

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 1 February 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.35 pm

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

Other Councillors: K Angold-Stephens, Mrs R Brookes, Mrs A Grigg, D Jacobs, J Philip, Mrs P Smith, Mrs J H Whitehouse, J M Whitehouse, H Jardine and C Lattimer

Apologies: B Rolfe

Officers Present: P Haywood (Chief Executive), D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), J Chandler (Assistant Director (Community Services and Customer Relations)), P Maddock (Assistant Director (Accountancy)), T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer), C Overend (Policy & Research Officer), C Pasterfield (Principal Valuer/Surveyor), D Butler (Young Persons Officer), P Seager (Chairman's Secretary) and G J Woodhall (Democratic Services Officer)

117. 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.

118. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor K Angold-Stephens declared a personal interest in agenda item 11, Loughton Broadway Town Centre Enhancement Scheme – Final Account, by virtue of being a member of the Town Centre Partnership. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Ms S-A Stavrou declared a personal interest in agenda item 18, Ongar Playing Fields/Waltham Abbey Town Mead Development, by virtue of being the Leader of Waltham Abbey Town Council and having participated in discussions. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(c) Pursuant to the Council's Code of Member Conduct, Councillors Mrs J H Whitehouse and J M Whitehouse declared a personal interest in agenda item 19, Debt and Money Advice Provision. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(d) Pursuant to the Officer's Code of Conduct, The Chief Executive Peter Haywood declared an interest on behalf of all the Officers present in agenda item 25, Staff Car Park Management Policy.

(e) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins and Mrs P Smith declared a personal interest in agenda item 25, Staff Car Park Management Policy, by virtue of having reserved parking spaces. The Councillors had determined that their 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 29, Potential Strategy Options for Council Property Assets, by virtue of being a resident of St John's Road. 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 M Cohen declared a personal interest in agenda item 30, Sports & Leisure Management Limited – Contract Extension Negotiations, by virtue of being a member of Epping Sports Centre. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(h) Pursuant to the Officer's Code of Member Conduct, the Deputy Chief Executive Derek Macnab declared an interest in agenda item 30, Sports Leisure Management Limited – Contract Extension Negotiations, as his son was employed by Sports Leisure Management Limited on a casual basis.

(i) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda item 30, Sports & Leisure Management Limited – Contract Extension Negotiations, by virtue of his wife being a member of Epping Sports Centre. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

119. MINUTES

RESOLVED:

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

120. REPORTS OF PORTFOLIO HOLDERS

(a) Leader of the Council

The Leader of the Council reported that the letter regarding the Gypsy & Traveller Development Plan Document discussed at the previous meeting had been sent to the Minister of Housing, John Healey MP. The Council was awaiting a response, however there would be a meeting with Counsel to prepare for a possible meeting with the Minister.

121. PUBLIC QUESTIONS

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

122. OVERVIEW AND SCRUTINY

In the absence of the Chairman, the Vice-Chairman presented the Overview and Scrutiny report. At its meeting on 28 January 2010, the Committee had:

- (i) received the District Valuation Officer for East Anglia, who was left in no doubt regarding the Committee's opinion on the recent National Non-Domestic Rate rises in the District and the effect it would have on local businesses;
- (ii) considered further the Council's response to the North East London Health Services consultation document;
- (iii) concurred with the recommendations within the report on the Council Budget for 2010/11, in particular the reduction of the increase in the District Council Tax to 1.5%;
- (iv) agreed to disband the Pitt Review Task & Finish Panel pending further guidance from the Government and Essex County Council; and
- (v) approved the recommendations of the Constitution & Member Services Scrutiny Panel following its annual review of Contract Standing Orders, pending final agreement & adoption by the Council on 16 February 2010.

123. YOUTH COUNCIL

The Cabinet received Youth Councillor Connor Lattimer, an independent member from Moreton, and Youth Councillor Harrison Jardine, a member for West Hatch High School in Chigwell. The Youth Councillors informed the Cabinet of the progress that had been made with the Youth Conference scheduled for 12 March 2010. The Conference would consist of 80 year-10 students from the eight secondary schools within the District and would have the following aims:

- (i) to raise awareness and increase the understanding of local democracy amongst young people;
- (ii) to maintain and build upon the relationships developed between the Council and local secondary schools during the recent Youth Council elections;
- (iii) to raise the profile of the Epping Forest Youth Council; and
- (iv) to enable the Youth Council to consult with local young people regarding issues of interest to them.

In addition, discussion groups would focus on the following questions:

- (a) what is good about living in the Epping Forest District?
- (b) what are the negatives of living within the Epping Forest District?
- (c) what are the key issues facing young people? and
- (d) what are the three priority areas that young people would like the Youth Council to address?

It was hoped by all involved with the Youth Council that the Conference would be even more successful than the big debate held last year.

Finally, the Youth Councillors invited members of the Cabinet to attend their meetings and requested some clarification on how often they would be expected to attend Cabinet meetings.

The Leader of the Council stated that a list of the Cabinet's forthcoming meetings would be provided to the Youth Council and that Youth Councillors would be welcome to attend meetings of the Cabinet but might not be able to speak at every meeting. The Leader undertook that, if a list of Youth Council meeting dates were provided then a member of the Cabinet would attend.

124. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Cabinet.

