

# Public Document Pack

## EPHING FOREST DISTRICT COUNCIL CABINET MINUTES

**Committee:** Cabinet **Date:** 4 September 2006

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.05 pm

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

**Other Councillors:** Councillors K Angold-Stephens, M Colling, J Hart, R Morgan, S Murray, Mrs P Smith and K Wright

**Apologies:** Councillors Mrs M Sartin

**Officers Present:** P Haywood (Joint Chief Executive), J Gilbert (Head of Environmental Services), D Macnab (Head of Leisure Services), 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), P Maddock (Assistant Head of Finance), R Pavey (Assistant Head of Finance), P Pledger (Assistant Head of Housing Services (Property and Resources)), P Sutton (Asst Head of Planning Services (Forward Planning & Environment)), M Tipping (Assistant Head of Legal, Administration and Estates (Administration)), C Overend (Policy & Research Officer), H Stamp (Forward Planning Manager), L Swan (Environmental Services), G J Woodhall (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

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### 32. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in the following item of the agenda, by virtue of the applicant being known to the member. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the item and voting thereon:

- Grant Aid 2006/07 – King Harold Day Society.

### 33. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 10 July 2006 be taken as read and signed by the Chairman as a correct record.

**34. ANY OTHER BUSINESS****(a) Tender Acceptance – Electrical Rewiring Programme**

The Leader of the Council 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 be submitted to the meeting in order to avoid any unnecessary delay in the commencement of the work programme.

The Housing Portfolio Holder presented a report concerning the acceptance of tenders for the Electrical Rewiring Programme. The Portfolio Holder reported that a programme of electrical testing had been undertaken at Council properties, which had identified the existing electrical installations at some of these properties as unsatisfactory. To bring these properties up to the requisite standard, it was essential to carry out a complete rewire or an electrical upgrade. A formal tendering procedure had been undertaken in accordance with Contract Standing Orders, where the tender for the works was based on a schedule of rates and included the costs for a complete rewiring of a number of different property types. The deadline for the receipt of tenders was 11 August 2006, and the Portfolio Holder had opened the six tenders received on 15 August 2006.

The Cabinet were informed that T A Horn Limited had submitted the lowest tender, however the tender analysis had highlighted that the tender submitted by Complete Building Services (Herts) Limited had been more competitive on a number of the more frequently used items. Thus, better value for money would be achieved by using the rates tendered by Complete Building Services (Herts) Limited on certain works, and it had been recommended to accept both tenders correspondingly. It was anticipated that individual works orders would be issued with each contractor, but that the total cost of the works during the four-year programme would not exceed the provision within the Capital Programme of £150,000.

**RESOLVED:**

That, being the lowest and second lowest tenders received, T A Horn Limited and Complete Building Services (Herts) Limited each be awarded a four-year programme of work for electrical rewiring and remedial electrical works to Council properties, based upon a schedule of rates tender in the sum of £5,016.25 for T A Horn Limited and £5,070.20 for Complete Building Services (Herts) Limited.

**Reasons for Decision:**

The existing electrical installations to various Council properties varied in terms of their age and condition, and some had been classified as 'unsatisfactory' following electrical tests. As a result, they had failed under the 'Decent Homes' criteria, and not to undertake the work would result in further deterioration of the electrical installations, with potential health and safety risks.

**Other Options Considered and Rejected:**

To undertake the works as part of the Kitchen and Bathroom Programme 2006/07, but this would result in higher costs and would not provide value for money. To have one contractor carry out all the works identified in the programme, but this would not increase the quality of service provided to tenants, or allow one of the contractors to complete the programme if the other experienced problems. To tender the contract

as a lump sum contract, but this could lead to the Council failing to meet the Decent Homes standard by 2010.

### 35. REPORTS OF PORTFOLIO HOLDERS

#### (a) Customer Services, Media, Communications and ICT

The Portfolio Holder reminded the Cabinet that a presentation for members regarding Waste Management had been scheduled for 7.30pm on 7 September 2006 in the Council Chamber.

### 36. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee remarked upon the presentation of the Cabinet's Work Programme for 2006/07 at the Committee's last meeting and thanked the Portfolio Holders for their attendance. The Leader of the Council assured the Chairman of the Overview and Scrutiny Committee that members of the Cabinet would be happy to attend in order to facilitate the Committee's work.

### 37. VIOLENCE AT WORK

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding a Violence at Work Policy for the protection of the Council's employees when dealing with members of the public. The Portfolio Holder informed the Cabinet that the Management Board had established a Working Party in order to draw up a policy that set out the Council's approach to dealing with potential violence against staff. The policy drawn up by the Working Party had set out a framework for individual services to develop their own arrangements, suited to local circumstances and needs, and had also set out the support that could be made available to staff who were subject to violence or abuse. Following its implementation, the Safety Forum would evaluate the effectiveness of the policy.

#### **RESOLVED:**

That, as recommended by the Joint Consultative Committee, the Violence at Work Policy be approved and implemented.

#### **Reasons for Decision:**

To ensure that the Council had a clear policy in respect of violence at work against members of staff who dealt with the public.

#### **Other Options Considered and Rejected:**

To not implement the policy.

### 38. AGE DISCRIMINATION REGULATIONS

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Age Discrimination Regulations, due to come into force from 1 October 2006. The Portfolio Holder informed the Cabinet that an audit of the Council's procedures had identified two that required modification in order to be legally compliant. Firstly, the Council had an interim policy that enabled staff over the age of 65 to continue working, subject to an annual medical check. This was potentially discriminatory as it placed a condition on staff over the age of 65 that

was not placed on younger employees and could not be justified. Any medical issues would need to be considered as a normal part of employment rather than on attaining the age of 65. Thus, it was proposed to replace the current interim policy with the statutory provisions.

Secondly, the Portfolio Holder reported that the existing Redeployment and Redundancy Procedure included a reference to an individual's length of service as one of the potential criteria for selection. Again, it had been advised that this could be discriminatory, and the procedure had been redrafted. In addition, the Council's existing application form included a reference to an applicant's date of birth. It was recommended to retain this reference, as it would prove useful in checking an applicant's career history, but that the practice should be reviewed in two years time.

**RESOLVED:**

- (1) That, as recommended by the Joint Consultative Committee, the Council's interim policy on the employment of staff over the age of 65 be replaced by the statutory provisions due to come into effect on 1 October 2006;
- (2) That the draft procedure for making a request to work beyond the age of 65 be agreed;
- (3) That the Redeployment and Redundancy Procedure be revised to remove any reference to length of service related criteria for redundancy selection; and
- (4) That, pending a review in two years time, the 'date of birth' information be retained on the application form.

**Reasons for Decision:**

The Council had a statutory duty to comply with the forthcoming regulations.

**Other Options Considered and Rejected:**

There were no other options for action as this would be a statutory duty for the Council.

**39. CHILD PROTECTION POLICY**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the implementation of a Child Protection Policy, and a supplementary policy for carrying out disclosure checks on existing staff. The Portfolio Holder stated that the Council's last Comprehensive Performance Assessment had highlighted that an overall child protection strategy and approach did not exist at the corporate level. With the greater national prominence of child protection issues, it was felt necessary to address this deficiency and the roles and responsibilities of designated staff had been set out in the draft policy for approval, in order to ensure that appropriate arrangements were in place.

The Portfolio Holder further added that it had also become necessary to review the current arrangements for carrying out disclosure checks under the Disclosure of Criminal Background Regulations. Currently, disclosure checks were carried out on potential employees prior to their offer of employment, but there were no arrangements in place to re-check staff who might commit relevant offences whilst in

employment and which the authority might not be aware of. Thus, it had been proposed that all staff in designated posts be checked every three years. This would be a contractual requirement for all newly appointed staff, although for existing staff this process would be optional as it was not an existing contractual requirement.

**RESOLVED:**

(1) That, as recommended by the Joint Consultative Committee, the Child Protection Policy be agreed; and

(2) That, as recommended by the Joint Consultative Committee, the supplementary policy for carrying out disclosure checks on existing staff be agreed.

**Reasons for Decision:**

The policy, and the associated policy for carrying out disclosure checks on existing staff, would address a deficiency highlighted during the last Comprehensive Performance Review, and would also reassure the public and service users that all staff working with children and vulnerable adults were suitable and proper.

**Other Options Considered and Rejected:**

To not implement the policy, and the associated policy for carrying out disclosure checks on existing staff.

**40. WORK EXPERIENCE POLICY**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the proposed Work Experience Policy. The Portfolio Holder reported that the Council had a longstanding commitment to the provision of work experience placements to students of all ages, which had sometimes led to students gaining permanent positions within the Council. It had become clear that there needed to be common standards applied across the Council and for the expectations upon Students and Managers offering placements to be clear. The proposed policy sought to address these issues and provided a corporate framework.

**RESOLVED:**

That, as recommended by the Joint Consultative Committee, the Work Experience Policy be agreed.

**Reasons for Decision:**

To ensure that the Council had a clear policy with regards to the provision of work experience to local students.

**Other Options Considered and Rejected:**

To not agree and implement the policy.

**41. STAFF CODE OF CONDUCT**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the proposed Staff Code of Conduct. The

Cabinet were informed that the Audit Commission had commented upon the lack of one overall Code of Conduct for Staff. The Council had been awaiting a national Code of Conduct for officers from the Government; however there had been no further progress since the issue of a draft model a year ago and it was accepted that some arrangements needed to be put in place. The proposed Staff Code of Conduct aimed to set out in one document a clear statement of the responsibilities and obligations for staff, and where appropriate, management. In addition, staff that had outside interests, which might have an effect upon their employment with the Council, were required to complete a declaration form. In any event, it had been proposed that any officers in politically restricted posts would be required to complete a declaration form, given the sensitivity of their positions. As a consequence of adopting the proposed Staff Code of Conduct, it was intended to rescind the existing Officer/Member Protocol, as its provisions had been included in the proposed Staff Code of Conduct.

**RESOLVED:**

- (1) That, following consultation with the Joint Consultative Committee, the proposed Staff Code of Conduct be recommended to the Council for approval;
- (2) That, following approval of the proposed Staff Code of Conduct by the Council:
  - (a) all staff in politically restricted posts be required to complete a form declaring any outside interests which might have a bearing on their employment;
  - (b) all other staff be invited to complete a declaration form on a voluntary basis, unless they have an outside interest which requires them to do so; and
  - (c) the existing Officer/Member Protocol be rescinded, as its provisions have been included in the proposed Staff Code of Conduct.

**Reason for Decision:**

The introduction of a code of this nature had a number of advantages: firstly, it set out an explicit expectation of staff in terms of their conduct; and secondly, it was also a protection for staff, providing a proper channel for these matters to be discussed and dealt with.

**Other Options Considered and Rejected:**

To not recommend the proposed Staff Code of Conduct to the Council for approval.

**42. INTERNET USAGE POLICY**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the proposed Internet Usage Policy for staff. The Portfolio Holder reported that the Council's Internal Audit Unit had carried out an investigation of staff use of the Internet. This had revealed that there was a small number of staff that spent a considerable period of time 'surfing' the Internet. Further analysis had indicated that the majority of this use related to personal rather than business purposes, and an unacceptable amount of work time was wasted as a result. Of particular concern was the fact that some members of staff had used Council Internet access to attempt to visit sites containing inappropriate

material. The Internet Policy had been revised by the Head of ICT and the Chief Internal Auditor to make clearer the guidelines on acceptable usage in personal time, and the potential implications for employees who breached the policy. All members of staff who wished to retain their internet access would be required to sign up to the revised policy.

