

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 12 October 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.05 pm

Members Present: Mrs D Collins (Chairman), C Whitbread (Vice-Chairman), M Cohen, B Rolfe, Mrs M Sartin and D Stallan

Other Councillors: Mrs R Brookes, R Morgan, D Jacobs, J Philip and J M Whitehouse

Apologies: R Bassett and Ms S Stavrou

Officers Present: P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), P Pledger (Assistant Director (Property and Resources)), L Swan (Assistant Director (Private Sector & Resources)), S G Hill (Senior Democratic Services Officer), P Seager (Chairman's Secretary) and G J Woodhall (Democratic Services Officer)

58. 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.

59. DECLARATIONS OF INTEREST

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

60. MINUTES

RESOLVED:

That the minutes of the meeting held on 7 September 2009 be taken as read and signed by the Chairman as a correct record.

61. REPORTS OF PORTFOLIO HOLDERS

(a) Leader of the Council

The Leader of the Council announced that the following young people had been elected as Youth Councillors of Epping Forest until October 2011:

Annalise-Alice Armitage, Annette Benbow, Katherine Chilton, Haris Duherich, Abigail Endean, Gabriella Erratt, Samantha Foley, James Harrington, Duncan Haslam, James Jackson, Harrison Jardine, Connor Lattimer, Yasmin Levy-Miller, Naz McKenna, Daisey Morecroft, Tilly Jo Morris, Jekin Patel, Catriona Philip, Hibba Sheikh, Ellis Spicer, Heather Square, Scarlett Stock, Beejal Valera and Holly Whitbread.

62. PUBLIC QUESTIONS

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

63. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee reported that the Community Commander from the Essex Fire and Rescue Service had given a short talk on the current state of the Fire and Rescue Service both within Essex and the Epping Forest District. The Committee then received a report on the recent fires at Birchwood in Nazeing.

An interim report was received from the Pitt Review Task and Finish Panel recommending that the out of hours Land Drainage Service be continued at an estimated cost of £10,100 per annum, and the allocation of funding in the 2011/12 budget also be considered to enable the Council to comply with the requirements of the Pitt Review and the anticipated enactment of the Flood and Water Management Bill. A report would be made to the Cabinet in due course.

The Committee endorsed the draft submission for the Housing Subsidy Review consultation, which would now be submitted to the Department of Communities and Local Government. More nominations were also invited for the recently established Sustainable Communities Act Task & Finish Panel so that it could begin its business.

Health for North East London had invited the Council to participate as a non voting member on their Joint Committee of Primary Care Trusts. It was decided that if Councillor Sandler was unavailable to attend then Councillor Knapman (a member of the County Council's Health Scrutiny Committee) would attend in his stead.

64. 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 item of urgent business to be considered following the publication of the agenda:

- (i) North Weald Airfield Strategy Cabinet Committee – 27 July 2009.

65. NORTH WEALD AIRFIELD STRATEGY CABINET COMMITTEE - 27 JULY 2009

The Portfolio Holder for Finance & Economic Development presented the minutes from the meeting of the North Weald Airfield Strategy Cabinet Committee held on 27 July 2009. Recommendations had been made regarding: the Briefing Document and Invitation to bid for Consulting Services for the Aviation Intensification Study; the Market at North Weald Airfield; the potential role for North Weald Airfield during the 2012 London Olympic Games; Depot Facilities; and the extension of existing leases and licences at North Weald Airfield.

Councillor Stallan reiterated the concerns that he had expressed during the Cabinet Committee meeting about a precedent being set if the Airfield was used for a park and ride scheme during the 2012 London Olympic and Paralympic Games. The Portfolio Holder for Finance & Economic Development reassured the Councillor that any such scheme would only run for the duration of the Games.

