

# **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 9 June 2008

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.25 pm

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

**Other Councillors:** K Angold-Stephens, D Bateman, P Gode, D Jacobs, Mrs M McEwen, R Morgan, S Murray, B Rolfe, Mrs P Smith, Mrs J H Whitehouse and J M Whitehouse

**Apologies:** None

**Officers Present:** P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), K Durrani (Assistant Director Technical Services), M Shorten (Principal Valuer/Surveyor), T Carne (Public Relations and Marketing Officer), G J Woodhall (Democratic Services Officer) and S G Hill (Senior Democratic Services Officer)

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## **1. 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.

## **2. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

## **3. MINUTES**

### **RESOLVED:**

That the minutes of the meetings held on the following dates be taken as read and signed by the Chairman as a correct record:

- (a) 14 April 2008; and
- (b) 15 May 2008.

## **4. REPORTS OF PORTFOLIO HOLDERS**

- (a) Housing**

The Portfolio Holder announced that the Housing Directorate had retained their ISO 9000 accreditation for a further three years. It was intended to extend the accreditation to the Private Sector section in the future. The Portfolio Holder offered his congratulations to all staff within the Housing Directorate in respect of the achievement.

**(b) Leader's**

A meeting with Harlow District Council in respect of the East of England Plan had been attended by the Leader with the Planning & Economic Development Portfolio Holder, Chief Executive, Director of Planning & Economic Development and the Forward Planning Manager. It was intended to convene a meeting with East Herts District Council in the near future in order to coordinate the housing development north of Harlow.

A meeting had also taken place with the Acting Principal of Epping Forest College. It was reported that the College was keen to develop a closer working relationship with the Council, take more pupils from within the District and improve educational standards at the College.

**5. PUBLIC QUESTIONS**

There were no questions received from members of the public for the Cabinet to consider.

**6. OVERVIEW AND SCRUTINY**

The Chairman of the Overview and Scrutiny Committee reported that a presentation had been given at their last meeting by the West Essex Primary Care Trust in respect of their proposals for a GP led Health Centre at Traps Hill in Loughton, and the redevelopment of the Ongar War Memorial Hospital to improve health services in Chipping Ongar. The Committee had then proceeded to appoint the Chairmen, Vice-Chairmen and members for its various different panels, before considering the draft Best Value Performance Plan for 2008/09. The Committee then considered the Cabinet's agenda and made the following comments:

(i) under item (10), the Loughton High Road Town Centre Enhancement Final Account, it should be noted that only the works for phases I and II had been completed;

(ii) the creation of a Conservation Officer post within the Planning & Economic Development Directorate was supported; and

(iii) it was felt that the report on the Waste Management Budget Overspend for 2007/08 should have only been partly restricted, with the section on the Garden Waste Service made publicly available.

**7. ANY OTHER BUSINESS**

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

**8. AWARD OF COSTS IN PLANNING APPEAL - WANSFELL COLLEGE, PIERCING HILL, THEYDON BOIS**

The Planning & Economic Development Portfolio Holder presented a report concerning the award of costs against the Council, following a planning appeal in respect of the development at Wansfell College in Theydon Bois. The Cabinet was informed that planning permission was refused contrary to officer recommendation for a development scheme at the Wansfell College site in Theydon Bois. The subsequent appeal was upheld and an application to award costs against the Council was partially allowed, as a concurrent appeal for a different planning application on the site was dismissed. There was no budget provision set aside for costs awarded in such circumstances, therefore a District Development Fund supplementary estimate was required to cover the costs. The final sum had yet to be settled but it was expected to be in excess of £20,000.

**Decision:**

That, in respect of costs awarded regarding the planning appeal for Wansfell College, Theydon Bois, a District Development Fund supplementary estimate in a sum to be confirmed be recommended to the Council for approval.

**Reasons for Decision:**

The payment of costs was mandatory following the decision by the Planning Inspector, which was subsequently converted into a High Court Order against the Council.