**RESOLVED:**

That, as recommended by the Joint Consultative Committee, the Internet Acceptable Usage Policy be agreed.

**Reasons for Decision:**

To ensure that clear and unequivocal guidelines over Internet usage with Council ICT equipment were provided for the benefit of staff.

**Other Options Considered and Rejected:**

To not agree or implement the proposed Internet Usage Policy.

**43. DATA QUALITY AND VALUE FOR MONEY - AUDIT AND STRATEGY**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the draft Data Quality and Value For Money Strategies, and the self-assessment submissions for both to the Audit Commission. The Portfolio Holder reported that the Audit Commission had recently undertaken an assessment of the overall management arrangements of all local authorities to secure data quality, which had examined in detail corporate data quality arrangements. The audit was based upon a self-assessment exercise and on-site validation by the Commission, which would result in a scored judgement after reviewing the following five themes: Governance and Leadership; Policies and Procedures; Systems and Processes; People and Skills; and Data Use.

The Portfolio Holder added that for each theme area, the Commission had specified a number of Key Lines of Enquiry as a basis for councils to undertake a voluntary self-assessment of their current data quality position. The Management Board had determined that the Council should complete the voluntary self-assessment for data quality, and had agreed arrangements for progressing the process at a special meeting of all Heads of Service. The completed self-assessment had to be submitted to the Audit Commission by the middle of August; consequently, it had been considered and agreed by the Finance and Performance Management Scrutiny Panel at its meeting on 15 August 2006. The Cabinet was requested to endorse the submission. The completion of the self-assessment had provided an opportunity to formulate a corporate approach to data quality through the development of a Data Quality Strategy, which was also considered and agreed by the Finance and Performance Management Scrutiny Panel at its meeting on 15 August 2006.

The Portfolio Holder reminded the Cabinet that the Audit Commission also intended to undertake the annual Value for Money assessment of the Council. This exercise also included a self-assessment element that had to be submitted to the Audit Commission by 30 September 2006. In preparing for this assessment, a need had been identified to bring together the various elements of the Council's current approach. A corporate Value for Money strategy had been developed that set out the Council's overall approach and had allocated appropriate responsibilities at both Member and Officer level. This strategy was also agreed at the meeting of the Finance and Performance Management Scrutiny Panel held on 15 August 2006.

Thus, the Cabinet was requested to endorse the Value for Money strategy and agree that the Finance and Performance Management Cabinet Committee, at its meeting scheduled for 25 September 2006, should consider the self-assessment in order to meet the 30 September 2006 submission deadline.

**RESOLVED:**

(1) That, in respect of the 'Data Quality' assessment to be undertaken by the Audit Commission, the Council's self-assessment submission be endorsed;

(2) That, as endorsed by the Finance and Performance Management Scrutiny Panel, the draft Data Quality and Value For Money Strategies be adopted; and

(3) That, in respect of the annual 'Value For Money' assessment to be undertaken by the Audit Commission, the Council's self-assessment submission be considered and agreed by the Finance and Performance Management Cabinet Committee.

**Reasons for Decision:**

To ensure that the Council had appropriate management arrangements to secure data quality and value for money.

**Other Options Considered and Rejected:**

To decline to participate in the self-assessment processes, which would result in the Audit Commission assessing the Council's management arrangements for data quality and value for money on the basis of previous audit work undertaken and existing perceptions of the Council.

**44. GRANT AID 2006/07 - KING HAROLD DAY SOCIETY**

The Leader of the Council presented a report concerning an application from the King Harold Day Society for a grant of £2,500 from the Council's Grant Aid scheme. The Leader informed the Cabinet that the Society arranged an annual event in Waltham Abbey to increase awareness of the local heritage and history connected with the town. The grant, if agreed, would be used to purchase some permanent interpretation boards. The Leader commended the application to the Cabinet as a worthy cause for the Grant Aid scheme.

**RESOLVED:**

That funding from the Grant Aid Scheme totalling £2,500 be awarded to the King Harold Day Society.

**Reasons for Decision:**

The application from the King Harold Day Society for a major grant had been deemed worthy under the terms of the Grant Aid Scheme as it would provide and promote opportunities for residents to participate in cultural activities held within the District.



**Other Options Considered and Rejected:**

To defer or refuse the application, or to grant an amount other than that requested.

**45. SMALL LOANS SCHEME**

The Housing Portfolio Holder presented a report concerning the Caring and Repairing in Epping Forest (C.A.R.E.) Small Loans Scheme. The Cabinet were informed that C.A.R.E. had provided 15 small loans since 1995 of between £300 and £1,000 for a variety of work that was not eligible for local authority grants or assistance under the Handyperson service, and for supplements to Home Repairs Assistance funding. Loans were repaid at a monthly rate, usually over four years, with a simple interest rate of 5% per annum. The Council had taken over the management of C.A.R.E. in 2003. The Internal Audit Unit had advised that it would be inappropriate to offer any new loans but any existing loans should be administered until they were repaid. The balance on the Small Loans Account was currently £3,500 and this would rise to £5,375 when the two remaining loans were repaid.

The Portfolio Holder stated that the Council's Financial Regulations did not prohibit the provision of loans but the current policy was not to offer any. If a scheme was established it would have to be regularly reviewed in line with corporate policies, formally approved by the Council and included in the annual review process. The proposed terms of each loan and the application process to be followed were outlined, including an amendment that the Head of Environmental Services be authorised to approve Small Loans provided that the applicant had received and understood the guidelines for the scheme. The Leader of the Council was in favour of the scheme continuing, whilst the Assistant Head of Finance informed the Cabinet that interest would be charged by the Council at the Standard National Rate as set by the Department of Communities and Local Government.

**RESOLVED:**

That the following criteria for a Small Loans Scheme using the existing balance on the Small Loans account be established and agreed:

- (a) loans will only be given subject to available resources and will not exceed £1,000;
- (b) the applicant must be a homeowner or private sector tenant, and each applicant shall only receive one loan, with preferential treatment given to older people;
- (c) the interest rate applied will be in line with the Standard National Rate, and the term of repayment shall not exceed four years;
- (d) repayments will be made monthly by Standing Order;
- (e) loans may only be given for work that is wholly necessary and, where other assistance is not available and to top-up Small Works or Decent Homes Assistance, Thermal Comfort Grant or Handyperson Service work, or for work that is not grant-aidable;
- (f) the work that is the subject of the loan must be carried out by a contractor from the C.A.R.E. Preferred Contractor List or other approved Contractor;

(g) that the Head of Environmental Services be authorised to approve Small Loans subject to the applicant having received and understood the guidelines set out in (i) to (iii) below:

(i) that the terms of the loan may not be the best available and better terms may be available from an alternative lender;

(ii) that the client should seek independent financial advice before agreeing to the loan; and

(iii) that they should discuss the loan with their family; and

(h) a status report shall be given at each C.A.R.E. Advisory Panel meeting.

#### **Reasons for Decision:**

Existing Council Policy did not permit C.A.R.E. to operate a Small Loans Scheme, even though one had been provided under the management of the previous service provider. The provision of a Small Loans Scheme was considered a desirable addition to the services provided by a Home Improvement Agency.

#### **Other Options Considered and Rejected:**

To not assist with finding finance for work when Council grants were not available or were insufficient to meet the full cost of the work, but the C.A.R.E. Advisory Panel felt that this would be unsatisfactory from a customer care point of view.

To refer clients to lenders in the 'High Street', but the small sums of money borrowed and the rate at which clients could realistically make repayments would make it unlikely that they would be able to obtain private sector loans.

#### **46. CIVIC OFFICES - REFUSE COLLECTION AND DISPOSAL ARRANGEMENTS**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the refuse collection and disposal arrangements at the Civic Offices. The Portfolio Holder reminded the Cabinet that at the meeting held on 14 November 2005, it was agreed to replace the eurobins currently used for waste collection with a portable compactor for a three-month trial period. The trial period commenced in December 2005 and had worked well, but it did highlight three issues: the compactor required collection more frequently than had been estimated, which increased transportation costs; there were limitations upon the number of bulky items that could be put into the compactor without further increasing the collection frequency; and the agreement with the Council's existing waste contractor had suffered due to their limitations in handling and sorting the material. An alternative contractor had been identified, who had guaranteed that between 80-90% of the Council's waste would be recycled. The transportation and processing costs of the new contractor were less, which would offset the additional costs of the increased frequency of collection required.

The Portfolio Holder further reported that it had originally been thought that renting the compactor was the most cost effective solution, however it had been calculated that, over a standard rental period of five years, renting would be more expensive than outright purchase. Hence, it had been recommended to purchase the compactor at a cost of £15,500. In addition to the purchase costs, revised revenue costs had

been calculated, which indicated that the Council would save over £3,000 per annum if the compactor was purchased outright. It was proposed to utilise these savings to remove bulky items that could not be placed in the compactor and also for likely additional costs of separating & removing material covered by various regulations either in force or due shortly to come into force that could not be put into the compactor or sent to landfill.

The Leader of the Council commented that the investment cost to the Council, of £700 in lost interest, should have been included in the figures although it would still make outright purchase a cheaper option than rental. The Customer Services, Media, Communications and ICT Portfolio Holder welcomed the proposal as the Council should strive to be the top recycler within the District and it would enable the Council to set an example to its residents.

**RESOLVED:**

- (1) That, in order to replace the existing eurobins, a portable skip type compactor be purchased for the collection of trade refuse and recycling material from the Civic Offices site; and
- (2) That, in order to enable the purchase to proceed, a supplementary capital estimate in the sum of £15,500 for 2006/07 be recommended to the Council for approval.

**Reasons for Decision:**

The change to the use of a portable compactor as opposed to the existing eurobin arrangements would enable a greater percentage of waste material from the Civic Offices to be recycled and would demonstrate the Council's commitment to improving its own performance on recycling when the residents of the District were being asked to do the same.

**Other Options Considered and Rejected:**

To do nothing and continue with the current arrangements, but this would not increase the recycling rate from the generated refuse at the Civic Offices. This would be the cheapest option but landfill costs were expected to continue to increase in the future.

To extend the current arrangements for recycling through the introduction of more recycling containers within the Civic Offices to further separate the recyclable materials. This was not considered viable due to the extra containers required and the logistics involved to sort all the different types of recyclable materials prior to collection.

**47. MESSENGER VEHICLES**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report about the renewal of the Council's messenger vehicles. The Portfolio Holder reported that the Council currently had two Ford Fiesta vans that were used for the daily internal messenger service to Council premises within the District, the twice-weekly delivery of mail to Members, and other routine tasks where a van was more practical than a car. The existing vehicles were leased, and the leases were due to expire in October and December 2006 respectively. Officers had undertaken a comparison of the costs involved in either purchasing or leasing two new vehicles, which had indicated that outright purchase of two new vehicles would

be the most cost effective option. The Cabinet were reminded that the vehicles were an important element within the governance process of the Council.

There was some concern expressed within the Cabinet as to whether the Council could afford the purchase of two new vehicles, as it was still not clear what the final cost of the Waste Management Contract would be following the conclusion of the tendering exercise. The Leader of the Council inquired as to whether only one vehicle could be purchased to cover all the current commitments of both vehicles. The Joint Chief Executive (Resources) suggested that the growth bid to purchase two vehicles be allowed to proceed, as this would not commit the Council to their purchase, whilst in the interim officers would consider whether the current level of service could be maintained through the purchase of only one new vehicle.

