

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

**Committee:** Cabinet **Date:** 16 November 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.05 - 9.50 pm

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

**Other Councillors:** K Angold-Stephens, Mrs R Brookes, Mrs A Grigg, D Jacobs, J Knapman, A Lion, Mrs M McEwen, R Morgan, J Philip, Mrs C Pond, Mrs P Smith, Mrs J H Whitehouse, J M Whitehouse and D Wixley

**Apologies:** M Cohen and B Rolfe

**Officers Present:** P Haywood (Chief Executive), I Willett (Assistant to the Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), A Hall (Director of Housing), J Chandler (Assistant Director (Community Services and Customer Relations)), M Tipping (Assistant Director (Facilities Management & Emergency Planning)), P Pledger (Assistant Director (Property and Resources)), I White (Forward Planning Manager), T Carne (Public Relations and Marketing Officer), P Seager (Chairman's Secretary) and G J Woodhall (Democratic Services Officer)

---

### **74. WEBCASTING INTRODUCTION**

The Leader of the Council advised that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **75. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009. The Councillor had determined that her interest was not prejudicial but would leave the meeting anyway for the consideration of the issue in respect of the Essex County Council Minerals Consultation.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillor had supported the response of Theydon Garnon Parish Council and had responded as a resident to the initial Gypsy & Traveller consultation. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue in respect of the Gypsy and Traveller Development Plan Document.

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillor had supported the response of North Weald Bassett Parish Council, had responded as a resident to the initial Gypsy & Traveller consultation, and had attended meetings of both the North Weald Residents Association and North Weald Bassett Parish Council where the

issue had been discussed. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(d) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillor had supported the response of Epping Town Council and had responded as a resident of Epping to the initial Gypsy & Traveller consultation, had attended Epping Residents and Thornwood Residents meetings on the subject and had signed a Residents' petition. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillor had supported the response of Waltham Abbey Town Council and had responded as a resident of Waltham Abbey to the initial Gypsy & Traveller consultation, and in addition had attended Local Residents meetings. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(f) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillor had responded as a resident of Epping to the initial Gypsy & Traveller consultation. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(g) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillor had supported the response of North Weald Bassett Parish Council and had responded as a resident to the initial Gypsy & Traveller consultation, and in addition had attended Local Residents meetings. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(h) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillor's husband had responded to the initial Gypsy & Traveller consultation as a resident of Roydon. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(i) Pursuant to the Council's Code of Member Conduct, Councillors J Knapman and A Lion declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillors had supported the response of Chigwell Parish Council to the initial Gypsy & Traveller consultation. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(j) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in agenda item 9, Local Development Framework Cabinet Committee – 9 November 2009, as the Councillor had supported the response of Theydon Bois Parish Council to the initial Gypsy & Traveller consultation. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(k) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in agenda item 11, Limes Farm Hall, by virtue of having attended Multi-Agency Stakeholder and Partner meetings in respect of the site. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(l) Pursuant to the Council's Code of Member Conduct, Councillor J Knapman declared a personal interest in agenda item 11, Limes Farm Hall, by virtue of being a member of Essex County Council who were involved with the site. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

## **76. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 9 NOVEMBER 2009**

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee meeting held on 9 November 2009. Recommendations had been made regarding: the EERA Consultation on the 2031 Scenarios for Housing & Economic Development; and the Essex County Council Consultation upon possible Mineral Extraction Sites. Other issues considered included: a budget update for the Local Development Framework process; and progress with the Gypsy & Traveller Development Plan Document.

With respect to the proposed response to the EERA consultation upon 2031 Scenarios, the Cabinet agreed the additional response proposed by the Planning Services Scrutiny Panel regarding the evidence base and technical data not being satisfactory. The Forward Planning Manager reported that the Essex Authorities Joint Response had been further amended and it was agreed that the Local Development Framework Cabinet Committee should consider the final version of the Joint Response at its meeting scheduled for 7 January 2010.

When considering the Gypsy & Traveller Development Plan Document, the Leader of the Council reassured the meeting that the Council would seek further legal advice before making any decision over the proposed Gypsy & Traveller sites at the next meeting of the Cabinet in December. For the Mineral Extraction Consultation undertaken by Essex County Council, the Cabinet were informed that the deadline for responses had been 12 November 2009 and thus the Council's response had already been sent to the County Council.

