

# EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

**Committee:** Cabinet **Date:** 11 June 2007

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.15 pm

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

**Other**

**Councillors:** Councillors K Angold-Stephens, R Church, Mrs A Cooper, Mrs H Harding, P House, D Jacobs, A Lee, R Morgan, S Murray, Mrs C Pond, B Rolfe, Mrs J H Whitehouse and J M Whitehouse

**Apologies:** Councillors Mrs D Collins

**Officers Present:** P Haywood (Joint Chief Executive), J Gilbert (Head of Environmental Services), A Hall (Head of Housing Services), D Macnab (Head of Leisure Services), C O'Boyle (Head of Legal, Administration and Estates), R Palmer (Head of Finance), T Tidey (Head of Human Resources and Performance Management), I Willett (Head of Research and Democratic Services), P Pledger (Assistant Head of Housing Services (Property and Resources)), M Shorten (Principal Valuer/Surveyor), G J Woodhall (Democratic Services Officer), S Dobson (Information Assistant (Public Relations)), M Jenkins (Democratic Services Assistant), S G Hill (Senior Democratic Services Officer) and Z Folley (Democratic Services Assistant)

## 1. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following items of the agenda. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting and the voting thereon:

- C/001/2007-08 Smoking Policy
- C/016/2007-08 Sale of T11 Site

(b) Pursuant to the Council's Code of Member Conduct, Councillor M Cohen declared a personal interest in the following item of the agenda by virtue of having been a member of the Area Planning Sub-Committee that had granted planning permission. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:

- C/007/2007-08 Release of Restrictive Covenant – Loughton Hall

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg declared a personal and prejudicial interest in the following item of the agenda by virtue of being the Ward Councillor for North Weald Bassett. The Councillor had

determined that she would leave the meeting for the consideration of the application and voting thereon:

- C/005/2007-08 Leader Lodge – High Road, North Weald

## **2. MINUTES**

### **RESOLVED:**

That the minutes of the meeting held on 16 April 2007 be taken as read and signed by the Chairman as a correct record.

## **3. ANY OTHER BUSINESS**

The Cabinet was reminded that the only item to be considered concerned the Development Land Sale of the T11 Industrial Estate in Loughton. However, it had already been determined that the press and public should be excluded for this item and consequently would be discussed at the end of the meeting.

## **4. REPORTS OF PORTFOLIO HOLDERS**

### **(a) Housing**

The Portfolio Holder drew the attention of the Cabinet to the recent ethnic monitoring report that had been considered by the Housing Scrutiny Panel, which had compared the ethnic make-up of applicants on the Housing Register with those that had been allocated accommodation. The Portfolio Holder was pleased to report that the ethnic make-up of the Housing Register matched that of the District, and thus the Council could be confident that the Housing Allocation Scheme was not biased against any particular ethnic group.

### **(b) Planning and Economic Development**

The Portfolio Holder reported that discussions were due to commence with Counsel over possible enforcement action against the O2 telephone mast in Waltham Abbey. It was felt that if such action was authorised then O2 would exercise their right of appeal, which would allow local residents to make comments to the Planning Inspector.

## **5. OVERVIEW AND SCRUTINY**

The Chairman of the Overview and Scrutiny Committee reported that at their last meeting on 7 June 2007, a presentation had been given by London Underground Limited. It was also pointed out that the Vice-Chairmen for the Scrutiny Task and Finish Panels would be appointed at each panels' inaugural meeting for the year.

## **6. OLDER AND DISABLED PERSONS TASK AND FINISH PANEL - FINAL REPORT**

The Chairman of the Overview and Scrutiny Committee presented the final report of the Older People and Disabled People Task and Finish Panel. The Panel had been established in June 2006 to investigate the services provided for older people and disabled people by the Council and other agencies such as Voluntary Action for Epping Forest (VAEF). The Panel also investigated services available for the general public that older or disabled people had difficulty in accessing. The full list of recommendations of the Panel had been set out on page six of the report, but the

Cabinet's attention had been drawn to recommendations (4) to (10). Ex-Councillor Mrs S Perry was thanked for her efforts as Chairman of the Panel.

The Leisure Portfolio Holder reported that the 50+ New Horizons initiative from Leisure Services provided a healthy living approach that met the social needs of the growing number of older people and that Home Life was the latest targeted Elderly Persons Arts project provided by Leisure Services. The Seated Exercise programme was currently being funded by Leisure Services with a small fee paid by the participants, however it was expected that the long-term future of the programme should continue with the support of further external funding. The Chairman of the Epping Forest Older People's Advisory Group was also in attendance and explained the role of the group for the benefit of the Cabinet. The Cabinet were also informed that, following a meeting with the Older Person's Advisory Group, the West Essex Primary Care Trust had agreed to work in partnership with the Council if it contributed £5,000 in 2008/09 towards the administration cost of holding meetings between the Council and the Primary Care Trust.