125. NORTH WEALD AIRFIELD CABINET COMMITTEE - 7 DECEMBER 2009

The Finance & Economic Development Portfolio Holder presented the minutes from the meeting of the North Weald Airfield Strategy Cabinet Committee held on 7 December 2009. Recommendations had been made regarding: the Aviation Intensification Study Update; the proposal from the Caravan Club for a Caravan Site during the 2012 Olympic Games at North Weald Airfield; and the North Weald Airfield Market.

In respect of the Aviation Intensification Study, the Deputy Chief Executive reported that the tender exercise was still on schedule, and that the public and North Weald Bassett Parish Council would be consulted after the report had been prepared.

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.

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.

126. LOUGHTON BROADWAY TOWN CENTRE ENHANCEMENT SCHEME - FINAL ACCOUNT

The Environment Portfolio Holder presented a report regarding the final account for the Loughton Broadway Town Centre Enhancement Scheme, as it was a requirement of Council's Constitution to present a final account for any scheme in excess of £1 million.

The Portfolio Holder advised that the Loughton Broadway Town Centre Enhancement Scheme (TCE) had been conceived back in the late 1990s following a large public consultation exercise involving the three town centres of Buckhurst Hill, Loughton and the Broadway. Design guides were produced and adopted by the Council. Phase 1 of the works had been carried out in Burton Road and Vere Road in 2008 but Phase 2 of the project, consisting of improvements to the Broadway itself, had been delayed due to the presence of a medium pressure gas main within the central reservation of the carriageway. A revised scheme design addressing the difficulties of construction around the gas main was approved by Cabinet in July 2008 along with the associated supplementary capital estimate and contingency for unforeseen construction risks.

The Portfolio Holder reported that a significant saving in the sum of £595,000 had been achieved the construction risks associated with the presence of a medium pressure gas main and the reconstruction of the road surface did not materialise. This provided an opportunity to further enhance and improve CCTV systems in the Broadway area, and a proposal had been made to utilise £100,000 of the savings for this purpose. A twelve-month maintenance period had now begun and it was felt that a further £25,000 should be retained for 2010/11 for any further works and staff costs.

The Portfolio Holder had originally reported that the Cabinet's earlier decision to provide an amenity feature should be rescinded. However, it was felt that, out of courtesy, the Town Centre Partnership should be consulted first and it was agreed to refer this issue to the Partnership for further discussion. It was also agreed that the proposed installation and enhancement of CCTV systems in the Broadway area should be monitored by the Safer Cleaner Greener Scrutiny Panel.

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.

Reasons for Decision:

It was a constitutional requirement to report on the final account for all capital schemes costing in excess of £1million.

Recent crime figure analysis had suggested that other areas surrounding the Broadway could benefit from new CCTV systems. The modernisation of all systems would enable them to comply with the Council's soon to be adopted CCTV Strategy and Policy.

Following the County Council's reluctance to adopt an amenity feature, the Partnership could agree a different feature that would require little maintenance.

Other Options Considered and Rejected:

To take the full savings of £595,000 back into the capital fund and not carry out CCTV improvement works. However, improved CCTV systems would reduce the local fear of crime as well as assisting the Police in the detection and prevention of criminal activity.

To rescind the Cabinet's earlier decision to provide an amenity feature, however it was felt that it would be courteous to refer the matter to the Partnership for further discussion.

127. REPLACEMENT OF LEASE VEHICLE - GROUNDS MAINTENANCE

The Environment Portfolio Holder introduced a report concerning the replacement of a Ford Tipper Truck used by the Grounds Maintenance section, the lease of which was due to expire in February 2010 and therefore a new vehicle was required.

The Portfolio Holder reported that on previous occasions the operating lease option had been considered the most cost effective and provision had been made within the General Fund for 2009/10. However, an evaluation exercise had indicated that better value for money would be obtained through an outright purchase using capital funding, for which provision had not been made within the 2009/10 capital programme.

The Portfolio Holder advised that, in accordance with Contract Standing Orders, the proposed purchase had been subject to a competitive tendering process via the Essex Procurement Hub and a vehicle from Haynes Trucks Ltd was found to be the most cost effective purchase. The proposed purchase had then been subjected to a further capital/lease comparison, which had confirmed that a capital purchase would be more cost effective than leasing. Therefore, it was proposed to recommend a capital supplementary estimate in the sum of £26,000 for 2009/10 to the Council for approval to fund the proposed purchase.

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.

Reasons for Decision:

The capital purchase option had proven to be the most cost effective option at the current time.

Other Options Considered and Rejected:

To not renew the vehicle and extend the present lease, however, due to its age and heavy usage, one-off running repairs and associated 'downtime' was becoming more frequent and scheduled service costs were increasing.

To purchase by a Lease agreement, however this would increase the annual cost to the Council by £1,048.

To await the next finance capital report as a request for funding, however this would mean a delay of some months, the present vehicle lease would need to be extended and the current tender price would not be valid incurring a higher cost for the Council.

128. REPORT OF THE AFFORDABLE HOUSING GROUP

The Housing Portfolio Holder reported on behalf of the Chairman of the Housing Scrutiny Panel, who was unable to attend the meeting. He reported that the Housing Scrutiny Panel had set up an Affordable Housing Sub-Group to consider and recommend ways to increase the amount of affordable housing in the District, which had also considered the possibility of the Council re-commencing a programme of social house-building. The subsequent report of the Affordable Housing Sub-Group containing a total of 12 recommendations had been considered by the Housing Scrutiny Panel, which endorsed its recommendations, and were now presented to the Cabinet for consideration and decision.