### **Decision:**

#### **EERA Consultation – 2031 Scenarios for Housing & Economic Development**

(1) That, incorporating the comments of the Planning Services Scrutiny Panel and Overview and Scrutiny Committee, the consultation questions be responded to as follows:

(a) That a fifth scenario should be considered which deals with the realistic assessment of infrastructure provision in terms of the implications for deliverable housing and economic growth;

(b) That the information on Harlow's future growth was misleading. The consultation document should give far more detail about how the figures for the 4 scenarios were going to be split between Harlow, East Herts and this District. This

authority also believed that the growth totals proposed in scenarios 3 and 4 were unrealistic and undeliverable in this District;

(c) That scenario 1 of the four in the consultation was preferred, but the fifth scenario (in (a) above) was likely to be the most realistic;

(d) That the regional impact assessment should include consideration of the Green Belt as this was a significant important issue within the District;

(e) That the vision and objectives of the Plan remained suitable;

(f) That Policies H3 (Provision for Gypsies & Travellers) and H4 (Provision for Travelling Show People) from the Single Issue Review should be included in the next review of the Plan as they had concentrated on provision only up to 2021; and

(g) That the evidence base and technical information presented be considered not satisfactory;

(2) That the invitation to become a signatory to the proposed Essex Local Authorities' Joint Response to the consultation be agreed, subject to the Council retaining the right to comment further if the draft Joint Response was substantially altered by the County Council; and

(3) That the final version of the Essex Local Authorities' Joint Response to the consultation be considered by the Local Development Framework Cabinet Committee at its next meeting on 7 January 2010; and

Essex County Council Consultation – “Minerals Development Document: Site Allocations – Issues & Options Paper”

(4) That, incorporating the comments of the Planning Services Scrutiny Panel, the “Minerals Development Document: Site Allocations – Issues & Options Paper” issued by Essex County Council be responded to by stating that the sites for mineral extraction identified at Shellow Cross in Willingale and Patch Park Farm in Abridge were considered unsuitable for sand and gravel extraction for the following reasons:

(a) impact on the Green Belt;

(b) impact on the local landscape;

(c) impact on the local road network;

(d) potential risk of flooding at both sites; and

(e) the existence of a high pressure gas main in close proximity to the Abridge site.

**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.

## 77. MINUTES

### RESOLVED:

That the minutes of the meeting held on 12 October 2009 be taken as read and signed by the Chairman as a correct record.

## 78. REPORTS OF PORTFOLIO HOLDERS

### (a) Community Safety & Transport

The Portfolio Holder reported that the Furniture Exchange Scheme had submitted a bid to the National Lottery for funding.

### (b) Leader of the Council

The Leader reported that the joint bid with the Local Strategic Partnership (LSP) from the Essex Jobs Fund bid had been successful and over £1million had been received. This would enable the LSP and its partners to offer six-month work placements for young people to give them some much needed experience.

It was also reported that Epping Forest College had successfully passed its initial pre-assessment inspection, prior to the major Ofsted inspection planned for the spring of 2010.

## 79. PUBLIC QUESTIONS

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

## 80. OVERVIEW AND SCRUTINY

The Chairman of Overview and Scrutiny reported that the Committee had received a presentation from the Youth Council at its last meeting and would support the Youth Council bid for funding from the Council of £12,000 in 2010/11. The Committee also concurred with the proposed responses for the 2031 Housing and Economic Growth Scenarios and Minerals Extraction consultations, although it was felt that an additional comment should be made about the evidence base and technical information for the 2031 consultation.

The results of the BMG survey undertaken in conjunction with One Epping Forest highlighted that the District was considered a good place to live by a high level of residents, although some concerns were raised that would be monitored in the future. Finally, a report from the Debt Management Review Sub-Group would be considered by the Cabinet at its next meeting in December 2009.

## 81. ANY OTHER BUSINESS

The Cabinet noted that the only item of other business was a Part II item and would be considered at the end of the meeting when the public and press had been excluded.

**82. CONTINUED USE OF COUNSEL - MARK BEARD**

The Performance Management Portfolio Holder presented a report concerning the continued use of Counsel Mark Beard. Authority was being requested to waive Contract Standing Orders to enable the use of Mark Beard of Counsel to represent and advise the Council at a Public Inquiry into an appeal against the Council's decision to refuse permission for a proposed Gypsy Site at Ash View Hamlet Hill.

**Decision:**

That Contract Standing Order C3 be waived in respect of Mark Beard of Counsel enabling the Director of Corporate Support Services to continue to instruct him on behalf of the Council in relation to matters in which he had current or previous involvement for the current financial year.

**Reasons for Decision:**

Authority was sought to waive Contract Standing Order C3, which required two quotations to be obtained for services in the value range of £15,001 to £25,000. The waiver of Council Standing Orders would facilitate the effective use of the Legal Service's Consultants budget in 2009/10, with value for money demonstrated by the retention of an experienced Counsel. It would also allow continuity of advice and representation in this sensitive area of work.

**Other Options Considered and Rejected:**

Consideration had been given to instructing alternative counsel of similar calling, but there was a risk that the use of Counsel not fully conversant with the District and its Development Plan policies and ongoing Gypsy and Traveller issues might be detrimental to the Council's case. It would require more officer time to ensure that the appointed Counsel was able to properly represent the Council.

**83. LIMES FARM HALL**

In the absence of the Leisure & Well Being Portfolio Holder, the Portfolio Holder for Finance & Economic Development presented a report concerning Limes Farm Hall. The Cabinet was reminded that the management and administration of Limes Farm Hall was transferred back to the District Council from Chigwell Parish Council on 31 March 2009. In November 2008, the Cabinet agreed to meet the costs of management and essential repairs to Limes Farm Hall over the period 1 April 2009 to 31 March 2010, via a District Development Fund provision totalling £47,520.00. This decision was taken to ensure that community use of the Hall was retained, whilst its longer-term future was determined.

