

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 4 February 2008

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.10 pm

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

Other Councillors: K Angold-Stephens, D Jacobs, J Knapman, S Murray, Mrs C Pond, B Rolfe, Mrs P Smith and J M Whitehouse

Apologies: D Stallan

Officers Present: P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), J Akerman (Chief Internal Auditor), I Willett (Assistant to the Chief Executive), P Maddock (Assistant Head of Finance), T Tidey (Head of Human Resources and Performance Management), C Overend (Policy & Research Officer), T Carne (Public Relations and Marketing Officer), G J Woodhall (Democratic Services Officer), M Jenkins (Democratic Services Assistant), S G Hill (Senior Democratic Services Officer) and P Tredgett (Information Assistant)

136. 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.

137. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in item 15 of the agenda, Grant Aid 2007/08 – Waltham Abbey Community Association. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration and determination of the issue.

138. MINUTES

RESOLVED:

That the minutes of the meeting held on 17 December 2007 be taken as read and signed by the Chairman as a correct record.

139. ANY OTHER BUSINESS

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

140. REPORTS OF PORTFOLIO HOLDERS

There were no oral reports received from the Portfolio Holders present.

141. OVERVIEW AND SCRUTINY

The Vice Chairman of the Overview & Scrutiny Committee reported to the Cabinet, that the Committee had reviewed and endorsed the draft budgets for next year as part of the budgetary setting process. The Committee had also considered the introduction of a three-week cycle for the Area Plans Sub-Committees. There was some debate before this was recommended to Council. The Cabinet was asked to consider changes to the calendar of meetings for 2008-2009, in the light of the recommendations made by the Committee. Members would also have further opportunity to debate the matter at Council on 19 February 2008.

The Committee had discussed a report of the Constitution and Members Services Scrutiny Panel, which formed part of their consideration of new provisions contained in the Local Government and Public Involvement in Health Act 2007. In particular they had considered issues relating to provisions allowing Councils to move towards whole Council elections every fourth year. The Committee were recommending that this item be not pursued and that no further action be taken on Town and Parish Council electoral cycles, single Councillor wards, changing of ward names or grouping of Parish Councils.

The Committee had confirmed its Chairman, Councillor R Morgan, as its representative on the Waste Management Board for the remainder of the municipal year. The Committee had also received a report from the Environmental and Planning Services Scrutiny Panel which had examined the Roger's Review of enforcement priorities, the Cleaner Neighbourhoods legislation and service delivery. Much work had been undertaken by the sub-group and this report would be considered by the Cabinet at its next meeting.

The Police were attending the meeting of the Overview & Scrutiny Committee on 6 March 2008 and at its meeting on 10 April 2008, presentations were expected from both London Underground and Essex Highways.

The Committee had commended the proposals regarding the change of status of the Cottis Lane and Bakers Lane Car Parks. It was felt that the changes to a combined tariff and the inclusion of the Cottis Lane Car Park within the free Saturday car-parking regime were welcomed.

142. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 28 JANUARY 2008

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented the minutes from the meeting of the Finance and Performance Management Cabinet Committee held on 28 January 2008. The items that had been considered by the Cabinet Committee included: Use of Resources Auditor Judgements 2007; the supply of the Electoral Register to the Audit Commission as part of the National Fraud Initiative; and the draft Council Budgets for 2008/09.

Decision:

That the minutes of the Finance & Performance Management Cabinet Committee, held on 28 January 2008, be noted.

Reasons for Decision:

The Cabinet Committee had only made recommendations in respect of the draft Council Budgets for 2008/09, which were the subject of a separate report and would be considered later in the meeting.

Other Options Considered and Rejected:

There were no other options for the Cabinet to consider other than noting the minutes of the meeting.

143. CORPORATE RESTRUCTURE

The Chief Executive, on behalf of the Leader of the Council, presented a report regarding the Corporate Restructure. At its meeting of 17 December 2007, the Cabinet had agreed the creation of posts at Assistant Director level and the associated assimilation arrangements. This report was concerned with the restructuring proposals for the remaining elements of the staffing structure within the five Directorates. The proposals had been submitted to staff, the trade unions and Portfolio Holders for consultation.

The re-structuring would achieve an overall saving of £500,000 inclusive of the Top Management Structure review savings of £200,000, as part of the Council's 3% Gershon Savings for 2008-09. Savings from the Top Management structure review had contributed to the Council's objective of setting a budget for 2008/09 with a Council Tax increase no higher than the rate of inflation. Efficiency gains from the restructuring were being re-invested into enhancing and extending the delivery of front line services. The Management Board, in consultation with the Leader, had managed vacant posts ensuring that where possible, potential savings were identified whilst protecting service delivery. This had reduced the potential impact of the restructuring on staff in terms of redundancies.

In making the required savings some Directorates had to absorb the workload of previously deleted Heads of Service posts. Furthermore, all Directors were asked to consider achieving savings of £50,000 making £300,000 in total. The split between the General Fund and the Housing Revenue Account (HRA) was £250,000 and £50,000 respectively. These objectives had been achieved, even though it was necessary to set aside some resources for any salary increases resulting from job evaluation of posts in the new structure.

Two staff groupings did not appear in the service structures being proposed by Directors. These were Internal Audit, under the supervision of the Chief Internal Auditor, and Research & Democratic Services, led by the Assistant to the Chief Executive. These two groups would report directly to the Chief Executive. There was no change in the role, responsibilities and staffing of the Internal Audit Section, but in relation to Research and Democratic Services, Safer Communities and Public Relations and Marketing had transferred to the Director of Environment and Street Scene, and the Deputy Chief Executive respectively. This new grouping of Internal Audit and Research & Democratic Services would be designated the "Office of the Chief Executive."

The Deputy Chief Executive and Service Directors presented reports on the proposed restructures of their service areas and answered questions by the Cabinet and other members. The Cabinet also received a schedule showing staff comments made during the consultation period, along with the management's response.

