

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 17 December 2007

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.20 pm

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

Other Councillors: R Morgan, S Murray and Mrs P Smith

Apologies: None

Officers Present: P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), A Hall (Director of Housing), J Preston (Director of Planning and Economic Development), I Willett (Assistant to the Chief Executive), S G Hill (Senior Democratic Services Officer), Ian White (Senior Planning Officer), T Carne (Public Relations and Marketing Officer), G J Woodhall (Democratic Services Officer), M Jenkins (Democratic Services Assistant) and S Dobson (Information Assistant (Public Relations))

116. 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.

117. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and Mrs M Sartin declared an interest in the following item of the agenda by virtue of being District Council representatives of the Local Strategic Partnership. The Councillors had determined that their interests were not prejudicial and that they would stay in the meeting for the discussion and voting thereon:

- (i) C/091/2007-08 Local Strategic Partnership – District Council Contribution.

118. MINUTES

RESOLVED:

That the minutes of the meeting held on 12 November 2007 be taken as read and signed by the Chairman as a correct record.

119. ANY OTHER BUSINESS

The Leader of the Council had determined in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council's Procedure Rules, that the following reports be submitted to the meeting:

- (a) Air Quality Management Area – Epping; and

(b) Finance and Performance Management Cabinet Committee – 10 December 2007.

It was agreed that item (b) would be considered directly after the agenda item regarding the Finance and Performance Management Cabinet Committee – 19 November 2007.

120. AIR QUALITY MANAGEMENT AREA - EPPING

The Environmental Protection Portfolio Holder presented a report regarding the recent declaration of an Air Quality Management Area in Epping. The Cabinet were informed that the air quality within the District was generally satisfactory, but recent analyses from Epping had identified an area within the High Street where the National Air Quality Objectives had not been met. This area was declared an Air Quality Management Area via a Portfolio Holder Decision (EP/003/2007-08) in October 2007, which had meant that the Council had to now consider what action to take to remedy the situation and undertake additional monitoring in the area itself as well as the surrounding vicinity. It had been estimated that this additional work would cost £4,000, and a District Development Fund growth bid was proposed for the 2008-09 municipal year in respect of this matter. The Director of Environment and Street Scene outlined the exact location of the area for the benefit of the Cabinet.

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.

Reasons for Decision:

The declaration of the Air Quality Management Area was a statutory requirement, as was the subsequent monitoring and management plan. The funding request had been raised as a District Development Fund growth bid at this time in case further expenditure was required.

Other Options Considered and Rejected:

None, as the additional monitoring and action planning was a statutory requirement following the declaration of an Air Quality Management Area.

121. REPORTS OF PORTFOLIO HOLDERS

The Housing Portfolio Holder informed the Cabinet of the new on-line Choice Based Lettings Scheme. The scheme had been activated on 19 November 2007 and had received a large response from 1,627 people. There were currently 44 properties on the website and 103 requests had been made for one property. The Housing Portfolio Holder thanked staff in Housing Services for their work on this project.

122. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee reported that the Committee had received a presentation from the Princess Alexandra Hospital on their application for Foundation Trust status. The Committee had expressed the Council's full support for their application and agreed that the Council would nominate a partner Governor to the Trust once it had been agreed by the Secretary of State. The Committee had

recommended that steps should be taken to encourage both Councillors and staff to take up membership of the Trust.

The Committee had also considered a report of the Constitution and Members' Services Scrutiny Panel on the frequency of Area Plans Sub-Committee meetings. The members felt that more time for a response to the proposals should have been given to Local Parish and Town Councils. The Committee had also asked for further details of the proposals, and had agreed to defer the report until the next meeting of the Committee on 31 January 2008. The Council would consider the matter in February 2008.

Finally, the Committee noted proposals from the Environmental and Planning Services Scrutiny Panel for the use of Fixed Penalty Notices in dealing with offences such as littering. A full report recommending such action would be submitted to the Cabinet on 4 February 2008.

