



DECISIONS

Committee:	CABINET
Date of Meeting:	Monday, 1 February 2010

Date of Publication:	9 February 2010
Call-In Expiry:	15 February 2010

This document lists the decisions that have been taken by the Cabinet at its meeting held on Monday, 1 February 2010, which require publication in accordance with the Local Government Act 2000. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in.

Those decisions that are listed as being “recommended to the Council...”, or request the Chairman of the Council to waive the call-in, are not eligible for call-in.

The wording used will not necessarily reflect the actual wording that will appear in the minutes, which will take precedence as the minutes are the official record of the meeting.

If you have any queries about the matters referred to in this decision sheet then please contact:

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Call-In Procedure

If you wish to call-in any of the eligible decisions taken at this meeting you should complete the call-in form and return it to Democratic Services before the expiry of five working days following the publication date. You should include reference to the item title. Further background to decisions can be found by viewing the agenda document for this meeting at: www.eppingforestdc.gov.uk/local_democracy

**Decision
No:**

3. MINUTES

Decision:

That the minutes of the meeting held on 4 January 2010 be taken as read and signed by the Chairman as a correct record.

9. NORTH WEALD AIRFIELD CABINET COMMITTEE - 7 DECEMBER 2009

Decision:

Aviation Intensification Study Update

- (1) That the progress on the appointment of Consultants to undertake an Aviation Intensification Study for North Weald be noted;
- (2) That the timescale be reduced by Officers and the consultants report be received earlier than the scheduled July/August 2010; and
- (3) That the Pre-Qualification Questionnaire also be sent to the company who had prepared an aviation study on behalf of North Weald Bassett Parish Council;

Proposal from the Caravan Club for a Caravan site during the 2012 Olympics at North Weald Airfield

- (4) That, having regard to financial considerations and secondary benefits to local residents and the District, further discussions be undertaken with all interested parties and a further report be submitted with proposals which achieve the best balance for all airfield users; and

North Weald Airfield Market

- (5) That, in accordance with Contract Standing Order C9 (Negotiated Tendering), a new licence be granted to the current operator to be effective from August 2010 to 2017 on the terms approved by the Cabinet on 3 September 2007 with an annual landlord only break clause, and subject to the Cabinet being satisfied about the financial position of the current operator.

10. LOUGHTON BROADWAY TOWN CENTRE ENHANCEMENT SCHEME - FINAL ACCOUNT

Decision:

- (1) That the completion of the Town Centre Enhancement Scheme and the commencement of the 12-month maintenance period be noted, after which the scheme would be adopted by Essex County Council as the Highways Authority;
- (2) That the net saving of £595,000 for the project allocation be noted;
- (3) That, subject to full compliance with the Council's CCTV Strategy and Policy and monitoring by the Safer Cleaner Greener Scrutiny Panel, a sum of £100,000 from the above saving be allocated in 2010/11 for the installation of CCTV systems and the enhancement and improvement of existing systems in the Broadway area;
- (4) That a sum of £25,000 be set aside and carried forward into 2010/11 for:
 - (a) any final works at the end of the 12-month maintenance period;
 - (b) signing off legal agreements; and
 - (c) internal staff costs; and

(5) That, in view of the County Council's reluctance to adopt or maintain any such feature, the earlier decision of the Cabinet to construct an amenity feature at the Broadway be referred to the Town Centre Partnership for further discussion.

11. REPLACEMENT OF LEASE VEHICLE - GROUNDS MAINTENANCE

Decision:

(1) That a Ford Transit LWB Double Chassis Cab 2.4 TDCI be purchased by the Grounds Maintenance Section to replace the present leased vehicle; and

(2) That, in order to fund the purchase, a supplementary capital estimate in the sum of £26,000 for 2009/10 be recommended to the Council for approval.

