

CABINET
Monday, 8th March, 2010

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services Officer: Gary Woodhall (The Office of the Chief Executive)
Email: gwoodhall@eppingforestdc.gov.uk
Tel: 01992 564470

Members:

Councillors Mrs D Collins (Leader of the Council) (Chairman), C Whitbread (Finance & Economic Development Portfolio Holder) (Vice-Chairman), R Bassett, M Cohen, B Rolfe, Mrs M Sartin, D Stallan and Ms S Stavrou

**PLEASE NOTE THE START TIME OF THE MEETING
THE COUNCIL HAS AGREED REVISED PROCEDURES FOR THE OPERATION OF
CABINET MEETINGS. BUSINESS NOT CONCLUDED BY 10.00 P.M. WILL, AT THE
DISCRETION OF THE CHAIRMAN, STAND REFERRED TO THE NEXT MEETING OR
WILL BE VOTED UPON WITHOUT DEBATE**

1. WEBCASTING INTRODUCTION

- (a) This meeting is to be webcast;
- (b) Members are reminded of the need to activate their microphones before speaking; and
- (c) the Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights. If you have any concerns then please speak to the Webcasting Officer.

Please could I also remind Members to activate their microphones before speaking."

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

4. MINUTES

To confirm the minutes of the last meeting of the Cabinet held on 1 February 2010 (previously circulated).

5. REPORTS OF PORTFOLIO HOLDERS

To receive oral reports from Portfolio Holders on current issues concerning their Portfolios, which are not covered elsewhere on the agenda.

6. PUBLIC QUESTIONS

To answer questions asked by members of the public after notice in accordance with the motion passed by the Council at its meeting on 19 February 2008 (minute 102 refers) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

7. OVERVIEW AND SCRUTINY

To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function.

8. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

9. COMMUNITY BUILDINGS - WASTE & RECYCLING COLLECTION FEES (Pages 5 - 10)

(Environment Portfolio Holder) To consider the attached report (C-091-2009/10).

10. CONTAMINATED LAND BUDGET 2010/11 (Pages 11 - 14)

(Environment Portfolio Holder) To consider the attached report (C-092-2009/10).

11. HRA FIVE YEAR FORECAST (Pages 15 - 22)

(Finance & Economic Development Portfolio Holder) To consider the attached report

(C-093-2009/10).

12. NORTH WEALD AIRFIELD MARKET (Pages 23 - 26)

(Finance & Economic Development Portfolio Holder) To consider the attached report (C-094-2009/10).

13. ESSEX CHILDREN'S TRUST (Pages 27 - 46)

(Leisure & Wellbeing Portfolio Holder) To consider the attached report (C-095-2009/10).

14. EXCLUSION OF PUBLIC AND PRESS

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the

report is based; and

- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Report to the Cabinet

Report reference: C-091-2009/10

Date of meeting: 8 March 2010



**Epping Forest
District Council**

Portfolio: Environment

Subject: Community Buildings – Waste & Recycling Fees (Waste from places of worship and schools etc)

Responsible Officer: D Marsh (01992 564889).

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To agree the proposed collection fees for the collection of waste and recycling from places of religious worship, schools and village halls as set out in the table in paragraph 16 of the report; and

(2) To note that given the current County Council position on the collection and disposal of waste from charitable premises and shops, a collection service can only be made available subject to the receipt of the County Council's consent.

Executive Summary:

This report follows on from that presented to Cabinet in April 2009 and proposes the fee arrangements for the collection of waste from religious places of worship, schools, educational establishments, village halls and commercial businesses within the district.

These are key decisions

“A safe, healthy and attractive place” (Medium Term Priorities), Action Plan Ref GU 2 (Council Plan 2006-2010)

Others to be included

Reasons for Proposed Decisions:

To ensure that the Council complies with the guidance issued by Defra (Department for Environment Food and Rural Affairs) in respect of definitions of waste and its collection, and to avoid having to meet waste disposal costs in respect of household waste collected from charity shops.

Other Options for Action:

That no action is taken on the Defra interpretation but recognising the possibility of claims or legal action being taken against the Council for the non-collection of household and/or municipal waste

Report

Background

1. Cabinet at its meeting in April 2009 resolved to make available collections of waste

from schools, religious establishments and charitable institutions, upon request and at a charge. Cabinet further resolved to make available a trade waste collection service and to discharge this duty through its current waste service provider, Sita UK (Minute ref: 20 April 2009 – 189).

2. This is a complex area because of the fact that whilst certain premises have the legal right to have their waste collected, the Council is, in some instances allowed to levy a charge. Cabinet in April therefore also resolved that it should receive a further report setting out a charging framework.

3. This report sets out proposals for collection arrangements and the charging regime.

Places of worship

4. The statutory duty to collect waste relates only to that associated with a religious service. Waste arising from ancillary activities, such as the hiring out of a hall, is considered as a commercial activity, and therefore the arrangements for trade waste outlined later in this report will apply. It is therefore proposed to provide, upon request, the same level of service and frequency as is provided to local residents, including the facility to recycle. Although the recommendation of Cabinet in April 2009 was to levy a charge for collection, further consideration has been given and in view of the relatively small amounts of waste generated it is suggested that this service be free of charge.

5. Since the authority does not hold a register of Council Tax exempted properties a place of worship will be defined as a purposed built property or a established place for religious worship in the district. Private houses or commercial premises will not fall into this definition.

Schools & other educational establishments

6. Waste from schools is household waste for which the Council has a duty to collect, if requested, but may levy a charge. The report to Cabinet in April 2009 suggested that a charge should be levied for residual waste because volumes can be high and schools should be encouraged to recycle and reduce their overall waste stream.

7. However, schools provide an excellent environment to educate the community on the aspects of recycling both in the classroom and in the home. It is therefore suggested that all recycling from schools should be collected free of charge including food waste, unless the food is provided by a commercial business when, since this is trade waste, the business must make their own disposal arrangements. All containers for recycling will be provided by the council free of charge.

8. Where a school requests the Council to collect its residual waste, it is suggested that there should be a limit per school of 2 x 1100 litre wheelie bins. The collection cost per 1100 litre residual bin is £4.50 plus a £3.00 admin cost. These wheelie bins will have to be purchased/hired by the school. Arrangements for collection and decisions on the type of container will form part of a contract with the Council. The frequency and day of collection will be the same as for residential households on the relevant collection round.

Village Halls

9. Waste from village and community halls is household waste for which the Council may levy a charge. The report to Cabinet in April 2009 made no reference to village halls, which was an oversight. At recent meetings of the Local Council's Liaison Committee, the Committee made its position clear in requesting Cabinet to provide a collection service free of charge.

10. The operation of town and parish councils is a business, and waste is generated as part of that business. Therefore, although categorised as household waste, it is suggested that a charge should be levied for its collection, at the same rate as is suggested for schools (see para. 8 above). All containers for residual waste will have to be provided by the local council. However, in order to encourage the separation and recycling of waste, it is also suggested that all recycling be collected free of charge and containers will be provided by the Council. The frequency and day of collection will be the same as for residential households on the relevant collection round.

Charitable shops and premises

11. Waste generated by charitable institutions and charity shops is classified as household waste, for which a charge may be levied. Charities operate as businesses. Cabinet at its meeting in April 2009 resolved that a charge should be levied for its collection, which should be the same as for trade waste (see paras. 13, 14 and 15 below). However, the County Council, as the waste disposal authority, does not accept Defra's view on this matter and therefore in general refuses to accept such waste as household waste. If this Council was to collect it and present it at a County facility for disposal, the Council would be charged the full costs of disposal.

12. The County has indicated that where a charitable premise or shop wished to have its waste collected by a district council, it would make its own assessment as to whether in its view the waste could be defined as household waste and inform the collection authority accordingly. If the County grant consent for collection/disposal, then it is suggested that the charge levied should be the same as for trade waste.