Decision:

- (1) That the actions taken in relation to the corporate restructuring, including the holding of vacancies to achieve savings and the ring fencing of posts to displaced staff be noted;
- (2) That the consultation comments received from staff and the trade unions and the responses from the Directors or Deputy Chief Executive (DCE) be noted;
- (3) **The Deputy Chief Executive's Office:**
 - (a) That the following posts be deleted from the establishment:
 - (i) LHO/04 Community and Cultural Services Manager;
 - (ii) LSS/09 Admin Assistant (18 hours part time); and
 - (iii) ICT/212 Senior Website Officer / Business Analyst;
 - (b) That the following posts be added to the establishment:
 - (i) Assistant Director (Community Services and Customer Relations); and
 - (ii) Youth Council Administrator (18 hours part time);
 - (c) That the Assistant Director (Community Services and Customer Relations) post be ring fenced to the postholder of LHO/04 Community and Cultural Services Manager;
 - (d) That the principle of a rotating annual lead officer for Community and Culture on a temporary basis be accepted, with an additional responsibility payment, equivalent to 2 incremental points;
 - (e) That the PMU/04 Market Research and Consultation Officer post be transferred from the Performance Management Unit to Public Relations and Marketing;
 - (f) That the LSS/20 Marketing and Events Manager and LSS/22 Marketing and Events Assistant posts be transferred to Public Relations and Marketing;
 - (g) That the LCA/05 Assistant Arts Officer post be amended from 36 hours to 22 hours;
 - (h) That the LSS/22 Marketing and Events Assistant post be amended from 36 hours to 28 hours; and
 - (i) That the overall structure for the Deputy Chief Executive's Office be agreed as set out in the structure chart attached to the report;

- (4) **The Environment & Street Scene Directorate:**
- (a) That the following posts be deleted from the establishment:
 - (i) LSS/01 Leisure Development Manager;
 - (ii) LSS/02 Administrative Manager;
 - (iii) LSS/03 Clerical Assistant;
 - (iv) LSS/10 IT Systems Manager;
 - (v) EAA/01 Office Manager;
 - (vi) EAA/03 Finance and Technical Officer;
 - (vii) EAA/05 Team Leader;
 - (viii) EAA/09 Team Leader;
 - (ix) EHW/01 Assistant Head of Service (Highways);
 - (x) EHW/xx Area Waste Management Officer;
 - (xi) EHW/xx Area Waste Management Officer;
 - (xii) EHWxx Area Waste Management Officer;
 - (xiii) EHW/20 Development Control Engineer;
 - (xiv) EHW/38 Administrative Assistant;
 - (xv) EEG/14 Senior Engineer;
 - (xvi) EEG/03 Assistant Engineer;
 - (xvii) EHG/02 Principal Team Leader (Customer Protection);
 - (xviii) EHG/03 Principal Team Leader (Environmental Protection);
 - (xix) EEG/02 Principal Team Leader;
 - (xx) EHG/23 Technical Team Coordinator;
 - (xxi) EHG/24 Technical Officer;
 - (xxii) EHG/25 Technical Officer;
 - (xxiii) EHG/26 Technical Officer;
 - (xxiv) EHG/27 Technical Officer;
 - (xxv) EEG/01 Engineering Services Manager;
 - (xxvi) EHG/01 Environmental Health Manager;

- (xxvii) EHG/04 Environmental Health Support Officer;
- (xxviii) LH0/03 Assistant Head of Leisure Services;
- (xxix) EHG/13 Licensing Enforcement Officer (vacant); and
- (xxx) EAA/10 Secretarial Supervisor (job share);
- (b) That the following posts be added to the establishment:
 - (i) Performance & Quality Manager;
 - (ii) Finance & Procurement Manager;
 - (iii) Systems Manager;
 - (iv) Administration & Office Services Manager;
 - (v) CSO Team Leader;
 - (vi) Finance Officer;
 - (vii) Finance Officer;
 - (viii) Public Health Manager;
 - (ix) Neighbourhoods Manager;
 - (x) Drainage Manager;
 - (xi) Engineer;
 - (xii) Waste Service Development Officer;
 - (xiii) Recycling Officer;
 - (xiv) Neighbourhood Officers (6);
 - (xv) Assistant Director (Technical);
 - (xvi) Assistant Director (Neighbourhoods);
 - (xvii) Assistant Director (Performance & Operations);
 - (xviii) Performance & Quality Support Officer; and
 - (xix) Senior Management Secretary (job share);
- (c) That the following ring fenced arrangements be agreed:
 - (i) Finance and Procurement Manager, Administration & Office Services Manager and CSO Team Leader to posts LSS/02, EAA/05 or EAA/09;
 - (ii) Public Health Manager to posts EHG/02 or EHG/03;

- (iii) Neighbourhoods Manager to posts EHG/02, EHG/03 or EHG/23;
- (iv) Waste Service Development Officer and Recycling Officer to the Area Waste Management Officer posts;
- (v) Environment & Neighbourhood Officer to Waste Management Officer post;
- (vi) Assistant Director (Technical) to posts EEG/14, EHG/02 or EHG/03;
- (vii) Drainage Manager to posts EEG/14, EHG/02, EHG/03 or EHG/23;
and
- (viii) Engineer to post EEG/03;
- (d) That the overall structure for the Environment and Street Scene Directorate be agreed as set out in the structure charts attached to the report;
and
- (e) That the design of proposals to accommodate further structural change as a result of the Safer, Cleaner and Greener initiative be noted;
- (5) **The Corporate Support Services Directorate:**
 - (a) That the following posts be deleted from the Establishment:
 - (i) ASB/01 Secretarial Manager;
 - (ii) ALE/05 Legal Officer;
 - (iii) ALE/08 Legal Executive;
 - (iv) ALE/09 Legal Executive;
 - (v) ALC/06 Local Land Charges Officer;
 - (vi) HR/03 Human Resources Manager;
 - (vii) HR/07 Human Resources Officer;
 - (viii) HR/06 Administrative Assistant;
 - (ix) HR/08 Human Resources Assistant;
 - (x) HR/09 Human Resources officers and an administrative Assistant.
 - (b) That the following posts be added to the Establishment:
 - (i) Senior Legal Officer;
 - (ii) 2 Legal Officer posts;
 - (iii) Licensing Enforcement Officer post (0.7FTE);
 - (iv) Assistant Human Resources Officer;