12. REPORT OF THE AFFORDABLE HOUSING GROUP

Decision:

(1) That the £350,000 budget provision already agreed by the Cabinet to invest in an Open Market Shared Ownership Scheme be retained within the Capital Programme;

(2) That other Homebuy agents be contacted by the Director of Housing to discuss the possibility of an existing Homebuy Agent working with the Council to operate either:

(a) the scheme previously proposed in partnership with Moat Housing, already agreed by the Cabinet; or

(b) an alternate scheme, similar to the Government's MyChoice Homebuy Scheme, but with the Council undertaking the role of the Homes and Communities Agency; and

(c) that a further report be provided to the Cabinet setting out the outcome of discussions with the Homebuy Agents;

(3) That the Home Ownership Grant Scheme be continued into 2010/11, to fund a further six Home Ownership Grants of £28,000 each (instead of the current amount of £34,000 each) with:

(a) budget provision in the sum of £170,000 within the Capital Programme for 2010/11;

(b) the continuation of the existing Selection Criteria for applicants previously agreed by the Housing Portfolio Holder; and

(c) priority given to the unsuccessful applicants for the Home Ownership Grant Scheme in 2009/10 if they still wish to receive a grant;

(4) That, following the completion of desk-top exercise to assess the development potential of difficult-to-let garage sites with vacancies in excess of 20% (and no waiting list), more detailed development appraisals be undertaken to assess their development potential further and the number of homes that could be provided;

- (5) That a report on the outcome of these development appraisals be presented to a future meeting of the Cabinet, with a view to authorising planning applications for each of the sites which could be developed to provide additional affordable housing;
- (6) That the current position with the Local Housing Company proposal be noted;
- (7) That budget provision of £375,000 be made within the Capital Programme for 2010/11 to fund the provision of Local Authority Social Housing Grant to one of the Council's Preferred Registered Social Landlord Partners to fund the purchase of 5/7 two and/or three bedroomed houses off the open market to let at affordable rents;
- (8) That the Preferred Registered Social Landlord Partner to purchase these open market properties be selected through a competitive tendering exercise;
- (9) That the proposals above requiring capital budget provision be not prioritised in a ranked order;
- (10) That a programme of new social house-building by the Council be agreed in principle, but should not be undertaken until the detrimental financial effect on the Council's General Fund either no longer exists or is only minimal; and
- (11) That, in view of the Government's previous commitment to remove any obstacles which stop councils from building new Council homes, this financial difficulty be explained by the Council to both the Government's Minister of State for Housing and the Local Government Association (LGA) to request if any assistance would be available to overcome the problem relating to the Council's Capital Financing Requirement.
- (12) That a letter be written by the Leader of Council to the Minister for Housing & Planning, and copied to the Chief Executive of the Local Government Association as well as the Shadow Secretary of State for Communities & Local Government, as set out at Appendix 2 of the report; and
- (13) That, in the event that it is not possible to identify an Registered Social Landlord that wishes to undertake an Open Market Shared Ownership Scheme in partnership with the Council, the existing budget of £350,000 for the scheme be utilised to supplement the proposed budgets for two of the proposals put forward by the Scrutiny Panel, as follows:
- (a) an additional £168,000 to enable a further six Home Ownership Grants of £28,000 each; and
- (b) an additional £182,000 to enable the selected housing association to purchase a further two or three 2/3 bedroom houses from the open market, in order to let them at affordable rents to Council nominees.

13. REPLACEMENT OF THE HOUSING REVENUE ACCOUNT SUBSIDY SYSTEM

Decision:

(1) That the proposal from the Department of Communities and Local Government (CLG) to make a voluntary offer to stock-holding local authorities in February 2010 on a proposed debt re-allocation, or settlement, with effect from April 2011 to replace the Housing Revenue Account (HRA) subsidy system be noted;

(2) That if or when an offer be received from the CLG, the Finance and Performance Management Cabinet Committee be requested to consider the issues and to recommend to the Cabinet a response from the Council, holding one or more special meetings of the Cabinet Committee if necessary to meet the deadline for the Council's response;

(3) That the Cabinet's proposed response to the CLG offer be recommended to the Council for approval;

(4) That the Tenants and Leaseholders Federation be requested to consider this issue and to provide its views to the Cabinet Committee, and that the Chairman of the Federation be invited to attend the meeting(s) of the Cabinet Committee to take part in the discussions; and

(5) That the proposed appointment of the Council's Housing Revenue Account Business Planning Consultant to advise officers and the Cabinet Committee on this issue be noted.