Trade waste

13. Where a local business requests that the Council collect its trade waste, this will be undertaken by the trade waste arm of Sita UK, operating from their depot in Barking, where it offers a trade waste service to the eastern part of London and home counties. Businesses will need to meet Sita's requirements with respect to containers etc.

14. Trade waste can be collected via wheeled containers or pre-purchased sacks. With respect to wheeled containers, it is suggested that the collection costs be those normally set by Sita (currently £12.50 per container), plus a £3.00 administrative charge to cover the Council's costs. All containers will need to be hired from Sita at their normal rates.

15. With trade plastic sacks there are two options available to provide this service. Whilst it would be simpler and preferable for a business to deal directly with Sita, this does not comply with the spirit of Government guidance because the business will not be dealing directly with the Council (even as an intermediary). Therefore, for those premises who request the Council to collect trade waste and whose premises are unsuitable for a wheeled container, the Council will have to make sacks available. It is therefore suggested that the Council purchase rolls of trade sacks from Sita for secure storage. Sacks will only be sold as full rolls of 25, subject to full payment being received in advance. The cost of a roll of sacks, including the Council's administrative charge, will be in the region of £45.00.

Summary of proposed arrangements

16. The table below sets out the suggested arrangements for collection and charging, where the Council is requested to provide the relevant service:

	Residual waste	Recyclable waste	Residual containers	Recycling containers	Sacks
Religious establishment	Free of charge	Free of charge	As for domestic collections	As for domestic collections	Not relevant
Schools etc	£7.50 per container per collection	Free of charge	£2.00 rental per week via Sita UK	Free of charge	Not relevant
Village / Community halls	£7.50 per container per collection	Free of charge	£2.00 rental per week via Sita UK	Free of charge	Not relevant
Commercial premises / Trade waste	£15.50 per container per collection	Not available	£2.00 rental per week via Sita UK	Not relevant	£1.80 per sack (Minimum 25 sacks)

Resource Implications:

The fee structure outlined above has been set up with a view to the scheme being at worst cost neutral to the Council. Where collections are suggested as being free of charge, the collection costs can be contained within the current contractual arrangements with Sita UK, and recycled material will generate a recycling credit from Essex County Council. The suggested fees for residual waste include the charge from Sita for collection and disposal plus an administrative overhead from this Council to cover the costs of arranging and billing the collections.

Fees will be increased as part of the annual budget cycle and will reflect any increases in charges applied by Sita UK for its trade waste operations.

There are no other resource implications since existing Waste Management and Directorate ESSD administration staff will administer and operate the scheme. If the take up of the scheme is significant, this position may require to be reconsidered.

Legal & Governance:

Relevant legislation includes:

- Environmental Protection Act 1990;
- Controlled Waste Regulations 1992;
- Local Government & Finance Act 1988;
- Household Waste & Recycling Act 2003; and
- Defra Guidance 2007.

Safer, Cleaner, Greener implications:

The collection and recycling of household waste is a key component of the Council's "Safer, Cleaner, Greener" strategy. Although the collection of additional household waste is unhelpful in constraining the Council's overall waste stream, it will enable additional recycling of waste which may boost the Council's performance and it will enable the Council to bring some influence to bear on premises/operations which might otherwise not recycle and/or reduce waste.

The recycling of trade/commercial waste cannot be directly provided by the Council, and even it is were, it would not contribute towards the Council's recycling performance. Sita UK are able to provide recycling opportunities for businesses as part of their trade waste operations and the Council will seek to encourage that.

Consultation Undertaken:

Sita UK
Essex County Council as the Waste Disposal Authority
Independent Schools Association

Impact Assessments:

Risk Management

The Council must be seen to be complying with the waste legislation and the associated Defra guidance. This was a matter identified by the Audit Commission in their 2008 inspection of the waste service. However, the Council is also required to be cognisant of the County Council’s position on what constitutes household waste and is eligible for free disposal.

The collection of added household waste will add to the total waste stream, and whilst the Council will endeavour to remove recycle from this waste, it is possible for the additional tonnages to have an adverse impact on the Council’s overall recycling performance. It may also impact adversely on the residual waste per household national indicator.

The Council will need to regularly review the fee structure to ensure that the process remains at least revenue neutral and to ensure that the administrative overhead is adequate to meet the scale of council resources being applied.

The application of a fee regime to charitable institutions may generate adverse publicity/comment, but this needs to be considered in the context that these are businesses competing with other local enterprises who also have to meet their own costs of appropriate waste collection/disposal.

Equality & Diversity

There are no direct equality issues in as far as there are no cost increases in the delivery of the service across the District. However there could be equality issues in that certain members of the community are going to benefit from a new service.

Places of worship

It is a requirement of Controlled Waste Regulations 1992 (schedules 1 and 2) that the Council collect waste from premises exempt from local non-domestic rate. These premises attract an exemption on the basis that they are used in connection with a public religious worship e.g. a church hall, mosque or synagogue etc.

There could be equality implications for those residents who do not attend an established religious place of worship, however there is no other alternative for the Council to comply with the legislation and Defra guidance.

<i>Did the initial assessment of the proposals contained in this report for relevance to the Council’s general equality duties, reveal any potentially adverse equality implications?</i>		No
<i>Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?</i>		No

What equality implications were identified through the Equality Impact Assessment process?

N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A.

Report to the Cabinet

Report reference: C-092-2009/10

Date of meeting: 8 March 2010



**Epping Forest
District Council**

Portfolio: Environment

Subject: Contaminated Land – 2010/11 Budget Amendments

Responsible Officer: Susan Stranders (01992 564197).
Paul Baccarini (01992 564537).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To note the estimated projected under spend of £33,000 in the 2009/10 Contaminated Land CSB budget;
- (2) To note that the Council has submitted 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, under Part IIA of the Environmental Protection Act 1990, which is urgently required for the Bower Hill Industrial Estate in Epping; and
- (3) To agree that the estimated £33,000 under spend in Contaminated Land CSB for 2009/10 be made into DDF and rolled forward into 2010/11.
- (4) To note that a further report will be presented to Cabinet outlining the results of Part IIA investigation.

Executive Summary:

Planned expenditure on the 2009/2010 Contaminated Land CSB budget was stopped in the latter half of 2009 due the urgent nature of works required on the Bower Hill Industrial Estate, a former gas works site. A bid has been submitted to Defra for the 2010/2011 Contaminated Land Capital Projects Programme in order to secure a grant for a site investigation required under the Environmental Protection Act 1990. Until the outcome of the bid is known and given that the Council currently has three other high priority sites under various stages of investigation approval is sought to make the 2009/10 Contaminated Land CSB projected under spend into DDF to be spent in 2010/11.

Reasons for Proposed Decision:

The Council has a duty under the Environmental Protection Act 1990 to investigate potentially contaminated land sites within the District. There are insufficient funds in the current CSB budget allocation to carry out the initial intrusive investigations required at the Bower Hill Industrial Estate where coal tar waste is escaping from the site and urgent investigation is required.

By rolling CSB under spend to DDF the Council can carry out the site investigation itself if it's

bid for Defra grant aid is rejected. Alternatively if the bid is successful then the DDF allocation can be utilised to deal with other high priority sites.

Other Options for Action:

Not to make the projected 2009/10 Contaminated Land CSB under spend into DDF for 2010/11 and to offer up the under spend as potential savings. However, if the bid for a grant is unsuccessful there will 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 has to be sought in 2010/11 the work which needs to be undertaken on the Bower Hill Industrial Estate, with some urgency, will be delayed.