- (v) Human Resources Officer (0.5FTE);
- (vi) Administrative Assistant (0.5FTE); and
- (vii) Facilities Manager;
- (c) That the following ring fenced arrangements be agreed:
 - (i) 2 Legal Officer and 1 Senior Legal Officer to posts ALE/05, ALE/08 and ALE/09;
 - (ii) Assistant Director (Human Resources) to post HR/03;
 - (iii) HR Operations Manager HR/04 to post HR/07;
- (d) That the AEV/03 Valuer post be amended from 1.0FTE to 0.6FTE;
- (e) That the AEV/08 Estate Management Administrator post be amended from 0.5FTE to 0.8FTE;
- (f) That the Fleet Operations Section within the current Works Unit be transferred to the Corporate Support Services Directorate with effect from 1 May 2008;
- (g) That the overall structure for the Corporate Support Services Directorate be agreed as set out in the structure charts attached to the report;
- (6) **The Housing Directorate:**
 - (a) That the Building Maintenance Section within the current Works Unit be transferred to the Housing Directorate with effect from 1 May 2008;
 - (b) That the following posts be deleted from the Establishment:
 - (i) HHN/16 Housing Options Officer; and
 - (ii) HMT/17 Clerical Assistant (Assets);
 - (c) That, reporting to the Assistant Director (Private Sector Housing & Resources), a part-time post of Private Housing Manager (Technical) (0.5 FTE) be created through the re-designation / upgrading of one of the existing 5 posts within the private housing technical team;
 - (d) That the Assistant Director (Private Sector Housing & Resources) post be ring fenced to posts EHG/02, EHG/03 or EHG/23;
 - (e) That, in order to help with the absorption of the administration and support requirements of staff transferring from other directorates, the working hours of part-time posts HCL/15 Clerical Assistant and HCL/08 Housing Information and Strategy Assistant be increased by 10 hours and 7 hours per week respectively;
 - (f) That the Private Sector Housing & CARE Manager post be re-designated Private Housing Manager (Policy, Grants and CARE);

(g) That, subject to it being possible to appoint to the post of Private Housing Manager (Technical) through the re-designation of one of the posts within the private housing technical team, Post EHG/51T be made a permanent part-time post devoting all its time to private sector housing;

(h) That the EAA/07 Senior Architectural Assistant and the temporary Services Engineer posts be incorporated within the Housing Assets Section;

(i) That the overall structure for the Housing Directorate be agreed as set out in the structure charts attached to the report; and

(j) That a Review of Scheme Management for Older People be undertaken by the Assistant Director (Operations) when the next Scheme Manager vacancy arises and reported to the Housing Portfolio Holder:

(i) on the most effective way to reduce the number of scheme managers by 1 FTE; and

(ii) to re-allocate the sheltered and designated properties amongst the remaining scheme managers;

(7) **The Finance & ICT Directorate:**

(a) That the following posts be deleted from the establishment:

(i) ICT/06 Management Assistant;

(ii) ICT/210 Clerical Assistant;

(iii) ICT/211 Trainee Business Analyst;

(iv) ICT/305 Technical Support Analyst;

(v) FAA/01 Secretarial Supervisor;

(vi) FAA/02 Administrative Assistant; and

(vii) FAC/16 Exchequer Services Manager;

(b) That the following ring fenced arrangements be agreed:

(i) Senior Procurement and Administration Officer to post ICT/06;

(ii) Administrative Supervisor to post FAA/01; and

(iii) Office Administrator (0.7FTE) to posts FAA/02 or ICT/210; and

(c) That the overall structure for the Finance and ICT Directorate be agreed as set out in the structure charts attached to the report;

(8) **The Planning & Economic Development Directorate:**

(a) That the following posts be deleted from the establishment:

(i) PPE/12 Planning Officer (Forward Planning);

- (ii) PAD/17 Development Control Filing Assistant (P/T);
- (iii) PAD/10 and PAD/11 Administrative Assistants; and
- (iv) One of the PAD/04 or PAD/05 Administration Supervisor posts;
- (b) That the following posts are added to the establishment:
 - (i) Principal Officer (Forward Planning); and
 - (ii) Gazetteer/Scanning Officer P/T (x2);
- (c) That the PAD/13 Appeals Officer post be amended to Appeals and Development Control Officer; and
- (d) That the overall structure for the Planning & Economic Development Directorate be agreed as set out in the structure charts attached to the report;
- (9) That the Office of the Chief Executive be created, consisting of the amended Research & Democratic Services function under the Assistant to the Chief Executive, and the existing Internal Audit function under the Chief Internal Auditor, with both posts reporting directly to the Chief Executive;
- (10) That the re-investment of the net savings from these restructuring proposals into the Council's frontline service delivery be agreed; and
- (11) That a contingency sum of £30,000 be set aside for any salary increases arising from the job evaluation process.

Reasons for Decision:

The proposals contained in the report, provided the Council with an officer structure which was designed to meet the challenges faced over the medium term. The proposals of Service Directors reflected their professional judgement as to the staff resources required to deliver services within the financial targets set by the Council. The savings identified were re-invested into improving Council services and were the subject of further reports to the Cabinet.

Other Options Considered and Rejected:

To develop new options, including different savings targets.

144. CORPORATE INITIATIVE 2008-09 - SAFER, CLEANER AND GREENER

The Leader of the Council presented a report concerning the Safer, Cleaner and Greener corporate initiative. The Leader stated that the public expected environmental problems to be dealt with as quickly as possible, and this had been the catalyst for the Safer, Cleaner and Greener corporate initiative. The initiative had included a new Neighbourhoods Team with its own Team Manager, as well as expanded roles for technical and enforcement officers to encompass the new Cleaner Neighbourhoods legislation and the results of the recent Rogers Review of enforcement. It was intended to deliver certain services on a local basis, using the current Planning Sub-Committee areas as a model. This would require an additional Environment and Neighbourhood Officer to give a total of seven; two each for the East and West areas and three for the South area. It was also intended to establish a Rapid Response Unit for the District to deal with problems such as fly tipping and the

cleansing of street furniture. The Rapid Response vehicle would be clearly marked with a contact telephone number for residents to report problems and would require a range of equipment to deal with different problems.

The Leader of the Council reported that if the current and future demands of the public and Government were to be met then additional resources would be required for the Safer Communities team. Thus, it was proposed to add two Anti-Social Behaviour Investigators to the establishment. There had also been a considerable growth in the use of Closed Circuit Television (CCTV) throughout the District, and that it was now felt essential for the Council to formulate a CCTV policy. It had been proposed to recruit a CCTV Operations Officer who would be responsible for the development of policies and operational procedures in order to ensure that all the CCTV systems within the District were properly coordinated.

