

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

**Committee:** Cabinet **Date:** 9 March 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.35 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, Mrs R Brookes, D Jacobs, Mrs M McEwen, S Murray, Mrs C Pond, Mrs P Smith, Mrs E Webster and J M Whitehouse

**Apologies:**

**Officers Present:** P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), C O'Boyle (Director of Corporate Support Services), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), R Palmer (Director of Finance and ICT), J Kershaw (Assistant Director - Planning Services), P Maddock (Assistant Director Accountancy), P Pledger (Assistant Head of Housing Services (Property and Resources)), A Mitchell (Assistant Director Legal Services), S G Hill (Senior Democratic Services Officer), T Carne (Public Relations and Marketing Officer), C Overend (Policy & Research Officer) and G J Woodhall (Democratic Services Officer)

**Also in attendance:** R Serrelli (Sharpe Pritchard)

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### **153. 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.

### **154. DECLARATIONS OF INTEREST**

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

### **155. MINUTES**

#### **RESOLVED:**

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

- (a) 19 January 2009; and
- (b) 5 February 2009.

### **156. REPORTS OF PORTFOLIO HOLDERS**

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

**157. PUBLIC QUESTIONS**

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

**158. OVERVIEW AND SCRUTINY**

The Vice-Chairman of the Overview and Scrutiny Committee reported that, at the last meeting, a presentation had been received from the Manager of the Local Strategic Partnership on their recent activities and future plans. Four fixed theme groups had been established to build healthier, sustainable and safer communities, with attention also focused on provision for Children and Young People. The Partnership had agreed three Task & Finish teams, including one for dealing with the impact of the credit crunch.

The Overview and Scrutiny Annual Report for 2008/09 had been considered, and the Portfolio Holder for Planning & Economic Development had been invited to the Committee's next meeting to answer questions regarding the Town Centre Partnerships within the District. A sub-group would be inaugurated to consider the recent council motion for introducing free London Underground Passes within the District for residents aged 65 or over.

**159. INTER AUTHORITY AGREEMENT WITH ESSEX COUNTY COUNCIL**

The Environment Portfolio Holder presented a report about the proposed Inter Authority Agreement with Essex County Council. The Inter Authority Agreement (IAA) was a legal document which would enable the County Council to provide funding to the Council to support its revised kitchen waste collection service. The Agreement would also deal with the relationship between the County Council as the Waste Disposal Authority (WDA) and the districts/boroughs as Waste Collection Authorities (WCAs) in terms of the County Council's procurement of waste disposal infrastructure through its Private Finance Initiative (PFI) bid to Government. The Agreement would be a legally binding document which, in the case of this Council would run effectively in two stages: the first being from April 2009 until the signing of the PFI or Public Private Partnership (PPP) agreement; and the second stage being for 25 years from the date of the PFI or PPP.

The Portfolio Holder advised the Cabinet that the Agreement would be considered by the County Council's Cabinet at the end of March, but this delay, added to by the forthcoming County Council elections, would result in significant difficulties for this Council in implementing the service developments agreed by Cabinet at its special meeting in January 2009. It was therefore proposed for the Council to enter into the Agreement in principle, with authority to sign the Agreement on behalf of the Council by the Environment and Finance & Performance Management Portfolio Holders once the final version was available. It was acknowledged that the Agreement constituted a long-term commitment for the Council. Consequently, the WCAs' legal advisers, Sharpe Pritchard, were working towards ensuring reasonable 'exit routes' out of the Agreement for WCAs if changes in circumstances required them to consider opting out of the Agreement at some point in the future.

A representative from Sharpe Pritchard gave the Cabinet a presentation upon the Inter Authority Agreement. The presentation outlined what an Inter Authority Agreement was, why it was necessary and what would be the benefits to the Council. The second part of the presentation covered the terms of the Essex Inter Authority Agreement itself: its structure designed to cover three distinct issues; obligations of both the Waste Collection Authorities and the Waste Disposal Authority; the penalties

for not complying with the terms of the agreement; the exercising of the break clauses; the review processes, both annual and ad hoc if required; and the management of the Inter Authority Agreement, which included an Officer Working Group without decision-making powers.

In response to questions from the Cabinet, the representative from Sharpe Pritchard stated that the option to sign up to parts of the Agreement was no longer possible, but was confident that most if not all of the Waste Collection Authorities would sign up to the Agreement. It was also critical to know how many of the Waste Collection Authorities were signed up to the Agreement before building facilities to handle the expected tonnages, but there was some flexibility to amend Service Delivery Plans and even the baseline in the future.

The Director of Environment & Street Scene reminded the Cabinet that it had already considered the baseline at its special meeting on 19 January 2009 when it had agreed the revised Waste Management service. The County Council had been informed that Sita would be the Council's service provider until the current contract expired. The Leader of the Council highlighted the risk to the Council as it required the promised funding from the County Council to implement the revised service; the representative from Sharpe Pritchard reassured the Cabinet that the County Council was prepared to enter into an Inter Authority Agreement with the Council alone to guarantee the funding after its approval at the end of March.

**Decision:**

- (1) That, in principle, the Inter Authority Agreement be entered into with Essex County Council; and
- (2) That, subject to the final agreement not being materially different to the version considered at the meeting, the following Portfolio Holders be authorised to sign the final version of the Inter Authority Agreement on behalf of the Council:
  - (a) Environment; and
  - (b) Finance & Performance Management.

