

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 8 March 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.05 - 8.40 pm

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

Other Councillors: K Angold-Stephens, Mrs R Brookes, R Frankel, Mrs A Grigg, Mrs A Haigh, J Philip, Mrs P Smith, Mrs L Wagland and J M Whitehouse

Apologies: -

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), R Palmer (Director of Finance and ICT), J Chandler (Assistant Director (Community Services and Customer Relations)), K Durrani (Assistant Director (Engineering Services)), S G Hill (Senior Democratic Services Officer), T Carne (Public Relations and Marketing Officer) and G J Woodhall (Democratic Services Officer)

Also in attendance: R Bullen (Essex Children's Trust)

146. 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.

147. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in agenda item 9, Community Buildings – Waste & Recycling Fees, by virtue of being the Chairman of the Board of Governors at Epping Forest College. The Councillor had determined that her 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 M Cohen declared a personal interest in agenda item 9, Community Buildings – Waste & Recycling Fees, by virtue of his Wife being a School Governor. The Councillor had determined that his 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, Councillor D Stallan declared a personal interest in agenda item 9, Community Buildings – Waste & Recycling Fees, by virtue of being a School Governor. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(d) Pursuant to the Council's Code of Member Conduct, Councillor K Angold-Stephens declared a personal interest in agenda item 9, Community Buildings –

Waste & Recycling Fees, by virtue of being a School Governor. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(e) Pursuant to the Council's Code of Member Conduct, Councillor R Frankel declared a personal interest in agenda item 9, Community Buildings – Waste & Recycling Fees, by virtue of being a member of the congregation at St Mary's Church in Theydon Bois. The Councillor had determined that his 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 Mrs A Haigh declared a personal interest in agenda item 9, Community Buildings – Waste & Recycling Fees, by virtue of being a School Governor. The Councillor had determined that her 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 J Philip declared a personal interest in agenda item 9, Community Buildings – Waste & Recycling Fees, by virtue of being a member of both Theydon Bois Parish Council and the congregation at St Mary's Church in Theydon Bois. 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 Council's Code of Member Conduct, Councillor Mrs A Haigh declared a personal interest in agenda item 13, The Essex Children's Trust – Memorandum of agreement, by virtue of being the Chairman of the Children's Centre Partnership. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(i) Pursuant to the Council's Code of Member Conduct, Councillor Mrs L Wagland declared a personal interest in agenda item 13, The Essex Children's Trust – Memorandum of agreement, by virtue of being the Council's appointed representative on the West Essex Local Children's Trust Board. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

148. MINUTES

RESOLVED:

That the minutes of the meeting held on 1 February 2010 be taken as read and signed by the Chairman as a correct record.

149. REPORTS OF PORTFOLIO HOLDERS

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

150. PUBLIC QUESTIONS

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

151. OVERVIEW AND SCRUTINY

In the absence of the Chairman, the Vice-Chairman presented the Overview and Scrutiny report. At its meeting on 4 March 2010, the Committee had received a

presentation about the plans for the North East London Health Services, currently being consulted upon. The Committee raised a number of concerns, particularly that:

- (i) the clinical staff were happy with the proposed outcomes;
- (ii) the financial implications of the proposed changes had not been fully considered;
- (iii) the travel times claimed within the document were not accurate;
- (iv) Mental Health Services had not been mentioned; and
- (v) no attempt had been made to engage with the residents of Debden, Chigwell and Buckhurst Hill.

The Committee noted that the consultation deadline had been extended to 22 March 2010, and that the Council's formal response would be based upon the Committee's discussion.

The Committee also received an update on health inequalities within the District. Figures were produced showing life expectancy, areas of deprivation, and how lifestyles and access to public services impacted upon inequalities within the District.

The latest Key Priority Objectives for the Cabinet in 2010/11 were reviewed and considered much improved. The Committee then debated its Annual Report for 2009/10 and Work Programme for the new municipal year.

152. ANY OTHER BUSINESS

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

153. ESSEX CHILDREN'S TRUST

The Portfolio Holder for Leisure & Wellbeing presented a report about the Chief Executive being authorised to sign a Memorandum of Agreement with the Essex Children's Trust on behalf of the Council.

The Portfolio Holder explained that the Children's Act 2004 had provided the legal underpinning for the national framework established by "Every Child Matters: Change for Children" and District Councils had a duty "to cooperate in the making of arrangements to improve well being" for children and young people 19 years or under. The most specific was the duty to safeguard and promote the welfare of children alongside the more general "duty to co-operate" within Children's Trust Arrangements.