Report:

1. Local Authorities have a duty under Part IIA of the Environmental Protection Act 1990 to investigate and secure remediation with regard to contaminated land within their area. If after investigation the risks associated with the site are such that the site is declared as 'contaminated land', in accordance with the statutory definition, remediation notices may be served upon the 'responsible' party/parties. This is based primarily on the polluter pays principle but in the absence of being able to identify those who knowingly caused the pollution, the 'responsible' party/parties could be the current landowner/s. There is a provision in the legislation which allows the Local Authority to defer recovery of costs by securing a charge on the land in question.

2. The identification and prioritisation of potentially contaminated land sites within Epping Forest District is a task that has been on going for several years. A CSB of £51,250 is allocated for carrying out the duties placed upon the Council under the above mentioned legislation.

3. The Environment & Street Scene Directorate currently has three high priority sites under different phases of investigation. It was planned to use the balance of the 2009/10 Contaminated Land CSB budget in order to progress to the next phase for one of these sites. Following an incident that occurred in the Autumn of 2009, when a watercourse (rear of The Orchards residential area (off Bower Hill) was polluted with a 'black tarry like' substance and smells were witnessed in the rear gardens of two residential properties, priority was given to investigate the Bower Hill Industrial Estate. It is currently considered that the pollution is originating from this site which is a former gas works.

4. Due to the nature of the problem it is considered that there may be scope to secure grant funding through the Defra 2010/11 Contaminated Land Capital Projects Programme. Costs for the initial intrusive investigations are estimated at £60,000; further investigations may be required. A bid was submitted to Defra by the Environment and Street Scene Directorate on 26 January 2010. The outcome of the bid is not yet known.

5. There is a projected under spend of approximately £33,000 in the 2009/10 Contaminated Land CSB budget. This has arisen due to cautious expenditure elsewhere in the cost centre following the discovery of contamination issues at Bower Hill Industrial Estate. To allow time to pursue possibility of grant aid it is prudent not to spend the remaining CSB budget on this site, or on another site, and await the outcome of the bid to Defra.

6. If the CSB under spend is not made into DDF and rolled forward and, if the Defra bid were unsuccessful, there will be insufficient funds in 2010/11 to carry out investigation of the Bower Hill Industrial Estate. If the bid is successful, the DDF will be used to complete work on other sites currently under investigation by the Council and to which the projected 2009/10 Contaminated Land CSB under spend was planned to be allocated.

7. The Council is statutorily obliged to carry out this investigation. It is planned to start the investigation as soon as the necessary procurement process has been approved, irrespective of the outcome of the bid to Defra.

Resource Implications:

The existing staff will manage the tasks arising out of the recommendations in this report. There will be no resource implications if the bid is successful and/or the CSB under spend is made into DDF and rolled forward. In the event neither is agreed a report seeking additional budget to carry out the site investigation at Bower Hill will be presented to Cabinet.

Legal and Governance Implications:

Environmental Protection Act 1990 – Part IIA
Building Act 1984 Section 59

Safer, Cleaner and Greener Implications:

Pollution of the land, water and air are inherent issues that need to be addressed to ensure the district is greener and sustainable. It is necessary to conserve and enhance the living environment which forms the habitat on which everything else depends. It is also essential to address pollution issues in order to keep the residents of the district safe and healthy.

Consultation Undertaken:

Meetings and discussions held with the Environment Agency, National Grid, Thames Water, Defra, Environmental Consultants and with the residents known to be affected. Correspondence with land owners and occupiers of the Bower Hill Industrial Estate. Further consultation will be carried out with all stakeholders when plans for the investigation are finalised.

Background Papers:

The Council's Contaminated Land Strategy
Various Planning, Building Control documentation and reports carried out by Environmental Consultants

Impact Assessments:

Risk Management

The Bower Hill industrial site (ex gas works site) was initially risk assessed, in accordance with Government guidance for potentially contaminated land sites. This site was ranked below a number of other sites in the district for investigation under Part IIA of the Environmental Protection Act 1990. An incident in 2009 resulted in contaminants from the site causing pollution of a local watercourse. As a result it has been decided to prioritise investigations at the Bower Hill Industrial Estate. A further more detailed risk assessment will be carried out, in accordance with Government guidance, once the investigations are complete and then future actions determined.

Equality and Diversity:

At this time it is unknown as to who will be impacted by the investigation and its findings and hence if there will be any adverse equality implications. Once there is a greater understanding of the problem the equality and diversity implications will be assessed.

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A

Report to the Cabinet

Report reference: C-093-2009/10

Date of meeting: 8 March 2010



**Epping Forest
District Council**

Portfolio: Housing

Subject: Housing Revenue Account Five-Year Forecast

Responsible Officer: Brian Moldon (01992 564455).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the Housing Revenue Account (HRA) Five Year Forecast up to the year 2014/15 be noted;
- (2) That HRA balance be adjusted to be between £3.7m and £3.8m, and maintained within the range of £3m to £4m; and
- (3) That HRA balances recommended in 2 above be achieved by means of a £2,800,000 transfer of funding between Capital Expenditure Charged to Revenue and the Major Repairs Reserve (MRR) in 2011/12 to 2014/15 thereby reducing the balance on HRA and increasing the balance on the MRR and that these additional contributions be included in the next Capital Programme review.

Executive Summary:

The report provides a commentary on the HRA five year forecast and proposes a course of action that is expected to ensure that over the next five years the HRA has sufficient funds available to it.

Reasons for Proposed Decision:

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

Other Options for Action:

Other options involve different permutations of fund switching between the HRA and MRR some of which would produce a balance between £3m and £4m however the suggested funding meets the recommended criteria and on that basis is proposed.

Report:

1. Each year the Council produces a Housing Revenue Account (HRA) business plan. This plan is designed to be a forward looking document that includes a thirty-year financial plan, giving a broad brush view of the potential state of the HRA finances over a long period of time.

2. Clearly, the plan cannot accurately predict actual spend and available resources due to the length of time involved. However, it does give an indication of the likely direction of the HRA finances in the medium term, and needs therefore to be borne in mind when considering future expenditure.

3. It is important, particularly prior to the start of a new financial year, to look at the next five years in a little more detail to see what expenditure patterns are likely and what resources might be available.

4. The subsidy settlement for 2010/11 was better than had been predicted this time last year. The forecast did not allow for a reduction in the guideline rent from 6.1% to 3.1% in 2009/10 and this then has a knock on effect in future years. There was also compensation through the Housing Subsidy system for the capping of rents under the 2009/10 settlement which was not estimated.

5. The Contribution to the Repairs Fund has seen a reduction of £400,000 from 2011/12 onwards compared to this time last year. The forecast presumed that repairs would continue around £5.6m each year, however, as work is now being more planned and the need for repairs are reducing, we are expecting an increase in capital expenditure to accommodate these future planned works.

6. In order to maintain balances within the agreed £3m to £4m range it will be necessary to increase Capital Expenditure Charged to revenue by £1.35m in 2011/12 and then £2.1m in the following three years by switching funding to the MRR. This would take the MRR from its current projection of £4.4m by the end of 2013/14 to £9.9m.

7. The forecast itself contains a number of assumptions. Supervision and Management General costs are mainly employee related, and are inflated by 1.5% in 2011/12, 2% in 2012/13 and then 2.5% thereafter. Supervision and Management Special costs are closely linked to inflation due to the nature of the costs. Inflation has remained below 0% for the majority of this year until the last quarter which saw the December 2009 figure increase to 2.4%. It is difficult to assess quite what level of inflation might be expected in the longer term, however an average general inflationary rise of 2% has been used. Rental income is assumed to increase by an average 4% from 2011/12, but the guideline rent has been assumed to increase by a similar factor.

8. The balance at the end of 2009/10 is expected to be a little under £6.1m, this is £300,000 higher than the original budget. If no action is taken the balance at the end of 2014/15 is expected to be a little under £3.8m. The previous forecast showed a balance at the end of the forecast (31 March 2014) of £3.1m.