**RESOLVED:**

- (1) That a growth bid be made for capital provision in the sum of £16,000 for 2007/08 for the purchase of two new messenger vehicles; and
- (2) That consideration be given as to whether the service could be provided by only one vehicle.

**Reasons for Decision:**

The vehicles were required to maintain the internal messenger service to Council premises around the District, for the twice-weekly delivery to Members and for other routine tasks. As the final cost of the new Waste Management Contract was as yet unknown, officers were asked to consider whether the current service could be provided by only one new vehicle.

**Other Options Considered and Rejected:**

To hire one vehicle for five days per week and another vehicle for two days per week, but this option would be prohibitively expensive costing £62,901 over a five-year period.

To lease two new vehicles for a further five years, but this option would cost £25,876, which was still more expensive than outright purchase.

To extend the existing leases on a year-by-year basis, or to purchase the two current vehicles at the end of their leases, but neither option was cost effective when compared with outright purchase of two new vehicles.

**48. CIVIL CONTINGENCIES ACT 2004 - EMERGENCY PLANNING OFFICER NEW POST**

The Community Wellbeing Portfolio Holder presented a report that requested a new post of Emergency Planning Officer be added to the establishment to enable the Council to meet its statutory obligations under the Civil Contingencies Act 2004. The Portfolio Holder reported that before the introduction of the Civil Contingencies Act 2004, the Council's role was to support the emergency services, provide humanitarian assistance for incidents within the District, maintain an emergency plan and provide training for the Emergency Planning Team. The introduction of the Act had meant that the Council had to participate not only in local planning but also in wider regional arrangements that included London. There was also an additional responsibility to provide business continuity management advice and assistance to local businesses and voluntary organisations.

The Portfolio Holder reminded the Cabinet that it had been previously agreed to support joint arrangements with Essex County Council, whereby a Joint Emergency Planning Officer dedicated half of their time to work for the Council at a cost to the Council of £15,000 per annum, and that a new Emergency Planning Officer post should be appointed. In addition, Emergency Planning was to be brought within the Comprehensive Performance Assessment process, whereby formal evidence would need to be presented to demonstrate the Council's level of preparedness. Thus, it had been proposed to create a new Emergency Planning Officer post, reporting to the Assistant Head (Administration) and District Emergency Planning Officer, for which there was a requirement for an additional £19,200 of CSB funding.

The Assistant Head (Administration) stated that Emergency Planning was currently taking up approximately 40% of his time, and that he could carry on with these duties for the remainder of the municipal year but that a new officer would be required for 2007/08. The Cabinet agreed that, although there was sufficient budget provision, authority would not be given to fill the post in 2006/07 but a CSB growth bid could be made to fill the post in 2007/08.

**RESOLVED:**

That, in order to fund the shortfall over existing budget provision for the creation of a new full-time post of Emergency Planning Officer, a CSB growth bid in the sum of £19,200 for 2007/08 be made.

**Reasons for Decision:**

The new post was required in order for the Council to properly discharge its statutory duties under the Civil Contingencies Act 2004.

**Other Options Considered and Rejected:**

To do nothing, or limit extra staff resource to within existing budget provision, which could put the Council in a potentially vulnerable position when attempting to meet its statutory obligations.

**49. TREASURY MANAGEMENT - POLICIES AND INVESTMENT PRACTICES**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Council's Treasury Management Policies and Investment Practices. The Portfolio Holder reminded the Cabinet that the Council had adopted the CIPFA Code of Practice for Treasury Management in the Public Sector in 2002, and that its Treasury Management Service was operated in compliance with this Code. The prime objectives of the Council's Treasury Management activities were the effective management of risk and that any borrowing activities were undertaken on a prudent, affordable and sustainable basis.

The Portfolio Holder reported that the original Treasury Management strategy for 2005/06 outlined a cautious approach, in response to advice provided by the Council's Treasury advisors Butlers. The main change was in the part of the portfolio kept available for instant access, whereby funds previously used for call deals on the money market had been invested in an instant access deposit account with the Bank of Scotland instead. The interest rate was set at the Bank of England Base Rate, which was generally 0.3% better than the average call deal struck on the open market. This approach was further modified in January 2006, when the Bank of Scotland informed the Council that they could not maintain the current rates of

interest. After comparing similar accounts offered by the Council's main banker, NatWest, a seven-day notice account was opened with the Bank of Scotland, to run alongside the instant access account, at an interest rate based upon the three-month LIBOR. It was intended to keep funds within this account to the highest possible level whilst still maintaining the required level of funds available for instant access for short notice withdrawals.

The Portfolio Holder reported that the Treasury position as of 31 March 2006 was as follows: £43million invested in fixed interest products generating an average return of 4.58%; £1.52million invested in variable interest products generating an average return of 4.51%. This gave the total funds under investment as £44.52million generating an average return of 4.58%. Throughout the year, the Council had maintained an average investment of £46.7million that had generated an average return of 4.73% in comparison to an average net return of 4.51% for money market funds. The benchmark for local authority Treasury performance was the average seven-day LIBID rate, which was 4.53% in 2005/06, and in exceeding this benchmark the Council had earned an additional £92,000 in interest. The Council had also met all its Prudential Indicators for 2005/06: the Net Borrowing position was negative as the Council was debt-free and an investor; and gross borrowing had been maintained within its authorised limit. No external loans had been drawn to finance the Council's Capital Expenditure programme, which had enabled the Council to maintain its debt-free status.

The Portfolio Holder stated that there had been one breach of the Council's Treasury Management rules during 2005/06. An investment of £1million with Northern Rock PLC had taken the funds invested to £6million, against a counterparty limit of £5million. The breach had been reported to the Head of Finance, and in accordance with Treasury Management rules, it was decided not to recall any of Northern Rock's investments prematurely as the company had a F1 short-term rating and was not expected to cause any concern. The excess exposure had lasted until 7 April 2006 when an earlier investment of £2million with Northern Rock PLC had matured. The Head of Finance had initiated steps to ensure that a further breach of counterparty limits would not occur. In March 2006, the maximum counterparty limits were extended to £8million for any counterparty on the Council's approved list with a credit rating greater than F1+ for short-term investments or AA- for long-term investments. The Bank of Scotland had been the only counterparty that had held investments in excess of £5million under the new strategy.

The Portfolio Holder concluded by stating that the Council had complied with all the relevant statutory and regulatory requirements, which had limited the levels of risk associated with its Treasury Management. The adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management had ensured that the Council's capital expenditure was prudent, affordable and sustainable, and that its Treasury activities had demonstrated a low risk approach. The Council was aware of the risks of passively managing its Treasury portfolio and, with the support of the Council's professional Treasury advisers Butlers, had proactively managed its debt and investments during the year. With the exception of the Northern Rock PLC incident, the Council had complied with its internal and external procedural requirements.

The Cabinet accepted that the potential extra cost of the Waste Management Contract could impact greatly upon the Council's future position in respect of its Prudential Indicators and Treasury Management. It was felt that Butlers should be requested to recommend any other investments that might provide a higher return, and be invited to give a presentation to members.

**RESOLVED:**

- (1) That the 2005/06 outturn for Prudential Indicators be approved;
- (2) That the Treasury Management Stewardship Report 2005/06 be noted; and
- (3) That Butlers, the Council's professional treasury advisers, be invited to give a presentation and recommend any other investments that might provide a higher return for the Council.

**Reasons for Decision:**

The Council had complied with all limits placed upon its Treasury operations, with the exception of the maximum total cumulative investment limit. The increase in maximum total investment with each counterparty at any one time had represented a reasonable balance between risk management and increased flexibility, following the change of maximum investment term. There had been no breaches of the limiting Prudential Indicators during the year.

**Other Options Considered and Rejected:**

To continue with the current maximum investment limit per counterparty, regardless of the potential effect on longer-term investment decisions and loss of flexibility.

**50. COUNCIL TAX DISCOUNTS - LONG-TERM EMPTY PROPERTIES**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report on Council Tax discounts for long-term empty properties. The Portfolio Holder reminded the Cabinet that the owners of empty properties were currently eligible to a six-month exemption from Council Tax, provided the properties were substantially unfurnished and not the sole or main residence of a person. Currently, the Council applied a 50% discount after the expiry of this six-month period, although the regulations permitted this discretionary discount to be reduced or removed completely.

The Portfolio Holder explained that if the Council reduced or removed the discount for long-term empty properties, it would be taken into account when the tax base for Council Tax purposes was calculated and the Council would not retain the financial benefit. However, the Cabinet had previously requested that the discount for long-term empty properties be reviewed in order to ascertain whether the removal of the discount would help to alleviate the housing problems within the District by bringing more empty properties back into use.

The Portfolio Holder reported that the Housing Scrutiny Panel had considered this issue at its meeting on 30 January 2006 as part of the Empty Property Strategy. The Panel felt that as a number of empty properties were sold between the period of six months and one year after becoming empty, their recommendation was for the discount to remain at 50% for a period of six months after the expiry of the exemption period and that a full charge should then be levied one year after the property became empty. The Cabinet concurred with the recommendation of the Housing Scrutiny Panel but amended the wording of the recommendation (b) in order to avoid any potential confusion over when the discounted period would end.

**RESOLVED:**

That the discount for Class C properties (Long-Term Empty Properties) within the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003:

- (a) remains at 50% for six months; and
- (b) thereafter be removed.

**Reasons for Decision:**

The reduction in the Council Tax discount for long-term empty properties would assist the Council's empty property strategy by encouraging owners to bring empty properties back into use.

**Other Options Considered and Rejected:**

To not remove the Council Tax discount for long-term empty properties.

To remove the Council Tax discount for long-term empty properties immediately after the six month exemption period expires.

**51. REPLACEMENT OF THE LOCAL TAXATION AND BENEFITS ICT SYSTEM**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report on the replacement of the Local Taxation and Benefits ICT system. The Portfolio Holder reported that the Council's Corporate ICT strategy 2006/08 had incorporated the requirements from the Government to allow individual citizens to access information and perform transactions directly through the Council's website, without any officer intervention. To support this aim, the Government had developed a common method of access and authentication for customers across all Government Agencies called 'Government Connect'. The first systems identified to meet this requirement were Housing Benefits, Council Tax and National Non-Domestic Rates, however the current system in use, Orbis, was not compatible with 'Government Connect'. In addition, Scottish authorities primarily used Orbis and the Council was now the only English local authority using Orbis. There were different legislative requirements between the English and Scottish systems, which required cost-prohibitive bespoke work to be undertaken for the Council. Thus, it had been proposed to migrate to a 'Government Connect' compliant solution before the expiry of the Orbis licence in June 2008.

The Portfolio Holder added that procurements of this value would normally require an open tender exercise, however Contract Standing Order C14 provided an exception for consortia or public supply agencies of which the Council was a member. Thus, it was proposed to utilise the Catalist system, a catalogue based procurement scheme established to provide public sector organisations with a simplified means of procuring ICT services from a variety of providers. Catalist would reduce the time and costs involved with the procurement by offering a pre-tendered call-off facility and was also fully compliant with EU procurement directives. A further report to the Cabinet was planned for December 2006 after quotations had been obtained and the financial implications of replacing the ICT system had been further considered.

The Assistant Head of Finance (Revenues) reiterated that the Council was the only English local authority using the Orbis system, and as such the suppliers Anite could decide at any time to no longer support the system in order to concentrate their



resources upon the more popular Scottish version of the system. The Cabinet felt that the full cost of possible future bespoke work to the Council's version of Orbis had not been included in the report, and as such should be included in the further report to be submitted to the Cabinet at its December meeting.

