

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 16 April 2007

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.15 pm

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

Other Councillors: Councillors K Angold-Stephens, R Church, M Colling, Mrs H Harding, R Morgan, S Murray and Mrs P Smith

Apologies: Councillors Mrs D Collins

Officers Present: A Hall (Head of Housing Services), J Gilbert (Head of Environmental Services), D Macnab (Head of Leisure Services), R Palmer (Head of Finance), T Tidey (Head of Human Resources and Performance Management), I Willett (Head of Research and Democratic Services), J Akerman (Chief Internal Auditor), V Evans (Acting Head of ICT), M Tipping (Assistant Head of Legal, Administration and Estates (Administration)), C Overend (Policy & Research Officer), T Carne (Public Relations and Marketing Officer), G J Woodhall (Democratic Services Officer), M Jenkins (Democratic Services Assistant), J Boreham (Assistant Public Relations and Information Officer) and A Hendry (Democratic Services Officer)

Also in attendance: J Howard (Consultant)

166. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a personal interest in the following item of the agenda by virtue of being a member of Epping Forest District Local Strategic Partnership. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the item and voting thereon:

- C/134/2006-07 Local Strategic Partnership Task and Finish Panel – Final Report

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg declared a personal interest in the following item of the agenda by virtue of being Vice Chair of Epping Forest District Local Strategic Partnership. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the item and voting thereon:

- C/134/2006-07 Local Strategic Partnership Task and Finish Panel – Final Report

(c) The Head of Housing Services, who was deputising for the Joint Chief Executive (Resources) declared a personal and potentially pecuniary interest pursuant to Section 6 of the Officers Code of Conduct. This declaration also covered

other Heads of Service who were present at the meeting and related to the following item of the agenda. As the report did not deal with the individual circumstances of any Head of Service, the interest was not deemed to be such that those officers were required to leave the meeting during its discussion by the Cabinet and they remained in the meeting for the consideration of the item:

- C/137/2006-07 Redundancy and Redeployment and Appeals Procedures for Chief Officers

167. MINUTES

RESOLVED:

That the minutes of the following meetings be taken as read and signed by the Chairman as a correct record:

- (a) 19 February 2007; and
- (b) 12 March 2007.

168. ANY OTHER BUSINESS

The Housing Portfolio Holder reminded the Cabinet that the Chairman of Council wanted all members to support the "Denim for Diabetes" fundraising initiative at the next scheduled meeting of the Council on 24 April 2007.

169. REPORTS OF PORTFOLIO HOLDERS

There were no reports to be considered.

170. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee informed the Cabinet that there was nothing from the committee to report.

171. LOCAL STRATEGIC PARTNERSHIP TASK AND FINISH PANEL REPORT

The Chairman of the Local Strategic Partnership Task and Finish Panel presented its final report for the consideration of the Cabinet. The Cabinet were informed that the Panel had been established in July 2006 to examine the future role of the Epping Forest Local Strategic Partnership, following the publication of the Government's White Paper "Local Strategic Partnerships – Shaping the Future", which had sought to give responsibility for Local Strategic Partnerships to the Local Authority Executive. The full recommendations of the report were attached at Appendix 1. However, the Cabinet's attention was drawn to recommendations (2), (3) and (4) where it had been proposed that the Leader of the Council should not automatically take the Chairmanship of the Local Strategic Partnership. It had been felt that the Chairman should be appointed on merit by the whole partnership. The adoption of the report would demonstrate that the Council had given serious consideration to the White Paper and intended to implement proposals that would meet the needs of the local community.

RESOLVED:

That the report and recommendations, as detailed in Appendix 1, of the Local Strategic Partnership Task and Finish Panel be endorsed.

Reasons for Decision:

The Cabinet was satisfied that the Local Strategic Partnership Task and Finish Panel had fully addressed all the relevant issues in relation to the report and recommendations and that these should be endorsed.

Other Options Considered and Rejected:

The Cabinet was satisfied that the Local Strategic Partnership Task and Finish Panel had considered all the relevant options in formulating its report and recommendations. The Cabinet did not consider that there were any other options.

172. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 26 MARCH 2007

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented the minutes from the Finance and Performance Management Cabinet Committee held on 26 March 2007. The items that had been considered included the: Use of Resources Auditor Judgements 2006; Annual Audit and Inspection Letter; and Internal Audit Unit Business Plan 2007/08.

RESOLVED:**(a) Use of Resources Auditor Judgements 2006**

(1) That the Use of Resources Auditor Judgements 2006 report, including the key findings, conclusions and the improvement opportunities, be noted;

(b) Annual Audit and Inspection Letter

(2) That the Annual Audit and Inspection Letter report, and the actions needed to be taken by the Council, be noted; and

(c) Internal Audit Unit Business Plan 2007/08

(3) That the draft Internal Audit Plan for 2007/08 be approved.

Reasons for Decision:

The Cabinet were satisfied that the Finance and Performance Management Cabinet Committee had fully addressed all the relevant issues in relation to the recommendations and that these should be endorsed.

