

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet

Date: 19 April 2010

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

Time: 7.00 - 8.20 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: Mrs R Brookes, Mrs A Grigg, R Morgan, Mrs P Smith and J M Whitehouse

Apologies:

Officers Present: D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), R Palmer (Director of Finance and ICT), J Chandler (Assistant Director (Community Services and Customer Relations)), P Maginnis (Assistant Director (Human Resources)), A Mitchell (Assistant Director (Legal)), K Polyzoides (Assistant Director (Policy & Conservation)), S G Hill (Senior Democratic Services Officer), R Rose (Senior Lawyer), T Carne (Public Relations and Marketing Officer), E Higgins (Insurance & Risk Officer), E Haines (Conservation Officer) and G J Woodhall (Democratic Services Officer)

158. 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.

159. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

160. MINUTES

RESOLVED:

That the minutes of the meeting held on 8 March 2010 be taken as read and signed by the Chairman as a correct record.

161. REPORTS OF PORTFOLIO HOLDERS

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

162. PUBLIC QUESTIONS

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

163. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee presented a report of its meeting held on 15 April 2010, when the Committee:

- (i) referred the call-in of the Housing Portfolio Holder's decision in respect of a restrictive covenant on 35 Denny Avenue, Waltham Abbey back to the Portfolio Holder;
- (ii) agreed the final report of the Sustainable Communities Task & Finish Panel;
- (iii) agreed the Annual Overview & Scrutiny Report ;
- (iv) agreed six reports from the Constitution & Member Services Standing Panel seeking minor changes to terms of references for Committees or policy and regulations;
- (v) referred the scrutiny of powers of utility companies to dig up local roads to the Local Highways Panel;
- (vi) agreed to set up a Task & Finish Panel to investigate the Council's approach to Children's Services and its provision throughout the District, as previously requested by the Cabinet; and
- (vii) felt that the requirement for a new temporary Technical Officer post within the Conservation Section should have been anticipated earlier and considered by the Planning Services Scrutiny Panel.

164. ANY OTHER BUSINESS

In accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the Leader of the Council had permitted the following items of urgent business to be considered following the publication of the agenda:

- (i) E-Learning; and
- (ii) Annual Leave.

165. E-LEARNING

The Portfolio Holder for Performance Management presented a report regarding the implementation of the E-Learning project.

The Portfolio Holder reported that the Essex Strategic Human Resources Partnership had invested resources in developing an IT system hosted by a company called Learning Pool for use by Essex councils for their E-Learning requirements. Using the Learning Pool file-sharing environment, the Council would be able to share and download resources from other authorities so that time was saved. The Council would be able to make changes to existing courses, use its own branding and amend them to fit the Council's needs, thus saving time and money. A draft Project Plan to implement E-Learning had been developed and, following endorsement by the Joint Consultative Committee at its last meeting on 8 April 2010, was presented to the Cabinet for approval.

Additionally, the Portfolio Holder stated that the current Training Continuing Services

Budget was predicted to show an underspend of £8,000, due to a number of development projects not taking place during 2009/10. The Cabinet was requested to agree that this underspend should be carried forward to the 2010/11 and restricted to the development of E-Learning modules only.

Decision:

- (1) That, as endorsed by the Joint Consultative Committee, the implementation of the proposed E-Learning project be agreed; and
- (2) That the underspend in the sum of £8,000 from the 2009/10 Training Continuing Services Budget be carried forward to 2010/11 and restricted for the development of further E-Learning modules only.

Reasons for Decision:

To approve the introduction of E-Learning for staff and for members.

To allow an under spend from the 2009/2010 training budget be carried forward to 2010/2011 and restricted to develop further E-Learning modules only.

Other Options Considered and Rejected:

To not agree the implementation of the E-Learning project, however this would prevent the Council from taking advantage of the savings being offered by the Essex Strategic Human Resources Partnership.

To not carry forward the unspent monies and offer it as a revenue saving.

166. ANNUAL LEAVE

The Portfolio Holder for Performance Management presented a report regarding the Council's Annual Leave Policy, which had been considered by the Joint Consultative Committee at its recent meeting held on 8 April 2010.