9. The five year forecast is assuming that the Council will continue to pay the Government housing subsidy payment in line with the current housing finance system. However, as Members will be aware the Council is expecting a voluntary offer in February / March 2010 to replace the existing HRA subsidy system, with a proposed debt reallocation or settlement to take place from April 2011. When this offer is received and if the Council agrees to the offer and the Government allows for the Council to come out of the Subsidy system, then a revised five year HRA forecast will be undertaken.

10. The latest thirty year HRA forecast, due to be published in March 2010, suggests Decent Homes standard can be maintained to 2028/29 (year 20 of the business plan) and that the HRA would fall into deficit in 2036/37 (year 28), seven years later than predicted in the previous forecast. The biggest influences on the HRA expenditure are Housing Subsidy and the dwellings rent income, neither of which are under the Council's complete control.

11. It is recommended that the adopted agreed last year (that balance should be maintained within the range of £3m to £4m) be left between £3m and £4m and that the amount of Capital Expenditure Charged to Revenue be increased to bring the balance to around £3.8m by 31 March 2015 be agreed.

Conclusion

12. The HRA forecast is an estimate of the income and expenditure over the next five years. The financial health of the HRA is still good, and it is proposed to increase Capital Expenditure Charged to Revenue in order to keep the balance on the HRA at around £3.8m. There is expected to be a significant balance on the MRR, which means that this switch in funding should cause few issues. However as always a further five year forecast will again be produced in March 2011, or sooner if the Council comes out of the Housing Subsidy system.

Resource Implications:

The forecast represents an estimate of HRA income and expenditure over the next five years.

Legal and Governance Implications:

Financial forecasting is recognised as good practice and is a key element of the Council's Governance Framework.

Safer, Cleaner and Greener Implications:

The Council's budgets contain spending in relation to this initiative.

Consultation Undertaken:

Consultation has occurred with the Director of Housing Services, the Corporate Executive Forum and the Housing Portfolio Holder.

Background Papers:

Various working papers held in Accountancy

Impact Assessments:

Risk Management

The HRA five year forecast plays a key part in managing the financial risks faced by the Council in general and the HRA in particular.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?

N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A

HOUSING PORTFOLIO

HOUSING REVENUE ACCOUNT FIVE YEAR FORECAST

2008/09 ORIGINAL		2009/10 REVISED	2010/11 ESTIMATE	2011/12 FORECAST	2012/13 FORECAST	2013/14 FORECAST	2014/15 FORECAST
£000		£000	£000	£000	£000	£000	£000
	EXPENDITURE						
4,312	Supervision and Management General	4,369	4,434	4,419	4,507	4,620	4,736
3,367	Supervision and Management Special	3,728	3,804	3,880	3,958	4,037	4,118
369	Rents,Rates,Taxes and Insurances	413	431	440	449	458	467
6,000	Contribution to Repairs Fund	5,600	5,600	5,200	5,200	5,200	5,200
14,048	TOTAL MANAGEMENT / MAINTENANCE	14,110	14,269	13,939	14,114	14,315	14,521
8,654	Depreciation	7,776	8,010	8,116	8,440	8,788	9,162
10,842	HRA Subsidy Payable	9,751	10,052	11,570	12,534	13,279	14,053
50	Debt Management Expenses	41	41	42	43	44	45
110	Provision for Bad / Doubtful Debts	55	55	55	55	55	55
33,704	TOTAL EXPENDITURE	31,733	32,427	33,722	35,186	36,481	37,836
	INCOME						
24,430	Gross Rent of Dwellings	25,188	25,791	26,806	27,857	28,929	30,014
2,501	Non Dwelling Rents	2,418	2,606	2,640	2,676	2,712	2,748
1,512	Charges for Services & Facilities	1,920	1,928	1,967	2,006	2,046	2,087
323	Contribution from General Fund	298	314	320	326	333	340
28,766	TOTAL INCOME	29,824	30,639	31,733	32,865	34,020	35,189
4,938	NET COST OF SERVICES	1,909	1,788	1,989	2,321	2,462	2,648

HOUSING PORTFOLIO

HOUSING REVENUE ACCOUNT FIVE YEAR FORECAST

2008/09 ORIGINAL		2009/10 REVISED	2010/11 ESTIMATE	2011/12 FORECAST	2012/13 FORECAST	2013/14 FORECAST	2014/15 FORECAST
£000		£000	£000	£000	£000	£000	£000
4,938	NET COST OF SERVICES	1,909	1,788	1,989	2,321	2,462	2,648
(2,020)	Interest on Receipts and Balances	(544)	(537)	(694)	(1,341)	(1,341)	(1,341)
(4,051)	Depreciation	(2,998)	(3,166)	(3,181)	(3,411)	(3,663)	(3,946)
195	Pensions Interest / Return on Assets	723	723	723	723	723	723
(938)	NET OPERATING EXPENDITURE/(INCOME)	(910)	(1,192)	(1,163)	(1,708)	(1,820)	(1,917)
	APPROPRIATIONS						
1,135	Capital expenditure charged to revenue (approved)	1,525	1,763	1,450	700	750	750
	Increase in Capital expenditure charged to revenue	0	0	1,350	2,100	2,050	2,050
(194)	FRS 17 Adjustment	(640)	(614)	(614)	(614)	(614)	(614)
15	Transfer to Reserves	50	50	50	50	50	50
18	(SURPLUS) / DEFICIT FOR YEAR	25	7	1,073	528	416	319
6,201	BALANCE BROUGHT FORWARD	6,122	6,097	6,090	5,017	4,489	4,073
18	(SURPLUS) / DEFICIT FOR YEAR	25	7	1,073	528	416	319
6,183	BALANCE CARRIED FORWARD	6,097	6,090	5,017	4,489	4,073	3,753

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Report to the Cabinet

Report reference: C-094-2009/10.

Date of meeting: 8 March 2010.



**Epping Forest
District Council**

Portfolio: Finance and Economic Development

Subject: North Weald Airfield Market

**Responsible Officer: Mark Scott (01992 564407)
Brian Bassington (01992 564446)**

Democratic Services Officer Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) To note the findings of the financial enquiries made of Hughmark Continental Ltd, the current market operator;**
- (2) To approve the grant of a new licence to Hughmark Continental Ltd from August 2010 on the terms previously reported for Rondeau General Merchants, trading as Hughmark International; and**
- (3) If members are not content with the outcome of the financial enquiries to seek an alternative market operator from August 2010.**

Executive Summary:

The North Weald Airfield Strategy Cabinet Committee has recommended to Cabinet that the current market operator be granted a new licence until August 2017, subject to Cabinet receiving a report and being satisfied about the financial position of the company. The results and conclusions of the enquiries are detailed below.

Reasons for Proposed Decision:

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

Other Options for Action:

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

Report:

1. At its meeting on 7 December 2009 the North Weald Airfield Strategy Cabinet Committee considered options for granting a new licence to run the Market from August 2010. They considered information regarding the existing operation and noted the responses to enquiries made into other operators within the South East with respect to references, financial viability and contract fulfilment.

2. It was recommended that in accordance with Contract Standing Orders C9 (Negotiated Tendering), subject to the Cabinet receiving a report and being satisfied about the financial position of the current operator, a new licence be granted to that operator from August 2010 to 2017, with an annual landlord only break clause and the terms approved by

Cabinet on 31 July 2007, which were.