Other Options Considered and Rejected:

The Cabinet were satisfied that the Finance and Performance Management Cabinet Committee had considered all the relevant options in formulating their recommendations. The Cabinet did not consider that there were any other options.

173. CIVIL CONTINGENCIES ACT 2004 - EMERGENCY PLANNING OFFICER

The Portfolio Holder for Community Wellbeing presented a report regarding the creation of a new post entitled Emergency Planning Officer which was needed to enable the Council to comply with the duties under the Civil Contingencies Act 2004. The Portfolio Holder reminded the Cabinet that on 4 September 2006 a report had

been considered regarding the need to create a full time post of Emergency Planning Officer, for which a CSB growth bid in the sum of £19,200 for 2007/08 was supported by the Cabinet but did not receive sufficient priority for growth funding to be made available in the budget for 2007/08. However, a saving had been identified within the salaries budget of the Legal, Administration and Estates Service where the establishment had been reduced in a particular area. The new post holder would be responsible to the Assistant Head (Administration). As the proposed virements exceeded the authority delegated to a Head of Service or Portfolio Holder, approval by the Cabinet was required.

RESOLVED:

(1) That, in order to fund a shortfall over the existing budget provision for the creation of a new full-time post of Emergency Planning Officer, a revenue Continuing Services Budget virement in the sum of £19,200 from the Legal, Administration and Estates budget to the Emergency Planning budget be approved; and

(2) That regular updates and information on emergency planning issues for Councillors, including awareness sessions on their role as Councillors and other appropriate training opportunities, be provided.

Reasons for Decision:

The creation of this post had been agreed in principle by the Cabinet and proposals to fund the financial shortfall from within existing budget resources by means of a virement had been made. This new post was required in order that the Council could properly discharge its statutory duties under the Civil Contingencies Act 2004.

Other Options Considered and Rejected:

To have done nothing or maintain staff resources to the existing level, however neither of these options would have been sufficient to enable the Council to meet its statutory obligations under the Act.

174. BOUNDARY WALL WITH NUMBERS 4, 6 AND 8 BUTTERCROSS LANE, EPPING

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the boundary wall between the Civic Offices and numbers 4, 6 and 8 Buttercross Lane in Epping. The Cabinet were informed that during a storm in January 2007, a section of the wall behind 4 Buttercross Lane had collapsed into the area that contained the Newt pond. The areas of the wall either side of the breach were also dangerously unstable and could collapse at any time. A survey by technical officers had established that remedial works were required to stabilise, strengthen and make the wall safe. This section of the wall was estimated to be at least 100 years old and had been buttressed at several points to provide extra support. The wall also acted as a retaining wall for the rear gardens of the properties in question as the ground level was 0.5 metres lower on the Council side of the wall.

The Portfolio Holder stated that there were two options for repairing the wall. The first option involved demolishing and rebuilding the section of the wall that had collapsed, utilising as many of the original bricks as possible, and building three additional brick buttresses either side of the collapsed section to provide additional stability. It had been estimated that the cost of this option would be approximately £15,000. The second option involved demolishing the entire section of the wall that had collapsed

or required stabilising, and rebuilding the entire section again utilising as many of the original bricks as possible. It had been estimated that the cost of this option would be approximately £26,000. For both options, there would be a need to remove the existing foliage from the wall and create a one metre wide working space; this would be carried out under the supervision of the Countrycare Manager. Although Option (1) was the preferred course of action, the Portfolio Holder warned that if the proposed buttressing works caused further collapses then the Council might have no option but to implement Option (2). It was intended to use the additional monies received as part of the Local Authority Business Growth Incentive Scheme to fund the works, although the Council might be able to reclaim some of the costs through its insurance policy if the damage was considered not to be wear and tear.

Examination of the various deeds involved had failed to establish the exact ownership of the wall. In this circumstance, the wall could be considered a party wall, and subject to the provisions of the Party Wall Act 1996 if the Council wished to recoup some of the costs of the works from the affected residents. Following consultations with the affected residents, concerns were raised about the potential damage to the rear gardens if the whole section of the wall had to be rebuilt, and the costs involved in repairing the wall. All had indicated that their preference for a mutual agreement. Consequently, the Portfolio Holder recommended to the Cabinet that, in the circumstances, it would be better for the Council to meet the full cost of the works rather than engage in potentially protracted and expensive legal proceedings to reclaim a proportion of the costs from the affected residents.

RESOLVED:

- (1) That, in order to enable remedial works to be carried out to the boundary wall between the Council's land and numbers 4 and 6 Buttercross Lane in Epping, a revenue District Development Fund supplementary estimate in the sum of £15,000 be recommended to the Council for approval; and
- (2) That full responsibility for the total cost of the works be met by the Council.

Reasons for Decision:

The proposed remedial works represented the best option in terms of cost, preservation and aesthetic appearance of the boundary wall from both sides, whilst the disruption to the affected residents' rear gardens and the Council's land would be minimised.