The Portfolio Holder added that at the inaugural meeting of the Essex Children's Trust Partnership Board on the 27 November 2009, it was agreed that a Memorandum of Agreement should be entered into by all the constituent partners. The draft agreement was considered by the Essex Association of Chief Executives whereupon the Council's Chief Executive had raised some concerns about the agreement being open-ended with no review arrangements, and the pooling of funding from District Councils for Children's Services. The Memorandum had been subsequently amended to run for a two-year period, with funding being aligned where possible, although there was still the possibility of a future agreement to pool

resources. The Cabinet was requested to consider the Memorandum and authorise the Chief Executive to sign it on behalf of the Council.

A representative from the Essex Children's Trust stated that the aim of the Memorandum was to demonstrate a commitment to a shared approach and get all the partners working together to achieve common objectives. The Council would not be obligated to perform any additional duties or pool any funding as any agreements within the partnership would be based upon consensus. The Council was already a member of the Trust under the terms of the Children's Act 2004 and the Memorandum was designed to bring all the partners together to work upon an agreed set of priorities and objectives, with resources aligned as appropriate. So far, two Councils and four other organisations had signed up to the Memorandum.

The Council's Member representative on the West Essex Local Children's Trust Board informed the Cabinet that the County Council was the fourth lowest performing Council in the country in respect of safeguarding children. The Board had succeeded the former Children's and Young People's Strategic Partnership (CYPSP), and used its first two meetings to define its remit. The Cabinet was reminded that the most important aspect was to safeguard children and young people, yet there seemed to be too many organisations involved. An independent assessment had been impressed with the Council's practices, and it was suggested that, rather than pooling resources, it should be the best practice from individual Councils that should be pooled. It was possibly too early to embark upon an agreement of this nature; any future agreement should be clear, concise and contain specific proposals to safeguard the welfare of children as well as an assurance from the County Council that they would embrace best practice. The Cabinet was urged not to authorise the Chief Executive to sign the Memorandum on behalf of the Council.

The Cabinet shared the concerns expressed about the Memorandum, the lack of any mechanisms to share best practice between the partners, and that there had been no consultation over the improvement plan in place for the Trust. The emphasis appeared to be on bureaucracy rather than results, with as much responsibility as possible delegated to the Borough or District Councils. However, the Council did take its responsibilities seriously, as evidenced by the Key Priority Objective for 2010/11 to safeguard the welfare of children within the District, would to continue to meet its statutory obligations in this area and was prepared to work in partnership with other organisations. It was agreed that the Chief Executive should not be authorised to sign the Memorandum on behalf of the Council as further information and assurances were required, and that a letter should be written to the County Council outlining the Council's concerns. It was requested that a Task & Finish Scrutiny Panel should be established to examine the Council's approach to Children's Services and its provision throughout the District.

Decision:

- (1) That, following consideration of the Essex Children's Trust Memorandum of Agreement, the Council's Chief Executive not be authorised to sign it on behalf of the Council;
- (2) That a letter be written to Essex County Council explaining the Council's position in respect of Children's Services and including the following points in particular:
 - (a) the Council would continue to meet its statutory obligations for safeguarding children;

- (b) the Council would be pleased to be an active partner with Essex County Council;
 - (c) the Council would want assurance from Essex County Council that it would align their best practice with the best practice of this Council; and
 - (d) the Council would not be signing the proposed Memorandum of Agreement as it was not the right time and further details were required; and
- (3) That the Overview and Scrutiny Committee be requested to establish a Task & Finish Panel to investigate the Council's approach to Children's Services and its provision throughout the District.

Reasons for Decision:

There were concerns about the quality of the service provided by the County Council and its readiness to embrace best practice. Further information was required before the Chief Executive could be authorised to sign the Memorandum on behalf of the Council. A Task & Finish Scrutiny Panel would examine thoroughly the Council's current approach to Children's Services and make recommendations to further improve the Council's safeguarding of children and young people.

Other Options Considered and Rejected:

To sign the Memorandum of Agreement as requested, despite the Council's concerns about the quality of the service provided by Essex County Council.

To seek to achieve further amendments to address the concerns of the District Council, prior to entering into any agreement.

154. COMMUNITY BUILDINGS - WASTE & RECYCLING COLLECTION FEES

The Environment Portfolio Holder presented a report proposing the fee structure for the collection of waste from religious places of worship, schools, educational establishments, village halls and commercial businesses within the District.

