

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Cabinet **Date:** 13 September 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 10.05 pm

Members Present: C Whitbread (Chairman), R Bassett, B Rolfe, Mrs M Sartin, Mrs P Smith, D Stallan, Ms S Stavrou and Mrs L Wagland

Other Councillors: K Angold-Stephens, Ms R Brookes, Ms J Hart, Mrs S Jones, Ms Y Knight, R Morgan, S Murray, J Philip, Mrs C Pond, A Watts, Mrs J H Whitehouse, J M Whitehouse and D Wixley

Apologies: Mrs D Collins

Officers Present: D Macnab (Acting Chief Executive), A Hall (Director of Housing), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), J Preston (Director of Planning and Economic Development), K Durrani (Assistant Director (Technical)), A Mitchell (Assistant Director (Legal)), D Newton (Assistant Director (ICT)), J Nolan (Assistant Director (Environment & Neighbourhoods)), B Moldon (Principal Accountant), A Petty (CCTV Operations Manager), G J Woodhall (Democratic Services Officer) and P Seager (Chairman's Secretary)

39. WEBCASTING INTRODUCTION

The Leader 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.

40. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Bassett declared a personal interest in agenda item 18, Desktop Hardware Upgrade. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in agenda item 18, Desktop Hardware Upgrade. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

41. MINUTES

RESOLVED:

(1) That the minutes of the meeting held on 19 July 2010 be taken as read and signed by the Chairman as a correct record.

42. REPORTS OF PORTFOLIO HOLDERS

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

43. PUBLIC QUESTIONS

The following public question was asked by Mr D Windrow:

“My name is David Windrow from Ambleside and my attendance here tonight concerns parking and road safety.

I think I am speaking on behalf of most of the residents in Hemnall Ward and specifically Ambleside, Greentrees, Kendal Avenue and the side roads off Bower Hill.

I have a question to table directed at EFDC and ECC Highways and that question is, what is going on with the Parking Review ?

This review was started over 5 years ago. Finally in May of 2009, Consultation Proposals and Schematics were published and many residents responded. As far as I am aware, the majority in Hemnall Ward supported the overall proposals and some asked for more Residents' Parking Bays which of course generate revenue for the Council.

Since then we have heard nothing, 16 months and it was supposed to be implemented by end 2009.

We have been informed that there were schematic errors, measurement errors and that the Consultation Proposals were not properly Gazetted and that consequently it will have to be done again.

However, whilst it is appreciated that doing this again, properly, will involve costs at a difficult time, why should the residents of Epping, particularly those in the area around Epping Station be subjected to considerable inconvenience, environmental disturbance in residential streets and sometimes conflict with parkers, because of ECC bureaucratic errors and inefficiency. If a mistake was made, somebody in ECC should pay for it.

In recent months commuter parking has been getting far worse and something has to be done. The Olympics are only 18 months away and if nothing is done by then, it will be mayhem. It is now quite common for commuters to park up at 11 a.m. and stay all day, many not leaving until late at night or leaving their cars for 24 hours. The only respite we get is when there is a tube strike.

The parking in Stonards Hill is an absolute disgrace. Many people and families with young children use the recreation area and there is no Pedestrian Crossing which there should be because this road is a rat run and the speed limit is seldom observed.

Finally, due to poor road signage, there are four dangerous junctions in Epping which over the last few years, I and others have written to ECC Highways about and we have been totally ignored, nothing has been done.

These junctions are made worse by the parking problems. The junctions concerned, in order of priority are Hemnall Street and Kendal Avenue, Hemnall Street and Clay Lane, the West end of Hemnall St at the High Rd junction and the Stonards Hill and

Theydon Grove junction. Why are we being ignored ? We use these junctions and know what the problems are.

The local Neighbourhood Action Panel (I am a member) has discussed these issues several times but it appears powerless to get anything done and it is not for the want of trying.

Mr Chairman, can you please tell me what is going on and when will something be done. Do we have to put up with this chaos for another 5 years?"

The Portfolio Holder for Operational Planning & Transport gave the following response:

"As Members know all work on the three area wide parking reviews (Epping, Buckhurst Hill and Loughton Broadway) was suspended following escalating costs for which adequate budget is not available.

The Cabinet at its meeting on 27 July authorised the Portfolio Holders for Leader of the Council, Operational Planning and Transport and Finance and Economic Development to agree to the commencement of the parking reviews subject to the condition that the costs are within existing budget allocation.

The officers of both the District and County Council are working to finalise cost estimates associated with the parking reviews. I understand that officers will be able to present a report on this matter in the near future (a few weeks).

I understand that Members and residents are frustrated with the delays, we all want to see a resolution to this matter. However as the Portfolio Holder responsible I must ensure that the financial risk to the Council is understood and best managed."