Other Options Considered and Rejected:

To do nothing, but this was not a viable option from a health and safety perspective. To completely demolish and rebuild the affected section of the wall, but this would be a more costly option and result in more disturbance to the residents' rear gardens and the Council's land. To attempt to reclaim a proportion of the costs from the affected residents, however this could lead to the Council being embroiled in protracted legal proceedings whose cost could be greater than the estimated cost of the repairs.

175. SOCIAL HOUSING GRANT - ANNUAL REVIEW OF CAPITAL BUDGET

The Housing Portfolio Holder presented a report concerning the annual review of capital budget provision for Local Authority Social Housing Grants. The Cabinet were

informed that Social Housing Grants were provided by local authorities to Registered Social Landlords to assist with the funding required to develop affordable housing schemes, as some form of funding was required to make these developments viable, because of the relatively low rents that were charged. Registered Social Landlords could also submit bids to the Housing Corporation, but this involved a competitive process with no guarantee of funding. Additionally, bids were only invited every two years; the current round of bidding was expected to close in the autumn of 2007 for funding to be received in 2008/09 or 2009/10.

The Portfolio Holder stated that, currently, two developments were in receipt of Local Authority Social Housing Grant. Firstly, £735,000 had been provided to London and Quadrant, with a further £265,000 to be provided when available over the next two years, to convert 24 properties at The Quarter, Chipping Ongar from market rents to affordable rents. Secondly, a further £1million had already been allocated to Estuary Housing Association to develop affordable housing on seven Council-owned sites. The first two sites, providing 13 affordable properties, were ready to commence development with £732,000 of the budget provision, whilst the remaining £268,000 would be released when planning permission had been obtained for the other sites.

In undertaking the annual review of capital budget provision for Local Authority Social Housing Grants, the advice of the Head of Finance had been sought. It was pointed out that the Council currently had a five-year capital programme of £51million, of which over 70% was allocated to Housing expenditure and that any additional funding for affordable housing could only be at the expense of another major scheme. Previous attempts to identify funding from the existing programme to switch to affordable housing had not been successful. Any increase in the capital programme beyond £51million would have to be funded from capital receipts; an additional £1million for affordable housing would reduce investment income by £55,000 and either impact upon the level of the Council Tax or the level of other services provided. Finally, the Capital Strategy had identified eight key capital priorities, of which affordable housing was ranked seventh, and had implemented a policy of investing capital resources in revenue generating assets; social housing grants to housing associations did not generate revenue.

The Portfolio Holder reported that the most prudent use of Local Authority Social Housing Grants would be for affordable housing developments that did not receive funding from the Housing Corporation. The only scheme that it was felt could possibly fall into this category was Phase 2 of the Council Housing Site Developments Project, however it was considered that this scheme would not have progressed to a stage where funding would be required during 2007/08. Thus, it was proposed that no further budget provision be made within the capital programme for 2007/08. In addition, it was also proposed that additional funding for Phase 2 of the Council Housing Site Developments Project be considered during the next annual review for 2008/09, as by then the development potential of each of the sites would have been determined and the result of any bids to the Housing Corporation would be known.

RESOLVED:

- (1) That no additional budget provision be made available within the Capital Programme for further Local Authority Social Housing Grants in 2007/8; and
- (2) That, as part of next year's annual review of Local Authority Social Housing Grants, specific consideration be given to whether any budget provision should be made available in the Capital Programme to provide

Local Authority Social Housing Grants for Phase 2 of the Council Housing Site Developments Project and/or any unsuccessful bids to the Housing Corporation in 2008/9 or beyond.

Reasons for Decision:

To make additional budget provision within the Capital Programme for further Local Authority Social Housing Grants at the current time presented problems, as the only project eligible for benefit was Phase 2 of the Council Housing Site Developments Project. It was considered more prudent to wait until next year's review of Local Authority Social Housing Grants funding to consider whether further budgetary provision should be made for this project.

Other Options Considered and Rejected:

To make further budgetary provision for Local Authority Social Housing Grants in 2007/08.

176. LEISURE TASK & FINISH PANEL REPORT

The Chairman of the Leisure Task and Finish Panel presented their final report for the consideration of the Cabinet. The Leisure Task and Finish Panel was established by the Council's Overview and Scrutiny Committee in June 2006 to look at the future management of Waltham Abbey Sports Centre, review the future management of the Roding Valley Meadows Local Nature Reserve and examine arts development in the District as well as the District Council's role and involvement in outdoor and community events.

The Cabinet noted that some of the issues examined by the Task and Finish Panel would not be concluded until 2007/08. The Leader of the Council advised the Cabinet that the Grange Farm Trust had been appraised of their future involvement in the management of the Roding Valley Meadows Local Nature Reserve. The Leisure and Young People Portfolio Holder added his gratitude for the officers that had supported the Panel, and the Chairman of the Task and Finish Panel was congratulated for her impressive stewardship.

RESOLVED:

- (1) That the report and recommendations, as detailed in Appendix 2, of the Leisure Task and Finish Panel be endorsed; and
- (2) That the Chairman be thanked for her contribution to, and leadership of, the Leisure Task and Finish Panel.