**Reasons for Decision:**

An Inter Authority Agreement (IAA) was necessary for Essex County Council (ECC) to satisfy the Department for the Environment, Food and Rural Affairs (DEFRA) that, if it was awarded Private Finance Initiative (PFI) credits, ECC would be able to deliver the project and secure the necessary support from the Waste Collection Authorities (WCAs). Even if PFI was not the financing route ultimately selected, the IAA was required to demonstrate to the waste industry and potential providers of finance (e.g. Public Private Partnership) that the County Council and the WCAs would work in partnership to deliver sufficient and suitable waste to feed the multi-million pound facilities being procured. Finally, the IAA would provide the mechanism for the payment of support funding by the ECC to this Council for the provision of a kitchen waste collection service and additional recycling credit payments.

**Other Options Considered and Rejected:**

To delay any decision until the final IAA had been approved by the County and made available to the WCAs. However, this could potentially give rise to difficulties in procuring the wheeled bins and other containers required to deliver the revised service.

To opt out of the IAA altogether or to defer entering it until a later date. However, this might prevent the provision of significant additional funding for the waste service and jeopardise the fulfilment of the Essex Joint Municipal Waste Management Strategy.

#### **160. 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) Coordination of the National Concessionary Fares Scheme in Essex – Transfer to Essex County Council; and
- (ii) North Weald Airfield – CSB Virement to Support Major Events.

The Portfolio Holder for Civil Engineering & Maintenance presented a report on the coordination of the National Concessionary Fares Scheme in Essex via a transfer to Essex County Council. The new National Concessionary Fares Scheme had begun on 1 April 2008, but despite it now being a national scheme it was still being administered by nearly 300 local authorities in their roles as travel concession authorities. The Department for Transport had recognised that this was not the most efficient or cost effective way of providing a national scheme and it was anticipated that this would be re-examined as part of the next Comprehensive Spending Review.

The Portfolio Holder reported that in Essex, the District Councils and the County Council were seeking to achieve an earlier transfer of the duties and risks associated with being travel concession authorities. A draft Participation Agreement document had been provided by Essex County Council and was attached to the report. A decision on the principle of the transfer was now necessary in order to get the revised arrangements in place before the start of 2009/10. The main benefits to the Council from the transfer would be that it would not have to administer the scheme and would not be at risk financially from the scheme.

The Portfolio Holder for Leisure and Young People presented a report regarding a proposed Continuing Services Budget virement to support major events at North Weald Airfield.

As part of the Senior Management Review, the Marketing and Events function previously located within Leisure Services had been transferred to the Council's Public Relations Section within the Office of the Deputy Chief Executive. The management of North Weald Airfield had been similarly transferred to the Environment and Street Scene Directorate. As a result of the review of Community Events undertaken by the Leisure Task and Finish Panel, it was agreed that the future focus of the Council's participation in events should be raising the profile of the Council's services at the wide range of community events across the District. It was also proposed to utilise such a presence to consult with the public on the Council's service provision. Notwithstanding, a requirement had been identified to still provide specialist technical advice and resource to support major events at North Weald Airfield, as such events were a major source of income for the Council. A virement in the sum of £3,750 was proposed for 2008/09 to provide for this, with a permanent reallocation of £5,000 for future years.

**Decisions:**Coordination of the National Concessionary Fares Scheme in Essex – Transfer to Essex County Council

- (1) That the progress made to date in negotiations with Essex County Council be noted;
- (2) That the transfer to Essex County Council of this authority's role as a Travel Concession Authority be agreed in principle; and
- (3) That, in consultation with the Director of Finance & ICT, the Portfolio Holder for Civil Engineering & Maintenance be authorised to agree the final Participation Agreement document.

North Weald Airfield – CSB Virement to Support Major Events

- (4) That, in accordance with the Council's Financial Regulations, a virement in the sum of £3,750 between the Corporate Support & ICT and Leisure & Young Persons Portfolios, from code 34160 (Public Relations) to RS 301 3370 (North Weald Airfield) be agreed for the current financial year 2008/09; and
- (5) That a permanent reallocation in the sum of £5,000 from the same codes be made for future financial years to support the hosting of major outdoor events at North Weald Airfield.

**Reasons for Decision:**

The National Scheme had not been fully funded by the Department for Transport and had placed considerable financial pressure on many authorities. As the take up and use of passes increased, the demands for reimbursement from the bus operators had also increased. This represented a considerable financial risk to travel concession authorities, which the proposed scheme would limit by fixing the contributions from the District Councils for 2009/10 and 2010/11.

In accordance with the Constitution, virements between Portfolios required a Cabinet decision. To provide sufficient budget allocation to North Weald Airfield to secure the ongoing success of the Airfield's annual major events programme.

**Other Options Considered and Rejected:**

The Council could decide to take on the financial risks associated with the National Scheme and retain its duties as a travel concession authority.

To not support events at North Weald Airfield, thus exposing the Council to risk and potential loss of income.

**161. INJUNCTION COSTS - THE MEADOWS, WALTHAM ROAD, LONG GREEN, NAZEING**

The Portfolio Holder for Planning & Economic Development presented a report regarding the injunction costs for the site at the Meadows in Waltham Road, Nazeing. The Council had sought an interim injunction in the High Court pursuant to section 187B of the Town and Country Planning Act 1990, to prevent an anticipated breach of planning control on the Site. This anticipated breach was the development and use of the Site as a Gypsy and Traveller caravan site. At a hearing held on 15 January

2009 in respect of an application to discontinue the proceedings that had commenced on 17 October 2008, the Judge took the view that in seeking the injunction the Council had acted prematurely without proper investigation. Accordingly, the Court ordered the Council to pay the Defendant's costs in the sum of £7,250.

