 2006; and
- (3) That, as required by the Charges Regulations, the Head of Planning and Economic Development be authorised to advertise the introduction of the new Scheme of Charges.

Reasons for Decision:

An increase of 10% was considered necessary to prevent the service running at its current deficit, to provide funding for further recruitment, and fulfil the service's obligations towards the development of the integrated Planning Services ICT system. The proposed increase was not inconsistent with the charges levied by other local authorities.

Other Options Considered and Rejected:

To do nothing and leave the charges at their current levels. However, this could place an additional burden on the Council's resources with the result that the cost of the Building Control service might not be recovered over a continuous rolling three-year period. This would be a breach of the Building (Local Authority Charges) Regulations 1998.

26. CUSTOMER SERVICES TRANSFORMATION PROGRAMME - PROGRAMME PLAN

The Customer Services, Media, Communications and ICT Portfolio Holder presented

a report regarding the Programme Plan for the Customer Services Transformation Programme. The Portfolio Holder reported that, following the decision by the Council in September 2005 to implement a Customer Services Transformation Programme, a Programme Plan had been developed for the implementation in order to improve customer service for the residents of the District. The Programme had addressed current concerns such as the failure to answer 30% of phone calls, residents being passed from department to department when calls were answered, consistent telephone standards across the whole authority, extending current opening hours and providing access to the Council's services for residents via a single ground floor reception area. The benefits of the Programme would be the development of first-class customer service, a more efficient authority and better information on residents' needs for members and officers. The Programme's Project Board, along with the ICT and e-Government Scrutiny Panel, had supervised project progress to date.

The Portfolio Holder informed the Cabinet that the Programme Plan had been developed through meetings of the Programme Board, interviews and discussions with Heads of Service, Senior Managers plus other staff, and a workshop involving the Programme Board plus forty other Senior Managers and staff. This process had revealed strong support for a corporate telephone contact centre and the rationalisation of all reception points into one place on the ground floor. The Plan had promoted a phased implementation with an early emphasis on the construction of the corporate telephone contact centre before developing the new reception area. It also envisaged the integration of the main switchboard with the corporate telephone contact centre and the creation of one number to call for all Council services.

The Portfolio Holder highlighted the budgetary implications for the Council. Over the full three-year life of the project, a capital provision of £2.2million had already been set aside, along with one-off DDF expenditure of just over £1million and approximately £250,000 of CSB expenditure for staffing and software costs. In addition to these costs, there would also be savings generated by the Programme, but these would not become apparent until the project had been progressed.

The Finance, Performance Management and Corporate Support Services Portfolio Holder felt that the staffing structure required further investigation, as the Programme Plan had not considered this issue as part of its scope. An indication of the staff affected should be detailed, and if staff were transferred to the Customer Contact Centre then savings for the back-office function ought to be expected. The Portfolio Holder suggested that the Programme Plan should be approved, but also subject to consideration of the staffing structure, and proposed an additional recommendation that the Project Board fully consider the comments that had been made by the Overview and Scrutiny Committee prior to the Programme Plan's submission to the Council for final approval.

The Customer Services, Media, Communications and ICT Portfolio Holder welcomed the amendments proposed and the additional recommendation. The Portfolio Holder added that the Project Board had been established by the Project Initiation Document and included the Chairman of the ICT and e-Government Scrutiny Panel. The Portfolio Holder accepted that the terms of reference for the Project Board had probably not been made widely available to the members.

RESOLVED:

- (1) That, subject to consideration of the staffing structure, the Programme Plan for the implementation of a Customer Services Transformation Programme be approved;

- (2) That the budgetary implications of the Customer Services Transformation Programme be approved;
- (3) That a CSB supplementary estimate for 2006/07 in the sum of £150,000 be recommended to the Council for approval;
- (4) That a DDF supplementary estimate for 2006/07 in the sum of £362,000 be recommended to the Council for approval;
- (5) That the prior agreement of the capital element as part of the Capital Programme for 2006/07 be noted;
- (6) That the Customer Services, Media, Communications and ICT Portfolio Holder be authorised to:
 - (a) take responsibility for the implementation of the Customer Service Transformation Programme within the agreed budget and policy framework; and
 - (b) provide formal progress reports to the Cabinet and Overview and Scrutiny Committee at quarterly intervals or as required; and
- (7) That the views of the Overview and Scrutiny Committee be fully considered by the Project Board for the Customer Services Transformation Programme prior to the submission of a further report to the Council.