Reasons for Decision:

The Cabinet were satisfied that the Leisure Task and Finish Panel had fully addressed all the relevant issues in relation to the report and recommendations and that these should be endorsed.

Other Options Considered and Rejected:

The Cabinet were satisfied that the Leisure Task and Finish Panel had considered all the relevant options in formulating their report and recommendations. The Cabinet did not consider that there were any other options.

177. EQUALITY AND DIVERSITY - DISABILITY EQUALITY SCHEME AND GENDER EQUALITY SCHEME

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the draft Disability Equality and Gender Equality schemes. The Portfolio Holder informed the Cabinet that, as part of the Equality and Diversity agenda, the Council was required to develop and publish a Disability Equality Scheme and a Gender Equality Scheme.

The Portfolio Holder reported that the Disability Discrimination Act 2005 had come into force during 2006, and had amended the previous Act from 1995 by placing a statutory duty on authorities to actively promote disability equality. The general duty came into force on 4 December 2006 along with a range of specific duties designed to assist authorities to meet the general duty. The Disability Equality Action Plan had to identify the key actions that the Council would take to promote disability equality over the three-year period of the scheme. It was also proposed that the further development of the draft Disability Equality Scheme and the production of the three-year Action Plan be undertaken in partnership with groups and organisations that represented people with different disabilities across the District.

The Portfolio Holder stated that the Equality Act 2006 had imposed a general duty upon the Council to promote gender equality that had come into force on 6 April 2007. A range of specific duties had also come into force that were designed to assist the Council to meet the general duty, through the publication of a Gender Equality Scheme. Within the Scheme, the Gender Equality Action Plan also identified the key actions that the Council would take to promote gender equality over the three-year period of the scheme. The Council was also required to consult relevant stakeholders over the production of the Gender Equality Scheme and the three-year Action Plan.

The Portfolio Holder advised the Cabinet that the final versions of both schemes would be brought back to the Cabinet for formal adoption later in 2007, following the results of the consultation and engagement exercises. The Disability and Gender Equality duties would be enforceable by a new Commission for Equality and Human Rights later in the year. The Council's compliance with the duties would also be assessed as part of its annual external audit and inspection arrangements. Therefore, it was proposed that the Finance and Performance Management Scrutiny Panel should annually monitor progress towards the achievement of key actions and objectives.

RESOLVED:

- (1) That the requirement for the Council to develop and publish a Disability Equality Scheme and a Gender Equality Scheme be noted;
- (2) That the draft Disability Equality and Gender Equality Schemes for 2006/07 to 2008/09 be agreed, for the purposes of undertaking consultation and engagement with local disabled people and relevant stakeholders, and the development of appropriate equality action plans;
- (3) That the results of the disability and gender consultation and engagement exercises, and the final versions of the Disability Equality Scheme and the Gender Equality Scheme, be considered at future meetings of the Cabinet for adoption; and

- (4) That, following the adoption of the Disability Equality Scheme and the Gender Equality Scheme, progress towards the achievement of key actions to promote disability and gender equality be monitored on an annual basis by the Finance and Performance Management Scrutiny Panel.

Reasons for Decision:

To enable the publication of the Disability Equality Scheme 2006/07 to 2008/09 as a basis for consultation and engagement, and the initial development of a Gender Equality Scheme.

Other Options Considered and Rejected:

None, as the Council was statutorily required to publish a Disability Equality Scheme and a Gender Equality Scheme.

178. LOCAL AUTHORITY BUSINESS INCENTIVE SCHEME

The Finance and Performance Management Portfolio Holder presented a report regarding the Local Authority Business Growth Incentive Scheme (LABGI). The Department for Communities and Local Government (DCLG) had announced details for the second year of the LABGI scheme. The LABGI scheme gave local authorities a direct financial incentive to encourage business growth in their areas by allowing them to retain a proportion of their business rate revenues created by increasing business growth above a predetermined floor.

In Year One of the scheme the Council received £475,518 in LABGI revenue, but by Year Two, the amount received had risen to £802,925. In setting the budget for 2007/08 a prudent view had been taken on the likely amount of LABGI income. The £802,925 which would be received for 2006/07 was £302,925 more than the budgeted £500,000. For 2007/08, £200,000 of income had been included in the budget and this figure might also be exceeded.

Given the limited life of LABGI it was recommended that LABGI income was credited to the District Development Fund (DDF). The Cabinet was satisfied that this would meet the published principles of the LABGI scheme and that a scheme would provide additional revenue for local authorities to spend on their own priorities.

The Portfolio Holder reported that some minor enhancement works had been requested by Waltham Abbey Town Council and by some local members of the District Council. These works included visually attractive railings to replace vandalised fencing, installation of CCTV at the Cornmill car park and landscaping improvements to the front and side of the Abbey churchyard. These works were estimated to cost £25,000, and could be funded from the additional LABGI allocation.

RESOLVED:

- (1) That, as outlined in the report, the changes made to the Scheme be noted;
- (2) That the income from the Local Authority Business Growth Incentive Scheme be credited to the District Development Fund; and
- (3) That the allocation of £25,000 of the additional funding received to a programme of minor enhancement works in Waltham Abbey be recommended to the Council for approval.