One of the Ward Members for Lower Nazeing provided the Cabinet with additional information as to why the pre-emptive injunction had been applied for by the Council. The Portfolio Holder reassured the Cabinet that legal advice would always be sought prior to taking any such action, and that each case would be judged on its merits.

**Decision:**

That, as ordered by the High Court, payment of the defendant's costs in the sum of £7,250 in respect of the Council's claim for an interim injunction pursuant to section 187B of the Town & Country Planning Act 1990 to restrain an apprehended breach of planning control at The Meadows in Waltham Road, Nazeing be retrospectively authorised.

**Reasons for Decision:**

The Council was obliged to comply with the Court's Order to pay the Defendant's costs.

**Other Options Considered and Rejected:**

None, as failure to comply with a Court Order would result in the Council being found to be in contempt of Court.

**162. SPRINGFIELDS IMPROVEMENT SCHEME - PROGRESS REPORT Q4 2008/09**

The Housing Portfolio Holder presented a report concerning the progress of the Springfields Improvement Scheme. This was the first progress report that had anticipated both an overspend and an extension to the project's end date, for which efforts were being made to limit the effects of both by Officers. The current estimate was that the project would be overspent by £35,985 whilst it was expected that the contractor would request the option to extend the contract by twelve weeks. At this stage of the project, cost and time savings could only be made by omitting items from the contract, and the only works yet to commence were the landscaping and car parking. The cost of the landscaping was £44,000 and £15,000 for the car parking. Further reports would be submitted to the Cabinet when the situation had been clarified, whilst the Portfolio Holder confirmed that Officers would investigate any complaints made of the contractor by residents.

**Decision:**

That, as set out in the report, the current progress of the Springfields Improvement Scheme in Waltham Abbey be noted, including an estimated overspend in the sum of £35,985 and an anticipated extension of the project completion date.

**Reasons for Decision:**

Contract Standing Order C31 required presentation of progress reports for major projects that had a value of over £1 million.

**Other Options Considered and Rejected:**

To omit the landscaping and/or car parking aspects from the project.

**163. SHARED OWNERSHIP SCHEMES - APPROACH IN THE CURRENT MARKET**

The Housing Portfolio Holder presented a report on the approach to be taken on shared ownership schemes in the current housing market. The Cabinet were reminded that it had previously agreed a Shared Ownership Policy, requiring 30% of properties within affordable housing developments to be provided in the form of shared ownership. However, one of the effects of the current economic climate and property downturn was that Housing Associations were finding it difficult to sell shared ownership properties. Thus, it was proposed for properties required as shared ownership to be provided either as social rented properties and/or through "Rent now – Buy later" Schemes, whereby applicants were able to rent newly-built properties at "intermediate rents", on the basis that they were able to purchase equity tranches in the property at a later date, up to full ownership. It was suggested that this approach be reviewed every six months until the economic situation had improved and mortgages for first time buyers were more readily available.

The Housing Portfolio Holder proposed that further tenders be invited for the development of the Council's property at Leader Lodge, North Weald, from the Council's preferred Registered Social Landlord (RSL) partners. This would be on a similar basis as before but with the provision for properties to be provided through a "Rent Now- Buy Later" scheme as well as shared ownership. The Director of Housing highlighted the comment made by one of the Council's RSL partners regarding the potential requirement for occupants to purchase an equity tranche within three to five years. This requirement had been queried with the Homes and Communities Agency but a response had not yet been forthcoming. The Cabinet welcomed the additional flexibility provided by the proposals.

**Decision:**

- (1) That, in view of the current economic climate, Housing Associations that were currently required to provide shared ownership properties within affordable housing developments - by either the Council's Shared Ownership Policy or Section 106 Agreements - be allowed to provide these properties either as social rented properties and/or through "Rent now – Buy later" Schemes, whereby applicants could rent newly-built properties at "intermediate rents", on the basis that they would be able to purchase equity tranches in the property at a later date, up to full ownership, subject to any conditions required by the Homes and Communities Agency;
- (2) That, where the provision of shared ownership properties were required by virtue of existing Section 106 Agreements, the Director of Housing in consultation with the Director of Corporate Support Services be authorised to agree variations to Section 106 Agreements, in line with this approach;
- (3) That this revised approach be reviewed every six months until the economic climate has improved to the point where mortgages for first time buyers were more easily obtainable; and
- (4) That further tenders be invited from all the Council's Preferred Registered Social Landlord Partners for the sale and development of Leader Lodge, North Weald, on a similar basis as before, but for the provision of the properties through a "Rent now – Buy later" Scheme, instead of shared ownership.

**Reasons for Decision:**

The Council's current Shared Ownership Policy was adopted just before the severe downturn in the property market. One of the effects of the down-turn was that Housing Associations were finding it very difficult to sell shared ownership properties, particularly since shared ownership was aimed at first time buyers, who were currently finding it very difficult to obtain mortgages.

**Other Options Considered and Rejected:**

To retain the existing Shared Ownership Policy.

To not invite further tenders for the proposed Leader Lodge development in North Weald.