**Other Options Considered and Rejected:**

There were no other options for action.

**9. LOUGHTON HIGH ROAD TOWN CENTRE ENHANCEMENT FINAL ACCOUNT**

The Planning & Economic Development Portfolio Holder presented a report regarding the Final Account for the Loughton High Road Town Centre Enhancement Scheme. The Portfolio Holder reminded the Cabinet that the Scheme for the Loughton High Road had been originally conceived back in the late 1990's; phase I had been funded by Section 106 monies obtained from the Sainsbury's supermarket development in Old Station Road, whilst phase II had been funded from the Council's Capital Programme. It had been determined that both phases would be managed by Sainsbury's in order to reduce the overall costs of the Scheme. Phase I had been completed in January 2006, whilst phase II had been completed in October 2006. There was a twelve-month period whereby the contractor was responsible for any repairs to the Scheme prior to its adoption by the Highways Authority, Essex County Council. However, there had been a significant delay in dealing with some of the snagging works and the Scheme was not adopted until March 2008.

The Portfolio Holder added that there had been a final payment of £31,000 owing for project management and cost accounting services, which could not be made until all the other outstanding issues had been resolved. Due to the delay in dealing with this, the payment mechanisms between the Council and Sainsbury's had ceased and authority was being sought for the Director of Environment and Street Scene to issue a retrospective works instruction to Paradigm Management Limited to settle the outstanding debt. It was highlighted to the Cabinet that the overspend amounted to only 1.62% of the total budget, which was considered very commendable in respect of such projects. The Leader proposed that the first recommendation should be

amended to take account of the earlier comment by the Overview and Scrutiny Chairman, namely that phases I and II of the original scheme had been completed, as opposed to the whole scheme.

**Decision:**

(1) That the completion of all works for phases I and II of the Town Centre Enhancement Scheme and the adoption of the scheme including the responsibility for maintenance by the Highways Authority, namely Essex County Council, be noted;

(2) That the Director of Environment and Street Scene be authorised to issue a retrospective works instruction to Paradigm Management Limited in the sum of £31,000, this being the budgeted sum of final consultancy fee payment to the Project Manager and Cost Accountant for the works already undertaken and which could not be paid until the final adoption of the scheme by Essex County Council; and

(3) That the closing project balance of £1,371,874 against a budget allocation of £1,350,000, constituting an overspend of £21,874, be noted.

**Reasons for Decision:**

It was a requirement of the Council's Constitution to present a final account of a completed capital scheme in excess of £1million. It had been a contractual obligation to pay the fees due for the project management and cost accounting services delivered on the project.

**Other Options Considered and Rejected:**

There were no other options considered.

**10. BOBBINGWORTH TIP PROGRESS REPORT**

The Environment Portfolio Holder presented a progress report concerning the Bobbingworth Tip Remediation Scheme. The Portfolio Holder recalled that the Council had been under threat of prosecution by the Environment Agency due to the excessive amount of leachate leaking from the site. It had been resolved to address this issue through a remediation scheme and following a procurement process, Veolia Environmental Services was selected as the contractor to perform the works. All the major infrastructure works had been completed by the end of the summer in 2007 and within the agreed budget, however due to the exceptionally wet summer the soil importation had not been completed. Soil importation had recommenced in May 2008 but it was estimated that it would take a further twelve weeks to achieve the design surface profile and restore the site.

The Portfolio Holder added that, as part of Lord Hanningfield's initiative to plant an additional 250,000 trees in Essex during 2008, the County Council had offered to pay for the planting of 4,000 trees at the site. Once the works had been completed, it would be important for the site to be properly managed for the benefit of the local community. Thus, it had been proposed to establish a Key Stakeholders Working Group to manage the site and ensure its future success. A further report would be submitted in due course detailing the membership of the Working Group, which the Portfolio Holder confirmed would include a representative from the Parish Council, and its terms of reference.