The Portfolio Holder stated that the proposed Annual Leave Policy, which had been attached at Appendix 1 of the report, codified the existing annual leave provisions, assimilated the recent legislative changes with regard to sickness absence and annual leave, and formalised requests for unpaid leave that could be considered by Directors. The proposed Policy also clarified the contractual leave entitlements of different groups of staff, including the proper procedure for requesting annual leave, and emphasised the responsibility that both the employee and the manager had for ensuring that all annual leave was taken within the leave year.

It was suggested that the Annual Leave year for employees could be staggered, based upon the month of their birth, as the present system tended to leave the Civic Offices devoid of staff in March as they used up their Annual Leave entitlement for the year. The Assistant Director (Human Resources) responded that the Joint Consultative Committee could consider this option along with the current Flexi-Time arrangements. The Assistant Director also added that there would be a danger of staff carrying forward an excessive amount of leave if the current five-day rule was relaxed.

Decision:

- (1) That, as endorsed by the Joint Consultative Committee, the revised Annual

Leave Policy be adopted; and

(2) That the staggering of the Annual Leave Year amongst Employees be referred back to the Joint Consultative Committee for further consideration.

Reasons for Decision:

The Policy codified existing practice and clarified the procedure for calculating and requesting annual leave. The Policy would also provide a consistent approach for managers to apply.

Other options Considered and Rejected:

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

167. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 11 MARCH 2010

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee held on 11 March 2010. Recommendations had been made regarding the Planning Advisory Service Diagnostic on the Local Development Framework. Other issues considered by the Cabinet Committee had included: the Epping Forest Landscape Studies; the final report on the Strategic Housing Market Assessment; progress on the Local Development Framework; the Scott Wilson report upon "Generating and Appraising Spatial Options for the Harlow Area"; and the Gypsy & Traveller Development Plan Document.

The Leader of the Council added that a response had been received from the Minister for Housing following the letter sent earlier by the Council, which had been discussed with Counsel. The letter had acknowledged that the Council had achieved the provision of extra sites via the normal planning process, but the Government Directive had not yet been removed. The Council now only needed to find an additional six sites before the end of March 2011. A 3% increase per annum was still required but it was felt that this could be met as part of the expansion of Harlow. A full response would be given at the next meeting of the Council.

Decision:

Planning Advisory Service Diagnostic on the Local Development Framework

(1) That the following recommendations, listed in order of priority, made by the Planning Advisory Service in relation to the preparation of the Local Development Framework be adopted:

(a) That steps be taken to ensure that the Leader and the Chief Executive were engaged with the partnership work with East Herts and Harlow to champion the development of joint or coordinated work and documents in a timely way;

(b) That an engagement plan be produced identifying the key stakeholders across the area, including internal services, and how best to engage with them throughout the preparation of the joint or coordinated Development Plan Document;

(c) That a joint briefing/awareness programme for key internal partners and Members be developed, including the organisation of joint seminars, to improve understanding of the benefits of the Local Development Framework;

- (d) That non-executive Members be involved as part of the visioning and objective setting process to increase ownership of the Local Development Framework;
 - (e) That the issues connected with the sharing of information, monitoring of the core (strategy) Development Plan Document, consultation processes and evaluation, including the need for ICT systems, be addressed and planned for;
 - (f) That Councillors be encouraged to seek support through the Planning Advisory Service Planning Members' and Leaders' networks; and
 - (g) That further support be sought from the Epping Forest Local Strategic Partnership on best practice and sign-posting to information; and
- (2) That the concerns expressed by the Cabinet Committee over the lack of Member involvement in the initial interview process be noted.

Reasons for Decision:

The Cabinet were satisfied that the Cabinet Committee had fully addressed all the relevant issues in relation to the recommendations and that these should be endorsed.

Other Options Considered and Rejected:

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

168. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 12 APRIL 2010

The Leader of the Council asked the Cabinet to agree the first recommendation of the LDF Cabinet Committee meeting held on 12 April 2010, as it was intended to begin the proposed consultation on the Sustainability Assessment Scoping Report before the next Cabinet meeting on 7 June.