**164. EPPING FOREST DISTRICT LOCAL COMPACT**

The Portfolio Holder for Community Wellbeing presented a report regarding the adoption of the Essex Compact by the Council. A Compact was a written agreement between the statutory and voluntary/community sector aimed at improving their relationship to joint advantage. It recognised the complementary roles of each sector in the development of citizenship, a sense of community and the creation of a just and inclusive society. Essex County Council had formally adopted the current County Compact in April 2008 and was seeking the support of partner organisations to the Compact through formally signing up to the document. The Cabinet was informed that the Compact Champions would be the Portfolio Holder for Community Wellbeing, the Policy & Research Officer and the Community Leisure Officer.

**Decision:**

That the adoption of the Essex Compact be supported.

**Reasons for Decision:**

Compacts provided a framework for ensuring an effective relationship between the voluntary sector and local public sector organisations. They also set out principles and standards to ensure that the relationship was open and fair. It was also important that Compacts did not remain static, but were monitored and developed over time to reflect the changing needs and priorities of the local community. The nature and effectiveness of the relationship between the District Council and its partner organisations would be a key part of the forthcoming Corporate Area Assessment.

**Other Options Considered and Rejected:**

To refuse to adopt the new Essex Compact. However, this might impair the existing relationship with the voluntary sector and constitute a missed opportunity for enhancing it further.

**165. REPLACEMENT VEHICLES AND TRUCK CONVERSIONS 2009/10 - BUILDING MAINTENANCE SECTION**

The Housing Portfolio Holder presented a report on the proposed replacement vehicles and truck conversions in 2009/10 for the Building Maintenance Section.

The Cabinet were informed that it was necessary to assess the quality and reliability of the Council's fleet vehicles used by the Building Maintenance Works Unit on an



annual basis. This year, it had been identified that three vehicles were in need of renewal. However, in order to generate savings to the Council and to improve efficiency, it was also proposed to adapt two further vehicles that were used to collect and transport waste so that they could transport a greater payload, thus reducing waste disposal costs and other associated costs. The estimated costs were approximately £35,476 for the vehicle purchases via the Essex Procurement Hub, and £17,354 for the two truck conversions; permission was sought to waive Contract Standing Order C3(2) due to the specialist nature of the conversion work.

**Decision:**

(1) That three new vehicles be purchased outright for the Building Maintenance Section through the Essex Procurement Hub as replacements for fleet numbers H434, H435 and H439 at a total cost of £32,776 plus approximately £2,700 for livery and other accessories;

(2) That two existing trucks, fleet numbers H487 and H488 each be converted from a heavier steel body to a lighter aluminium body, cage and platform tail lift for the purpose of operational efficiency at a total cost of £17,354; and

(3) That, due to the specialist nature of the vehicle conversion work, Contract Standing Order C3(2) be waived in respect of seeking at least 3 quotations for contract values between £15,001 and £25,000.

**Reasons for Decision:**

To replace three old vehicles which had considerable mileage and were becoming uneconomic to maintain. To improve the specification of two trucks thereby enabling higher performance levels and cost savings associated with waste removal and disposal.

**Other Options Considered and Rejected:**

To lease the new vehicles as opposed to outright purchase. However, previous studies had indicated that capital purchase was preferable to leasing, and there had been no significant financial or operational incentive in the interim to warrant a change of direction.

For the truck conversions, the purchase of replacement alternative vehicles was considered but was rejected on the grounds of cost and the imposition of "O" license restrictions which the Council no longer had.

**166. CONTINUATION OF THE HOME OWNERSHIP GRANTS SCHEME**

The Housing Portfolio Holder presented a report concerning the continuation of the Home Ownership Grants Scheme. The Pilot Home Ownership Scheme had proved to be successful, with 38 applications received and five Home Ownership Grants offered to applicants. It was proposed to continue the funding of the Scheme into 2009/10, with the provision of a further five grants to assist more tenants to enter home ownership and to release a further five Council properties for allocation to applicants on the Housing Register.

With respect to the proposed saving threshold, the Director of Housing felt that any increase could deter potential applicants and that the suggested figure of £2,000 was the correct level. It was also explained that £34,000 was the maximum amount of

discount available under the Right-to-Buy scheme and it was felt that this figure should also be the maximum amount for Home Ownership grants.

**Decision:**

- (1) That, following the success of the Pilot Scheme, additional funding for the Home Ownership Scheme be provided in 2009/10;
- (2) That the Scheme be comprised of the following elements:
  - (a) the provision of up to five capital grants by the Council of £34,000 to existing Council secure tenants to purchase a property on the open market in England;
  - (b) secure tenants to be eligible for the grant, irrespective of the size and type of Council home they currently occupy and their length of tenancy, with the exception of secure tenants living in sheltered accommodation;
  - (c) no limitations be made on the type, size or price of the property that applicants wish to purchase; and
  - (d) through the use of a legal charge, grant recipients be required to repay a proportion of the grant if they sell the purchased property within five years, with the proportions set at the same level as those that currently apply under the Right to Buy;
- (3) That, in order to fund the continuation of the Scheme, additional provision of £170,000 be made within the Housing Capital Programme for 2009/10, during the next review of the Capital Programme in June 2009;
- (4) That the details of the scheme, and the necessary legal agreements, be the same as for the Pilot Scheme;
- (5) That priority be given to tenants of the following types of properties by the selection criteria used to prioritise the shortlist of applications (in ranked order):
  - (i) houses;
  - (ii) flats, maisonettes or other properties with at least two bedrooms; and
  - (iii) properties in higher demand areas;
- (6) That the following conditions be applied to the Scheme:
  - (a) applicants must occupy their Council property as their only and principal home;
  - (b) applicants must have a minimum of £2,000 savings, in order to meet some of the costs involved with moving home;
  - (c) applicants with arrears over £50 be excluded from the Scheme; and
  - (d) applicants must not be in receipt of any Housing Benefit at the time of application and grant provision;
- (7) That the Director of Housing be authorised to select the recipients for the grants, in accordance with the above selection criteria and conditions and, if necessary, any other criteria considered appropriate;