The Cabinet were advised that in view of the negative response from three Homebuy agents and two of the Council's Preferred Registered Social Landlord (RSL) Partners over the Cabinet's previous decision to undertake an Open Market Shared Ownership Scheme in partnership with the Council, the Scrutiny Panel had agreed an alternate recommendation on the proposed use of the £350,000 capital budget whereby £168,000 would be utilised to provide a further six Home Ownership Grants, and the remaining £182,000 would be utilised to purchase further properties from the

open market to let at affordable rents to Council nominees if an Open Market Shared Ownership Scheme could not come to fruition..

The Portfolio Holder added that the Affordable Housing Sub-Group had identified a financial problem that made its proposal for the Council to re-commence a social house-building programme unviable at present. It was hoped that the proposed letter to the Minister for Local Government might result in this problem with the Council's Capital Financing Requirement being overcome, by a change in local government accounting regulations. This letter would also be copied to the Chief Executive of the Local Government Association as well as the Shadow Secretary of State for Communities & Local Government.

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 Registered Social Landlords be contacted by the Director of Housing to discuss the possibility of them 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 Registered Social Landlords;
- (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 provided 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 a 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;

(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.

Reasons for Decision:

The Cabinet were satisfied that the Sub-Group had fully addressed all the relevant issues in relation to the recommendations and that these should be endorsed, including those in the addendum report.

Other Options Considered and Rejected:

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

129. REPLACEMENT OF THE HOUSING REVENUE ACCOUNT SUBSIDY SYSTEM

The Housing Portfolio Holder presented a report regarding the need for the Council to respond to the expected offer from the Department of Communities & Local

Government on a proposed debt re-allocation or settlement to replace the Housing Revenue Account (HRA) subsidy system.

The Portfolio Holder informed the Cabinet that notification had been received regarding the Government preparing the ground for a “voluntary offer” to local authorities in March 2010 to replace the existing HRA subsidy system. It was expected to include a proposed debt reallocation or settlement to take place from April 2011, along with details of how self-financing for the HRA would work. The Council needed to be prepared to respond to the offer and it had been suggested that the Finance and Performance Management Cabinet Committee considered the detailed issues relating to the offer, when received, and recommended a response to the Cabinet and full Council. It was felt that the opinion of the Tenants & Leaseholders Federation should also be sought and the Chairman of the Federation should be invited to attend meetings of the Cabinet Committee when the issue was under discussion. The Portfolio Holder added that if the level of debt allocated to the Council was less than the current subsidy paid to the Government then the Council should benefit financially.

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.

Reasons for Decision:

The Council needed to prepare itself to receive, consider and respond to the expected offer from the Department of Communities & Local Government.

Other Options Considered and Rejected:

To not respond to the offer.

To respond to the offer through a different process than that proposed.

130. FIXED PENALTY NOTICES - POLICY

The Environment Portfolio Holder introduced a report on the adoption of the proposed Fixed Penalty Notices policy.

The Portfolio Holder reported that Fixed Penalty Notices (FPN) were a means by which an authorised Officer of the Council could give a person, whom they had reason to believe had committed an offence, the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty. The Council was also able to retain the receipts from fixed penalties. Where a FPN was given then no proceedings would be instituted for that offence before the expiration of 14 days following the date of the notice being issued and if the Fixed Penalty was paid then the recipient could not be convicted of the offence. If the fixed penalty was not paid, then the recipient would be prosecuted for the original offence, not the non-payment of the fixed penalty. The statutory minimum discount would be offered to all offenders who paid within 10 days of the offence.

The Portfolio Holder for Legal & Estates advised that the term 'Juveniles' was no longer used and that the term 'Children' should be used for those aged under 15, and the term 'Youths' for those aged between 15 and 17 years old. The Director for Environment & Street Scene added that there were currently no designated alarm areas within the District and that the reference to Waste Receptacles as an offence was primarily targeted at trade premises. It was agreed that the policy should be advertised for a minimum period of two months in local newspapers, on the Council's website, in the Forester and Parish newsletters.

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.

Reasons for Decision:

The Cabinet had previously endorsed the use of FPNs as an enforcement tool, as part of its consideration of the Safer, Cleaner, Greener initiative in 2008. The Council now needed to formulate a policy for their use, fix the penalties and discounts which applied to the relevant offences and advertise its intention to use FPNs within the District.

Other Options Considered and Rejected:

To reverse the previous Cabinet decision and not authorise the use of FPNs at this time, or to delay their implementation until a later date.

131. FORWARD PLANNING STAFFING RESOURCES

The Leader of the Council presented a report concerning staffing resources within the Forward Planning team.

The Leader reported that the proposals sought to utilise existing underspend and additional District Development Fund contributions for the creation of two posts within the Forward Planning team, namely a Planning Administrative Technical Officer and a Senior Planning & Consultation Officer, both on two-year fixed term contracts. The aim was to ensure the efficient delivery of the Local Development Framework and of the internal and external stakeholder consultation process. Securing additional planning and administrative expertise and support was necessary for the delivery of the Local Development Framework and continuing to provide robust customer service. It was envisaged that the costs of both posts, after allowing for the proposed deletion of the Rural Tourism Officer post, would be met by the Housing & Planning Delivery Grant.