**Decisions:**

- (1) That, as attached, the report and recommendations of the Services for Older People and Disabled People Task and Finish Panel be endorsed;
- (2) That grant aid support to help develop the Older People's Advisory Group as an independent and self-financing organisation be identified by the Community Wellbeing Portfolio Holder in order to:
  - (a) support and encourage the valuable contribution made by older people to our society; and
  - (b) encourage older people to support each other;
- (3) That the Older People's Advisory Group be used by the Council as part of its ongoing consultation strategy;
- (4) That the following comments of the Leisure and Young People Portfolio Holder be noted:
  - (a) The 50+ New Horizons initiative from Leisure Services provides a wide range of healthy living and social activities, which helps to meet the needs of the growing number of older people;
  - (b) Home Life is the latest targeted Elderly Person Arts project provided by Leisure Services;
  - (c) The provision of the Seated Exercise programme should continue with the support of external funding;
- (5) That, in order to maintain the value of the money on an on-going basis, a means by which the DDF grant to the Handyperson Scheme can become part of the CSB budget be identified by the Finance, Performance Management and Corporate Support Services Portfolio Holder;
- (6) That the availability of the Handyperson Scheme be advertised more widely through The Forester;

(7) That the changes to the Concessionary Fare Scheme proposed by the Government be kept under review in order to monitor:

(a) any financial implications for the Council; and

(b) whether in the light of the changes proposed, the separate scheme with Transport for London would still be necessary;

(8) That the Council sponsored Day Clubs for the more housebound older people provided in association with Housing Services be kept under review in the light of:

(a) difficulties in recruiting volunteers to help run them;

(b) difficulties in providing transport to and from the Clubs; and

(c) falling attendances; and

(9) That work being undertaken to address equality issues within the Council's Services provisions be brought to a conclusion and a Disability Equality Scheme be published without further delay.

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

The Cabinet was satisfied that the Older People and Disabled People 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 Older People and Disabled People 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.

## **7. SMOKING POLICY**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Council's proposed Smoke-Free Workplace and Public Place Policy. The Joint Consultative Committee had considered a report setting out the various options available to the Council for implementation of the Health Act 2006 in respect of its own premises. It was noted that the policy did not extend to the Council's wider enforcement role within the community. All enclosed premises were required to be smoke-free with effect from 1 July 2007, and the Committee had felt that the following matters should also be addressed as part of the policy: smoking should be banned in all unenclosed Council premises, except for designated smoking areas; all Council owned or leased vehicles should be smoke-free at all times; all vehicles privately owned or under the Council's car leasing scheme should be smoke-free when carrying passengers on Council business; staff should be permitted to smoke during the working day; and that when staff visited clients in their homes, they could ask the client to refrain from smoking. It was also felt that the policy should be reviewed after one year of its operation, in order to give consideration as to whether the external premises should be declared smoke-free as a consequence of the Council's community leadership role.

#### **Decision:**

That, following consideration at the Joint Consultative Committee, the Council's Smoke-Free Workplace and Public Place Policy be agreed.

**Reasons for Decision:**

The policy would comply with the legal requirements of the Health Act 2006 and also provide the means for a further review after twelve months.

**Other Options Considered and Rejected:**

To introduce a complete ban on smoking throughout the Council's premises, which would include all unenclosed areas.

**8. STAFF CONDUCT MONITORING REPORT**

The Portfolio Holder for Finance, Performance Management and Corporate Support Services presented a monitoring report regarding the Personal Conduct of Staff. The report provided the Cabinet with an overview of data related to staff conduct for the period 2006/07 so that an overall analysis of staff conduct could take place. It was also a requirement of the Key Line of Enquiry (KLOE) 4.3 of the Use of Resources assessment that the Council had in place processes for assessing officer standards of conduct. The report was to be produced annually for the Cabinet to monitor staff conduct.

There had been six cases proceeded with under the disciplinary procedure during 2006/07, four of these had involved bringing the Council's name into disrepute and two were concerning poor performance. Five cases had led to dismissal and two cases had come about as a result of "whistle blowing" by staff or other parties. In respect of formal complaints to the Council, none at stage 2 had required the application of the disciplinary procedure as a result of an investigation under the complaints procedure. Of the complaints dealt with at stage 3, none had raised personal conduct issues to the level where action under the disciplinary procedure was required. In all cases, issues of staff conduct had been dealt with informally by means of the managerial process.

At its meeting on 4 September 2006 the Cabinet had agreed a new Code of Conduct for all Council staff, which had expanded upon matters such as secondary employment, declaration of gifts and hospitality and interests. All staff were required to sign a declaration that they had received the code; staff in politically restricted posts were required to complete a declaration of interests, whilst all newly appointed staff were required to complete a declaration form as a condition of their contract of employment. It had also been agreed that staff in posts with substantial unsupervised access to children or vulnerable adults were to be subject to three yearly disclosures from the Criminal Records Bureau. Existing staff were invited to participate voluntarily whilst new staff also had this incorporated in their contract of employment.

The Cabinet had also agreed new policies on the use of the Internet, Email and Telephones for staff. These had set out standards of conduct, which staff had to follow, and all employees were required to sign a statement to this effect. The Cabinet considered publicising instances of staff fraud/corruption on an anonymised basis to all staff, in order to raise awareness. It was felt this should be the case unless there were clear reasons of sensitivity for not doing so, or the Staff Appeals Panel had resolved that the case should not be publicised.

**Decisions:**

- (1) That the nature and scope of disciplinary activity during 2006/07 be noted;
- (2) That the information relating to staff conduct drawn from the Complaints Procedure during 2006/07 be noted;
- (3) That the information generated by the Code of Conduct notification process be noted;
- (4) That the new arrangements for continuing criminal background checks of designated staff be noted;
- (5) That the signing of declarations relating to the newly agreed telephone, internet and email policies by staff be noted; and
- (6) That, in order to raise awareness, incidents of staff fraud and corruption resulting in dismissal on grounds of gross misconduct be publicised to staff in an anonymised format, unless:
  - (a) there are clear reasons of sensitivity for not publicising the case; or
  - (b) the Staff Appeals Panel resolve that the case should not be publicised.

**Reasons for Decision:**

The publication of cases of staff fraud or corruption to the workforce could be an additional action in the Council's aim of ensuring that staff meet the highest standards of conduct as public servants.