(8) That, if the applicants for the two outstanding grants in respect of the original pilot scheme do not complete their purchases within a reasonable period of time, the grants be re-allocated to other applicants using the agreed selection criteria and conditions; and

(9) That the success of the Scheme's continuation be reviewed by the Housing Portfolio Holder after nine months operation, with the continuation of the scheme and its associated funding into 2010/11 considered by the Cabinet.

**Reasons for Decision:**

Following a successful pilot, the continuation of the Scheme into 2009/10 would assist more tenants to enter home ownership and release a further five Council properties for allocation to applicants on the Housing Register.

**Other Options Considered and Rejected:**

To no longer operate the Scheme and not make any further grants available.

To provide a different amount of Home Ownership Grant or vary the terms of the Scheme.

To make more or less grants available in 2009/10, or defer the continuation of the Scheme until 2010/11, and make capital provision in that year accordingly.

**167. LOUGHTON BROADWAY TOWN CENTRE ENHANCEMENT SCHEME - UPDATE**

The Portfolio Holder for Planning & Economic Development presented an update report on the Loughton Broadway Town Centre Enhancement Scheme.

The Cabinet was reminded that the Town Centre Enhancement Scheme for Loughton Broadway had been delayed due to the presence of a medium pressure gas main within the central reservation of the carriageway. A revised design addressing the difficulties of construction around the gas main was approved by Cabinet on 14 July 2008 and a supplementary capital estimate of £455,000 including £200,000 for contingency and unforeseen construction risks had been agreed. Construction work commenced on Monday 27 October and work ceased on Friday 5 December for a month to assist pre Christmas trading on the Broadway. The construction work commenced after the Christmas shut down on 5 January 2009.

The Cabinet was informed that the Scheme was currently within budget, however construction costs could go up due to the uncertainties surrounding the conditions of the road structures, if for example more substantial reconstruction of the road was required, or National Grid Gas required a change in construction methodology near the gas main. It was also proposed that, until such time as the full impact of the risks associated with the project was known, the idea of the amenity feature for the Broadway should be deferred until there was greater certainty over the final cost of the scheme. The Director of Environment and Street Scene confirmed that an order had been raised for the £100,000 contribution to the scheme pledged by the County Council.

**Decision:**

(1) That the progress with the implementation of the Loughton Broadway Town Centre Enhancement Scheme be noted;

(2) That the current budget allocation and associated contingency be maintained; and

(3) That the provision of a landmark amenity feature on the Broadway be deferred until such time as adequate funding is available from within the current project allocation.

**Reasons for Decision:**

Maintaining the current level of contingency would enable a quick response to any unforeseen event or change on the project.

At the original design phase for the Scheme, the Council accepted the idea of an 'amenity feature' as part of the TCE. It was now proposed to defer this until such time that all financial and technical risks were quantified and adequate capital monies were confirmed within the Scheme's budget allocation.

**Other Options Considered and Rejected:**

To reduce the scheme's current budget and/or contingency, however given the nature of the risks associated with the Scheme, this could not be recommended.

To continue with the amenity feature without knowing whether there would be sufficient capital budget available and to carry out a local school competition for the design of the feature. Given the nature of the risks associated with the Scheme and the raising of community expectations, this could also not be recommended.

**168. HOME OWNERSHIP STAFFING RESOURCES**

The Housing Portfolio Holder presented a report regarding proposed staffing levels within the Home Ownership team. A significant surplus had accumulated within the leasehold administration account, which would continue and increase as a result of the increasing number of Council leaseholders. This increase, together with increased statutory requirements, had resulted in a significant additional workload for the Home Ownership Team, which had to meet statutory deadlines. The current and future forecasted surplus was sufficient to fully fund an additional part-time member of staff, and would enable the Council to continue to provide a good level of service whilst meeting its statutory deadlines.

In addition, the Portfolio Holder reported it was proposed that the Leasehold Management Fee be reduced by £9.00 to £43.00 and the Fees and Disbursements Charge frozen at £64.00 per annum between 2009/10 and 2012/13. This would utilise the credit that had accrued on the account of £81,000 at the end of 2007/08, and would be subject to ensuring that the leasehold account was kept in surplus. There were no costs to either the General Fund or the Housing Revenue Account (HRA), since the income was ring-fenced for leasehold administration, and received through a standard administration charge applied to service charges.

**Decision:**

(1) That an additional post for a Home Ownership Officer, Grade 4 Part Time (0.5 full time equivalent), in the Housing Directorate be agreed from April 2009;

(2) That the post be fully-funded by surpluses generated from leasehold contributions from service charges; and

(3) That the leasehold Management Fee be reduced by £9.00 to £43.00 and the Fees and Disbursement Charge be frozen at £64.00 per annum for the period 2009/10 to 2012/13, subject to ensuring that the leasehold account be kept in surplus.

**Reasons for Decision:**

In order to continually improve the service provided to leaseholders, undertake the consultation required and meet statutory deadlines it was necessary to seek additional resources.