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.

Reasons for Decision:

Lack of appropriate resources could lead to significant delays in the delivery of the Local Development Framework. The consultation stages would also require consultation expertise to ensure the timely and efficient engagement and provision of feedback and information to all stakeholders. Lack of structure to the consultation process could lead to delays in programme delivery and wider public disappointment.

Other Options Considered and Rejected:

Not to make any changes to the establishment.

132. O2 MAST - HONEY LANE, WALTHAM ABBEY

A report upon the O2 mast at Honey Lane in Waltham Abbey was introduced by the Portfolio Holder for Finance & Economic Development.

The Cabinet were reminded that in 2006 the Council had failed to determine a planning application as to whether prior approval was required for the erection of a mobile phone mast. The consequence of the decision was that the mast was deemed to have been granted planning permission and was subsequently erected despite the Council raising objection to its siting and design. The lawfulness of the mast and options for using planning enforcement powers to seek its removal had been explored and following consideration of a report on 4 August 2009 the District Development Control Committee had agreed that there was no reasonable prospect of securing a better solution on the ground.

The Portfolio Holder stated that the residents who had originally objected to the mast were paid £250 each as a goodwill gesture by the Council prior to the District Development Control Committee's decision. The Cabinet had to now consider whether any further compensation should be paid to residents for the Council's failure to issue a timely decision on the original prior approval application and the consequences arising from that failure. The preferred option of Officers was that the residents who had originally objected be paid a further sum of £250 each in compensation.

The Leader of the Council advised the Cabinet that O2 might be looking at an alternative site and it would be sensible to defer consideration of this issue until more information had been obtained. The Director of Planning & Economic Development undertook to have another discussion with O2 and suggested that O2 might want to site the mast at the Marriot Hotel, despite a previous planning application there being refused. The Cabinet agreed that the issue should be deferred to a future meeting, pending further information from O2.

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.

Reasons for Decision:

To await the outcome of a possible re-siting of the mast.

Other Options Considered and Rejected:

To compensate the residents that had originally objected to the mast with a further sum of £250.

133. ONGAR PLAYING FIELDS/WALTHAM ABBEY TOWN MEAD DEVELOPMENT

In the absence of the Portfolio Holder for Leisure & Wellbeing, the Assistant Director (Community Services & Customer Relations) presented a report regarding the previously proposed Ongar Playing Fields Development and the possible provision of an all-weather pitch at Town Mead Recreation Ground in Waltham Abbey.

The Assistant Director reminded the Cabinet that the Council had devised a comprehensive Playing Pitch Strategy for the District in 2007/08, which had highlighted a shortage of football pitches in key locations across the District, and in particular junior and youth facilities in the Ongar area. To address this identified lack of provision, the feasibility of external funding opportunities were investigated and approval was given by the Cabinet in October 2008, to actively pursue the development of the Playing Fields at the Ongar Leisure Centre. The Cabinet also agreed to commit up to £527,000 from the Council's Capital Programme, depending upon the amount of external funding gained.

The Assistant Director reported that a bid for £727,000 was submitted to the Football Foundation, but this was rejected. A subsequent submission was then made to Sport England's Rural Fund, but this bid was also unsuccessful. The Council was successful in its bid to the Essex Football Association for £200, but due to the delays in receiving notification from the other potential funders, could not meet the installation timescales required. However, in the intervening period, the need for an all weather pitch had diminished in Ongar, after the provision of new additional facilities in Brentwood and Shenfield, and with the anticipated external funding no longer available to the Council, the proposed development was now not considered viable at the Ongar Leisure Centre.

The Assistant Director stated that other opportunities within the District had been investigated which would also meet with the Council's principal to only provide capital funding for revenue generating schemes. There was potential for the installation of a new Astroturf facility at the Town Mead Recreation Ground in Waltham Abbey that was expected to meet this criteria. Meetings had been held with the Town Council and a site visit undertaken where there was currently a floodlit all-weather pitch that needed replacement. The proposal was to provide a third generation Astroturf pitch, using the funds previously allocated for Ongar Leisure Centre. Further meetings would be required with Waltham Abbey Town Council to determine the basis for managing the facility and sharing the profits, but a further report would be submitted prior to gaining approval to proceed to tender and submit a planning application.

A local Ward Member for Ongar acknowledged the provision of the new facilities in Brentwood and Shenfield would be accessible to residents in Ongar, although it was pointed out that there were areas of deprivation within the town. The Assistant Director added that the relevant local organisations in Ongar would be advised of the Cabinet's decision after tonight's meeting. The proposed facility in Waltham Abbey would be welcomed by residents as the grass football pitches were over utilised. It was felt that the current grass pitches in Ongar should be maintained to a suitable standard; the Assistant Director stated that the Grounds Maintenance section currently maintained the grass pitches in Ongar, and that the installation of improved drainage would cost approximately £100,000.

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 to assist with the reduction in health inequalities in this part of the District;
- (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.

Reasons for Decision:

The anticipated external funding for the development of playing pitches at Ongar Leisure Centre was now not available and the strategic need for an all-weather pitch in Ongar had been greatly reduced by additional provision in Brentwood and Shenfield.

Football facilities at Town Mead Sports Ground in Waltham Abbey were currently utilised for training but were in significant need of improvement; the installation of a third Generation Astroturf Pitch would enable increased use by local groups and would encourage people to be more physically active, therefore helping to reduce health inequalities.