Decision:Aviation Intensification Study – Briefing Document and Invitation to Bid for Consulting Services

- (1) That the draft briefing document and invitation to bid for consultancy services to undertake an aviation investigation study for North Weald Airfield be approved;
- (2) That the study be undertaken in two stages with an initial scoping study allowing for the consideration of any proposals before proceeding with a more intensive level of assessment; and
- (3) That, to allow for the possibility of different consultants undertaking the two stages, the documents should specify that all working papers and reports prepared by the consultants for the first stage be made available to the consultants undertaking the second stage;

North Weald Airfield – Market

- (4) That the present arrangements for the holding of the North Weald Market be noted;
- (5) That the performance of the present contractor be examined taking into account financial stability, management and feasibility of future proposals;
- (6) That officers be authorised to approach landlords of other market operators with regards to references, financial viability and contract fulfilments;
- (7) That officers submit a report to this Cabinet Committee in October 2009 on the findings of the reviews so that recommendations can be made to the Cabinet on the most beneficial and cost effective way forward to procure a market operator from August 2010; and
- (8) That a report on any proposals in relation to the installation of a vehicle pay gate system be submitted to this Cabinet Committee for consideration;

Potential Role for North Weald Airfield during the London 2012 Olympic Games

- (9) That the important role the airfield could play in supporting the 2012 Olympic and Paralympic Games be recognised; and
- (10) That officers be authorised to undertake further feasibility work in relation to the proposals for park and ride, air passenger operations and caravan/camping on the understanding that any such roles for the airfield would be restricted to the period of the Olympic and Paralympic Games;

Depot Facilities

- (11) That the status of decisions on the Langston Road Depot be noted;
- (12) That the key factors linking the agreed disposal of the Langston Road Depot with the strategic review of the Airfield be acknowledged; and
- (13) That the relocation of the Depot be pursued in conjunction with the strategic review of the Airfield whilst accepting that there may be other potential sites in the District which would be better suited to the relocation of the Depot; and

North Weald Airfield – Extensions of Existing Leases and Licences

(14) That the term of new leases granted without security of tenure remain at ten years from 2008 but that the certain lease term be reduced to four years from 2008 with a rolling six-month break clause.

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.

66. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 10 SEPTEMBER 2009

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee meeting held on 10 September 2009. Recommendations had been made regarding: the Sustainability Appraisal and Strategic Environmental Assessment for the Gypsy and Traveller Development Plan Document; and the Local Development Framework Diagnostic tool from the Planning Advisory Service. Other issues considered included: Racist or inappropriate comments received during the initial public consultation on the Gypsy and Traveller Development Plan Document; the timetable for the development of the Gypsy and Traveller Development Plan Document; and the progress of the Evidence Based Studies for the Core Strategy within the Local Development Framework.

The Leader of the Council informed the Cabinet that the Barrister appointed by the Council had been briefed on the issues that had arisen from the Cabinet Committee meeting, and that a report would be forthcoming at the next meeting of the Cabinet Committee scheduled for 9 November 2009. The Director of Planning & Economic Development confirmed that no revised timetable had yet been agreed with the Government Office for the East of England for the production of the Gypsy and Traveller Development Plan Document.

Decision:Gypsy and Traveller Development Plan Document – Sustainability Appraisal & Strategic Environmental Assessment

- (1) That the draft Sustainability Appraisal and Strategic Environmental Assessment not be consulted upon until a revised timetable had been received from the Government Office for the East of England;
- (2) That external legal and planning advice be sought by the Council upon the process and risks still to be faced; and
- (3) That Contract Standing Orders be waived to facilitate the appointment of external advisors who had knowledge of the District; and

Planning Advisory Service – Local Development Framework Diagnostic

(4) That the decision of the Corporate Executive Forum for the Council to participate in the Local Development Framework Diagnostic offered by the Planning Advisory Service be noted; and

(5) That the report from the Planning Advisory Service be received by the Cabinet Committee once it was complete, and any recommendations therein considered.

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.

67. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 5 OCTOBER 2009

The Portfolio Holder for Finance & Economic Development presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 5 October 2009. Recommendations had been made regarding: the Corporate Risk Register; the Sundry Income & Debt Policy; and the Financial Issues Paper, being the start of the budget setting process for 2010/11. Other issues considered had been: the Quarterly Financial Monitoring report for the period April to June 2009; and the Annual Governance Report for 2008/09 arising from the audit of the accounts.

