

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 10 March 2008

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.35 pm

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

Other

Councillors: D Jacobs, R Morgan, S Murray, B Rolfe, Mrs J H Whitehouse and J M Whitehouse

Apologies: A Green

Officers Present: P Haywood (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), I Willett (Assistant to the Chief Executive), P Pledger (Assistant Head of Housing Services (Property and Resources)), S Tautz (Performance Improvement Manager), Ian White (Senior Planning Officer), T Carne (Public Relations and Marketing Officer), C Overend (Policy & Research Officer), G J Woodhall (Democratic Services Officer), S Mitchell (PR Website Editor) and P Tredgett (Information Assistant)

160. 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.

161. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in item 5a of the agenda (Industrial Development Land Sale – Merlin Way, North Weald). The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J H Whitehouse declared a personal interest in item 10 of the agenda (St John's Road, Epping – Development & Design Brief). The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(c) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in item 10 of the agenda (St John's Road, Epping – Development & Design Brief). The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

162. MINUTES

RESOLVED:

That the minutes of the meeting held on 4 February 2008 be taken as read and signed by the Chairman as a correct record.

163. ANY OTHER BUSINESS**RESOLVED:**

That the item regarding the Industrial Development Land Sale at Merlin Way in North Weald be considered in part II of the meeting after the public and press had been excluded, as the disclosure of financial information in relation to the proposed sale could encumber the Council's ability to obtain competitive bids in the future.

164. REPORTS OF PORTFOLIO HOLDERS**(a) Environmental Protection**

The Portfolio Holder gave the following statement:

"Cabinet will recall that Cory Environmental Municipal Services provided the waste management service for the period between South Herts Waste Management going into liquidation in April 2006 until the letting of the new contract, which commenced on 5 November 2007.

The contractual arrangement was 'open book' whereby the Council paid a fixed management fee and then met Cory's agreed operating costs of the service. Throughout this period, officers have carefully scrutinised the monthly accounts as well as keeping a careful watch on vehicle and personnel numbers. All monthly accounts have had disputed elements and retentions have been applied.

Officers have been endeavouring to agree a final account with Cory. To date, this has not been possible, due in main to officers' concerns regarding the use of hire vehicles, agency staff and the receipt of late accounts. An offer has been made for settlement, which has not been accepted. As ever in such matters, a compromise position will have to be found, but irrespective of the final agreed outcome, the estimated budget for 2007/08 will be exceeded. The degree of the overspend will depend entirely upon the ongoing negotiations with Cory.

Any increase in budget will require the agreement of Council. Given the timing of these events, even if a settlement could be reached with Cory by the end of the current financial year, this would not be possible given that Council does not meet again until 22 April 2008. Therefore, it is proposed that the final agreed settlement will be reported to members through the 2007/08 financial year outturn report scheduled for June this year. Because of this delay, imposed through the completion of negotiations and the reporting timetable, I considered it appropriate to inform members of the current difficulties and the anticipated budget overspend, even though at present I cannot tell members what the scale of the overspend will be. Officers will continue to negotiate robustly with Cory to achieve the best possible outcome for the Council."

(b) Leisure and Young People

The Portfolio Holder reported that SLM, the Council's external Leisure contractor, intended to move the Loughton Swimmers from their usual slot at Loughton Pool effective from 1 April 2008. The Council was concerned about this proposed decision and representations had been made to SLM at officer level. A meeting was due to take place in the near future between the Portfolio Holder, the Finance, Performance Management & Corporate Support Services Portfolio Holder and SLM's senior management, at which the Council's concerns regarding the proposed decision would be expressed.

(c) Community Wellbeing

The Portfolio Holder reported that, in respect of the new National Concessionary Fares Scheme, the Government had not included companion passes in the scheme. The Council had not issued companion passes in the past but it was prepared to consider a possible scheme and a report had been requested from officers. At a recent meeting, District Councils within Essex had agreed upon a 9.30am start for the scheme, as per the national scheme.

165. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee reported that in respect of item 22 on the agenda (Feasibility of Sports Hall provision and Waltham Abbey Swimming Pool), the Committee would consider the Cabinet's request to amend the Terms of Reference for the Leisure Task and Finish Panel at its next meeting, to incorporate this item.

166. CORPORATIVE INITIATIVE - SAFER, CLEANER AND GREENER

The Leader of the Council presented a report from the Overview & Scrutiny Committee regarding the Safer, Cleaner and Greener initiative for 2008/09. The Overview and Scrutiny Committee had considered the Rogers Review of enforcement priorities in conjunction with the Cleaner Neighbourhoods legislation, and had considered how this could be included as part of the previously agreed Safer, Cleaner and Greener corporate initiative for 2008/09. The Leader of the Council reported that the Crime and Disorder enforcement function would be included as a priority, but that the corporate initiative would concentrate upon national and local priorities. The non-priority items would be examined for possible future inclusion in the initiative. It was felt that the existing enforcement policy should be reviewed, following the Rogers Review, but that the use of fixed penalty notices should be advocated along with the use of the Essex Police Community Safety Accreditation Scheme for Enforcement Officers. It was intended to review the Council's existing partnerships and establish new partnerships if appropriate in order to utilise the full range of powers available under the Cleaner Neighbourhoods powers.

