

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

**Committee:** Cabinet **Date:** 5 February 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.05 - 8.30 pm

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

**Other Councillors:** R Morgan, B Rolfe, Mrs P Smith and Mrs J H 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 Chandler (Assistant Director - Community Services and Customer Relations), K Durrani (Assistant Director Technical Services), J Nolan (Assistant Director Neighbourhoods), I White (Forward Planning Manager), T Carne (Public Relations and Marketing Officer), C Overend (Policy & Research Officer), G J Woodhall (Democratic Services Officer) and S G Hill (Senior Democratic Services Officer)

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### **133. 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.

### **134. DECLARATIONS OF INTEREST**

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

### **135. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 15 December 2008 be taken as read and signed by the Chairman as a correct record.

### **136. REPORTS OF PORTFOLIO HOLDERS**

#### **(a) Environment**

The Portfolio Holder expressed her gratitude to Sita UK for their efforts during the recent inclement weather in keeping the roads and pavements clear and promptly clearing the backlog of refuse collections.

#### **(b) Community Wellbeing**

The Portfolio Holder announced that a full review of the Grant Aid policies would be

undertaken.

### **137. PUBLIC QUESTIONS**

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

### **138. OVERVIEW AND SCRUTINY**

The Chairman of the Overview & Scrutiny Committee reported on the last meeting held on 29 January 2009. There had been an informative discussion on rural transport services, which was attended by County Councillor Hume, Executive Member for Transport and Highways. However Iain Wright MP, Parliamentary Secretary for the Department of Communities & Local Government, declined an invitation to attend the meeting to discuss Gypsies and Travellers. The budget report was considered, as were the recommendations from the review of Contract Standing Orders and Financial Regulations. Minor changes were proposed to the Executive Constitution as a result of the Local Government & Public Involvement in Health Act 2007, and a report would also be submitted to the Council following the review of the Civic Ceremonial function.

The Chairman added that the Overview & Scrutiny work programme had been reviewed, and the Committee would like to extend an invitation to the Cabinet to attend the meeting scheduled for 16 April 2009 to review the Cabinet's Forward Plan and Key Objectives for 2009/10. Finally, a sub-group had been formed to consider the impact of the financial crisis on residents and the potential increased demand on voluntary services for support, which would report directly to the Cabinet with any recommendations.

### **139. ANY OTHER BUSINESS**

In accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the Leader of the Council had permitted the following items of urgent business to be considered following the publication of the agenda:

- (i) Continued Use of Counsel – Compliance with Contract Standing Orders;
- (ii) Gypsy and Traveller Development Plan Document – Extension of Consultancy Contract;
- (iii) Extension of Consultation Period for Gypsy and Traveller Consultation on Options;
- (iv) North Weald Market; and
- (v) Pest Control Service – Revised Arrangements.

The last two items would be considered in Part II of the meeting following the exclusion of the public and press.

### **140. CONTINUED USE OF COUNSEL - COMPLIANCE WITH CONTRACT STANDING ORDERS**

The Portfolio Holder for Corporate Support and ICT Services presented a report regarding the waiving of Contract Standing Orders to permit the use of Richard

Banwell of Counsel to be instructed for the remainder of the financial year for two cases: one concerning 62 Hoe Lane, Abridge; and the other at the Meadows, Bumbles Green, Nazeing. Fees that had been paid or committed to this counsel were approximately £24,000 and for reasons of continuity of advice and value for money, authority was sought to waive Contract Standing Order C3.

**Decision:**

(1) That, in accordance with Contract Standing Order C1(10) value of orders placed with one contractor in one directorate in a single year not to exceed a threshold for competitive quotations and tenders, the report of the Director of Corporate Support Services be noted: and

(2) That, in relation to the current financial year, Contract Standing Order C3 be waived in respect of Richard Banwell of Counsel, enabling the Director of Corporate Support Services to continue to instruct him on behalf of this Council in relation to cases in which he has had current or previous involvement.

**Reasons for Decision:**

The waiving of Contract Standing Orders would facilitate the effective use of the Legal Service's Consultancy budget in 2008/09; an earlier competitive quotation process had demonstrated value for money. It would also allow continuity of advice and representation.

**Other Options Considered and Rejected:**

To instruct an alternative Counsel however this would be a risk in that it would be both disruptive and more expensive as work would, to some extent, be unnecessarily duplicated.

