

## **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 12 November 2007

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.50 pm

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

**Other Councillors:** K Angold-Stephens, R Church, D Jacobs, J Markham, S Murray and Mrs J H Whitehouse

**Apologies:** Mrs M Sartin

**Officers Present:** P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), R Palmer (Director of Finance and ICT), T Carne (Public Relations and Marketing Officer), J Chandler (Community and Cultural Services Manager), P Maginnis (Human Resources Manager), M Shorten (Principal Valuer/Surveyor), Ian White (Senior Planning Officer), G J Woodhall (Democratic Services Officer), M Jenkins (Democratic Services Assistant) and S Mitchell (PR Website Editor)

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### **89. WEBCASTING INTRODUCTION**

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **90. DECLARATIONS OF INTEREST**

Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and D Stallan declared a personal interest in the following items of the agenda by virtue of being the Ward Councillors for the sites in question. The Councillors had determined that their interests were not prejudicial and they would stay in the meeting for the discussion and voting thereon:

- (i) C063/2007-08 Re-Letting – Hanger 1, North Weald Airfield; and
- (ii) C/067/2007-08 Medical centre – Merlin Way, North Weald Industrial Estate.

### **91. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 8 October 2007 be taken as read and signed by the Chairman as a correct record.

**92. ANY OTHER BUSINESS**

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

**93. REPORTS OF PORTFOLIO HOLDERS**

The Leader of Council informed the Cabinet that the Essex County Council Portfolio Holder for Education was due to visit the Council regarding the Leader's recent comments concerning education in the District. The Leader also reported that she had met with the Principal of Epping Forest College to discuss her concerns. The meeting had concluded with a commitment for the Council and the College to work together in the future.

**94. OVERVIEW AND SCRUTINY**

The Vice-Chairman of the Overview and Scrutiny Committee reported that the Committee had considered a call-in regarding the recent decision by the Cabinet to release the restrictive covenant at Loughton Hall. After a thorough debate, the Committee did not support the call-in. The Committee had also agreed to accept a presentation from the Chairman of the Princess Alexandra Hospital on their bid for Foundation Status at its next meeting scheduled for 13 December 2007. In addition, the West Essex Primary Care Trust, local County Councillors and the Chairman of the West Essex Patient and Public Involvement had been invited to attend and give their views. The Committee also considered reports on the Review of Protocol on Outside Organisations and Decision Making in Emergencies to be submitted to the next full Council meeting.

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

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding Environmental Improvements – Comfort Cooling in the Civic Offices. The Cabinet had considered reports identifying the need for comfort cooling in the Civic Offices complex, to combat excessive temperature and humidity levels during the summer period. As a result, Comfort Cooling had been provided in most areas of the Civic Offices, however there were four areas where Comfort Cooling had not yet been installed.

High temperatures during the summer could have led to a potential breach of Health and Safety standards. It was recommended that provision should be made in 2008-09 for the completion of the installation of Comfort Cooling throughout the Civic Offices complex. A funding request for the remaining Comfort Cooling works was made to the Cabinet at its meeting on 4 September 2006, but due to uncertainties surrounding the potential cost of the waste management contract, the decision was deferred. Since then, the contract had been awarded, and the Cabinet were requested to reconsider the situation.

The costs for the work were estimated at £110,000. There was currently a carry forward of £10,000 from the previously allocated funding, and therefore, additional funding of £100,000 was sought for 2008-09.

**Decisions:**

- (1) That all but the following parts of the Civic Offices Complex have been provided with comfort cooling under a rolling programme of works be noted:

- (a) the entire rear extension of the Condor building;
  - (b) the Legal Services suite in the Condor building;
  - (c) the Estate and Valuation suite in the Condor building; and
  - (d) parts of the Housing Services suite on the ground floor of the main Civic Offices building; and
- (2) That a revenue District Development Fund growth bid in the sum of £100,000 for 2008-09 be made, in order to provide comfort cooling to the areas of the Civic Offices identified above, thereby providing similar levels throughout the Civic Offices complex.

**Reasons for Decision:**

Those parts of the Civic Offices complex that did not have satisfactory working conditions when temperature and humidity rose during the summer period, could have caused discomfort for officers and might have resulted in breaches of Health and Safety legislation. Significant progress had already been made in providing comfort cooling in the civic offices, the work was now nearing completion so all staff was able to work in appropriate conditions.

**Other Options Considered and Rejected:**

To have done nothing, accepting that conditions were uncomfortable for staff in those parts of the Civic Offices without the Comfort Cooling facilities. Temporary relief could have been obtained through the hire of air conditioning units during hot periods, however the necessary equipment was expensive.

**96. COMPREHENSIVE PERFORMANCE ASSESSMENT - RE-CATEGORISATION**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding Comprehensive Performance Assessment Re-Categorisation. The Council had been assessed as a "Good" authority resulting from its first Comprehensive Performance Assessment (CPA) in February 2004. Since this assessment, a range of other national performance frameworks and reporting processes had been implemented by the Audit Commission. This had included the annual Use of Resources (UoR) assessment and Direction of Travel (DoT) statement, which fed into the on-going overall assessment of the authority's performance.

Whilst the CPA regime was being replaced in 2009 by the Comprehensive Area Assessment (CAA) process, the Audit Commission had published a methodology for district councils seeking CPA re-categorisation. The Commission had recently written to all local authority chief executives, which had set out opportunities for councils submitting applications for re-categorisation over the forthcoming year. The most recent submission date for CPA re-categorisation applications was October 2007, with further opportunities in February, June and October 2008. The Management Board had recently considered the extent of the Council's improvement since 2004 and had determined that CPA re-categorisation should not be pursued in October 2007, and the Cabinet was now being requested to consider whether re-categorisation should be sought during 2008.

Decisions concerning whether to undertake CPA re-categorisation or not, were made regionally by the Audit Commission. If it had been decided that there was evidence of sufficient improvement, or of deterioration justifying re-categorisation activity, this would have been undertaken through a further corporate assessment. Management Board considered that the Council had progressed sufficiently since the last CPA assessment in 2004, in maintaining its "good" classification. It was felt unlikely that the required change in overall performance would support an application for CPA re-categorisation.