Decision:

- (1) That the Overview and Scrutiny report in respect of the Safer, Cleaner and Greener corporate initiative for 2008/09 be noted;
- (2) That the following enforcement functions, identified as national priorities by the Rogers Review, be incorporated in the Safer, Cleaner and Greener corporate initiative:
 - (a) air quality;

- (b) health in the workplace;
 - (c) alcohol licensing (including entertainment licensing); and
 - (d) hygiene in food businesses;
- (3) That the following enforcement functions, identified as local priorities by the Rogers Review, be incorporated in the Safer, Cleaner and Greener corporate initiative:
- (a) local environmental quality;
 - (b) contaminated land;
 - (c) noise nuisances;
 - (d) housing health & safety rating scheme;
 - (e) accidents in the workplace; and
 - (f) licensing of houses in multiple occupation;
- (4) That, although not included in the Rogers Review, the crime and disorder enforcement function be incorporated in the Safer, Cleaner and Greener corporate initiative;
- (5) That the following enforcement functions, identified as non-priority items by the Rogers Review, be examined for possible future incorporation in the Safer, Cleaner and Greener corporate initiative:
- (a) litter, fly-tipping, dog fouling, statutory nuisances and stray dogs;
 - (b) animal related licensing;
 - (c) private water supplies;
 - (d) private sewers & drains;
 - (e) unauthorised encampments;
 - (f) land drainage; and
 - (g) other licensing matters;
- (6) That enforcement activities falling outside of these categories and/or outside of the Rogers Review terms of reference be further reviewed;
- (7) That the general findings of the Encams Local Environmental Quality report be noted;
- (8) That existing partnerships be reviewed and where appropriate new partnerships be established in order to enable the full suite of Cleaner Neighbourhoods powers to be utilised;
- (9) That the use of fixed penalty notices be endorsed as part of a revised enforcement strategy, including the use of the Essex Police Community

Safety Accreditation Scheme for enforcement officers; and

(10) That the existing corporate enforcement policy be reviewed in the light of the Rogers Review recommendations.

Reasons for Decision:

To supplement and strengthen the Safer, Cleaner and Greener initiative agreed by the Cabinet at its previous meeting.

Other Options Considered and Rejected:

To not endorse the recommendations of the Overview and Scrutiny Committee.

167. SPRINGFIELDS IMPROVEMENT SCHEME - PROGRESS REPORT III

The Housing Portfolio Holder presented a progress report regarding the Springfields improvement scheme. The total budget agreed by the Cabinet had been £4.124m; the current anticipated outturn was estimated to be £3.96m, a saving of £164,000. Whilst the main contractor was currently slightly behind schedule due to problems associated with groundwater and the existing mains and drainage services, it was anticipated that the programme would still be completed within 65 weeks.

Decision:

That the current progress of the Springfields Improvement Scheme, including an anticipated £164,000 saving against the agreed budget, be noted.

Reasons for Decision:

To note the current progress of the scheme, as agreed by the Cabinet on 8 October 2007.

Other Options Considered and Rejected:

No other options for consideration.

168. SITES IN ST JOHN'S ROAD, EPPING - DEVELOPMENT & DESIGN BRIEF

The Planning and Economic Development Portfolio Holder presented a report regarding the preparation of a Development and Design brief for the reuse of several sites and buildings in St John's Road, Epping. The Cabinet were informed that there were a number of sites at the south-east end of St John's Road, close to the junction with the High Street, which were likely to be significantly redeveloped in the near future. In addition, there were also a number of smaller sites on the north side of St John's Road that could be redeveloped. This particular area of Epping was a sensitive one, as it was within the Epping Conservation Area, and had a number of prominent listed buildings as well as several locally listed buildings. Following a recent discussion with officers from Essex County Council, it was suggested that a Development and Design Brief should be prepared for all the potential sites in St John's Road, in order to realise the prospect of new community and commercial uses, as well as social housing. It was felt that redevelopment could improve and enhance facilities for local residents and reinforce the social and economic vibrancy of this part of Epping, including facilities owned by the Council.

The Portfolio Holder reported that in order to hasten the process, and bring a degree

of specialist knowledge to the scheme, it was proposed to engage consultants to produce the Development and Design Brief. It was intended to seek half of the cost for preparing the Brief from the County Council. A shortlist of specialist consultants had been drawn up for a similar brief in the Loughton Broadway area and it was intended to use this list for the St John's Road Development Brief. A scoping report would also need to be produced prior to the engagement of the Consultants, and the Portfolio Holder had recommended that the following members be delegated to agree this and the list of consultants:

- (i) The Leader of the Council;
- (ii) The Planning & Economic Development Portfolio Holder;
- (iii) The Housing Portfolio Holder;
- (iv) The Finance, Performance Management and Corporate Support Services Portfolio Holder; and
- (v) The Chairman of Area Planning Sub-Committee East.

It was requested that all the District Councillors for Epping be included within the preliminary group. However the Portfolio Holder stated that it was felt that the five listed members would be adequate, but that all the local members would be able to express their opinions during the consultation period.

Decision:

- (1) That a Development and Design Brief be prepared to guide the future redevelopment and reuse of several sites and buildings in St. John's Road, Epping;
- (2) That, partly because of urgency, partly because of internal capacity and partly to bring specialist knowledge, Consultants be appointed to produce the Development and Design Brief;
- (3) That at least 50% of the required funding to prepare the Brief be sought from Essex County Council;
- (4) That the Council's proportion of the cost of the Brief be met from existing Local Development Framework District Development Fund budget provision; and,
- (5) That delegated authority be given to the following Councillors to agree the scoping report and list of consultants:
 - (a) Leader of the Council;
 - (b) Planning & Economic Development Portfolio Holder;
 - (c) Housing Portfolio Holder;
 - (d) Finance, Performance Management & Corporate Support Services Portfolio Holder; and
 - (e) the Chairman of Area Planning Sub-Committee East.