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

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented the minutes from the meeting of the Finance and Performance Management Cabinet Committee held on 24 September 2007. The items that had been considered included: Risk Management; the updated Corporate Risk Register; Fees and Charges for 2008-09; and an Update on the Triennial Evaluation of the Local Government Pension Scheme. Other items that had been noted by the Cabinet Committee included: the minutes from the meetings of the Corporate Governance Group held on 12 September and 3 October 2007 respectively; the Systems and Accounts Audit Memorandum issued by the Audit Commission; the Funding Allocation Consultation for the National Concessionary Fares Scheme; and the draft General Fund Continuing Services Budget and District Development Fund for 2008-09.

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.

Reasons for Decision:

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

Other Options Considered and Rejected:

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

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

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented the minutes from the meeting of the Finance and Performance Management Cabinet Committee held on 10 December 2007. The items that had been considered included the Draft General Fund Budget Summary for 2008-09. Other items that had been noted by the Cabinet Committee included: the Provisional Local Government Finance Settlement from 2008-09 to 2010-11; and the supply of Electoral Register to the Audit Commission as part of the National Fraud Initiative.

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.

Reasons for Decision:

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

Other Options Considered and Rejected:

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

125. FUNDS FOR HANDYPERSON SCHEME

The Housing Portfolio Holder presented a report regarding the Funds for Handyperson Scheme. The funding for the Handyperson Scheme, which assisted older people with minor repairs and fault prevention work, had not been increased from £10,000 since it was started in 1999. In November 2006, the Cabinet had agreed that a revenue growth bid in the sum of £3,000 would be made for 2007-08, and that this additional funding should be repeated.

A revenue District Development Fund (DDF) budget of £3,000 was secured for 2007-08. £13,250 was spent under the scheme in 2006-07, and it was anticipated that a similar amount would be spent during the 2008-09 financial year. As the demand on the scheme was greater than the current revenue Continuing Services Budget (CSB) allocation of £10,000, a growth bid of £3,000 was sought to help meet the needs of residents.

Decision:

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

Reasons for Decision:

The action re-affirmed the decision made at the Cabinet meeting of 13 November 2006.

Other Options Considered and Rejected:

Not to increase the funding or approve a further revenue DDF budget for 2008-09.

126. REVIEW OF THE HOUSING ALLOCATIONS SCHEME

The Housing Portfolio Holder presented a report regarding the review of the Housing Allocations Scheme. The Council was legally required to have a Housing Allocations Scheme setting out the procedures for allocating its housing accommodation and making nominations to Registered Social Landlords (RSLs). Each year, following detailed consideration by the Housing Scrutiny Panel, the Cabinet reviewed the scheme and considered any possible changes.

In December 2006, the Cabinet agreed that the changes to the Housing Allocations Scheme for the current year be made in two stages, with the second stage to be implemented following the activation of the Choice Based Lettings Scheme on 19 November 2007.

The Housing Scrutiny Panel had suggested that the incentives for the Housing Allocations Scheme were reviewed, in an attempt to encourage existing tenants who were under-occupying, to move to smaller Council owned accommodation. Currently, when a tenant moved from a 3 or 4 bedroom property to a 1 bedroom property, they were offered £500 to cover removal costs plus £500 for each bedroom released, subject to a maximum payment of £2,000.

The Tenants and Leaseholders Federation, the Citizens Advice Bureaux, the Council's Registered Social Landlord partners and local councils had been consulted on the proposed changes. Two parish councils had requested more time to respond, therefore it was suggested that the Cabinet gave delegated authority to the Housing Portfolio Holder in considering any further responses to the Council.

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.

Reasons for Decision:

The changes proposed to the Allocations Scheme would update the scheme, ensuring fairness to all applicants and discouraging under occupation.

Other Options Considered and Rejected:

Not to have agreed the changes to the Council's Allocations Scheme from 1 April

2008.

127. RURAL HOUSING SCHEME - HORSECROFT, ABBESS RODING

The Housing Portfolio Holder presented a report regarding the Rural Housing Scheme at Horsecroft, Abbess Roding. The District Council had been working with its Preferred Rural Registered Social Landlord (RSL) partner, Hastoe Housing Association and the parish councils of Willingale and Abbess, Beauchamp and Berners Roding, for a number of years, to develop a rural housing scheme within the parishes providing affordable housing for people with local connections.