(1) *That the current Retail Market Licence is surrendered and a new Retail Market Licence with amended terms be granted;*

(2) *That the length of the new Retail Market Licence be from 2007 to 2017, subject to an annual, landlord only, break clause from 2010;*

(3) *That the new Retail Market Licence be uplifted by £ 1,000 per market with effect from 2010, with annual index linking for inflation; and*

(4) *That in addition to the existing annual Airfield Improvement Contribution and as a single additional contribution to the Airfield Improvement annual charge, a lump sum payment of £ 150,000 be contributed by Rondeau General Merchants Ltd, trading as Hughmark International, towards the surfacing of the Meadow Area at the commencement of the new agreement.*

3. The provision of the extra car parking on the Meadow Area was necessitated by the car parking requirement resulting from Rondeau's use of Hangar 1 as an indoor market and events venue. With the subsequent re-letting of Hangar 1 for steel fabrication the extra car parking area was no longer required.

4. The current licence was completed on 8 April 2009 and since that date Hughmark Continental Ltd has paid all monies due in a timely manner, including the arrears of licence fee accrued under the former licence to Rondeau and managed the market to the satisfaction of the Council. It is necessary to grant a new licence well in advance of the end of the current licence as traders, if they are aware that an agreement may end, could begin to move from one operator to another. This would have a detrimental affect on the viability of the present market and thus the new market.

5. Hughmark Continental Ltd is an established company but prior to Rondeau General Merchants Ltd, trading as Hughmark International, going into Liquidation in January 2009 it only dealt with the Company's minor European interests. Accordingly it has not been possible to carry out a full financial appraisal on the company as it has not been trading long enough at the current level of activity for meaningful audited accounts to be available. Accordingly the following action has been taken:

(1) *A satisfactory bank reference has been obtained from Hughmark's bankers.*

(2) *The accounts raised for the market and the payments made by Hughmark since they commenced trading under their current name have been examined and no payments are outstanding.*

(3) *Hughmark's details have been verified at Companies House and confirmatory enquiries made of landlords at other sites.*

6. The risk of loss of income to the Council associated with the rejection of the Company on the basis of their possible current financial standing outweighs the potential risk of their failure at some time in the future.

Resource Implications:

Finance

Income of £844,790 per annum.

Personnel

Valuation and Estate Management Service
Chief Internal Auditor

Land

North Weald Airfield

Legal and Governance Implications:

Section 123 Local Government Act 1972 – best consideration for the land and property assets

Safer, Cleaner and Greener Implications:

To ensure a competent and experienced operator is procured so that the environment of the airfield is not compromised.

Consultation Undertaken:

None

Background Papers:

31st July 2007 Cabinet

Impact Assessments

Risk Management

Financial risks have been identified in the report above

Equality and Diversity

No equality and diversity issues have been identified

Did the initial assessments of the proposals contained in this report for Relevance to the Council's general equality duties, reveal any potentially Adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
None.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A

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Report to the Cabinet

Report reference: C-095-2009/10

Date of meeting: 8 March 2010



Portfolio: Leisure and Wellbeing

Subject: The Essex Children's Trust – Memorandum of Agreement

Responsible Officer: Derek Macnab (01992 564050).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That Cabinet considers the Essex Children's Trust Memorandum of Agreement; and**
- (2) That the Council's Chief Executive be authorised to sign the Agreement on behalf of the Council.**

Executive Summary:

This report outlines the role that the Council plays with respect to the 2003 Government Green Paper "Every Child Matters", which was published following the death of Victoria Climbié and the national framework for the delivery of Local Children's Trust Arrangements to meet Every Child Matters outcomes. It additionally seeks authority to enter into the Essex Children's Trust Memorandum of Agreement.

Reasons for Proposed Decision:

The 2004 Children's Act provides the legal underpinning for Every Child Matters and District Councils have a number of duties 'to cooperate in the making of arrangements to improve well being' for children and young people aged 0 – 19 years. The most specific is the duty to safeguard and promote the welfare of children alongside the more general "duty to co-operate" within Children's Trust Arrangements. 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. It is necessary for the Cabinet to consider the Agreement before formal commitment and signature.

Other Options for Action:

Not to enter into the agreement, although this would expose the authority to risk and challenge.

Seek to achieve further amendments to address any concerns that the District Council may have, prior to entering into the agreement.

Report:

1. "Every Child Matters: Change for Children" which was published in 2004, sets out the national framework for Local Children's Trust arrangements, which aims to build services around the needs of children and young people and shift the focus from dealing with consequences of difficulties in children's lives, to preventing things from going wrong in the first place. The key outcomes being pursued are for children and young people to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic wellbeing.
2. Epping Forest District Council already contributes significantly to the achievement of these aims and particularly through the provision of Cultural and Leisure Services, the Council encourages and enables children and young people to access positive activities, which promote health improvement, safe inclusion, achievement that may not be realised at school and opportunities for volunteering and contributing positively within the community. In addition it facilitates consultation and advocacy for young people through the Youth Council. As a housing authority, we deliver services that work to prevent homelessness and support accommodation for young parents and care leavers. Through the planning process we ensure that appropriate facilities for children and families are included in new developments. Our support to local economic development helps create employment as well as the delivery of housing, disability facilities, grants and other benefits to support families in achieving economic wellbeing and to help care for children with special needs.
3. In addition to these frontline services, the Council also fulfils its obligations under the Children's Act 2004 with respect to Section 10, which enshrines a "duty to co-operate" with the Children's Services authority i.e. Essex County Council.
4. The Council fully participated in the former Children's and Young People's Strategic Partnership (CYPSP) before it was dissolved and incorporated into the new West Essex Local Children's Trust Board. The Council has a Member representative on this Board, Councillor Lesley Wagland and senior officer representation, Julie Chandler, Assistant Director of Community Services and Customer Relations.
5. The Assistant Director also chairs the Epping Forest Children's Partnership which has replaced the local CYPSP Board and is a thematic sub-group of the Epping Forest Local Strategic Partnership. Through these means the Council is consulted on and participates with other partners on the preparation, publishing and monitoring of the Strategic Children and Young People's Plan for Essex. It is also responsible for ensuring that the needs of Epping Forest children and young people are addressed through bids for commissioned funding.
6. The Council is now in receipt of correspondence from Councillor Peter Martin, Chair of Essex Children's Trust Partnership Board, seeking the Council's formal consideration and signature to the Essex Children's Trust Memorandum of Agreement (attached at Appendix 1). This document is the underlying agreement outlining each partner's commitment as a member of the Children's Trust. Contained with Councillor Martin's covering letter are a number of points of clarification designed to assist in the process of Agreement.
7. When the draft Agreement was recently considered by the Essex Association of Chief Executives, the Council's Chief Executive raised a number of concerns, in particular that as drafted, the Agreement was open-ended with no review arrangements. In addition to this point, how realistic in this time of diminishing resources was it, to expect District Councils to "pool" funding for Children's Services.

8. These points would now appear to have been taken on board. It is now proposed that the Agreement runs for a two year period (with annual reviews) and the agreement does not contain an obligation to “pool funds”, but rather to align funding where possible. However, it should be noted that there is reference to a potential further separate agreement under Section 10 of the Children’s Act to facilitate the pooling of resources, being developed at some time in the future. It will be necessary to keep this issue under review.

9. On this basis, Members are asked to consider the Memorandum of Agreement and authorise the Chief Executive to duly sign and enter into the Agreement on the Council’s behalf.

Resource Implications:

The Council already incurs expenditure on the delivery of services to children and young people and there is no current commitment to greater expenditure by entering into the Agreement. Rather there is an expectation that where possible, funds are aligned to deliver joint working on the Every Child Matters and Safeguarding Agenda.

Legal and Governance Implications:

Duties and powers under the 2004 Children Act:

District councils have a number of duties under the 2004 Children Act. The most specific is the duty to safeguard and promote the welfare of children alongside the more general ‘duty to co-operate’ within Children’s Trust Arrangements to meet Every Child Matters outcomes:

Section 10 places a duty on district councils ‘to cooperate in the making of arrangements to improve well being’ for children and young people aged 0 – 19 years.