**Decision:**

That Comprehensive Performance Assessment Re-categorisation not be sought during 2008, in advance of the forthcoming introduction of the Comprehensive Area Assessment regime.

**Reasons for Decision:**

It was considered unlikely that the required change or significantly improved performance, would have demonstrated CPA re-categorisation.

**Other Options Considered and Rejected:**

The Council could seek CPA re-categorisation during 2008 before the introduction of the Comprehensive Area Assessment regime in 2009. However the Council had made good progress against actions and targets since the original CPA.

**97. RE-LETTING - HANGAR 1, NORTH WEALD AIRFIELD**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the re-letting of Hangar 1 at North Weald Airfield. The North Weald Airfield Strategy Cabinet Committee, at its meeting held on 31 July 2007, had recommended to the Cabinet that a minimum ten-year lease with Becro Engineering Limited be agreed as the best option for the future use of Hangar 1 at an annual rent of £85,000 per annum. Following further negotiations with Becro, the following principal terms had been provisionally agreed:

- (i) a lease for a term up to 31 December 2025;
- (ii) a commencing rental of £85,000 per annum, exclusive of rates and other outgoings, and subject to rent reviews every five years during the term of the lease;
- (iii) the tenant shall be responsible for internal and external repairs and maintenance;
- (iv) the hangar shall be used for General Industrial (Class B2) or Storage and Distribution (Class B8) uses only; and
- (v) both parties shall bear their own legal and surveyors' costs incurred in the preparation and completion of the lease.

The Portfolio Holder added that Becro had agreed to refurbish the Hangar in order to meet its operational requirements, however a medium-term lease had been requested so that the company could achieve a return on its investment. There had been concerns raised in respect of the change of use from storage to manufacturing for the Hangar but it had been felt that the planning process would be the most appropriate forum to address these concerns.

**Decisions:**

(1) That a new lease for a term up to 31 December 2025 be granted to Becro Engineering Limited to use Hangar 1, North Weald Airfield for the purpose of fabricating structural steelwork, on the terms reported by the Director of Corporate Support Services; and

(2) That Contract Standing Order (C6), relating to contracts exceeding £50,000, be waived to permit the reletting without a further marketing exercise by the Council.

**Reasons for Decision:**

The proposed letting would save the time and expense of undergoing a further marketing exercise. It would also secure a continuous income stream in respect of the Hangar, reduce the possibility of the prospective tenant seeking alternative accommodation and secure £1,055,000 of funding for refurbishment in order to meet the operational requirements of the prospective tenant.

**Other Options Considered and Rejected:**

To offer the property on the open market seeking other expressions of interest. Alternatively, the Hangar could be retained for possible future use or development.

**98. CHRISTMAS AND NEW YEAR LEAVE ARRANGEMENTS 2008-13**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding Christmas and New Year Leave arrangements for 2008-13. At its meeting on 20 September 2007, the Joint Consultative Committee had considered the Christmas and New Year leave arrangements from 2008-09 to 2012-13 as the current arrangements would come to an end in 2007-08. The employee survey 2006 had shown that 75% of staff, who had responded, had indicated that use of special leave days and the two statutory days, enabling closure of the Civic Offices between Christmas and New year, were the most valued current benefit.

In the case of teams who provided frontline services, such as the Housing Service, the public were unlikely to notice a difference in service provision. In the case of the Cashier Service, there were automated payment methods available so that the public would be able to pay their bills during this period.

**Decision:**

That, as recommended by the Joint Consultative Committee, an extension of the current Christmas and New Year leave arrangements to 2012-13 be agreed.

**Reasons for Decision:**

Three-quarters of the staff who had responded to the Employee Survey had indicated that the Christmas and New Year Leave Arrangements were the most valued current benefit the Council offered staff. No adverse comments had been received from the public regarding office closures and essential cover in certain areas.

**Other Options Considered and Rejected:**

To not agree to the proposed schedule or substitute other arrangements.

**99. EMPLOYEE WELLBEING FRAMEWORK**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Employee Wellbeing Framework. The Portfolio Holder informed the Cabinet that the purpose of the Framework was to set out clearly in one document the support measures available to staff to promote their well-being at work, and included the provision of subsidised gym membership and free health checks. The Framework consisted of the following sections:

- (i) Policy Statement;
- (ii) responsibilities of Members and Officers;
- (iii) facilities to promote a healthy work/life balance;
- (iv) health and safety provisions;
- (v) Human Resources' policies that impacted upon well-being; and
- (vi) Employee Health Services.

The Portfolio Holder added that the Joint Consultative Committee had considered the Framework at its meeting held on 20 September 2007, and had recommended its adoption to the Cabinet.

**Decisions:**

That, as recommended by the Joint Consultative Committee, the Employee Wellbeing Framework be adopted.

**Reasons for Decision:**

The Framework had brought together the range of support measures that the Council had made available to its staff in a single document, and was consistent with the measures provided by other comparable organisations. The Joint Consultative Committee was in favour of the Framework's adoption.

**Other Options Considered and Rejected:**

To not agree the Framework as presented, or substitute it with another approach.

**100. MEDICAL CENTRE - MERLIN WAY, NORTH WEALD INDUSTRIAL ESTATE**

The Leader of the Council presented a report regarding the proposed Medical Centre at Merlin Way, North Weald Industrial Estate. The Council had sold a plot of land at Merlin Way in May 2006 for use as a medical centre to West Essex Primary Care Trust (PCT), who had appointed a specialist health care developer to build a new medical centre on its behalf. To facilitate the development, it was proposed that the Council transferred the freehold interest on the land required direct to the healthcare developer, and the completed building would be leased back to the PCT. It was understood that the Strategic Health Authority had approved the allocation of the necessary funding.