The Portfolio Holder reported that a series of multi-agency stakeholder and partner meetings had been held to: consider the opportunities to improve front line services to the Limes Farm Community; identify potential development opportunities for the existing community hall; and highlight potential funding streams to support this. The consensus of opinion across the range of partners had correlated with the findings of consultation undertaken with local residents, in that Limes Farm would benefit significantly from the provision of centralised multi-agency services. These would include: Housing (Council and Housing Association); Benefits Advice; Primary Health Care Clinic; Police Office/ Safer Community surgeries; Children's Centre; Young Peoples 'space'; Community Development and facilities for the Community Association.

The Cabinet had requested the commissioning of an Options Appraisal and Feasibility Study for potential development of Limes Farm Hall, at its meeting on 13 July 2009, to include an investigation of both capital and revenue costs and Norfolk Property Services had been appointed to undertake this work via the Essex Procurement Hub. Four options were presented, including two different choices for option (2), with option 2(b) as the preferred choice at an estimated cost of £1,062,000. Funding totalling £250,000 had already been obtained from Essex County Council.

Concern was expressed about the proposal that the Council would provide any shortfall in capital funding as the project currently had a shortfall of approximately £800,000. The Portfolio Holder for Finance & Economic Development agreed that the Council could not afford to entirely fund the facility, hence it had been suggested that the majority of the capital costs should be sought from the other partner organisations. However, it was acknowledged that if the Council showed a financial commitment to the project then others would follow suit, and the contribution received from the County Council had been particularly welcomed. It was felt that following the extensive consultation exercises, the Hall would be a useful facility for the community. It was highlighted that a condition of the County Council funding was that building work had to start in the 2010/11 municipal year.

**Decision:**

- (1) That Option 2(b) be agreed as the preferred option for implementation of the potential development of Limes Farm Hall;
- (2) That the seeking of external funding from partner organisations be continued to meet the majority of the capital costs for the redevelopment proposals;
- (3) That Capital Funding in 2010/11 towards any shortfall on the development work be agreed in principle by means of a reallocation from the Customer Services Transformation Programme;
- (4) That a District Development Fund (DDF) bid in the sum of £27,000 be made for 2010/11 to meet the ongoing costs of management of the hall;
- (5) That the submission of a planning application to the District Development Control Committee for the preferred scheme be approved;
- (6) That competitive tenders be sought for the works to enhance the provision of facilities at Limes Farm Hall in accordance with the preferred scheme; and
- (7) That a further report on the revenue funding arrangements from partner organisations and the required capital contribution from the Council, be received prior to the letting of any building contract for the redevelopment of the Hall.

**Reasons for Decision:**

The Cabinet had previously agreed that it was desirable to continue to provide a community facility on Limes Farm due to issues of deprivation and disadvantage. However, the current facility did not meet local need and required significant investment to remain operational in the short to medium term.

**Other Options Considered and Rejected:**

To not support the proposed development and maintain the current relatively poor

quality provision at an annual subsidy, but this would still require investment of £60,000 for repairs.

To withdraw financial support to the Hall and therefore it would close at the end of the financial year.

To dispose of the Hall for alternative use or redevelopment.

#### **84. FUNDING ISSUES - CONSERVATION & TOWN CENTRES OFFICERS**

The Portfolio Holder for Finance & Economic Development presented a report on the funding issues surrounding the Conservation Officer and Town Centres Officer posts within the Planning & Economic Development Directorate.

The Portfolio Holder reported that following the identification of efficiencies from the last organisational restructure, funding was now available to cover the costs of the Conservation Officer post without increasing the Continuing Services Budget. For the Town Centres Officer post, although it had been filled for a period of three years, funding had only been agreed for the first year and further funding was now required. The Council had received a further £72,000 of Local Authority Business Growth Incentive and it had been proposed that this should be used to fund the remaining two years for the Town Centre Officer post in 2010/11 and 2011/12. It was also noted that a report would be considered at the next meeting of the Local Development Framework Cabinet Committee regarding the Rural Tourism Officer post.

##### **Decision:**

- (1) That the cost of the regrading of the Conservation Officer post had been met from existing budgets within the Continuing Services Budget be noted;
- (2) That the recently received Local Authority Business Growth Incentive (LABGI) funding be allocated to the District Development Fund (DDF) Budget; and
- (3) That the LABGI funding for 2009/10 be allocated to fund the second and third year costs of the Town Centres Officer in 2010/11 and 2011/12.

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

To comply with previous Cabinet decisions to regrade the Conservation Post and secure funding for the Town Centres Officer post.

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

No other options were considered.

#### **85. RESTRUCTURE OF COMBINED REPAIRS & BUILDING MAINTENANCE WORKS UNIT**

The Housing Portfolio Holder presented a report regarding the restructure of the combined Repairs and Building Maintenance Works Unit.

