

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

**Committee:** Cabinet **Date:** 14 April 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, A Green, Mrs A Grigg, Mrs M Sartin, D Stallan and Ms S Stavrou

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

**Apologies:** None

**Officers Present:** P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), J Gilbert (Director of Environment and Street Scene), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), I Willett (Assistant to the Chief Executive), K Durrani (Assistant Director Technical Services), P Sutton (Assistant Director Policy & Conservation), C Overend (Policy & Research Officer), T Carne (Public Relations and Marketing Officer), G J Woodhall (Democratic Services Officer), S G Hill (Senior Democratic Services Officer) and P Tredgett (Information Assistant)

**Also in attendance** S Walker (Urban Practitioners)

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### **184. 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.

### **185. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 5b, Temporary Use of Capital Contingency. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of this issue.

### **186. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 10 March 2008 be taken as read and signed by the Chairman as a correct record.

### **187. ANY OTHER BUSINESS**

The Leader of Council reported that the following three additional items of business had been received following the publication of the agenda, which were sufficiently urgent to be considered by the meeting in accordance with Section 100B(4)(b) of the

Local Government Act 1972 as well as paragraphs 6 and 24 of the Council Procedure Rules within the Constitution:

- (i) Finance and Performance Management Cabinet Committee – 17 March 2008;
- (ii) Temporary Use of Capital Contingency; and
- (iii) National Concessionary Fares Scheme.

It was proposed that these three items of business be considered by the Cabinet following item 10 on the agenda, Replacement of the Local Taxation and Benefits ICT System.

**RESOLVED:**

That the three additional items of business received following the publication of the agenda be considered following item 10 on the agenda, Replacement of the Local Taxation and Benefits ICT System.

**188. REPORTS OF PORTFOLIO HOLDERS**

**(a) Planning & Economic Development**

The Portfolio Holder reported upon the recent member training regarding communication masts. It was considered to be very useful as the independent consultant explained why so many such masts were needed in order to provide the depth of coverage expected and that objections upon environmental grounds were more sustainable than objections upon grounds of health and safety. Further training would be organised if requested by members.

**(b) Leader of the Council**

The Leader reported that she had attended the Harlow Renaissance Seminar on Education, as schools in Harlow were experiencing similar problems to schools within the District. The Seminar had brought together schools, Harlow College, business interests and outside bodies to discuss how the job prospects for local young people could be improved. Arrangements would be made after the election for the Leader and Deputy Leader of the Council to visit all the secondary schools within the District and discuss the problems that they were experiencing.

The Cabinet were also informed that a small fire had recently broken out in the generator room at Pelly Court. A number of residents were evacuated at 2.00am but were returned to the building at 6.00am.

Since the last meeting, the fire alarm at the Civic Offices had been set off twice. The first occasion had been a test, however the second occasion was a genuine alert caused by the engineers repairing the tower lift. The evacuation of the building had taken four minutes, which had also included a public inquiry that had been taking place in the Council Chamber at the time.

The Leader and a number of Portfolio Holders had recently attended a Lea Valley Regional Park Olympic Canoeing update meeting. The proposals were due to go to Broxbourne Council for planning permission. The site, if approved, would be close to the District near Waltham Abbey and would also provide a facility for young people after the games had been completed.

**189. OVERVIEW AND SCRUTINY**

The Chairman of the Overview and Scrutiny Committee reported that two presentations had been received at the last meeting, one was from the West Area Highways Manager assessing the state of the roads within the District, whilst the other was from London Underground updating members on their latest work plans for the Central Line within the District. The Committee agreed its annual report to the Council on 22 April 2008 and also agreed to strategically examine Epping Forest College, its vision for the future and its relationship with the local community. The Chairman informed the Cabinet of the Overview and Scrutiny structure agreed for 2008/09, of which the highlight was the proposed creation of a Safer, Cleaner and Greener Standing Panel.