Decision:**Sustainability Assessment Scoping Report – Consultation Arrangements**

- (1) That the draft Sustainability Appraisal Scoping Report be published for a five-week period of public consultation between 17 May and 18 June 2010.

Reasons for Decision:

To enable the consultation to start on the proposed commencement date of 17 May 2010, which would be before the next Cabinet meeting scheduled for 7 June 2010.

Other Options Considered and Rejected:

To not agree to the proposed commencement date of the consultation, however this could leave the Council open to legal challenge.

169. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 15 MARCH 2010

The Portfolio Holder for Finance & Economic Development presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 15 March 2010. Recommendations had been made regarding the updated Corporate Risk Register. Other issues considered by the Cabinet Committee included: the 2010/11 targets for the Key Performance Indicators; the Internal Audit Business Plan for 2009/10; and the Quarterly Financial Monitoring report for the third quarter of 2009/10.

Decision:**Risk Management – Updated Corporate Risk Register**

- (1) That the vulnerability for the risk relating to Depot Accommodation be updated to include the lack of an overall Depot Manager at the site;
- (2) That possible risks to the Council arising from the 2012 London Olympics be further considered and reported back to the Cabinet Committee;
- (3) That the rating for the risk relating to the Failure of Key Partnerships be reviewed and reported back to the Cabinet Committee;
- (4) That the current tolerance line on the risk matrix be considered satisfactory and not be amended; and
- (5) That, incorporating the above agreed changes, the amended Corporate Risk Register be approved.

Reasons for Decision:

The Cabinet were satisfied that the Cabinet Committee had fully addressed all the relevant issues in relation to the recommendations and that these should be endorsed.

Other Options Considered and Rejected:

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

170. AWARD OF THE MAJOR TREE WORKS CONTRACT

The Environment Portfolio Holder presented a report regarding the outcome of the procurement process for the Major Tree Works Contract.

The Portfolio Holder reported that the Tenders for the Major Tree Works Contract were returned in February 2010, and had been evaluated using the Quality and Price criteria previously agreed by the Cabinet on 7 September 2009. The company Gristwood and Toms (Tree Contractors) Ltd had scored the most points and therefore it was recommended that they be awarded the contract which would run for 5 years with the option of a 2 year extension. The contract would commence on 1 August 2010, and was a schedule of rates (SOR) based contract. The Leader of Council added that the company had an office within the District and employed local residents.

Decision:

That, being the company who achieved the highest score on the Price : Quality Criteria in the Tender evaluation for this contract, the award of the five-year Major Tree Works Contract from August 2010 to Gristwood and Toms (Tree Contractors) Ltd be agreed.

Reasons for Decision:

The company was proved to be the most economically advantageous under the Quality and Price basis previously agreed by the Cabinet.

Other Options Considered and Rejected:

To award the contract to another company, however this would not fulfil the requirements of Contract Standing Orders or the agreed procurement process.

171. FORMATION OF LOCAL HOUSING COMPANY - LEGAL & FINANCIAL APPRAISALS

The Housing Portfolio Holder presented a report concerning the legal and financial appraisals of the proposed formation of a Local Housing Company by the Council.

The Portfolio Holder reminded the Cabinet that it had previously agreed to investigate the feasibility of forming a Local Housing Company to which the Council could provide mortgages, in order to enable the purchase of properties from the open market and to then let them with assured shorthold tenancies at market rents to Council nominees. Details of the legal advice received from a specialist firm of solicitors on the proposal, and information on the outcome of the financial appraisals undertaken were provided, and it had been concluded that the proposal should not be pursued further. It was proposed that the Local Government Association be advised of the outcome of the Council's Feasibility Study, as the Association had previously shown interest in the Council's proposals.

The Cabinet was disappointed that the appraisals had indicated the formation of a Local Housing Company should not proceed, as the proposal would have been an imaginative scheme to help those less affluent applicants on the Housing Register. The Officers involved in the feasibility of the scheme were thanked for their efforts.

Decision:

(1) That, following consideration of the financial implications and legal advice received, the proposal for the Council to form a Local Housing Company be pursued no further; and

(2) That the Local Government Association be advised of the outcome of the Council's Feasibility Study.

