



DECISIONS

Committee:	CABINET
Date of Meeting:	Monday, 17 December 2007

Date of Publication:	4 January 2008
Call-In Expiry:	10 January 2008

This document lists the decisions that have been taken by the Cabinet held on Monday, 17 December 2007, which require publication in accordance with the Local Government Act 2000. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact:

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Call-In procedure

If you wish to call-in any of the decisions taken at this meeting you should complete the call-in form and return it to the proper officer before the expiry of five working days following the publication date. You should include reference to the item title. Further background to decisions can be found by viewing the agenda document for this meeting at: www.eppingforestdc.gov.uk/local_democracy

Decision No:

5. AIR QUALITY MANAGEMENT AREA - EPPING

Decision:

That a revenue District Development Fund Growth bid in the sum of £4,000 for 2008-09 be approved in respect of the costs associated with the declaration of an Air Quality Management Area in Epping.

8. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 19 NOVEMBER 2007

Decision:

- (a) **Risk Management**

(1) That the Risk Management Strategy and Risk Management Policy Statement be adopted;

(b) Risk Management – Updated Corporate Risk Register

(2) That, with a score of E2 (very low likelihood, critical impact) the new risk regarding the Council's depot accommodation be included on the Corporate Risk Register as risk 9;

(3) That the Corporate Risk Register vulnerability entry for Compliance with Regulations (risk 7a) be amended to read "*...It is important that members involved in operational issues understand the processes.*";

(4) That, as no new risks have been identified, no further additions to the risk register be made;

(5) That the current tolerance line on the risk matrix be considered satisfactory and not be amended; and

(6) That, incorporating the above agreed changes, the amended Corporate Risk Register be approved;

(c) Fees and Charges 2008-09

(7) That a general 4% increase in fees and charges for 2008-09 be agreed;

(8) That, in order to recover the full cost over a three-year period, the communal heating charges for residents of Norway House in 2008-09 be amended as follows:

- (a) one room £8;
- (b) two rooms £12;
- (c) three rooms £16; and
- (d) chalet £12; and

(9) That, as part of the officer delegation review being conducted by the Overview and Scrutiny Committee, consideration of the future treatment of Leisure fees and charges both in respect of the SLM contract and Cultural and Community Services be noted; and

(d) Update on the Triennial Evaluation – Local Government Pension Scheme

(10) That, as set out in the Essex County Council Consultation, option B to phase the impact of the increased pension contributions be adopted.

9. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 10 DECEMBER 2007

Decision:

- (a) Draft General Fund Budget Summary**

- (1) That the previously agreed budget guidelines be amended as follows:
 - (a) the ceiling for Continuing Services Budget net expenditure for 2008-09 be no more than £16.8million, including net growth;
 - (b) the ceiling for District Development Fund net expenditure for 2008-09 be no more than £1million;
 - (c) balances be aligned to the Council's net budget requirement and be allowed to fall no lower than 25% of the net budget requirement; and
 - (d) the District Council Tax be increased by no more than the rate of increase in the Retail Price Index; and
- (2) That, subject to any additional late growth bids or further savings being necessary, the items listed in the Continuing Services Budget and District Development Fund schedules reported to the Cabinet Committee be included in the revenue budgets for 2008-09.

10. FUNDS FOR HANDYPERSON SCHEME

Decision:

That a revenue CSB growth bid of £3,000 be made for 2008-09 to fund the works carried out under the Handyerson Scheme.

11. REVIEW OF THE HOUSING ALLOCATIONS SCHEME

Decision:

- (1) That, following detailed consideration by the Housing Scrutiny Panel, and consultation with the Tenants and Leaseholders Federation, Citizen Advice Bureaux, Parish and Town Councils and Registered Social Landlord Partners, the proposed changes to the Housing Allocations Scheme as set out in Appendix 1 of the report be agreed; and
- (2) That delegated authority be granted to the Housing Portfolio Holder to consider any late responses to the consultation and approve the final Allocations Scheme.

12. RURAL HOUSING SCHEME - HORSECROFT, ABBESS RODING

Decision:

- (1) That, subject to the receipt of planning permission and funding from the Housing Corporation, the freehold of up to 0.31 Ha of Council-owned land to the rear of 1-6 Horsecroft, Abbess Roding be sold to Hastoe Housing Association, at a price equivalent to £17,000 per plot, for the development of a rural housing scheme of up to 11 properties, comprising a tenure mix of social rented and shared ownership; and
- (2) That any capital receipt from the land sale be used to part-fund the proposed Open Market Shared Ownership Scheme (to be considered

separately).