The Cabinet were reminded that it had resolved in April 2009 to make available collections of waste from various different community buildings upon request, and for which a fee would be levied. It had also resolved to make available a trade waste collection service via its current waste service provider. A proposed fee structure was now presented to the Cabinet for approval and would be regularly reviewed to ensure that the process remained at least cost neutral to the Council. Fees could be increased as part of the annual budget cycle and would reflect any increases in charges applied by the Council's waste management contractor for its trade waste operations.

The Portfolio Holder highlighted that the County Council, as the waste disposal authority, did not accept the view in the Department of Environment, Food and Rural Affairs' guidance that waste collected from charitable shops and premises should be classed as household, albeit with a charge levied. The County Council would make its own assessment as to whether this waste could be classified as household waste and would inform the Council accordingly for each premises. The Council would only proceed with the collection of such waste when consent had been received.

A query was raised about notifying those Village Halls that were not in the ownership of Parish or Town Councils of the new arrangements. Whilst it was accepted that

Parish or Town Councils could have contact information in the first instance, the Deputy Chief Executive agreed to raise the matter at the forthcoming Local Councils' Liaison Committee meeting. With regards to the issue of nappy waste from play groups being run from religious establishments, the Director of Environment & Street Scene stated that only waste connected with religious activities would be eligible for free collection, and that other waste collected would be charged for. It was acknowledged that this approach relied upon the honesty of the establishment, however there might be inspections on occasion.

Concern was also expressed over Village and Church Halls being charged £15.50 per container for the collection of Trade Waste rather than £7.50, as was being proposed for the collection of residual waste. The Director of Environment & Street Scene cautioned that the Council would have to comply with the waste management contractor's fee structure for the collection of trade waste, or else it would have to fund the difference. A relaxed approach was intended to be taken over the capacity of the containers given to such premises. The Cabinet welcomed the inclusion of the District's community buildings within its recycling initiative, and felt that any consents granted by the County Council to charitable premises should be reviewed after twelve months.

Decision:

(1) That the proposed collection fees for the collection of waste and recycling from places of religious worship, Schools, Village Halls and Trade Premises be agreed as set out below:

(a) Religious Establishments:

(i) Residual & Recyclable Waste collections to be free of charge; and

(ii) Residual & Recyclable Waste containers to be charged at the same rate as domestic collections;

(b) Schools, Village and Community Halls:

(i) Residual Waste collections to be charged at £7.50 per container per collection;

(ii) Residual Waste containers to be charged at £2 rental per week via Sita UK; and

(iii) Recyclable Waste collections and Recyclable Waste containers to be free of charge; and

(c) Commercial Premises and Trade Waste:

(i) Residual Waste collections to be charged at £15.50 per container per collection;

(ii) Residual Waste containers to be charged at £2 rental per week via Sita UK; and

(iii) Sacks to be charged at £1.80 per sack with a minimum purchase of 25 sacks required;

(2) That the collection and disposal of waste from charitable premises and shops be only made available after the receipt of consent from the County Council, and be reviewed after one year of such consent being granted.

Reasons for Decision:

To ensure that the Council complied with the guidance issued by Department for Environment Food and Rural Affairs regarding definitions of waste and its collection, and avoided incurring waste disposal costs in respect of household waste collected from charitable premises.

Other Options Considered and Rejected:

To take no action, however this would raise the possibility of claims or legal action being taken against the Council for the non-collection of household and/or municipal waste.

155. CONTAMINATED LAND BUDGET 2010/11

The Environment Portfolio Holder presented a report concerning 2010/11 budget amendments for Contaminated Land.

The Portfolio Holder stated that planned expenditure from the 2009/10 Contaminated Land Continuing Services Budget was stopped in the latter half of 2009 due to the urgent nature of works required on the Bower Hill Industrial Estate, a former gas works site, when the escape of coal tar waste was detected. A bid had been submitted to the Department for Environment, Food and Rural Affairs to secure a grant of £60,000 for the site investigation required under the Environmental Protection Act 1990 at Bower Hill Industrial Estate. A further report would be submitted to the Cabinet detailing the results of the site investigation. However, until the outcome of the bid was known and given that the Council currently had three other high priority sites under various stages of investigation, it was proposed to convert the projected underspend of £33,000 within the 2009/10 Contaminated Land Continuing Services Budget into District Development Funding to be spent in 2010/11.