The Portfolio Holder reminded the Cabinet that it had agreed in March 2008 to combine the Building Maintenance Works Unit and the Housing Repairs Section with a view to improve the all-round performance of the Repairs Service for tenants and leaseholders. The majority of the existing posts had been incorporated within the new structure, although a number of posts had been deleted where their job descriptions



had been significantly altered and the current post holders placed at risk. A number of new posts had also been created and were currently ring-fenced to those post holders at risk. It was not proposed to make any post holders redundant. The new structure would generate sufficient savings to fund a Grade 6 Housing IT post to assist with the implementation of a new Contractor Repairs module as well as an additional £31,067 to offset the cost of appointing an external Management Contractor. With a clear split between works and support functions, it was envisaged that the new structure would allow greater control to be exercised over meeting targets and response times as well as managing performance, costs, satisfaction and risks.

The Portfolio Holder thanked the Assistant Director (Property) and the staff at the Works Unit for their efforts during the restructure and for the recent improvement in performance.

**Decision:**

(1) That the new structure of the combined Repairs and Building Maintenance Works Unit (to be called the Housing Repairs Section) be approved, with specific reference to the following points:

(a) That the following posts be deleted from the Establishment, and the post holders be placed 'at-risk' :

- (i) WKS/02 – Senior Works Officer (filled);
- (ii) HRP/01 – Repairs Manager (temporarily filled);
- (iii) HRP/02 – Assistant Repairs Manager (filled);
- (iv) WKS/04 – Works Supervisor (vacant);
- (v) WKS/05 – Works Administrator (filled);
- (vi) WKS/06 – Works Purchasing Officer (vacant);
- (vii) WKS/07T – Administrative Assistant (temporarily filled); and
- (viii) WKS/09 – Administrative Assistant (0.56fte) (vacant);

(b) That the following new posts be ring fenced initially to those post holders currently placed 'at-risk':

- (i) Area Repairs Manager (x2);
- (ii) Customer Repairs Manager;
- (iii) Assistant Area Repairs Manager;
- (iv) Customer Repairs Team Leader;
- (v) Tenant Liaison Officer; and
- (vi) Administration Assistant (part-time);

(c) That the post of Electrical Chargehand be retained, but re-branded as Electrical Manager, and that the current post holder be placed into this post; and

(d) That all new posts be evaluated in line with Single Status Job Evaluation;

(2) That in view of the significant change to the Housing Administration Officer post, this post be re-evaluated in accordance with Single Status Job Evaluation Policy;

(3) That, to accommodate the shift in workload from responsive repairs to planned maintenance, one existing Voids or Housing Repairs Officer post be deleted from the Establishment and one new Contracts Officer post in Housing Assets be created, ring-fenced to all the existing Voids and Housing Repairs Officer posts;

- (4) That any jobs not filled by the 'at-risk' staff be advertised both internally and externally;
- (5) That the overall saving of £60,617 (10.6%) generated from the proposed new structure be noted;
- (6) That a new (1x fte) Grade 6 Housing IT post be created, funded from the savings created from the proposed new structure;
- (7) That the net saving of £31,067 be used to off-set the cost of the new External Management Contractor; and
- (8) That the outcome of the consultation exercise with the Trade Unions and Staff on the proposed new structure be noted.

**Reasons for Decision:**

To agree the revised structure of the combined Housing Repairs and Building Maintenance Works Unit.

**Other Options Considered and Rejected:**

The proposals had been agreed by the Repairs Advisory Group, and had been used as a basis for consultation with Staff and Trade Unions. Therefore, there were no further options for action considered.

**86. STAFFING RESOURCES IN THE DIRECTORATE OF PLANNING & ECONOMIC DEVELOPMENT**

The Finance & Economic Development Portfolio Holder presented a report regarding staffing resources in the Planning & Economic Development Directorate.

The proposals sought, within existing Continuing Service Budgets (CSB), to make some changes to staffing within Planning, in particular to enhance the Enforcement function and the preservation of protected trees. It was proposed to delete two posts from the current establishment, which would then provide sufficient funding to increase the hours of the Technical Officer (Landscape) to full-time and employ an additional Senior Enforcement Officer. A number of adverse responses had been received in respect of deleting the Administration Supervisor post, which had been responded to by the Director of Planning & Economic Development within the report.

**Decision:**

- (1) That the Compliance Officer (PEF06) and Administration Supervisor (PST02) posts be deleted from the Establishment;
- (2) That the hours for the Technical Officer (Landscape) (PPC16F) post be increased from 0.8 fte to 1.0 fte; and
- (3) That a new Senior Enforcement Officer post be added to the Establishment.

**Reasons for Decision:**

The suggested changes reflected upon points previously made by Councillors at meetings and were within existing budgets.

**Other Options Considered and Rejected:**

To not make any changes to the Establishment.

**87. MANAGING ABSENCE PROCEDURE**

The Performance Management Portfolio Holder introduced a report proposing the adoption of a revised Managing Absence procedure.