13. OPEN MARKET SHARED OWNERSHIP SCHEME

Decision:

(1) That an Open Market Shared Ownership Scheme be piloted from 2008-09 and operated as set out in the report but including the following main elements:

(a) Moat to purchase the (head) leasehold of one and two-bedroomed flats on the open market, chosen by housing applicants on the Council's Housing Register approved under the scheme, up to a maximum property purchase price of £190,000;

(b) Moat to simultaneously provide long (sub) leases for 50% of the equity to the applicants, using Moat's existing standard Do-it-Yourself-Shared Ownership (DIYSO) lease;

(c) The applicant's lender (mortgagee) to have the first charge on the applicant's leasehold interest in the property;

(d) Part of Moat's equity purchase to be funded through a private loan, with the amount of loan dependent on the amount of rent that can be charged to repay the interest (see 1(f) below), with Moat's funders to have a floating (first) charge on Moat's leasehold interest in the property (i.e. the headlease);

(e) The remainder of Moat's equity purchase to be funded by an interest-free loan from the Council, secured by a mortgage on Moat's leasehold interest in the property through the Council having a second charge;

(f) Applicants to pay Moat an initial annual rent equivalent to 2.5% of the value of the equity held by Moat, plus buildings insurance and a management fee;

(g) No rent to be received by the Council;

(h) Shared owners to be able to purchase up to three additional tranches of equity shares after 12 months ("staircasing"), subject to a minimum tranche of 10% of the unsold equity, with the price based on the open market value of the property at the time of each tranche purchase;

(i) The risk to the Council's loan to be minimised and mitigated through a legally binding Risk Sharing Agreement with Moat, detailing the terms and the effect of equity sales, including the following key elements:

(i) The proceeds from each tranche of equity sale to be split between Moat and the Council, with the Council's share (capital receipt) representing the same percentage of the value of the equity sold as the percentage that the original loan represented of Moat's original equity purchase;

(ii) Any net receipts received by Moat from staircasing to be kept by Moat in a ring-fenced, interest-bearing account, and used to help fund further shared equity purchases in the future or, at the Council's discretion, to fund other affordable housing schemes;

- (iii) If property values decrease, assuming that the ring fenced account holds a credit balance, Moat to be entitled to draw funds from the ring-fenced account to make up the difference between its capital receipt and Moat's private loan; and
- (iv) If no positive balance exists in the ring-fenced account, the account to show a notional negative balance, with incurring interest charges, for a period until any surpluses from future transactions are drawn in by Moat and the account returns to a positive balance;
- (j) The capital receipts received by the Council as a result of staircasing to be held and included within the Capital Programme, to fund further loans for shared equity purchases under the Scheme in the future, unless the Cabinet decides otherwise;
- (k) Moat's usual income multiples to be used to determine the minimum required income levels to participate in the scheme;
- (l) The purchased property must be within Essex;
- (m) Moat's marketing, legal and administration costs to be met by a one-off fee of £2,500 per purchase, funded from the Council's loan;
- (n) Applicants must be registered on the Council's Housing Register and that priority to the Scheme be given in the following order, in both cases prioritised by reference to the Council's Housing Allocations Scheme:
 - (i) 1st Priority - Council tenants on the Council's Housing Register; and
 - (ii) 2nd Priority - Non-Council tenants on the Council's Housing Register; and
- (o) If the scheme is over-prescribed, that priority be given to those applicants seeking to purchase a one-bedroomed property;
- (2) That, under the Pilot Scheme, 6 loans totaling a maximum of £350,000 be provided and that, in order to fund the Pilot Scheme, provision of £350,000 be made within the Housing Capital Programme for 2008-09, part-funded from any capital receipt from the sale of the Council-owned land at Horsecroft, Abbess Roding proposed for a rural housing scheme;
- (3) That the Director of Housing and the Director of Corporate Support Services be authorised to agree the detail of the scheme and the necessary legal agreements;
- (4) That the Pilot Scheme be reviewed by the Housing Portfolio Holder after six months operation; and
- (5) That the Home Ownership Grant Scheme and the Open Market Shared Ownership Scheme be marketed as components of the Council's First Time Buyers Scheme.