Reasons for Decision:

The Customer Service Transformation Programme would deliver a customer services function dedicated to raising customer satisfaction with clear targets to improve customer service and improved access via all the main customer contact channels – face-to-face, telephone and electronic. It would also enable the Council to participate fully in the emerging focus upon providing both Essex-wide and regional services. Finally, it would bring about the necessary change in attitude towards customer service and allow the Council to become a ‘customer first’ Council.

Other Options Considered and Rejected:

The Council could choose not to progress the Customer Services Transformation Programme, and simply enhance the existing customer services with better use of technology. Alternatively, the Council could remain with its existing approach and not invest in the available technology or a Customer Contact Centre.

27. HOUSING TREE MAINTENANCE BUDGET

The Housing Portfolio Holder presented a report pertaining to the Housing Tree Maintenance Budget. The Portfolio Holder reported that the amount of maintenance work required to trees on Housing Revenue Account owned land throughout the District had continued to increase. This had resulted in the accumulation of a backlog of work over the previous three years, which it had been estimated would cost £42,000 to clear. As the Housing Revenue Account had achieved an additional surplus of £357,000 in 2005/06, it had been recommended to use £42,000 of these monies to clear the backlog of major tree maintenance work. In addition, the Portfolio Holder requested that future budgets for major tree maintenance be increased by £15,000 per annum, commencing in 2007/08, to ensure that the trees were maintained to a reasonable standard.

RESOLVED:

- (1) That, in order to clear the backlog of major tree work on Housing Revenue Account owned land, a supplementary estimate for 2006/07 in the sum of £42,000, to be funded from the Housing Revenue Account balances, be recommended to the Council for approval; and
- (2) That the annual budget for major tree maintenance work on Housing Revenue Account land be increased by £15,000 from 2007/08, to be funded from Housing Revenue Account balances.

Reasons for Decision:

To clear the current backlog of tree maintenance work and ensure that all trees on Housing Revenue Account owned land were maintained to a reasonable standard in the future.

Other Options Considered and Rejected:

Not to clear the current backlog of tree maintenance work. Not to increase the budget for future years.

28. PLANNING DELIVERY GRANT 2006/07

The Planning and Economic Development Portfolio Holder presented a report about the Planning Delivery Grant for 2006/07. The Portfolio Holder announced that the Council had received £128,851 in Planning Delivery Grant for 2006/07, for which the only stipulation was that a maximum of 25% of the grant could be spent upon capital projects. Thus, it had been proposed to allocate £33,000 for capital expenditure, £13,000 for a replacement vehicle for Countrycare and £20,000 for further work on accommodation within Planning Services. Of the remaining £95,581 revenue expenditure, £41,000 had been provisionally allocated to complete the Planning Services Scanning project, £15,000 had been provisionally allotted for expenditure on either training or the Development Control hit squad, with the remaining £39,851 earmarked for expansion of the Forward Planning team. As with previous Planning Delivery Grants, authorisation was also sought for the Head of Planning and Economic Development to vary the amounts stipulated by up to 10% without the need to seek Cabinet approval.

RESOLVED:

- (1) That the allocation of the Planning Delivery Grant 2006/07 be made as follows:
 - (a) Capital expenditure of £33,000 comprising:
 - (i) £13,000 on a Countrycare replacement vehicle; and
 - (ii) £20,000 on Accommodation; and
 - (b) Revenue expenditure of £95,851 comprising:
 - (i) £41,000 on the completion of scanning works;
 - (ii) £15,000 on training or the Development Control hit squad; and

- (iii) the remaining £39,851 on Forward Planning staff; and
- (2) That, notwithstanding the normal rules for virements of budgets, the Head of Planning and Economic Development be authorised to make variations of plus or minus 10% for any of the items listed above.

Reasons for Decision:

Each of the proposals would have an impact upon Planning Services, with many of them also noticeable to customers and staff alike. The additional amounts now received, along with the capital limitation, restricted the options available to the Council.

Other Options Considered and Rejected:

To allocate different amounts to those suggested, which could reasonably be expected to assist the Council in gaining further Planning Delivery Grants, or to use some of the funds for other purposes, which would run the risk of the Council receiving a lower Planning Delivery Grant in the future.