**Decision:**

- (1) That the completion of the major engineering construction works within agreed costs, the recommencement of the soil importation and weather permitting the planned achievement of the surface restoration during 2008 be noted;
- (2) That the provision of funding for the planting of 4,000 trees (approximately £16,000 in value) at the site by Essex County Council be noted;
- (3) That the formation of a key stakeholders working group for the future environmental management of the project be agreed; and
- (4) That a further report be submitted in due course detailing the membership and scope of the working group.

**Reasons for Decision:**

It was a requirement of the Council's Constitution to present progress reports for major projects whose value was in excess of £1million.

**Other Options Considered and Rejected:**

To delay the formation of the Key Stakeholders Working Group until some point in the future.

To refuse the offer of 4,000 trees for the site by Essex County Council.

**11. BEST VALUE PERFORMANCE PLAN 2008/09**

The Finance and Performance Management Portfolio Holder presented a report about the Best Value Performance Plan (BVPP) for 2008/09. The Cabinet were reminded that two versions of the Plan were produced each year: a detailed version for the Council itself, the Government, the Audit Commission and external Auditors; and a summary version distributed to all households within the District with their annual Council Tax demands. The Plan was required to: summarise the Council's successes in meeting its objectives for the previous year; identify those objectives that had not been met; and outline the objectives for the forthcoming year. The Plan was also required to provide outturn figures for the Council's Best Value Performance Indicators (BVPI), and although the results for a number of indicators were still being correlated, it was expected that this would be finalised by the Council meeting scheduled for 26 June 2008.

The Portfolio Holder announced that the Government had revoked the statutory requirement for the Council to produce a BVPP from 2008/09, however it was still intended to annually publish information pertaining to the Council's performance and objectives, possibly through the expansion of the e-Annual report. The Plan would also contain the Cabinet objectives for the year ahead; in consultation with the Chief Executive and Service Directors, four corporate objectives and approximately eighteen Portfolio objectives for 2008/09 had been presented for the Cabinet to agree. The Cabinet was requested to recommend the adoption of the BVPP by the Council, and delegate authority to the Chief Executive to amend the Plan if necessary prior to its adoption by the Council.

In response to comments, the Portfolio Holder stated that targets for the new Performance Indicators would be considered by the Finance & Performance Management Scrutiny Panel at its meeting scheduled for 17 June 2008. It was also felt that the Council should lobby Essex County Council to provide more leisure facilities within the District for young people in the evenings. The Leisure and Young People Portfolio Holder stated that the comment was duly noted and that the Council did need to work in partnership with the County Council over this matter. The officers involved in compiling the BVPP were thanked for their efforts.

**Decision:**

- (1) That, the adoption of the Best Value Performance Plan for 2008/09 be recommended to the Council for approval at its meeting scheduled for 26 June 2008;
- (2) That the Cabinet's priority objectives for 2008/09, for inclusion in the Best Value Performance Plan for 2008/09 be agreed; and
- (3) That the Chief Executive be authorised to amend the draft Best Value Performance Plan as necessary prior to its adoption by the Council, to incorporate the Cabinet's priority objectives for 2008/09, and any outstanding details in relation to the Council's performance for 2007/08.

**Reasons for Decision:**

It was a statutory requirement for Councils to adopt their Best Value Performance Plan by 30 June 2008.

**Other Options Considered and Rejected:**

As this was a statutory requirement, there were no other options considered.

**12. RELEASE OF RESTRICTIVE COVENANTS - LOUGHTON HALL, EPPING**

The Corporate Support & ICT Services Portfolio Holder presented a report relating to the release of restrictive covenants at Loughton Hall, owned by Epping Forest College. The Portfolio Holder recalled that the Cabinet had previously agreed to release a restrictive covenant and not exercise the Council's right of pre-emption to enable the sale of Loughton Hall as a residential care home to proceed. The Cabinet had also requested that the public be permitted access to the 'Fine Rooms' on not less than four occasions throughout the year. The College had responded that the purchaser had been informed by the Commission for Social Care Inspection (CSCI) that public access to the Hall would not be permitted if it was being used as a care home. Disappointment was expressed over this stance and the Portfolio Holder moved an amendment to recommendation (1), whereby the Council would express the hope that public access to the Fine Rooms would be reinstated following the completion of works on at least four occasions per annum.