The Portfolio Holder reported that the Managing Absence Procedure had been updated in the light of issues raised during 'Managing Absence - Myth Busting' sessions held of late and recent case law. During the sessions, managers had been informed of a number of changes to the Council's policy when managing absence cases, for example contact with staff on long-term absence, recording absence, Occupational Health referrals and challenging Occupational Health responses. There had also been a significant employment case that had recently been to the Court of Appeal, House of Lords and European Court of Justice regarding workers absent from work on long-term absence and the subsequent impact on annual leave. The revised Policy had been considered by the Joint Consultative Committee and was recommended for adoption.

**Decision:**

That, as advocated by the Joint Consultative Committee, the revised Managing Absence Procedure attached at Appendix 1 of the report be adopted by the Council.

**Reasons for Decision:**

The revised Managing Absence Procedure would provide a consistent approach for managers when dealing with short and long term absences.

**Other Options Considered and Rejected:**

To not agree the Policy or substitute it with another approach.

**88. PLANNED MAINTENANCE PROGRAMMES - CIVIC OFFICES, OTHER OPERATIONAL BUILDINGS & COMMERCIAL PROPERTY 2010/11 TO 2013/14**

The Performance Management Portfolio Holder introduced a report on the Planned Maintenance Programmes for the Civic Offices, Other Operational Buildings and Commercial Property during the period 2010/11 to 2013/14 .

The Portfolio Holder advised the Cabinet that the Planned Maintenance Programmes ensured that the Council's property assets were properly maintained and improved to meet Health and Safety requirements, statutory regulations, contractual obligations, customer demands and the long term protection of the Council's assets. Where possible, opportunities were taken to achieve improvements within the confines of the available budget when undertaking the Programme. The Council also had contractual obligations to undertake all the necessary external and structural maintenance works to the four leisure centres managed by Sports Leisure Management Limited, as set out in the terms of the leisure management contract. Contractual commitments also applied to commercial premises i.e. industrial estates, shops and other commercial lettings where the Council had external and structural responsibilities.

The Portfolio Holder provided a comprehensive progress report on all the planned maintenance items approved for 2009/10 and highlighted a number of items. The Council was required to have a Display Energy Certificate (DEC) to show the energy efficiency of the Civic Offices. In addition, an Advisory Report was also required which would set out recommendations for improving the building's energy efficiency. The DEC for the Civic Offices had been rated as a 'G', the least efficient rating possible, but the surveyor had expected the rating to improve once all existing windows had been replaced with double glazing units and a new heating system had been provided in the Condor building. The Advisory Report contained a further three recommendations to improve the building's energy efficiency.

In respect of the projects for the period 2010/11 to 2013/14, the Portfolio Holder reported that they had been priority rated in descending order as either P1(A), P1(B), P1(C) or P2. No additional District Development Funding was currently required for the period under review, but the programme had included suggested capital bids of £502,000, £284,000; £333,000, and £11,000 for the next four financial years. It was emphasised to the Cabinet that a number of the projects under consideration had the potential to provide the Council with a greater return from the savings generated than could currently be obtained if the money was invested instead.

The Cabinet was keen for local businesses to be supported through tendering for some of the planned work within the Programmes whilst also recognising that the Council had to obtain value for money from its contracts. The Cabinet was informed that all contracts would be tendered in accordance with Contract Standing Orders, and that expenditure upon the works would be monitored closely.

**Decision:**

- (1) That the progress with the works approved for 2009/10, both capital and revenue funded, be noted.
- (2) That the following bids for Capital funding be made for essential and planned maintenance works at the Civic Offices and other Operational Buildings and Commercial property for the years 2010/11 to 2013/14:
  - (a) in the sum of £502,000 in 2010/11;
  - (b) in the sum of £284,000 for 2011/12;
  - (c) in the sum of £333,000 for 2012/13; and
  - (d) in the sum of £11,000 for 2013/14;
- (3) That the District Development Fund (DDF) position for the years 2010/11 to 2013/14 be noted and that no additional funding be currently required over and above that already allocated.

**Reasons for Decision:**

A proactive approach to facilities management for all operational buildings and commercial property would ensure that:

- the buildings and their infrastructure would be maintained to an appropriate level, meeting health and safety, statutory regulations and contractual obligations;
- the buildings and their infrastructure would be brought to a standard to comply with EU statutory regulations;

- the risk of unreliability and failure of critical systems, services and building fabric would be reduced;
- good financial management through forecasting would be maintained; and
- performance standards and indicators would be maintained or improved upon.

**Other Options Considered and Rejected:**

To do nothing; however this would lead to a deterioration of building fabric and systems which could result in a risk to health and safety of staff and public. There was also a risk that the Council would be in breach of its legal obligations for commercial properties, and that the operational buildings and infrastructure might not meet the future needs of the Council.

To defer action until the fabric, systems or equipment fails, however this would cause varying degrees of disruption depending on the extent of failure and/or system involved and the time scale for procurement and rectification of the defect. This would also lead to requests for supplementary finance and the performance of the Council's operations and functions could be compromised.