Leaseholders would benefit from the reduced Leasehold Management Fee and the frozen Fees and Disbursement Charge. Charges would not increase for leaseholders to cover the additional resources and the service provided would be enhanced.

**Other Options Considered and Rejected:**

To continue with the current level of service charges, but staffing levels to remain the same. However, this would result in the surplus increasing further and would not overcome the workload difficulties.

To not reduce the Management Fees and not freeze the Fees and Disbursements Charge. However, this would result in the surplus increasing further.

To reduce the Management Fees and Fees and Disbursements charge further. However, this would not enable the required additional staffing resource to be obtained.

**169. BUILDING CONTROL FEES & CHARGES 2009/10**

The Portfolio Holder for Planning & Economic Development presented a report concerning the proposed fees and charges for Building Control in 2009/10. Under the Building (Local Authority Charges) Regulations 1998, the Council was authorised to fix a scheme of charges in connection with the performance of its functions under the Building Regulations. Income from the charges should be sufficient to meet the costs of the service provided, and must always meet the cost over any three-year rolling accounting period (the break-even target). Budget forecasts for 2009/10 indicated a potential shortfall in the three-year rolling accounting period of £15,000. The Cabinet was therefore asked to approve an overall increase of 8%, rounded upwards to the nearest pound, in the level of fees charged for Building Regulations applications, which was considered sufficient to address the forecasted budget imbalance. The increase would be effected in relation to the standard charges in the Scheme and where the charge was based upon the estimated cost of the building work involved. The new scheme of charges would operate from 6 April 2009.

The Cabinet felt that the increase was very high in relation to the prevailing rate of inflation, and that more savings would be required in future years to avoid such an increase being repeated. It was acknowledged that the Service had contributed significant surpluses in previous years and that the increase did represent a large fluctuation. The Assistant Director Building Control confirmed that further savings within the Service would be made, and that dispensing with the external consultants would be considered if necessary.

**Decision:**

- (1) That the proposed 8% increase in fees and charges for 2009/10 suggested during the budgetary process be confirmed;
- (2) That the Scheme of Charges, set out at Appendix 1 of the report, be adopted by the Council in pursuance of The Building (Local Authority Charges) Regulations 1998;
- (3) That the Charges be introduced with effect from 6 April 2009; and
- (4) That the Director of Planning and Economic Development be authorised to advertise the introduction of the new Scheme of Charges as required by the Charges Regulations.

**Reasons for Decision:**

To do nothing was not an option and the recommended increase was still in line with the charges that other Local Authorities were making in respect of their charges for Building Regulations work.

**Other Options Considered and Rejected:**

To do nothing. However failure to increase the charges could place an additional burden on the Council's resources and the cost of the building control service might not be recovered over a continuous, rolling three year accounting period. This would constitute a breach of the Building (Local Authority Charges) Regulations legislation.

**170. ESSEX LOCALISM INITIATIVE - LOCAL HIGHWAYS PANEL**

The Portfolio Holder for Civil Engineering and Maintenance presented a report on the establishment of a Local Highways Panel, as part of the Essex Localism initiative. The County Council had established a programme of "Localism", whereby districts and boroughs were able to engage more directly and influence decisions locally on highways matters. The County was implementing this initiative on a phased basis, and Epping Forest had been invited to participate in the process from April 2009. In order for this to be implemented, the Council had to establish a Highways Panel, which would be tasked with engaging with the County Council and considering options and priorities for local highway works. It was also suggested that the Panel's Terms of Reference would include highway matters that were managed directly by this Council, such as on and off street parking. The approval of the Cabinet was sought for the adoption of the initiative, with further proposals for the make up of and operational arrangements for the Panel.

The Portfolio Holder moved two amendments to the report: that the eleven District Council Members would be appointed each year at the Annual Council, and a new recommendation to review the constitution and operation of the Panel after twelve months. A further amendment was suggested to the Terms of Reference, namely that the quorum of the Panel should be 50% of the membership eligible to vote at the meetings.

In response to queries from Members, the Portfolio Holder stated that the new Panel was intended to encompass both routine maintenance and minor enhancements, with the indicative value of various schemes listed in the report highlighted to the Cabinet. Meetings would be public and open to all Town, Parish and County Councillors to attend and speak on local issues. The Portfolio Holder would clarify the

role of the Highways Rangers mentioned in the Essex Localism manual. In addition, it was understood that the Chairmen of the various Local Panels would form a new countywide forum for Highways issues. Training to the members of the Panel would be provided by the County Council and it was envisaged that the current list of possible schemes within the District held by the County Council would form the initial list of schemes for consideration by the new Panel.

The Cabinet Committee welcomed the implementation of the new Local Highways Panel as it was felt that this would provide greater local control over highways maintenance and minor enhancement schemes. The Portfolio Holder's proposed amendments and additions were also agreed.

**Decision:**

- (1) That a report be submitted to the Council recommending:
  - (a) that a draft constitution for the Local Highways Panel be based upon the principles set out in the Essex County Council's Localism Manual and approved;
  - (b) that the appointment of 11 District Council members be in accordance with the pro rata rules at the Annual Meeting of the Council; and
  - (c) that the quorum for the Panel be established as 50% of the voting membership;
- (2) That the Local Councils' Liaison Committee be approached to secure the nomination of a representative from each of the Area Plans Sub-Committee areas to act as co-opted Parish Council members on the Panel (without voting rights);
- (3) That initial comments be invited by the Civil Engineering & Maintenance Portfolio Holder on highway priorities from Parish Councils and Ward Members in respect of the first review;
- (4) That arrangements be made for a training session on the new Localism procedure;
- (5) That the estimated cost of £2,200 be contained within existing budgets either directly or, if required, through a virement in 2009/10; and
- (6) That the Constitution and operation of the Local Highways Panel be reviewed after twelve months of operation.