The Leader of the Council added that the development of the waste management service would also continue with particular emphasis given to developing alternatives for sacks in respect of garden waste and adding food waste to the materials collected as recyclables. For the initiative to be successful, additional resources would be required for training, 'branding', vehicles and equipment, as well as operational costs. Hence approval had been requested for additional Continuing Services Budget funding of £250,000, additional District Development Funding of £30,450 and additional capital expenditure of £23,000. As such considerable resources were required, it was proposed to invite the Overview and Scrutiny Committee to consider the most appropriate method of monitoring the initiative.

The Environment & Street Scene Director added that the power to deal with stray dogs was being transferred to local Councils from the Police and that the measures to deal with this problem were being considered. In addition, there would also be coordination with the County Council in respect of graffiti. It was announced that Virgin Media would part-fund the Council to remove graffiti from its cable television boxes, and that similar arrangements were being sought with other cable providers. The Cabinet felt that this was a worthy initiative that would visibly enhance the District and supported it wholeheartedly.

Decision:

- (1) That, in support of the Safer, Cleaner and Greener initiative, approval be given to:
 - (a) the following additions to the establishment of:
 - (i) one CCTV Operations Officer;
 - (ii) two Anti-Social Behaviour Investigation Officers;
 - (iii) one Environment & Neighbourhood Officer; and
 - (iv) a Rapid Response Unit;
 - (b) the associated proposals for training, service branding, equipment, vehicles and on-going running and maintenance costs; and
 - (c) the continued development of the waste and recycling service to include a review of the garden waste collection service and the collection of food waste as a recyclable material;

(2) That approval be given to the following for inclusion in the 2008/09 budget:

(a) a revenue Continuing Services Budget growth bid in the sum of £250,000;

(b) a revenue District Development Fund growth bid in the sum of £30,450; and

(c) a capital growth bid in the sum of £23,000; and

(3) That the Overview and Scrutiny Committee be invited to consider the most appropriate means of monitoring the Safer, Cleaner and Greener initiative.

Reasons for Decision:

To enable the Council to respond rapidly and effectively to environmental problems, and to implement the additional powers granted it by the recent Cleaner Neighbourhoods legislation. The resources required to implement this initiative would be met from the savings generated by the Corporate Restructuring being reinvested into the Council's frontline services. Due to the significant resources involved, Overview and Scrutiny should be invited to monitor this initiative carefully.

Other Options Considered and Rejected:

To outsource the Rapid Response Unit, however this should be considered at a later date when the waste management contract was better established.

To appoint an additional Rapid Response Officer, however this would require either additional funding or reduce the funding available for another section of the initiative.

145. CORPORATE RESTRUCTURE - ACCOMMODATION WORKS

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented a report concerning the accommodation works associated with the corporate restructure. The Portfolio Holder stated that following the agreement of the detailed proposals for restructuring the Council's services, there was a need to realign staff within their new Directorates, including the transfer of 33 staff from the Hemnall Street offices to the Civic Offices. Based upon the cost of previous office works, the cost of the necessary accommodation works had been estimated at approximately £100,000. There was approximately £14,500 still available in the 2007/08 budget, which could be carried forward plus a further £30,000 allocation for 2008/09. However, this would still leave a shortfall of £55,500, for which a District Development Fund growth bid had been requested. The Portfolio Holder added that the future use of the premises at Hemnall Street was currently being reviewed.

Decision:

(1) That a carry forward of £14,500 unspent District Development Fund allocation from 2007/08 to 2008/09 for accommodation works be approved; and

(2) That a revenue District Development Fund growth bid in the sum of £55,500 be made for 2008/09 to fund the required accommodation works as a result of the Corporate Restructure.

Reasons for Decision:

Without the appropriate funding, the required realignment of services and staff into the new Directorates could not take place.

Other Options Considered and Rejected:

To do nothing, however if staff were left in their current locations then this would result in inefficient working within the new Directorates with staff dispersed all around the building or in different locations.

146. INTERNAL AUDIT - PROPOSED WAIVER OF CONTRACT STANDING ORDERS

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented a report regarding the Proposed Waiver of Contract Standing Orders for Internal Audit. A small part of the Internal Audit budget (3.2%) had been used in recent years for providing specialist audit services and assisting in the completion of planned audits when the Internal Audit team had suffered from sickness and maternity leave.

The revised budget for audit contractors for the current year was £13,410. In 2007/08 £6,400 had been committed with Deloitte and Touche Public Sector Internal Audit Ltd, following a competitive quotation process earlier in the year in accordance with Contract Standing Orders (CSOs). The Council had also engaged the tax advisory arm of Deloitte and Touche LLP in 2007-08 when undertaking a review of VAT with regards to off-street car parking, which was estimated to cost £3,500. The overall level of work placed with Deloitte in 2007/08 was therefore just under £10,000, and was within the relevant quotation threshold in Contract Standing Orders.

Contract Standing Order C1(10) required that where the aggregate sum payable to one supplier exceeded the prescribed limits of authority, in this case £10,000, a further competitive process would be undertaken, or a waiver of standing orders be sought. It was planned to use the remainder of the audit contractor budget in 2007/08 in undertaking further planned audits before the end of the current financial year. Normally it was required to seek three quotes prior to commissioning any further audit work from Deloitte in 2007/08. However, the firm had submitted competitive prices in the market over the last two years with satisfactory results. Deloitte's staff were familiar with the Council's systems and they had confirmed that they were retaining their existing rates for the remainder of 2007/08.

Decision:

That, in order to support the completion of the Internal Audit Plan for 2007/08, Contract Standing Order C4 (Competitive Quotations) be waived and Deloitte & Touche Public Sector Internal Audit Ltd be engaged to undertake further audit work up to the revised budget of £13,410.

Reasons for Decision:

The waiver of Contract Standing Orders would facilitate the use of the Internal Audit contractor budget in 2007/08, with value for money having been demonstrated by an earlier competitive quotation process.

Other Options Considered and Rejected:

To seek further competitive quotations in accordance with Contract Standing Order C4.

147. TELECOMMUNICATIONS MAST - HONEY LANE, WALTHAM ABBEY

The Planning and Economic Development Portfolio Holder presented a report regarding the erection of a telecommunications mast at the junction of Honey Lane and Stonyshotts in Waltham Abbey by O2. The Portfolio Holder reported that under the Town and Country Planning General Permitted Development Order, the Council was under an obligation to determine within 56 days whether prior approval for a telecommunications mast could be granted. In this particular case, as O2 had not received a decision from the Council within 56 days, they had assumed prior approval by default and had erected the mast in accordance with their plans. Whilst the erected mast had not exceeded the parameters within the submitted plan, it was not clear that all the relevant criteria for the prior approval regime had been met.