**141. GYPSY & TRAVELLER DPD - EXTENSION OF CONSULTANCY CONTRACT**

The Portfolio Holder for Planning & Economic Development presented a report concerning the extension of the consultancy contract for the Gypsy and Traveller Development Plan Document.

The Portfolio Holder had requested the waiving of Contract Standing Orders to allow the continued use of the Council's current consultant for the Gypsy and Traveller consultation. The value of this contract with the Council was likely to exceed the threshold set out in Contract Standing Order C5 and would otherwise require the invitation of competitive tenders. It would also not comply with Contract Standing Order C1(10) which also required competitive tendering for contracts in excess of £50,000 in value if the sum total of individual contract extensions exceeded this limit. The proposed waiving of Contract Standing Orders would enable essential work to continue pending a budget review for the generation of the Local Development Framework by the Cabinet at its meeting scheduled for 20 April 2009.

The Leader of the Council reported that at the Examination in Public of the single issue review of the East of England Plan, which dealt solely with provision for Gypsies and Travellers, the Council's current Consultant had been successful in reducing the District's target by ten pitches to a revised total of 39.

**Decision:**

(1) That the extension of the consultancy contract for the Gypsy and Traveller

consultation until April 2009 be noted;

(2) That a report be submitted to the Cabinet meeting scheduled for 20 April 2009 reviewing the Local Development Framework budget for the current year;

(3) That, as the value of this consultancy will exceed £50,000 before 31 March 2009, the following Contract Standing Orders be waived at the appropriate time in order to permit this consultancy to continue:

(a) Contract Standing Order C1(10) – value of orders placed with one contractor in one directorate in a single year not to exceed a threshold for competitive quotations and tenders; and

(b) Contract Standing Order C5 - requirement for submission of tenders for any contract exceeding £50,000 in value or amount.

**Reasons for Decision:**

The waiving of Contract Standing Orders would regularise the contract with the current consultant during the current financial year and validate existing Portfolio Holder approval up to April 2009.

**Other Options Considered and Rejected:**

To seek competitive tenders for the balance of the current contract for further consultancy work, which the Council would require as part of the Gypsy and Traveller Development Plan Document consultation.

**142. EXTENSION OF CONSULTATION PERIOD FOR GYPSIES AND TRAVELLERS OPTIONS CONSULTATION**

The Portfolio Holder for Planning & Economic Development presented a report about an extension to the Gypsies and Travellers Consultation on Options. Consultation on the Options document for increasing pitch provision for Gypsies and Travellers had commenced on 4 November and was originally intended to end on 20 January. The period was extended to 6 February because there had been some early printing problems. An external training session on making effective responses in line with the requirements of the new development planning system had been held on 21 January for Councillors, Local Councils and other interested organisations. However, it was felt that this was too close to the current end of the consultation and an extension of two weeks was considered appropriate in the circumstances. It was felt that this would not interfere with the September deadline for the final submission of the document. Due to the urgency of the decision and the relatively short timescale involved, the Chairman of Council would be requested to waive the call-in period for this decision.

**Decision:**

That a two-week extension to the consultation period for the Gypsies and Travellers Consultation on Options be approved, such that the revised end date would now be Friday 20 February 2009 at 5.00pm.

**Reasons for Decision:**

The training session had been held on 21 January and it was considered that this

was too close to the current end of the consultation period (6 February) so more time should be allowed for respondents to make their case in the light of the outcomes of the training. It was also felt that an extension of a fortnight was a reasonable period, and that this would not endanger the Council meeting the deadline for the submission of the final document by the end of September 2009.

**Other Options Considered and Rejected:**

To retain the current end date of 6 February 2009.

**143. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 26 JANUARY 2009**

The Portfolio Holder for Finance and Performance Management presented the minutes from the meeting of the Finance and Performance Management Cabinet Committee held on 26 January 2009. The items that had been considered included: Risk Management - Updated Corporate Risk Register; Risk Management – Strategy, Policy Statement and Terms of Reference; and the Council Budgets for 2009/10.