14. FIXED PENALTY NOTICES - POLICY

Decision:

(1) That the level of fixed penalties be set at the statutory default level;

(2) That a discount for early payment for a fixed penalty be offered and the level of discounted penalties be set at the statutory minimum allowable for that offence;

(3) That the maximum period of payment permitted to attract a discounted penalty be 10 days;

(4) That the policy for the issue of Fixed Penalty Notices attached at Appendix A be agreed and incorporated within the adopted Environment & Street Scene Enforcement Policy, subject to the following amendments:

(a) references to "Juveniles under the age of 10 years" be amended to "Children under the age of 10 years";

(b) references to "Juveniles aged between 10 and 15 years" be amended to "Children aged between 10 and 15 years"; and

(c) references to "Juveniles aged between 15 and 17 years" be amended to "Youths aged between 15 and 17 years"; and

(5) That the Council's intent to introduce the use of fixed penalty notices and the adopted penalties and discounts be advertised for a minimum period of two months via:

- (a) local newspapers;
- (b) the Council's website;
- (c) Parish Newsletters; and
- (d) The Forester.

15. FORWARD PLANNING STAFFING RESOURCES

Decision:

- (1) That a two year fixed term Planning Administrative Technical Officer post be created, in place of the existing recently vacated temporary contract administrative post, at an estimated cost in the sum of £21,250 per annum;
- (2) That a two year fixed term Senior Planning & Consultation Officer post be created to assist in the expedient delivery of the EFDC Core Strategy and Local Development Framework, at an estimated cost in the sum of £38,930 per annum;
- (3) That the creation of these posts be funded via:
 - (a) the deletion of the Rural Tourism Officer post and a bid for District Development Funding in the sum of £30,180 for 2010/11; and
 - (b) a bid for District Development Funding in the sum of £60,180 in 2011/12; and
- (4) That the funding of the bids detailed above by the Communities and Local Government Housing Planning Delivery Grant in 2010/11 and 2011/12 be noted.

16. O2 MAST - HONEY LANE, WALTHAM ABBEY

Decision:

That a decision upon the payment of further compensation to those residents that originally objected to the erection of a mobile phone mast at Honey Lane in Waltham Abbey be deferred pending further information from O2.

17. ONGAR PLAYING FIELDS/WALTHAM ABBEY TOWN MEAD DEVELOPMENT

Decision:

- (1) That, as the anticipated external funding was no longer available and as new playing pitch facilities had recently been installed in neighbouring authority areas, the proposed development of the Ongar Leisure Centre all-weather pitches be considered no longer viable;
- (2) That, subject to further negotiations with Waltham Abbey Town Council with respect to management arrangements and income share, the re-allocation of the £527,000 Capital Provision for the Ongar Scheme to provide a new full sized third generation floodlit all-weather pitch at Town Mead Recreation Ground, Waltham Abbey be agreed in principle;

(3) That, as a result of further negotiations with Waltham Abbey Town Council, a further report on the full revenue consequences be submitted to the Cabinet before final approval be given to proceed to tender;

(4) That, if required, a planning application be submitted at the appropriate time for the new floodlit pitch at Town Mead Recreation Ground; and

(5) That the existing grass pitches in Ongar be maintained to a suitable standard by the Grounds Maintenance section.