The Portfolio Holder also added that the Council had been requested to vary the covenant to permit the Hall to be used as a Nursing Home, in addition to the other uses previously agreed. A further variation to the right of pre-emption had also been requested by the purchaser which would result in the Council paying more for the premises than the existing basis of valuation if it exercised its right in the future. As it was felt that the Council would be unlikely to exercise its right of pre-emption, the change of clause had been recommended for approval. The Director of Corporate Support Services reminded the Cabinet that as the Hall was a listed building, the

Conservation Officer would have the right of access at all times.

**Decision:**

(1) That the denial of the Council's request to permit public access to the 'Fine Rooms' on the ground floor of Loughton Hall by Epping Forest College, for the reasons stated in the report, be noted but that this Council expresses the hope that, if acceptable to all regulatory authorities and once all works have been completed so that safe access could be ensured, public access be allowed to the 'Fine Rooms' on no less than four occasions per annum subject to proper safeguards to privacy and protection of any resident being agreed with the proprietor and where relevant and proper the authority and agreement of the resident concerned. This Council acknowledges that this is an expression of hope and desire only and not a requirement where the everyday use of the premises were sensitive;

(2) That nursing home use be included in the new restrictive covenant in addition to the residential care home, community, education or health purposes previously agreed by the Cabinet; and

(3) A variation of the pre-emption clause be agreed to assist Epping Forest College with the agreed sale of Loughton Hall.

**Reasons for Decision:**

To enable the sale of Loughton Hall to proceed as previously agreed and facilitate its refurbishment, whilst also maintaining the hope that public access to the Fine Rooms would be reinstated.

**Other Options Considered and Rejected:**

To not agree the requested amendments to the Restrictive Covenant, however this would further hamper the agreed sale and refurbishment plans.

**13. USE OF RESOURCES ASSESSMENT 2007/08 - SELF ASSESSMENT SUBMISSIONS**

The Finance & Performance Management Portfolio Holder presented a report concerning the self assessment submissions in respect of the Council's Use of Resources Assessment for 2007/08. The Portfolio Holder reminded the Cabinet that, as part of the overall Use of Resources assessment process, the Council could complete a Value for Money self assessment. Although not mandatory, it was considered a useful exercise as it would highlight areas of improvement. In addition, it was also considered beneficial for the Council to complete a Use of Resources self assessment for 2007/08, based around five Key Lines of Enquiry, even though it was not a mandatory requirement. Both self assessments for 2007/08 were required to be submitted to the Council's external auditors by late July, for subsequent on-site validation in August 2008. Consequently, it was proposed to consider the self assessments at a meeting of the Finance & Performance Management Cabinet Committee on 24 June 2008, with subsequent adoption by the Cabinet on 14 July 2008. Authority for the Chief Executive to amend the self assessments following their adoption by the Cabinet but prior to their submission to the external auditors in order to incorporate any belated details if necessary was also requested.

The Portfolio Holder reported that at the meeting of the Audit & Governance Committee held on 31 March 2008, during consideration of the Annual Audit &

Inspection Letter, the Audit Commission had asserted that the cost of the Council's services was higher than that of comparable councils. In light of this comment, it was intended to undertake a thorough review of the Council's value for money in delivering its services for consideration by the Finance & Performance Management Cabinet Committee, prior to its adoption by the Cabinet. It was also proposed that any issues arising from this analysis be considered further by the Finance & Performance Management Scrutiny Panel.