**Reasons for Decision:**

To enable the Council to embrace the County Council's offer of localism within the District and to put into place the constitutional changes and additions required.

**Other Options Considered and Rejected:**

To not embrace the localism agenda at this time and defer implementation until 2010/11.

**171. GAS METERING - NINEFIELDS, WALTHAM ABBEY**

The Housing Portfolio Holder presented a report regarding Gas Metering at the Ninefields estate in Waltham Abbey. The Council became aware in January 2007

that 25 blocks of flats, consisting of 288 individual properties at the Ninefields estate in Waltham Abbey, were being levied a heating charge by the Council for gas consumed through a communal bulk gas meter. However, in some cases they were also being separately charged by individual gas suppliers for the same gas via a secondary gas meter in their property. All residents were being charged an equal amount of money to cover the cost of the gas consumed through the communal bulk gas meter. However, in around 150 dwellings, residents were also using electricity for cooking as opposed to gas, and thus were paying for gas that they had not used.

The Portfolio Holder stated that it was proposed to offer compensation to secure tenants and leaseholders for any gas that they had been charged for but not used during the period between January 2001 and April 2009. These compensation payments would be based on the average cooking consumptions for a typical family as provided by British Gas and funded by a budget virement of £50,000. Whilst it was only envisaged to offer compensation to current tenants and leaseholders, if a claim was received from a previous tenant then it would be considered and evaluated on the evidence supplied by the claimant. It was intended to apply a credit to tenants that cooked by electricity similar to the credit applied to those who heated their water by electricity.

The Portfolio Holder explained that to avoid this situation happening again in the future, the Director of Housing was seeking authority to approach National Grid Gas with a view to remove the communal bulk gas meters and replace them with individual gas meters in each property; costs to be met from the Housing Capital Programme. It was also proposed that all future leases attributed to any Right-To-Buy sales incorporate a clause that would clarify the basis of any charges for gas consumption, and any compensation payable to tenants in rent arrears be set off against that debt. Finally, the Portfolio Holder offered a full and unreserved apology to the residents of Ninefields.

One of the Ward Members for Ninefields thanked Officers for their efforts to resolve the situation and the Portfolio Holder for briefing all the local Ward Members. The Cabinet was reminded that there was a Ninefields Tenants Participation Forum, and it was suggested that extra meetings of the Forum be held to reassure the elderly residents of Ninefields. The Portfolio Holder advised the Cabinet that Officers had been briefed to answer residents' questions, but extra meetings of the Forum would be considered. The Cabinet was informed that there was no practicable way of contacting former tenants, and that the burden of proof would be on former tenants to prove that they had cooked by electric.

**Decision:**

- (1) That compensation be paid to secure tenants at Ninefields in Waltham Abbey for any sums in relation to gas used for cooking that they have paid for in their heating charges but not consumed between 1 January 2001 and 5 April 2009 (the last day of the current rent account year);
- (2) That leaseholders be treated in the same way as secure tenants, in that a payment of compensation be made for any sums in relation to gas used for cooking that they have paid for but not consumed;
- (3) That compensation payments be based on average cooking consumptions of a typical small family, as advised by British Gas;



- (4) That a budget of £50,000 be vired from the contribution to the Housing Repairs Fund of £30,000 and Heating Expenses of £20,000 within the Housing Revenue Account to fund the compensation payments;
- (5) That a credit be applied in future to those tenants that cook by electricity in the same way a credit is applied to those that heat their hot water by electricity;
- (6) That compensation only be paid to current tenants and leaseholders, however, if a claim was received from a previous tenant then that claim would be considered based on evidence supplied by the claimant;
- (7) That National Grid Gas be approached by the Director of Housing inviting them to remove the communal bulk gas meters and replace them with individual gas meters in each property, with any associated costs from the work met by the existing Housing Capital Programme;
- (8) That a clause which clarifies the basis of any charges for gas consumption be incorporated within all future leases attributed to any Right To Buy sales; and
- (9) That any compensation payable to tenants in rent arrears be set off against that debt.

**Reasons for Decision:**

Since the Council became aware of its mistake regarding its recovery of the cost of the gas consumed through the communal bulk gas meter, it was necessary to correct that mistake and make a payment in compensation to those residents that had paid for gas that they had not used.

**Other Options Considered and Rejected:**

To not pay any compensation to either tenants or leaseholders, or to pay compensation to tenants but not leaseholders.

To pay a higher rate of compensation to that proposed, or to actively seek former tenants and leaseholders and make an offer to pay them compensation.

To make a compensation payment to residents without them having to make a claim, or to pay compensation over a greater or less period than the legal liability period.

To repay those residents the sums that they had paid to a separate gas supplier, or to adjust the debts for those residents that had used gas to cook and claim payment for any under-recovery, going back over a similar period.

To not pursue National Grid Gas to alter the gas meter and pipework to the blocks, and maintain the current method for paying the gas bills and then recovering the cost from residents.