18. DEBT AND MONEY ADVICE PROVISION

Decision:

(1) That the significant impact of the recession on the number of cases dealt with by Epping Forest's Citizen's Advice Bureaux (CAB) and the CAB's excellent response to the increased workload be recognised and, in giving its support, the Council continues to work alongside the CAB as it seeks additional resources, be they finance, staff, volunteers or premises, to ease the effects of that additional workload;

(2) That an interest in volunteering and voluntary work be fostered by the Council through:

(a) encouraging employees to become volunteers in their spare time (e.g. as part of the induction programme);

(b) publicity in The Forester magazine; and

(c) encouraging other major employers in the District to promote the benefits of voluntary work;

(3) That voluntary work also be promoted through the use of information available at suitable locations, including Council Offices and Job Centre Plus;

(4) That the need for more spacious facilities, which also provide greater confidentiality, for interviewing benefits claimants be addressed as a matter of urgency through the Customer Transformation Programme or another Civic Offices work programme;

(5) That the vital role being carried out by Credit Unions during the current economic recession be recognised and supported by the Council;

(6) That the work being carried out by Essex Savers in the District also be supported by the Council and, in giving encouragement to the extension of its operation to the more outlying rural areas, be assisted by publicising the role of Essex Savers internally and through other major employers in the District; and

(7) That the Local Strategic Partnership be congratulated on its successful bid to the Future Job Fund for the creation of jobs within the District.

19. OUT OF HOURS LAND DRAINAGE STANDBY SERVICE

Decision:

(1) That, as recommended by the Overview and Scrutiny Committee, the continuation of the Council's out of hours Land Drainage Standby Service be agreed; and

(2) That, from April 2010 onwards, the reallocation of £10,100 from the existing Quality Assurance budget within the Environment and Street Scene Directorate to the out of hours Land Drainage Standby Service be agreed.

21. 148 BROOKER ROAD, WALTHAM ABBEY

Decision:

(1) That, subject to a satisfactory structure survey, the long leasehold interest in 148 Brooker Road be purchased as an investment and an addition to the Council's property portfolio;

(2) That a capital supplementary estimate in the sum of £220,000 for 2009/10 be recommended to the Council for approval; and

(3) That the property be let to the Council's Museum Service for storage of the Museum Collection and ancillary services, which would include office accommodation for Country Care and storage for Community and Culture Services.

22. CALENDAR OF COUNCIL MEETINGS 2010/11

Decision:

(1) That the meetings of the Finance & Performance Management Cabinet Committee & Scrutiny Panel in January 2011 be held on the same evening when considering the prospective budget for 2011/12; and

(2) That, as attached at Appendix 1 of the report, the draft Calendar of Council Meetings for the period May 2010 to May 2011 be recommended to the Council for adoption.

23. CORPORATE PLAN, MEDIUM TERM AIMS 2010/11- 2013/14 AND KEY PRIORITIES 2010/11

Decision:

(1) That the proposed structure and format of the Council's new Corporate Plan for the period from 2010/11 to 2013/14 be agreed;

(2) That the Council's proposed Medium-Term Aims for 2010/11 to 2013/14, and the draft specific Key Objectives for 2010/11 be agreed;

(3) That arrangements be made for an informal joint Cabinet/Management Board meeting to be held as soon as possible, to further inform the content of the new Corporate Plan; and

(4) That the Finance and Performance Management Scrutiny Panel and the Overview and Scrutiny Committee be requested to consider the proposed structure and format of the new Corporate Plan, the proposed Medium-Term

Aims for 2010/11 to 2013/14, and the draft specific Key Objectives for 2010/11.