Reasons for Decision:

The preparation of a Development and Design Brief was considered a more coordinated approach than reacting to a variety of development proposals. The brief would ensure that the best possible community gains and environmental enhancement of the area would be achieved, as well as provide guidance to officers and members when determining the resultant planning applications.

Other Options Considered and Rejected:

To do nothing, however this would not produce the benefits that redevelopment could bring to this part of Epping.

169. SOCIAL HOUSING GRANT - THE QUARTER, ONGAR

The Housing Portfolio Holder presented a report concerning the Social Housing Grant (SHG) payable for the development at the Quarter in Ongar. The Cabinet were reminded that it had agreed to pay £710,000 of SHG to London and Quadrant (L & Q) Housing Trust to enable the rents for 18 of their 24 properties at the Quarter to be converted to affordable rents, and that further SHG of £290,000 would be provided to L & Q in order to convert the rents of the remaining 6 properties when additional funding became available. L & Q had converted the rents of these remaining 6 properties in advance of receiving the additional SHG when it became available.

The Portfolio Holder reported that an additional £35,000 of SHG had now become available via section 106 agreements for payment to L & Q, in accordance with the legal agreement signed by the Council. In addition, the Portfolio Holder reported that the Council was estimated to receive a further £885,000 from Section 106 agreements in the medium term, which would enable the balance of £265,000 SHG to be paid to L & Q. It was proposed that the Cabinet agree to this funding being paid as it became available without further reference to the Cabinet.

Decision:

- (1) That a further payment of £35,000 social housing grant be paid to London & Quadrant (L&Q) Housing Trust, in accordance with the legal agreement between the Council and L&Q, in respect of the conversion of tenures and rents at The Quarter, Chipping Ongar from market rented to social rented properties, as previously agreed by the Cabinet; and
- (2) That the remaining outstanding balance of £255,000 to L&Q be paid, in accordance with the legal agreement, as and when further financial contributions are received from developers in accordance with Section 106 Planning Agreements, without further reference to the Cabinet.

Reasons for Decision:

The Council was legally obligated to pay L & Q the balance of the funding from contributions received from developers in accordance with Section 106 planning agreements.

Other Options Considered and Rejected:

To receive further reports whenever future payments were made to L & Q.

170. NATIONAL OUTCOME AND INDICATOR SET

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the new National Outcome and Indicator set to be introduced from April 2008. The Department for Communities and Local Government (DCLG) had published a new set of national performance indicators (NIs) in November 2007 to replace all existing indicators, including Best Value Performance Indicators (BVPIs), with effect from April 2008. The new indicators covered services delivered both singly and in partnership, thus encouraging councils and their partners to work together to deliver improved services. There were 198 separate indicators within the new suite, of which 64 were to be reported at the District Council level. Other indicators would be collected and reported by partner agencies such as the Primary Care Trust, and the Crime and Disorder Reduction Partnership. Full details of the new NI set had been attached at Appendix 1 to the report.

The Portfolio Holder stated that it was still important for the Council to retain Local Performance Indicators (LPIs) in order to measure its performance against local priorities. Following the introduction of the new NIs, a review had been undertaken of the Council's existing statutory BVPIs and LPIs, with the aim of adopting some of the current BVPIs into a new LPI suite. The indicators that had been proposed for adoption as LPIs had been attached at Appendix 2 to the report. The Director of Corporate Support Services informed the Cabinet that it was intended to retain LPI EH6 (Licence applications processed within statutory periods) but that LPIs LA1 and LA2, regarding Section 106 agreements, would be deleted.

The Portfolio Holder advised that concerns had been expressed in respect of the future collection and reporting of NI14 (Avoidable Contact) by the Corporate Executive Forum and Management Board. The Cabinet were advised that the implementation of this indicator had been deferred until October 2008 when further guidance had been issued by the DCLG.

Decision:

- (1) That the details of the new National Outcome and Indicator Set to be introduced from April 2008 be noted;
- (2) That the concerns expressed by the Corporate Executive Forum and Management Board in respect of National Indicator 14 (Avoidable Contact) be noted; and
- (3) That, subject to the views of the Finance & Performance Management Scrutiny Panel, proposals for the continued reporting and monitoring of appropriate existing Best Value and Local Performance Indicators be agreed.

Reasons for Decision:

To advise the Cabinet of the revised statutory performance monitoring requirements, and the adoption of a new suite of LPIs for 2008/09.

Other Options Considered and Rejected:

None, as the Council was statutorily required to collect and report performance against relevant BVPIs and NIs.

171. ESSEX LOCAL AREA AGREEMENT 2008-11 - 'LIBERATING POTENTIAL'

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the proposed second Local Area Agreement (LAA) for Essex. The LAA scheme had been introduced in June 2004, and the second agreement for Essex was due to commence in April 2008. The Cabinet had already agreed the Epping Forest 'Story of Place' for inclusion in the LAA at its meeting held in December 2007. The development of the new LAA was being led by the Essex Partnership Forum, which comprised representatives of all the public sector agencies operating across the county. The first draft of the LAA, entitled 'Liberating Potential', had been circulated by the Forum and contained a number of priorities along with appropriate measures of performance. Individual partner organisations had been requested to identify those priorities that they would be able to 'have regard to', which should be reflected in their business planning and performance management arrangements. The Corporate Executive Forum had considered the priorities within the draft LAA and had recommended that the Council should 'have regard to' five of the ten priorities, as listed in the supplementary list tabled at the meeting.