The Portfolio Holder stated that legal advice had been sought by the Council, and that a Planning Contravention Notice had been issued on O2 and others understood to have an interest in the land upon which the mast was erected. As O2 did not wholly own or lease this land, all the terms for granting prior approval had not been met and there was a basis for taking planning enforcement action. If the Council did take such action then there could be an appeal, which could succeed on legal grounds, or if the Planning Inspector did not consider the mast objectionable. Other options for dealing with the situation included negotiating the mast's voluntary removal by O2, or issuing a Planning Discontinuance Notice whereby the Council would be seeking to discontinue a seemingly lawful development. However, this latter action would require the approval of the Secretary of State, involve the holding of a public inquiry and the payment of compensation to the developer.

The Portfolio Holder advised that if the mast remained in its current position then residents could seek an Ombudsman's decision against the Council and subsequent redress. This redress could be compensation to nearby residents to reflect the diminution of their properties' value. The Council had already issued an apology to residents and paid £250 compensation to those residents that had initially commented about the mast. The Council's procedures for dealing with such applications had since been revised. In addition, it was also felt that the County Council might have a greater role in considering and controlling such applications than simply making highways objections, and the Director of Planning and Economic Development was requested to correspond with the County Council in order to clarify their position.

Decision:

- (1) That the deficiency of the procedures previously in place to deal with applications for prior approval, and their subsequent replacement by revised procedures, be noted;
- (2) That the apology to residents be repeated;
- (3) That urgent measures be taken by the Director of Planning and Economic Development to commence enforcement action against this particular mast and defend any appeal that arises as the first action;
- (4) That Essex County Council be urged by the Director of Planning and Economic Development to consider:

- (a) how such masts are licensed; and
- (b) whether or not the highway land is over land in other ownership(s) when such equipment is erected in the public highway; and
- (5) That, if planning enforcement action be not successful in removing this mast, a further report be submitted to the Cabinet to consider any possible Planning Discontinuance Notice and compensation, or to pay compensation to the local residents most closely impacted.

Reasons for Decision:

The adverse visual impacts of the particular design of mast in this location and surroundings make it expedient to take planning enforcement action, which is also likely to be the least costly option.

Other Options Considered and Rejected:

To issue a Planning Discontinuance Notice, however this would require the approval of the Secretary of State, the holding of a public inquiry and the payment of compensation to the developer.

To meet with O2 and negotiate the voluntary removal of the mast, however it was considered unlikely that O2 would agree.

148. CHANGE OF STATUS - COTTIS LANE SHORT STAY AND BAKERS LANE LONG STAY CAR PARKS

The Civil Engineering and Maintenance Portfolio Holder presented a report regarding the change of status for Cottis Lane Short Stay and Bakers Lane Long Stay Car Parks. There were two off street car parks operated by the Council in Epping, the Bakers Lane Long Stay Car Park, with 145 spaces, and the Cottis Lane Short Stay Car Park, with 200 spaces.

Although season tickets were only issued to no more than 50% capacity, difficulties had arisen from season ticket holders being unable to find a space within Bakers Lane. This problem had arisen because of on-street restrictions being introduced as part of the Epping Parking Review, and the subsequent displacement of cars from nearby residential areas into the car park. However, this had been the review's intention, with long stay parking being in car parks and not outside resident's houses. The Council, had however received complaints from season ticket holders about the absence of available spaces. As a short term solution the Portfolio Holder, in December 2007, had agreed to enable Bakers Lane season tickets to be used in Cottis Lane until 31 March 2008. However a more permanent solution was now necessary, changing the status of both car parks to the combined tariff enabled season tickets to be issued for Cottis Lane at the lesser long stay rate, and therefore made better use of capacity in Cottis Lane.

The Portfolio Holder recommended that the Cottis Lane car park should be added to the schedule of car parks which were free for use on Saturdays.

Decision:

- (1) That, with effect from 1 April 2008, the status of the Cottis Lane short stay car park and the Bakers Lane long stay car park be changed to the combined tariff; and

- (2) That, as part of this arrangement, the Cottis Lane car park be included within the present free Saturday parking regime.

Reasons for Decision:

The proposal for changing the tariff structures made better use of car parking capacity, particularly in Cottis Lane. It provided additional season ticket holder capacity, dealing with the complaints currently being received.

Other Options Considered and Rejected:

To continue with the temporary arrangement, agreed by the Portfolio Holder, whereby Bakers Lane season ticket holders used their permits in Cottis Lane. However this did not provide for a long term manageable solution.

To increase the proportion of season ticket availability from the current 50% of available spaces. However this would not manage the overall problem and further reduced capacity for those who wished to find short stay parking spaces, especially given the recent extension of on-street restrictions.

149. PARKING CONCESSIONS FOR KEY PUBLIC HEALTH SERVICE PROVIDERS

The Civil Engineering and Maintenance Portfolio Holder presented a report about the provision of parking concessions for key public health service workers. The Portfolio Holder reported that there had been a demand from certain key service workers for special dispensation from parking restrictions. As the parking restrictions within the District had expanded, so the pressure for concessions had increased. Initially, it had been proposed that the scheme should be restricted to doctors, district nurses and midwives, pharmacists and carers; although it could be expanded in the future to encompass more key public service workers. In order to keep the scheme as simple as possible, it had been proposed to base it upon the current scheme in operation for disabled drivers. Thus, the concession would be vehicle specific and would also be time limited, but would not permit free parking in any of the Council's car parks. In order to cover the administration costs involved in issuing the concessions, a fee of £25 had been proposed for the issue of each such permit.

Decision:

- (1) That, subject to appropriate proof of need, concessionary parking permits be made available to:
 - (a) General Practitioners;
 - (b) District nurses and midwives;
 - (c) Pharmacists; and
 - (d) Approved carers;
- (2) That a fee of £25.00 per annum be levied for the issue of each concessionary parking permit; and
- (3) That the operation of the scheme be reviewed after six months.

Reasons for Decision:

The scheme would address the concerns of key public workers about their ability to provide a proper service in the community due to the expansion of on-street parking controls. This scheme would be relatively simple to administer and would preclude parking in dangerous locations and off-street car parks.