**Decision:**

- (1) That the Council's draft self-assessment submissions in respect of Use Of Resources and Value For Money, for the Use Of Resources assessment for 2007/08, be considered by the Finance and Performance Management Cabinet Committee;
- (2) That in light of the Audit Commission's concern at the level of costs identified in its Use of Resources Judgement for 2006/07, a detailed review of the Council's costs and performance in terms of the provision of Value for Money be undertaken, for consideration by the Finance and Performance Management Cabinet Committee;
- (3) That, subject to the recommendations of the Finance and Performance Management Cabinet Committee, the draft self-assessment submissions for the Use Of Resources assessment and the review of the Council's provision of Value for Money be adopted by the Cabinet at a subsequent meeting;
- (4) That, subsequent to the adoption of the draft self-assessment documents by the Cabinet, the Chief Executive be authorised to amend the draft self-assessments as necessary prior to their submission to the Council's external auditors in order to incorporate any additional details in relation to the Council's performance; and
- (5) That the Council's Value For Money Analysis for 2006/07 be considered by the Finance and Performance Management Scrutiny Panel.

**Reasons for Decision:**

Although not mandatory, the Council considered the self assessments an important element in being able to understand its current position in respect of its Use of Resources and Value for Money.

**Other Options Considered and Rejected:**

No other options considered as the Council was required to participate in the annual assessment process and completion of the self assessments was felt to be a useful exercise for the Council.

**14. CONSERVATION OFFICER POST - PLANNING & ECONOMIC DEVELOPMENT DIRECTORATE**

The Planning & Economic Development Portfolio Holder presented a report regarding the establishment of a Conservation Officer post within the Planning & Economic Development Directorate. The Portfolio Holder advised the Cabinet that the Assistant Conservation Officer post had been originally created in 2002 as a temporary position to assist with the Heritage Economic Regeneration Scheme in



Waltham Abbey. Following the completion of the scheme, the post was made permanent but still part-time. The post became the Council's principal source of advice and guidance on conservation and heritage matters following the deletion of the Principal Planning Officer (Conservation & Environment) post and the post was made full-time in July 2006; the post had been vacant since December 2007.

The Portfolio Holder stated that it had become apparent the post's Assistant status was no longer relevant and had been submitted to the Council's job evaluation procedure. As a consequence, the post had been re-graded from a grade 6 to grade 8, the title amended to Conservation Officer and the post designated an essential car user. The salary difference, including on-costs, would be £9,250 per annum with an additional £645 for the essential car user allowance. It was anticipated that the additional expenditure could be met from other salary underspends within the Directorate for 2008/09, whilst options for funding for future years would be submitted for consideration during the budget setting process for 2009/10.

**Decision:**

- (1) That the deletion of the Assistant Conservation Officer post (PPE/22) within the Planning and Economic Development Directorate be approved;
- (2) That the creation of a new post of Conservation Officer as post PPE/22 within the Planning and Economic Development Directorate at grade 8 be approved;
- (3) That funding of up to £6,938 be found from within existing Planning and Economic Development salary budgets for 2008/09; and
- (4) That options for compensatory funding of £9,895 from future years budgets be submitted by the Director of Planning & Economic Development to the Cabinet for consideration during the budget setting process for 2009/10.

**Reasons for Decision:**

To ensure that the Council's statutory duties to regularly review, manage and enhance Conservation Areas under the various Planning Acts, including the Planning (Listed Building and Conservation Areas) Act 1990, were met.

To ensure that Business Plan targets were met and timely advice given to Development Control in order to ensure that a satisfactory performance was achieved by the Directorate.

**Other Options Considered and Rejected:**

To appoint specialist consultants or renegotiate the Service Level Agreement with the County Council's Historic Environment Team, however either option was liable to cost significantly more.