The new facility could be used by the Council to encourage positive activity by young people to address local issues of anti-social behaviour.

Other Options Considered and Rejected:

To not to use the allocated funding for Ongar Playing Fields within the Capital Programme, or to allocate to another non Leisure capital priority.

134. DEBT AND MONEY ADVICE PROVISION

The Portfolio Holder for Finance & Economic Development presented a report on the provision of debt and money advice.

The Portfolio Holder declared that following the adoption of a motion at Council on 16 December 2008, and subsequent discussion at Overview and Scrutiny on 29 January 2009, a Scrutiny Sub-Committee was set up to: review current debt and money advice provision; review the support the District Council offered the Citizens' Advice Bureau and whether this support should be extended; and incorporate the outcome of the review into the budget process. The Sub-Committee submitted its report to the

Overview and Scrutiny Committee on 12 November 2009, which supported the recommendations contained therein.

The Portfolio Holder advised that the number of enquiries dealt with by the Citizens' Advice Bureaux (CAB) within the District had quadrupled since the beginning of the recession, with the vast majority of enquiries concerning debt, benefits, employment or housing. The Cabinet wished to formally recognise the excellent work being undertaken by the CAB and reiterated its desire to assist the CAB in its search for additional resources to ease the workload. It was also felt that the Council should encourage people to become involved in voluntary work, including its own employees (although they would still be subject to the Staff Code of Conduct), through the Forester magazine and the Council's information offices.

The Portfolio Holder reported that the number of claims for Council Tax and Housing Benefit had also increased during the recession, and there was an urgent need for improved facilities where Benefits Officers could interview claimants confidentially. It was agreed that this problem would be addressed as a matter of urgency. Credit Unions were non-profit organisations which encouraged individuals to save, and borrow only what they could afford to repay. Across Essex, membership of Credit Unions had grown by 25% in 2008 and was continuing to rise. There were a number of Credit Unions within the county, including Essex Savers which had opened its Epping branch last September. The Cabinet recognised the important role being played by Credit Unions during the recession, and undertook to promote Essex Savers within the District, particularly in the more outlying rural areas.

Finally, the Cabinet was pleased to hear that the West Essex Partnership had been allocated £1.1million from the Future Jobs Fund, and that the District's share of this funding would lead to 28 new job placements for long-term unemployed young people. The Cabinet was urged to encourage new employees to join a Credit Union, as other Councils did, and also to monitor carefully the effects of the freeze upon the grant given to the CAB by the Council.

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.

Reasons for Decision:

The Overview & Scrutiny Committee had recommended a number of measures, including the level of support to be provided by the District Council to the CAB as it sought additional resources to ease the burden of a greatly expanded caseload, the significant roles being played by the voluntary sector and credit unions during the current recession, and the creation of jobs in the District.

Other Options Considered and Rejected:

To reject all or support only some of the recommendations put forward. However, a clear indication of the vital work being carried out by many of the agencies in the public and voluntary sectors had been demonstrated. Also, not supporting the recommendations would not build on the work carried out by the District Council to date, and could compound the severity of problems in the future.

135. OUT OF HOURS LAND DRAINAGE STANDBY SERVICE

The Environment Portfolio Holder presented a report concerning the out of hours Land Drainage Standby Service.

The Portfolio Holder reminded the Cabinet that the Council had provided an out of hours standby service since the large scale flooding in 2000, which had ensured the availability of trained Land Drainage personnel outside of normal working hours. These officers received additional payments under the Council's out of hours working policy, the costs of which were met by the Environment Agency as part of the Council's arrangement with them for the delivery of land drainage and flood control services. When that arrangement ceased so did the associated funding and since then the Council had met the revenue costs through the District Development Fund, which required approval every year. The Overview and Scrutiny Committee had requested the Cabinet to consider ensuring the future of the standby service by the provision of a continuing service allocation.

The Portfolio Holder stated that there was currently a Continuing Services Budget allocation of £10,100 within the Directorate for the provision of Quality Assurance for the Land Drainage section. However it was felt that due to external pressures on public sector financing it would be more appropriate to provide a direct service benefit through the reassignment of the £10,100 to enable the continuing provision of the out of hours standby service. This sentiment was echoed by the Portfolio Holder

for Performance Management who advised the Cabinet that the service had prevented Loughton being substantially flooded in 2009.

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.

Reasons for Decision:

To ensure continued provision of a front line service which was of real benefit to residents at times of flooding. Failure to respond to emergencies at Council owned flood alleviation schemes and assets outside of normal working hours could increase the risk of flooding and make the Council liable.

Discontinuation of the service could also potentially have a detrimental impact on the Council's reputation.

Other Options Considered and Rejected:

To discontinue the service at the end of the current financial year but this would result in a lower quality of service for the residents.

136. FORMATION OF LOCAL HOUSING COMPANY & ASSOCIATED ARRANGEMENTS

Report withdrawn at the request of the Housing Portfolio Holder.

137. 148 BROOKER ROAD, WALTHAM ABBEY

The Portfolio Holder for Legal & Estates introduced a report concerning the proposed purchase of a long leasehold interest in 148 Brooker Road in Waltham Abbey from the receivers, KPMG LLP, which would then be added to the Council's existing freehold interest.