Since sites for rural housing schemes were ones that did not normally receive planning permission, the land values were far lower than for land allocated for residential purposes. The land values were at a sufficiently low level to attract social housing grants from the Housing Corporation for rents or for purchase prices to be affordable. Hastoe Housing Association had identified a site to the rear of 1-6 Horsecroft, Abbess Roding that appeared suitable. It was in the District Council's ownership and held within the Housing Revenue Account

Hastoe had produced an indicative layout for the development and associated development costs. Following discussions with the Director of Housing, Hastoe would pay the Council £17,000 per plot, which for 11 properties, amounted to £187,000. It was suggested that, if the scheme received planning permission and the development began, any capital receipt from the land sale would be used to part-fund the proposed Open Market Shared Ownership Scheme. A Section 106 (Planning) Agreement was required to ensure that the properties remained available to local households in need for perpetuity.

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).

Reasons for Decision:

The sale of the land enabled a rural housing scheme to be developed, covering the parishes of Willingale and Abbess, Beauchamp and Berners Roding. The capital receipt from the sale would help to fund another affordable housing scheme within the District.

Other Options Considered and Rejected:

- (i) Not to sell the land;
- (ii) sell a smaller area of land for a lower price, with less properties being provided;
- (iii) accept a lower amount for the land sale;

- (iv) to have sought a higher land value and increase the risk of the development not receiving funding from the Housing Corporation;
- (v) seek a different mix of property tenures and/or property types; or
- (vi) to not utilise all or some of the resultant capital receipt to help fund additional affordable housing schemes.

128. OPEN MARKET SHARED OWNERSHIP SCHEME

The Housing Portfolio Holder presented a report regarding the Open Market Shared Ownership Scheme. The Cabinet had agreed in October 2007 that 30% of all the affordable homes provided on Section 106 developments would be in the form of shared ownership. In the past three years, 27 new shared ownership homes had been completed, compared to 71 general needs social rented homes.

However, due to the current Essex Structure Plan targets being exceeded, and the Council having to wait for the outcome of the East of England Plan, there had been a dearth of new development sites in the District and therefore the amount of affordable homes that could be provided. It was therefore proposed to introduce another low cost home ownership initiative, which complemented the agreed Home Ownership Grants Scheme that did not rely on new house building and provided a flexible opportunity for applicants to enter home ownership.

The Open Market Shared Ownership Scheme would assist non-tenants on the Council's Housing Register. Under the scheme, housing applicants would be able to purchase a one or two-bedroomed property on the open market on a shared ownership basis. The benefit of this approach was that, firstly, it did not rely on new developments coming forward by developers on Section 106 sites and secondly, it provided much greater flexibility to applicants, since instead of being restricted to new-build opportunities that had arisen on a specific new development in a specific location, applicants could choose the home they wished to purchase within a prescribed maximum purchase price. The main drawback was that, unlike new-build shared ownership, there was no developer subsidy provided from a Section 106 Agreement, which meant that the amount of grant needed was much higher.

The Moat Housing Group was one of the Council's Preferred Registered Social Landlord (RSL) partners, with whom the Director of Housing had been discussing an Open Market Shared Ownership Scheme in the District, along the lines of the former Do It Yourself Shared Ownership (DIYSO) scheme. It was suggested that applicants had to be registered on the Council's Housing Register and that priority be given, firstly, to Council tenants and, secondly, to non-Council tenants. The Moat Housing Group would purchase the leasehold of a one or two bedroomed flat in Essex on the open market, selected by one of the Council's housing applicants. The average price to buy a flat in Epping Forest was £185,631 and it was suggested that the maximum purchase price was set at £190,000 for a one-bedroomed flat.

Although the success of the scheme could not be predicted, it was suggested that the scheme be piloted over a 12-month period during 2008-09, with a review by the Housing Portfolio Holder after 6 months operation. It was also suggested that a budget provision of £350,000 was made in 2008-09, which would fund 6 loans for equity purchases.

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) the Moat Housing Group 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) the Moat Housing Group 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) the Moat Housing Group'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) the 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 totalling 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.