**Decision:**

Risk Management – Updated Corporate Risk Register

- (1) That the score for the risk relating to Key Contracts (risk 20) be increased from C2 (Significant Likelihood, Critical Impact) to B2 (High Likelihood, Critical Impact);
- (2) That the score for the risk relating to Sickness Absence (risk 15) be increased from E3 (Very Low Likelihood, Marginal Impact) to C3 (Significant Likelihood, Marginal Impact);
- (3) That a further new risk be identified in relation to the potential loss of income from the Council's Investments, Building Control and Local Land Charges, to be considered at the next meeting of the Cabinet Committee;
- (4) That the current tolerance line on the risk matrix be considered satisfactory and not be amended; and
- (5) That, incorporating the above agreed changes, the amended Corporate Risk Register be approved;

Risk Management – Strategy, Policy Statement and Terms of Reference

- (6) That the updated Risk Management Strategy and Policy Statement be adopted; and
- (7) That the updated Terms of Reference for the Risk Management Group be noted; and

Council Budgets 2009/10

- (8) That the recommendations of the Finance & Performance Management Cabinet Committee in respect of the Council Budgets for 2009/10 be noted.

**Reasons for Decision:**

The Cabinet were satisfied that the 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 Cabinet Committee had considered all the relevant options in formulating their recommendations. The Cabinet did not consider that there were any further options.

**144. REPORT OF THE CUSTOMER TRANSFORMATION TASK & FINISH PANEL**

The Chairman of the Customer Transformation Task and Finish Panel presented its final report for the consideration of the Cabinet. In July 2006, the Council had agreed the implementation of the Customer Services Transformation Programme with a provision of £2.2million in the Capital Programme. However, the programme was not implemented due to uncertainty over the costs of Waste Management. Following the re-tender of the Waste Management contract in 2008, a Task & Finish Panel had been established to re-examine the original programme and identify any priority areas for improvement. The report had focused on a number of main areas, these being: the Council's Website; the provision of Reception Services at the Civic Offices; Telephone enquiries; public information; and National Performance Indicator NI14 – Avoidable Contact. The report had made nine recommendations, whose implementation the Cabinet was requested to agree.

The Leader of the Council accepted that communication with the residents of the District was important and as such the Council's website required additional resource. It was proposed that an extra Website Officer be employed on a three-year fixed term contract at a total cost of £25,000 per annum, funded out of the District Development Fund. The Portfolio Holder for Finance & Performance Management explained that it was prudent for the Council to avoid growth of the Continuing Services Budget for extra staff given the current budgetary constraints. The Chairman was requested to reconvene the Task & Finish Panel and further prioritise the remaining seven recommendations of the report for further consideration by the Cabinet.

**Decision:**

- (1) That, given the increasing importance of the Council's Website for communication, information and electronic interactions, the level of dedicated resource to the maintenance and development of the Council's Website be increased;
- (2) That a District Development Fund bid be made to fund an additional Grade 5 Website Support Officer on a three-year fixed term contract as part of the budget process for 2009/10, at an estimated cost of £25,000 per annum subject to job evaluation; and
- (3) That the Task and Finish Panel on Customer Transformation be requested to reconvene and further prioritise the remaining seven recommendations of the original report.

**Reasons for Decision:**

The Cabinet acknowledged that the range of actions emanating from the review, if implemented, could significantly improve customer satisfaction, but the Council's budgetary constraints precluded the implementation of all the Panel's recommendations. However, it was recognised that additional resource should be provided for the development of the Council's website.

**Other Options Considered and Rejected:**

To not support the recommendations of the Panel, accepting that Customer Satisfaction and Avoidable Contact were unlikely to improve.

To implement all the recommendations of the Panel without any further analysis or prioritisation.

**145. OUT OF HOURS LAND DRAINAGE STANDBY SERVICE**

The Portfolio Holder for Civil Engineering & Maintenance presented a report regarding the Out of Hours Land Drainage Standby Service.

The Portfolio Holder stated that the Council had operated an Out of Hours Land Drainage Standby Service for dealing with flooding emergencies following the large scale flooding in 2000. The service guaranteed the availability of Land Drainage Engineers outside normal working hours, who received additional payment under the Council's Out of Hours working policy. In the past such payments had been made from the General Salary Fund. However when the Environment Agency entered into a contractual arrangement with the Council for the management of main river assets in April 2006, the Out of Hours service was funded by the Environment Agency under the new contract. This arrangement had existed from 1 April 2006 until the end of the contract on 31 October 2008.