**89. CAPITAL STRATEGY 2009-14**

The Portfolio Holder for Finance & Economic Development presented a report regarding the Capital Strategy for the period 2009-14. It set out the Council's Capital Strategy based on the Capital Programme as reviewed by Cabinet on 12 October 2009 and updated for carry forwards of £272,000 from 2009/10 to 2010/11. The Strategy would be further amended in line with the Cabinet's decisions for the Planned Maintenance Programmes and Limes Farm Hall.

The Portfolio Holder reported that the Capital Strategy was a key strategic document linked to other key corporate and strategic such as the Council Plan, the Community Strategy, the Best Value Performance Plan and the Asset Management Plan. It had always been deemed important to update the Capital Strategy each year and thereby maintain a high level of control over the Council's capital resources and fixed assets.

The Cabinet had been also asked to re-consider the ranking of each Key Capital Priority as this would subsequently influence future decisions regarding individual capital projects. The Cabinet agreed the Key Priorities as listed within the Strategy. Permission was also sought, and granted, for £272,000 of capital funding to be carried forward from 2009/10 to 2010/11. The Cabinet was asked to recommend the Capital Strategy to the Council for approval, subject to further amendments for the Planned Maintenance Programmes 2010-14 and the Limes Farm Hall project.

In response to queries from members, the Portfolio Holder stated that the Council was still waiting to hear from Sport England whether it had been successful in obtaining external funding for the proposed all-weather pitch at Ongar Leisure Centre. Although the Customer Service Transformation Programme was increasingly becoming of less importance, it was felt that some of the areas identified by the Task & Finish Panel should still be looked at. In particular, the problems with the telephone switchboard and the lack of private interview facilities for Benefits Claimants were again highlighted. The Portfolio Holder reminded the Cabinet that all capital spending was based upon the Key Capital Priorities agreed within the Capital Strategy.

**Decision:**

- (1) That the proposed ranking of the Council's Key Capital Priorities be approved;

- (2) That carry forwards totalling £272,000 from 2009/10 to 2010/11 be approved;
- (3) That the draft Capital Strategy 2009-2014 be recommended to the Council for approval, subject to any amendments in respect of:
  - (a) the Planned Maintenance Programme 2010/11 to 2013/14; and
  - (b) the Limes Farm Hall project.

**Reasons for Decision:**

The proposed Capital Strategy was based on the Council's currently approved Capital Programme and took account of the latest guidance on capital accounting arrangements for local government. The financing arrangements, approved to date, were intended to make the best use of the capital resources currently available and forecast to become available for capital schemes to 2013/14.

**Other Options Considered and Rejected:**

To amend the Capital Strategy and recommend a revised draft to the Council.

**90. LOCAL GOVERNMENT PENSION SCHEME**

The Performance Management Portfolio Holder presented a report regarding the Local Government Pension Scheme.

The Portfolio Holder reported that as an employing authority, the Council had specific discretionary powers over certain parts of the Local Government Pension Scheme Regulations. One area was the early release of pension on compassionate grounds, and this provision allowed past or current employees to apply for their pension early when their circumstances did not allow them to work. There were variable costs involved in the agreement of such early payment. The Cabinet felt that such requests should be determined by Members, following consideration of criteria such as the merits of the compassionate grounds, the financial implications for the Council and other relevant circumstances such as length of service with the Council. In general, it was felt that the pension strain for such requests funded by the Council should be limited to £5,000.

The Portfolio Holder stated that an ex-employee had submitted a request for the Council to consider early payment of his pension on compassionate grounds due to the current health of his wife. The pension strain to be funded by the Council for this particular request would be slightly above the newly agreed £5,000 limit, but it was believed that the ex-employee had served the Council for a number of years. The Cabinet approved the request.

**Decision:**

- (1) That all requests for the early release of pension payments on compassionate grounds be determined by members, with each request considered using the following criteria:
  - (a) the merits of the compassionate grounds;
  - (b) the financial implications for the Council; and

- (c) any other relevant circumstance, such as length of service with the Council;
- (2) That the pension strain of such a request be funded by the Council up to a maximum of £5,000; and
- (3) That the request from a past employee for the early release of pension payments in the sum of £5,051.30 on compassionate grounds be agreed.

**Reasons for Decision:**

To enable members to make a decision regarding the discretion to release the payment of pensions on compassionate grounds.

To consider the request from a past employee for the early release of pension payments on compassionate grounds.

**Other Options Considered and Rejected:**

To not agree any requests for early release of pension payments on compassionate grounds or decide upon other approaches.

**91. PRIVATE SECTOR HOUSING TEAM REVIEW**

The Housing Portfolio Holder presented a report concerning a review of the Private Sector Housing Team.

The Portfolio Holder reminded the Cabinet that the Private Sector Housing Renewal Strategy 2007-09 and the Empty Property Strategy 2007-09 had been agreed back in 2006. In July 2009, the Housing Scrutiny Panel considered a report on the progress of the Strategies, which highlighted the fact that some of the key objectives, particularly those relating to bringing empty properties back into use, had not been met due to shortages of suitable staff within the Private Sector Housing Teams.