Other Options Considered and Rejected:

To not introduce any scheme, however this would perpetuate the current difficulties and pressure from key public workers.

To introduce some other form of permit system, however there were concerns about the ability to control the issue of permits.

150. GRANT AID 2007-08 - WALTHAM ABBEY COMMUNITY ASSOCIATION

The Leader of the Council presented a report regarding the approval of Grant Aid to the Waltham Abbey Community Association on behalf of the Community Wellbeing Portfolio Holder as the latter was a Waltham Abbey Town Councillor, occasional volunteer work for the applicant group and a resident of the locality. The grant under consideration was in the sum of £5,000.

Decision:

That funding from the Grant Aid Scheme for 2007/08 totalling £5,000 be awarded to Waltham Abbey Community Association.

Reasons for Decision:

The application from Waltham Abbey Community Association was deemed appropriate under the terms of the Grant Aid Scheme.

Other Options Considered and Rejected:

To defer or refuse of the application.

151. CALENDAR OF COUNCIL MEETINGS 2008-09

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented a report concerning the proposed calendar of council meetings for 2008/09. The Portfolio Holder advised that the Cabinet considered the forward programme of meetings each year for subsequent approval by the Council. The calendar itself had developed over time to meet the changing needs of the authority, and wherever possible, meetings of a particular committee had been standardised on a particular night of the week. A review had been undertaken by Overview and Scrutiny of the meeting frequency for the Area Plans Sub-Committees, and it would be recommended to Council that these should meet every three weeks in the new municipal year as opposed to the current four-week cycle. There were currently no meetings of the Member Remuneration Panel scheduled as this committee only met as and when necessary.

Decision:

(1) That the introduction of a three-week cycle for the Area Plans Sub-Committees being recommended by Overview and Scrutiny be noted; and

- (2) That, subject to the outcome of the above review, the draft Calendar of Meetings for the period May 2008 to May 2009 be recommended to the Council for adoption.

Reasons for Decision:

The Council should finalise its forward calendar as early as possible to allow the necessary booking of facilities. Any substantial alteration to the broad look of the programme would require further consultation with local councils, and meetings had also been scheduled to avoid the conferences of the main political groupings on the Council.

Other Options Considered and Rejected:

To vary individual frequencies of meetings, however in practice additional meetings were scheduled when required, including when call-ins were received which required extraordinary meetings to be convened.

152. POSSIBLE PURCHASE - BUCKHURST HILL AMBULANCE STATION, KNIGHTON LANE

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Possible Purchase of Buckhurst Hill Ambulance Station in Knighton Lane. The London Ambulance Service NHS Trust had resolved to relocate its Buckhurst Hill Ambulance Station to a more appropriate location. A suitable site had been found and the current site at Knighton Lane was surplus to requirements. The property was being offered to "priority purchasers," including local councils, before being placed for sale on the open market.

Outline planning consent had been granted for the demolition of the existing building structure and the construction of 16 two-bedroomed flats in a two or three storey development with 24 on-site car parking spaces. Service Directors had been made aware of the availability of the site to establish whether it met current operational requirements but the consultation exercise had not produced any firm interest in using the premises. However, the Director of Housing Services requested that the Council's four preferred Registered Social Landlords (RSLs) be considered as "priority purchasers" for a mix of private and affordable housing.

Decision:

That, as no operational requirement has been identified, the opportunity to purchase the Buckhurst Hill Ambulance Station in Knighton Lane be declined and the London Ambulance Service NHS Trust be advised accordingly.

Reasons for Decision:

The District Council had no operational requirement for these premises.

Other Options Considered and Rejected:

To purchase the premises, however the Council had no operational requirement for the premises..

153. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY (TRIENNIAL REVIEW)

The Environmental Protection Portfolio Holder presented a report regarding the triennial review of Licensing Policy under the Licensing Act 2003. The Portfolio Holder reported that under the Licensing Act 2003, each licensing authority had to determine its licensing policy for each three-year period beginning in 2005, and publish a statement of its policy before the beginning of a period. A three-month consultation on the present policy had resulted in two responses, which had led to the following revisions:

- (i) that a licence would be granted in the absence of any representations, and that any representations should be upheld at a hearing; and
- (ii) that the Council recognised the Hampton principles of inspection and enforcement.

Decision:

- (1) That, as a result of the triennial review of the Council's Statement of Licensing Policy under the Licensing Act 2003, the responses received during the consultation period be noted; and
- (2) That the revised Statement of Licensing Policy be adopted for the next three years.

Reasons for Decision:

The Council was under a statutory duty to review its licensing policy every three years.

Other Options Considered and Rejected:

To not adopt the revised licensing policy, however the Council would then not be in a position to determine licensing applications.

154. WORK PLACEMENTS - PERMANENT SUPERNUMARY POST

The Finance, Performance Management & Corporate Services Portfolio Holder presented a report regarding a Permanent Supernumerary Post. In June 2007 Human Resources were approached by Employ-Ability, a Harlow based charity promoting access to employment for disabled people, requesting a work placement for a young woman with a visual impairment. The individual had completed a successful work placement developing general office skills and specific skills in communications and Public Relations. She had also completed a specific project providing feedback to the Council on access to information from a visually impaired perspective.

In August 2007 Employ-Ability had contacted Human Resources to discuss an offer of paid employment, and to inform the Council of the funding and resources available from Jobcentre Plus supporting individuals with disabilities into employment. The individual placed had achieved a great deal, completing specific objectives and performing to a high standard. The individual was currently employed in a temporary part time role as a Communications Assistant and had now been appointed to this post.

The long-term aim of the supernumerary post was to support and develop such individuals into permanent employment with the Council. The individuals would be initially employed on a temporary basis with the aim of finding a permanent position

within 6 months. There was an option of extending the temporary contract to a maximum of 12 months should this not be achievable in the six-month period. Once the individual had secured permanent employment in the authority, the supernumerary post would become available for further individuals with disabilities. If permanent employment was not secured, the temporary contract would cease.

Jobcentre Plus made a payment of £75.00 per week to Epping Forest District Council for a maximum of 13 weeks, this meant that the initial three months of the supernumerary post would cost the Council £175.00. Thereafter, it was proposed that the salary of £88.50 per week be met from the Recruitment and Retention Budget.