Reasons for Decision:

The financial appraisals undertaken by the Council's Finance and ICT Directorate had shown that, although the proposal was likely to be financially beneficial to the Council, it was unlikely that the Local Housing Company itself would be viable, due to the anticipated shortfall in rental income to meet the anticipated costs. The legal advice received by the Council had also indicated a number of risks to the Council.

Other Options Considered and Rejected:

To continue with the formation of the previously proposed Local Housing Company, which had now been shown to be both risky and not financially viable.

172. INTERIM SHARED OWNERSHIP POLICY - SIX-MONTH REVIEW

The Housing Portfolio Holder presented a report on the six-month review of the Interim Shared Ownership Policy.

The Portfolio Holder reminded the Cabinet that it had agreed in September 2009 to review the use of "Rent Now – Buy Later" Schemes by Housing Associations, for affordable housing developments that provided shared ownership. The review had indicated that whilst there had been some improvement in the property market, first-time buyers were still finding it difficult to obtain mortgages. Following discussions with the Council's preferred Registered Social Landlord partners, it was felt that the ability for Housing Associations to operate such a scheme should be permanently included within the Council's Shared Ownership Policy. This would provide a more flexible approach to low cost home ownership on a permanent basis and enable more local residents to become home owners and first-time buyers.

Decision:

That the Council's agreement to the use of "Rent Now – Buy Later" schemes by Housing Associations for affordable housing developments which provide shared ownership be incorporated as a permanent feature of the Council's Shared Ownership Policy.

Reasons for Decision:

To increase the number of local people who were able to access home ownership and become first time buyers.

Other Options Considered and Rejected:

To continue with the Interim Shared Ownership Policy; or

To cease the use of Rent Now – Buy Later Schemes.

173. NEW LICENSING OFFICER POST

The Portfolio Holder for Legal & Estates presented a report concerning the approval of a new Licensing Officer post.

The Portfolio Holder reported that at its last meeting, the Licensing Committee had decided that the Council should introduce a 'knowledge test' for new applicants for a Hackney Carriage or Public Hire Driver's Licence ('Taxi Driver's Licence') and had also indicated that they would consider it desirable if the Drivers had some disability awareness training. In order to implement the decision, it would be necessary to employ a new member of staff to administer and carry out the tests and show the Drivers a suitable training DVD. The Council would charge the applicants who sat the test and this money would be used to fund the post. The Council had a duty to promote equality and diversity and it was felt that if the Drivers had a better understanding of the needs of persons with disabilities then this would help to remove barriers that some customers might feel when they wished to hire a taxi.

In response to questions from the Members present, the Portfolio Holder advised the Cabinet that the tests would only apply to Drivers applying for new licences, not renewals, and that the Council did not have the authority to proscribe the number of licences issued. If the applicant met the criteria and passed the test then the Council was legally obligated to issue a licence.

Decision:

That, provided the post can be self funded, the addition of a new part time post in the Licensing section be approved.

Reasons for Decision:

To meet the requirements of the Licensing Committee resolution that applicants for a Hackney Carriage or Private Hire Driver's Licence should have: a knowledge of the area; knowledge of the highway code and road safety issues; and an awareness of the requirements of persons with disability.

Other Options Considered and Rejected:

To ignore the wishes of the Licensing Committee and decide not to hold the knowledge tests or provide disability awareness training.

174. MEDIUM TERM AIMS 2010/11 - 2013/14 AND KEY OBJECTIVES 2010/11

The Portfolio Holder for Performance Management presented a report concerning the Council's Medium Term Aims for the period 2010/11 to 2013/14, and the Council's Key Objectives for 2010/11.