**190. LOUGHTON BROADWAY, DEBDEN - DEVELOPMENT & DESIGN BRIEF**

The Cabinet received a presentation from consultants Urban Practitioners regarding the proposed Development and Design Brief for Loughton Broadway. The presentation covered:

- (i) A vision for Debden;
- (ii) Existing layout of the Broadway;
- (iii) Proposed layout for the Broadway;
- (iv) Proposals for the Station Car Park;
- (v) Proposals for the Station Interchange;
- (vi) Sainsbury's and BP Garage proposals;
- (vii) Burton Road Proposals;
- (viii) Vere Road Mews Development Proposals; and
- (ix) Sir Winston Churchill Public House Proposals.

In response to questions from members, the consultant from Urban Practitioners acknowledged that no new car parks were planned for the area but that the intention was to create extra capacity through better management of parking issues. However, underground parking at the Sainsbury's site had been included in the Design Brief. It was felt that a better site for the petrol station would be in the nearby industrial area, although it was commented that a petrol station was necessary for the area, not just desirable. The Leader of the Council commented that the Council would actively seek to provide a petrol station for the area.

Following the departure of the consultant from Urban Practitioners, the Planning & Economic Development Portfolio Holder presented a report regarding the proposals within the Design and Development Brief for the Loughton Broadway area in Debden. It was stated that Urban Practitioners had worked extremely hard on the proposals, which presented an excellent opportunity to redevelop the Broadway area. The aim would be to enhance the existing area, and thus it would be important to encourage the independent traders currently within the vicinity. The consultants had held several meetings with Transport for London (TfL) in respect of proposals for the Underground station area, which had fostered a good working relationship. Section 106 Planning

Agreements could lead to contributions being made to the scheme by TfL, but these contributions would not necessarily be reserved for the station itself. It was felt that an exciting set of proposals with a practical basis had been presented to the Council, but that it was now important that a consultation period took place with the local residents and businesses.

The Portfolio Holder reported that Urban Practitioners had been appointed in November 2007 to complete the Brief within a period of four months. A stakeholder workshop had been held in February 2008 to present the draft Brief and receive feedback. The Brief had now been completed and circulated to members of the Cabinet and senior officers; an executive summary had been attached to the report. Two key projects for the area had been highlighted in the final version of the Brief, these being: proposals for a new food store and other development on the existing Sainsbury and BP site; and proposals for the station interchange to improve public transport provision and integration.

The Chief Executive reported that officers had been very impressed with the work performed by Urban Practitioners, and were recommending that the Brief be agreed for a period of public consultation, beginning on 1 May 2008 and lasting for approximately eight weeks. Urban Practitioners were also willing to undertake the consultation on behalf of the Council for a fee of in the order of £20,000. The Council had recently received an additional £200,000 of Local Authority Business Growth Incentive Scheme funding and it was intended to fund the consultation fee from this. Contract Standing Order C6 (Contracts in excess of £50,000) would also have to be waived in order to avoid the need for tendering, as the consultation fee would cause the contract with Urban Practitioners to exceed £50,000. The Chief Executive stated that a complete breakdown of the costs for the consultation had been provided by Urban Practitioners, and this had been considered both competitive and acceptable.

In respect of the Sainsbury's site, the Planning and Economic Development Portfolio Holder reported that it was linked by a Section 106 Agreement to the Sainsbury's store in Station Road, Loughton, which required the store in the Broadway to remain open until 2013. The Portfolio Holder reported that Sainsbury's were awaiting a position statement from the Council but that possible options included a £750,000 refurbishment of the store or a request to the Council to rescind the current Section 106 Planning Agreement. The Assistant to the Chief Executive advised the Cabinet that any issues regarding the existing Section 106 Agreement in respect of the Sainsbury's store were a matter for the District Development Control Committee, not the Cabinet.