**RESOLVED:**

- (1) That, in accordance with the Corporate ICT Strategy, the ICT system for the Local Taxation and Benefits Service be replaced;
- (2) That quotations be obtained using the Catalist system managed by the Office of Government Commerce; and
- (3) That, after quotations have been obtained, a detailed report covering the financial implications of replacing the ICT system, including the cost of bespoking the Council's current system, be submitted to the Cabinet.

**Reasons for Decision:**

The Council's licence to use the Orbis system expired on 30 June 2008, and steps had to be taken to procure and implement a replacement, in order to comply with the Corporate ICT Strategy. The use of Catalist would be a quicker and cheaper alternative to the traditional procurement method.

**Other Options Considered and Rejected:**

To conduct a traditional tendering exercise, but this would be a slower and more costly exercise than the proposed use of Catalist.

To seek to extend the Orbis licence and not procure a replacement. The Council was now the only English authority using the system and it would probably not be economically viable for Anite to do so. Even if the licence were extended, the Council would be in a vulnerable position as high development costs for changes in legislation could be demanded and it would be contrary to the Corporate ICT strategy.

**52. FISHERMAN'S CAR PARK, CHIGWELL - RESURFACING AND MAINTENANCE**

The Leisure and Young People Portfolio Holder presented a report concerning the resurfacing and maintenance of Fisherman's Car Park in Chigwell. The Portfolio Holder explained that the area known as Fisherman's Car Park was an area of hard standing used by members of the public visiting either the Roding Valley Nature Reserve on the east bank of the River Roding or the recreation area on the west bank. Responsibility for the car park fell under the jurisdiction of Leisure Services, but as there had never been a specific budget for this area, only minor repairs had ever been performed. The car park comprised of road scalplings compressed into the soil surface and was in an extremely poor condition with numerous potholes. A narrow strip of vegetation adjoined the car park, which was overgrown, unsightly, and contained a considerable amount of wind blown litter and dumped rubbish. There had been a number of complaints from users regarding the condition of the area and it was felt that work should be undertaken to prevent any health and safety issues arising. In addition, the Council was negotiating with both Buckhurst Hill Parish Council and Loughton Town Council to lease these areas to them for a period of 125 years. Thus, it had been anticipated that future maintenance would not be the responsibility of the Council, however, the car park required maintenance to bring it up to an acceptable standard before it could be leased.

The Portfolio Holder reported that, following a site visit by May Gurney, the recommended solution would be to level a sufficient depth of road scalplings across the entire site and compact this into the existing base. This would provide a firm, even surface that was both hardwearing and cost effective, with a minimum life expectancy of five to seven years. In addition, it was proposed to instigate a monthly cleaning regime to improve the general appearance of the site, open up the site through cutting back the vegetation, and deposit a layer of wood chippings along the grass pathway from the car park to the footbridge spanning the River Roding to enable the path to be used throughout the whole year.

The Head of Leisure Services informed the Cabinet that it was intended for the Council's 'approved' highways contractor May Gurney to undertake the works, however the Cabinet felt that a competitive tendering exercise should be undertaken in accordance with Contract Standing Orders.

**RESOLVED:**

(1) That, in order to undertake remedial works to the Fisherman's Car Park in the Roding Valley Recreation Ground, a supplementary DDF estimate for 2006/07 in the sum of £7,000 be recommended to the Council for approval; and

(2) That, following approval of the supplementary estimate by the Council, the Head of Leisure Services be authorised to undertake a competitive tendering exercise in accordance with Contract Standing Orders.

**Reasons for Decision:**

There had been a steady decline in the overall condition of the site and it was now deemed essential that proper remedial works be undertaken to ensure that the car park was safe and fit for purpose. The compromise solution proposed would provide a firm and even surface that was both hardwearing and cost effective. The other measures would improve the appearance of the site and enable the footpath to the bridge to be usable throughout the year.

**Other Options Considered and Rejected:**

To apply tarmac to the current surfacing, but as there was no proper foundation the surface would quickly deteriorate.

To construct a proper car park, but this option would be expensive for the level of use.

To level off the potholes, but this would offer only a short-term solution.

**53. WALTHAM ABBEY SPORTS CENTRE - INSTALLATION OF DISABLED TOILET**

The Leisure and Young People Portfolio Holder presented a report regarding the installation of a disabled toilet at Waltham Abbey Sports Centre. The Portfolio Holder reported that in October 2005, the District Sportability Club had been launched to provide spots and activities for children and young people with learning and physical disabilities. The club met weekly on a Saturday at Oakview School in Loughton, with the Sports Development Team from Leisure Services providing support and direction for the programme. However, participation levels had been limited by the constraints of the building and the long-term aims of the Club were not being met. The Sports

Development Team had been successful in securing £27,000 of funding from the Children's Fund Essex over the next two years to widen the opportunities available through Sportability, which could be achieved by transferring the Club to a larger venue.

The Portfolio Holder stated that Waltham Abbey Sports Centre was the most accessible District Council operated sportscentre for wheelchair users, but it did not have any disabled toilet facilities. There was no space for a new toilet within the sportscentre's existing changing facilities. However, the Headteacher of King Harold School, which currently had a joint use agreement with the Council, had agreed that the Staff PE room located within the sportscentre could be converted into a disabled toilet facility.

**RESOLVED:**

That, in order to enable the re-location of the District Sportability Club to Waltham Abbey Sports Centre, a supplementary DDF estimate for 2006/07 in the sum of £10,000 be recommended to the Council for approval for the installation of a disabled toilet.

**Reasons for Decision:**

The provision of a disabled toilet and subsequent full disabled access at Waltham Abbey Sports Centre would enable many more children with disabilities to access the sports and leisure provision. Although the future of Waltham Abbey Sports Centre was currently under review pending the end of the Dual Use Agreement in September 2007, the provision of a disabled toilet would provide considerable community benefit and ensure compliance with the Disability Discrimination Act 2005. The Epping Forest Sportability Club provided the only multi-sport environment for children and young people with disabilities within the District.

**Other Options Considered and Rejected:**

That the Council does not fund the provision of a disabled toilet at Waltham Abbey Sports Centre, but this would not utilise the £27,000 of external revenue funding raised and the facility would not comply with the Disability Discrimination Act 2005.

**54. ONGAR LEISURE CENTRE PLAYING FIELDS - PROPOSED IMPROVEMENTS**

The Leisure and Young People Portfolio Holder presented a report concerning proposed improvements to the playing fields at Ongar Leisure Centre. The Portfolio Holder stated that the playing fields at Ongar Leisure Centre currently accommodated three full-size football pitches, of which one was a good quality match pitch. Although the pitches were used for weekly training sessions and casual bookings, they were under-utilised and had considerable scope for a range of future development opportunities, including the creation of a Multi-Sport Hub Site. The site could accommodate a Multi-Sport Hub Site with the provision of a cross-section of sports for juniors, young people and adults. The infrastructure required would include the installation of a cricket square, levelling of the existing grass areas and the marking of pitches or tracks. It would also be necessary to construct a Pavilion with four changing rooms, toilets, kitchen and open area for use by the range of groups involved; and could be available for alternative uses during the day. The current facilities also included a floodlit all weather area, which could be extended and improved to accommodate a netball court size multi-use games area.

The Portfolio Holder informed the Cabinet that the Sports Development Team had highlighted a soccer centre for juniors and youths, tag rugby, junior and youth athletics, junior and senior cricket, and men's training and casual football. These sports were not widely available in the area, and lent themselves to participation by women and girls, who were a key target group. A number of local schools had expressed an interest in using the proposed facilities for a range of events. Research work carried out in conjunction with the Essex Football Association had also identified a need for an all-weather Astroturf pitch in the north of the District, whilst the Football Foundation were keen for a junior soccer centre to be established at the site.

The Portfolio Holder advised that preliminary discussions had taken place with the Football Foundation regarding funding for the Astroturf pitch and pavilion, which could also include funding for a Development Officer to manage the new facilities. Discussions had also taken place with Sport England concerning possible funding for the re-establishment of playing pitches in the District, but this was linked to the outcome of the St John's School development in Epping. It was anticipated that the Development Officer would manage and deliver the daytime activities within the pavilion and the early evening junior courses, whilst the Leisure Centre at Ongar would under take the management of the Astroturf and any casual bookings.

The Finance, Performance Management and Corporate Support Services Portfolio Holder suggested that the current budget provision of £100,000 per annum for Youth Facilities could be allocated to the improvements of the playing fields at Ongar Leisure Centre when the current three-year programme had been completed. The Cabinet felt that no commitment should be made until the further report had been received regarding the projected costs of each option, the revenue consequences and the level of external funding available.

**RESOLVED:**

- (1) That the range of improvements proposed for the Playing Fields at the rear of Ongar Leisure Centre, providing a multi-sports site offering quality facilities and maximising participation in sport by people of all ages and abilities, be supported in principle;
- (2) That a further report be submitted to a future meeting providing further details on the projected cost of each option to include:
  - (a) revenue consequences; and
  - (b) the level of external financial support being made available to support the project; and
- (3) That, dependent upon the outcome of the further feasibility work, a bid for resources be made from within the Council's capital programme to meet any short-fall in external funding.

**Reasons for Decision:**

The playing fields at the rear of Ongar Leisure Centre had the potential to become the first multi-sport hub site in Essex and an example of good practice in Local Authority sports provision. The benefits of establishing a multi-sport facility included whole family involvement, social inclusion and community cohesion. The Football Foundation had also indicated that they would not provide any funding towards the

proposed development unless it included a four-changing room pavilion and an Astro turf pitch.

**Other Options Considered and Rejected:**

To maintain the pitches to a basic standard to facilitate the current relatively low levels of usage.

**55. PLANNING SERVICES - CONSERVATION AND LANDSCAPE TEAM**

The Planning and Economic Development Portfolio Holder presented a report upon the Conservation and Landscape Team within Planning Services. The Portfolio Holder informed the Cabinet of several issues affecting the Conservation and Landscape Team within Planning Services, and sought approval from the Cabinet for changes to the way that the Conservation Grants budget was spent and the role of the Technical Officer (High Hedges) post. In addition, the Portfolio Holder requested that the Cabinet consider the need for a specific budget to deal with specialist advice in respect of claims against the Council for subsidence to properties affected by preserved trees; whether a review should be undertaken of wildlife sites within the District; and sought authority for the Head of Planning and Economic Development to sign management agreements on behalf of Countrycare.

The Portfolio Holder reported that within the Conservation Policy budget, there had always been a specific sum to enable the Council to offer Historic Building Grants for repairs to listed buildings. The maximum possible grant of £1,000 had been the same for over fifteen years, and was now seen as only a token gesture towards the cost of repairs. There was also a new Best Value Performance Indicator (BVPI 219), whereby the Council was required to produce both Character Appraisals and Management Plans for each of the twenty-five Conservation Areas. Thus, it had been proposed that the Conservation Grants budget be directed to the following priorities only: Conservation Area enhancement schemes identified in agreed Management Plans; and the repair of listed buildings in non-residential use, with priority given to any buildings on the "Buildings at Risk Register". A further report would also be submitted to the Cabinet in April 2008, to review the success of the revised priorities.

The Portfolio Holder reminded the Cabinet that the Technical Officer (High Hedges) post had been agreed in March 2005 following the enactment of the Anti-Social Behaviour Act 2003, as part VIII of the Act empowered the Council to deal with neighbour disputes relating to high hedges. The post was originally agreed for an initial period of three years, however the officer appointed in July 2005 had left the Council in June 2006, and the post was currently vacant. In addition, following a review by Essex County Council of the Tree Preservation Orders (TPO's) that it administered, it seemed likely that either the County TPO's would be revoked or the County Council would delegate administration to the District Councils. In any event, this would create significant additional workload for the Landscape Team.