Decision:

- (1) That, with the aim of successfully recruiting increased numbers of staff with disabilities, the part funding of a permanent supernumerary post be agreed;
- (2) That any additional funding be met from the Recruitment and Retention budget;
- (3) That, with the aim of supporting the disabled member of staff into permanent employment within the Council during this period, the initial contract of employment be temporary for 6 months with the option of extending to 12 months; and
- (4) That the supernumerary post be a 'floating' post, which may be utilised across the Council.

Reasons for Decision:

These arrangements provided an excellent opportunity for individuals with disabilities who had not been able to build up their work experience starting the careers they desired. Employing individuals on this basis provided additional resources for the Council at minimum costs.

It also encouraged the removal of barriers to employment in the local community, and working in partnership with agencies such as Jobcentre Plus and Employ-Ability.

Other Options Considered and Rejected:

To not agree the permanent supernumerary post or substitute it with another approach.

155. CIVIC OFFICES - TOWER PASSENGER LIFT

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the Tower Passenger Lift at the Civic Offices. The lift had been out of service since October 2007; the maintenance contractor had traced the fault to the main motor drive control unit, but all attempts to repair it had proved unsuccessful. The only option remaining was to replace the lift control system itself, which had to be manufactured to order and would cost £22,330. The original manufacturers of the lift and control system had both ceased to trade, but a company had been located which could manufacture a new control system that, once installed, was expected to have a life expectancy in excess of 20 years.

Normally, for a contract of this value, competitive quotations would be obtained in accordance with Contract Standing Orders C5 and C16. It would take approximately 12 weeks from the date of order to complete the remedial works and put the lift back into operation, therefore authority was sought to place an order immediately so that the manufacturing process could commence. It was accepted that the required finance of £25,000 would become an inescapable commitment for the budget in 2008/09.

Decision:

- (1) That a capital growth bid in the sum of £25,000 be approved for 2008/09 for the acquisition and installation of a new lift controller and ancillary components to the main passenger lift in the Civic Offices;
- (2) That Contract Standing Order C5 be waived in relation to obtaining 3 quotations and the contract for the supply, installation and commissioning of this equipment be placed with Amalgamated Lifts Limited;
- (3) That, in view of the urgency to restore the lift to working order, authority be given to place an immediate order for this equipment due to the long lead time for its manufacture; and
- (4) That the irrevocable commitment of this funding for the 2008/09 budget be noted and accepted.

Reasons for Decision:

This was the most cost effective and technically sound method of repairing the lift, bringing it back to full working order and achieving compliance with Disability Discrimination Act (DDA) and European Union (EU) regulation requirements.

Other Options Considered and Rejected:

To do nothing, leaving the lift out of action, but this would leave the Council in contravention of the Disability Discrimination Act.

To completely strip out the existing lift and all associated control equipment, and install a new lift at a likely cost of £120,000, however this would be more costly and would take longer.

156. COUNCIL BUDGETS 2008/09

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented a report concerning the proposed Council Budgets for 2008/09. The Cabinet were reminded of the process that had been followed and the guidelines agreed by the Finance & Performance Management Cabinet Committee in preparing the budget for 2008/09:

- (i) the ceiling for Continuing Services Budget expenditure to be no more than £16.8m, including net growth and savings;
- (ii) the ceiling for net District Development Fund expenditure to be no more than £1m; and
- (iii) the District Council Tax to be increased by no more than the rate of increase in the Retail Prices Index.

The Portfolio Holder stated that the largest Continuing Service Budget (CSB) growth items for next year were £331,000 for the end of subsidy on reinstatement grants made between 1987 and 1991 under section 541 of the Housing Act 1985, and £250,000 for the Safer, Cleaner and Greener corporate initiative. The largest single CSB saving of £604,000 had resulted from the tendering exercise for the new waste management contract, whilst the Corporate Restructuring had provided significant savings of £506,000. The current CSB total of £16.828m was £28,000 above the budget guideline target, however a contingency of £175,000 had been included, which could be reduced accordingly if necessary.

In respect of the District Development Fund (DDF), the Portfolio Holder reported that the largest items of expenditure were £288,000 for the generation of the Local Development Framework, £130,000 for the non-Housing Revenue Account (HRA) building maintenance programme, and £100,000 to complete the comfort cooling programme. The current DDF programme of £1.078m exceeded the budget guideline by £78,000, however it was felt that, as the outturn would be unlikely to exceed £1m, this excess would not be significant.

The Portfolio Holder announced that with the Retail Prices Index figure currently 4.0%, the proposed increase in the District Council Tax of 2.5% was within the Council's target. Additionally, with current projections indicating that the Council's reserves would be £6.1m by 2011/12, or approximately 34% of net budget requirement, the Council's target of not allowing General Fund balances to fall below 25% of net budget requirement would also be met. As previously reported, the Formula Grant settlement for the three-year period 2008/09 to 2010/11 had resulted in small increases for the Council of 1%, 0.5% and 0.5% respectively.

The Cabinet's attention was drawn to some of the significant risks and uncertainties for 2008/09. The effects of the new National Concessionary Fares Scheme would not become clear until midway through the year. A budget provision based upon the estimated costs provided by the current consultants to the countywide scheme had been included in the budget. The recent substantial increases in utility prices and the potential for higher than budgeted wage settlements were also areas of concern, along with the pending clarification of whether the Department of Communities and Local Government would provide a capitalisation direction to cover the pension deficit payments for 2007/08 and subsequent years.

The Portfolio Holder reported that the balance of the HRA was expected to be £5.9m at 31 March 2009, a deficit of £404,000 for 2008/09 due to the £2m increase in subsidy payable to the Government. The HRA had had substantial balances for a period of time now and, despite the proposed deficit budget for 2008/09, this position was not expected to change in the short-term. The estimated balances for both the Housing Repairs fund and Major Repairs Reserve had also been provided.

The Portfolio Holder highlighted the current Capital Programme for 2007/08 to 2011/12, report on the Council's Prudential Indicators for 2008/09 to 2010/11 and the Treasury Management Strategy for 2008/09, which were all attached to the budget. The Capital Strategy had been agreed by the Council in December 2007, and the only subsequent additional items were £25,000 to repair the tower lift at the Civic Offices, and £23,000 allocated for the Safer, Cleaner and Greener corporate initiative. Prudential Indicators were more relevant for Councils with debt, and the Council aimed to remain debt-free during 2008/09. No changes to the current Treasury Management Strategy were proposed, although the additional returns achieved by the Treasury Management team in comparison to the industry average net returns for external fund management teams were emphasised.