The scheme provided for a two storey medical centre with parking for 25 vehicles, the accommodation included four consulting rooms, a treatment room and three therapy rooms. The PCT and Primary Health Care Centres (PHCC) had agreed the principal terms of an occupational lease providing a stepped rent during the first three years and then subject to three year rent reviews and a tenant internal repairing liability.

It was recommended that the full purchase price of £235,000 should be agreed, but subject to review if the surveys revealed extraordinary site conditions and a subsequent increase in the actual development costs. If a review of the purchase price or other principal terms became necessary, it was recommended that the Director of Corporate Support Services be authorised to negotiate revised terms in consultation with the Leader of the Council. The developer's offer to purchase was also conditional upon the grant of satisfactory planning consent for the proposed development.

#### **Decisions:**

- (1) That land at Merlin Way, North Weald Industrial Estate be sold to Primary Health Care Centres (North Weald) Ltd at a purchase price of £235,000 for the provision of a new medical centre on the terms reported by the Director of Corporate Support Services; and
- (2) That the Director of Corporate Support Services be authorised to negotiate any amendments to the principal terms and conditions of the sale, subject to approval by the Leader of the Council.

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

There was an identified need for better general practice health care provision in North Weald. The disposal of this particular plot for this purpose, would serve the wider public interest. There were no suitable alternative sites in the North Weald area for this facility.

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

Disposal for alternative use was not considered appropriate.

### **101. PLANNED BUILDING MAINTENANCE PROGRAMME 2008-09 - OPERATIONAL BUILDINGS**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Planned Building Maintenance Programme for operational buildings and commercial property during 2008-09. The Portfolio Holder stated that the Planned Maintenance Programme provided a structured process for ensuring that the Council's property assets were properly maintained and improved in accordance with health and safety requirements, contractual obligations for both commercial lettings and the four leisure centres, customer demands and the longer-term protection of the Council's assets.

The Portfolio Holder reminded the Cabinet that last year's requested funding of £191,150 for the first year of the programme had been reduced to £118,000 due to uncertainty over the cost of the waste management contract. This issue had now been resolved and the requested funding of £248,200 for the second year of the programme included those items that had been held over from the previous year. A

revenue District Development Fund growth bid of £130,200 would need to be approved. The Housing Revenue Account (HRA) owned a number of the properties, and funding in the sum of £16,300 was sought from the HRA to maintain these assets. The Portfolio Holder confirmed that the planned expenditure for Langston Road depot would be reviewed pending a decision over its long-term ownership.

**Decisions:**

(1) That the 2008-09 programme of works with an estimated cost of £248,200 be approved, representing year 2 of the previously approved Five-Year Planned Maintenance Programme for the Council's operational, commercial and industrial property assets as well as reprogrammed works from year 1 (2007-08);

(2) That, in order to restore the previously approved Five-Year Planned Maintenance Programme, a revenue District Development Fund growth bid in the sum of £130,200 for 2008-09 be approved; and

(3) That, for Housing Revenue Account works within the 2008-09 programme, funding in the sum of £16,300 from the Housing Revenue Account be approved.

**Reasons for Decision:**

A planned programme of building maintenance was essential to protect and improve the condition of the Council's assets, to ensure continued operational use of the buildings and to meet the Council's contractual obligations.

**Other Options Considered and Rejected:**

To not approve the planned programme of building maintenance, with the possible consequent health and safety risk, loss of income, increased future liability, reduced value and breach of contract obligation for commercial leases and the Leisure contract.

**102. NATIONAL CONCESSIONARY FARES SCHEME**

The Community Wellbeing Portfolio Holder presented a report regarding the National Concessionary Fares Scheme. The Transport Act 2000 had introduced a national minimum standard for local authority concessionary travel schemes for elderly and disabled people. The concession required at least half fare off peak travel on local buses within the travel concession authority's area. Since 1 April 2006, local authorities had been required to provide their residents who were 60 and over, or disabled, with at least free off-peak local bus travel. The 2006 Budget announced that the statutory minimum was to be extended to free off-peak local bus travel anywhere in England from 1 April 2008.

Currently, Epping Forest District Council had worked in partnership with all Essex authorities, including Essex County Council, in providing an enhanced version of the statutory scheme. Under the scheme, pass holders could travel for free from 9.00a.m. anywhere within the County. The Council had also entered into a partnership with Transport for London to offer residents free off-peak bus travel in northeast London. This scheme was due to cease on 31 March 2008, as the National Scheme offered free off-peak travel on all local buses in England. The current year had seen a reduction in the number of Transport for London passes issued from 365 to 264, which had reduced the net budget required for the Transport for London



scheme for 2007-08 from £77,000 to £65,000. It was proposed that this CSB saving of £12,000 be included in the revised budget for 2007-08. The balance of £65,000 would be added to the budget for the countrywide scheme in 2008-09, to provide a contingency to meet any additional costs that were not met through additional government grant.

The Department of Transport had recommended that councils should consider extending the length of the bus passes from 2 to 5 years. This would reduce the on-going annual burden of issuing passes, and had been proposed for approval by the Cabinet.

**Decisions:**

- (1) That the current position and uncertainties regarding the National Scheme be noted;
- (2) That continued participation in the Countywide Scheme be agreed;
- (3) That the issuing of passes valid for a five-year period be agreed;
- (4) That the benefits available under the scheme should be in line with the National Scheme be agreed; and
- (5) That the Scheme in conjunction with Transport for London will cease on 31 March 2008 and the subsequent proposed Continuing Services Budget saving of £12,000 be noted.

**Reasons for Decision:**

The Council had an obligation under the Transport Act 2000, in offering the statutory minimum of free local bus travel within the District's boundaries. From April 2008, this would be extended to anywhere in England. The recommendations proposed, sought to comply with these requirements whilst minimising cost and risk.

**Other Options Considered and Rejected:**

The Council had the opportunity of withdrawing from the county scheme. However, the Council would have to undertake all negotiations with bus operators separately as well as provide an agreement by 1 December 2007.