The Portfolio Holder stated that when an application to fell a preserved tree was refused and the owner claimed that as a direct result of retaining the tree, underpinning of the property was then required, the Council could be liable for compensation. Claims were becoming increasingly common as Insurance Companies launched actions against the Council citing preserved trees as the cause of any subsidence of a property. The Council was now employing the services of consultant structural engineers to review such cases, which cost approximately £500 per case, and there had been 14 such cases in the past two years. These costs had been met from the Development Control Consultants budget, but it was felt that the problem should be addressed with a minimum separate budget of £5,000 per annum.

The Portfolio Holder advised the Cabinet that the last review of wildlife sites within the District had been completed in 1992, although the survey work had been carried out in the late 1980's. Thus, the report, which was still used as material consideration in determining planning applications, was now nearly twenty years old. The Essex Wildlife Trust had carried out the last survey of wildlife sites within the District, and had indicated that their fees to carry out a new survey would be approximately £20,000. This cost could be split over two financial years by phasing the survey work, which in any event would have to be carried out over several seasons, and would be met from salary underspend in 2006/07 and Planning Delivery Grant in 2007/08.

Finally, the Portfolio Holder added that in order to ensure that sites were properly managed in the interests of nature conservation, Countrycare had been preparing management arrangements, which often included a financial commitment. It was unclear as to whether the Head of Planning and Economic Development had delegated authority to authorise such agreements, and approval was sought for such agreements to be approved, provided the financial commitment did not exceed £1,250.

The Cabinet, whilst welcoming the report, were mindful of the need to be prudent until the full cost of the Waste Management contract was known. The need for the Technical Officer (High Hedges) post at this time was queried, and it was felt that representations should be made to the County Council in respect of the imminent review of Tree Preservation Orders. In respect of the specific budget for claims against the Council for subsidence to properties, the Head of Planning and Economic Development reiterated that the estimated cost of expert advice, in the sum of £5,000, would help to prevent the Council becoming embroiled in cases whereby it once had costs of £100,000 awarded against it. These costs could not properly continue to be met from the Development Control Consultant's budget. The Cabinet agreed this item as a DDF supplementary estimate rather than the requested CSB supplementary estimate, and rejected the CSB growth bid for the 2007/08 budget. The Cabinet noted the need to undertake a review of wildlife sites within the District, but felt that the review should be deferred until 2007/08, when the final cost of the Waste Management contract would be known.

**RESOLVED:**

- (1) That the staffing, budget and work programme issues in the Conservation and Landscape Team be noted;
- (2) That the proposed change in the method of prioritisation for the Conservation Grants budget be agreed in principle;
- (3) That the need for a specific budget to deal with claims against the Council for subsidence to properties affected by preserved trees be noted and a supplementary DDF estimate in the sum of £5,000 for 2006/07 be recommended to the Council for approval;
- (4) That the need to undertake an urgent review of the wildlife sites within the District be noted, but that this review be deferred until 2007/08;
- (5) That the Head of Planning and Economic Development be authorised to sign management agreements on behalf of Countrycare:
  - (a) including those with financial commitments, up to a maximum of £1,250 per agreement per annum; and

- (b) all previously signed agreements be retrospectively approved.

**Reasons for Decision:**

There was a clear need to review the expenditure from the Conservation Grants budget, given the recent change in emphasis on conservation area studies. The changed priorities would also lead to greater public benefit through the enhancement of conservation areas and the repair of listed buildings in community and business use.

Following concerns over the cost of the Waste Management contract, the Cabinet felt that the proposed Technical Officer (High Hedges) position could not be permanently added to the establishment at this current time, especially as the position had remained vacant since June 2006.

The provision of specialist external advice on certain types of Tree preservation Orders was considered essential to protect the Council from compensation claims. No budget currently existed for this expenditure.

The information currently held on wildlife sites within the District was out-of-date, however a decision on a new review was deferred until 2007/08, when the cost of the Waste Management contract would be known.

In order to formalise the current situation, the Head of Planning and Economic Development required delegated powers to enter into management agreements on behalf of Countrycare, and for existing agreements to be approved.

**Other Options Considered and Rejected:**

To maintain the current prioritisation for the Conservation Grants budget.

To agree to add the Technical Officer (High Hedges) post to the permanent establishment and advertise to fill the position.

To continue to use virements from other budgets to pay for the external specialist advice for engineer's advice in respect of claims made against the Council for subsidence to properties affected by preserved trees. .

To undertake a review of wildlife sites within the District utilising salary underspends and Planning Delivery Grant to fund the estimated cost of £20,000.

To not grant specific authority to the Head of Planning and Economic Development to enter into agreements on behalf of Countrycare.

**56. SINGLE NON-EMERGENCY NUMBER - ESSEX SINGLE NON-EMERGENCY NUMBER PARTNERSHIP**

The Customer Services, Media, Communications and ICT Portfolio Holder presented a report to the Cabinet about the Essex Single Non Emergency Number (SNEN) Partnership. The Portfolio Holder reported that the Single Non Emergency Number was a new national service that would provide the public with direct access to community safety advice, information and action via a new three-digit number, 101. This would allow the emergency call services to handle genuine emergency incidents. The Cabinet had already agreed to support the Essex SNEN Partnership by participating in the Wave 2 'expression of interest'. The Home Office had

subsequently accepted the Essex SNEN Partnerships' 'expression of interest' and had awarded a £100,000 grant to the Partnership to develop a full proposal and implementation plan, for which the deadline was noon on 6 October 2006. If the final proposal was accepted then the SNEN service would be implemented across all Essex Local Authorities by June 2007.

The Portfolio Holder added that the Essex SNEN Partnership had established a Project Board to oversee the development of the proposals and implementation plan. However, as the deadline for submission was before the next available Cabinet meeting, it had proposed that the Portfolio Holder took the decision to agree the final proposal on behalf of the Cabinet by way of a Portfolio Holder Decision.

**RESOLVED:**

That, due to the deadline for the Single Non-Emergency Number submission to the Home Office not being compatible with the Cabinet cycle of meetings, the Customer Services, Media, Communications and ICT Portfolio Holder be authorised to make a Portfolio Decision on the final SNEN Essex Partnership proposal.

**Reasons for Decision:**

All District Councils in Essex were attending the Single Non Emergency Number Essex Partnership project board meetings and all supported moving forward with a full Wave 2 proposal and implementation plan.

**Other Options Considered and Rejected:**

None, the use of a Portfolio Holder Decision appeared to be the only viable option due to the schedule imposed by the Home Office.

**57. CIVIC OFFICES ENVIRONMENTAL IMPROVEMENTS - COMFORT COOLING**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the further installation of Comfort Cooling within the Civic Offices as the next phase of the Environmental Improvements programme. The Portfolio Holder reported that the Health and Safety Forum in September 2003 had expressed concern over the high temperatures experienced by staff within the Civic Offices during the summer months, and had recommended the installation of comfort cooling throughout the complex. Much work had already been completed, however Legal Services, Housing Services and the Rear Extension had yet to have comfort cooling installed. It had been estimated that it would cost £150,000 to complete all the necessary works. There was already a budget allocation of £50,000 for 2006/07, and in order to complete the works by the end of 2007/08, the report had recommended a DDF supplementary estimate of £25,000 for 2006/07 and a DDF growth bid of £75,000 for 2007/08.

The Portfolio Holder added that the Cabinet's concern with the potential cost of the Waste Management Contract had been noted, and in light of these concerns the Portfolio Holder was inclined to withdraw this report at the current time. The Cabinet felt that, as no works would be necessary before the summer of 2007, the report should be deferred until March 2007 when the likely cost of the Waste Management Contract should be clearer.



**RESOLVED:**

(1) That, following the asbestos removal works, the current position implementing the Civic Offices comfort cooling works during 2006/07 be noted; and

(2) That further works to improve environmental conditions during the summer months by the provision of comfort cooling for the Civic Offices be deferred until March 2007.

**Reasons for Decision:**

No further works would be necessary before the summer of 2007, thus with concerns over the possible cost of the Waste Management Contract, it was considered prudent to defer the report until March 2007.

**Other Options Considered and Rejected:**

To proceed as per the report and complete the works by the end of 2007/08, with a £25,000 DDF supplementary estimate for 2006/07, and a DDF growth bid of £75,000 for 2007/08.

To do nothing and accept that conditions would be uncomfortable for staff during the summer months.

To perform works in the worst affected parts of the building with the current budget provision of £50,000.

To undertake all works during the current municipal year, which would require a DDF supplementary estimate in the sum of £100,000 for 2006/07.

**58. WASTE MANAGEMENT CONTRACT - FLEET & RECYCLATES**

The Customer Services, Media, Communications and ICT Portfolio Holder presented a report concerning the Fleet and Recyclates aspects of the Waste Management Contract. The Portfolio Holder reported that the present Waste Management Contract had placed the responsibility for fleet provision and the marketing of recyclates with the waste management service provider. This had made the service provider responsible for any fleet failures, and had not exposed the Council to the vagaries of the recyclate market. The Portfolio Holder Advisory Group for the Waste Management Contract had concluded that the risks for both should remain with the service provider, but that the marketing of recyclates should be reconsidered following the soft market testing in order to examine if there was any financial advantage for the Council through adopting an alternative approach. It was necessary to take these decisions prior to the soft market testing, scheduled for 8 September 2006.

**RESOLVED:**

That the following recommendations of the Portfolio Holder Advisory Group on the Waste Management contract be agreed:

(a) the fleet should remain the responsibility of the waste management service provider; and

(b) the marketing of and responsibility for collected recyclables shall in principle remain with the waste management service provider, subject to a later review following the soft market testing exercise.

**Reasons for Decision:**

The recommendation regarding the fleet was a continuation of the existing contractual arrangements. The ability of the Council to maintain the fleet when the previous contract had run into difficulties demonstrated that an emergency situation could be effectively managed.

In respect of the marketing of recyclates, the Council had in the past preferred to be risk adverse and let the waste management contractor take the risk. The Portfolio Holder Advisory Group felt that it would be prudent to remain so, although the situation should be reviewed following the soft market testing exercise.

**Other Options Considered and Rejected:**

The Council to take responsibility for the maintenance of the fleet.

The Council to accept the risk for marketing recyclables.

**59. REVIEW OF THE CAPITAL PROGRAMME 2006/07 - 2010/11**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the review of the Capital Programme 2006/07 to 2010/11. The Portfolio Holder advised the Cabinet that the Capital Programme would form the basis of the Capital Strategy to be presented at the next scheduled meeting of the Cabinet. The report had also considered the available funding and had forecasted that the level of usable Capital Receipts on 31 March 2011 would be £15,765,000.

The Portfolio Holder stated that schemes financed through the Youth Facilities Initiative had seen £55,000 allocated to 2005/06 carried forward to 2006/07, and it was anticipated that a further £21,000 would be carried forward into 2007/08. On 10 July 2006, the Cabinet had agreed to spend the capital allocation of the Planning Delivery Grant on a replacement vehicle for Countrycare (£13,000) and further accommodation work within Planning Services (£20,000). A further £15,500 had also been included in anticipation of approval for the purchase of a waste compactor for the Civic Offices. Since the previous review of the Capital Programme in February 2006, there had been two claims made against the General Capital Contingency: £25,000 to refurbish the Epping Drinking Fountain; and £10,000 to alleviate overheating in the Teaching Pool Gallery at Loughton Leisure Centre.