**Other Options Considered and Rejected:**

To not publicise cases of staff fraud or corruption to the workforce.

**9. STAFF SICKNESS AND ABSENCE**

The Portfolio Holder for Finance, Performance Management and Corporate Support Services presented a report regarding Staff Sickness and Absence. The Portfolio Holder reminded the Cabinet that the Recruitment and Retention Strategy had been evaluated and in future attention would be focused on tackling the increasing sickness absence levels. The Council's performance for the whole of 2006/07 had shown that on average each employee had taken 10.99 days sickness per year. In December 2003, the Cabinet had approved the addition of an extra Human Resources officer for one year to address sickness absence, which had been filled since February 2007. Under the Managing Absence Policy, there were trigger levels for initiating management action in cases of excessive sickness absence, which during any rolling 12-month period were an employee had had 5 or more separate occasions of absence, or at least ten working days of un/self-certificated or medically certificated absences.

In addition, referrals to the occupational health physician had increased in 2006/07 by 88% to 64, which equated to approximately 10% of the workforce referred for medical advice in that year. The most significant causes of absence were short-term viral and gastric infections. In all cases where the trigger level had been exceeded, officers from Human Resources had liaised with the relevant line manager with the aim of developing an action plan designed to reduce the absence, bring a return to work in the case of long absence or terminate employment. Further analysis had

revealed that stress was a key reason for long-term absence, but that in most cases the cause of the stress had been found to be non-work related.

**Decisions:**

- (1) That the 2006/07 outturn position with respect to BV12 - the number of working days/shifts lost due to sickness absence – be noted;
- (2) That the progress made with actions designed to reduce sickness absence be noted;
- (3) That the trigger level for management action under the Managing Absence Policy be reduced from 10 days to 8 days in any rolling twelve month period, with a possible further reduction at a later date;
- (4) That, in the light of the Authority's current high sickness levels, the following be conveyed to all staff:
  - (a) the Cabinet's recognition of its responsibility for the welfare of all staff and the impact that high sickness levels has on:
    - (i) those covering for absent colleagues; and
    - (ii) on service delivery;
  - (b) the Cabinet's concern about the high levels of sickness absence experienced in the Authority, and its wish to see these reduce considerably by means of early and appropriate management action under the Managing Absence Procedure: and
  - (c) the Cabinet's support for those experiencing attendance difficulties, and its clear commitment to measures to improve attendance.

**Reasons for Decision:**

The communication of the Cabinet's views and approach to managing sickness absence to all staff would be valuable in sending a clear message about the importance attached to this matter by members, and would support the initiatives designed to improve the current poor performance within the Authority.

**Other Options Considered and Rejected:**

The Cabinet could have decided not to communicate this matter to staff. However, given the Authority's current poor performance in managing sickness absence, this would not have been appropriate.

**10. CORPORATE EQUALITY ACTION PLAN**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Corporate Equality Action Plan. The Portfolio Holder reported that a significant amount of equalities work had been undertaken in the past year, such that performance against Best Value Performance Indicator (BVPI) BV2b – the quality of an authority's Race Equality Scheme and the improvements resulting from its application – had improved from 63% in 2005/06 to 89% in 2006/07. This had placed the Council's performance for this indicator in the top quartile of District Councils and represented a significant return upon the

investment that had been made in this area. In addition, Councils were also expected to make progress against BV2a – the level of the Equality standard for Local Government to which the local authority conforms in respect of gender, race and disability – for which the Council had currently attained Level 1. To attain Level 2, the Council would have to demonstrate that “...it has engaged in an impact and needs assessment process, a consultation process and an equality action planning process for employment and service delivery.”

The Portfolio Holder advised the Cabinet that the Council had already carried out impact and needs assessments, and had in place a consultation strategy and programme. The only outstanding element was the establishment of a Corporate Equality Action Plan and consultation with appropriate stakeholders. The impact assessments had generated a range of corporate tasks required to embed equalities within the Council and which had formed the main elements of the Corporate Equality Action Plan. The Corporate Equality Action Plan had been drawn up to have a five-year lifespan and as such, it was envisaged that it would be monitored and reviewed on an annual basis by the Finance and Performance Management Scrutiny Panel.

#### **Decisions:**

- (1) That the significant improvement in performance in BVPI 2b - the quality of an Authority's Race Equality Scheme - for 2006/07 be noted, representing the return on the investment put into this area during the last year;
- (2) That if similar progress is to take place with respect to BVPI 2a - the level of the Equality Standard for Local Government to which the Authority conforms in respect of gender, race and disability - the requirement to have in place a Corporate Equalities Action Plan be noted;
- (3) That, subject to further amendment following community and staff consultation, the draft Corporate Equalities Action Plan be agreed; and
- (4) That the monitoring on an annual basis of the Corporate Equalities Action Plan by the Finance and Performance Management Scrutiny Standing Panel be requested.

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

The development of the Council's Corporate Equality Action Plan provided a sound platform upon which to build future equality developments. It also complimented the existing work carried out in Services regarding equalities matters, as outlined in their Service Plans.

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

To not seek the attainment of Level 2 of the Equality Standard for Local Government, however, given the substantial work that had already been done, it seemed sensible to recognise this formally by attaining Level 2.