24. STAFF CAR PARK MANAGEMENT POLICY

Decision:

(1) That, as requested by the Joint Consultative Committee, the following principles for a revised Staff Car Park Management Policy for the Civic Offices be adopted:

(a) on-site parking will be allocated to staff in designated essential user posts including temporary or agency staff covering a vacant designated essential user post;

(b) staff will retain the right to park in the staff car parks for as long as the post retains essential user status but will lose that right if the post loses essential user status;

(c) on-site parking will be allocated to staff who regularly car share irrespective of whether they are essential users or not in specially marked bays for the purpose;

(d) on-site parking will be allocated to motor cyclists irrespective of whether they are essential users or not but only in specially marked bays for the purpose;

(e) on-site parking will be provided for cyclists irrespective of whether they are essential users or not but only in a bicycle rack provided for the purpose;

(f) arrangements to allow staff who are not essential users who may occasionally need to use their vehicle for business purposes or transport equipment or files during the working day to have temporary access to the staff car parks for a specified period;

(g) all staff of whatever rank in essential user posts who live in Epping and within walking distance of the Civic Offices not to drive to work unless they know they need to use their vehicle on that day for business purposes (walking distance is defined as within 20 minutes of the Civic Offices which broadly equates to a distance of one mile);

(h) no reserved spaces for Officers or Members;

(i) provision for blue badge holders irrespective of whether they are essential users or not;

(j) provision for short term medical requirements supported by a doctors letter or advice from the Council's Occupational Health Advisor;

(k) existing staff based at the Civic Offices who are not in essential user posts will retain their parking rights until they leave the Council's employ;

(l) existing staff who are not in essential user posts transferring from Hemnall Street will retain their parking rights at Hemnall Street until they either leave the Council's employ or can be transferred to the Civic Offices;

(m) the practice of maintaining a waiting list of staff in non essential user posts be discontinued and the new policy be applied to those staff on the

current waiting list with effect from the implementation date; and

(n) the provision of sanctions for minor breaches of the management policy to be included within the policy. More serious breaches including dishonesty and malpractice will invoke action under the Council's Disciplinary Procedure;

(2) That, as requested by the Joint Consultative Committee, the provision and installation of a cycle rack in the underground car park be agreed with the cost to be funded from the Airwave income budget ring fenced for the benefit of staff welfare and matched funding from Essex County Council; and

(3) That, as requested by the Joint Consultative Committee, the need to upgrade the staff shower facilities be noted and be considered at its next scheduled meeting on 8 April 2010.

25. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 25 JANUARY 2010

Decision:

Risk Management – Updated Corporate Risk Register

(1) That the likelihood for the risk relating to Depot Accommodation be increased from E (very low) to B (high);

(2) That the likelihood for the risk relating to Capital Receipts spent on non revenue generating Assets be increased from D (low) to C (significant);

(3) That the likelihood for the risk relating to Loss or Theft of Data be increased from D (low) to C (significant);

(4) That the current tolerance line on the risk matrix be considered satisfactory and not be amended; and

(5) That, incorporating the above agreed changes, the amended Corporate Risk Register be approved.

Risk Management – Corporate Documents

(6) That the updated Risk Management Strategy be adopted; and

(7) That the updated Risk Management Policy Statement be adopted; and

Council Budget 2010/11

(8) That, in respect of the Council's General Fund Budgets for 2010/11, the following be adopted:

(a) the revised revenue estimates for 2009/10 and the anticipated reduction in the General Fund balance of £837,000;

(b) an increase in the target for the 2010/11 Continuing Services Budget from £18million to £18.1million (including growth items);

(c) an increase in the target for the 2010/11 District Development Fund net spend from £1.3million to £1.4million;