The Portfolio Holder also added that as the County Council had refused to pay for the Parking Reviews, they had to be funded from the District Council's budgets. The information available to the County Council following a survey had indicated that only approximately 50% of the residents in Ambleside had expressed support for the imposition of parking restrictions in the area. The Portfolio Holder undertook to investigate the issues raised over the junctions in Hemnall Street, the issue could possibly be considered by the Local Highways Panel, and would respond personally to the Questioner along with updates on the progress made with the Parking Review.

The Questioner reiterated his opinion that the road signage at the four junctions were the problem, along with the possibility that the Olympics in 2012 could bring parking chaos to the streets in Epping around the London Underground station.

The Portfolio Holder stated that the Council needed to cooperate with the County Council over the road signs at each of the four junctions, and also understood the potential problems that could arise from the Olympics in two years hence.

44. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee presented a report of its meeting held on 13 September 2010, when the following items of business were considered.

(i) A presentation from the Chief Executive Officer of Connect Plus, the company contracted to maintain the M25, and who were spending the equivalent of £1million per day on remedial works. The Committee noted that the Government was

considering proposals to turn the Dartford Crossing into a managed motorway with a free flowing tolling section.

(ii) A call-in on the Cabinet's decision to suspend the construction of a new Sports Hall at Waltham Abbey; after a lengthy debate, the original decision was upheld.

(iii) Consultation papers on 'Policing in the 21st Century' and 'Rebalancing the Licensing Act', following their consideration by the Safer Cleaner Greener Scrutiny Panel.

45. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 13 JULY 2010

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee held on 13 July 2010. The issues considered by the Cabinet Committee had included: an update on the proposed changes to the Planning System; the Town Centres Study undertaken by Roger Tym & Partners; and the Local Development Framework Engagement Study.

In response to questions from the Members present, the Portfolio Holder for Legal & Estates confirmed that there was interest from large retailers for the proposed retail park scheme at Langston Road, which it was hoped would also be of benefit to the local traders in Loughton Broadway. The term 'Arthouse Cinema' used in the report most likely referred to the size of the venue as opposed to the type of films that would be shown. The Cabinet was also provided with an update on the progress of the Waltham Abbey Town Plan, which was scheduled for publication before the end of the year.

Decision:

(1) That the minutes of the Local Development Framework Cabinet Committee held on 13 July 2010 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.

46. NON-HOUSING ASSETS WITHIN THE HOUSING REVENUE ACCOUNT

A report upon the transfer of non-housing assets within the Housing Revenue Account to the General Fund was presented by the Portfolio Holder for Finance & Economic Development.

The Portfolio Holder reminded the Cabinet that within the prospectus for the disassembling of the Housing Subsidy System there had been an emphasis that the Housing Revenue Account (HRA) should remain a ring-fenced account and should still primarily be a landlord account, containing the income and expenditure arising from a housing authority's landlord functions. Many commercial properties had been

transferred from the former Greater London Council and had been placed in the HRA. These assets were currently held as investment properties, and the HRA received rental income on these shops, public houses and a petrol station. The transfer of the non-housing assets to the General Fund would result in additional rental income to the General Fund but, because of the mechanism for setting rents, would not cause rents for tenants to increase. Amended versions of the five and thirty year forecasts for the HRA had been produced. The five year forecast still had a balance of just under £4 million for the HRA at the end of 2014/15. However, the amended thirty year forecast indicated that, without a savings or efficiency programme, the HRA would fall into deficit in year 12, compared to year 28 in the previous forecast.

The Cabinet then received a representation from the Vice-Chairman of the Council's Tenants & Leaseholders Federation, the main points of which was as follows:

- (i) The list of non-housing assets currently within the HRA had been valued at £15.5million, which appeared very low. The Federation felt that the Council should have an up-to-date valuation of the properties provided before the matter was considered further and a decision made.
- (ii) Some important pieces of information had not yet become available, such as the outcome of the Government's Comprehensive Spending Review or the review of the financing arrangements for Housing Revenue Accounts. Any decision should be postponed until all the relevant information had become available.
- (iii) The transfer would have a detrimental impact upon the quality of housing services provided to tenants, particularly from year 12 onwards, and the Council would find it more difficult to set rents below the restructuring level.
- (iv) The report had stated that there were no equalities issues with the proposed transfer; however as Council tenants were disproportionately among the equalities groups, they would be disproportionately affected.

A petition was handed in by the Vice-Chairman of the Federation calling upon the Council not to proceed with the proposed transfer.