The Portfolio Holder reported that the inclusion of the Customer Services Transformation Programme would be reviewed as part of the Capital Strategy. Additionally, no figures could be included for the replacement of the Local Taxation and Benefits ICT system as quotations had yet to be obtained. In respect of Loughton Leisure Centre, a further £44,000 had been carried forward to 2006/07 to meet some outstanding consultancy costs. The latest estimate for the cost of phase 2 of the Loughton High Road Town Centre Enhancement was £1,415,000, an increase of £65,000 on the original estimate. However, £156,000 of Section 106 monies had subsequently been received since the original estimate and it was proposed to meet the £65,000 shortfall from this funding. In order to complete the Town Centre Enhancement in Loughton High Road, a further two phases had been planned, estimated to cost £2,000,000. However there was no current allocation in the Capital

Programme and it had been proposed to consider this issue as part of The Capital Strategy review in October 2006. An additional £8,000 had also been included in the Capital programme to complete the upgrading of the Queen's Road Car Park in Buckhurst Hill.

The Portfolio Holder reminded the Cabinet that the previously agreed additional £500,000 contribution to affordable housing had not been identified through subsequent savings elsewhere in the Capital Programme. The additional £1.2million of Revenue Contributions to Capital Outlay (RCCO) agreed for the Housing Revenue Account (HRA) over the next five years had now been allocated to various categories that had required increased expenditure. The financial status of the HRA would be closely monitored to ensure that these levels of RCCO were sustainable in the future. The progress of certain HRA schemes had been assessed and virements totalling £566,000 had been proposed to heating and rewiring projects and £88,000 to other planned maintenance projects from cost reflective repairs, structural schemes, and cyclical maintenance. For the proposed improvements to Wickfields in Chigwell, prior to the small-scale stock transfer to Home Group Limited (Warden Housing), it had been estimated that the Council would have to make a payment of £1.1million to Warden Housing. However, following a tender exercise to appoint a contractor, the Council's payment was reduced to £790,000, which represented a saving of £310,000 on the original provision. Finally, there had been a capital provision of £550,000 to buy-back six leasehold properties at Springfields in Waltham Abbey prior to the commencement of improvement works. However, following the Cabinet's earlier decision, an additional leaseholder had elected to sell their leasehold property to the Council and a further £46,000 of capital was required. It was proposed to vire this money from the savings generated by the Wickfields scheme.

The Cabinet accepted that there would be increased costs due to the tender of the Waste Management contract, and that it would be necessary to reconsider phases 3 and 4 of the Loughton High Road Town Centre Enhancement Scheme as part of the Capital Strategy Review in October 2006. It was also agreed that the £500,000 of savings required for the additional allocation to affordable housing should be identified as part of the Capital Strategy Review in October 2006.

**RESOLVED:**

- (1) That the latest four-year forecast of capital receipts be noted;
- (2) That, as at 31 March 2011, the currently predicted level of usable capital receipts of £15,765,000 be noted;
- (3) That the revised Capital Programme 2006/07 to 2010/11 be approved;
- (4) That, as quotations were still to be obtained for the proposed replacement Local Taxation and Benefits ICT system, this item had not yet been included in the programme;
- (5) That the revised payment to be made to Home Group Limited (Warden Housing) on completion of the legal agreements for the small-scale stock transfer of Wickfields, Chigwell in the sum of £790,000, which represented a saving of around £310,000 based upon the original budget estimate, be noted;
- (6) That the following be approved or, where necessary, be recommended to the Council for approval:

- (a) a supplementary capital estimate for 2006/07 in the sum of £15,500 for a waste compactor;
- (b) a supplementary capital estimate for 2006/07 in the sum of £8,000 for the car park upgrade works being carried out at Queen's Road, Buckhurst Hill;
- (c) an increase of £65,000 on the Loughton High Road Town Centre Enhancement Scheme to be financed from Section 106 monies;
- (d) an increase of £33,000 within the Finance, Performance Management and Corporate Support Services Portfolio for a Countrycare replacement vehicle (£13,000) and accommodation improvements within Planning Services (£20,000);
- (e) virements within the HRA for 2006/07 in the sum of £566,000 to heating and rewiring projects and £88,000 to other planned maintenance from:
  - (i) cost reflective repairs (£428,000);
  - (ii) structural schemes (£120,000); and
  - (iii) cyclical maintenance (£106,000); and
- (f) a virement within the HRA for 2006/07 in the sum of £46,000 to Springfields Improvements out of the savings from the Wickfields stock transfer;
- (7) That the Head of Housing Services be authorised to buy-back the seven leasehold properties at Springfields at a cost of £596,000 made up of:
  - (a) £550,000 within the existing Capital Programme; and
  - (b) the virement of £46,000 agreed in resolution (6)(f) above;
- (8) That the financing of the additional £500,000 contribution to affordable housing approved by the Cabinet and consequent savings elsewhere in the Capital Programme be considered and identified as part of the Capital Strategy Review in October 2006;
- (9) That the estimated HRA expenditure of £5,081,000 to be spent on the authority's own affordable housing and regeneration projects in 2006/07 be approved; and
- (10) That the Loughton High Road Town Centre Enhancement Scheme phases III and IV (estimated at £2,000,000) be considered as part of the Capital Strategy Review in October 2006.

**Reasons for Decision:**

The Capital programme adhered to decisions that had already been approved by the Cabinet, and the actions were intended to make the best use of the capital resources currently available and forecast to become available for capital schemes up to 2010/11.

**Other Options Considered and Rejected:**

To reconsider the inclusion of some new schemes or restrict existing schemes as the level of capital resources was predicted to fall to £15,765,000 by 31 March 2011.

To increase the use of usable capital receipts rather than to use increased RCCO contributions to enhance the HRA capital programme, as this would reduce the capital resources available for the General Fund.

**60. DRAFT EAST OF ENGLAND PLAN - REPORT OF PANEL OF INSPECTORS**

The Planning and Economic Development Portfolio Holder presented a report on the report of the Panel of Inspectors for the draft East of England Plan, and also tabled a draft letter illustrating the subject matter of the report. The Portfolio Holder informed the Cabinet that the Panel of Inspectors who had conducted the Examination in Public into the Draft East of England Plan had published their report at the end of June. The next stage was for the Secretary of State to consider the recommendations and to publish Proposed Changes, due out in November, for which there would be a further twelve-week consultation period.

The Portfolio Holder summarised that the Panel supported the case for greater housing numbers in the area but shared the Council's reservations about job growth and infrastructure provision. Consequently, a more widespread distribution of growth amongst urban areas was recommended with less concentration in the Harlow area. Although Harlow was still regarded as a Key Centre for Development and Change, North Weald and Harlow North were recommended for deletion as growth locations. The Panel had accepted the Council's argument that any development at North Weald would suffer from infrastructure deficits and would be commuter orientated, but had also applied the same arguments to the Harlow North development. However, the Panel had recommended the development of approximately 3,000 dwellings to the west and south of Harlow within the District, which was an increase on the Draft Plan's proposal for 2,700 new dwellings, as well as further development to the east of Harlow between the town and the M11 motorway, with potentially some of this within the District.

The Portfolio Holder added that the other recommended policies for the District were based upon Green Belt restraint and urban regeneration, favouring development opportunities within built-up areas whilst also retaining and enhancing their distinctive characters. The number of radial public transport nodes within the District was highlighted in the context of reducing car use and increasing public transport use. Finally, the Panel identified an indicative job growth target of 12,000 for the District in combination with Brentwood.

The Portfolio Holder stated that there were many items within the report worthy of support, such as the deletion of North Weald as a development area, however there were also serious concerns regarding the proposed Harlow urban extensions, the scale of the proposed housing and job growth within the District, and the apparent departure from the previous assurances that any development would be infrastructure led, not commuter based. These issues had been highlighted in the draft letter of response.

The Leader of the Council further added that the Member of Parliament for Harlow and Roydon had already supported the draft letter of response, and that support from the District's other two Members of Parliament was also anticipated. Harlow District Council had yet to complete their process of considering the Panel's report, but it was hoped that their support for the Council's response would also be forthcoming. The

Head of Planning and Economic Development intimated that the intention was for the Local Strategic Partnership to co-sign the letter of response in order to give it added impact. The Head of Planning and Economic Development undertook to make available the full text of the letter to all members via the minutes of the meeting or the Members' Bulletin.

**RESOLVED:**

(1) That the Council's responses to the Panel's report be endorsed concerning:

- (a) The rejection of North Weald;
- (b) District housing and employment provision;
- (c) Harlow urban extensions and infrastructure;
- (d) Green Belt boundary reviews; and
- (e) Travel Restraint; and

(2) That, as referred to in the report, a letter be forwarded as soon as possible to:

- (a) The Secretary of State for Communities and Local Government;
- (b) Local members of Parliament;
- (c) The Government Office for the East of England (GO-East);
- (d) The East of England Assembly; and
- (e) Copied to the following Councils:
  - (i) Harlow Council;
  - (ii) Brentwood Borough Council; and
  - (iii) Essex County Council.

**Reasons for Decision:**

The opportunity should be taken to alert the Department of Communities and Local Government to errors and problems with the Panel's recommendations, which concerned matters of long-term importance to the District, and to prompt the Department to undertake sufficient work and assessment before publishing the Government's Proposed Changes. This would be far harder to achieve once the Department of Communities and Local Government had published its Proposed Changes.

**Other Options Considered and Rejected:**

To make no representations or comments at this stage, but to wait for the formal consultation on the Government's Proposed Changes in November.

**CHAIRMAN**

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Date: 7 September 2006

Our ref: PL/HS/11.2.2.1

Your ref:

Rt. Hon. Ruth Kelly M.P.  
Secretary of State for Communities  
and Local Government  
Eland House  
Bressenden Place  
LONDON  
SW1E 5DU

John Scott (01992) 564051  
Email: [jscott@eppingforestdc.gov.uk](mailto:jscott@eppingforestdc.gov.uk)

Dear Secretary of State,

**Draft East of England Plan / Regional Spatial Strategy  
Report of the Panel of Inspectors following the Examination in Public**

The Council and the Epping Forest Local Strategic Partnership have instructed us to write to you concerning the above. For simplicity six main points are made in this letter which relate to issues of soundness and clarity. These points are explained in more detail, with technical references, in the attached appendix. The Council expects your officials to give you sight of this letter, but you do not have to look at the appendix.

The Council recognises the advice in paragraph 2.50 of PPS 11 about representations on the Panel Report. However, the following are matters which we are sure you would wish to be informed of as soon as possible, and are not minor corrections that could readily be sought when we comment formally about the Proposed Changes.

The process of regional planning demands the achievement of a sound spatial approach for the East of England, based on sustainable principles and a firm evidence base. This Council and its residents and businesses expect no less.

The Panel has assisted you across much of the region, but there are quite unacceptable mistakes concerning the future of Harlow and Epping Forest, as follows:

- The total employment allocation is incorrect, as is its calculation. The approach that has been used is unsound and may have contributed to the error. A sound approach would be to give an indicative figure for each District.
- Incorrect assumptions/conclusions have been made about locations for development around Harlow. These would have the effect, amongst other things, of dismantling a mutually supportive package of development proposals that led Harlow DC, Essex CC, EFDC, and others, to oppose extensions to the south and west, in favour of Harlow North. In their place is a disorganised set of ingredients never likely to be a successful recipe.