The Portfolio Holder reported that the current Council Plan was the authority's key strategic planning document, which set out service delivery priorities over the four-year period from 2006/07 to 2009/10, with strategic themes matching those of the Local Strategic Partnership's Community Strategy for the Epping Forest District. As the current Council Plan had now entered its final year, initial work had commenced on the development of a new Corporate Plan for the period from 2010/11 to 2013/14. The structure of the current Council Plan was largely based around the Council's existing Medium Term Priorities, which had first been adopted in 2002. As part of the development of the new Corporate Plan, the Cabinet had already identified a range of new Medium Term Aims for 2010/11 to 2013/14. As a result of the alignment of the Council's business, budget, workforce planning and development processes into a clear framework to enable the authority to focus on key priorities and improve performance, it was also necessary to now adopt the Council's Key Objectives for 2010/11.

The Portfolio Holder concluded that the publication of a new four-year Corporate Plan provided an opportunity for the Council to articulate its Medium Term Aims and to develop the relevant Key Objectives for each of the next four years. Officers were thanked for their efforts in putting together both the Medium Term Aims and Key Objectives. It was highlighted that the formation of a Local Housing Company had been discontinued earlier in the meeting, and the Cabinet agreed to replace the proposed action with other actions to increase the amount of affordable housing within the District.

Decision:

That the Council's Medium-Term Aims for the period 2010/11 to 2013/14 and specific Key Objectives for 2010/11 be agreed, subject to the replacement of the proposed action to consider the feasibility of the formation of a Local Housing Company with other actions to increase the amount of affordable housing within the District, to be proposed by the Housing Portfolio Holder and Director of Housing.

Reasons for Proposed Decision:

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

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

Other Options for Action:

To not set any Medium Term Aims for the period 2010/11 to 2013/14 or specific Key Objectives for 2010/11, although this might mean that opportunities for improvement were lost.

To not monitor and review performance against aims and key objectives, or take corrective action where necessary, could have negative implications for the Council's reputation and for judgements made about the authority in the Comprehensive Area Assessment and similar corporate assessment processes.

175. CONSERVATION RESOURCES & PLANNING DELIVERY GRANT

The Leader of the Council presented a report regarding additional resources for the Conservation Section within the Planning & Economic Development Directorate

The Leader stated that the proposal sought to utilise existing Planning Delivery Grant 4 funding to create a fixed term post in the Conservation Section. The new post would support the Conservation Officer with the creation of 25 Conservation Area Character Appraisals and Management Plans. Additionally, it had been assessed that the Conservation Officer required support to continue the high standard of Development Control and Planning Enforcement advice and other statutory functions. The intention would be to fill the post via a secondment, as there were individuals within the Directorate with the required skill set, and there would not be any delay in training an external appointee on issues and knowledge of the District. It was unlikely that a qualified Conservation Officer would apply for the post, but a seconded Officer would be able to produce Character Appraisals and Management Plans for existing conservation areas and new projects relating to these. Although, there would still be inadequate resources to enable evaluation of new conservation areas within the twelve-month period.

The Leader added that there was existing funding in the sum of £25,200 within the Planning Delivery Grant 4, already reserved for Planning Policy & Conservation staffing purposes, which could be used to finance this post, along with £10,000 of underspent Continuing Services Budget funding for Forward Planning that could be carried forward into 2010/11. Additionally, as a result of work carried out by the Trees

& Landscape team on the Essex Tree Preservation Order (TPO) revocation exercise, it had become apparent that more strategic work was needed regarding the protection of trees in the District as well as progressing the Trees Community Strategy and Veteran Tree surveys. The Trees & Landscape team did not currently have a dedicated budget to fund these key items of work.

The Cabinet was reminded that the Overview & Scrutiny Committee had felt that the requirement for a new temporary Technical Officer post within the Conservation Section should have been anticipated earlier and initially considered by the Planning Services Scrutiny Panel. The Assistant Director (Forward Planning) apologised for the oversight and agreed that similar requests in the future would be considered by the Panel.

Decision:

- (1) That a one year fixed term Technical Officer post in the Conservation section (Grade 5 post) be created and filled via a secondment;
- (2) That the new post would ensure progress was made on the existing Conservation Area Appraisals and Management Plans but would not allow for work to commence on considering whether other areas merit designation in the District be noted;
- (3) That the funding for the new post be allocated from existing monies in the sum of £25,200 within the Planning Delivery Grant 4, already reserved for Planning Policy & Conservation staffing purposes; and
- (4) That the Forward Planning Continuing Services Budget (CSB) underspend from 2009/10 in the sum of £10,000 be carried forward into 2010/11 to:
 - (a) support the existing printing budget;
 - (b) fund emerging projects resulting from the ongoing completion of Conservation Area Management Plans;
 - (c) deliver tree related projects; and
 - (d) commence a strategic review of Tree Preservation Orders for the District.