The Portfolio Holder added that the original draft of the LAA had contained 21 priorities for the Council to consider, which had subsequently been reduced to 10. Affordable housing was not one of the listed priorities but it was an important issue for the District and the Council wanted to add it if it could. The Council did not have any financial input for education provision within the District hence it had been marked as a 'No'; only those items that would be funded by the Council had been marked as a 'Yes'. It was expected that the Council's partners in the Local Strategic Partnership would contribute to the achievement of the remaining draft LAA objectives.

Decision:

- (1) That the current progress with regard to the development of the second Local Area Agreement for Essex be noted: and
- (2) That the following indicators for the Council to 'have regard to' be agreed:
 - (a) more people supported to live in their own homes and better support for carers;
 - (b) more volunteering and participation in sport and culture;
 - (c) Essex is a safe place to live;
 - (d) a smaller carbon footprint with less waste; and
 - (e) a well managed natural environment.

Reasons for Decision:

To enable the Cabinet to consider the first draft version of the second LAA for Essex, to agree the priorities that the Council wanted to 'have regard to' and identify any additional local targets for inclusion, as the Council was statutorily required to participate in the development of the LAA.

Other Options Considered and Rejected:

To agree different priorities for the Council to 'have regard to'.

172. LOCAL DEVELOPMENT FRAMEWORK ARRANGEMENTS

The Planning & Economic Development Portfolio Holder presented a report about the proposed arrangements for the Local Development Framework. The Portfolio Holder reported that the current Local Plan system was to be replaced by the Local Development Framework (LDF), consisting of a Core Strategy and numerous Development Plan Documents (DPDs). The guidance for producing the LDF had placed a strong emphasis upon 'front loading' in order to consult upon the proposals at the earliest possible opportunity and prevent any delay in the adoption of either the Strategy and any of the DPDs. Therefore, early decisions were necessary and it was proposed to establish a Portfolio Holder Advisory Group to assist the Planning and Economic Development Portfolio Holder and permit Councillors to be formally involved in the production of the LDF. Notification of each meeting would be placed in the Council Bulletin, with the notes from each meeting published upon the website. It was also intended to work in conjunction with adjoining local authorities to produce a sound evidence base to support the Core Strategy.

The Portfolio Holder moved an amendment to the composition of the Advisory Group from the original proposal of seven to eleven in order to allow the Independent Group to make a nomination. Reassurance was provided that any Portfolio Holder decisions which arose out of the Advisory Group would be published in the Council Bulletin and be subject to call-in in the normal manner.

Decision:

- (1) That the Planning & Economic Development Portfolio Holder be requested to establish a Local Development Framework Advisory Group;
- (2) That the Local Development Framework Advisory Group be composed of the following Group nominations:
 - (a) six Conservatives;
 - (b) two Liberal Democrats;
 - (c) one British National Party;
 - (d) one Loughton Residents Association; and
 - (e) one Independent Group; and
- (3) That the principle of working in a joint and/or coordinated way with adjoining local authorities to ensure a sound evidence base is produced to support the Core Strategy be approved.

Reasons for Decision:

The preparation of a sound LDF and associated DPDs required local planning authorities to ensure that all local issues were properly addressed. There was a clear need for the Council to work in tandem with other local authorities to ensure a coordinated and complimentary approach to the future development of the District.

Other Options Considered and Rejected:

To not establish any kind of Advisory Group, however this would isolate the Portfolio

Holder in the decision making process and preclude consultation with other members.

To establish a Task and Finish Scrutiny Panel, however this would not offer the same flexibility as the Advisory Group.

To establish a Cabinet Committee, however this would not include members outside of the Cabinet or from other political groups, and the procedure for publishing agendas and minutes would make this option more inflexible.

173. YOUTH INITIATIVES SCHEME - WORK PROGRAMME

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the current position in respect of the Youth Initiatives Scheme. The Scheme had provided a budget of £100,000 per annum for the three years 2005/06 to 2007/08 for town or parish councils to access for the provision of youth schemes within their area. Of the original £300,000 allocation, £296,767 had been released for schemes throughout the District, leaving a contingency of £3,233. There were two schemes that had not been completed, in Buckhurst Hill and Ninefields, Waltham Abbey, however their completion was anticipated within or shortly after the end of the current financial year.

Decision:

(1) That the arrangements for the completion of the Youth Initiatives Scheme programme, including the possibility of works on the Buckhurst Hill and Waltham Abbey Schemes extending into the 2008/09 financial year, be noted; and

(2) That the Finance, Performance Management & Corporate Support Services Portfolio Holder be authorised to release funds for approved schemes on an ongoing basis in accordance with the timetables of works provided by the Parish and Town Councils.

Reasons for Decision:

Such facilities were required throughout the District but particularly in the more remote and rural areas. The projects financed had had the support of the town or parish council as well as residents in the locality. It was believed that the provision of such facilities could assist in the reduction of youth nuisance and anti-social behaviour.