- (d) an increase of 1.5% in the District Council Tax for a Band 'D' property to raise the charge from £146.61 to £148.77;
 - (e) the estimated reduction in General Fund balances in 2010/11 of £497,000;
 - (f) the four year Capital Programme 2010/11 – 2013/14;
 - (g) the Medium Term Financial Strategy 2010/11 – 2013/14; and
 - (h) the Council's policy on General Fund Revenue Balances to remain that they be allowed to fall no lower than 25% of the Net Budget Requirement;
- (2) That, including the revised revenue estimates for 2009/10, the 2010/11 HRA budget be agreed;
 - (3) That the application of the rent increases and decreases proposed for 2010/11, in accordance with the Government's rent reforms and the Council's approved rent strategy, with the addition of an extra element to give an average overall increase of 2.4% be noted;
 - (4) That the established policy of capitalising deficiency payments to the pension fund be maintained, in accordance with the Capitalisation Direction request made to the Department for Communities and Local Government;
 - (5) That the Council's Prudential Indicators be agreed;
 - (6) That the Council's Treasury Management Strategy for 2010/11 be agreed; and
 - (7) That the Chief Financial Officer's report to the Council on the robustness of the estimates for the purposes of the Council's 2010/11 budgets and the adequacy of the reserves be noted.

26. COUNCIL BUDGET 2010/11

Decision:

- (1) That, in respect of the Council's General Fund Budgets for 2010/11, the following be recommended to the Council for adoption:
 - (a) the revised revenue estimates for 2009/10, with an anticipated reduction of the General Fund balance by £837,000;
 - (b) an increase in the target for the 2010/11 Continuing Services Budget from £18million to £18.1million (including growth items);
 - (c) an increase in the target for the 2010/11 District Development Fund net spend from £1.3million to £1.4million;
 - (d) an increase of 1.5% in the District Council Tax for a Band 'D' property to raise the charge from £146.61 to £148.77;
 - (e) the estimated reduction in General Fund balances in 2010/11 of £549,000;
 - (f) the four year capital programme 2010/11 – 13/14;

- (g) the Medium Term Financial Strategy 2010/11 – 13/14; and
- (h) the Council's policy on General Fund Revenue Balances to remain that they be allowed to fall no lower than 25% of the Net Budget Requirement;
- (2) That the 2010/11 Housing Revenue Account budget, including the revised revenue estimates for 2009/10, be recommended to the Council for agreement;
- (3) That the application of the rent increases and decreases proposed for 2010/11 in accordance with the Government's rent reforms and the Council's approved rent strategy with the addition of an extra element to give an average overall increase of 2.4% be noted;
- (4) That the established policy of capitalising deficiency payments to the pension fund, in accordance with the Capitalisation Direction request made to the Department for Communities and Local Government, be recommended to the Council for approval;
- (5) That the Council's Prudential Indicators be recommended to the Council for approval;
- (6) That the Treasury Management Strategy for 2010/11 be recommended to the Council for approval; and
- (7) That the Chief Financial Officer's report to the Council on the robustness of the estimates for the purposes of the Council's 2010/11 budgets and the adequacy of the reserves be noted.

27. EXCLUSION OF PUBLIC AND PRESS

Decision:

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 Info Paragraph No</u>
29	Potential Strategy Options for Council Property Assets	3
30	Sports Leisure Management – Contract Extension Negotiations	3

28. POTENTIAL STRATEGY OPTIONS FOR COUNCIL PROPERTY ASSETS

Decision:

That a District Development Fund bid in the sum of £135,000 and a Housing Revenue Account bid in the sum of £60,000 for 2010/11 be made to put together feasibility studies for the twelve properties listed within the report.

29. SPORTS & LEISURE MANAGEMENT LIMITED - CONTRACT EXTENSION NEGOTIATIONS

Decision:

(1) That detailed negotiations be entered into with Sports Leisure Management to extend the existing management contract from January 2013 to January 2016;

(2) That Sports Leisure Management be requested to act as the delivery agent for the proposed works at the Loughton Leisure Centre;

(3) That a capital supplementary estimate in the sum of £980,000 for 2009/10 be recommended to the Council for approval;

(4) That a further report be considered by the Cabinet following the progression of the proposed new sports hall at Waltham Abbey Swimming Pool to the pre-planning stage concerning:

(a) whether to proceed to the Design & Build stage; and

(b) whether Sport Leisure Management be requested to act as the delivery agent for the Design & Build stage or the scheme be competitively tendered.