### **11. LEADER LODGE - HIGH ROAD, NORTH WEALD**

The Housing Portfolio Holder presented a report regarding Leader Lodge, High Road, North Weald. Leader Lodge had originally been a detached house purchased by the Council and converted into 2 two bed roomed flats. Until 2002, the flats had provided tied accommodation for the manager and Deputy Manager of nearby

Norway House, the Council's homeless Persons Hostel, until it had been decided that staff no longer needed to live "on-site". Since then, the two flats had been used to accommodate two homeless families on non-secure tenancies. Following the vacation of the hostel management staff, a proposal to provide four flats and a small annexe of two new flats, linked with a communal entrance/stairway, had been agreed by the former Housing Portfolio Holder in March 2004. However the planning application had been refused in June 2006 on the grounds that it was out of character with the surrounding properties.

As a consequence, three options had been identified for the site: to continue to provide 2 two-bedroom rented flats occupied by secure tenants allocated in accordance with the Housing Allocations Scheme; to sell the building and grounds on the open market to provide a capital receipt, which could be used to provide further affordable housing within the District; or conversion of the existing building to provide 4 one bedroomed flats and the provision of a small annexe of 2 two bedroom flats, linked with a new communal entrance/stairway, and to sell the building and associated land to one of the Council's preferred Registered Social Landlord for let at affordable rents, or for sale on a shared ownership basis.

To assess the most cost effective option, consultants had been appointed to undertake a financial appraisal of the available options as well as a comparison with the status quo. The appraisal concluded that the RSL development Option for shared ownership was the most viable, as it would deliver a capital receipt to the Council, improve the current building, and provide an additional four affordable properties within the District.

#### **Decisions:**

- (1) That the improvement and conversion of Leader Lodge, North Weald into four self contained flats, together with the development of an annexe comprising at least two self contained flats within the grounds of Leader Lodge in partnership with one of the Council's Preferred Registered Social Landlord (RSL) Partners be sought;
- (2) That the new and converted flats be sold on a shared-ownership basis, as a low cost home ownership initiative for first time buyers in the District who are unable purchase a property on the open market;
- (3) That, in order to ensure maximum value for money, one of the Council's Preferred RSL Partners be selected by the Housing Portfolio Holder to undertake the development following a competitive process based upon:
  - (a) the plans formulated by the Council's architect;
  - (b) the proposed amounts to be paid to the Council by the RSLs; and
  - (c) any other material considerations considered appropriate by the Housing Portfolio Holder;
- (4) That the selected Preferred RSL Partner be required to;
  - (a) produce and submit the detailed planning application at its own cost and risk; and
  - (b) submit a bid to the Housing Corporation for Social Housing Grant (SHG) funding, which the Council would support;

(5) That, subject to the receipt of planning permission and the RSL undertaking the approved development, the freehold of Leader Lodge and the associated land be sold to the selected Preferred RSL Partner, after the outcome of the Housing Corporation Bidding Round is known, for its tendered sum; and

(6) That any capital receipt be utilised to provide local authority social housing grant to an RSL to facilitate the provision of affordable housing on another site, and that the Housing Portfolio Holder be authorised to approve its most appropriate use, in terms of the site and RSL.

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

Consideration had been given to the three main options for the future of Leader Lodge, and the recommended action provided the most affordable housing, whilst providing a low cost home ownership opportunity for first time buyers in the District, and a small capital receipt which may be used to provide social housing grant to create affordable housing on another site.

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

To have continued to provide 2 two bedroomed rented flats occupied by secure tenants allocated in accordance with the Housing Allocations Scheme. However, in view of the desperate shortage of affordable housing within the District, the extensive grounds were not being used to their full potential.

To sell the site on the open market, realising a capital receipt for the Council, which could have been used to help fund the provision of affordable housing elsewhere in the District.

## **12. 2012 OLYMPIC AND PARALYMPIC GAMES**

The Leisure and Young People Portfolio Holder presented a report concerning the 2012 Olympic and Paralympic Games. The Portfolio Holder reported that an "Action Plan for a Legacy from the 2012 Games" had been developed after extensive consultation across Essex. A formal request had now been received from the Chairman of the Essex Working Group for the 2012 Olympic and Paralympic Games for the Council to formally endorse the Action Plan and indicate how the District would seek to benefit from the staging of the Games. The Cabinet felt that the Leisure Task and Finish Panel would be the most appropriate Committee to investigate the opportunities that the 2012 Olympic and Paralympic Games presented to the District, including priorities for action and any resource implications, and requested that the Overview and Scrutiny Committee extend the terms of reference of the Leisure Task and Finish Panel accordingly. The Portfolio Holder reassured the Cabinet that the proposed park and ride facility at North Weald Airfield would only be for the duration of the Games, and also acknowledged that the use of the Lea Valley Park presented a further opportunity to the District.

#### **Decisions:**

(1) That the Essex Legacy Action Plan from the 2012 Olympic and Paralympic Games be endorsed; and

(2) That the Overview and Scrutiny Committee be requested to extend the terms of reference of the Leisure Task and Finish Panel to:

- (a) undertake a review of the opportunities presented by the 2012 Olympic and Paralympic Games; and
- (b) recommend proposals as to how the Council may wish to respond, including priorities for action and any resource implications.

**Reasons for Decision:**

All parties were being formally asked to endorse the Plan, in order to raise and maintain the profile of the Plan. Partners were also being asked to respond with any local proposals or priorities and whether they intended to allocate additional resources. The Olympics would present a number of opportunities for the District, and a number of initiatives had been emerging, although these had yet to be formally considered by the Council.

**Other Options Considered and Rejected:**

To not endorse the Essex Legacy Action Plan.