Reasons for Decision:

As the scheme had a stated life of three years it would have been entirely inappropriate to include the income in Continuing Service Budgets.

Other Options Considered and Rejected:

Some of the income could be “ring-fenced” for spending on economic development, or any other spending priority. However, the Cabinet had already decided (in December 2005) to credit income from LABGI to the District Development Fund and this was considered the best way of reflecting existing Council priorities.

179. REDUNDANCY AND REDEPLOYMENT, AND APPEALS PROCEDURES FOR CHIEF OFFICERS

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented two reports regarding the Redeployment and Redundancy Procedure and Appeals Procedure for Chief Officers. The Portfolio Holder reported that proposals for the restructure of the Council’s top management were due to be presented to the Council in July 2007. In order to support this process, it was necessary to implement appropriate procedures to deal with matters such as redundancy, redeployment and any associated appeals or grievances by Chief Officers. The Redundancy and Redeployment Procedure had been based upon the existing procedure for staff below Chief Officer level, but had been modified to allow for differences in the terms and conditions for Chief Officers, and their place within the management hierarchy. The procedure aimed to provide a fair methodology to deal with any potential redundancy and redeployment situations arising from the restructuring. The Staff Appeals Panel Procedure for Chief Officers had again been modelled on the arrangements for other staff, with an independent member Staff Appeals Panel dealing with all such matters arising from the restructuring. This would fulfil the Council’s statutory requirements whereby members that were not involved in the appointment decision-making process would deal with such disputes.

The Portfolio Holder advised the Cabinet that the Joint Consultative Committee had considered the two procedures at its meeting held on 12 April 2007. The Committee had recommended that the procedures be agreed, however clarification was sought on a number of issues: definition of a Chief Officer; notional redundancy costs of Chief Officers; and the review of the Council’s Pay Protection Policy. The definition of a Chief Officer had been included in the draft Staff Appeals Panel Procedure for Chief Officers, but the Committee felt that it should also be included in a prominent position within the draft Redundancy and Redeployment Procedure for Chief Officers. The Committee had also asked that information be provided regarding the potential redundancy costs of Chief Officers. It was noted that individual circumstances would influence the exact redundancy cost of a particular Chief Officer, however a notional example was provided for a Chief Officer aged 48 with 25 years continuous local government service and an average annual salary of £58,556; the redundancy payment in this case would be £39,585. The Committee had also noted that the Council’s Pay Protection Policy had been scheduled for review in 2005, but this had not taken place. The Committee recommended that the scheduled review should now take place and a report submitted accordingly.

RESOLVED:

- (1) That, as previously distributed, the draft Redundancy and Redeployment Procedure for Chief Officers be agreed, subject to the

inclusion of the definition of a Chief Officer post in a prominent position within the text;

(2) That the example provided of a notional cost of a redundancy payment for a Chief Officer be noted;

3) That, as previously distributed, the draft Staff Appeals Panel Procedure for Chief Officers be agreed; and

(4) That, as requested by the Joint Consultative Committee, a review of the Council's Pay Protection Policy be carried out as agreed at the time of its initial implementation.

Reasons for Decision:

To have a proper process in place for dealing with redundancy and redeployment issues in respect of Chief Officers. It was also a statutory requirement to have an appeals process in place to deal with any disputes that arose from the application of the redundancy and redeployment process.

Other Options Considered and Rejected:

To not have a redundancy and redeployment process in place for Chief Officers, however this might lead to inconsistency of treatment for individual cases and would leave the Council open to challenge. If the Council did not have its own appeals procedure for Chief Officers then the statutory provisions would apply, which did not take account of local circumstances and could leave the Council open to challenge.

180. TELEPHONE USAGE AND EMAIL ACCEPTABLE USAGE POLICIES

The Portfolio Holder for Customer Service, Media, Communications and ICT presented a report regarding the Telephone Usage Policy and Email Acceptable Usage Policy. The Council had been carrying out a review of its ICT related policies, the purpose of which was to ensure that existing practices and arrangements kept pace with changes in technology and employee behaviour. The two policies considered by the Cabinet had followed on from the Internet Usage Policy agreed in September 2006. The new policies had been designed to provide a clear framework for staff and to make explicit the Council's expectations. It was intended that, once agreed by the Cabinet, the policies were to be provided to all staff who would sign a declaration indicating their abidance to the policy. The Customer Services Manager confirmed that the policies were accessible on the intranet.

The Cabinet were advised that the Joint Consultative Committee had supported these policies.

RESOLVED:

That, as previously distributed, the Telephone Usage Policy and the E-Mail Acceptable Usage Policy be adopted as submitted to the Joint Consultative Committee on 25 January 2007.

Reasons for Decision:

The policies provided an appropriate framework for the use of telephone and email technology at work by staff.

Other Options Considered and Rejected:

The Council could have adopted a different approach which provided more or less discretion over the use of telephone and email technology by staff. However, the Cabinet rejected such options in favour of the recommendations as the proposed policies met the Council's requirements and were supported by the staff representatives.