**15. SPRINGFIELDS IMPROVEMENT SCHEME - 2008/09 QUARTERLY PROGRESS REPORT I**

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, foundations, drainage and other 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 comply with Contract Standing Order C31, which required progress reports for major projects with a value in excess of £1million, and the decision of the Cabinet at its meeting on 8 October 2007.

**Other Options Considered and Rejected:**

There were no other options for consideration.

**16. GYPSY & TRAVELLER ACCOMMODATION - REGIONAL SPATIAL STRATEGY SINGLE ISSUE REVIEW**

The Planning & Economic Development Portfolio Holder presented a report concerning the Regional Spatial Strategy Single Issue Review in respect of Gypsy and Traveller accommodation. The Portfolio Holder reminded the Cabinet that the Council had been directed by the Secretary of State to prepare a separate Development Plan Document (DPD) on additional provision for Gypsy and Traveller accommodation. It was stipulated that this should be ready for submission to an Examination in Public by September 2009. A consultant had been appointed, initially on a three-month contract, to commence work on the DPD. The consultant had also prepared the Council's response to the Single Issue Review of the East of England Plan on additional provision for Gypsy and Traveller accommodation, which was due for Examination in Public in September 2008. As a consequence, it was proposed to extend the consultant's existing contract by three months in order to permit him to prepare and present the Council's case at the Examination and continue work on the DPD.

Any such agreement would necessitate a District Development Fund (DDF) supplementary estimate in the sum of £19,200 being recommended to Council for approval and the waiving of Contract Standing Orders C1(10) and C4 – aggregate sum payable to one supplier in a financial year and the requirement to obtain three separate quotations for a contract in excess of £25,000. The Cabinet expressed concern at the number of Gypsy and Traveller pitches still being allocated to the District but was pleased with the work of the consultant so far.

**Decision:**

- (1) That the officer level response to the Single Issue Review on Gypsy and Traveller Accommodation be noted;
- (2) That the consultant's contract be extended in order to:
  - (a) continue work on the Gypsy and Traveller Development Plan Document; and
  - (b) prepare the Council's case for this year's Examination in Public and to appear at the Examination to represent the Council if necessary;

(3) That a DDF supplementary estimate in the sum of £19,200 be recommended to the Council for approval in order to meet the projected additional costs for a three-month extension of the contract; and

(4) That the requirements of Contract Standing Orders C1(10) (aggregate sum payable to one supplier by one service director in one financial year) and C4 (requirement for 3 quotations for a contract valued at more than £25,000) be waived.

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

The Council's response to the consultation had to be made by 16 May 2008 or the opportunity to participate in the Examination in Public would have been lost. As the work required for the Development Plan Document was directly related to the single Issue Review, it was sensible for the Consultant to represent the Council at the Examination in Public.

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

To not extend the Consultant's contract, however this would have a negative impact upon other work within the Forward Planning section, such as the Local Development Framework.

### **17. ESSEX LOCAL AREA AGREEMENT 2008-11 - "LIBERATING POTENTIAL"**

The Finance & Performance Management Portfolio Holder presented a report about the Essex Local Area Agreement for the period 2008-11, entitled "Liberating Potential". The Portfolio Holder reminded the Cabinet that Local Area Agreements (LAAs) were contractual relationships between the Government and local authorities intended to secure improvements in priority service areas over a three-year period through enhanced partnership working and improved coordination. The development of the second agreement for Essex, for the period 2008-11, had been led by the Essex Partnership Forum, which had formally endorsed the final document at its last meeting on 22 April 2008. The LAA had been subsequently agreed by Essex County Council on 6 May 2008, subject to final amendments for outstanding targets. The Council was required by the Government to participate in the LAA process, and consequently the Cabinet was requested to adopt and participate in the Essex LAA, with its subsequent commitment to work in partnership with the Epping Forest Local Strategic Partnership to achieve the wider improvements sought by the LAA.