- The Panel underlined the need for travel restraint, but the proposals for the southern and western expansion of Harlow are likely to achieve the exact opposite; more dormitory houses accessed through congested once rural environs, rather than achieving genuine homes in a sustainable pattern of development worthy of being called a community.
- In arriving at a figure of 3,500 homes, erroneous assumptions have been made that past building rates in the district, which were skewed by the development of the former Royal Ordnance site, can be continued in the existing spatial pattern surrounded by Green Belt.
- It is quite illogical to roll back Green Belt boundaries in this part of the Stansted/M11 sub-region to allow for future development up to 2031, ten years beyond the twenty-year draft plan. It is particularly illogical when a forthcoming review of the plan, which will cover this period and look at different spatial options, has not even commenced.
- Development of North Weald has been soundly rejected, but the Report leaves references to future possibilities. It should be categorically rejected from this plan.

Thank you for finding time to read, consider, and act positively in response to this letter.

Yours faithfully

**John H. Scott**  
**Joint Chief Executive (Community Services)**

**David Butler**  
**Chairman Epping Forest**  
**Local Strategic Partnership**

c.c. Yvette Cooper M.P., Minister for Housing and Planning, DCLG  
Bill Rammell M.P. for Harlow, Nazeing, Roydon and Sheering  
Eleanor Laing M.P for Epping Forest  
Eric Pickles M.P. for Brentwood and Ongar  
John Dowie, Director of Development and Infrastructure, GO-East  
Brian Stewart, Chief Executive, EERA  
Gill Wallis, Coordinator, Harlow Strategic Partnership  
David Marlow, Chief Executive, East of England Development Agency

**P.S.** Bill Rammell M.P. and Eleanor Laing M.P. have seen a draft of this letter and want it made clear to you that they agree with the content. Eric Pickles M. P. has not yet had that opportunity, but may make comments in due course.

## **Appendix**

### Draft East of England Plan / Regional Spatial Strategy Report of the Panel of Inspectors following the Examination in Public

#### Introduction

The Council will be making a response to the Proposed Changes when they, together with the SA/SEA and the necessary Appropriate Assessments under the Habitats Directive, are published in November of this year.

There are, however, issues that ought to be addressed now. These are matters that the Government will want to incorporate into the Proposed Changes, and the SA/SEA/Appropriate Assessments that will need to be carried out before November (or at least use some of them as alternatives to be tested under these assessment processes). Such appraisals and assessments take time to carry out, which is one reason why these points are made now.

There is much on which to commend the Panel Report, particularly but not exclusively in terms of its recommendations on some Strategic Objectives (e.g. an increased focus for the RSS on sustainability and on development being joined up with enhanced public transport).

However, probably due to the Panel addressing more the regional strategy scale of the Draft RSS (and the time available to the Inspectors), there are a number of unsound aspects in some sub-regional policy recommendations, but specifically concerning the southern part of the Stansted/M11 sub-region.

This is the case whether you judge soundness just on the tests set out in PPS11 and the Panel Report, or what a reasonable person would judge as sound. (In terms of tests, the Panel at paragraph 3.12 has noted that the test it considers most important is missing from PPS11 for Regional Spatial Strategies – whether strategies/policies/allocations represent the most appropriate in all the circumstances – but the Panel points out that it is a test of soundness for Local Development Documents under PPS12. Whether this extra test will lead to challenge and delay when we try to translate RSS into LDDs one cannot be certain; we have a new planning system, this is the first complete RSS, and we will be taking forward some of the first Land Allocations LDDs under the new system.

There are a number of implications arising from sub-regional policies in the draft East of England RSS being unsound. One in particular, which we presume will be of concern to Government in its desire to achieve more housing development and faster delivery of it, is the uncertainty, objection, and delay etc in translating the housing allocation provisions of the RSS into LDDs to bring forward development which the Government and others seek. We are aware that one of the Government's objectives in scrapping Structure Plans was to save time on process and procedures. It would therefore be unfortunate for unsound sub-regional policies (which in effect replace Structure Plans) to lead to delay in the adoption of LDDs. It would be more unfortunate for such delay to be made worse by the new provisions for enhanced public involvement in LDFs, which would give more scope for the public to be rightly critical of any perceived lack of soundness.

The very first paragraph of PPS11 says that the new RSSs will focus more on implementation and on achieving sustainable development. However the unsoundness of the matters in this appendix means that implementation will be hampered, and sustainable development not achieved.

The Panel Inspectors judged their proposals to be sound, but in the respects set out below we strongly suggest otherwise. To avoid crucial points within the plan being found to be unsound the matters below must be revised before the Proposed Changes to the RSS are subjected to SA/SEA/Appropriate Assessment, prior to being issued for consultation in November. We trust that by alerting you to these now that this can be done to avoid the undesirable consequences alluded to above.

**Issues of soundness for incorporation into Government's Proposed Changes prior to SA/SEA and Appropriate Assessment under the Habitats Directive**

1) Employment allocations for the 'Rest of Essex' (25,000) and Brentwood/Epping Forest Districts (12,000). RSS Policy E2: Jobs Growth 2001-2021

These recommended allocations by the Panel, totalling 37,000 jobs to 8 districts must be completely wrong. An average of 6,000 jobs for 2 London Arc districts, yet an average of only about 4,000 to each of the 6 'Rest of Essex' districts – including 2 Key Centres for Development and Change (KCDC) must be unsound. A 12,000 jobs allocation to Brentwood and Epping Forest Districts would in any case run counter to the Panel's recommended London Arc restraint strategy.

In raising regional housing numbers and job numbers the Panel broadly retained the 0.88 EERA ratio (0.87). Applying this 0.87 ratio uniformly (although this would not be correct given 2 districts of KCDC status) to the 'Rest of Essex' 52,200 homes would mean 45,414 jobs, not the 25,000 that the Panel recommended. Applying the 0.87 ratio to Epping Forest and Brentwood Districts housing figure of 7,000 homes would mean just 6,090 jobs, not 12,000. (The jobs associated with the about 3,000 homes proposed at the edges of Harlow in EFDC area should logically be located in Harlow itself given the Panel's urban concentration aims (or to Harlow North – see (2) below)).

As Brentwood and Epping Forest are more commuter Districts than the others, a ratio of something along the lines of Epping Forest's current figure of 0.76 would be more appropriate. Whatever the ratio there is a dilemma in job numbers and jobs-homes alignment in Epping Forest District (unlike Harlow where rail capacity could be significantly increased). On one hand the Panel recognises that some commuting to London will continue but the Panel seeks to reduce car commuting and increase the use of public transport. However there are capacity constraints, even with identified and potential enhancements (including Crossrail), on the London Underground Central Line so that more Epping Forest boarders will mean greater crowding within London (where housing numbers are set to rise anyway in the London Plan). This would result in additional car commuting, especially given the area's good road/motorway access. But the Panel rightly see such additional commuting as what the region has to move away from, in favour of public transport. On the other hand, provision of more jobs in a district like Epping Forest tends to attract "ripple-in" commuters from further afield: and so probably by car given a lack of identified public transport links – which the Panel again wants to avoid.

All this also has clear implications for, and links to, the urban area housing numbers for Epping Forest about which the Panel has been over-optimistic (unsoundly so) – see (4) below.

Delay in implementation of the RSS would be reduced by district-by-district employment allocations/indications, in the same way as the RSS is required to allocate housing numbers to help achieve delivery. However, if delay is desired, then a good way to achieve that would be to allocate an unsound combined number to two districts with no guidance on the division between them and with no apparent RSS evidence base! (Which is also needed to guide LDD production).

A total figure for two districts without any direction as to how the total is to be apportioned is less than helpful.

2) Development outside the administrative boundary of Harlow

The Panel propose “about 3,000 dwellings” to be located “outside the administrative boundary of Harlow” (Table 7.2 note 2 and R5.10 (2)). This administrative boundary largely follows the ridge around the southern and eastern edges of Harlow. This ridge defines Harlow’s landscape ‘bowl’ which is a major feature of Harlow’s landscape setting, to which the Panel refer in R5.10. Development opportunities to the south/west/east of Harlow that “maintain the integrity of the .... landscape setting of Harlow” (R5.10 (3)) are very limited. Whereas there are greater opportunities, which would better assist Harlow’s regeneration, to the North.

Harlow’s landscape ‘bowl’ is actually part empty so it does not make for sound planning to breach the ‘bowl’ to the south and east when there is space within the ‘bowl’ to develop to the north. The Panel’s reasons for not agreeing with development to the north are based on inaccurate assumptions. One reason seems to be based on flawed data supplied to the landscape study of Harlow which overstates the landscape significance and how much land is significant north of Harlow, and therefore its sensitivity to development (even without this, the Government Growth Areas funded study showed the landscape to the north to be less sensitive than to the south and west).

While recommending against 10,000 dwellings with jobs etc. within the northern part of the ‘bowl’ (with a possibility of up to 25,000 homes in later decades as may be required) the Panel did not examine what lower figure could be accommodated there compared to the less advantageous locations for 3,000 dwellings they did recommend. This is unsound. So the Panel ended up recommending poorer locations (as below) that also do not have the potential for growing in future decades.

The Panel Report finds that physical separation by the River Stort counts against Harlow North. Many towns and cities have a river running through them (some more than one, or even numerous canals in a couple of well known examples). They add to the attraction of such places and are not impenetrable barriers. A green corridor along the Stort would follow Harlow’s distinctive pattern of neighbourhoods separated by green corridors/wedges that are highly regarded by the town’s residents. The Panel’s recommendation against Harlow North on this ground is totally inconsistent with its endorsement of at least 5,000 homes near Stevenage, which will be physically separated from Stevenage by the A1 (M). (There are also regeneration inconsistencies between the Panel’s approach to Harlow North and West of Stevenage— as below).

The Panel Report casts doubts as to the reasons for including Harlow North at the draft RSS stage compared to draft RPG14, in that they are “not entirely clear” (para. 5.90). They should be clear. A large amount of detailed study work for Harlow and its surroundings (mainly Government funded) examined growth, regeneration, transport, and landscape. These, together with a separate exercise by the Countryside Agency completing the registration of new areas of Common Land, led to the widespread understanding of / a strong preference for Harlow North. The Strategy Review study by Robin Thompson is given little apparent weight by the Panel, despite it being a final “study of studies” commissioned by EERA as a check before they issued the draft RSS.

Harlow North would not compete with Harlow’s regeneration, especially compared to alternative locations like North Weald. It would not be a “satellite”, or a “rival attraction” as the Panel asserts. It is the closest location to Harlow town centre, railway station and retail parks. Its proximity to, and good WAGN rail access to, Stansted Airport would best assist Harlow’s contribution to ‘indirect’ Airport related employment (as the Panel favour). It is the most sustainable form of development around Harlow necessary to justify the roll back of some Green Belt land. Harlow North could achieve ‘built-in’ and therefore better public transport leading directly to Harlow’s public transport interchanges and town centre, with such routes having high density residential and jobs developments positioned along them (following the principles of ‘New Urbanism’ which

Government and CABE appreciate). This location would do most to help achieve the move from car use to public transport that the Panel sees as vital. In complete contrast, extensions to the south/west would be dependent on less attractive connections through busy road corridors between the backs of existing neighbourhoods that would be harder to 'retro-fit'.