Reasons for Decision:

To ensure that the Council continued its ongoing work, completing the updating and creation of the District's Conservation Area Character Appraisals and Management Plans. The Technical Officer would assist on a variety of projects to be carried out within the District, assisting with the Council's statutory obligations and routine administrative tasks. Existing skills to fill this post existed within the Council.

The Essex Tree Preservation Order revocation work carried out by the Trees & Landscape team, had made it apparent that further work was required in relation to protecting trees in the District as well as progressing a number of key projects, such as the Veteran Tree survey work and the District's Community Strategies.

Other Options Considered and Rejected:

To do nothing. However, this would result in no more Character Appraisals and Management Plans being completed in the foreseeable future.

To fill the technical support officer role via external recruitment. However, this would entail finding an external candidate with the necessary qualifications and ability to proceed with the tasks at hand in a very short period of time.

176. SUNDRY INCOME & DEBT POLICY

The Portfolio Holder for Finance & Economic Development presented a report on the adoption of the revised Sundry Income & Debt Policy.

The Portfolio Holder reported that the Finance and Performance Management Cabinet Committee had previously reviewed the Sundry Income and Debt Policy and had requested that further refinement of the Policy was required. Officers were requested to review the current policy and report to the Cabinet.

The Cabinet was advised that as part of the review, the speed of issuing instructions to Legal Services was considered. However, it was felt that if instructions were issued quicker, it would be unlikely that they would be processed quicker, and that there would be no beneficial gain in altering the stages within the Recovery Flow Chart. The majority of sundry debts were paid within one month of the invoice being issued, with 62.5% having been collected within 42 days during 2009/10. Officers were requested to investigate the feasibility of charging interest on outstanding sundry debts. Currently, interest could be charged at 8% when legal proceedings had been issued, but the computer system used by the Council did not have any functionality to calculate interest on debts. To add this functionality to the current system would incur development costs of approximately £15,000 for the Council.

The Portfolio Holder added that a Direct Debit function was being implemented as part of the Council's computer system, and it was expected that this would have a positive effect on the collection rate. A new suite of reporting tools would be included as part of this upgrade, which it was hoped would be of benefit to both Officers and Members.

The existence of debts in excess of five years on the Council's books were queried; the Director of Finance & ICT informed the Cabinet that some debts were settled over a number of years and the Council did look to recover any legal costs if possible.

Decision:

That the updated Sundry Income and Debt Policy be adopted.

Reason for Decision:

The introduction of Direct Debit functionality to the Sundry Debtor system would improve the collection rate. Monitoring of performance would also be improved by upgrading to the latest version of the Sundry Debtor system software. Both these enhancements could be implemented without the need for additional resources.

Other Options Considered and Rejected:

To commission an interest calculating upgrade to the Sundry Debtor system, which would cost the Council approximately £15,000.

177. WASTE CONTAINERS - PROVISION OF REPLACEMENTS AND SPARE PARTS

The Environment Portfolio Holder presented a report concerning the provision of replacements and spare parts for waste containers.

The Portfolio Holder advised that the Council had a policy of repairing and replacing the containers it supplied to residents for presenting their waste and recycling for collection. Adequate budgets existed for the repair and replacement of containers for 2009/10, and there was an opportunity to carry forward £8,000 of the savings from 2009/10 Continuing Services Budget allocation to 2010/11 and convert it to District Development Funding. This would ease pressure on expenditure next year and allow Officers to undertake a more detailed assessment of ongoing replacement and repair needs. A further report regarding future funding arrangements would be submitted to a future meeting for the Cabinet to consider. Currently, the estimated life expectancy of the current waste and recycling containers was in excess of ten years. The Director of Environment & Street Scene added that eventually all the containers currently in use would have to be replaced, but it was anticipated that this process would occur over a period of time rather than all at once.