Reasons for Decision:

House prices in the District have continued to rise, resulting in an increased number of local people being unable to purchase their own home. The scheme would assist 6 applicants on the Council's Housing Register to enter home ownership. If house prices increased, then the Council's investment in the Open Market Shared Ownership Scheme would increase proportionately and would be recouped when shared owners purchased additional equity shares up to 100%. The receipts would

be re-invested in further equity purchases assisting other applicants. A risk sharing agreement minimised and mitigated the Council's risk, especially if property prices decreased.

Other Options Considered and Rejected:

- (i) Not to operate the proposed scheme;
- (ii) reduce or increase the overall capital provision, to have assisted more or less people under the scheme;
- (iii) operate the scheme with a different percentage of initial equity purchase or by allowing applicants to purchase larger properties, which would increase the funding required from the Council;
- (iv) have a different arrangement between the Council and the Moat Housing Group; or
- (v) reduce or increase the amount of initial rent charged from 2.5%, which would also affect the funding required from the Council.

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

The Portfolio Holder for Planning and Economic Development presented a report regarding the East of England Plan – Habitats Directive Assessment (HAD) and Further Proposed Changes. The emerging East of England Plan would set the regional and sub-regional planning framework to 2021 and beyond. The Secretary of State had published proposed changes for comment earlier in the year, which were accompanied by an Appropriate Assessment, a statutory requirement under the European Habitats Directive to ensure the protection of sites of wildlife significance from adverse impacts.

In February 2007, the Cabinet were advised that the adequacy of the HAD, was in doubt. The District Council, in its formal response, had stated that an independent HAD Review commissioned by the East of England Regional Assembly had highlighted the lack of site-specific analysis and potential omission of impacts. Particular reference was made by the District Council to traffic generated air pollution impacts, a small increase in traffic flows had resulted in significant increases in pollution levels at roadside locations. Therefore, a revised HAD was commissioned by the Secretary of State.

The new HAD had addressed all the particular issues raised by the District Council including the direct effects of expansion of Rye Meads Sewage Treatment Works. Waste water infrastructure capacity was a major constraint on development phasing, which had highlighted the need for Government funding for urgent studies of Rye Meads. The main issue was likely to have been the timing of the studies for the expansion of the sewage treatment works in relation to the preparation of Local Development Documents (LDDs) in the Harlow area.

General concern was felt about HADs being addressed, not at the strategic planning stage, but at subsequent detailed stages. This was still the case in many instances, but appeared to be an inevitable outcome of prevailing planning procedures and lack of specificity in the East of England Plan, pending further studies.

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.

Reasons for Decision:

It was consistent with previous representations by the District Council about the Regional Plan to respond to the HAD and Further Proposed Changes, and highlight Government funding issues.

Other Options Considered and Rejected:

To have made no representations or comments.

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

The Environmental Protection Portfolio Holder presented a report regarding the Adoption of Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis. Under the Local Government (Miscellaneous Provisions) Act 1982, the Council had adopted the provisions requiring those in the business of tattooing, acupuncture, ear piercing or electrolysis to be registered.

However those who practised cosmetic (body) piercing other than of the ears, or semi-permanent skin colouring, such as micro-pigmentation, semi-permanent make up or temporary tattooing, had not been included within these provisions at that time and had therefore been outside the local authority's regulatory control. The Government had introduced provisions in the Local Government Act 2003, which amended the provisions contained within the 1982 Act, which included the activities of cosmetic piercing and semi-permanent skin colouring.

The new provisions required businesses to register their operators and their premises and observe the bye-laws relating to the cleanliness and hygiene of premises, practitioners and equipment. These measures were intended to increase health protection, through reducing the risk of transmission of blood borne virus infections. The Council could levy a fee for registration, and it was proposed that the current fee for special treatment operations should be applied.

Decision:

- (1) That a report be submitted to the Council recommending 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 the Common Seal of Council 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.

Reasons for Decision:

It was essential that the protection offered to those receiving a tattoo, acupuncture or electrolysis treatment should be extended to those undergoing a cosmetic piercing or semi-permanent skin colouring. The requirement of registering businesses and the application of the Bye-Laws, offered greater protection to those undergoing these treatments by ensuring that businesses operated hygienically and also minimised the risks of infection to their customers.

Other Options Considered and Rejected:

Not to adopt the Bye-Laws.