Corporate Risk Register

(1) That a new risk relating to Gypsy and Traveller Provision, risk 29, be added to the Corporate Risk Register and scored as B2 (high likelihood, critical impact);

(2) That a new risk relating to Reduction in Government Grant, risk 30, be added to the Corporate Risk Register and scored as B2 (high likelihood, critical impact);

(3) That the likelihood for the risk relating to Management Capacity in Planning be reduced from C (significant) to D (low) following the recent appointment of two Assistant Directors for Development Control and Forward Planning; and

(4) That, incorporating the above agreed changes, the amended Risk Register be approved;

Sundry Income & Debt Policy

(5) That approval of the Sundry Income & Debt Policy be deferred pending a further review following the Cabinet Committee's comments; and

(6) That the revised Sundry Income & Debt Policy be submitted to the Cabinet for approval; and

Financial Issues Paper

(7) That the 2010/11 budget guidelines be set in accordance with the revised four-year forecast as follows:

(a) the ceiling for Continuing Services Budget net expenditure be no more than £18.319million including net growth;

(b) the ceiling for DDF (one-off) expenditure be no more than £819,000;

(c) that balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement; and

(d) the Council Tax to be increased by no more than 2.5%, giving rise to a Council Tax for a Band D property of £150.30;

(8) That a revised Medium Term Financial Strategy for the period to 2013/14 be developed accordingly;

(9) That communication of the revised Medium Term Financial Strategy to staff, partners and other stakeholders be undertaken by way of publishing key bullet points in appropriate publications;

(10) That the policy of capitalisation of additional pension fund deficit payments be continued;

(11) That a joint Member and Officer Working Group be established to identify areas for review and ensure that resources were allocated in line with the key Cabinet priorities; and

(12) That the Joint Member and Officer Working Group consist of the following members:

(a) The Leader of the Council;

(b) The Portfolio Holder for Finance & Economic Development;

(c) The Performance Management Portfolio Holder;

(d) The Deputy Chief Executive; and

(e) The Director of Finance & ICT.

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.

68. PRIVATE SECTOR HOUSING STRATEGY

The Cabinet considered a report from the Housing Portfolio Holder on the Private Sector Housing Renewal Strategy.

The Portfolio Holder stated that the current Private Sector Housing Renewal Strategy would expire in 2009. It had been implemented in April 2007 as a result of the recommendations of the Private Sector House Condition Survey undertaken in 2005. Successful delivery of the Strategy had been compromised however, mainly as a result of uncertainties at the time over the likely cost of the waste management contract, which had affected the Council's ability to properly fund the Strategy, particularly in relation to the staffing levels required.

In order to produce a new Strategy, the Portfolio Holder informed the Cabinet that it would be necessary to carry out a Private Sector House Condition Survey during 2010. Thus, it would not be possible to introduce a new Strategy before early 2011 and the term of the existing Strategy would need to be extended until such time as the new one could be implemented. The current Strategy would continue to be implemented with the resources available.

Decision:

That the provisions of the Private Sector Housing Renewal Strategy 2007-2009 be extended until 2011 to facilitate the development of a new Private Sector Housing Renewal Strategy.

Reasons for Decision:

It was necessary to develop a replacement Strategy for the existing Private Sector Housing Renewal Strategy, which would expire in 2009. An effective Strategy that fully maximised all the funding streams available could only be developed with a detailed understanding of private sector housing such as would be provided by a stock condition survey. As it would not be possible to finalise this work during 2009, it was necessary to extend the provisions of the existing Strategy until 2011.

Other Options for Action:

The option not to carry out a House Condition Survey at this time had been discounted as it would not be possible to produce a new, viable Strategy without doing so.

There was also an option not to extend the term of the existing Strategy. However, as a new Strategy could only be developed in the light of the information provided by the House Condition Survey, and this was unlikely to be available before 2011, this would leave the Council without an approved Private Sector Housing Renewal Strategy during 2010.

69. PRIVATE SECTOR HOUSING CAPITAL FUNDING PROGRAMME

The Housing Portfolio Holder presented a report looking to re-phase the five-year Capital Funding Programme for Private Sector Housing. The capital budgets for Disabled Facilities Grants (DFGs) and other Private Sector Grants (PSGs) were re-phased in 2008 to re-allocate significant anticipated under-spends. A 'Private Sector Capital Contingency' was set up to protect against the risk that the remaining funds would prove insufficient to meet demand over the three-year period until 2012. It was

proposed to further re-phase the budget to take account of the different factors that would affect expenditure until 2013.

In respect of the underspend for Disabled Facilities Grants, the Assistant Director (Private Sector & Resources) reminded the Cabinet that the Council did periodically publicise the Grants but that the Council could only accept claims when they were referred from the County Council. It was also emphasised that some of the adaptations were time consuming.