The Portfolio Holder stated that following the implementation of the Strategies, the Government had updated its standards for mobile homes sites. As licences for the sites in the District had not been reissued for a number of years, it would now be necessary to issue new licences. As well as requiring a significant staff resource in the short term to create and issue the licences, there would also be an ongoing need to ensure that the conditions attached to the licences were complied with. This could not be achieved within existing staff resources.

The Portfolio Holder added, when questioned by Members, that all options for providing the necessary resources had been considered and that the proposed course of action was the best way to bring back into use the 600 estimated empty properties within the District, as well as undertake the necessary licensing of mobile home sites. The Portfolio Holder undertook to provide annual reports back to the Cabinet on the work undertaken by the post holder, and that if the post was successful then it would be analysed for further retention after the initial three year period.

**Decision:**

- (1) That a District Development Fund (DDF) bid be made in the sum of £26,600 per annum for three years from 2010/11, to fund the cost of a part-time Technical Officer for 28 hours a week to:

- (a) facilitate the full delivery of the Private Sector Housing Renewal Strategy 2007-09;
  - (b) meet the legislative requirements of the Caravan Sites and Control of Development Act 1960; and
  - (c) reduce the number of empty properties in the District; and,
- (2) That a report be provided to the Cabinet on the work undertaken by the post holder annually.

**Reasons for Decision:**

To effectively deliver the Private Sector Housing Renewal Strategy 2007-09 and the Empty Property Strategy 2007-09, particularly with regard to bringing empty properties back into use.

To issue new licences for mobile home sites which took into account the new model standards, and to ensure that the new standards were enforced.

**Other Options Considered and Rejected:**

To not add the cost of additional staff resources (or a lesser amount) to the DDF, however this would result in the Private Sector Housing Strategies continuing to be not fully delivered and a failure to meet the requirements of amendments to the legislation governing the licensing of mobile homes sites.

To undertake the required work full time on a permanent basis, however this would put additional pressure on the General Fund over the coming years.

To engage an Officer working full-time for one year and part-time, say 18 hours a week, for two further years, however this would not provide adequate resources for the second and third years as the amount of work required was likely to be consistent over the three year period. It was also considered unlikely to be able to recruit candidates of a sufficiently high calibre on these terms.

**92. RE-DESIGN OF THE EPPING FOREST CARELINE PREMISES EXTENSION**

The Housing Portfolio Holder presented a report on the re-design of the Epping Forest Careline Premises extension.

The Portfolio Holder reminded the Cabinet that it had previously agreed the Council's 24-hour emergency alarm Careline service should be enhanced and provided locally. It had been further agreed that the Careline premises should be extended into the ground floor of the vacant and adjacent former Scheme Manager's accommodation and that the first floor of this accommodation be converted into a one-bedroom flat and incorporated into the Council's sheltered housing scheme at Parsonage Court, Loughton. It was now felt that additional space would be required for the Older People's Services Section and therefore the first floor area should be used for this purpose rather than be converted into a new flat.

The Portfolio Holder advised that the additional space would be needed to accommodate the new Senior Scheme Manager Post and a Scheme Manager who was expected to move off-site but would still need office accommodation. Following further expansion of the Telecare service, more room would be needed to store equipment. The layout of the centre now had to be re-designed due to concerns



raised under Building Regulations which had resulted in the call answering equipment being re-located underneath the proposed new flat, and could result in causing a noise nuisance to any resident living above. In addition, the escape route from the new flat would have to be enclosed as a precaution against fire, which would add costs to the works. Although there would be a loss of rental income from the new flat, the cost of the works would also be reduced and due to the housing subsidy rules, as the Council would have one less unit of accommodation in its housing stock, there would be a reduction in the amount of subsidy paid to Government. The Cabinet approved the re-design and authorised the necessary planning application to be submitted.

**Decision:**

(1) That the first floor of the accommodation adjacent to the Careline centre not be converted into a one-bedroom flat and incorporated into the Council's sheltered housing scheme at Parsonage Court, Loughton, as previously agreed but that this area be used instead for additional office space for the Older People's Services Section; and

(2) That, due to the necessary re-design, a revised planning application be submitted for the extension of the Careline premises.

**Reasons for Decision:**

To provide further storage space and office accommodation for the new Senior Scheme Manager post, plus an office for a local Scheme Manager.

In addition, due to the re-design, following concerns raised under Building Regulations, the call answering equipment now had to be located in a new position which was underneath the proposed flat which could cause noise nuisance to any resident living above.

Although there would be some loss of potential rental income from the new flat, this would be reduced due to the housing subsidy rules as the Council would pay less subsidy as it would have one less unit of accommodation in its housing stock.

**Other Options Considered and Rejected:**

To convert the first floor of the vacant former Scheme Manager's accommodation to a one bedroom flat and not use this area for additional office space for the Older People's Section.