**103. MEMBER REMUNERATION SCHEME - 2008-09**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report about the Member Remuneration Scheme for 2008-09. The Portfolio Holder reminded the Cabinet that the currently approved remuneration scheme for members consisted of: a basic allowance, paid to all members; special responsibility allowance paid to Cabinet members, Group Leaders and Committee Chairmen; co-optee's allowance paid to independent members of any Council committees; and travelling and subsistence expenses. It had been several years since the Remuneration Panel had proposed the current scheme and, following a recent survey on behalf of the Local Government Association in respect of allowances paid to members, it was felt that a review of the current scheme should be undertaken by the Remuneration Panel for implementation at the commencement of the 2008-09 municipal year.

The Portfolio Holder requested that the Group Leaders should make their thoughts on the current scheme known to the Panel as well. Whilst the outcome of the review could not be anticipated, it was still felt prudent to make a contingency revenue Continuing Services Budget growth bid for 2008-09. The Assistant to the Chief Executive confirmed that there was currently a vacancy on the Panel but that a recruitment process would start in the near future; once this vacancy had been filled then the Panel would be able to commence its review.

**Decisions:**

(1) That the Independent Remuneration Panel be requested to undertake a comprehensive review of the current Members' Remuneration Scheme and make recommendations for changes to be implemented at the commencement of the 2008-09 municipal year; and

(2) That, in order to cover any recommendations by the Panel for revised amounts of Basic, Special Responsibility or Co-optee's Allowances, a contingency revenue Continuing Services Budget growth bid in the sum of £30,000 be made for 2008-09.

**Reasons for Decision:**

The current Remuneration Scheme required amendment and the Independent Remuneration Panel should be asked to undertake a review.

**Other Options Considered and Rejected:**

To increase the allowances up to 100% for the current scheme without recourse to the Remuneration Panel and make an appropriate bid for CSB growth in 2008-09.

**104. NOTTINGHAM DECLARATION**

The Environmental Protection Portfolio Holder presented a report regarding the Council becoming a signatory to the Nottingham Declaration. The declaration had originated from Nottinghamshire County Council in 2000, and was specifically for Local Authorities to show their commitment to the management of climate change and associated environmental issues. Over 200 local authorities had so far signed the declaration.

The declaration included the following:

- (a) working with central Government to locally contribute to the UK Climate Change Programme, the Kyoto protocol and the 2010 carbon dioxide reduction target;
- (b) participating in local and regional support networks;
- (c) developing plans with partners and local communities to address the causes and impacts of climate change, tailored to local priorities and community benefits;
- (d) publicly declaring within appropriate plans and strategies, the commitment to reduce greenhouse gas emissions from the Council's own activities;
- (e) assessing the risks of climate change and the implications for Council services and communities and adapt accordingly;

- (f) encouraging all sectors in the local community to adapt to the climate change impacts; and
- (g) monitoring progress and publishing results.

The Environment and Planning Scrutiny Panel had considered the Declaration at its meeting on 5 September 2007, and had recommended as follows:

*“(1) That the Panel considered the Nottingham Declaration as requested by Council on 24 April 2007;*

*(2) That on consideration the Panel recommended to the Cabinet that the Council became a signatory to the Declaration;*

*(3i) That consideration be given to future actions to be taken by the Council to address Climate Change including:*

*(a) the role as the Council as estate managers, as service providers and as community leaders;*

*(b) the development of a community-wide strategy and action plan, prioritising one or two significant service areas;*

*(c) adaptation and mitigation measures;*

*(d) any other issues raised; and*

*(e) that the above issues are considered by this Panel;*

*(4) That further reports be submitted to this Panel and the Panel’s work plan be adjusted to accommodate this review; and*

*(5) That an audit carried out to establish a baseline for the Council at the start of the agreement, to enable progress to be measured.”*

The Declaration would require the Council to engage with its partners and the community on climate change issues. There were a number of areas where this activity had already taken place and was being expanded. The Declaration did not necessarily commit the Council to additional investment at the current stage, but the Scrutiny Panel would identify what was possible within existing resources and where additional investment was required.

#### **Decisions:**

- (1) That the Council becomes a signatory to the Nottingham Declaration and that the Declaration be signed by the Leader of Council and the Chief Executive; and
- (2) That the principles of the Declaration be incorporated as appropriate within Council corporate documents.

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

Climate change was one of the most important issues facing the country, with a great deal of the action required to mitigate and adapt to this expected to be undertaken by

Local Authorities. The signing of the Nottingham Declaration would show that the Council had a commitment to this issue.

**Other Options Considered and rejected:**

Not to sign the declaration.

**105. LOUGHTON TOWN CENTRE ENHANCEMENT - RE-PROVISION OF TREES**

The Planning and Economic Development Portfolio Holder presented a report concerning the re-provision of trees as part of the Loughton High Road Town Centre Enhancement. The Portfolio Holder reported that Centric Parade had been pedestrianised as part of phase II of the Loughton High Road Town Centre Enhancement scheme. In order to achieve this, parking spaces had been provided on the High Road, which had necessitated the removal of four trees. It had proven difficult to provide replacement trees due to problems in establishing the ownership of the land that provided the best location, and the proximity of statutory undertakers' equipment under the paved surface. This land was unregistered and not currently designated as adopted highway, hence there was a risk of a legal challenge if the Council unilaterally placed the trees in this location. Discussions had begun with Essex County Council about adopting the land as public highway, which would enable the Council, subject to a technical appraisal, to re-provide the trees or surface planters if necessary.

The Portfolio Holder added that the Essex County Council Portfolio Holder for Highways and Transportation had agreed to progress this matter as expediently as possible in a recent meeting. The Portfolio Holder also offered a site meeting with local ward members in order to clarify the identity of the particular piece of land in question.

**Decisions:**

- (1) That the position in respect of the re-provision of trees in Centric Parade as part of phase II of the Loughton High Road Town Centre Enhancement scheme be noted; and
- (2) That a further report be received once the investigations and consideration of the Highways Authority with regards to the adoption of the land as public highway is known.

**Reasons for Decision:**

It was important that the status of the land was confirmed and that it was adopted as public highway prior to the Council undertaking works that might have an impact on adjoining properties. The Council remained committed to the re-provision of trees in Centric Parade once the land ownership issues had been resolved.