Decision:

- (1) That, in order to purchase replacement waste and recycling containers and their spare parts, the estimated underspend in the sum of £8,000 within the 2009/10 Continuing Services Budget for waste and recycling be converted to District Development Funding and carried forward to 2010/11;
- (2) That expenditure on the replacement and repair of containers be monitored during 2010/11; and
- (3) That a further report setting out future funding arrangements be considered at a future meeting of the Cabinet.

Reasons for Decision:

To ensure that the Council continued to provide a replacement and repair service for the various containers provided to residents for the collection of refuse and recycling.

Other Options for Action:

To not carry forward the underspend and achieve a saving on the 2009/10 budget. However, this would put pressure on budgets next year and could result in requests for supplementary estimates in 2010/11.

178. WEST ESSEX WASTE MANAGEMENT JOINT COMMITTEE

The Environment Portfolio Holder presented a report regarding the dissolution of the West Essex Waste Management Joint Committee.

The Portfolio Holder reported that the West Essex Waste Management Joint Committee had been established a number of years ago with a remit of overseeing the Essex Municipal Waste Management Strategy and the procurement of waste management facilities. It was one of three such committees in Essex, the others being Thames Gateway and East Essex. The Committee had been fully constituted and was able to take executive decisions on behalf of member Councils, subject to their internal Scrutiny processes. Currently, minutes from the Joint Committee's meetings were reported to the Safer Cleaner Greener Scrutiny Panel.

The Portfolio Holder added that since the inception of the Joint Committee, the Waste Strategy had been successfully adopted and a successful Private Finance Initiative funding bid made to government. However, the nature of the procurement exercise had changed significantly, with there no longer being any reference to waste collection arrangements nor the treatment of organic waste. It had therefore been concluded that these committees had served their purpose and should be replaced by alternative structures which were better suited to the current circumstances. The proposed new Board and Working Group would not have executive powers, all decisions being referred to member Councils for agreement.

The Portfolio Holder emphasised that the Council's appointee should be the Cabinet Member with responsibility for Waste Management, and that the appointed Deputy should also be a Cabinet Member. Although, it was agreed that the appointment of a Deputy could be deferred until the Annual Council meeting in May. It would be necessary to amend the Council's constitution accordingly to incorporate these changes. The Democratic Services Officer highlighted that this appointment could be a Leader delegated decision in future, and it was agreed to give consideration to this change in the future.

Decision:

- (1) That the dissolution of the West Essex Waste Management Joint Committee be agreed;
- (2) That the proposal to create a Waste Partnership Member Board and Inter Authority Member Working Group be agreed;
- (3) That the appointment of the Cabinet Portfolio Holder with responsibility for Waste Management as the Council's representative on the new Board and Member Group be recommended to the Council for approval;
- (4) That the appointment of a Deputy for the new Board and Member Group be deferred until the Annual Meeting of the Council;
- (5) That, to incorporate the above changes, the Council's Constitution be amended accordingly and recommended to the Council for approval; and
- (6) That consideration be given to making this appointment a Leader Delegated Decision in future by the Council.

Reasons for Decision:

To provide Member structures for the oversight of waste management issues within Essex which was fit for purpose and aligned with the Private Finance Initiative procurement process.

Other Options Considered and Rejected:

To retain the existing West Essex Waste Management Joint Committee. However, its terms of reference were now obsolete and did not reflect current circumstances.

To put forward alternatives to the proposed Member Board and Inter Authority Agreement Group. However, the proposed structures had been agreed by all other Councils in Essex (bar Thurrock) as a sensible way forward.

To have no Member arrangements in place for the oversight of waste management issues within Essex. However, this would effectively leave the Council isolated from the countywide waste management process and contravene the Council's signing of the Inter Authority Agreement.

179. LIMES FARM HALL DEVELOPMENT

The Portfolio Holder for Leisure & Wellbeing presented a report about the proposed development at Limes Farm Hall.