Other Options Considered and Rejected:

To agree or reject the proposed schemes, or to amend the amounts within the overall annual budget.

174. LOCAL GOVERNMENT PENSION SCHEME

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented a report on the proposed amendments to the Local Government Pension Scheme (LGPS), to come into effect from 1 April 2008. The majority of the scheme's provisions were covered by statutory regulation, however there were four areas where the Council was required to decide upon the implementation of the provisions: contribution bands; employers' option for granting additional pension; flexible retirement; and dealing with transfer-in requests after twelve months of

having joined the Council. Once the discretions had been agreed, a Policy Statement would be formed and forwarded to the Pension Service at Essex County Council, who were the administering authority, for implementation.

In respect of contribution bands, the Portfolio Holder reported that there could be changes to pensionable pay due to promotion, incremental progression or re-grading; and the Council had to decide on how to reassess the contribution rate. There were three options for the Council to consider, but the proposal was for a scheme member's contribution rate to be assessed whenever there had been a material change to their pensionable pay. The Council also had three options to increase a scheme member's benefits, either through increasing a member's period of membership, contributing to a member's additional voluntary contributions, or granting additional pension of up to £5,000 per annum. It had previously been agreed not to implement the first two options by the Council in June 1998, and it was similarly recommended not to implement the third option either.

In respect of flexible retirement, the Portfolio Holder advised the Cabinet that the scheme permitted flexible retirement to be requested by a scheme member. There would be no costs to the Council for employees aged 60 to 65 requesting flexible retirement, and it was recommended that this should be permitted. In addition, it was proposed that flexible retirement could only be requested by a member where there had been a reduction in their hours by 25% or there had been a reduction in their job grade, with the request made by the member within three months of the change. Active members would only be permitted to exercise one flexible retirement option. A scheme member only had an automatic right to transfer in previous pension rights to the scheme within the first twelve months of joining the Council. Although the Council did have the discretion to accept further transfers after this period, there were possible liabilities for the Council and it had been recommended that this option should not be permitted.

Decision:

- (1) That, after 1 April 2008, a scheme member's contribution rate be assessed whenever there has been a material change to their pensionable pay;
- (2) That the eligibility for additional pension of up to £5,000 per annum not be permitted for scheme members;
- (3) That, provided the Council is not subject to additional costs on the early release of benefits, a Flexible Retirement Scheme for active scheme members aged 60 to 65 be adopted;
- (4) That Flexible Retirement can be requested by an active scheme member provided:
 - (a) there has been a permanent reduction to their hours by 25%; or
 - (b) there has been a reduction in grade (excluding the results of the job evaluation or redeployment processes); and
 - (c) the request was made within 3 months of the change;
- (5) That an active scheme member not be permitted to exercise a second flexible retirement option; and

- (6) That active scheme members only be permitted to transfer-in previous pension rights to the scheme within twelve months of joining the Council.

Reasons for Decision:

To inform the administering authority of the Council's preferred discretions under the terms of the amended scheme.

Other Options Considered and Rejected:

To decide upon discretions other than those recommended.

175. LOCAL BIODIVERSITY ACTION PLAN

The Planning & Economic Development Portfolio Holder presented a report regarding the Local Biodiversity Action Plan. The Cabinet were advised that Local Biodiversity Action Plans had two functions, namely: to ensure that national action plans were translated into effective action at local level; and to establish targets and actions for species and habitats characteristic to each local area. In June 2006, a steering group was formed to formulate a Local Biodiversity Action Plan for the District, to which conservation organisations operating in the District were invited. The Plan would build on the work performed by Countrycare and other organisations within the District, with a five-year action plan to conserve and enhance the biodiversity within the District, and promote further community involvement. The Cabinet were requested to adopt the Plan, with further reports on the progress of the Plan to be submitted annually.

Decision:

- (1) That the Local Biodiversity Action Plan be adopted; and
- (2) That an annual report on progress with the Plan and the achievement of its targets be received.

Reasons for Decision:

The Local Biodiversity Action Plan would demonstrate the Council's commitment to sustainable development throughout the District and reinforce the nature conservation policies. It would also contribute to national targets and achieve more coordinated working with other conservation organisations and the local community.

Other Options Considered and Rejected:

To not adopt the Local Biodiversity Action Plan, however this would contradict the Council's stated aim of protecting the special character of the District.

176. BUILDING MAINTENANCE WORKS UNIT AND HOUSING REPAIRS REVIEW

The Housing Portfolio Holder presented a report about the review of the Building Maintenance Works Unit and Housing Repairs Section. Following the corporate restructure, where it was agreed that the Building Maintenance Unit would become part of the Housing Directorate, a review had been undertaken of the Building Maintenance Works Unit. Despite the adoption of various strategies, the Works Unit had struggled to recruit skilled craft workers and had relied upon sub-contractors, with a subsequent adverse effect upon performance targets. However, the Works Unit had scored highly in an independent tenant satisfaction survey. There were four

options considered as part of the review, with the favoured option being the downsizing of the Works Unit through a managed recruitment process, which should avoid redundancies, and outsourcing the remaining work via existing or new framework agreements tendered in accordance with the applicable procedures. Staff within the Works Unit had been informally consulted about the proposals and were broadly in favour of the preferred option.