**Other Options Considered and Rejected:**

To re-provide the trees without determining the ownership of the land, which would put the Council at risk of legal action, or abandon the issue and take no further action.

**106. BULK PROCUREMENT OF ENERGY - SERVICE LEVEL AGREEMENTS**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding Bulk Procurement of Energy – Service Level Agreements. The Council currently purchased energy through consortia arrangements, which resulted in a lower tariff than would otherwise had been available. These arrangements were with Norfolk Property Services for electricity and Local Authorities South East Region (LASER) for gas. At the Cabinet meeting on 25 April 2005, the Head of Environmental Services was authorised to explore cost advantages, which might have arisen from procuring energy via the Procurement Agency for Essex (PAE). The Cabinet meeting in December 2005 authorised officers to procure energy through the PAE.

The Head of Environmental Services commenced negotiations with the PAE in 2006 who referred to their preferred provider, the Office of Government Commerce Buying Solutions (OGCBS). However, negotiations with the OGCBS could not be concluded in the short-term and the existing contracts for energy procurement had been extended until 31 October 2008. For the OGCBS energy tariffs to be obtained from October 2008, the Council needed to enter into a Service Level Agreement (SLA) with them before April 2008. This would enable the OGCBS to include the Council's energy requirements within their bulk energy bid on the wholesale market during the summer months.

**Decisions:**

- (1) That, in order to seek the best prices for energy, the consortia of the Office of Government Commerce Buying Solutions (OGCBS) be joined by the Council; and
- (2) Subject to the form of agreement being approved, the Director of Corporate Support Services be authorised to enter into a Service Level Agreement with the OGCBS by April 2008, with energy procurement to commence in October 2008.

**Reasons for Decision:**

It was more cost effective to purchase bulk energy via a consortium as compared to a standard tariff. This was best practice and ensured that the Council obtained the lowest possible energy costs. It was likely that an additional pricing advantage over existing arrangements would be achieved. The OGCBS procured energy at low cost cycles. Thus by signing a SLA in April 2008, for energy commencement in October, the Council expected lower energy costs relative to the winter months.

**Other Options Considered and Rejected:**

To have not sought procurement via the OGCBS beyond October 2008, and re-negotiate with the Council's present energy suppliers. This would have been contrary to the Council's current procurement policy and Contract Standing Orders.

**107. WASTE MANAGEMENT PARTNERSHIP BOARD**

The Leader of the Council, on behalf of the Environmental Protection Portfolio Holder, presented a report concerning the proposed establishment of a Waste Management Partnership Board. The Leader reported that the new waste management contract contained provisions for the establishment of a Waste

Management Partnership Board and Partnership Charter. It had been proposed to base the Council's arrangements upon the existing partnership arrangements established between Sita and the Royal Borough of Kensington and Chelsea, as this process had been established for a number of years and had been working well. It was intended for the Board to be a strategic body and not involve itself in operational issues. It had been proposed for the Council's membership of the Board to include the Environmental Protection Portfolio Holder, as Chairman, a member nominated by Overview and Scrutiny and two officers, including the Director for Environment and Street Scene. In order to promote the partnership basis of the contract, it had been proposed for Sita to have an equal number of members on the Board. It was felt that the existing Charter between Sita and the Royal Borough of Kensington and Chelsea was an excellent model upon which to base the Council's Charter, but that the Board should review it as soon as possible in order to reflect local circumstances prior to subsequent approval by the Cabinet and Council.

The Leader of the Council advised that the Waste Management Contract would be eligible for direct scrutiny, by either a Scrutiny Panel or the Council, and that the Environmental Protection Portfolio Holder would be available for questioning at both Cabinet and Council meetings. The Leader also highlighted that the Cabinet could not restrict the choice of member by the Overview and Scrutiny Committee on the basis of group membership; it was an issue for the Committee itself to debate and decide. In respect of the proposed frequency of reports to the Cabinet, the Leader highlighted that the recommendations required subsequent approval by the Council at its meeting scheduled for 18 December 2007, but that the Cabinet felt that an Annual report would suffice.

#### **Decisions:**

- (1) That, in accordance with the terms of the new waste management contract, the establishment of the Waste Management Partnership Board be recommended to the Council for approval, with a membership of eight split equally between the Council and the Waste Management Contractor, Sita;
- (2) That the Council's membership of the Waste Management Partnership Board be recommended to the Council for approval as follows:
  - (a) the Environmental Protection Portfolio Holder (to be Chairman);
  - (b) a Member nominated by the Overview & Scrutiny Committee;
  - (c) the Director of Environment & Street Scene; and
  - (d) the Council's representative under the Contract;
- (3) That Sita's membership of the Waste Management Partnership Board be noted as follows:
  - (a) the Operations Director Municipal Division;
  - (b) the Sita Finance Director (or his nominated representative);
  - (c) the General Manager Municipal South East Region; and
  - (d) the Senior Contract Manager for the Epping Forest District Council contract;

- (4) That meetings of the Board on a quarterly basis be recommended to the Council for approval, with one meeting designated as the annual general meeting;
- (5) That the attendance of non Board Members at meetings of the Board be permitted by invitation of the Chairman only;
- (6) That the following key functions of the Board be recommended to the Council for approval:
  - (a) to monitor service performance;
  - (b) to encourage innovation and to monitor the innovation forums;
  - (c) to manage the contract proactively;
  - (d) to encourage partnership working;
  - (e) to resolve differences;
  - (f) to review the partnership; and
  - (g) to report to the Cabinet on an annual basis; and
- (7) That the Sita and Royal Borough of Kensington & Chelsea Partnership Charter be accepted in principle but that the Epping Forest/Sita Waste Management Partnership Board be requested to review it and to recommend an amended version to the Cabinet and Council in due course.