**13. RELEASE OF RESTRICTIVE COVENANT - LOUGHTON HALL**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the release of a restrictive covenant at Loughton Hall, Epping Forest College. The Portfolio Holder informed the Cabinet that in 1952 a covenant had been placed on the site, limiting its use to educational purposes only. In addition, it was also believed that a right of pre-emption existed whereby any disposal of part of the college site should first be offered to the Council at the current market value. Chartered Surveyors Montagu Evans had advised the Council back in 1998 that if it refused to release the covenant then the matter could be referred to the Lands Tribunal, who would most likely agree to the release.

The Portfolio Holder reported that Epping Forest College had been granted planning permission to redevelop the campus, but that this had been linked to the refurbishment of Loughton Hall. Loughton Hall was a Grade II listed building but had been allowed to fall into a state of disrepair. The Hall had been offered for sale on the open market and a bid had been received to use the Hall as a residential care home; a planning application for such a change of use had been received and approved. As a result, the College had approached the Council to amend the covenant in order to permit the proposed residential care home use, subject to a restriction against use for residential dwellings.

The Leader of the Loughton Residents' Association informed the Cabinet he understood that a further bid for the Hall had been received with the intention to provide a Musical Academy at the site. It was felt that this could represent a better community use for the site than the proposed residential care home, as the beds would not necessarily be for the exclusive use of local residents, and the Cabinet was requested to refuse the release of the covenant. Other members also supported the proposal put forward by the Loughton Residents' Association, and felt that the Council should guide the College towards their preferred solution. The Cabinet were also informed that the Area Plans Sub-Committee 'A' had only agreed the change of use for the Hall to a residential care home, as there were no other proposals for consideration at that time. However, there was now the possibility to use the Hall as a Music Academy, which it was claimed would dovetail with the nearby Acting School, E15.

The Acting Principal Valuer reported that the Residential Care Home scheme had planning permission, but required the current covenant to be changed. Loughton Hall was still for sale on the open market and it was confirmed that a bid had been received from the Music Academy. Although the Cabinet felt that the release of the covenant would not affect the Hall's possible use as a Music Academy and that the Hall itself was liable to decay further if the covenant was not released, it was agreed to defer the release of the current covenant affecting Loughton Hall until the next meeting of the Cabinet.

**Decision:**

That the release of the Restrictive Covenant at Loughton Hall, Epping Forest College be deferred until the next meeting of the Cabinet.

**Reasons for Decision:**

To allow further time for the Music Academy proposal to be developed.

**Other Options Considered and Rejected:**

To release the covenant as recommended by the report, although it was likely that the covenant would be lifted by any appeal to the Lands Tribunal, which would not necessarily impose a further condition that the site not be used for residential dwellings.

**14. LINDSEY STREET COMMUNITY ASSOCIATION**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Lindsey Street Community Association. In 1963 Epping Urban District Council had purchased land from the Copped Hall Estate at the northeastern end of Frampton Road, Epping. In 1982, following Parish Council boundary changes, the land had formed part of Epping Town Council's portfolio. In 1964 Epping Urban District Council had granted the Lindsey Street Community Association a 21-year lease, and upon expiry Epping Town Council had completed a new lease with the Community Association for a further 21 years. The Town Council currently wished to grant the Community Association a new lease, however it had been established that although they retained the original lease documents, the District Council owned the freehold interest. The Town Council stated they were under the impression that the freehold interest had transferred to their Council upon local government re-organisation in the 1970s and had acted as the landowner. To regulate the position, it had been formally requested that the freehold interest be transferred to the Town Council at nil consideration.

**Decision:**

That the request by Epping Town Council for the District Council to transfer the freehold interest in the Lindsey Street Community Association site at Frampton Road, Epping at nil consideration be agreed.

**Reasons for Decision:**

The site was outside the approved settlement limits for Epping and was subject to Green Belt Policy. Other community land and property assets vested in the District Council had been transferred to the appropriate Parish or Town Council for management. It had been suggested that this was the most appropriate course of action for this site as well and the proposed transfer would also enable Epping Town

Council to renew the lease to the Lindsay Street Community Association for a further term.

**Other Options Considered and Rejected:**

To retain the site and inherit ongoing lease management responsibilities as well as a modest ground rent.

**15. CONSULTATION PLAN AND REGISTER**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the proposed Consultation Plan and Register for 2007/08. The Portfolio Holder reported that, following a User Focus assessment undertaken by the Audit Commission, a number of areas for improvement had been identified, particularly to ensure engagement with minority communities and other hard to reach groups. As a result of the user focus assessment, the Council had adopted a new Public Consultation and Engagement Strategy in April 2006, which had set out the methodology for planning and undertaking future consultation exercises. As part of the new strategy, the Cabinet had also requested that an annual Consultation Plan be developed in order to focus consultation on the Council's priorities and operational issues to be faced in the coming year. It was also envisaged that the results from consultation exercises undertaken during the previous twelve months would be listed via a Consultation Register.

The Portfolio Holder stated that the Consultation Plan for 2007/08 would list the planned consultations for the coming municipal year. It had been recognised that the need for further consultations would arise as a result of unforeseen circumstances or priority issues. In addition, on-going satisfaction surveys or consultations in relation to received planning applications had not been included within the Consultation Plan. The contents of the Consultation Plan and Register would be considered at the next meeting of the Finance and Performance Management Scrutiny Panel.

It was brought to the Cabinet's attention that there was no mention of a six-month review of the Epping Parking Restrictions within the Consultation Plan, as had been previously indicated in writing by Highways Officers from Essex County Council. The Civil Engineering and Maintenance Portfolio Holder stated that the District Council had not intended to hold a full review of the parking restrictions in Epping after six months, although it had been envisaged that some small-scale adjustments would have to be made. It was felt that the County Council rather than the District Council would undertake any six-month review, however the Cabinet agreed that the Consultation Plan for 2007/08 should make reference to it.