The Portfolio Holder also reported that with the Chief Works Officer retiring at the end of April 2008, a new management structure would have to be implemented for the Works Unit. The proposed solution was to recruit an interim management structure from an external repairs management contractor for a three-year period, with the intention to change the procedures to ensure efficiency and value for money, whilst retaining the high level of tenant satisfaction. This would be an innovative solution that was not widely used elsewhere. It was also intended to locate the service solely within the front part of the depot site, as a result of the downsizing, which would allow the rear site to be redeveloped. Alternative sites for the Works Unit depot were being sought but none had been identified at the current time. The Portfolio Holder added that, until such time as all the repairs works were let through formal contracts, Contract Standing Order C6 (Contracts exceeding £50,000) would need to be waived. In the meantime, it was proposed that value for money tests would continue to be applied, with an annual report submitted to the Cabinet setting out the progress in respect of implementing the contracts for the responsive repairs works and the expenditure incurred with sub-contractors.

Decision:

- (1) That with effect from 1 May 2008 when the Building Maintenance section within the current Works Unit transfers to the Housing Directorate:
 - (a) the Building Maintenance Works Unit be downsized and combined with the Housing Repairs Section; and
 - (b) the remaining responsive repairs service be externalised through existing and new framework agreements;
- (2) That, for a period of up to three years, an interim management arrangement be implemented for the supervision of the combined Building Maintenance and Repairs Service, which would include:
 - (a) placing an advertisement in the EU Journal seeking expressions of interest from repairs main contractors;
 - (b) inviting tenders based on experience, performance, quality, continuity of service, management support, employment terms and conditions and cost; and
 - (c) holding interviews with the individual manager and management team put forward by the main contractor;
- (3) That the Building Maintenance and Repairs Service be operated from the existing combined Epping Depot site until such time as the service could be consolidated into one site (formerly the Dairy Crest Depot) when the rear site could then be vacated to allow any future redevelopment in conjunction with Essex County Council as part of the school redevelopment;

(4) That Contract Standing Order C6 (Contracts Exceeding £50,000) be waived for a range of responsive repairs work that would not be undertaken by the Building Maintenance Work Unit (BMWU), to the aggregated value of around £750,000 per annum, until such time as new framework agreements could be tendered in accordance with EU legislation, Leasehold Legislation and Contract Standing Orders, since the BMWU were not currently required to tender and enter into contracts for sub-contracted works, as a result of special measures within the Contract Standing Orders, which would expire once the BMWU joined the Housing Directorate;

(5) That until framework agreements could be tendered, value for money be tested by Housing Repairs and the BMWU through:

(a) continuing to obtain quotes for individual jobs in excess of £1,000; and

(b) utilizing the existing schedule of rates used by the BMWU as a benchmark;

(6) That progress reports on expenditure with sub-contractors be submitted periodically to the Cabinet; and

(7) That an annual report be presented to the Cabinet setting out progress in respect of setting up contracts for the responsive repairs works and reporting expenditure with sub-contractors.

Reasons for Decision:

To enhance existing good practice and address weaknesses that had been identified within the Works Unit, and allow for any future wholesale externalization of the Works Unit.

Other Options Considered and Rejected:

In respect of the reorganization of the Works Unit:

(i) to retain the Works Unit but combine it with Housing Repairs;

(ii) to externalize the whole of the Works Unit; or

(iii) to externalize the whole of the Works Unit as well as the management of the Housing Repairs function.

In respect of the interim management:

(i) recruitment of a directly employed manager; or

(ii) recruitment of a manager through a specialist agency.

There were no other options considered in respect of the contract management issue.

An alternative site for the Works Unit was not currently available within the vicinity.

177. RESPONSE TO THE PITT REVIEW - INTERIM REPORT ON SUMMER FLOODING 2007

The Community Wellbeing Portfolio Holder presented a report concerning the Council's suggested response to the interim report by Sir Michael Pitt on the summer flooding in 2007. The Cabinet were reminded that the Government requested Sir Michael Pitt to carry out a review of the flood related emergencies that had occurred during the summer of 2007. The interim report now published contained 15 recommendations and 72 interim conclusions, which from the Council's perspective would affect a number of its services. It was therefore considered appropriate for the Council to consider the report and respond with its views as part of the consultation exercise. The Council's suggested response to the recommendations and conclusions had been attached to the report as an Appendix, which the Cabinet was asked to approve. When the final report was published, it was felt that the Overview and Scrutiny Committee should be requested to consider the implications arising from the final recommendations for the Council.

The Portfolio Holder added that the Council had been represented at an East of England Consultation event facilitated by the Government Office for the East of England (GO East), at which a new chapter to the interim report was published, titled 'Recovering from the Floods', which contained a further 20 interim conclusions. It had not been possible to formulate a considered response to these additional conclusions for the Cabinet to approve, hence it was suggested that a response be prepared for approval by the Portfolio Holders for Community Wellbeing and Civil Engineering and Maintenance. This further response would be circulated in the Council Bulletin in order to inform all Councillors.

Decision:

- (1) That, as part of a consultation exercise, responses to the recommendations and conclusions of the interim report by Sir Michael Pitt " Learning Lessons From The 2007 Floods" be made;
- (2) That, as set out in the schedule attached to the report, the Council's suggested response be approved;
- (3) That the Overview and Scrutiny Committee be invited to consider the implications for the Council arising from the final report of the Pitt Review, expected to be published in the summer of 2008; and
- (4) That a further response to the additional interim conclusions published on 4 March 2008 entitled "Recovering from the Floods" be drafted by officers for approval by the Portfolio Holders for:
 - (a) Community Wellbeing; and
 - (b) Civil Engineering and Maintenance.