The Portfolio Holder advised that the property would be available to let on the open market at an estimated rent of £34,000 per annum, providing a rate of return in the region of 8-10%. It would also provide an opportunity to let the property to existing Council services such as the Museum, which could then provide additional services such as a research area and more display area in the Museum. The property could also help the Council to achieve some of its strategic property aims, such as vacating space in the Langston Road and Town Mead depots which were potential redevelopment sites. To purchase the leasehold interest would require a capital supplementary estimate in the sum of £220,000 from the Council, as the purchase had not been anticipated and placed in the Capital Programme. The Cabinet were content to purchase the property, subject to a satisfactory structural survey.

Decision:

(1) That, subject to a satisfactory structural survey, the long leasehold interest in 148 Brooker Road be purchased as an investment and an addition 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.

Reasons for Decision:

To achieve a high rate of return for the Council's capital funds, to acquire an interest in a property that would be complimentary to the Council's existing portfolio and to provide accommodation for Council services that were currently located elsewhere and paying rent to third parties or were sites that when vacated would have redevelopment potential.

Other Options Considered and Rejected:

To not purchase the leasehold interest in the property and for the relocation of existing Council services to be delayed until other suitable sites could be identified.

138. CALENDAR OF COUNCIL MEETINGS 2010/11

The Leader of the Council presented a report on the Calendar of Council Meetings for 2010/11 for consideration by the Cabinet prior to final approval by the Council.

The Cabinet were reminded that the Calendar had developed over time to meet the changing needs of the authority. Democratic Services had been requested to consider ways of reducing the number of member meetings being held by the Council. The proposed calendar showed a 5.4% reduction in the number of member meetings for 2010/11, which would generate a total projected saving of £8,910.

The Leader reported that the draft Calendar kept the current format of three area based Planning Sub-Committees, following consultation with Members over an alternative structure. The number of Council meetings had remained the same but the number of Cabinet meetings had been reduced by one with meetings now to be held every six weeks. For Overview and Scrutiny, there was a reduction of seven meetings in total, one for the main Committee and six for the Scrutiny Panels. The timing of the main Committee had been changed so that it was now held approximately one week before the Cabinet.

The Leader added that Licensing Sub-Committee meetings had been moved from Thursday mornings to Tuesday mornings to allow for greater availability of Democratic Services Officers. There were no changes currently planned for the Standards Committee, Local Councils' Liaison Committee, the Housing Appeals and Review Panel, the Audit & Governance Committee and the Joint Consultative Committee, although there was the potential to reduce the number of meetings for the latter two Committees.

It was reported that the Overview & Scrutiny Committee had recommended that the Finance & Performance Management Scrutiny Panel and Cabinet Committee meetings should be held on the same evening in January 2011 when considering the 2011/12 Budget. The Portfolio Holder for Finance & Economic Development was in favour of this plan and It was subsequently agreed. It was highlighted that more meetings might be required for the North Weald Airfield Strategy Cabinet Committee

following its absorption of responsibility for Asset Management Strategy matters, and that the Area Plans Sub-Committee South scheduled for 8 September 2010 clashed with the beginning of the Jewish festival of Rosh Hashanah.

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.

Reasons for Decision:

It was an item for action within the Democratic Services Business Plan for 2009/10 & 2010/11 to review the Calendar of Meetings and make proposals each year.

A review of Member meetings had also been requested by the Joint Member & Officer 2010/11 Budget Working Group to generate savings for the 2010/11 budget.

Other Options Considered and Rejected:

Individual frequencies of meetings could be varied; in practice additional meetings were added as and when issues dictated and meetings would be cancelled if there was a lack of business.

To keep the Finance & Performance Management Cabinet Committee and Scrutiny Panel on separate evenings.

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

The Portfolio Holder for Performance Management presented a report regarding the Corporate Plan, medium term aims for the period 2010/11 to 2013/14, and the Cabinet's key objectives for 2010/11.

The Portfolio Holder reported that the Council Plan 2006-10 was the authority's current key strategic planning document, which set out the service delivery priorities over the four-year period, with strategic themes matching those of the Local Strategic Partnership's Community Strategy for the Epping Forest District. As the current Council Plan had now entered its final year, work had started on the development of a new Corporate Plan for the period from 2010-14. The Cabinet was requested to approve the proposed structure and format for the new Corporate Plan, and to agree to an informal joint meeting with Senior Officers to further inform about the content of the new Plan.

The Portfolio Holder stated that the structure of the current Council Plan was largely based upon the Council's existing medium term priorities, which had been adopted in 2002. As part of the development of the new Corporate Plan, a range of new Medium-Term Aims for 2010/11 to 2013/14 had been identified and the Cabinet was requested to agree these. The Council's business, budget, workforce planning and development processes had now been aligned into a clear framework to enable the authority to focus on key priorities and improve performance. The initial list of five key priority objectives for 2010/11 had now been expanded into twelve, which were all

related to the medium term priorities, and the Cabinet was requested to adopt them for 2010/11. The Cabinet was informed that this was a progress report and not the final stage as the report would now be considered at the next scheduled meetings of the Finance & Performance Management Scrutiny Panel, and the Overview & Scrutiny Committee.

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.

Reasons for Decision:

The identification of its Medium-Term Aims and Key Objectives provided an opportunity for the Council to focus attention on how existing areas for improvement would be addressed, opportunities exploited and better outcomes delivered for local people.

It was important that relevant performance management processes were in place to review and monitor performance against the Council's aims and key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of under performance.