**Decision:**

That, subject to the addition of a reference to the six-month review of the Epping Parking Restrictions by Essex County Council, the Consultation Plan for 2007/08 be noted.

**Reasons for Decision:**

To address the findings of the Audit Commission's User Focus Assessment and to develop a corporate approach to public consultation and engagement that promoted inclusiveness amongst minority groups and communities which might not always be fully engaged or represented.

**Other Options Considered and Rejected:**

None, as the Council was expected to take action to address the results of the User Focus assessment undertaken by the Audit Commission.

#### **16. NORTH WEALD AIRFIELD - MAINTENANCE BUDGET**

The Leisure and Young People Portfolio Holder presented a report regarding the North Weald Airfield Maintenance Budget. In order for essential survey works on the infrastructure of North Weald Airfield to be undertaken, sufficient provision had been set aside within the maintenance budget for the airfield in 2006/07. The engineers appointed to co-ordinate the project had to engage a specialist sub-contractor who could not practically undertake some aspects of the work until May 2007. The final survey report was due to have been completed during May 2007 and, as a result, whilst the order had been raised in the 2006/07 financial year, the Council had not received the services until the 2007/08 financial year. It was therefore requested that a carry forward of £11,000 within the North Weald Airfield Maintenance Budget 2006/07 be approved, to fund the final payment of the works. The carry forward was to be treated as a DDF and would be included in the 2006/07 outturn report.

##### **Decision:**

That the carry forward of an £11,000 underspend from North Weald Airfield Maintenance Budget 2006/07 be recommended to the Council for approval.

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

Although it was possible to underspend in 2006/07, the airfield required ongoing maintenance to ensure its safe and efficient management.

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

To have declined the request for a carry forward.

#### **17. RE-LETTING - SHOP 15, THE BROADWAY, LOUGHTON**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the re-letting of Shop 15, The Broadway, Loughton. The shop had been let to Messrs Bulkan and Gersch on the terms of a twelve-year lease at a rent of £19,320 for use as a bakery. At Harrow County Court on 19 February 2007, the Council was granted a Possession Order for rent arrears in the sum of £17,198 plus Court costs; the Court Bailiff secured possession on 9 May 2007. The procedure for gaining possession and re-letting had been complicated by a receiver acting for a company called Mothers Kitchen Limited, which was the former tenant's trading name, who had been seeking to sell the equipment at the premises. He had also approached the then Finance, Performance Management and Corporate Support Services Portfolio Holder to introduce two prospective tenants – Sprays Bakeries Ltd and Pithers of Barkingside – to continue the bakery business and offer a premium payment to the Council to offset part of the former tenant's rent arrears. The Portfolio Holder had expressed a willingness to co-operate with the Receiver to achieve a re-letting of the premises for continued use as a bakers with minimal delay and secure a premium payment to offset the former tenant's rent arrears.

The proposed rental of £20,300 per annum was consistent with other rental values at the Broadway Parade, established through open market lettings, negotiated rent reviews and lease renewals. Sprays Bakeries Limited were willing to pay a higher

premium to secure the premises, and in support of their application they also drew attention to their good record as a longstanding tenant of a Council owned shop at Borders Lane, Loughton. The proposed letting by way of a restricted invitation to submit rental offers was a departure from the Council's Contract Standing Orders. The current Portfolio Holder had expressed a preference for proceeding on the restricted invitation basis on this occasion in order to secure re-letting for use as a bakery with minimal delay. To proceed on this basis, Cabinet approval was required to waive Standing Order C5 relating to contracts in excess of £20,000.

**Decision:**

- (1) That the premises be let to Sprays Bakeries Limited on a lease for a term of up to 12 years for use as a bakers, on the terms reported by the Head of Legal, Administration and Estates;
- (2) That, in the event Sprays Bakeries Limited do not complete the lease, the premises be offered, subject to the receipt of satisfactory references, to Pithers of Barkingside also for use as a bakers; and
- (3) That Contract Standing Order C5 be waived in relation to contracts in excess of £20,000 in view of the special circumstances relating to the proposed letting.

**Reasons for Decision:**

Co-operation with the receiver would achieve a re-letting of the premises for continued use as a bakers shop with minimal delay and would secure a premium payment to offset the former tenant's arrears. As this involved a contract over £20,000, approval to waive the relevant Contract Standing Order was required due to the special circumstances involved.

**Other Options Considered and Rejected:**

To market the premises in accordance with an open market tendering procedure, providing interested parties with an opportunity to submit rental offers for the Council's consideration.

**18. BEST VALUE PERFORMANCE PLAN 2007/08**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Best Value Performance Plan for 2007/08. The Cabinet were informed that the production of an annual Best Value Performance Plan was a statutory requirement that: summarised the Council's successes in meeting its key priorities, objectives and targets for the previous year; highlighted where these priorities, objectives and targets were not met; and detailed the key priorities, objectives and targets for the forthcoming year.

The Cabinet were reminded that the Best Value Performance Plan had been produced in two different versions. In accordance with a recommendation from the Audit Commission, a summary version had been distributed to all households in the District with the annual Council Tax demands in March, and this had been agreed by the Cabinet at its meeting on 5 February 2007. The detailed version was primarily prepared for the Council itself, the Government, the Audit Commission and other bodies involved in the evaluation and assessment of the Council's performance. It was highlighted to the Cabinet that both versions reflected the Portfolio structure of the Council that was in operation prior to the recent annual meeting.