Decision:

(1) That the anticipated income and expenditure on Disabled Facilities Grants and other Private Sector Grants in 2009/2010 be noted;

(2) That the budget provision for Disabled Facilities Grants and other Private Sector Grants within the Housing Capital Programme be re-phased as shown in the appendix to the report; and,

(3) That the future budgetary position for Disabled Facilities Grants, other Private Sector Grants, the Private Sector Capital Contingency and off-street parking be reviewed in twelve months.

Reasons for Decision:

It was important to ensure that the Capital Programme accurately reflected the likely capital expenditure. A number of factors were likely to result in a change to the profile of capital funding requirements over the period of the programme.

Other Options Considered and Rejected:

To either leave the budget as previously set or the unallocated capital contingency could be re-allocated to other capital projects.

70. COMMUNITY GOVERNANCE REVIEW - MORETON, BOBBINGWORTH AND THE LAVERS

The Cabinet considered a report from the Leader of the Council regarding the requested Community Governance Review by Morton, Bobbingworth and The Lavers (MBL) Parish Council for a review of its parish electoral wards. This process would be conducted under Part 4 of the Local Government and Public Involvement in Health Act 2007.

The Leader of the Council stated that MBL Parish Council was seeking to combine three parish electoral wards (High Laver, Little Laver and Magdalen Laver) to form a new single parish ward, on the grounds of reducing election costs and maintaining community identity. The new ward would be called "The Lavers". A draft timetable for the review and an initial statement publicising the opening of the review had been proposed, and the Cabinet was requested to make recommendations as to how the review should be conducted at member level.

The Cabinet were concerned about the cost of the review, and in particular the cost of the consultation process involving as it did newspaper adverts. It was felt that if the Parish Council retained the same number of Councillors then the problem of recruiting candidates to be Parish Councillors would not be solved. It was suggested that further discussions should be undertaken with the Parish Council regarding these two issues.

The Assistant to the Chief Executive added that the District Council had no power to recharge the cost of the review, but the Parish Council had offered to assist in the distribution of the consultation. The cost of an uncontested election was currently approximately £350, and a reduction in wards would lead to a reduction in the cost of holding Parish elections. As stipulated by law, a total of three newspaper adverts would be required, which could cost up to £1000. The Cabinet were advised that other requests could be received in the future, and that another was under consideration and would be reported upon in due course.

The Cabinet felt that the review should be deferred until the Assistant to the Chief Executive had had further discussions with the Parish Council regarding the cost of the consultation process and the number of Parish Councillors proposed. Following these discussions, the Parish Council could indicate whether they still wished to proceed but that no report should be submitted to the Council at the current time.

Decision:

That the proposed Community Governance Review of Moreton, Bobbingworth and the Lavers Parish Council be deferred pending further negotiation with the Parish Council over:

- (a) reducing the proposed number of Parish Councillors; and
- (b) contributing towards the cost of the consultation.

Reason for Decision:

To respond to the request from MBL Parish Council, but that the actual review itself be deferred pending further negotiations with the Parish Council.

Other Options Considered and Rejected:

The request for a community governance review having been made, there were no other option but to respond in some form.

71. CAPITAL PROGRAMME REVIEW 2009/10 -2013/14

The Portfolio Holder for Finance & Economic Development presented a report on the review of the Capital Programme for the period 2009/10 to 2013/14, which would form the basis of the Capital Strategy to be presented in November 2009 and the Asset Management Plan. The Capital Programme had been prepared by updating the programme approved in February 2009 and adding new schemes and allocations subsequently approved by the Cabinet.

The Portfolio Holder reported that each scheme within the capital programme had been reviewed and spending control officers had reassessed estimated final costs and the phasing of expenditure profiles for each scheme as part of the capital review. Recommendations for amendments had been made where appropriate. The programme covered the five financial years up to and including 2013/14 and showed an estimated capital spend of £52,906,000 over the five year period.