Other Options Considered and Rejected:

To not set any medium term aims for 2010/11 to 2013/14 or specific key objectives for 2010/11, although this might mean that opportunities for improvement were lost.

Failure to monitor and review performance against aims and key objectives, and to take corrective action where necessary, could have negative implications for the Council's reputation and for judgements made about the authority in the Comprehensive Area Assessment and similar corporate assessment processes.

140. STAFF CAR PARK MANAGEMENT POLICY

The Portfolio Holder for Performance Management presented a report on the proposed Staff Car Park Management Policy.

The Portfolio Holder reported that as part of the wider travel plan already agreed in principle by the Council there was a need to update and amend the management policy for the staff car parks at the Civic Offices. This would enable further initiatives such as increasing car sharing, creating better provision for cyclists and motor cyclists, improving the shower facilities at the Civic Offices to encourage more staff to cycle to work and other initiatives that may arise as part of the future development of

the Travel Plan to be implemented. The principles of the policy had been discussed and endorsed by the staff representatives on the Joint Consultative Committee at its meeting held on 14 January 2010.

The Portfolio Holder confirmed that more people were allocated spaces than were available to allow for periods of absence. The policy under consideration would be implemented as soon as possible after suitable publicity. The public transport aspects of the Travel Plan were currently being investigated and a further report would be forthcoming in due course. It was clarified that there would no longer be reserved spaces for the Chairman, Leader of Council or Officers on the Management Board, and the Officers on the Joint Consultative Committee were thanked for their efforts.

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 breeches of the management policy to be included within the policy. More serious breeches 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.

Reasons for Decision:

To be consistent with the Cycle to Work Scheme and the Car and Cycle Allowance Policy by making adequate provision for staff who choose to cycle to work.

To ensure that the available space within the staff car parks was put to the best and most appropriate use, with it being managed in a clear and transparent manner to all staff to engender confidence in its application.

To reduce vehicle usage by staff through the encouragement of car sharing.

Other Options Considered and Rejected:

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

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

The Portfolio Holder for Finance & Economic Development presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 25 January 2010. Recommendations had been made regarding: the updated Corporate Risk Register; the Corporate Risk Management Documents; and the Council Budget for 2010/11. The Organisational Assessment for the Council, which formed part of the Comprehensive Area Assessment for 2009/10, had also been considered by the Cabinet Committee.

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;
- (9) That, including the revised revenue estimates for 2009/10, the 2010/11 HRA budget be agreed;
- (10) 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;
- (11) 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;

- (12) That the Council's Prudential Indicators be agreed;
- (13) That the Council's Treasury Management Strategy for 2010/11 be agreed; and
- (14) 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.

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.

142. COUNCIL BUDGET 2010/11

The Portfolio Holder for Finance & Economic Development presented a report detailing the proposed Council Budgets for 2010/11, which would enable the Council's policy on the level of reserves to be maintained throughout the period of the Medium Term Financial Strategy, despite the proposed use of £0.5 million from the reserves. The budget was based upon the assumptions that the District Council Tax would increase by 2.5% and housing rents would increase by 2.4%.

The Portfolio Holder emphasised the likely reduction in the Council's Revenue Support Grant when the Comprehensive Spending Review (CSR) was undertaken after the next General Election. The revised Medium Term Financial Strategy (MTFS) had assumed a 5% decrease in 2011/12 with the total decrease being 10% over the CSR period. It was proposed to increase the target for the 2010/11 Continuing Services Budget (CSB) to £18.1million. The largest growth item was an additional £92,000 for the increase in employer's contributions to the pension fund. A number of CSB income streams had been affected by the downturn in the Housing Market, including Local Land Charges, Building Control and Development Control. However, other income streams had exceeded expectations, including MOT income from Fleet Operations, and income from Licensing .

The Portfolio Holder advised that negotiations for the 2010/11 pay award had currently reached an impasse after the Employers had offered 0% in response to the Unions' request for 2.5%. The Cabinet were reminded that every 1% increase added £200,000 to the Council's salary bill. The MTFS had assumed annual increases of 1.5%, and it was expected that the final award would be close to this. The use of capital receipts on non-revenue generating assets had been highlighted when the Finance & Performance Management Cabinet Committee had considered the updated Risk Register. The Capital Programme anticipated the balance of capital receipts reducing from £24.3million to £9.9million over the next four years. The next triennial valuation of the Local Government Pension Scheme (LGPS) was due in March 2010. Applications for the capitalisation of pension deficit payments in the sums of £1.205million for the General Fund and £565,000 for the HRA had been submitted to the Department of Communities & Local Government for 2009/10; both of these directions had been approved.

In respect of the District Development Fund (DDF), the Portfolio Holder reported that the largest items of expenditure were £508,000 for the reduction in investment income, £400,000 for the generation of the Local Development Framework, £147,000 for the Planned Building Maintenance Programme, and £150,000 for the reduction in special grant funding for Concessionary Fares, which was £13,00 worse than had been anticipated. Officers were also working with an international firm of Accountants on a “no win, no fee” basis to establish whether the Council could recover any Value Added Tax. The current DDF programme of £1.358million exceeded the guideline by £58,000. However, as the DDF was perennially underspent, this was not considered significant.