Decision:

(1) That the projected underspend of £33,000 in the 2009/10 Contaminated Land Continuing Services Budget be noted;

(2) That this underspend be converted into District Development Funding and carried forward into 2010/11;

(3) That the submission by the Council of a £60,000 grant bid to the Department for Environment, Food and Rural Affairs (Defra) under the Contaminated Land Capital Projects Programme 2010/11 for a site investigation urgently required for the Bower Hill Industrial Estate in Epping, under Part IIA of the Environmental Protection Act 1990, be noted; and

(4) That a further report outlining the results of the Part IIA investigation at Bower Hill Industrial Estate be submitted in due course.

Reasons for Decision:

The Council had a duty under the Environmental Protection Act 1990 to investigate

potentially contaminated land sites within the District. There were insufficient funds in the current budget allocation to carry out the initial investigations required at the Bower Hill Industrial Estate where coal tar waste was escaping from the site and urgent investigation was required.

By converting the Continuing Services Budget underspend into District Development Funding, the Council could carry out the site investigation itself if the bid for grant aid was rejected. Alternatively if the bid was successful then the District Development Funding allocation could be utilised to deal with other high priority sites.

Other Options Considered and Rejected:

To not convert the projected 2009/10 Contaminated Land Continuing Services Budget underspend into District Development Funding for 2010/11, however if the bid for a grant was unsuccessful then there would be insufficient funds to complete the investigations required on the Bower Hill Industrial Estate and the other high priority sites already under investigation. If additional funding had to be sought in 2010/11 then the urgent works required on the Bower Hill Industrial Estate would be delayed.

156. HRA FIVE YEAR FORECAST

The Housing Portfolio Holder presented a report concerning the five-year forecast for the Housing Revenue Account and the action considered necessary to ensure that the Housing Revenue Account had sufficient funds available to it over the period.

The Portfolio Holder reported that the estimate of the income and expenditure over the next five years had indicated that the financial health of the Housing Revenue Account was still good, and it was proposed to increase the Capital Expenditure Charged to Revenue in order to keep the balance on the Housing Revenue Account at around £3.8m. There was also expected to be a significant balance on the Major Repairs Reserve, which meant that the proposed switch in funding would cause few issues. A further five year forecast would again be produced in March 2011, or sooner if the Council came out of the Housing Subsidy system following an agreed debt reallocation.

Decision:

- (1) That the Housing Revenue Account Five Year Forecast up to the year 2014/15 be noted;
- (2) That the Housing Revenue Account balance be adjusted to be between £3.7m and £3.8m, and maintained within the range of £3m to £4m; and
- (3) That the Housing Revenue Account balances outlined in recommendation (2) above be achieved by means of a £2.8million transfer of funding between Capital Expenditure Charged to Revenue and the Major Repairs Reserve in 2011/12 to 2014/15, thereby reducing the balance on the Housing Revenue Account and increasing the balance on the Major Repairs Reserve, and that these additional contributions be included in the next Capital Programme review.

Reasons for Decision:

To note the Housing Revenue Account Five Year Forecast up to the year 2014/15 and agree the strategy for the levels of Housing Revenue Account balances to be maintained.

Other Options Considered and Rejected:

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

157. NORTH WEALD AIRFIELD MARKET

The Portfolio Holder for Finance & Economic Development presented a report regarding the granting of a new licence to the existing operator of North Weald Market.

The Portfolio Holder reported that the North Weald Airfield Strategy Cabinet Committee had recommended the current market operator, Hughmark Continental Ltd, be granted a new licence until August 2017 with an annual landlord only break clause on the terms previously agreed by the Cabinet Committee on 31 July 2007, subject to the Cabinet receiving a report and being satisfied about the financial position of the company. The additional parking planned for the Meadow Area was now no longer required and consequently the lump sum payment of £150,000 could be waived. Although the company had not been trading long enough to enable a full financial appraisal to be undertaken, it had paid all monies due in a timely manner - including the arrears accrued under the former licence – and had managed the Market to the satisfaction of the Council. Therefore, it was proposed that a new licence be granted.

Decision:

- (1) That the findings of the financial enquiries made of Hughmark Continental Ltd, the current market operator at North Weald Airfield, be noted;
- (2) That the requirement for a single additional contribution in the sum of £150,000 towards the resurfacing of the Meadow Area be no longer required; and
- (3) That, with the exception of a requirement for a lump sum payment in the sum of £150,000, the grant of a new licence to Hughmark Continental Ltd from August 2010 on the terms previously reported for Rondeau General Merchants including an annual landlord only break clause, trading as Hughmark International, be approved.

Reasons for Decision:

To maintain the viability of the Market and this key income stream to the Council.

Other Options Considered and Rejected:

To invite offers from other competent and experienced market operators for the grant of a licence to operate the market.

CHAIRMAN