The Planning and Economic Development Portfolio Holder reported that phase I of the Loughton Broadway Town Centre Enhancement Scheme, involving works to the Burton Road Car Park and installation of CCTV, was now complete but that phase II had been delayed due to the location of a gas main underneath the central reservation of the Broadway. Agreement had now been reached with National Grid Gas and subject to concluding the necessary agreements with the County Council, the scheme – with an estimated cost of £1.787million – was ready for approval. Concern was expressed at the possible loss of up to 24 parking spaces through implementation of the scheme. The Director of Environment and Street Scene stated that the deletion of one of the proposed pavement build-outs would retain 6 of the parking spaces, whilst better management of parking issues in the area would mitigate the effects of the reduction in spaces. However, the Cabinet still felt that as many car parking spaces as possible should be retained during the implementation of phase II of the scheme.

The Portfolio Holder advised the Cabinet that local parking pressures had increased following the introduction of short stay pay-and-display parking at the Burton Road Car Park, and permit only parking at the other off-street car parks in the area. In order to alleviate some of this pressure, it was proposed to introduce short stay pay-and-display parking alongside permit parking in these other car parks. Accordingly, authority was sought for the Director of Environment and Street Scene to make and seal the Council's Off Street Parking Order without further recourse to the Cabinet, subject to no objections being received following publication of the draft order.

**Decision:**

- (1) That the Development and Design Brief for Loughton Broadway be agreed for the public consultation beginning on 1 May 2008 and lasting approximately eight weeks;
- (2) That the appointment of Urban Practitioners to undertake the public consultation be agreed and that this be funded by an allocation of £20,000 from the additional Local Authority Business Growth Incentive scheme income to be received by the Council for 2007/08;
- (3) That Contract Standing Order C6 (Contracts in excess of £50,000) be waived in order to facilitate the above appointment of Urban Practitioners;
- (4) That the short-term issues surrounding the redevelopment of the Sainsbury's site and the implications for specific clauses set out in the existing Section 106 Agreement be noted;
- (5) That the implementation of the Town Centre Enhancement Scheme for Loughton Broadway, with the retention of as many car parking places as possible, be agreed;
- (6) That the off street car parks situated at the Broadway – as described in the Epping Forest District (Off Street Parking Places) Order 2003 (as amended) as Car Parks C, D, E and F – be made available to the general public through the introduction of a short stay pay and display regime; and
- (7) That, in conjunction with the Director of Corporate Support Services, the Director of the Environment and Street Scene be authorised to:
  - (a) publish a draft Traffic Order to change the status of the off street car parks listed above; and
  - (b) make and seal the Traffic Order if no objections are received for the draft order.

**Reasons for Decision:**

To achieve the best possible community gains and environmental enhancement of the area. Phase II of the Town Centre Enhancement Scheme had been eagerly anticipated by the local community and could be implemented without any adverse effect on possible future proposals from the Development and Design Brief, which would also demonstrate the Council's commitment to improving the area. The car parking proposals would aid the management of current demands for parking from visitors to the area.

**Other Options Considered and Rejected:**

To do nothing, however this would not produce the benefits promised to local residents and businesses by the Council.

To delay implementation of the schemes, however this would produce no material benefit to the vicinity, particularly in respect of parking in the area.

#### **191. ANNUAL REPORT OF THE EXECUTIVE 2007/08**

The Leader of the Council presented the proposed Annual Report of the Executive for 2007/08, which provided a summary of the issues discussed and decisions taken by the Cabinet. This year, the report had also illustrated how these issues and decisions related to the Cabinet's major aims and objectives that had been defined at the beginning of the municipal year. Following the proposed endorsement by the Cabinet, the report would be submitted to the Annual Meeting of the Council on 15 May 2008 for formal approval and summarised within the e-Annual Report. It was highlighted to the Cabinet that a total of £96,365 had been allocated from the grant aid scheme during the course of the year, and that the graffiti budget had been increased through contributions from the Housing Revenue Account. The Leader thanked all the officers involved for their support to the Cabinet throughout the course of the year.

##### **Decision:**

That the Annual Report of the Executive for 2007/08 be endorsed for submission to the Annual Meeting of the Council on 15 May 2008.

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

It was a requirement of the Constitution for the Executive to provide an annual report for each municipal year.