29. CONTAMINATED LAND

The Environmental Protection Portfolio Holder presented a report relating to the Council's Contaminated Land Strategy. The Portfolio Holder reminded the Cabinet that the Council was obliged to produce a Contaminated Land Strategy, in order to comply with the Environmental Protection Act 1990, which detailed how potentially contaminated land that merited detailed individual inspection would be identified in an ordered, rational and efficient manner. The Council's current strategy had been adopted in 2001, and had assumed a risk-based approach whereby a prioritised list of sites was produced, with those sites of greatest risk to human health at the top. The Cabinet was requested to reaffirm its support for the strategy.

The Portfolio Holder informed the Cabinet of a problem that had arisen in relation to the public disclosure of information on potentially contaminated sites. A number of potential purchasers of properties had undertaken an environmental survey through an independent company, which had revealed that the property was either on or close to a site that was potentially contaminated. Consequently, the sale had not been completed and the Council had received calls from potential sellers requesting that information be made available in respect of the site. It was considered prudent not to release information to the public in respect of a particular site until it had been investigated and declared as contaminated or not. This would not contravene the Freedom of Information Act 2000, as the Council would publish the information at a later date.

RESOLVED:

- (1) That, as initially agreed in 2001, the Council's Contaminated Land Strategy be given continued support; and
- (2) That, in the interests of residents, the list of potentially contaminated sites be kept confidential.

Reasons for Decision:

The process of identifying contaminated land for inclusion on the Contaminated Land

Register was lengthy. During this period, there would be occasions when some parcels of land were listed as potentially contaminated but which, upon further analysis, would be removed from the final register. Hence, during this time, the land would be considered tainted for no good reason.

Other Options Considered and Rejected:

To release information on potentially contaminated sites to enquirers, however this was not considered practical. The prioritisation regime for contaminated land could be changed, however it was not practical to move away from a risk based process and undertake contaminated land surveys on a non-risk 'as requested' basis.

30. KEY PERFORMANCE INDICATORS 2005/06 AND 2006/07

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Key Performance Indicators for 2005/06 and 2006/07. The Portfolio Holder reminded the Cabinet that in September 2005, forty Key Performance Indicators that were considered crucial to the Council's core activities and corporate priorities were adopted, in order to focus improvement actions on the Council's key areas and achieve top quartile status for each. For 2005/06, nineteen (47.7%) of the Council's Key Performance Indicators had achieved top quartile status against a target of sixteen (40%). Thus, it had been proposed that a new target of half (50%) the Council's Key Performance Indicators to achieve top quartile status during 2006/07 be set. However, the Portfolio Holder reminded the Cabinet that there were a number of indicators that were not within the sole control of the Council, but required assistance from other agencies.

The Portfolio Holder reported that the Housing Scrutiny Panel had recommended the deletion of indicator BVPI 64 (Vacant dwellings returned to occupation or demolished) as a Key Performance Indicator as this did not reflect a significant issue for the District at the current time. The former Office of the Deputy Prime Minister had also deleted indicator BVPI 157 (Electronic Transactions) and thus it had also been proposed to remove this indicator as a Key Performance Indicator. The Finance and Performance Management Scrutiny Panel had also recommended the development of a new Local Performance Indicator to measure the level of penalty charge notices issued for car parking, their collection rate and the rate of successful challenges against the issue of penalty notices. The Scrutiny Panel had also recommended that this indicator should be adopted as a Key Performance Indicator, which the Portfolio Holder supported.

Finally, the Portfolio Holder reported that the Audit Commission had proposed a further seven indicators for use as part of the next Comprehensive Performance Assessments for District Councils. The Portfolio Holder recommended that these should also be adopted as Key Performance Indicators for 2006/07 in readiness for the Council's next scheduled Comprehensive Performance Assessment in 2007.