Reasons for Decision:

To ensure that the Council would respond by the deadline of 31 March 2008, and that its views would be considered by the Review Team when drafting the final report for publication in the summer of 2008.

Other Options Considered and Rejected:

To not respond to the consultation exercise, however the Council would miss the opportunity to contribute to future strategic flood planning that would have an impact upon the District.

178. HOUSING REVENUE ACCOUNT - FIVE-YEAR FORECAST

The Housing Portfolio Holder presented a report concerning the Five-Year Forecast for the Housing Revenue Account (HRA). The Portfolio Holder reported that the balance of the HRA at 31 March 2008 was expected to be £6.2m, £200,000 higher than predicted a year ago. It had been proposed that the policy agreed a year ago, namely that HRA balances should be maintained in the range £3m to £4m, should be reaffirmed and that the balances should be reduced to £3.9m by 31 March 2013. The most prudent approach to reducing the HRA balances would be to introduce additional Revenue Contributions to Capital Outlay (RCCO), as if the HRA finances were to worsen then cuts in RCCO would be less damaging than reducing revenue expenditure. Consequently, it was proposed that £300,000 in additional RCCO be introduced for the four years beginning in 2009/10.

The Portfolio Holder reported that consideration had been given as to how this additional funding could be utilised. An increasing problem that had been emerging on the Council's Housing Estates was unauthorised car parking on grassed areas, which was both unsightly and potentially dangerous. Therefore, it was proposed to request the Housing Scrutiny Panel to consider the approach to be taken regarding enforcement against such unauthorised parking, and whether all or part of the additional resources within the HRA should be utilised to accelerate the off-street parking programme. It was highlighted to the Portfolio Holder that similar problems in respect of off-street parking also existed on private estates. The Chairman of the Housing Scrutiny Panel welcomed the report and its emphasis upon off-street parking.

Decision:

- (1) That the Housing Revenue Account (HRA) Five Year Forecast for the period until 2012/13 be noted;
- (2) That HRA balances be reduced to £3.9m by 31 March 2013, and maintained within the range of £3m to £4m;
- (3) That the reduction of HRA balances be achieved by means of £300,000 additional Revenue Contributions to Capital Outlay (RCCO) each year, and that these additional contributions be included in the next Capital Programme review; and
- (4) That the Housing Scrutiny Panel be requested to examine the resourcing requirements for accelerating the Off Street Parking programme on Council Housing Estates, and the issues surrounding enforcement against unauthorised parking.

Reasons for Decision:

The balances for the HRA should ideally range between £3m and £4m; the additional £300,000 of RCCO per annum would reduce the balances from its current high level of in excess of £6m.

The deficits forecast from 2008/09 onwards resulted mainly from the additional RCCO and were essential for the reduction of the HRA surplus, but would need to be reviewed annually.

Other Options Considered and Rejected:

To reduce the HRA balances through increasing contributions to the Housing Repairs Fund, however the current contribution of £600,000 per annum was considered sufficient.

To replace funding from the Major Repairs Reserve with the additional RCCO, but whilst this would increase the interest earned on HRA surpluses, it would not address the issue of high HRA balances.

To introduce additional ongoing revenue expenditure, however if the HRA financial position were to deteriorate then revoking RCCO, which is funding for one-off items of capital expenditure, would be easier to implement.

179. EXTERNAL FUNDING POLICY

The Finance, Performance Management and Corporate Support Services Portfolio presented a report on the proposed External Funding Strategy and Toolkit. An External Funding Officer post had been created in 1999, but the postholder had left the Council in 2001 and the post had subsequently been deleted from the establishment. Thus, from 2001, service areas had become responsible for identifying and securing funding, and there was no longer a coordinated approach employed throughout the Council.

The Portfolio Holder reported that an internal audit review of procedures and controls in place for the management and administration of external funding was undertaken in August 2006, which found that external funding had not been treated as a priority within the Council. It was recommended that there was a need for a strategic approach involving central coordination and dedicated financial and staffing resources, and a framework to be implemented for securing and managing external funding. An External Funding Working Party was set up in 2007 to oversee implementation of the recommendations where practicable and its main focus had been the finalisation of the External Funding Strategy and Toolkit that had been recommended to the Cabinet for adoption. It was intended for the Working Party to monitor the implementation of the Strategy and Toolkit.

The Portfolio Holder stated that it was also essential for the External Funding Strategy to be integrated with Directorate business plans and the annual budget process. Income from external funding and provision for joint or matched funding would need to be included in the planning process for the budget. This would also give the Council an opportunity to publish an annual report illustrating its success in securing such funding. The first such report would be produced for the start of the 2009/10 financial year and it was proposed that this report be submitted directly to the Cabinet. It was felt that external funding should form part of the Finance, Performance Management and Corporate Support Services Portfolio, and it was proposed that such a recommendation be made to the Council.

Decision:

- (1) That, as previously distributed, the External Funding Strategy be adopted;
- (2) That approval be given to the associated financial arrangements, including the links to the budget and strategic planning processes, as set out in the External Funding Toolkit;
- (3) That the Council be recommended to approve the inclusion of external funding within the Finance, Performance Management and Corporate Support Services Portfolio; and

- (4) That an annual report on external funding issues be produced for the consideration of the Cabinet.