**Reasons for Decision:**

The Partnership Board would be a key component of the new contract and would play a key role in developing and monitoring the Key Performance Indicators that would determine the contractor's level of profit. The Board's responsibilities should be strategic, allowing the relevant officers and contractor management to manage the service operationally. The Board would have both Executive and Scrutiny representation, whilst the example Charter would be amended to reflect local circumstances and recommended to Cabinet for adoption.

**Other Options Considered and Rejected:**

To not establish the Partnership Board, however this would undermine the fundamental principle of the Council and Sita working in partnership to deliver a cost effective and high quality service to residents.

To establish the Partnership Board with a different membership, however it was felt that Sita should have an equal number of places as the Council, and that the Board should be concerned with strategic issues.

To not modify the example charter, however this would then not reflect any particular local circumstances.

**108. PLAYING PITCH STRATEGY AND ACTION PLAN**

The Leisure and Young People Portfolio Holder presented a report regarding the Playing Pitch Strategy and Action Plan. Leisure Services had developed a 10 Year

Playing Pitch Strategy, which set out the future direction for the provision of sports pitch facilities in the District. The strategy had identified current issues of capacity and quality of pitches provided and was intended to give direction and guidance to those involved in providing pitch sport facilities in Epping Forest. The Strategy had identified that Epping Forest compared favourably, nationally, in terms of the number of adult sports pitches provided. However the key deficiencies in provision were in relation to junior and youth pitches, which were considerably less than other districts. There was a need for providers to meet demand, either by installing new junior size pitches on existing sites, re-designating adult size pitches, or by establishing new facilities specifically for junior use.

Leisure Services were currently working with local partners in establishing a Community Sports Network in the District (Active Epping Forest). This should enable improved communication of local needs between clubs, the District and local councils. Active Epping Forest would become a sub-group of the Local Strategic Partnership, and its action plan would contain the key target of ensuring that local facilities for pitch sports met local demand. The Council and Town and Parish Councils had a key role in planning, providing and co-ordinating provision of playing pitches in the District and could assist providers such as local schools, college and clubs, allowing community access to maintain and enhance the quality of their pitch provision.

Opportunities for new pitch facilities in the District were very limited, but occasionally they became available as part of new housing developments in the area. The Council was currently working with the Grange Farm Trust in securing new pitch facilities as part of the development of Grange Farm, Chigwell. Every possible opportunity to secure land for new pitch provision was considered as part of the new housing developments in the District. When Section 106 agreements were negotiated in establishing new pitch facilities, it was possible to attract external funding, Leisure Services had an excellent record in securing external funding for local projects and was aiming to work with local partners, in order to maximise funding for new pitch provision where deficits had been highlighted.

**Decisions:**

- (1) That the ratification of the District Playing Pitch Strategy and Action Plan, with key recommendations for the Epping Forest District, be agreed as follows:
  - (a) that the re-designating of certain adult pitches for other sports or age groups - to be dictated by the need for junior/mini pitches as identified in the Strategy - be considered by the Council, Town and Parish Councils;
  - (b) that Active Epping Forest (Community Sports Network) be established and developed in the District, to work with local sports clubs, sports facilities, providers, schools and other key stakeholders in sport, to promote and develop sport within the Epping Forest District;
  - (c) that further community use of local school, college and club facilities be encouraged by the District Council and local Councils where possible;
  - (d) that developer contributions be secured by the Council wherever possible, to improve the quality of existing playing pitches or alternative sporting provision in the District and provide new facilities where a shortfall has been identified; and



(e) that the Council's aim be to match any developer contributions through seeking external funding and working in partnership with key stakeholders.

**Reasons for Decision:**

The Playing Pitch Strategy had identified a range of issues relating to availability, quantity and quality of playing pitches in the District. The strategy addressed these issues, ensuring provision of adequate playing pitch facilities in the future.

**Other Options Considered and Rejected:**

To not ratify the Playing Pitch Strategy and Action Plan.

**109. EPPING FOREST DISTRICT YOUTH COUNCIL**

The Leisure and Young People Portfolio Holder presented a report concerning the proposed establishment of the Epping Forest District Youth Council. The Portfolio Holder reported that the recruitment of a Young Persons Officer in December 2006 had presented an opportunity to institute an Epping Forest Youth Council, to act on behalf of all young people within the District and represent the District on the Essex Youth Assembly. At a briefing in June 2007, the District Youth Council proposal was very well received by local stakeholders, and the local schools and colleges had agreed to support a Youth Council nomination and election process. It had been agreed that Epping Forest College and all secondary schools within the District would be allocated two places each on the Youth Council; a further five positions would be available for young people that resided but did not attend a school in the District. The election process had already begun, and it was intended to announce the results at the Council meeting on 18 December 2007.

The Portfolio Holder added that the provision of appropriate induction and training for the duly appointed Youth Councillors would be essential if the Youth Council was to be a success and fulfil its objectives. It had been proposed to commence the training in January 2008 and that this would be an on-going process. Access to Cabinet members, service Directors and wider external partners at Youth Council meetings would also be essential to the success of the project. In order to provide the necessary level of assistance, it was proposed to recruit a part-time (18 hours per week) Youth Council Support Officer at Grade 4, subject to job evaluation. To fund the initial training and induction period, part-time temporary administration support, and meeting expenses, a revenue District Development Fund supplementary estimate in the sum of £5,000 had been proposed to be recommended to the Council for approval. In the longer-term, the Deputy Chief Executive would attempt to contain the costs of the Youth Council from the savings generated within Community and Cultural Services by the next phase of the Corporate Restructure.

The Deputy Chief Executive stated that initially the Youth Council would not have its own dedicated budget, it would probably highlight projects for development and then consider avenues of funding, including externally. Town and Parish Councils had been asked to be actively involved in the project, particularly in those areas that did not have a secondary school. Generally it was felt that this was an excellent scheme and those involved were commended for their efforts.