RESOLVED:

- (1) That the Council's performance in relation to its Best Value Performance Indicators (BVPI) and Local Performance Indicators (LPI) for 2005/06 be noted;
- (2) That the deletion of BVPI 157 (Electronic Transactions) and BVPI 179 (Standard Searches) for 2006/07 by the former Office of the Deputy Prime Minister (ODPM) be noted;

(3) That, with regard to the Council's Key Performance Indicators, the following recommendations from the Finance and Performance Management Scrutiny Panel be approved:

(a) that BVPI 64 (Vacant Dwellings Returned to Occupation or Demolished) be deleted as a Key Performance Indicator from 2006/07 and, as a result of the deletion of BVPI 157 by the ODPM, the remaining thirty-eight performance indicators adopted as Key Performance Indicators in 2005/06 be readopted for 2006/07;

(b) that the new Local Performance Indicator CEM 1 – Car Parking – be adopted as an additional Key Performance Indicator from 2006/07:

(i) CEM 1(a) The number of Penalty Charge Notices issued during the year in relation to on-street parking;

(ii) CEM 1(b) The number of Penalty Charge Notices issued during the year in relation to off-street parking;

(iii) CEM 1(c) The number of Penalty charge Notices issued during the year that were subject to an informal challenge;

(iv) CEM 1(d) The number of Penalty Charge Notices issued during the year that were the subject of a formal challenge to the Head of Environmental Services;

(v) CEM 1(e) The number of Penalty Charge Notices issued during the year that were the subject of a formal challenge to the National Parking Adjudication Service;

(vi) CEM 1(f) The percentage of challenges allowed against the issue of a Penalty Charge Notice during the year;

(vii) CEM 1(g) The percentage of Penalty Charge Notices issued during the year where collection was obtained; and

(c) that a target be set for 50% of the Key Performance Indicators to achieve top-quartile status in 2006/07;

(4) That, for use in the analysis of service performance as part of the second round of District Council Comprehensive Performance Assessments, the following Best Value Performance Indicators currently proposed by the Audit Commission be adopted as additional Key Performance Indicators for 2006/07:

(a) BVPI 84 Kilograms of household waste collected per head;

(b) BVPI 91(a) Percentage of households served by kerbside collection of recyclables;

(c) BVPI 166(a) Performance against environmental health service checklist;

(d) BVPI 175 racial incidents resulting in further action;

- (e) BVPI 183(b) Average length of stay (weeks) in hostel accommodation of households that are unintentionally homeless and in priority need;
 - (f) BVPI 184(b) Percentage change in the proportion of non-decent Council dwellings between the start and end of the year; and
 - (g) BVPI 212 Average number of days to re-let Council dwellings; and
- (5) That all indicators to be adopted as Key Performance Indicators for 2006/07 be agreed.

Reason for Decision:

To ensure that the Council monitored progress against its aim of achieving top quartile status for its Key Performance Indicators, and that proposals for corrective action were agreed.

Other Options Considered and Rejected:

No other options were considered as the Council had previously agreed arrangements for monitoring the progress of Key Performance Indicators.

31. BROADWAY TOWN CENTRE ENHANCEMENT - GARAGES IN VERE ROAD

The Planning and Economic Development Portfolio Holder presented a report concerning the future of the garages in Vere Road as part of the Broadway Town Centre Enhancement. The Portfolio Holder reminded the Cabinet that it had been decided at the previous meeting to consult with the Broadway Focus Group over the decision to demolish two of the three garage blocks in Vere Road, as part of the Town Centre Enhancement scheme. At a meeting of the Broadway Focus Group held on 5 July 2006, the Portfolio Holder had fully explained the benefits of demolition in order to provide additional car parking to attract customers to the Broadway, with existing leaseholders relocated to other garage blocks, to the Focus Group, but their response had been overwhelmingly to retain the garages. Hence, the Portfolio Holder recommended to the Cabinet that the garages be retained and the monies allotted for demolition be used to refurbish the garages.

The Finance, Performance Management and Corporate Support Services Portfolio Holder felt that the garages should be demolished, as this would provide the additional car parking required to attract customers to the Broadway and further regenerate the area. The current leaseholders should be relocated to the third block of garages in Vere Road that were not scheduled for demolition. However, the Cabinet felt that the Council should listen to the views of the Broadway Focus Group and retain the garages. The Head of Environmental Services reminded the Cabinet that demolition of the garages had not been included in the original Design Guide and suggested that perhaps the Council should look to rationalise the use of the garages in Vere Road in the future, as and when they became available.

RESOLVED:

That, following consideration of the views of the Broadway Focus Group, the garages in Vere Road be retained and refurbished using the monies allocated for demolition.

Reason for Decision:

The Broadway Focus Group was strongly in favour of retaining the garages in Vere Road.

Other Options Considered and Rejected:

To continue with the demolition of the garages in Vere Road, as per the decision of the Cabinet in February 2006.

CHAIRMAN