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

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Key Capital and Revenue Requirements from 2008-09 to 2011-12 for the Planning Directorate. The new Local Development Framework (LDF) had replaced the Local Plan, the latter having been produced with a small permanent establishment of staff and Continuing Service Budgets (CSB) budgets, supplemented periodically by District Development Fund (DDF) monies. The LDF was different, although the process of amending the framework was intended to be simpler. The expenditure would not end until after 2012, with the total four-year estimate for the Council in excess of £1.3 million.

The Council was currently awaiting the final decisions on the East of England Plan as these were fundamental in considering how much growth was planned for locally. It was also necessary to increase the staffing complement of the Forward Planning Team to cover the workload generated by the LDF requirements up to 2012 and beyond. The costs of future staffing would be included in a future proposal to be brought forward by the Director of Planning and Economic Development.

(a) Planning Development Grant (PDG)

The Cabinet was advised that the Council had been awarded £282,532 of Planning Delivery Grant (PDG) for this financial year. PDG was not ring-fenced or hypothecated beyond the condition that 25% of the total received in the 2007-08 financial year had to be used for capital expenditure. This was the last year that PDG was being given, as next year it was being replaced with Housing and Planning Delivery Grant that would reward councils which speeded up housing supply delivery and maximised the supply of building land in their area.

This was the third time that there had been an explicit requirement that 25% must be used for capital items. Previous funding had financed ICT hardware, changes to accommodation, including furniture and storage and a new Countrycare vehicle.

(b) Local Authority Business Growth Incentive Scheme (LABGI)

The LABGI scheme had been introduced by the Government in 2005. Its objective was to give all local authorities an incentive to maximise local economic growth through a provision of additional revenues spent on their own local priorities. It worked on the basis that an increase in rateable value was a reflection of an increase in economic enterprise and allowed local authorities to keep part of any increase in rateable value in order to encourage them to continue promoting economic development.

The scheme had yielded positive results for the Council with an award of £475,518 in 2005-06 and £802,925 in 2006-07. The latter figure had since been supplemented by an additional £41,510 creating a total in 2006-07 of £844,433. The Council had received the highest allocation amongst Essex District Councils in 2006-07.

The Council had agreed that income arising from the scheme would be credited to the District Development Fund with a view to expenditure of some of this income on measures for the promotion of economic development within the District. One further payment in its current form, was being made in 2007-08. This was budgeted at £200,000. The future of the LABGI scheme was not certain at the present time due to the launch of a consultation document. The LABGI scheme was due for suspension in 2008, being re-introduced in 2009 depending on the results of consultation.

Decision:

- (1) That the significant growth bid 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).

Reasons for Decision:

The proposals and amounts suggested would make real impacts upon the Planning Directorate particularly for staff and customers of the service. The proposed allocation of funding was considered to be the most effective use of these resources.

The Council had received substantial sums through the LABGI scheme and the proposals addressed a number of the Council's corporate objectives and Local Strategic Partnership priorities.

Other Options Considered and Rejected:

The funds from the PDG could have been used for other purposes, but this would risk a possible reduction in the service or performance being provided.

Future projects could include:

- (i) maximising opportunities arising from the Cultural Olympiad and 2012 Olympic Games;
- (ii) an integrated marketing strategy for Waltham Abbey addressing tourism, civic pride and the economic well-being of the town; and
- (iii) an investigation into the perceived lack of visitor accommodation within the District.

132. LOCAL STRATEGIC PARTNERSHIP - DISTRICT COUNCIL CONTRIBUTION

The Community Wellbeing Portfolio Holder presented a report regarding the District

Council's contribution to the expenses of the Local Strategic Partnership. The Council had agreed a District Development Fund (DDF) amount of £10,000 for 2002-03 and 2003-04 and this sum had been included within the budget for each subsequent year. A similar amount had been included in the draft Budget for 2008-09 under the Leader's Portfolio for Corporate Policy Making. When the contribution was paid to the Epping Forest Local Strategic Partnership, it was passed over to a holding account managed by the Council to ensure strict financial control.

It was proposed that the £10,000 contribution from the District Council was included as a Continuing Services Budget (CSB) item from the 2008-09 financial year onwards and that the holding account, within the Council's budget, should continue as before.

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.