**Decisions:**

(1) That the principle of establishing the Epping Forest Youth Council be supported, including;

- (a) using the Youth Council as a means of consultation on Council services;
  - (b) providing access to elected Members of the District Council;
  - (c) the provision of support to the Youth Council in terms of dedicated officer resource to assist with seeking nominations for candidates, and supporting the administrative, training and development needs of the Youth Council; and
  - (d) the allocation of resources to meet the operational costs and expenses associated with the Youth Council;
- (2) That, in order to facilitate the initial induction and training period, a revenue District Development Fund supplementary estimate in the sum of £5,000 for 2007-08 be recommended to the Council for approval; and
- (3) That, as part of the analysis arising from the Senior Management Review, the scope for containing the resource implications of establishing a fully effective and operational Youth Council for the District in the longer term be considered by the Deputy Chief Executive and reported further to the Cabinet as necessary.

**Reasons for Decision:**

The Council encouraged people to take part in discussion and debate on services, particularly those groups that might have been traditionally excluded from the decision-making process. In addition, the Children and Young People section of the Local Area Agreement established how Local Authorities would aim to improve the lives of children and young people, and included providing opportunities to articulate their concerns and suggestions regarding local service provision. The establishment of the District Youth Council would therefore meet the objectives for both the Council and Local Area Agreement.

**Other Options Considered and Rejected:**

To engage with Young People in a different manner, however this would not be as effective or successful in the longer term as a formal forum such as the Youth Council.

**110. CORPORATE INITIATIVE 2008-09 - SAFE, CLEAN AND GREEN IN EPPING FOREST**

The Leader of the Council presented a report to the Cabinet regarding the Corporate Initiative 2008-09 "Safe, Clean and Green in Epping Forest." A number of reports and research exercises had raised issues and concerns about the Council's front line services. The exercises had included:

- (a) the 2006 Epping Forest District Council General User Satisfaction Survey;
- (b) the DEFRA/Encams Local Environmental Quality Report; and
- (c) the Rogers Review on enforcement priorities.

The feedback from these surveys and reports was summarised as follows:

- (i) satisfaction with the Council was down from 2003 and was below both the Essex and national mean;
- (ii) satisfaction with street cleansing was slightly better than in 2003 but was significantly lower than the Essex and national means;
- (iii) perception that the local environmental quality was poor in some areas;
- (iv) prioritisation of enforcement activities concentrating on national and locally set priorities; and
- (v) local concerns regarding levels of environmental and other crime.

The review of the top management structure and the creation of the new Directorates had presented an opportunity to reconsider some of the key local services. The restructure would assist the Council in meeting its four-year financial forecast through a reduction in management costs and an increase in operational savings, some of which could be re-invested.

#### **Decisions:**

- (1) That, in order to address community concerns as reflected in the 2006 General User Satisfaction Survey, the principle of the provision of more integrated 'street scene' and related services through locality based service delivery be developed; and
- (2) That further reports be received at the December 2007 and February 2008 Cabinets as this model is developed through the new Directorate structure.

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

The Council intended to proactively manage criticism of its delivery of services and its engagement with the community. This was a powerful message to the community, demonstrating that the Council had listened to their concerns.

#### **Other Options Considered and rejected:**

As this report was "in principle", no other options were put forward.

### **111. LOCAL DEVELOPMENT SCHEME - DIRECTION FROM THE SECRETARY OF STATE**

The Portfolio Holder for Planning and Economic Development presented a report regarding the Direction received from the Secretary of State, that the Local Development Scheme be amended to include a Development Plan Document to address provision within the District for Gypsies and Travellers. The Portfolio Holder reported that the Council had originally sought to develop a Core Strategy Policy to ensure that provision for Gypsies and Travellers would be included in discussions with potential developers at the sites identified to satisfy the East of England Plan targets. This policy was considered and agreed by both the Cabinet and Council in July 2007. However, following considerable correspondence with the Government Office for the East of England, the Council was informed that the Secretary of State had now directed the Council to make the following amendments to the Local Development Scheme:

- (i) include a Gypsy and Traveller Site Development Plan Document;
- (ii) commence work on the Development Plan Document immediately; and
- (iii) submit it for examination by 30 September 2009.

As a result, the Portfolio Holder felt that the Council had no option but to comply with the Direction issued by the Secretary of State, and consequently withdraw the recently agreed Core Strategy Policy.

**Decisions:**

- (1) That the first revised Local Development Scheme be amended in accordance with the Secretary of State's Direction of 17 September 2007:
  - (a) to include a Gypsy and Traveller Development Plan Document (DPD); and
  - (b) to programme the preparation of this DPD such that it will be submitted for examination by 30 September 2009; and
- (2) That, in light of the Secretary of State's Direction of 17 September 2007, the draft Core Strategy policy as agreed by the Council on 24 July 2007 be withdrawn.

**Reasons for Decision:**

Despite arguing for a different approach, which could produce more immediate results, it was thought that the Secretary of State would enforce the Direction to amend the Local Development Scheme if necessary. A further opportunity was now available to reconsider the Council's approach to provision for Gypsies and Travellers.

**Other Options Considered and Rejected:**

To ignore or refuse to adopt the Direction, however this would mean that the Council could not adopt its Local Development Scheme and potentially make the Council vulnerable to legal challenge by others, including the Gypsy and Traveller community, and weaken the Council's ability to defend its position at appeals.

**112. CAPITAL STRATEGY 2007-12**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Capital Strategy for the period 2007-12. The Portfolio Holder stated that the Council's Capital Strategy was updated on an annual basis in order to ensure that the Council made sound strategic decisions in relation to its use of capital resources, which subsequently formed an important part of the Council's Performance Management and Financial Planning frameworks. The Capital Strategy had therefore been updated for the period 2007-12.

The Portfolio Holder requested the Cabinet to consider the Key Capital Priorities, previously agreed in October 2006. The Cabinet were reminded that it had earlier in the meeting agreed to become a signatory to the Nottingham Declaration, which entailed a commitment to mitigate the effects of climate change. A number of alterations to the Capital Strategy had been made in anticipation of this decision and

subsequently it was felt that the rankings of “Improving Quality of Life” and “Protecting the Environment” should be improved to third and fourth respectively. The Council had also introduced a pilot scheme for Home Ownership Grants and was also developing a Shared Ownership scheme. Consequently, it was felt that the priority for “Meeting Housing Need” should be improved from seventh to second. The other Key Capital Priorities were resolved in accordance with the above; “Improving the Council’s Housing Stock” remained as the top priority, whilst “Delivering Quality Public Services through e-Government” fell to seventh due to the abeyance of the Customer Services Transformation Programme.