Section 13 of the 2004 Children Act gives district councils key representation on, and participation in, local safeguarding children’s boards (LSCBs).

Section 11 places a statutory duty on all key bodies, including district councils, to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.

Under the Licensing Act 2003 ‘the protection of children from harm’ is one of four licensing objectives. As a Licensing Authority, the District Council should indicate in its statement of licensing policy the body (responsible authority) it judges to be competent to advise it on matters relating to the protection of children from harm.

Housing authorities may hold important information that could assist local authority children’s social care to carry out assessments under section 17 or section 47 of the Children Act 1989.

Safer, Cleaner and Greener Implications:

The Council provides a range of services to children and young people to address anti-social behaviour and improve the health and wellbeing of young people in the District.

Consultation Undertaken:

Essex Association of Chief Executive; Local Children’s Trust representatives.

Background Papers:

Children's Trusts : A guide to the role of District Councils, Essex Children's Trust Board
October 2009.

Letter of 12 February from Councillor Peter Martin and proposed Memorandum of Agreement.

Impact Assessments:

Risk Management

Strategic commissioning and prioritisation of Children's Services and co-ordinated safeguarding procedures should positively impact on the safety and wellbeing of children and young people in Epping Forest.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

Essex County Council
Schools, Children and Families
PO Box 11, County Hall
Chelmsford
Essex CM1 1LX

For the attention of:
Children's Trust Board Members

Date: 12 February 2010
Our Ref:
Your Ref:

Dear Partners and Colleagues

RE: Consideration and signing of the Essex Children's Trust Memorandum of Agreement

I am writing to you with a reminder that as agreed by partners at the inaugural meeting of the Essex Children's Trust's Partnership Board on 27th November 2009 the Memorandum of Agreement now needs to be considered and signed by each relevant partner.

The Memorandum of Agreement is an underpinning agreement outlining each partner's commitment as a member of the Children's Trust.

I would like to clarify in this letter for all partners the powers that legislation gives Children's Trusts, as outlined in the Memorandum of Agreement, and to what extent the partnership will utilise these in Essex.

The following points of clarification may assist you in the process of agreement and signing:

- The Memorandum of Agreement is the means by which we will establish the partnership of all those agencies under the 'Duty to Co-operate' under Sect. 10 of the Children Act 2004, The Apprenticeships, Children, Skills and Learning Act 2009 and all those co-opted by agreement of the Children's Trust Partnership Board. (page 6, section 1 of Memorandum)
- Each partner agrees to co-operation in the making of 'arrangements for improving the well being and safeguarding of all children and young people' in Essex. (see page 6 section 2, 3, 4, 5 of Memorandum)
- Although Sect.10 of the Children Act and Sect.75 of the National Health Service Act 2006 empowers the Trust to 'pool' funds and resources, the Memorandum would require that a separate agreement is drafted under Sect.10 or Sect.75 for this to take place. (see page 7, subsection 8.1, 8.2 of Memorandum)
- Despite the power to 'pool' the preferred approach in Essex is to align rather than pool funds and resources. The memorandum has been amended to reflect this preference. (see page 7, section 8 of Memorandum)
- The Children's Trust in Essex is not empowered by the Memorandum to hold property or employ staff members other than that which is already held by partner organisations and that will remain in their ownership. (see page 7 subsection 8.3 of the Memorandum)
- The Essex Children's Trust is not empowered by the Memorandum to enter into or bind partners into contracts for the benefit of the Trust. Any necessary contracts will be entered into by each relevant partner in compliance with their

own constitutional rules. The Trust Board may recommend contracts but each partner will be required to gain agreement to these in line with their own constitution and will remain formally accountable to their own organisation for their delivery. (see page 8 section 10)

To enable the Essex Children's Trust to go forward as a constituted body it is important that the Memorandum of Agreement is considered by each relevant partner as listed on the agreement and that an agreement to sign is endorsed by each organisation's Executive Board or equivalent.

District Councils and PCTs that are represented by agreement by other attending members will still need to sign the Memorandum of Agreement and have this agreed at their own Executive. It is intended that the Memorandum of Agreement will be signed by the relevant partners at the next meeting of the Children's Trust's Partnership Board on the 5th March 2010.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Martin', with a long horizontal flourish extending to the right.

Cllr Peter Martin
Chair of Essex Children's Trust Partnership Board

Please reply to: Roger Bullen, Head of Partnerships & Business Support
Telephone: 01245 438848
Email: Roger.Bullen@essex.gov.uk
Essex County Council

Agreement dated

Between the Partners "the Partners" listed below:-

Essex County Council whose principal office is at County Hall, Market Road Chelmsford acting as (i) a Children's Services Authority under Section 10 of the Children Act 2004 (ii) as a Local Authority under the Local Government Act 1972; and (iii) the responsible authority for various functions including education, family services, youth offending services, housing and Agencies providing services under S114 of Learning and Skills Act 2000 (Connexions).

Note: The Apprenticeships, Children, Skills and Learning Bill that received Royal Assent on November 12th 2009 extended the existing duty to cooperate to promote children's well-being to also include: all maintained schools, academies, Sixth Form Colleges, Further Education Colleges, Pupil Referral Units and Jobcentre Plus.

The Bill places a shared duty on all the members of the Children's Trust Board to prepare, publish and monitor a strategic Children and Young People's Plan for Essex and to have regard to it in their own plans and services. Guidance to Children's Trusts will be consulted on during December 2009 to March 2010 when it will then be published and at this time the Memorandum of agreement will be redrafted to include all provisions of the Bill.

'The Partners':

Children's Lead Member

.....
And

Executive Director Children Schools and Families, Essex County Council

.....
And

Chief Executive, Essex County Council

.....
And

Director of Commissioning, Essex County Council (Joint Commissioning Board Chair)

.....
And

MEMORANDUM OF AGREEMENT

ESSEX CHILDREN'S TRUST
Director of Children's Commissioning and Business Delivery PCT (Joint Commissioning Board Co-Chair)

.....
And

Chief Executive, Braintree District Council

.....
And

Chief Executive, Harlow District Council

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And

Chief Executive, Basildon District Council

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And

Chief Executive, Brentwood Borough Council

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And

Chief Executive, Castle Point Borough Council

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And

Chief Executive, Chelmsford Borough Council

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And

Chief Executive, Colchester Borough Council

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Chief Executive, Epping Forest District Council

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Chief Executive, Maldon District Council

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And

Chief Executive, Rochford District Council

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And

Chief Executive, Tendring District Council

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And

Chief Executive, Uttlesford District Council

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Director of Public Health

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And

Chief Executive, North East Essex PCT

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And

Chief Executive, South East Essex PCT

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And

Chief Executive, Mid Essex PCT

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And

Chief Executive, South West PCT

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And

Chief Executive, West Essex PCT

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And

Non-Executive Directors of PCT's

.....

And

Chief Executive, North Essex Partnership NHS Foundation Trust

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And

Chief Executive, South Essex Partnership University Foundation Trust

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And

Chief Probation Officer

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And

Independent Chair ESCB

.....
And

Assistant Chief Constable Essex Police

.....
And

Assistant Chief Fire Officer Essex Fire Service

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And

Chief Executive of Learning and Skills Council (LSC)

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And

Senior Representative Job Centre Plus

.....
And

Essex Police Authority

.....
And

Representatives from the Voluntary Sector

.....
.....

And

Schools Reps (Primary Secondary Special Schools

Chair of ASESME

.....

Chair of EPHA

.....

Chair of APC

.....

And

Senior Representative – Strategic Health Authority

.....

And

Schools Forum

.....

And

Further Education College Representative

.....