The Portfolio Holder reminded the Cabinet that it had already authorised the continuation of the Out of Hours Land Drainage Standby Service for a further three months until January 2009, to seek clarification from the Environment Agency on continued payment of the out of hours service. The Environment Agency had now responded and would not continue to pay for the service provided by the Council, as it did not believe the scope of the Council's Land Drainage Standby Service fell within the Environment Agency's main river responsibilities. It had further stated that it would endeavour to assist the District with flooding emergencies associated with main rivers only but could not guarantee a response as there might be competing priorities elsewhere.

The Portfolio Holder advised the Cabinet that there was currently no provision for this service in the 2009/10 budget because it had been anticipated that the Environment Agency would either take over the main river assets at the end of the contract or, if the Council had been successful in its tender bid, the Environment Agency would have continued to pay for the service, as it had been doing since April 2006. Consequently, if the Cabinet was minded to continue the service then additional District Development Funding of £8,400 for 2009/10 would be required.

**Decision:**

(1) That the continuation of the Land Drainage Out of Hours Standby Service by the Council be agreed; and

(2) That a District Development Fund bid of £8,400 be made for the continued provision of the Land Drainage Out of Hours Standby Service from April 2009 onwards.

**Reasons for Decision:**

To ensure continued provision of services to deal with the Council's flood alleviation schemes and assets. Failure to provide the service could make the Council liable if flooding could have been prevented had such a service existed and could potentially have a detrimental impact on the Council's reputation.

**Other Options Considered and Rejected:**

To stop the current out of hours emergency response service. However, this would increase the risk to the Council in the event of significant flooding and adversely affect the ability to respond to critical alarms raised on the Council's flood alleviation schemes.

To deal with out of hours flooding emergencies by the Emergency Planning Team. However, they lack the land drainage knowledge and expertise to deal with electronic alarms raised on the flood alleviation schemes and the local knowledge to deal with requests from residents.

**146. CALENDAR OF COUNCIL MEETINGS 2009/10**

The Leader of the Council presented a report concerning the Calendar of Council meetings for 2009/10. The Cabinet considered the forward programme of meetings of the Council each year prior to final approval by the Council. The Calendar had developed over time to meet the changing needs of the authority and, wherever possible, meetings of a particular committee had been standardised on a particular night of the week. Some minor changes had been incorporated into the Programme this year to allow for the European and County Council elections taking place on 4 June 2009 rather than the more traditional election date of the first Thursday in May. This had also included the Area Plans Sub-Committees being brought forward by a week in May and had generated a clash with a Magistrates Meeting that had been booked for the Council Chamber on 13 May 2009. The Democratic Services Officer advised that the meeting of Area Plans Sub-Committee East scheduled for that evening would take place in the Committee Rooms instead.

It was also highlighted that the meeting of the Finance & Performance Management Cabinet Committee scheduled for 28 September 2009 clashed with the Jewish festival of Yom Kippur; it was agreed to defer this meeting for a week until 5 October 2009.

**Decision:**

That, as attached at Appendix 1 of the report, the draft Calendar of Council Meetings for the period May 2009 to May 2010 be recommended to the Council for adoption, subject to amending the date of the Finance & Performance Management Cabinet Committee, currently scheduled for 28 September 2009, to 5 October 2009.

**Reasons for Decision:**

The Council should set its forward calendar as early as possible to allow the necessary booking of facilities. Any alteration to the broad look of the programme



would require further consultations with the local councils. Meetings had also been scheduled to avoid the conferences of the main political groupings on the Council.

**Other Options Considered and Rejected:**

Individual frequencies of meetings could be varied, but in practice additional meetings were added as and when issues dictated. These also included call-ins, the procedure for which allowed for extraordinary meetings to be convened.

**147. KEY PRIORITY OBJECTIVES 2009/10**

The Portfolio Holder for Finance & Performance Management presented a report about the Cabinet's key priority objectives for 2009/10. Local authorities had previously been required to publish an annual Best Value Performance Plan. Although this statutory requirement had been removed from 2009/10, the process had traditionally provided an opportunity for the Council to articulate its key priority objectives for the coming year. It was felt this process should continue and that the Cabinet should also agree the Council's key priority objectives in February of each year, rather than in June as previously. In addition to the 26 priorities listed within the report, a further two were proposed by the Leader of the Council and the Portfolio Holder for Civil Engineering & Maintenance. The first was concerned with working in partnership to further the educational opportunities and facilities for local young people, whilst the second was to complete all outstanding parking reviews within the District.