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

To not provide an Annual Report of the Executive, however this would be contrary to the Council's constitution.

#### **192. REPLACEMENT OF THE LOCAL TAXATION AND BENEFITS ICT SYSTEM**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding the proposed replacement of the Local Taxation and Benefits ICT system. The Portfolio Holder reported that, with the implementation of the new Local Taxation and Benefits ICT system not scheduled until August 2008 and the current system due to expire on 30 June 2008, an amount of £25,000 had been budgeted for a licence extension. However, in negotiations with the supplier of the current system, the Council had been offered a perpetual licence rather than a short-term extension, in the sum of £65,000 if the order was placed prior to 30 April 2008. A perpetual licence would offer a number of benefits, principally negating the need to archive any of the data which would keep all of the data available for both officer and auditor use and releasing the considerable amount of officer time that would be needed for the archiving exercise. It was anticipated that the ICT Capital budget would generate an underspend of approximately £150,000 although the exact amount would be reported in June. As this funding had not been allocated to other projects, it was proposed to carry forward a proportion of it for the acquisition of the perpetual licence.

The Director of Finance and ICT added that the proposed licence would include upgrades for functionality. It was intended to migrate the data from the old system to the new system in time, but it was anticipated that full access to the data on the old system would be required for a number of years. Officers were satisfied that the recommended course of action was the most financially beneficial for the Council.

**Decision:**

(1) That the carry forward of the projected underspend in the sum of £150,000 on the ICT capital budget be approved; and

(2) That £65,000 of the underspend be allocated for the purchase of a perpetual licence for the Orbis software package.

**Reasons for Decision:**

To allow the Council to safeguard its data without the need to resort to archiving, which will provide not only savings in respect of officer time and disk space, but also provide easier access to the data for both officers and auditors. As the licence to be purchased was perpetual and not temporary, the purchase could be funded from capital and without the need for a supplementary estimate, given the anticipated underspend for the ICT capital budget.

**Other Options Considered and Rejected:**

To purchase a perpetual licence after 30 April 2008, however this would cost the Council an additional £10,000.

To purchase a three-month licence extension, however this would not provide value for money when staff time and disk space was considered.

**193. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 17 MARCH 2008**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented the minutes from the meeting of the Finance and Performance Management Cabinet Committee held on 17 March 2008. The items that had been considered included: the updated Corporate Risk Register; and the approval of the Vulnerability and Direct Payment Policy. Other items that had been noted by the Cabinet Committee included: the draft Internal Audit Plan for 2008/09; the Third Quarter Financial Monitoring Report for 2007/08; the Policy and Performance for Sundry Debtors; and the introduction of the Local Housing Allowance.

**Decision:**

**(a) Risk Management – Updated Corporate Risk Register**

(1) That the following amendments to the Corporate Risk Register be agreed:

(a) the score for risk 20 relating to key contracts be reduced from C2 (significant likelihood, critical impact) to D2 (low likelihood, critical impact);

(b) risk 10 be renamed 'Revised Organisational Structure' and its score reduced from D2 to E2 (very low likelihood, critical impact); and

- (c) a new risk relating to data loss be added, risk 18, and scored as D2;
  - (2) That no further new risks be added to the Corporate Risk Register; and
  - (3) That the tolerance line on the risk matrix be retained at its current position; and
- (b) Local Housing Allowance**
- (4) That the Vulnerability and Direct Payment Policy be approved.

**Reasons for Decision:**

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

**Other Options Considered and Rejected:**

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

**194. TEMPORARY USE OF CAPITAL CONTINGENCY**

The Finance, Performance Management and Corporate Support, and Environmental Protection Portfolio Holders presented a report regarding the temporary use of the capital contingency. The Cabinet were reminded that following the demise of South Herts Waste Management, the Council took steps to secure access to the vehicle fleet. The majority of the vehicles were on lease agreements with the Bank of Scotland and were ultimately purchased. However, there was one vehicle on a lease agreement with Barclays Bank, which the Council took over with the intention of reassigning it to the new service provider. Sita want to utilise this particular vehicle but would prefer to purchase it rather than enter into a lease agreement with either Barclays Bank or the Council. Barclays were not prepared to sell the vehicle directly to Sita, thus it was necessary for the Council to purchase it and then sell it on to Sita for the same price. In order to facilitate this purchase, a temporary provision of £9,300 would be required from the capital contingency fund. Approval was being sought retrospectively as the price provided by Barclays was only valid for fourteen days and officers were keen to avoid any further delays in completing the final detailed contract with Sita.