Harlow North would contribute to Harlow's regeneration in several ways. The Panel seem to have missed the significance of one in particular. Employers and others in Harlow see a prime need to get better access to Edinburgh Way and other locations towards the northern edges of the town. (The Panel do recognise this need in recommendation R5.10 (6). However they seem unaware that Hertfordshire C.C. had sought a northern bypass in their Structure Plan, long before the Growth Areas agenda). Development at Harlow North could directly contribute finance towards the northern bypass (serving Harlow, Harlow North, and needed for new large-scale development at Harlow East as below). Harlow is unique amongst greater south-east of England New Towns in having only one motorway junction, which causes great (and notorious!) congestion problems especially combined with congestion within Harlow itself (some of which is due to this single principal access). More could be said about the other regeneration benefits of Harlow North as a location (leaving aside the scale of development). It is completely inconsistent, and unsound, for the Panel to doubt the regeneration role of Harlow North, seeing it as a "satellite", whilst endorsing a location to the West of the A1 (M) at Stevenage (for at least 5,000 dwellings) in order to address that town's regeneration needs.

The Panel Report seems unwittingly to have dismantled the sensible package of mutually supporting proposals that led Harlow DC, Essex CC, EFDC, and others, to oppose extensions to the south and west, in favour of Harlow North.

### South and West of Harlow

There is physical capacity within environmental and countryside constraints (acknowledged by the Panel) for some 750-1,000 new homes ('unconstrained capacity' figure) to the south-west corner of Harlow. The constraints around the southern and western edges of Harlow are illustrated on the plan of this area herewith (a part-GIS version was submitted to the EiP). Land that might be developed is marked Sx and Kx, these areas are presumably what the Panel refer to regarding the former Development Corporation boundary (para. 5.96). However, while there is limited capacity here, development would do little or nothing to assist Harlow's regeneration or a sustainable pattern of development (especially compared to other locations, particularly north of Harlow where there is additional capacity for development in future decades).

Development beside Sumners and Katherines neighbourhoods would mean further/peripheral development to Harlow suburbs. It would be very hard, if not impossible, to achieve the "major increase in the use of public transport ... without encouraging an increase in car use" in this location, contrary to the Panel's recommendation R5.10 (6). As above, 'retro-fitting' public transport will be far harder than 'building-it-in' and integrating it with urban form and density. In any case, the south-west location, as well as adding congestion through Harlow, will to add further southbound car commuting (e.g. to the M25) along unsuitable rural roads through communities such as Nazeing and Epping Upland, and through Epping Forest Special Area of Conservation (SAC) which is designated under the European Habitats Directive. Congestion within Harlow, and the problems of expanding road capacity within the town, makes southbound commuting more likely. A study by Robert West Consulting, submitted to the EiP and commissioned by EFDC, shows a surprisingly low number of extra vehicle trips (and thus NO<sub>x</sub> pollution) that would trigger the need for an "Appropriate Assessment" under the Habitats Directive. We contend that even the capacity at south-west Harlow would breach this trigger level. An "Appropriate Assessment" would thus be required. Panel recommendation R3.1 refers to "Appropriate Assessment".

The Panel's reference to PDL (Previously Developed Land) close to the urban edge of Harlow is wrong as it can only relate to areas of glasshouses (which provide local employment and contribute to the economy). Glasshouses which are a proper Green Belt use do not fall within the

Government's definition of PDL. Indeed, the existence of several areas of existing or proposed glasshouses between Harlow and Nazeing/Roydon heightens the argument against urban extensions west of Harlow as worsening the separation of settlements to the west favoured by the Panel in their recommendation R5.10. In addition, the recent binding Inspector's Report on the adopted Epping Forest Local Plan Alterations confirms the glasshouse designations.

### East of Harlow

From master planning study work for Harlow and surrounding local authorities by the Matrix Partnership, the 3,000 homes proposed in the draft RSS to the East of Harlow would fit within Harlow's landscape 'bowl' but would not cross the ridge. The 5,000 which the Panel propose means that 2,000 of these, plus any of the about 3,000 which the Panel propose outside of Harlow, would breach the ridge (but there is capacity within Harlow's landscape 'bowl' to the North as a better alternative).

Harlow DC may have to try to add another 2,000 to 2,500 homes to Harlow East arising from the Panel's recommendations for areas within Harlow due to a lack of capacity within the town (their recent Local Plan Inspector's report reduced their windfall assumptions as he considered them unreasonably high).

A plan submitted to the EiP on behalf of the Consortium of Three Landowners at Harlow East does not show the location of the ridge east of Harlow, but instead shows it stopping east of the M11 (by comparison with the Harlow Green Infrastructure Plan Growth Areas funded study and as shown on the Plan of East of Harlow herewith). The Panel may thus have been unaware of the ridge position east of Harlow.

There are longstanding concerns about vehicular access to several thousand homes at East Harlow, and the access problems of Harlow to M11 J7 are well known. Transport analysis submitted to the EiP by Essex CC (EiP Papers HTSG4 and 6) indicates that major investment would be required to support an enlarged Harlow East extension (beyond what already has planning permission). It appears that a completely new access to the north would be needed – but this requires a northern bypass. More development at East Harlow, as the Panel now propose, would obviously make this even more necessary. There is doubt therefore about the achievability of these proposals without the Northern bypass (which is closely associated with the proposals for development at Harlow North). The Panel don't seem to have appreciated this, nor how different development and road proposals form part of a package of measures. If further development takes place at Harlow East there will be additional traffic using rural roads through villages to the east, in order to avoid continuing congestion in Harlow (which is not in accordance with the broad traffic and sustainability aims of the Panel Report).

### 3) Travel Restraint

The Panel sees an essential need to increase public transport use, not increase car use, influence public behaviour, and introduce network-wide car travel restraint; especially in the London Arc. This will inevitably be difficult to achieve. It involves a step-change in public transport investment and any timescale is uncertain.

In the meantime, rapid growth at a Key Centre for Development and Change within the broad London Arc, such as Harlow, must:

- be as closely related to existing public transport systems as possible:
- have development locations best positioned so that improving public transport is easiest: and/or
- be closely related to other feasible and effective non-car transport strategies.

The Panel recommendations for development around Harlow do not satisfy these requirements (as at (2) above).

4) Housing Allocation for Epping Forest District 2001-2021 aside from the allocation in connection with Harlow.  
RSS Policy H1: Regional Housing Provision

The increase from EERA's capacity figure of 2,300 to the Panel's recommendation of 3,500 dwellings was not debated at the EiP and is not soundly based. The Panel quotes past completion rates (although past achievements are no guide to future performance). The high figures for 2001-2004 referred to by the Panel reflected the 442 home brownfield redevelopment of the Royal Ordnance Site at Waltham Abbey. Such a large brownfield development will not be repeated. The figures also reflected numbers of small scale developments outside urban areas; which would be contrary to the Panel's urban focused vision.

By comparison a figure of 2,400 is acceptable and is derived from the Urban Capacity Study by Baker Associates (EERA's 2,300 figure used a different urban capacity basis but is comparable). Both are evidence-based in comparison to the Panel comment that the EERA figure "appears low in relation to the development that might be expected" (para 5.144, our emphasis).

The Panel's 'guesstimate' figure of 3,500 is not compatible with its aim of retention of distinctive character and identity as in the Panel's recommended Policy LA1(3). Unrealistic provision risks over-development and/or pressure on non-urban sites to meet targets. Elsewhere in the Report the Panel does recognise that urban capacity "cannot, however, simply be regarded as a constant source of supply" (para. 11.33).

If the out-turn to 2021 does rise to above 2,400 homes this will contribute to extra housing provision which has advantages. However the Panel's 3,500 target is not required to achieve this, as existing Government policy to make the best use of urban areas will do so anyway. For the reasons described under Employment (1) above, more housing – by forcing the target up to the Panel's suggested level – is very likely to lead to the extra car based commuting that the Panel sees it necessary to avoid. This is due to the district's location and good road/motorway links and rail capacity limits (even when rail capacity is increased as planned), although area-wide road user charging should suppress some demand.

5) Time horizons of Green Belt reviews

The Panel's recommendation R5.10 (3) recognises that the Green Belt will need to be reviewed with new boundaries specifically to maintain: the purposes of the Green Belt; the integrity of the principles of the Gibberd Plan and landscape setting of Harlow; and the physical and visual separation of the town from smaller settlements to the west. In the particular circumstances of the Harlow/Epping Forest district area this is incompatible with the Panel's R4.7 (SS7) policy requirement to "ensure that sufficient land is identified to avoid further Green Belt review before 2031". This is particularly the case in advance of the First Review of the RSS.

The Panel effectively acknowledges fundamental obstacles to major growth in the wider Harlow area and a key purpose of the First Review will be to examine other options for longer term growth, including options for new settlements in the Stansted area and further afield for the period 2011-2031. It is unsound to make provision for the period 2021-2031 before this Review for 2011-2031 has even started. There are precedents for this. In the Cambridgeshire area, 'roll-back' of Green Belt boundaries was proposed in the draft RSS for only up to 2021, and the Panel have not sought to change this. Another would seem to be Essex Thames Gateway (especially para. 5.11 of the Panel Report).

As the First Review has not been completed (or started), the guidance in PPG2 concerning the consequences for sustainable development, and the promotion of sustainable patterns of development; for example, channelling development towards other locations beyond the outer



Green Belt boundary have not been complied with.

6) Rejection of North Weald

The Panel recognised the very substantial numbers who objected to development of this important historic airfield. The Panel rejected North Weald and Harlow North, but appears to have rejected them on the basis that many of the same objections apply to both locations and that they have about the same weight. That is not accepted as a fair or sound analysis. North Weald is obviously more separate from Harlow, and, in particular its town centre and retail parks, railway station and employment areas; no part is within an acceptable or practical walking distance. North Weald would require a significant public transport spine to connect it: the Panel did have serious doubts about the viability and effectiveness (para 5.92) of a High Quality Public Transport link, but did not draw the distinction between North Weald and Harlow North in this respect. The Panel recognised the links southwards to Epping, London and further afield via the M11 and M25 but not the extent to which North Weald would be car/commuting/motorway/London orientated. Hence it raises quite different sustainability and Habitats Directive objections which are very distinct compared to Harlow North. The removal of waste water from North Weald would be more of an issue than for Harlow North because of the local capacity of watercourses to take treated waste. The Panel did recognise the “persuasive case” for retention of the Airfield “for general and business aviation and on account of its heritage value” (para 5.92); to which could have been added its leisure use.

The Panel recognised that North Weald would be a “satellite” and a “rival attraction” to Harlow in terms of the housing market and economic activity (para 5.94), but not that North Weald would damage the regeneration of Harlow, while Harlow North would assist regeneration in many ways (as (2) above).

The Panel Report might be read as ‘leaving the door open’ for development at North Weald “in due course”. But the Panel Report does go on to say that even if some issues could be resolved then there remain others (para 5.94). As above, however, the Panel did not draw the distinction between the greater problems of North Weald compared to Harlow North. Any expectation about longer-term development at North weald is not justified and therefore should not be created in the Proposed Changes.

No good reason exists to leave the airfield without the continuing protection of the approach in PPG 13 Annex C paragraphs 5 and 6. Your officials have recently advised us that in compiling core strategies that one should “*Make serious spatial choices about what will happen and where in broad terms it will happen over the life of the strategy...*” The choice for the Regional Plan should be no less clear; it should be left out of the plan.

Enclosures

1. Plan of South and West of Harlow showing relevant Local Plan designations, adopted Local Plan Alterations and some elements of the Harlow Green Infrastructure Plan.
2. Plan of East of Harlow showing relevant Local Plan designations, adopted Local Plan Alterations and some elements of the Harlow Green Infrastructure Plan.

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