Whereas

1. Section 10 Children Act 2004 (“section 10”) requires Essex County Council as the Children’s Services Authority to make arrangements for improving the well-being of children in its area which relate to their:

- a) Physical and mental health and emotional well-being;
- b) Protection from harm and neglect;
- c) Education, training and recreation;
- d) The contribution made by them to society; and
- e) Social and economic well-being

2. Section 10 authorises the entering into agreements by the Children’s Services Authority, other bodies named as partners therein and other bodies considered appropriate by it.

3. Section 10 also authorises it and its partners to provide staff, goods services or other resources and to establish and maintain pooled funds.

4. In pursuance of Section 10, it is recorded that Essex County Council had established partnership working with various bodies prior to this Memorandum of Agreement having been entered into. This Memorandum of Agreement is intended to set out the partnership and collaborative working arrangements for going forward under Section 10.

5. Essex County Council has published a plan pursuant to Section 7 Children Act 2004 (Children and Young People Plan 2009-2011) (which will be reviewed and amended on an annual basis)

6. The Government has issued Statutory Guidance on Interagency Co-operation to 'Improve the Well-being of Children': Children's Trusts (Every Child Matters Change for Children) which expected that children's trusts would be in place in all areas by 2008. The essential features of a children's trust are described in the Statutory Guidance.

7. By this Memorandum of Agreement the parties hereto have agreed to create this partnership arrangement to be known as the Essex Children's Trust and in doing so have had regard to all matters referred to in Section 10 and to statutory guidance issued by the Government on Interagency Co-operation to Improve the Well-being of Children: Children's Trust (Every Child Matters Change for Children).

Now Therefore

1. The Essex Children's Trust is hereby created as a partnership arrangement between the parties to this Memorandum of Agreement (the members of Essex Children's Trust Partnership Board) pursuant to Section 10, Section 111 Local Government Act 1972, Section 242 of the NHS Act 2006 and Section 2 Local Government Act 2000 and will come into effect on the for a period of two years, incorporating an annual review.

Note: The Apprenticeships, Children, Skills and Learning Bill received Royal Assent on the 12th November 2009 and will extend the existing duty to cooperate to promote children's well-being to also include: all maintained schools, academies, Sixth Form Colleges, Further Education Colleges, Pupil Referral Units and Jobcentre Plus.

The Bill also places a shared duty on all the members of the Children's Trust Board to prepare, publish and monitor a strategic Children and Young People's Plan for Essex and to have regard to it in their own plans and services.

2. The purpose of the Partnership is to improve the well-being of children and young people in the administrative area of Essex County Council and in particular as provided for in Section 10 Children Act 2004 and in the relevant Statutory Guidance in connection therewith.

3. The Essex Children's Trust will encourage, assist and monitor the activities of bodies established by Essex County Council and other bodies with whom Essex County Council chooses to work either through this Memorandum of Agreement or otherwise through other arrangements made by or to be made by Essex County Council under Section 10.

4. The Essex Children's Trust will support and promote the implementation of plans published pursuant to S.17 Children Act 2004 as may be amended from time to time.

5. The Essex Children's Trust will also co-operate with and assist where appropriate the voluntary sector and community services which provide or which are to provide services in Essex County Council's administrative area.

6. Any or all of the Partners may provide staff, goods, services and accommodation and other resources or assets to be used in connection with or for the purposes of the Essex Children's Trust.

7. The Partners understand and support the requirements of and expectations for the implementation of Integrated Processes in Essex and will operate within and adhere to the agreed Essex Information Sharing Protocol.

8. Any or all of the Partners may provide funds for the purposes of the Essex Children's Trust that may be pooled. Any or all of the Partners may contribute money to a pooled fund either for general purposes or for specifically named purposes

8.1 In any case where a pooled fund is created a Supplementary Memorandum of agreement will be made by contributing partners clearly recording and setting out:

- a) The contributions to be made by individual partners with timescales for those contributions to be paid over;
- b) The arrangements for managing the fund by a named partner;
- c) The auditing arrangements for the fund;
- d) The functions or matters on which the fund may be expended or the purpose for which the fund may be used along with any timescales that apply;
- e) Any other matters which the parties feel need to be set out in the Supplementary Memorandum of Agreement to ensure that governance and probity are maintained throughout.

8.2 In any case where Section 75 National Health Service Act 2006 applies then a Supplementary Memorandum Agreement will be made so as to comply with the requirements of that Section and the NHS Bodies and Local Authorities Partnership Arrangement Regulations 2000.

8.3 The Essex Children's Trust will not directly employ staff or directly hold any land, property or other assets other than through or by the individual Partners to this Memorandum of Agreement (which in the case of staff, land, property or other assets or resources will continue to be in the ownership or control of the Partner in question).

9. An inaugural meeting of the Essex Children's Trust Partnership Board will be held on the date it comes into force and thereafter Partnership Board meetings will be held in line with a schedule of meetings to be agreed at that inaugural meeting and thereafter Partnership Board meetings will be held three times per year in line with the terms of reference in schedule 2 to this agreement.

9.1 Any two partners may at any time where necessary call a meeting between scheduled meetings giving all partners at least 14 days written notice of the meeting and giving the time and place of that meeting.

9.2 Discussions taking place at any such meetings will be recorded and copies of them circulated to all Partners and submitted to the next meeting for approval as a true and accurate record.

9.3 The partners will each arrange for their representation at each meeting by a senior representative from within their organisations with sufficient authority to

commit resources and actions on behalf of their organisations (except in the case of Essex County Council, this will be two senior representatives– the Executive Director for Schools, Children and Families and Lead Member for Children’s Services). The nominated senior representatives are listed in Schedule 1 to this Memorandum of Agreement. If on any occasion the nominated senior representative cannot attend, they shall be permitted to nominate a substitute representative to attend on their behalf

9.4 No representative person may represent more than one Partner at any meeting.

9.5 The quorum required at any Children’s Trust Partnership Board meeting will be 50% of the membership plus one.

9.6 Children’s Trust Partnership Board meetings will be chaired by the Lead Member or his / her nominated representative.

9.7 Children’s Trust Partnership Board decisions shall be by a majority vote of those present and eligible to vote at the meeting on the basis of one partner one vote. In the case of an equal vote the chairperson shall have a casting vote to determine the matter.

10. Execution of Contracts: The Essex Children’s Trust Partnership does not have the legal capacity to bind the individual Partners nor to enter into contracts for its own benefit and any such contracts will have to be entered into by the relevant Partner and in compliance with the relevant Partner’s constitutional rules. The Essex Children’s Trust Partnership can make recommendations to the individual Partners but the actual decision to enter into any such contract has to be in line with that Partner’s constitutional rules. Therefore, members of the Children’s Trust Partnership Board will remain formally accountable to their organisations’ governance bodies / structures and the Children’s Trust Partnership Board will not have executive powers, other than those delegated to individual members by their organisation.

11. Any change to the parties to Essex Children’s Trust or the Children’s Trust Partnership Board shall be by voting in accordance with clause 9.8 above

12. This agreement may only be varied by an agreement in writing signed by all partners.

SCHEDULE 2

1. Purpose

To provide the county-wide strategic lead of the Children’s Trust in Essex by bringing together within a statutory partnership those authorities with the duty to co-operate and other organisations co-opted in order to secure improvement in the well-being of children and young people in Essex, as defined by Section 10 of the Children Act 2004 (as amended by the Apprenticeships, Skills, Children and Learning Bill 2009).

‘A strong integrated governing board is the cornerstone of a Children’s Trust. It should include representatives of all key partners at senior level, determined to drive whole-system change through clear leadership and effective action, and have

appropriate arrangements in place to ensure the voices of children, young people, parents and front line workers are heard’.