14. EAST OF ENGLAND PLAN - HABITATS DIRECTIVE ASSESSMENT AND FURTHER PROPOSED CHANGES

Decision:

- (1) That the more thorough October 2007 Habitats Directive Assessment be welcomed and the Further Proposed Changes be supported in principle;
- (2) That the acknowledgement of waste water capacity constraints at Rye Meads and potential impact on development phasing be welcomed;
- (3) That the Government be urged to give high priority to funding bids under the Programmes of Development scheme for urgent studies of waste water options arising from the situation at Rye Meads; and
- (4) That concern be expressed about uncertainty arising where Habitats Directive Assessments are effectively deferred to subsequent more detailed studies or planning stages.

15. THE ADOPTION OF BYE-LAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

Decision:

- (1) That the proposed Bye-Laws for Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis, as attached at Appendix 1 to the report, be adopted and that a recommendation be made to Council that the Common Seal be attached;
- (2) That, when made, the Bye-Laws be advertised in the local press for two consecutive weeks; and
- (3) That, following a period of one month from the start of the period of advertisement, the Bye-Laws be submitted to the Secretary of State for Health for approval.

16. PLANNING DIRECTORATE - KEY CAPITAL AND REVENUE REQUIREMENTS 2008-09 TO 2011-12

Decision:

- (1) That the significant estimated funding requirements in connection with the Local Development Framework for the next four financial years be noted;
- (2) That the provision of some of the resources and funding for this period from existing Capital, Revenue, Continuing Services Budget and District Development Fund budgets be noted;
- (3) That the requirement for considerable further financial resources in financial years 2008-09 to 2011-12, and additional staff resources from 2008-09 be noted;
- (4) That the adding of funds sourced from Planning Delivery Grant (PDG) and Local Authority Business Growth Incentive (LABGI) monies to the resources necessary to undertake the Local Development Framework be agreed;

(5) That the allocation of Planning Delivery Grant for 2007-08 be made as follows:

(a) £75,000 for capital expenditure, of which £30,000 would be directly allocated to the Local Development Framework;

(b) £208,110 for revenue expenditure, of which £70,000 would be directly allocated to the Local Development Framework;

(6) That, as outlined within the report, the principles for the use of LABGI monies be noted;

(7) That the following revenue District Development Fund growth bids for 2008-09 be made as LABGI support:

(a) in the sum of £172,000 for the economic development initiatives as set out in the report, of which £75,000 would be directly allocated to the Local Development Framework;

(b) in the sum of £35,000 to enable the Town Centre Manager role to continue; and

(c) in the sum of £30,000 to fund the establishment of a Rural Projects and Tourism Officer;

(8) That the following further potential options for LABGI funding as possible future revenue District Development Fund growth bids be considered by the Planning and Economic Development Portfolio Holder and reported in due course to the Cabinet if necessary:

(a) maximising opportunities from the 2012 Olympics;

(b) developing an integrated marketing strategy for Waltham Abbey; and

(c) investigating the perceived lack of visitor accommodation within the District; and

(9) That, notwithstanding the normal rules for virements of budgets, the Director of Planning and Economic Development be authorised to make variations of plus or minus 10 per cent for any of the items in recommendations (5) and (7).

17. LOCAL STRATEGIC PARTNERSHIP - DISTRICT COUNCIL CONTRIBUTION

Decision:

(1) That the District Council's annual contribution of £10,000 to the Epping Forest District Local Strategic Partnership be included as a revenue Continuing Services Budget item within the 2008-09 budget; and

(2) That the District Council continue to act as the spending control agent in respect of the Local Strategic Partnership's holding account contained within the Council budget.

18. ESSEX LOCAL AREA AGREEMENT 2 - THE EPPING FOREST STORY OF PLACE

Decision:

(1) That, as requested by the Essex Partnership and in order to assist with the development of the Essex Local Area Agreement 2, the drafting of the Story of Place for the District of Epping Forest be noted; and

(2) That, in order to comply with the deadline set by Essex County Council, the submission of the draft Story of Place for the District of Epping Forest to the County Council be noted.