The Portfolio Holder further added that in order to reduce the overall length of the Best Value Performance Plan, much of the non-statutory detail had been removed, and the corporate and strategic information previously included in the Best Value Performance Plan had been transferred to the revised Council Plan. The Cabinet were also reminded that the Council meeting on 28 June 2007 would be the final opportunity for non-members of the Cabinet to discuss the proposed amendments.

**Decision:**

(1) That the draft Best Value Performance Plan for 2007/08 be recommended to the Council for adoption; and

(2) That, in order to incorporate outstanding details in relation to the Council's user satisfaction performance for 2006/07, the Joint Chief Executive (Resources) be authorised to amend the draft Best Value Performance Plan as necessary prior to its adoption by the Council.

**Reasons for Decision:**

Recommending the Plan to the Council for approval would enable its publication to meet the statutory timescale, as any failure to comply would result in the qualification of the Plan by the Audit Commission.

**Other Options Considered and Rejected:**

None, as the Council was required by statute to publish its Best Value Performance Plan by 30 June 2007, and adoption of the Plan was a matter reserved for Council.

**19. JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY - MEMORANDUM OF UNDERSTANDING**

The Environmental Protection Portfolio Holder presented a report regarding the Memorandum of Understanding in respect of the Joint Municipal Waste Management Strategy. The Portfolio Holder informed the Cabinet that the Council had been involved in the development of the Essex Joint Municipal Waste Management Strategy, through its participation in the Waste Management Advisory Board and West Essex Waste Management Joint Committee. The County Council had also made an application to the Government for Private Finance Initiative (PFI) funding to assist with the costs of the capital infrastructure required to achieve the recycling strategy. For the strategy and PFI bid to be successful, the County Council and its partners had to demonstrate their commitment to partnership working via a Memorandum of Understanding signed by all twelve constituent waste management authorities, and a Letter of Support signed by each of the three Area Waste Management Joint Committees.

The Portfolio Holder advised the Cabinet that the Memorandum of Understanding was not a legally binding document but it did demonstrate the commitment of the Council to engage in the development of Joint Municipal Waste Management Strategy and to work in partnership with the County Council as well as other local authorities in Essex. The West Essex Waste Management Joint Committee had adopted the current version of the Memorandum of Understanding, and the Council had been requested to sign it by the end of July 2007. The Head of Environmental Services reminded the Cabinet that a County Waste Strategy presentation by Essex County Council officers was planned for the Council meeting scheduled for 28 June 2007, and that a report would be forthcoming at a future Cabinet meeting regarding

the proposed Letter of Support agreed at the West Essex Waste Management Joint Committee.

**Decision:**

That, in respect of the Joint Municipal Waste Management Strategy, the Environmental Protection Portfolio Holder be authorised to sign the Memorandum of Understanding on behalf of the Council.

**Reasons for Decision:**

The Memorandum of Understanding was a key element of the Joint Waste Management Strategy, which was already part of the Council's agreed policy framework, and also formed the foundation of Essex County Council's and The West Essex Joint Waste Committee's overall future strategy for waste management within the County.

**Other Options Considered and Rejected:**

To not sign the Memorandum of Understanding, however this would contradict the Council's own waste management strategy and its membership of the West Essex Joint Committee.

**20. REMOVAL OF GRAFFITI POLICY**

The Portfolio Holder for Community Wellbeing presented a report concerning the Removal of Graffiti policy. The Portfolio Holder informed the Cabinet of the effects of graffiti on society and the negative impression it left on people. Although there was no legal requirement for a local authority to remove graffiti, the Council had reacted to the need to deal with graffiti removal and had included specific provision within its budget for several years. Currently, the Council had tended to deal with the problem whenever it occurred, usually in response to complaints rather than via a pre-determined policy.

During 2006/07, the Council had budgeted £30,250 for the removal of graffiti. However, demand within the District had led to an overspend of approximately £5,000. An amount of £8,000 identified from within the Safer Communities budget, was transferred into the Graffiti Budget to make up the deficit and provide for the continuation of the service until April 2007. The difficulty in containing this budget had resulted from an attempt to remove all graffiti wherever it occurred including locations which were the responsibility of private individuals or other public bodies. The incidence of graffiti was increasing significantly, and to prevent a repeat of the overspend in 2007/08 it was recommended that a new policy be introduced for prioritising the removal of graffiti within available resources. All Parish and Town Councils had been consulted about the new policy and an item had also been placed on the agenda for the next Local Council's Liaison Committee for any further comments.

**Decisions:**

- (1) That the results of the consultation with Parish and Town Councils regarding a new policy for managing the budget for graffiti removal be noted;
- (2) That the Statement of Policy Regarding Graffiti Removal and associated procedural arrangements be approved in principle; and

(3) That, subject to any further changes not increasing the budget for this year, the Community Wellbeing Portfolio Holder be authorised to amend the policy and procedural arrangements after considering any further representations arising from the Local Councils Liaison Committee meeting on 13 June 2007.

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

The graffiti budget had been overspent over the last 3 years and there was an urgent need to formalise a policy, which matched the service to the available budget.

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

To reject the policy as put forward or to have approved the document with modifications as the Cabinet deemed appropriate. Other options could have arisen if the budget was to be increased but the Portfolio Holder had been clear that a policy could only operate within the existing budget.