The Portfolio Holder advised the Cabinet that adoption of the LAA for Essex would commit the Council to pursue the delivery of the local priorities and targets. There were a total of ten priority themes within the LAA, of which the Council had agreed to 'have regard to' six. Originally, the Council had not signed up to priority theme eight, "Essex has a strong and competitive economy", however this had been an administrative oversight and it was recommended that the Cabinet should confirm the Council's support for this theme. The targets for these themes were drawn from the new National Indicator Set for Local Government, and it was proposed that the Council's success in meeting these should be reported to both the Finance & Performance Management Cabinet Committee and Scrutiny Panel. Although details were not available at this stage, there was the possibility for the Council to achieve a share of performance award grants to further improve services within the District; it was intended to submit a further report on this in due course.

The Deputy Chief Executive counseled the Cabinet that the LAA was an Essex-wide

local agreement partnership and not driven solely by Essex County Council; the Epping Forest Local Strategic Partnership had also signed up to the LAA. The Council had yet to receive the final definitions of the new National Indicators, but it was envisaged that some would be 'Story of Place' surveys which would be scheduled for the autumn. In relation to the improvement of services, the issue of potholes within the District was raised. The Leader of the Council stated that Essex County Council were to pilot a scheme whereby funds would be allocated to individual District Councils to repair potholes in their areas. The relevant County Council Portfolio Holder was scheduled to attend the next meeting of the Local Council's Liaison Committee on 11 June 2008.

**Decision:**

- (1) That the Essex Local Area Agreement 2008-2011 ("Liberating Potential") be adopted and participated in by the Council;
- (2) That progress reports on the Council's success in delivering the priorities and targets in the Agreement, including Priority 8 "Essex has a Strong and Competitive Economy", be reported to both the Finance and Performance Management Cabinet Committee and Scrutiny Panel;
- (3) That, in order to achieve the wider improvements sought through the Local Area Agreement, the Council's commitment to work in partnership with the Epping Forest Local Strategic Partnership be confirmed; and
- (4) That a further report be submitted on the potential for additional external resources being identified through performance reward arrangements to improve services within the District.

**Reasons for Decision:**

The Council was obliged by the Government to actively participate in the Local Area Agreement process. Its community leadership role enabled it to facilitate joint working through participation in the Local Strategic Partnership and other such forums.

**Other Options Considered and Rejected:**

No other options were available to the Council as it had to comply with the directives of the Government, however the Council did have some discretion with the identification of local priorities and target setting.

**18. EXCLUSION OF PUBLIC AND PRESS**

A number of non-Cabinet members inquired as to the reasons for excluding the whole report from public discussion. Whilst it was clearly understood that the discussion regarding the Council's negotiations with Cory Environmental Municipal Services should take place in Part II of the meeting, it was felt that consideration of the garden waste service should be conducted in public as this was a policy matter. This issue had been discussed at the Overview and Scrutiny Committee meeting the previous week, and it had been felt that the presumption should always be that issues are discussed in public unless it can be proved that it would be harmful to the public interest. The Leader of the Council responded that there were adequate reasons for the whole report to be considered in Part II of the meeting, and the Cabinet's attention was drawn to the reference of an unpublished Audit Commission interim report which had prevented the consideration of the garden waste issue in the public domain.

**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:

<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
20	Waste Management Budget Overspend 2007/08	3

**19. WASTE MANAGEMENT BUDGET OVERSPEND 2007/08**

The Environment Portfolio Holder presented a report regarding the position in respect of the Waste Management Budget for 2007/08. The Cabinet had determined that the sensitivity of this topic was such that it should not be discussed in a public forum and that publication of the decisions should be restricted.

**Decision:**

That, for the reasons outlined above, this is a restricted decision and not for publication.

**Reasons for Decision:**

To enable negotiations with Cory Environmental Municipal Services to continue without prejudicing the Council's position.

To consider the available options for the current garden waste service.

**Other Options Considered and Rejected:**

To publicly publish the minute and decisions in respect of this matter.

**CHAIRMAN**