The Portfolio Holder announced that, in relation to Town Centre Enhancements and area-wide Parking Reviews, it was not proposed to undertake any new schemes before 2012. The intention was to complete the current Town Centre Enhancement Scheme at Loughton Broadway, and study the longer term effects of the parking reviews that had been carried out in Epping and Loughton. Local members expressed their disappointment with the decision not to proceed with phase III of the Loughton High Road Town Centre Enhancement, although the Leader of the Council agreed to negotiate with the Highways Agency to facilitate the repair of the pavements and re-phasing of the traffic lights in the area, in partnership with Loughton Town Council.

The Portfolio Holder concluded by stating that the Capital Strategy as presented envisaged an expenditure of £50million over five years, and was both prudent and affordable. The Cabinet were reminded that further use of capital receipts would reduce the investment income received by the Council, hence it had been prudent not to increase the scope of the Strategy. The Portfolio Holder requested that the Cabinet recommended the Strategy, as amended, to the Council for approval.

**RESOLVED:**

- (1) That the ranking of the Council’s Key Capital Priorities be revised as follows:
  - (a) Improving the Council’s Housing Stock;
  - (b) Meeting Housing Need;
  - (c) Improving Quality of Life;
  - (d) Protecting the Environment;
  - (e) Promoting Economic Development;
  - (f) Regenerating Areas in Need;
  - (g) Delivering Quality Public Services through e-Government; and
  - (h) Improving Private Sector Housing Stock;
- (2) That no further Town Centre Enhancements or large-scale Parking Reviews be undertaken before 2012; and
- (3) That the revised Capital Strategy 2007-12 be recommended to the Council for approval.

**Reasons for Decision:**

The proposed Capital Strategy had been based upon the Council's currently approved Capital Programme and took account of the latest guidance on capital accounting arrangements for local government.

**Other Options Considered and Rejected:**

To recommend the draft Capital Strategy to the Council, as originally presented.

**113. PLANNING APPLICATION FOR INDUSTRIAL DEVELOPMENT - LANGSTON ROAD DEPOT, LOUGHTON**

The Leader of the Council presented a report regarding a planning application for industrial development at the Langston Road Depot, Loughton. The Council had completed the sale of the T11 industrial development site at Langston Road, Loughton on 28 August 2007. The site had had the benefit of an outline planning consent for Class B1 (Office and Light Industrial), Class B2 (General Industry) and 20% Class B8 (Storage and Distribution), subject to a Section 106 Town and Country Planning Act 1990 Legal Agreement for infrastructure works. The Cabinet had requested that the future use and development potential of the Council depot at Langston Road also be investigated.

The Council Depot had provided offices, stores and workshop facilities for Council services and external contractors. The depot was suitable for employment development such as Class B1, Class B2 and Class B8. The depot, as it had a good frontage to Langston Road, was regarded as suitable for retail warehouse development. However, the present formal planning policy was that such a proposal was contrary to the Local Plan and Government advice. If the Council wanted to support retail warehousing, it was likely to lead to any planning application being called to a public inquiry.

**Decisions:**

(1) That a Planning Consultant be appointed to submit a planning application for Class B1 (Office/Light Industrial), Class B2 (General Industry) and Class B8 (Storage and Distribution) on the Council Depot site at Langston Road in Loughton; and

(2) That, for the planning consultancy, site surveys and other necessary reports for the planning application, a revenue District Development Fund supplementary estimate in the sum of £20,000 for 2007-08 be recommended to the Council for approval.

**Reasons for Decisions:**

Whilst a strategic review of Council depot accommodation across the District was being considered, the grant of planning consent for industrial development on the Langston Road Depot would assist preparations for its possible disposal on the open market.

**Other Options Considered and Rejected:**

To not proceed with the submission of an outline planning application to establish the site's development potential.

**114. EXCLUSION OF PUBLIC AND PRESS****RESOLVED:**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
28	Human Resources Contracts - Temporary and Permanent Resourcing Tender	2

**115. HUMAN RESOURCES CONTRACTS - TEMPORARY AND PERMANENT RESOURCING TENDER**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the Human Resources contracts for employing temporary and permanent staff. The Portfolio Holder reported that the Council currently participated in two Essex-wide partnership contracts for the recruitment of both temporary and permanent staff, which were due to expire on 31 December 2007. Following a review by the County Council, the Essex Procurement Agency had been investigating new models for use following the expiry of the current contracts. To allow for a transition period, the current contracts had been extended until 31 March 2008 for temporary staff and 31 December 2008 for permanent staff. Five organisations had been short listed to provide the proposed managed recruitment service.

The Portfolio Holder explained that the favoured approach would involve the supplier developing a pool of candidates, for both temporary and permanent positions, which would be Essex-wide and open for all participating authorities to access. Chief Officer and other senior roles would not be included in this process. It was intended to let the new contract for three years, with the option to extend it for a further four years, with the Essex Strategic Human Resources Partnership managing the contract. The County Council had indicated that the new arrangements could lead to potential savings in excess of £2.5million for the County Council alone.

**Decisions:**

- (1) That the proposed new arrangements be noted;
- (2) That the new arrangements to employ temporary workers, with effect from 1 April 2008, be agreed in principle; and
- (3) That the new arrangements to employ permanent staff, on a phased basis during 2008, be agreed in principle.

**Reasons for Decision:**

If the Council decided not to participate in the new contract then other arrangements would need to be put in place with the assistance of the Procurement Hub. The

Council was likely to experience an increase in costs if it decided not to participate in the Essex contract.

**Other Options Considered and Rejected:**

The Council could decide not to participate in the proposed arrangements, or to participate in only one of the two proposed elements.

**CHAIRMAN**