**Decisions:**

(1) That, as listed in Appendix 1 of the report, the Council's key priority objectives for 2009/10 be agreed;

(2) That a new key priority objective be added for the Leader's Portfolio to work with Essex County Council, Epping Forest College and local schools to further the educational opportunities and facilities for the local young people; and

(3) That a new key priority objective be added for the Civil Engineering & Maintenance Portfolio to complete all the outstanding parking reviews within the District.

**Reasons for Decision:**

The annual identification of key priority objectives provided an opportunity for the Council to focus specific attention on how existing weaknesses would be improved, opportunities exploited and better outcomes delivered for local people.

**Other Options Considered and Rejected:**

The Council could decide not to set key priority objectives for 2009/10, although this might mean that opportunities for improvement were lost.

**148. FURNITURE EXCHANGE SCHEME - USE OF PREMISES AT WALTHAM ABBEY**

The Portfolio Holder for Community Wellbeing presented a report about the possible use of premises in Waltham Abbey by the Furniture Exchange Scheme.

The Portfolio Holder stated that a furniture exchange scheme for the District had operated from an outlet at the District Council's depot in Town Mead, Waltham Abbey

between February 2007 and July 2008. The scheme had been run in partnership with the Lighthouse Project, a 'not for profit' organisation which had had experience of running a similar scheme in Brentwood. The scheme had proved successful and the service was continuing to expand at the time of closure. As a clear need for the operation of a furniture exchange scheme had been demonstrated, the partner organisations had continued to look at the various options available.

The Portfolio Holder informed the Cabinet that Voluntary Action Epping Forest had been putting together a business plan for a new scheme and a potential opportunity had arisen for the use of a District Council owned shop premises in Waltham Abbey for the scheme to operate from. The Cabinet was asked to not only support the scheme but also agree a Continuing Services Budget growth bid of £14,250 to cover the annual rental costs of the new premises, subject to the premises being successfully bid for and an appropriate grant application being agreed. It was also proposed that the trading position of the scheme be reviewed annually with the intention that the Council's grant would reduce as the scheme became financially self sustainable.

The Portfolio Holder for Finance & Performance Management proposed that the amount available to the Furniture Exchange Scheme be increased to £20,000, but that this would be funded by the District Development Fund not the Continuing Services Budget. The Scheme would still be reviewed on an annual basis as it progressed towards financial self-sustainability.

**Decision:**

- (1) That the establishment of a furniture exchange scheme by Voluntary Action Epping Forest (VAEF) be supported to assist people at an economic disadvantage in procuring good quality furniture;
- (2) That, in the event of VAEF successfully bidding for the tenancy of 15 Market Square, Waltham Abbey, a District Development Fund Bid in the sum of £20,000 be made to cover the annual rental costs of the new premises, subject to the submission and agreement of an appropriate grant application; and
- (3) That the trading position of the Furniture Exchange Scheme be reviewed annually, with a view to the Council's subsidy being reduced as the scheme progresses towards financial self-sustainability.

**Reasons for Decision:**

There was a recognised need for a furniture recycling scheme in the District. It could bring substantial benefits in terms of job creation (particularly for those with learning disabilities), skills training, disadvantaged people being able to access good quality furniture at minimal costs, a positive contribution to the environment and helping the Council to meet its recycling targets. Schemes had operated successfully in the District and elsewhere in Essex for many years.

**Other Options Considered and Rejected:**

To refuse the reallocation of the budget to cover the rental costs in respect of the potential new site identified for the scheme. However, this could be construed as a missed opportunity for the District Council and for the operation of a much needed and highly regarded scheme.

**149. COUNCIL BUDGETS 2009/10**

The Portfolio Holder for Finance & Performance Management presented a report concerning the detailed recommendations for the Council's budget for 2009/10. The proposed budget used £0.8m of reserves, but this was considered affordable and the Council's policy on the level of reserves could still be maintained. It was intended to also bring the budget back into balance during the period covered by the Medium Term Financial Strategy. The budget had been based on the assumptions that Council Tax would increase by 2.5% and average Housing Revenue Account rents would increase by 4%. The budget had been through a robust process of development involving the Finance & Performance Management Cabinet Committee prior to being considered by the Cabinet.