To not submit a revised planning application for the extension of the Careline premises.

**93. ARRANGEMENTS REGARDING SCANNED PLANNING FILES**

The Environment Portfolio Holder presented a report about the arrangements concerning planning files that had been scanned.

The Portfolio Holder reported that there were many Planning files at the premises of two companies which had been scanning older records; the contracts envisaged the destruction of those files once they were scanned. Once destroyed those files would not be returned or stored, but nor could any missing documentation then be checked or retrieved, It was not felt that all the files should be returned, nor was there a budget for that purpose. There had been risks associated with how information on

files had been dealt with in the past, but the electronic capture of files was considered to be safer than other methods and the approach adopted to check files considered proportionate.

The Cabinet was informed that the files to be returned for checking were the 250 that had been the subject of the most difficult planning applications over the previous 15 years. A further sheet detailing the costings of the different options available had been tabled at the meeting. The Portfolio Holder stated that her favoured options were 1 (securely destroy all files) and 2 (return 250 files for checking), which would require a District Development Fund growth bid of £30,000 for 2010/11.

In response to questions from members, the Forward Planning Manager replied that the Council's planning files went back to 1948 and would be held electronically at the end of the process. It was acknowledged that these files would include properties of historical interest, however it was emphasised that English Heritage held all information for listed buildings. The Cabinet supported the approach being adopted by the Director of Planning & Economic Development in respect of planning files, and approved the growth bid.

**Decision:**

- (1) That the decision and intention of the Director of Planning & Economic Development to secure the return of a limited number of files for further checking and securely dispose of the remainder be noted;
- (2) That, whilst acknowledging the risks involved, file destruction be considered a proportionate response; and
- (3) That a District Development Fund (DDF) bid for 2010/11 in the sum of up to £30,000 be made to fund the retrieval and checking of files.

**Reasons for Decision:**

Storage costs of some significance were about to be incurred, for which there was no budget. It was also considered appropriate for the Cabinet to be aware of how the issues and risks had been dealt with.

**Other Options Considered and Rejected:**

To securely destroy all the paper files that had been scanned.

To selectively retrieve some files, give them a further quality check, but to destroy the rest, however this would require further resources.

To get all files returned and to store them in case queries arose in the future, however there was no ongoing budget for this.

**94. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
23	External Legal Advice in respect of Post XEX/01	1

#### 95. EXPERT LEGAL ADVICE IN RESPECT OF POST XEX/01

Prior to consideration of this item, the Leader of the Council had requested that all Officers leave the meeting, with the exception of the Director of Corporate Support Services, the Director of Finance and ICT and the Assistant to the Chief Executive. The Leader of Council then presented a report on the budget requirements for providing external legal advice in respect of the post XEX/01.

Before the item was debated and in response to several questions from one Cabinet member about whether it was appropriate for her to remain in the meeting in view of a perceived conflict of interest, the Director of Corporate Support Services reiterated the statement she had made at the Council meeting on 17 August 2009 concerning interests. She stated that she had no interest to declare which would necessitate her leaving the meeting for this item.

The Leader of Council advised that an initial budget of £15,000 reported at the Council meeting on 17 August 2009 (Minute 62 refers) had been exceeded. Costs had increased because the process of addressing those matters relating to the post had proven to take longer than anticipated. The original estimate of the likely overall cost was £35,000, however this estimate was based on an invoice from the legal advisor which had subsequently been queried. As a result of those discussions, a revised invoice had been received and showed a reduction of £5,200 from the original invoiced amount of £11,950.

The Leader reported that further work would be undertaken by the legal advisor up to a total value of £8,500 and that this would include attendance at the Council meeting on 22 December 2009. The cost of this additional work plus the cost of the two invoices had given rise to a new total cost estimate of £25,000, and it was proposed to fund this sum from an existing Human Resources budget which was likely to be underspent.

By leave of the Cabinet, the Leader of Council, having been questioned about the reasons for delay and increased costs, moved a revised recommendation which was adopted.

#### **Decision:**

(1) That, regarding the external legal advice obtained in respect of post XEX/01, the following be noted:

(a) that an interim invoice in the sum of £8,250 had been paid to the legal advisor prior to this meeting;

(b) that a second invoice in the sum of £11,950 had been received but additional information requested to support the charge;

(c) that the external advisor had now offered to reduce the amount of the second invoice by a sum of £5,200 provided that the invoice was settled without further delay; and

(d) that additional costs were anticipated and an estimate of costs up to and including attendance at the Council meeting on 22 December 2009 had been provided in the sum of £8,500; and

(2) That a report be submitted to the Council recommending that a virement in the sum of £25,000 from the Corporate Improvement Budget (Performance Management Portfolio) to create a new budget within the Legal and Estates Portfolio to meet the estimated cost of all legal advice required.

**Reasons for Decision:**

To keep Members advised and to establish a specific budget.

**Other Options Considered and Rejected:**

To not establish a specific budget or to fund the establishment of a specific budget from a budget other than the Corporate Improvement Budget.

**CHAIRMAN**