181. REVIEW OF FINANCIAL REGULATIONS

The Leader of the Council presented a report regarding the review of Financial Regulations. The Audit Commission had recommended that local authorities should review their Contract Standing Orders, Financial Regulations and Delegations to Officers on an annual basis. The Council had not reviewed its Financial Regulations since 2000, so a working party of officers had been established comprising representatives of Internal Audit, Legal Services, Finance Services and Housing Services. Contract Standing Orders and Officer Delegations had been approved at the Council meeting held on 20 February 2007.

Following completion of the review of Financial Regulations, the document was submitted to the Constitution and Member Services Scrutiny Panel on 2 April 2007. The Head of Finance reported that there had been no reported changes from that meeting or from the Overview and Scrutiny Committee on 5 April 2007. The Cabinet noted that the revisions to Financial Regulations would be submitted to the Council meeting on 24 April 2007 for approval.

RESOLVED:

- (1) That the submission of revised Financial Regulations to the Council for approval at its meeting scheduled for 24 April 2007 by the Constitution and Member Services Scrutiny Panel be noted; and
- (2) That no further comments be submitted to the Council by the Leader of the Council.

Reasons for Decision:

Financial Regulations were in need of review and the Audit Commission recommended this should be carried out on an annual basis.

Other Options Considered and Rejected:

There were no other options for consideration, as the Financial Regulations must be updated.

182. BROADWAY TOWN CENTRE ENHANCEMENT SCHEME

The Planning and Economic Development Portfolio Holder presented a report regarding the Broadway Town Centre Enhancement Scheme. The Portfolio Holder reminded the Cabinet that The Broadway Town Centre Enhancement Scheme implementation had been structured to take place in two phases; the majority of the Phase 1 improvements had been completed by December 2006. The approved scheme for Phase 2 required the removal of the current central reservation in The Broadway in order to create a one-way street and extended pedestrian facilities. However, located under the central reservation was a medium pressure gas main owned and controlled by National Grid Gas, who had indicated that the main was at a

depth of 1.2 metres. Design work to develop the master plan was undertaken in order to design the new carriageway and the original information provided by National Grid Gas was re-checked. It was then discovered that the main was only at a depth of 45 centimetres below the proposed new running surface.

The Portfolio Holder informed the Cabinet that it was apparent that the original scheme would not be able to proceed with the gas main at this shallower depth, and initially the available options were either: to move the gas main away from the carriageway and under the new paved pedestrian area; or to leave the gas main in its current location but lower it to a depth of 85 centimetres. National Grid Gas had stated that the pipe in its current state had a life expectancy of 100 years, and therefore there were no plans to undertake works to it or relocate it. Furthermore, if the main had to be moved or was damaged then the Council would be responsible for the costs; the costs to move or lower the main were estimated to be between £140,000 and £300,000. In addition, National Grid Gas had estimated that The Broadway would have to be closed for 10 to 12 weeks to move or lower the main, and then a further six to eight weeks to complete the enhancement works themselves. Thus, The Broadway would be facing a complete closure of 20 weeks, which given the known difficulties of trading conditions at The Broadway, was considered unacceptable. National Grid Gas would also not be able to commence the works until Spring 2008, which would impact directly upon the Council's budget since mobilisation, construction and National Grid Gas' costs would have increased between now and then.

The Portfolio Holder advised the Cabinet that a alternative proposal had been drawn up that left the gas main in situ, maintained a central pedestrian area, retained two-way traffic flow, improved the road and footpath surfaces, included high quality street furniture, slowed the through traffic and controlled the parking in the area. This proposal was presented to the Focus Group on 15 March 2007, who although disappointed felt that it met many of the aspirations of the local community and would still result in a much-improved local environment. However, there were still some technical issues as it would be difficult to mechanically break out the concrete slabs close to the gas main for fear of damaging it. Less invasive repair methods were being investigated such as the use of vacuum void grouting to stabilise the slabs before overlaying them with a new asphalt surface. It was anticipated that works would be completed by April 2008. It had been estimated that the works associated with the vacuum void grouting option would cost a total of £2,720,750 – which would represent a saving of £453,750 on the agreed budget of £3,174,500.

The Cabinet were disappointed that the gas main had not been at the depth originally advised by National Grid Gas, but accepted that the Council was not at fault for the development of this situation. It was agreed that the original scheme should be abandoned and that, as The Broadway could not be shut for a period of 20 weeks, the proposed option was the only viable alternative. The Leader of the Council added that the Council had explored options to reclaim costs from National Grid Gas over the situation but had been legally advised not to pursue this course of action. The savings outlined by the Portfolio Holder might yet be consumed by any costs that increased whilst completing the revised scheme, however it was envisaged that any savings generated would be utilised for the benefit of The Broadway and its vicinity.