The Portfolio Holder added that £60,000 of savings had been found so that the car parking tariffs could remain at their current levels. It was also intended to move the provision for the Youth Council from the Continuing Services Budget (CSB) to the District Development Fund (DDF); the Youth Council would now be expected to justify their funding levels each year. It was noted that the increase in the Council's grant from the Government had only risen by 0.5% this year, and the Cabinet were warned that there was no certainty over future funding. The Council was a low Council Tax authority and the proposed budget did utilise some of the reserves, however the Portfolio Holder stated that £300,000 of accumulative savings per annum would be required for the next three years after 2009/10.

The Director of Finance & ICT summarised the assumptions and changes that had been made to the budget: Website Officer to be DDF not CSB; Furniture Exchange scheme would generate a CSB saving of £16,000; Youth Council funding to be DDF not CSB; and Land Drainage expenditure to be DDF not CSB. This gave rise to the following amended figures:

- (i) total CSB growth to be £538,000, not £641,000;
- (ii) the target for CSB to be £18,006,000 for 2009/10;
- (iii) DDF net spend to be £1,235,000; and
- (iv) the estimated reduction in General Fund balances would be £704,000.

The Director of Finance & ICT also highlighted that £10,000 of the £100,000 budget for Planning Appeals had been brought forward into 2008/09 to meet the costs of the planning injunction in respect of The Meadows in Waltham Road, Nazeing.

**Decision:**

- (1) That, following consideration of the Council's 2009/10 General Fund budgets, the following be recommended to the Council for adoption:
  - (a) the revised revenue estimates for 2008/09, including £10,000 of District Development Funding brought forward from 2009/10 to deal with costs from a Planning Injunction, which were anticipated to increase the General Fund balance by £541,000;
  - (b) an increase in the target for the 2009/10 Continuing Services Budget from £17.9m to £18.1m (including growth items);
  - (c) an increase in the target for the 2009/10 District Development Fund net spend

from £0.7m to £1.25m;

- (d) an increase of 2.5% in the District Council Tax for a Band 'D' property to raise the charge from £143.01 to £146.61;
  - (e) the estimated reduction in General Fund balances in 2009/10 of £704,000;
  - (f) the four year capital programme 2009/10 – 12/13;
  - (g) the Medium Term Financial Strategy 2009/10 – 12/13; and
  - (h) the Council's policy on General Fund Revenue Balances to remain that they be allowed to fall no lower than 25% of the Net Budget Requirement;
- (2) That the 2009/10 Housing Revenue Account budget, including the revised revenue estimates for 2008/09, be recommended to the Council for agreement;
- (3) That the application of the rent increases and decreases for 2009/10 in accordance with the Government's rent reforms and the Council's approved rent strategy be noted by the Council;
- (4) That the established policy of capitalising deficiency payments to the pension fund, in accordance with the Capitalisation Direction request made to the Department for Communities and Local Government, be recommended to the Council for approval;
- (5) That the Council's Prudential Indicators and Treasury Management Strategy for 2009/10 be recommended to the Council for approval; and
- (6) That the Chief Financial Officer's report to the Council on the robustness of the estimates for the purposes of the Council's 2009/10 budgets and the adequacy of the reserves be noted.

**Reasons for Decision:**

The Council had a statutory obligation to set its budget for the forthcoming year. The decisions would assist in determining the budget that would be placed before the Council on 17 February 2009.

**Other Options Considered and Rejected:**

To not approve the recommended figures and either specify which growth items should be removed from the lists, or which further items should be added.

**150. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

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:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
17	North Weald Market	3
18	Pest Control Service – Revised Arrangements	3

#### **151. NORTH WEALD AIRFIELD - MARKET**

The Portfolio Holder for Corporate Support & ICT Services presented a report concerning the Market at North Weald Airfield. The operators of the Market, Rondeau (General Markets) Limited trading as Hughmark International, went into Administration on 26 January 2009. Discussions between Officers, the Administrators and the Director of Rondeau had resulted in a temporary licence being granted to Hughmark Continental Limited for 4 weeks (5 markets). The existing contract was due to expire on 9 August 2010, and it was felt that to safeguard the future of the market, authority should be delegated to the Director of Corporate Support Services to negotiate towards the assignment of the licence to Hughmark Continental Limited for the remainder of its term; this being subject to a satisfactory performance and payment record. Should the Administrators decide to disclaim the market licence, it was proposed that a new licence on comparable terms as the current licence be granted to Hughmark Continental Limited until 9 August 2010. Officers were thanked for their prompt efforts in securing the continued operation of the market and a further report would be submitted to the Cabinet in due course regarding future proposals for the market.