19. EXCLUSION OF PUBLIC AND PRESS

Decision:

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:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
20	Corporate Management Restructure	4

20. CORPORATE MANAGEMENT RESTRUCTURING

Decision:

(1) That the completion of the top management restructuring be noted;

(2) That, other than where the service or unit is too small to justify this level of post, the posts reporting directly to the Deputy Chief Executive, Assistant to the Chief Executive and the Directors be designated Assistant Director;

(3) That, with effect from 1 April 2008 or the date of implementation if this can be achieved earlier, the following complement of 18 Assistant Director posts, plus the post of Chief Internal Auditor, be agreed:

(a) Assistant Director Community Services and Customer Relations (Deputy Chief Executive);

(b) Assistant Director Democratic Services (Assistant to the Chief Executive);

(c) Assistant Director Technical Services (Environment and Street Scene);

(d) Assistant Director Neighbourhoods (Environment and Street Scene);

- (e) Assistant Director Performance and Operations (Environment and Street Scene);
 - (f) Assistant Director Operations (Housing);
 - (g) Assistant Director Property (Housing);
 - (h) Assistant Director Private Sector and Resources (Housing);
 - (i) Assistant Director Development (Planning and Economic Development);
 - (j) Assistant Director Building (Planning and Economic Development);
 - (k) Assistant Director Policy and Conservation (Planning and Economic Development);
 - (l) Assistant Director Human Resources (Corporate Support Services);
 - (m) Assistant Director Legal Services (Corporate Support Services);
 - (n) Assistant Director Facilities Management and Emergency Planning (Corporate Support Services);
 - (o) Assistant Director Accountancy (Finance and ICT);
 - (p) Assistant Director Revenues (Finance and ICT);
 - (q) Assistant Director Benefits (Finance and ICT); and
 - (r) Assistant Director Information and Computer Technology (Finance and ICT);
- (4) That all Assistant Head of Service or equivalent posts be deleted from the establishment with effect from 31 March 2008 or the date of implementation if this can be achieved earlier as follows:
- (a) Democratic Services Manager;
 - (b) Environmental Health Manager;
 - (c) Engineering Services Manager;
 - (d) Assistant Head, Property and Resources;
 - (e) Assistant Head, Operations (Housing);
 - (f) Building Control Manager;
 - (g) Assistant Head, Planning and Development;
 - (h) Assistant Head, Forward Planning;
 - (i) Assistant Head, Legal;
 - (j) Assistant Head, Administration;

- (k) Assistant Head, Leisure;
 - (l) Assistant Head, Accountancy;
 - (m) Assistant Head, Revenues;
 - (n) Assistant Head of ICT/Customer Services Manager;
 - (o) Assistant Head, Benefits; and
 - (p) Chief Internal Auditor;
- (5) That, once job descriptions have been written, the new Assistant Director posts will be subject to job evaluation under the National Joint Council Scheme be noted;
- (6) That, although they will be service and function focused, Assistant Director job descriptions will also all have common corporate elements reflecting the Council's emphasis on issues such as corporate working and improving performance be noted;
- (7) That, as set out at Appendix 1 to the report, the proposed corporate elements of the Assistant Director job descriptions be approved:
- (8) That the requirements of the Council's Human Resource policies and practices for direct assimilation of staff into new posts where there is a similarity of duties be noted;
- (9) That, in accordance with Council restructuring practice following the drawing up of job descriptions and job evaluation, the following assimilation proposals be agreed:
- (a) Assistant Director Democratic Services – Democratic Services Manager;
 - (b) Assistant Director Neighbourhoods – Environmental Health Manager;
 - (c) Assistant Director Performance and Operations – Assistant Head, Leisure;
 - (d) Assistant Director Operations – Assistant Head, Operations (Housing);
 - (e) Assistant Director Property – Assistant Head, Property and Resources;
 - (f) Assistant Director Building – Building Control Manager;
 - (g) Assistant Director Development – Assistant Head, Planning and Development;
 - (h) Assistant Director Policy and Conservation – Assistant Head, Forward Planning;
 - (i) Assistant Director Legal Services – Assistant Head, Legal;
 - (j) Assistant Director Facilities Management and Emergency Planning – Assistant Head, Administration;

- (k) Assistant Director Accountancy – Assistant Head, Accountancy;
 - (l) Assistant Director Revenues – Assistant Head, Revenues;
 - (m) Assistant Director Benefits – Assistant Head, Benefits; and
 - (n) Chief Internal Auditor – Chief Internal Auditor; and
- (10) That the £250,000 savings requirement for the next phase of the restructuring be met from posts below Assistant Director level, and that these savings be included in the 2008-09 budget.