RESOLVED:

- (1) That the construction difficulties presented by the presence of the shallow medium pressure gas main be noted;

(2) That, in view of the costs and scheme delays associated with the diversion of the gas main, the enhancement scheme agreed by the Cabinet in April 2006 be abandoned;

(3) That, given the options set out in the report and subject to the agreed capital budget not being exceeded, the revised proposals be agreed in principle; and

(4) That, once the technical issues with National Grid Gas and Essex County Council have been resolved, a further report on the use of less invasive repair methods such as vacuum void grouting be submitted for consideration by the Cabinet.

Reasons for Decision:

The discovery of the true location of the gas main had resulted in the abandonment of the originally agreed enhancement scheme for the Broadway at a late stage. There had been strong local support for the enhancement scheme, and there was a desire to see a viable enhancement scheme progress. The proposed option would meet the local aspirations as far as possible, was deliverable with minimal disruption locally and was estimated to be within the Council's agreed budget.

Other Options Considered and Rejected:

To provide the additional capital funding and accept the time delay in construction of the existing agreed scheme.

To delay the decision on the revised scheme and determine whether the Highways Authority, Essex County Council, would provide support funding to reduce the Council's exposure to risk as the highway infrastructure was the responsibility of the Highways Authority.

To commit additional resources and work up a further range of scheme options in addition to the revised proposal recommended for approval.

To abandon Phase 2 altogether, with the exception of the improved street lighting which would support the operation of the improved and installed CCTV system.

183. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
20	Waste Management Contract - Procurement of Vehicles	3

184. WASTE MANAGEMENT CONTRACT - PROCUREMENT OF VEHICLES

The Customer Services, Media, Communications and ICT Portfolio Holder presented a report regarding the procurement of the refuse and street cleansing vehicles from the Bank of Scotland. The Portfolio Holder reported that contact was made with the

Bank of Scotland in April 2006, following South Herts Waste Management (SHWM) being placed in administration. It was agreed that the vehicles would be leased, on the same terms that SHWM had negotiated, for a three-month period from 16 May 2006, in anticipation that the long-term future of the vehicles would be settled during that time. The Council duly paid the lease charges upto 15 August 2006, but no progress was made with negotiations until 30 March 2007 when officers met with an Associate Director and a Technical Advisor from the Bank. The Bank's initial proposal was felt by officers to be unacceptable, but further negotiations led to a settlement being reached that would save the Council in excess of £250,000. Thus, it was proposed that the fleet be purchased from the Bank of Scotland for the negotiated sum of £800,000, and that a capital supplementary estimate be accordingly recommended to the Council for approval.

RESOLVED:

(1) That the purchase of the fleet of former South Herts Waste Management refuse and street cleansing vehicles in the sum of £800,000 from the Bank of Scotland be agreed; and

(2) That, in order to fund the purchase, a Capital supplementary estimate in the sum of £800,000 be recommended to the Council for approval.

Reasons for Decision:

The soft market testing held in 2006 had established that it would be economically advantageous for the Council to provide the refuse fleet. Purchase of the fleet from the Bank of Scotland on the terms that had been offered, represented value for money, made certain the long-term availability of the vehicles and achieved substantial savings on the Bank's initial proposal.

In respect of the financial consequences, purchasing the fleet would lead to an annual reduction in revenue interest of £45,000 but the costs of leasing the fleet would be greater than this and it could be anticipated that the fleet would retain a residual value of approximately £200,000.

Other Options Considered and Rejected:

To enter into an operating lease for the use of the vehicles with the Bank, however the cost of such an arrangement would be almost £1.5million over three years, including the settlement of unpaid rentals, which would exceed the £800,000 cost of purchasing the fleet.

To return the vehicles to the Bank and enter into new short-term hire agreements, however the best price obtained for an equivalent fleet was £48,000 per month and would also entail the settlement of unpaid rentals.

To procure a new fleet, however each vehicle would cost approximately £120,000 and there would be a six-month lead-time between ordering the vehicles and their delivery.

185. END OF THE MUNICIPAL YEAR

As this was the final meeting of the current municipal year, the Leader of the Council offered her thanks to all the officers that had assisted and supported the Cabinet throughout the year. In particular, the Leader offered her personal thanks to the Customer Services, Media, Communications and ICT Portfolio Holder, who was

stepping down from the Council at the forthcoming elections, for all his work in respect of the waste management contract and wished him every success in his future endeavours. The Portfolio Holder stated that he had enjoyed his time with the Council and thanked everyone for their support during the past year.