**Decision:**

That retrospective approval be given for the temporary provision of £9,300 from the Capital Contingency to fund the purchase of a refuse vehicle, prior to re-imburement from Sita.

**Reasons for Decision:**

The purchase would not increase the capital programme and would permit the conclusion of the detailed contractual arrangements with Sita.

**Other Options Considered and Rejected:**



To refuse to sell the vehicle to Sita, however this would obstruct the service provision by Sita and provide no benefit to the Council.

#### 195. NATIONAL CONCESSIONARY FARES SCHEME

The Community Wellbeing Portfolio Holder presented a report concerning the National Concessionary Fares Scheme. All District Councils within Essex had agreed that in implementing the National Concessionary Fares Scheme, no additional benefits should be provided, due to concerns that the additional funding made available by the Government would not meet the additional costs. It was felt that any extension of benefits beyond those stipulated as part of the National Scheme would weaken the argument that the Scheme was underfunded and represented an unacceptable burden upon District Councils. A number of comments had been made, both in the local press and direct to the Council, in respect of the start time changing from 9.00am to 9.30am. Braintree, Brentwood and Maldon District Councils had all reverted to a 9.00am start for the new scheme, and it was felt that the Council should also initiate negotiations with both Essex County Council and the Bus Operators to start the scheme at 9.00am. It was envisaged that the cost of this change would be approximately £25,000.

The Portfolio Holder also reported that all but two District Councils within Essex had also reconsidered their position in respect of companion passes and were prepared to offer them in addition to the standard terms of the National Scheme. The Council had not offered Companion Passes as part of the previous countywide scheme, but it was felt that it was now appropriate to assist those residents with mobility difficulties through such an expansion of the scheme. In order to qualify for a companion pass, applicants would have to show that they were either in receipt of the higher rate of the mobility element of the Disability Living Allowance, or aged over 65 and in receipt of attendance allowance. It was felt unlikely that the issue of companion passes would incur additional costs exceeding £25,000. There was currently contingency funding of £65,000 available and thus £50,000 could be allocated to pay for the proposed enhancements to the scheme.

The Cabinet was complimented for listening to the concerns of the community and proposing to amend the terms of the National Scheme accordingly. Although the Director of Finance and ICT warned that there might be some resistance to the proposed earlier start time from the bus operators, the Deputy Leader stated that the Council would implement the proposed changes to the scheme as quickly as possible and that the operation of the scheme would be reviewed at the end of the financial year.

#### **Decision:**

- (1) That negotiations be entered into with Essex County Council and the bus operators with a view to amending the start time of the concessionary bus pass scheme in the District from the statutory start time of 9.30am to the earlier start time of 9.00am; and
- (2) That, in addition to the statutory benefits of the national scheme, the scheme be further enhanced within the District by the issue of companion passes to those applicants:
  - (a) in receipt of the higher rate of the mobility element of Disability Living Allowance; or
  - (b) aged over 65 and in receipt of attendance allowance.

**Reasons for Decision:**

The enhancements to the scheme would benefit many residents within the District and in particular the issue of companion passes would assist those with acute mobility problems. Other authorities within Essex had already amended the terms of their schemes unilaterally to suit local circumstances.

**Other Options Considered and Rejected:**

To either amend the scheme unilaterally.

To adhere to the basic terms of the national scheme.

To issue companion passes to applicants in possession of a letter from their General Practitioner or in receipt of the lower rate of the mobility element of Disability Living Allowance.

**CHAIRMAN**