Reasons for Decision:

The part played by the Local Strategic Partnerships would become even more significant as a consequence of the Local Government and Public Involvement in Health Act 2007 and other initiatives; the finance from this policy would aid this.

Other Options Considered and Rejected:

To refuse the inclusion of the £10,000 as a CSB item in the 2008-09 budget or vary the amount.

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

The Leader of the Council presented a report concerning the drafting of the Epping Forest 'Story of Place' for the Essex Local Area Agreement 2. The Leader reported that in order to ensure that the new Local Area Agreement 2 for Essex properly reflected the diversity of the county and took into account local priorities, the Council had been requested to develop a 'Story of Place' for the Epping Forest District. The concept of a 'Story of Place' was being promoted by the Government through their guidance note "Negotiating New Local Area Agreements", with the whole Local Strategic Partnership involved in its development. As a result, all the sub-groups of the Epping Forest Local Strategic Partnership had been requested to submit a contribution on behalf of their theme, and the Council's Public Relations and Marketing Officer had been tasked with collating these responses into a draft document. The draft 'Story of Place' was due to be considered and agreed at the meeting of the Local Strategic Partnership scheduled for 20 December 2007. As it had not been possible to submit an approved version to the County Council by the deadline of 10 December 2007, a draft version had been submitted with the understanding that it might be amended following the completion of the formal consultation period.

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.

Reasons for Decision:

The development of a 'Story of Place' was an integral part of the Local Area Agreement 2 process, in which the Council had been invited to participate. It was also a useful joint visioning tool in the development of the new Sustainable Community Strategy, and could also form the basis of any future Local Area Agreement for the District.

Other Options Considered and Rejected:

To decline to respond to the request to develop a 'Story of Place' for Epping Forest.

134. 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:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
19	Corporate Management Restructuring	4

135. CORPORATE MANAGEMENT RESTRUCTURING

On behalf of the Finance, Performance Management and Corporate Support Services Portfolio Holder, the Chief Executive presented a report regarding the Corporate Management Restructure at Assistant Director level. The Chief Executive reported that the initial phase of the Top Management Restructure had been completed with the direct assimilation of the existing Head of Service posts into the agreed Director positions. Since then, the Chief Executive and Deputy Chief Executive had been working with the newly appointed Directors, in consultation with the Leader of the Council, on proposals for the next stage of the restructure at Assistant Director level. As a result, it had been proposed to agree the establishment of 18 Assistant Director posts, along with the Chief Internal Auditor post, from 1 April 2008. Although focused primarily on their service area, all the job descriptions for the Assistant Director posts included a common corporate element and would also be subject to job evaluation under the National Joint Council Scheme. In order to facilitate the appointment of the Assistant Directors, it was intended to assimilate 13 Assistant Head of Service or equivalent posts (including the Chief Internal Auditor) into the corresponding Assistant Director post, in accordance with the Council's

Human Resources' policy on Assimilation. The assimilated Assistant Head of Service or equivalent posts would then be deleted from the Council's establishment on 31 March 2008.

The Chief Executive added that the target savings of £250,000 for the Corporate Restructure would be generated by the next phase and included in the budget for 2008-09. These proposals would not necessarily reduce the number of front-line staff as the main target for the savings would be administration or support staff. Consultation on this next phase of the restructure would begin early in 2008. The Director of Finance reported that a senior officer had been appointed to the Assistant Director Information and Communication Technology (ICT) post for a six-month interim period; the Cabinet were reassured that the Council's ICT systems were not subsequently considered to be at risk. The Leader of the Council stated that the possibility of sharing services with other local authorities was being examined, and commented that the proposals before the Cabinet represented a positive step forward for the Council.

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);
 - (r) Assistant Director Information and Computer Technology (Finance and ICT); and
 - (s) Chief Internal Auditor (Chief Executive);
- (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.

Reasons for Decision:

The establishment of the Assistant Director positions would enable the Council to build the capacity required to meet the challenges of improving performance and meeting community needs. Assimilation of existing Assistant Heads of Service to Assistant Director positions where there was a similarity of role, was in accordance with existing Human Resources policies.

Other Options Considered and Rejected:

To approach the restructuring in a different manner, with posts other than Assistant Directors, or a smaller or larger number of posts.

CHAIRMAN