CHAIRMAN

Local Strategic Partnership Task And Finish Panel Recommendations

- (1) That, as set out in the Local Government Bill, the enhanced role for Local Strategic Partnership's (LSPs) and stronger role for local authorities in leading the LSP be noted;
- (2) That the greater responsibility placed on the Executive for the operation of the Local Strategic Partnership, which may fall to the Leader of the Council personally although with the power to delegate, be noted;
- (3) That the suggestion in the Local Government Bill for the Leader of the Council to automatically take the chairmanship of the Local Strategic Partnership or have influence over the appointment of the Chairman be refuted;
- (4) That the Chairman of the Local Strategic Partnership be appointed by the whole of the partnership on personal merit;
- (5) That the voluntary nature of membership of the Local Strategic Partnership be recognised and the view that this voluntary nature is one of the Local Strategic Partnership's strengths be reiterated;
- (6) That, in respect of the Local Strategic Partnership, the enhanced role for Overview and Scrutiny be welcomed, with the expectation that:
 - (a) the Chairman of the Local Strategic Partnership should appear before the Overview and Scrutiny Committee at least once each year; and
 - (b) the Council's representatives on the Local Strategic Partnership should be held to account;
- (7) That the greater opportunities for other Members to become more involved via the themed Action Groups be welcomed;
- (8) That longer-term funding be sought for the LSP and that the overall levels of resource allocated to it by the Council need to be raised;
- (9) That the proposals to produce a sustainable community strategy linked to the Local Development Framework would have resource implications for the Forward Planning Unit within Planning Services be noted, and that the Planning and Economic Development Portfolio Holder should consider this issue and report to the Council accordingly on the implications; and
- (10) That the Epping Forest Local Strategic Partnership take a greater role in the County Local Strategic Partnership in order to influence decisions made via the Local Area Agreement, which might impact on the Epping Forest District.

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Leisure Task and Finish Panel Recommendations

(a) Future Management Of The Roding Valley Meadows Local Nature Reserve

- (1) That negotiations be entered into with Essex Wildlife Trust with respect to a new Management Agreement for the Roding Valley Meadows Local Nature Reserve;
- (2) That the new Management Agreement be offered for a minimum of 20 years, preferably 25 years (in order to maximise opportunities for external funding) but that provision should be made for periodic, performance related break clauses;
- (3) That any new Management Agreement should allow for enhanced monitoring and evaluation of management practices and their effect on the flora, fauna and wildlife on the site, with more frequent direct reporting to the Council and the Grange Farm Trust;
- (4) That Partnership working with the Council's own Countryside Management Service, Countrycare, be formalised within any new Management Agreement to ensure the continuation of joint working;
- (5) That the Grange Farm Trust be fully consulted on any new Management Agreement to reflect their interest and the potential future extension of the Local Nature Reserve to include the provision of an Interpretation Centre;
- (6) That the future costs of managing the Reserve, with respect to the Annual Grant to Essex Wildlife Trust, be reflected in the New Agreement on the basis of current costs plus inflation;
- (7) That the Grange Farm Trust are asked under the terms of the new Management Agreement, to contribute proportionately to the management costs and also encouraged to invest in infrastructure improvements; and
- (8) That the final terms of any new Management Agreement be agreed by the Council's Finance, Performance Management and Corporate Support Services Portfolio Holder in consultation with the Leisure and Young People Portfolio Holder;

(b) Future Management Options For Waltham Abbey Sports Centre

- (9) That, for the benefit of local people, the Council ensures Community use be retained at Waltham Abbey Sports Centre;
- (10) That the current direct management arrangements, (under the terms of the current Dual Use Agreement), would not represent Value for Money in the longer-term and as such the Council should be looking to achieve a reduction in risk and lower revenue consequences in any future arrangements, which may include the involvement of a third-party Leisure Management Contractor secured by open competition; and
- (11) That, given the fact that the School Governing Body have yet to identify a Preferred Management Option and mindful of the urgency needed to reach a final decision by September 2007, the review be concluded in the next municipal year by a Leisure Task and Finish Panel;

(c) Review Of Arts Development In The District

(12) That, whilst recognising the quality of the current Arts Development work undertaken by the Council's own Arts Team, the feasibility of third party delivery from suitably qualified and experienced Arts Organisations be actively explored, for part or all of the Service;

(13) That the underlying objectives and outcomes of any alternative future delivery option should be to increase access to, and participation in, the Arts for people of all ages and abilities within the Epping Forest Community; and

(14) That the feasibility of the alternative delivery of the Arts be undertaken by a Leisure Task and Finish Panel in the 2007/08 Municipal Year, with their recommendations going forward to Overview and Scrutiny Committee and Cabinet for consideration;

(d) The Council's Role And Involvement In Outdoor Events

(15) That the important part Community and Outdoor Events play in the life of the District, along with their value and benefit to local people, be recognised;

(16) That opportunities be maximised to:

(a) utilise events to raise the Council's profile;

(b) consult on Policy and Service Issues; and

(c) showcase the current quality of the services provided by the Council;

(17) That work be undertaken to improve the Council's presence at events, with the cost and implications to be reported to the Cabinet for consideration;

(18) That, whilst the Council already hosts a programme of Outdoor Events at North Weald Airfield, consideration be given to the Council becoming a more active provider of its own major events at the site in order to achieve increased profile and potential profit, while also recognising the risk;

(19) That a formal proposal for a trial event be developed, possibly a music or fireworks event, to be approved by the Cabinet;

(20) That further consideration be given to increasing capacity within the Council to provide advice and technical support to Community Event Organisers, in order to help ensure that such events still continue in the face of more rigorous Legal, Health and Safety and Insurance requirements; and

(21) That a formal appraisal be undertaken in liaison with all parties, such as the emergency services, to determine whether an Events Safety Action Group should be established for the District.