### **21. 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:

<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
23	Development Land Sale – T11 Industrial Estate, Loughton	3

### **22. DEVELOPMENT LAND SALE - T11 INDUSTRIAL ESTATE, LOUGHTON**

The Deputy Leader of the Council presented a report concerning the development land sale of Langston Road Industrial Estate in Loughton. The Cabinet had agreed in November 2006 to offer the site for sale, possibly in conjunction with the adjacent land owned by Essex County Council. However, the County Council had sold this land separately and all parties in receipt of a tender pack were informed that it was only the T11 site that was on offer. A considerable number of offers were received by the closing date of 11 May 2007, which were opened by the Leader of the Council on 16 May 2007, and the top six offers were then evaluated by the Council's property consultants, Lambert Smith Hampton. The leading offer had been received from Exton Estates, in the sum of £6,050,000, for a development of 21 business units comprising a total floor space of approximately 64,000 square feet. Representatives from Exton had met with Planning Officers, who had advised that their proposed scheme was acceptable in principle subject to design details; Exton had confirmed that they would commence development once detailed planning consent had been granted. Thus, the leading submitted offer appeared to meet all the requirements in respect of planning, funding, development track record and the purchase timescale, and had been recommended for acceptance by Lambert Smith Hampton.

The Deputy Leader informed the Cabinet that a further report would be forthcoming at the next meeting of the Cabinet detailing the progress of the transaction, together with options for further action should that be necessary. In the event of any issues arising from the sale, it had been recommended that the Head of Legal, Administration and Estates through the Council's property consultants, Lambert

Smith Hampton, be authorised to negotiate any amendments to the terms of the sale with the purchaser, subject to approval by the Leader of the Council. The Cabinet were informed that the Overview and Scrutiny Committee had suggested a further recommendation that Essex County Council be urged to use previously received Section 106 monies to improve access to the site from the junction at Chigwell Lane, which was agreed.

**Decision:**

- (1) That the T11 development site in Langston Road, Loughton be sold to Exton Estates Ltd at a purchase price of £6,050,000 on the terms reported by the Head of Legal, Administration and Estates;
- (2) That a further report be submitted to the next Cabinet meeting on progress with the transaction, together with options for further action should that be appropriate;
- (3) That the Head of Legal, Administration and Estates through property consultants Lambert Smith Hampton or otherwise be authorised to negotiate any amendments to the principal terms and conditions of the sale subject to approval by the Leader of the Council; and
- (4) That Essex County Council be urged to use Section 106 monies previously received to improve the access to the site from the junction at Chigwell Lane.

**Reasons for Decision:**

The proposed sale would achieve development of land declared surplus to requirements, raise a valuable capital receipt and contribute towards the Council's economic development aims.

**Other Options Considered and Rejected:**

To remarket the site, however as several offers exceeding expectations had already been received, the market was unlikely to yield a better offer.

To retain the site for possible future alternative use or development, possibly in conjunction with the adjacent Council depot.

**CHAIRMAN**

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### **Older People and Disabled People Task and Finish Panel Recommendations**

1. That the Overview and Scrutiny Committee seek a commitment from the West Essex Primary Care Trust as to their continued support for the work of the Joint management Team for Services to Older People in the Epping Forest District.
2. That the Essex County Council be invited to:
  - give a similar commitment to the work of the Joint Management Team;
  - explain how it assesses the needs of older people within the Epping Forest District; and
  - how its services meet those needs and its plans to address the issues identified in the Local Government Association report "Without a care".
3. That subject to satisfactory answers in relation to recommendation 1 and 2 above and the continuation of the Joint Management team who oversee services provided for older people, we would like to see the following options taken forward:
  - the development of a one-stop shop to provide advice on the services available for older people and how these services can be assessed. This could be, for example, through the Council's Careline Services;
  - the provision of an updated directory of services available for older people – this would be an essential part of the one-stop shop provision;
  - the holding of a further summit on Services for Older People in order to check on progress made and identify any new issues or concerns that need to be addressed.
  - development of the Older People's Action Group (OPAG) in order to enable it to continue as an independent pressure group in relation to issues that affect Older People.
4. That the Portfolio Holder for Community Wellbeing be asked to identify grant aid support to help develop the OPAG as an independent and self financing organisation which supports and encourages the valuable contribution made by Older People to our society, encourages Older People to support each other and that the Council then makes use of that organisation as part of its ongoing consultation strategy.
5. That the Portfolio Holder for Leisure Services be asked to investigate and report back on how Leisure Services can assist in:
  - providing an healthy living approach which helps meet the social needs of the growing number of older people;
  - continue targeted projects such as that provided through the Arts Service "A Sense of Place"; and
  - the continued provision of the seated exercise programme.
6. That further DDF funding in the sum of £3000 be made available to the Handypersons' Scheme in the Financial Year 2007/08 and that during the course of 2007/08 the Portfolio Holder for Finance and Performance Management identify a means by which the DDF grant can become part of the CSB so that the value of the money is maintained on an ongoing basis.

7. That the availability of the Handypersons Scheme be advertised more widely through The Forester.

8. That the changes to the Concessionary Fare Scheme proposed by Government be kept under review in order to monitor:

- any financial implications for the Council;
- whether in the light of the changes proposed the separate scheme with Transport for London is still necessary.

9. That the Council sponsored Day Clubs for the more housebound older people provided in association with Housing Services have provided a valuable and much appreciated service, but should be kept under review in the light of:

- difficulties in recruiting volunteers to help run them;
- difficulties in providing transport to and from the Clubs;
- falling attendances.

10. That whilst the Council has done a great deal to address equality issues within its Service provisions there is still a great deal more which needs to be done. In particular we recognised the resources issues within Service Areas generally and that a specialist consultant has been employed to help produce the Disability Equality Scheme. This work needs to be brought to a conclusion and the scheme published without further delay.