The Portfolio Holder advised that the review also reassessed the funding available to finance these schemes and the suggested application of the different sources of funding. It identified estimated external funding from grants and private sources of £4,133,000, and proposed that capital receipts of an estimated £14,727,000 and

revenue contributions of an estimated £34,046,000 be applied to finance the capital programme over the next five years. The estimated level of capital resources were that, in summary, the balance of capital receipts was expected to fall from £24,319,000 as at 1 April 2009 to £11,030,000 by 31 March 2014 and the Major Repairs Fund balance was expected to decrease from £6,919,000 to £4,436,000 by the end of the period. This was largely due to a continuing low level of anticipated funds generated from capital receipts, which were predicted to average approximately £250,000 per year. In addition to this, several new capital schemes had now been included in the Capital Programme and some existing schemes had been extended.

The Portfolio Holder emphasised that future capital schemes should have some revenue generating aspect, and that the importance of external funding would increase. There would be a report to the next Overview and Scrutiny Committee concerning the Customer Services Transformation Programme, as the possibility of sharing services with Harlow and Uttlesford District Councils was being examined. It was confirmed that there had been problems in obtaining the necessary external funding for the proposed works to Ongar Leisure Centre.

Decision:

- (1) That the latest five-year forecast of capital receipts be noted;
- (2) That the level of usable capital receipts currently predicted to be £11,030,000 at 31 March 2014 be noted;
- (3) That the revised Capital Programme 2009/10 to 2013/14 be approved; and
- (4) That the following amendments to the Capital Programme be approved or, where relevant, recommended to Council to approve:
 - (a) carry forwards of £314,000 and £104,000 from 2010/11 to 2011/12 with regard to capital schemes planned at the Civic Offices and for IT projects respectively;
 - (b) a rescheduling of the Customer Services Transformation Programme and Ongar Playing Field Development into 2010/11 and 2011/12;
 - (c) a carry forward of £545,000 from 2009/10 to 2010/11 in respect of the General Fund contribution towards housing estate parking schemes and other parking reviews;
 - (d) carry forwards of £47,000, £7,000 and £9,000 for capital works to flood alleviation schemes, grounds maintenance vehicles and youth sports facilities respectively;
 - (e) a rescheduling of the private sector housing grants in line with expected demand;
 - (f) carry forwards totalling £680,000 from 2009/10 to 2010/11 in respect of Housing General Fund schemes; and
 - (g) carry forwards totalling £831,000 from 2009/10 to 2010/11 and virements within the Housing Revenue Account in respect of the categories of work identified in the report.

Reasons for Decision:

The Capital Programme was based on decisions already approved by the Cabinet or decisions that the Cabinet was soon to consider. The suggested expenditure profiles were based on agreed timescales and practical considerations. The proposed decisions were intended to make the best use of the capital resources currently available and forecast to become available for capital schemes up to and including 2013/14.

Other Options Considered and Rejected:

The level of capital receipt resources was predicted to fall to £11,030,000 by 31 March 2014 and the revenue consequence of this over the next five years would be reduced investment income, and the subsequent reconsideration regarding the inclusion of some new schemes or restricting existing schemes.

An alternative to using increased RCCO contributions to enhance the Housing Revenue Account (HRA) Capital Programme would be to increase the use of usable capital receipts. This option had been rejected because the RCCO levels suggested in this report were affordable within the HRA, according to current predictions, and any use of usable capital receipts for HRA purposes would have the effect of reducing capital resources available for the General Fund.

72. EXCLUSION OF PUBLIC AND PRESS

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

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
16	Springfields Improvement Scheme - Quarterly Progress Report	3

73. SPRINGFIELDS IMPROVEMENT SCHEME - QUARTERLY PROGRESS REPORT

The Housing Portfolio Holder presented a quarterly progress report on the Springfields Improvement Scheme.

The Housing Portfolio Holder reported that the main constructor had constantly been behind schedule during the contract. However, the Practical Completion Certificate had now been issued (as of 14 August 2009) as contractually, practically all of the works were complete, and only a small amount of snagging work, predominantly relating to the new doors and windows, remained outstanding. The overall delay to the contract period had amounted to a total of 27 weeks. The next progress report that the Cabinet would receive would be in relation to the final Account. The Assistant Director (Property) added that there had been a positive response from the Roundhills Residents Association to the completion of the scheme.

Decision:

(1) That the issue of a Practical Completion Certificate for the Springfields Improvement Scheme be noted; and

(2) That the next report to the Cabinet regarding this contract would be in relation to the outcome of the Final Account.

Reasons for Decision:

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

Other Options Considered and Rejected:

There were no other options for action available.

CHAIRMAN