#### **Decision:**

- (1) That the issuing of a temporary licence under the delegated authority of the Director of Corporate Support Services to Hughmark Continental Limited to run the Market at North Weald Airfield for the four weeks (five markets) from Saturday 31 January 2009 to Saturday 28 February 2009 be noted;
- (2) That, subject to a satisfactory performance and payment record, the Director of Corporate Support Services be authorised to negotiate towards the assignment of the Licence from Rondeau (General Markets) Ltd trading as Hughmark International to Hughmark Continental Limited for the remainder of its existing term until 9 August 2010;
- (3) That, if the Administrators for Rondeau decide to disclaim the market licence, a new licence on comparable terms as the existing licence be granted to Hughmark Continental Limited until 9 August 2010; and
- (4) That a further report be submitted to the Cabinet in due course on proposals for the way forward.

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

The temporary licence had been granted following due diligence checks on ownership, insurance and the position of the Administrators to enable the Market to continue lawfully for a period of time. This would safeguard the income stream to the Council as far as possible, whilst avoiding the reputational and logistical problems of cancelling the Market on short notice.

The assignment proposal would enable the Council to safeguard the income stream as far as possible, support those who were both stallholders and customers of the

Market and allow the Council time to consider its position without a break in continuity of the Market.

**Other Options Considered and Rejected:**

To not assign the existing licence to Hughmark, subject to the performance and payment record of that Company during the term of the temporary licence. However, this would mean that by 28 February 2009 the Council would need to either procure an alternative provider or close the Market.

To agree some other period of temporary licence to assess Hughmark's performance, but this carried the risk that the Market Operator might terminate the agreement on the grounds of insufficient certainty or stability.

**152. PEST CONTROL SERVICE - REVISED ARRANGEMENTS**

The Environment Portfolio Holder presented a report concerning revised arrangements for the Pest Control Service. In late November 2008 the Council received notification that its pest control service provider, Predator Limited, had gone into administration, which automatically triggered the cessation of the contract. At the time of the administration, and through the auspices of the Administrator, the business was acquired by Pynes Limited, a wholly owned subsidiary of Connaught, and began trading as Connaught Predator Limited. In order to maintain the pest control service, it had continued to be provided to the Council by Connaught Predator Limited on the same terms as the previous contract, but no contract had existed between the new company and the Council. Permission was being sought to waive Contract Standing Orders to allow this arrangement to continue for nine months, subject to continued satisfactory performance.

The Portfolio Holder advised the Cabinet that the Council had some concerns regarding the governance arrangements of the new company. If these concerns were allayed during the nine-month temporary contract period then steps could be initiated to assign or novate the contract to the new company. However, if these concerns remained at the end of this period then the Council would have to procure a new Pest Control Contract. It was also requested that negotiations be undertaken immediately to return to the payment methods of the old contract, whereby payments from residents for pest control services were handed directly to the Council by the Contractor.

**Decision:**

- (1) That the action taken following Predator Limited going into administration be noted;
- (2) That Contract Standing Orders C3(4) and C4 be waived for a period of nine months from 6 December 2008 in order to allow, subject to continued satisfactory performance, orders to be placed for pest control services on a monthly basis with Connaught Predator Limited on the same terms as the current contract;
- (3) That negotiations be undertaken to return to the payment methods under the previous contract, with payments from residents for pest control services handed directly to the Council by the Contractor;
- (4) That, if during the nine-month period stipulated above the Council is satisfied as to the governance arrangements within Connaught Predator Limited, the Director of Environment & Street Scene be authorised, following consultation with the

Environment Portfolio Holder and the Director of Corporate Support Services, to either to assign or novate the existing contract to Connaught Predator; and

(5) That, in the event of the governance arrangements proving to be unsatisfactory, the procurement of a new pest control contract be initiated.

**Reasons for Decision:**

To regularise the current contractual position with Connaught Predator, to maintain the current pest control service and to make arrangements for the delivery of the service in the future.

**Other Options Considered and Rejected:**

To discontinue the pest control service, however it was very popular with residents and an increase of rats, mice and other pests would be anticipated.

To enter into temporary arrangements with another service provider, however this would necessitate setting up new procedures and working practices and the loss of the pest control operative who had invaluable local knowledge and a very good working relationship with staff.

To immediately assign or novate the existing contract to Connaught Predator, but there were concerns regarding the governance arrangements within Connaught Predator Limited.

**CHAIRMAN**