The Portfolio Holder advised the Cabinet that within the revised MTFs, two alternative models had been presented for consideration. The first model envisaged a 2.5% increase in the District Council Tax in line with the previously agreed budget guidelines. The second model envisaged a 1.5% increase in the District Council Tax for 2010/11, which was predicted to lead to a £360,000 greater reduction in Revenue Balances over the next four years. Current projections indicated that the Council's reserves would be £6.7million by 2013/14; 25% of net budget requirement would be £4.3million and thus it was not envisaged that this particular budget guideline would be breached.

For the Housing Revenue Account (HRA), the Portfolio Holder explained that the balance was expected to be £6.09million at 31 March 2011, following an anticipated deficit of £7,000 in 2010/11. There were no significant variances within the proposed HRA budget for 2010/11. Finally, the report of the Chief Financial Officer was highlighted to the Cabinet, and had concluded that:

- (i) the estimates presented were sufficiently robust for the purposes of the Council's overall budget for 2010/11; and
- (ii) the reserves of the Council were adequate to cope with the financial risks facing the Council in 2010/11, but that savings would be required in subsequent years to bring the budget back into balance in the medium term.

The Portfolio Holder thanked Officers for their efforts in putting the budget together, and proposed that the model for a 1.5% increase in Council Tax should be adopted, with a 2.5% increase in future years. This would be a prudent measure given the current economic circumstances, and would be both affordable and manageable given the possibility that the Council's settlement could decrease by more than the assumed 10% within the MTFs. The Cabinet agreed this measure, which would see the District Council Tax for a Band 'D' property rise to £148.77.

The Director of Finance & ICT reported that the capitalisation direction for the Council's investment in the Heritable Bank had not been granted and that impairments was not being charged to the Housing Revenue Account (HRA). The administrators had informed the Council that the return would be between 79p and 85p in the £1, which was an improvement on the initial 80p quoted. An additional £375,000 within the DDF had been allocated for this item. The Council was anticipating a sizeable refund of Value Added Tax, probably for a similar amount as had been allocated for impairments for the Heritable Bank investment. This would be allocated to the DDF when it was received.

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 £551,000;
 - (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.

Reasons for Decision:

It was necessary for the Cabinet to determine the budget that would be presented to the Council on 16 February 2010.

Other Options Considered and Rejected:

To not approve the recommended figures and instead specify which growth items they would like removed from the lists, or further items could be added.

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

144. POTENTIAL STRATEGY OPTIONS FOR COUNCIL PROPERTY ASSETS

The Portfolio Holder for Legal & Estates introduced a confidential report on the assessment of potential strategy options for council property assets and their associated costs. Funding in 2010/11 was being requested to employ consultants to carry out design, valuation and costing of potential development for a number of properties in order for strategic decisions to be made regarding their future use, sale or development. It was highlighted that no decisions had yet been made in respect of any of the sites, but that any future development undertaken would benefit residents and generate revenue for the Council. Some sites were owned by the Housing Revenue Account and therefore their feasibility studies could not be funded by the General Fund. It was emphasised that it would be more cost effective for the Council to use consultants, and that all the feasibility studies should be completed within 2010/11.

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.

Reasons for Decision:

To achieve best value and most efficient use of Council property assets.

Other Options Considered and Rejected:

To not investigate the chosen sites. However, the Council would not then obtain information on cost, value and risk from professional consultants upon which to make decisions regarding the properties. It would also mean that the Council could not test the market for capital or rental value or other remuneration such as affordable housing.

145. SPORTS & LEISURE MANAGEMENT LIMITED - CONTRACT EXTENSION NEGOTIATIONS

In the absence of the Portfolio Holder for Leisure & Wellbeing, the Director of Environment & Street Scene introduced a report on the contract extension negotiations with Sports Leisure Management Limited.

The Director reminded the Cabinet that the current contract for the provision of leisure services with Sports Leisure Management (SLM) would expire in January 2013, although there was provision for a 3 year extension with the approval of both parties. As part of the consideration of funding for the proposed new sports hall at Waltham Abbey Swimming Pool, the Cabinet had previously requested that discussions be held with SLM regarding an early extension to the existing contract, with a view to the provision of the new sports hall being cost neutral to the Council. The details of those preliminary discussions were outlined to the Cabinet along with the proposals made by SLM. Authority had been granted to take the new sports hall proposal to the pre-planning application stage, and it was proposed that a further report be considered at that point as to whether to proceed to the Design & Build stage, and whether SLM be requested to act as the delivery agent for this stage or whether it be competitively tendered.

The Director advised the Cabinet that the management fee would increase if SLM ran the proposed new sports hall in Waltham Abbey. There was still a possibility that Epping Sports Centre would be relocated to an alternative site which could be an issue when considering capital expenditure at the current site, and SLM did not feel that large-scale catering facilities were required at sports centres.

The Cabinet felt that the proposed investment had the potential for good returns, although further flexible negotiations were required with SLM as there were still some outstanding issues to be resolved. The Cabinet were alerted to the fact that capital projects tended to overrun and it would take eight years to pay back the proposed investment at Loughton Leisure Centre.

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 £930,000 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.

Reasons for Decision:

To comply with the decisions made at the meeting of the Cabinet on 13 July 2009.

Other Options Considered and Rejected:

To reject the proposals and re-open discussions with SLM, or to seek modifications to existing proposals, or to reject the proposals in their entirety and not continue negotiations with SLM regarding an early extension of the existing contract.

CHAIRMAN