Reasons for Decision:

The adoption of the strategy would represent a step towards a coordinated and consistent approach to external funding across the Council and would limit the chance of missing funding opportunities.

Other Options Considered and Rejected:

To amend or reject the strategy and toolkit as presented.

180. FEASIBILITY OF SPORTS HALL PROVISION AND WALTHAM ABBEY SWIMMING POOL

The Leisure & Young People Portfolio Holder presented a report regarding the feasibility of providing a sports hall at Waltham Abbey Swimming Pool. The Waltham Abbey Sports Centre was a dual use centre, located adjacent to King Harold Secondary School. The current dual use agreement had been in effect since 1977 and had formally expired on 30 September 2007, but was being continued by all parties under the existing terms. The programme of events delivered by the Centre in recent years had tended to be on a club hire or letting hall basis, whilst the bar met not only the needs of the sports users but also hosted functions such as birthday and anniversary celebrations. The Council also provided other leisure facilities in the vicinity at Waltham Abbey Swimming Pool, which were managed under contract by Sports & Leisure Management limited. A major capital investment programme had been undertaken which included changing room and fitness suite refurbishments, as well as an extension to provide a new Movement Studio.

The Leisure Task and Finish Panel had been reviewing future management options for the Sports Centre and had been advised that the School would now agree to an external contractor option being pursued, provided that the School did not have a direct interface with the contractor and that no education funding was used to subsidise the community use. However, the Portfolio Holder had identified a possible alternative course of action in that there could be scope to construct a new sports hall alongside and integral to the Swimming Pool complex. At this stage, it was proposed that the Overview and Scrutiny Committee be requested to extend the terms of reference of the Leisure Task and Finish Panel to investigate the feasibility of this alternate course of action for further consideration by the Cabinet. The Portfolio Holder commented that the provision of leisure facilities within the District was always under review and with any opportunities that arose taken advantage of.

Decision:

That the Overview and Scrutiny Committee be requested to extend the Terms of Reference for the Leisure Task and Finish Panel in order to:

- (a) assess the feasibility of providing a new Sports Hall at Waltham Abbey Swimming Pool; and
- (b) evaluate the service and financial implications as opposed to entering into longer term Dual Use Management arrangements at Waltham Abbey Sports Centre.

Reasons for Decision:

It was desirable to explore this option before entering into a new longer-term arrangement with King Harold Secondary School for the future management of the existing Sports Centre. It was felt that this opportunity could enhance the leisure provision within Waltham Abbey and make such provision more efficient.

Other Options Considered and Rejected:

To continue to seek new managerial arrangements for Waltham Abbey Sports Centre.

181. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
5a	Industrial Development Land Sale – Merlin Way, North Weald	3
24	Employer's Liability Claim – Asbestos	1

182. INDUSTRIAL DEVELOPMENT LAND SALE - MERLIN WAY, NORTH WEALD

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented a report regarding the proposed sale of industrial development land at Merlin Way in North Weald. The Cabinet were informed that the site had been marketed widely in accordance with best practice, which had produced four short-listed offers following analysis of all the tenders received by the Council's property consultants. The best offer received had been in the sum of £906,000, however this offer had been withdrawn in favour of a reduced offer of £750,000 after the company concerned had undertaken further detailed analysis. The remaining offers had been considered below the best price obtainable, and it was now recommended that the site be retained pending an improvement in the industrial development land market.

Decision:

(1) That, due to the limited interest in purchasing this site and the level of the offers received, the industrial development site, comprising an area of 0.94 acre/0.38 hectare, at Merlin Way, North Weald be retained and the prospective purchasers advised accordingly; and

(2) That, in consultation with the Finance, Performance Management & Corporate Support Services Portfolio Holder, the Director of Corporate Support Services be authorised to re-offer the site on the open market at an appropriate future time and to report the outcome of the marketing exercise to the Cabinet for consideration.

Reasons for Decision:

That the site be retained and offered again when market conditions were considered

more favourable.

Other Options Considered and Rejected:

To offer the site to the second highest bidder, however this was not considered appropriate as the offer was below the best price obtainable.

183. EMPLOYER'S LIABILITY CLAIM - ASBESTOS

The Finance, Performance Management & Corporate Support Services Portfolio Holder presented a report regarding the latest position of the Employer's Liability Claim for Asbestos. At its previous meeting, the Cabinet had endorsed the advice of the external solicitors to appoint a barrister, who had now been appointed and had provided written advice. The Barrister had advised the Council to engage an engineering consultancy to examine the nature of the work that the claimant had undertaken on behalf of the Council. In addition, the Barrister had questioned certain aspects of the claimants possible exposure to asbestos prior to working for the Council. The Cabinet were informed that proceedings against the Council had been issued in the Royal Courts of Justice and that the external solicitors had filed an Acknowledgement of Service indicating the Council's intention to defend the claim.

Decision:

- (1) That the current position in respect of this claim be noted; and
- (2) That the appointment of an engineering consultancy to provide additional evidence for the Council's defence be agreed.

Reasons for Decision:

The appointment of an engineering consultancy to provide additional evidence for the Council's defence was advised by the external solicitors and should minimise the Council's ultimate liability.

Other Options Considered and Rejected:

To not defend the claim and then pursue either Municipal Mutual or Zurich Municipal for the damages, however this would contravene the legal advice received so far and leave the Council vulnerable to a claim that it had failed to mitigate its loss.

CHAIRMAN