**172. SICKNESS ABSENCE**

The Portfolio Holder for Corporate Support Services & ICT presented a report regarding sickness absence within the staff. The Council's declining performance regarding sickness absence in 2008/09 had been of concern. In November 2008, a report was submitted to the Corporate Executive Forum as sickness absence figures in both the first two quarters had increased above the Council's target of 2 days per quarter. The Corporate Executive Forum had agreed a number of proposals, one of

which was to submit a report to the Cabinet. Unfortunately since the report to the Corporate Executive Forum, figures for the third quarter had been published and revealed a significant increase of 0.71 days on the previous quarter. The Cabinet was provided with information on the Council's quarterly figures; absence figures by Directorate; absence by age and the reasons for absence. Apart from the historical quarterly figures, the report was based on information from the first three quarters in 2008/09.

It was proposed that the Managing Absence Policy be reviewed by the Finance & Performance Management Cabinet Committee and any recommendations for change made to the Joint Consultative Committee, with an annual report considered by the Cabinet. The Cabinet expressed their disappointment at the figures, especially the difference highlighted in the report between the private and public sectors. The Portfolio Holder reassured the Cabinet that the issue was being taken seriously and that every effort would be made to reduce the figures in the new municipal year.

**Decision:**

- (1) That the report regarding sickness absence within the Council be noted;
- (2) That the actions taken by Officers in respect of sickness absence be noted;
- (3) That the Council's Managing Absence Policy be reviewed by the Finance and Performance Management Cabinet Committee and any resulting recommendations made to the Joint Consultative Committee; and
- (4) That a report on sickness absence within the Council be submitted to the Cabinet on an annual basis.

**Reasons for Decision:**

To enable members to make decisions regarding actions to improve the Council's absence figures.

**Other Options Considered and Rejected:**

To not review the Managing Absence Policy by the Finance & Performance Management Cabinet Committee.

To not submit an annual report on sickness absence to the Cabinet.

To not accept the recommendation of the report and substitute other options.

**173. DEPARTMENT OF COMMUNITIES & LOCAL GOVERNMENT - CONSULTATION ON LOCAL AUTHORITY PUBLICITY**

The Chairman of the Constitution & Member Services Scrutiny Panel presented a report concerning the Council's response to the consultation on the Local Government Code of Publicity being conducted by the Department for Communities & Local Government. The Overview & Scrutiny Committee had asked for more detailed consideration to be given by the Constitution & Member Services Scrutiny Panel to the consultation as a result of new Government proposals for community leadership and the promotion of democracy. The report brought forward responses to the 16 questions posed by the consultation document as a result of the Scrutiny Panel's review on 23 February 2009. The Leader of the Council proposed an amendment to the response for question 12, in that the current prohibition in

paragraph 37 of the Publicity code regarding advertising for the recruitment of political assistants should not be amended. The Council did not currently have political assistants, but it would be inappropriate to request Officers to be involved in their recruitment.

**Decision:**

That the proposed schedule of responses to the consultation document on the Local Government Code of Publicity from the Department of Communities & Local Government by the Constitution & Member Services Scrutiny Panel be agreed, subject to the substitution of the following response for question 12:

*“The current prohibition in paragraph 37 of the Publicity Code regarding publicity advertisements relating to the recruitment of political assistants should not be amended.”*

**Reasons for Decision:**

To allow the Cabinet to comment on the Scrutiny Panel’s suggested responses to the consultation before the expiry of the deadline.

**Other Options Considered and Rejected:**

To not respond to the consultation within the time period.

**174. HOUSING REVENUE ACCOUNT - FIVE YEAR FORECAST**

The Housing Portfolio Holder presented a report concerning the five-year Forecast for the Housing Revenue Account. The Forecast was an estimate of the income and expenditure over the next five years for the Housing Revenue Account. Its financial health was still good, though due to a significant reduction in investment income it would be necessary to replace some Revenue Contributions to Capital Outlay (RCCO) funding with funding from the Major Repairs Reserve. It was proposed to transfer funding of £1.35million between the Revenue Contributions to Capital Outlay and the Major Repairs Reserve in 2011/12 and 2012/13, in order to keep the balance on the Housing Revenue Account at approximately £3million. There was expected to be a significant balance on the Major Repairs Reserve, which meant that the switch in funding should cause few issues.

The objective was to have the balance of the Housing Revenue Account between £3million and £3.1million by 2014, and maintained within the range £3million to £4million. The Cabinet was requested to note the five-year Forecast up to 2013/14 and was reminded that a further five-year Forecast would again be produced in March 2010. The Assistant Director Accountancy added that the Government had cut the guideline rent figure, which would improve the Council’s subsidiary position. However, this would need to be examined in more detail by Officers.

**Decision:**

- (1) That the Five Year Forecast for the Housing Revenue Account up to the year 2013/14 be noted;
- (2) That the balance of the Housing Revenue Account be adjusted to be between £3.0m and £3.1m by 2014, and be maintained within the range of £3m to £4m; and
- (3) That the balance of the Housing Revenue Account agreed above be achieved

by means of a £1,350,000 transfer of funding between Revenue Contributions to Capital Outlay and the Major Repairs Reserve in 2011/12 and 2012/13, thereby increasing the Balance on the Housing Revenue Account and reducing the Balance on the Major Repairs Reserve.

**Reasons for Decision:**

To note the Housing Revenue Account (HRA) Five Year Forecast up to the year 2013/14 and agree the strategy for the levels of HRA balances to be maintained.

**Other Options Considered and Rejected:**

Other options involved different permutations of fund switching between the Housing Revenue Account and Major Repairs Reserve, some of which would produce a balance between £3million and £4million.

**CHAIRMAN**