Children's Trusts: Statutory guidance on inter-agency cooperation to improve well-being of children, young people and their families¹

2. Responsibilities:

The key responsibilities of the Essex Children’s Trust Board are to:

- Act as the strategic executive and decision making body of the Trust.
- Agree and promote a vision for children and young people in Essex expressed within the Essex Children and Young People’s Plan.
- Secure the agreement and sign up of all members to the Essex Children and Young People’s Plan and ensure they meet the statutory duty to have regard for and align their own plans to it.
- Ensure the delivery of the overarching vision, priorities and actions relating to children and young people in the Sustainable Community Strategies and Local Area Agreement and alignment between them and the Essex Children and Young People’s Plan.
- Ensure that the Trust, as a key thematic partner, is firmly positioned within the Essex Strategic Partnership, integrating children and young people’s issues with those of the wider community.
- Oversee and agree the development of the Trust; its structure, governance and strategy.
- Oversee and ensure through the Joint Commissioning Board and the Infrastructure Implementation Group that effective working relationships exist between:
 - a) the Local Children’s Trust Boards and the Implementation Groups;
 - b) both the Local Children’s Trust Boards and the Implementation Groups with the Joint Commissioning Board;
 - c) the Joint Commissioning Board and the Children’s Trust Partnership Board itself.
- Establish and engage in a robust and effective working relationship with the Essex Safeguarding Children’s Board.
- Agree actions to address the findings of self assessment and evaluation processes such as the annual reviews of the Essex Children and Young People’s Plan, Performance and Progress Reports and any other forms of self evaluation.
- Agree the action plans to address the findings of inspection and regulation relevant to the Trust, including the Comprehensive Area Assessment.
- Oversee and agree proposals where it is appropriate to align pool or share financial, capital and staffing resources.
- Oversee and agree proposals from the Joint Commissioning Board for delegated authority and commissioning activity to the Local Children’s Trust Boards.
- Ensure the development and delivery of an integrated approach to children’s services delivery across the County that is focussed on safeguarding, early intervention and prevention and organised around the child rather than professional or organisational boundaries.
- Support and challenge Local Children’s Trust Boards with their role of performance management and leadership of local activity to deliver improved outcomes across the County and establish a framework for them to work within to ensure consistency with local flexibility as appropriate.
- Develop the broad coalition required to tackle issues such as child poverty and influence infrastructure planning at a local, county and regional level, embedding facilities for children, young people and their families in local housing, regeneration and transport plans.

- Contribute to the development of Children's Trusts nationally and ensure that all partners at County and local level are informed of national and regional developments.

3. Aim:

The Essex Children's Trust Board's primary aim is to improve outcomes for children and young people across the County, ensuring the successful implementation of the Essex Children and Young People's Plan. It will improve outcomes in the following areas by:

- Be healthy:
 - o Tackling health inequalities and helping children and young people make informed healthy choices, with access to the services they need;
 - o Improving child and adolescent mental health services;
 - o Providing effective support for parents and carers
- Stay safe:
 - o Strengthening the services and processes that keep children and young people safe from neglect and abuse;
 - o Ensuring all children, young people and their families feel safe and secure where they are cared for, play, live and go to work;
 - o Strengthening Corporate Parenting
- Enjoy and achieve:
 - o Enabling all children and young people to aspire, learn, achieve highly and realise their potential
- Make a positive contribution:
 - o Providing all children and young people with opportunities for a fulfilling and enjoyable childhood. We will aim for a sustainable legacy by maximising the potential of the 2012 Olympic and Para Olympic Games
- Achieve economic well being:
 - o Reducing the impact of poverty and the recession on the lives of all children, young people and their families
- 'Narrowing the Gap':
 - o Improving the life chances of 'looked after children', young carers and all other children and families at risk of poor outcomes

4. Activities

The Children's Trust Partnership Board will oversee and ensure the achievement of the shared priorities and strategic direction of the Trust.

5. Partnership Structure and decision making

The Children's Trust Partnership Board is part of the partnership landscape within Essex; this includes the Essex Partnership, the Essex Children's Safeguarding Board, Local Strategic Partnerships (LSPs), the Safer Essex Partnership.

The Trust as a whole consists of a number of Implementation Groups and Local Children's Trust Boards set up to take forward the responsibilities of the Trust at both a countywide and local level.

Progress reports to the Children's Trust Partnership Board are brought via the Joint Commissioning Board.

The diagram attached as appendix 1 shows the structure of the Trust and the relationship of the Trust to other key partnership bodies.

The decision making of the Trust Board will be based on the consensus achieved through both consultations with partners and amongst those members attending the meeting. The quorum required at any Children's Trust Partnership Board meeting will be 50% of the membership plus one. Children's Trust Partnership Board decisions shall be by a majority vote of those present and eligible to vote at the meeting on the basis of one partner one vote. In the case of an equal vote the chairperson shall have a casting vote to determine the matter. Decisions made by the Trust Board may also require agreement by partner organisations own political or executive leadership.

5. Membership and frequency

Membership of the Trust Board will consist of the strategic leaders of all partner organisations, executive and non-executive members of PCTs and Health Trusts, District Councils, Lead Elected Members of the County Council, nominated representatives from the Voluntary and Community Sector and others as determined by the Trust Board.

Joint Commissioning Board Members will be invited to report to the Trust Board but will not automatically be full members of it.

The Trust Board will meet at least twice annually with a third date set aside for a wider partnership conference to review progress, share future challenges and address other issues as decided by the Trust.

The board will also have the option to call additional meetings to address specific issues that require Children's Trust Board agreement, decision or action.

Agendas and supporting documents will be issued at least two working weeks before the meetings.

Minutes will be produced and circulated within ten working days of the meeting. Essex County Council, as the responsible Local Authority, will provide administrative support for the working of the Children's Trust Board.

1 <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00346/>

6. Accountability

The Children's Trust is constituted as defined by Section 10 of the Children Act 2004 and The Apprenticeships, Children, Skills and Learning Bill and as such is a statutory

partnership that brings together partners who have a duty to co-operate to secure improvement in the well being of children and young people.

The Children's Trust Board reports to the Essex Partnership and has a relationship of challenge and support with the Essex Children's Safeguarding Board that scrutinises the Trust's shared duty to safeguard. The Trust also has close links to the Safer Essex Partnership. Members of the Board are responsible for ensuring that they communicate and take forward the decisions of the Board through their own organisations.

7. Review

The Local Children's Trust Board terms of reference will be subject to an annual review to ensure that it continues to be fit for purpose.

8. Commitments and expectations of the Trust Board members:

- Represent their agency at a strategic level.
- Contribute to the development of the Trust and its strategy.
- Act as the strategic executive of the Trust and agree key decisions.
- Oversee and agree proposals where it is agreed appropriate to align pool or share financial, capital and staffing resources.
- Contribute to and agree the Essex Children and Young People's Plan and its subsequent annual reviews.
- Advocate on behalf of the Trust within members own host agency and other local and national bodies.

9. In addition, the ECT and LCTBs may adopt the Nolan Committee's principles of public life. If adopted, all LCTB members will have regard to these principles in relation to LCTB business.

Appendix 1

Challenge and Support

Scrutiny

Challenge and Support

Children's Trust
Joint Commissioning Board

Implementation Groups:

Be Healthy

Stay Safe

Enjoy & Achieve

Make a Positive Contribution

14-19 Partnership/
Achieve Economic Wellbeing

Infrastructure CT Forum

Workforce Development/
Equality and Diversity

01/11/2009 ECVYS & the Children & Families Network

Children's Trust Partnership
Board

Local Children's Trust Boards:

North East

Mid

South East

South West

West

Essex
Safeguarding
Children Board

Essex Partnership

Safer Essex
Partnership

Appendix 2: Essex Children's Trust Board Membership

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