The final item of the budget was the Chief Financial Officer's report. The Director of Finance & ICT had concluded that the estimates were sufficiently robust for the purposes of the Council's budget for 2008/09, and that the reserves of the Council were adequate to cope with the financial risks faced by the Council in 2008/09 but that spending would need to be kept under review with savings made in the medium-term.

The Portfolio Holder welcomed the fact that the Council had set the second lowest District Council Tax in Essex, and also felt that it was prudent to let the Council's reserves rise to 34% of net budget requirement due to the current unsettled conditions in the financial markets. The Director of Finance & ICT stated that it would be for the Cabinet to decide how the proposed contingency budgets were allocated, but the aim was that no supplementary estimates would be required during the forthcoming financial year. The Director of Finance & ICT also stated that the Council had received approval for 100% of its Capitalisation Directions to cover the Pension deficit payments for 2007/08. The Portfolio Holder for Finance, Performance Management and Corporate Support Services thanked the finance officers and the Directors for their efforts in assembling the budget for 2008/09.

Decision:

- (1) That, in respect of the Council's 2008/09 General Fund budgets, the following be recommended to the Council for adoption:
 - (a) the revised revenue estimates for 2007/08, with an anticipated increase in the General Fund balance of £116,000;
 - (b) an increase in the target for the 2008/09 Continuing Services Budget (CSB) from £16.8m to £16.828m (including growth items);
 - (c) an increase in the target for the 2008/09 District Development Fund (DDF) net spend from £1m to £1.078m;
 - (d) an increase of 2.5% in the District Council Tax to raise the charge for a Band 'D' property from £139.50 to £143.01;
 - (e) the estimated increase in General Fund balances in 2008/09 of £219,000;
 - (f) the four year Capital Programme for 2008/09 – 11/12;
 - (g) the Medium Term Financial Strategy for 2008/09 – 11/12; and
 - (h) the Council's policy on General Fund Revenue Balances to remain that they be allowed to fall no lower than 25% of the Net Budget Requirement;
- (2) That, including the revised revenue estimates for 2007/08, the 2008/09 Housing Revenue Account budget be recommended to the Council for agreement;
- (3) That the application of the rent increases and decreases for 2008/09 in accordance with the Government's rent reforms and the Council's approved rent strategy be recommended to the Council for approval;

(4) That the capitalisation of increase in deficiency payments to the pension fund in accordance with the Capitalisation Direction request made to the Department for Communities and Local Government be recommended to the Council for approval, with these payments to be funded from the Pension Fund Capital Reserve that was established with the transfer of £2.5m from the Usable Capital Receipts Account;

(5) That the Council's Prudential Indicators and Treasury Management Strategy for 2008/09 be recommended to the Council for approval; and

(6) That the Chief Financial Officer's report to the Council on the robustness of the estimates for the purposes of the Council's 2008/09 budgets and the adequacy of the reserves be noted.

Reasons for Decision:

The Council had a statutory obligation to set a budget and Council Tax for the 2008/09 financial year. The budget achieved the short term objective of keeping the increase in District Council Tax below the rate of increase in the Retail Prices Index. The adoption of the Medium Term Financial Strategy also addressed the longer-term objective of keeping revenue balances above 25% of the net budget requirement.

Other Options Considered and Rejected:

The Cabinet were satisfied that the Finance and Performance Management Cabinet Committee had considered the numerous options for CSB growth or savings, and DDF expenditure, and that there were no further options for action.

157. HOUSING RENTS INCREASE 2008/09

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report on the proposed Housing Rent increases for 2008/09. The process of rent restructuring, whereby Council and Housing Association rents were converged, would continue. The Government had relaxed the original deadline of 2011/12 to 2016/17, but it was felt that it would be beneficial for the Council to continue with the current policy and aim for convergence by 2011/12. This would require an average rent increase of 6.7%, which would provide an additional £386,000 in rental income. As the majority of Council tenants received housing benefit, it was felt that they would be cushioned from the full effects of the proposed rent rise. The Director of Housing added that it was intended to use the additional income to increase contributions to off-street parking programmes.

Decision:

That, in accordance with the Council's approved Rent Strategy, an average increase in housing rents for 2008/09 of 6.69% be recommended to the Council for approval.

Reasons for Decision:

The proposed rent increase was in line with the Council's existing Rent Strategy and achieved the long-term objective of rent restructuring more promptly.

Other Options Considered and Rejected:

To delay convergence until 2016/17, however there was still the possibility that this could revert to the original deadline of 2011/12.

158. 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>
24	Employer's Liability Claim – Asbestos	1

159. EMPLOYER'S LIABILITY CLAIM - ASBESTOS

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented a report concerning the Employer's Liability Claim received in respect of asbestos. The Cabinet were reminded that an employer's liability claim in respect of asbestos had been received from a former employee, for which the Council was potentially liable. Both the Council's current and former insurers had rejected the claim on the basis that they were not the Council's insurance provider at the time, and consequently it had been agreed that an external solicitor with relevant experience should be appointed to handle the claim on behalf of the Council. Sparling Benham and Brough had been subsequently appointed.

The Portfolio Holder reported that the claimant's solicitors had offered to accept settlement of their claim for £190,000 but as liability was not clear-cut the Council had been advised not to accept this offer to settle. The Council had been further advised that a specialist barrister should be engaged to give an opinion on the prospects of the Council limiting or avoiding liability, in order to assess whether the correct course of action was being pursued. This opinion would also be essential in any future case against the Council's past and present insurers if the Council sought to recover the costs incurred from this case. If the offer to settle was refused then it was also proposed to authorise the barrister to appear on the Council's behalf in any further court proceedings.

Decision:

- (1) That the current position on this claim be noted;
- (2) That the offer to settle this case in the sum of £190,000 made by the claimant's solicitors be rejected;
- (3) That the appointment of a barrister by the external solicitors appointed to handle this claim on behalf of the Council be endorsed; and
- (4) That the barrister be authorised to appear on the Council's behalf in any court proceedings.

Reasons for Decision:

Following the advice of the external solicitors should minimise the Council's ultimate liability in this case.

Other Options Considered and Rejected:

To accept the offer to settle the claim for £190,000 and seek redress from the Council's past or present insurer, however this would be contrary to the legal advice received and would leave the Council vulnerable to the claim that it had failed to mitigate the loss.

CHAIRMAN