The Portfolio Holder recalled that Cabinet had agreed to meet the capital costs of re-developing Limes Farm Hall at its meeting in November 2009, subject to Officers seeking external funding towards the project. All potential sources of funding had subsequently been investigated in full, but Officers had been unable to secure any additional funding above the £260,000 from the Essex County Council Extended Schools scheme. Therefore, Cabinet approval was sought to meet the capital shortfall of £802,000 for the project, by means of a reallocation from the budget for the Customer Services Transformation Programme, to enable the preferred development option to be implemented. This would be match funded by £260,000 (£270,000 less £10,000 cost of Options Study) from Essex County Extended Schools Funding which had already been secured and had to be spent by the end of the 2010/11 financial year.

The Cabinet felt that this project would bring numerous benefits to the local community, and Officers had secured a good level of external funding given the current economic situation. It was disappointing that a number of the external partners had not contributed to the capital costs of the project, but the Cabinet expected a significant contribution to the revenue costs would be made by these organisations. It was indicated that the project would take between nine and twelve months to complete.

Decision:

- (1) That the Council's success in securing £270,000 of external funding towards the proposed Limes Farm Hall development be noted; and
- (2) That, on the basis of the reduced level of Capital now required for the project, the provision of £802,000 towards the development of the Council's preferred scheme at Limes Farm Hall, by means of a reallocation from the Customer Transformation Programme, be approved.

Reasons for Decision:

To continue to provide a community facility on Limes Farm due to issues of deprivation and disadvantage. The current community hall did not meet local need and required significant investment to remain operational.

Other Options Considered and Rejected:

To review the options previously presented and agree to undertake one of the alternative options, all of which would require less capital funding from the Council but would not bring the same level of benefits to the local community.

180. TENDER FOR INSURANCE POLICIES

The Portfolio Holder for Finance & Economic Development presented a report

concerning the Council's recent tender exercise for renewing its insurance policies.

The Portfolio Holder reported that the Council was currently insured almost exclusively through Zurich Municipal, an arrangement that had been in place for many years. When the last long-term agreement was tendered in 2005, there had been some interest from other providers but the discount provided by Zurich Municipal for the whole package meant they were the cheapest overall. As that agreement was due to expire at the end of June 2010, it had been necessary to conduct a fresh tender exercise.

The Portfolio Holder advised the Cabinet that the Council had participated in a collaborative procurement exercise, sponsored by the Regional Improvement and Efficiency Partnership, with eleven other authorities. The outcome of this process was disappointing as the only insurer to quote for the whole portfolio was Zurich Municipal again, and they were only prepared to enter into contracts for the whole portfolio of covers. Therefore, it was felt that the Council had little choice but to enter into a new agreement with Zurich Municipal.

The Portfolio Holder added that the excess level on the Public Liability policy had previously been increased from £500 to £5,000 to achieve an annual reduction in premiums of £69,000. Zurich Municipal had offered a further annual premium reduction of £27,400 if the Public Liability excess was increased to £10,000 and an annual premium reduction of £16,700 on Employer's Liability if the Council increased the excess from £0 to £10,000. However, the Council's recent claims history suggested that the additional excess costs on both policies would be likely to exceed the reduction in premiums.

Decision:

- (1) That, following a tender exercise in accordance with Contract Standing Orders, a three year agreement for the Council's insurance policies be entered into with Zurich Municipal; and
- (2) That no changes be made to the Council's current excess levels.

Reasons for Decision:

Contract Standing Order C20 required approval from either the Council or Cabinet before any tender valued in excess of £1million could be accepted.

Other Options Considered and Rejected:

To enter into a five year agreement with Zurich Municipal, which would attract an additional discount of £30,000. However, the contract had been advertised as a three year term with an option to extend for a further two years and to enter into a contract on different terms could leave the Council liable to legal challenge.

To increase the Council's current excess levels to further reduce the Council's premiums. However, the Council's recent claims history suggested that the additional costs would exceed the reduction in premiums.

181. EXCLUSION OF PUBLIC AND PRESS

The Cabinet noted that the proposed report regarding Council-owned properties in Cartersfield Road, Waltham Abbey had been withdrawn, and would most likely be submitted to the Cabinet later in the municipal year.

CHAIRMAN