The Housing Portfolio Holder reiterated the comments of the Federation and added that the current economic situation would necessitate savings being required across all budgets. The Portfolio Holder could not support the proposals, due to the effects upon the Account in year 12 of the forecast, and the estimated reduction in the HRA's capital programme, which would affect tenants and leaseholders in Year 11.

The Portfolio Holder for Finance & Economic Development responded that substantial reserves had been accumulated within the HRA, however the proposals would not harm the HRA until year 12 of the 30-year forecast. It was felt that the Council had to be fair to both its tenants and other residents within the District. The Council was potentially facing a 20% cut in its Revenue Support Grant and it was important to protect the Council's front-line services. The Council could wait until after the Comprehensive Spending Review, however the budget setting process for 2011/12 had already begun, and any deferral of this decision would require further savings in the Continuing Services Budget of £500,000. The Portfolio Holder assured the Cabinet that a proper valuation would be undertaken before any transfer was proceeded with.

The Chairman of the Housing Scrutiny Panel felt that this was the wrong time for the Council to make this decision as the outcome of the Comprehensive Spending

Review had not yet been published and the new Government might yet amend the proposals for the replacement of the Housing Subsidy System. The HRA was currently forecast to be in deficit after 12 years, however a small variation to this forecast could give rise to difficulties earlier than currently suggested. There was concern that this issue had not been considered by the Housing Scrutiny Panel and the Cabinet was urged to defer the decision until further information had become available.

The majority of the Cabinet felt that these properties should be transferred. There were all sorts of possibilities that could occur before year 12 of the forecast which would mitigate the effects of the transfer. Private tenants and homeowners could also be struggling financially and that the Council had a responsibility to all its residents within the District. It was acknowledged that further valuations needed to take place before the transfer could happen, although the value of some properties would have been reduced by being leasehold not freehold.

It was suggested that the issue should be considered by the Housing Scrutiny Panel prior to it being discussed at the Council. It was highlighted that the proposals had been carefully considered by Officers as well as the Finance & Performance Management Cabinet Committee in May 2010, and that all Councillors would have an opportunity to fully debate the proposals at Council. It was also suggested that the Finance & Performance Management Scrutiny Panel should consider the proposals as well. The Acting Chief Executive proposed that a joint meeting of both Scrutiny Panels should be held to consider the proposals, before reporting separately to the Council meeting scheduled for 2 November 2010.

Decision:

(1) That the transfer of the non-housing assets, as listed in Appendix 1 of the report, to the General Fund be recommended to the Council for approval at its meeting scheduled for 2 November 2010;

(2) That, in the event of the Council approving the transfer, authority be delegated to the Director of Finance & ICT to write to the Secretary of State to request permission for the transfer of the properties listed in Appendix 1 of the report from the Housing Revenue Account to the General Fund; and

(3) That the Housing and Finance & Performance Management Scrutiny Panels be requested to hold a joint meeting to consider the proposed transfer and to provide its views and recommendations on the proposals to the Council on 2 November 2010.

Reasons for Decision:

To ensure that the Housing Revenue Account was operated on the correct basis as a landlord account, and that the benefit of the rental income was shared amongst all residents and not confined to the Council's tenants and leaseholders.

Other Options Considered and Rejected:

To leave the non-housing assets and their rental income within the Housing Revenue Account.

47. TELECOMS MAST - HONEY LANE, WALTHAM ABBEY

The Leader of the Council presented a report upon the claim for compensation by

local residents following the erection of a telecoms mast in Honey Lane. Waltham Abbey.

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

The Leader stated that the residents who had originally objected to the mast had been paid £250 each as a goodwill gesture by the Council prior to the District Development Control Committee's decision. Members were now requested to consider whether any further compensation should be paid to residents for the Council's failure to issue a timely decision on the original prior approval application and the consequences which arose from that failure. Various options for compensation had been discussed and the preferred option of Officers had been recommended.

The Portfolio Holder for Operation Planning & Transport, who represented the High Beach ward in Waltham Abbey, observed that the report was only proposing to compensate those residents who had originally objected to the Council about the erection of the mast, not the residents who either did not object or who objected through other channels but were still affected. It was felt to be reasonable to offer compensation of £250 to all the affected residents, i.e. the 71 properties highlighted on the map attached to the report.

The Director for Planning & Economic Development stated that he had experience of losing planning appeals against mobile phone masts, as the operators had considerable powers to erect such masts. The Council's procedures had since been reviewed and the Director apologised for those residents that had been affected. The Director of Corporate Support Services reminded the Cabinet that the Council would not be accepting liability, the compensation would be an apology to residents for failing to deal with the application in a timely manner.

The Cabinet agreed to compensate the other affected residents, from the 71 properties highlighted in the report, provided that they were in residence when the mast was erected, they had not moved from their home since the mast was erected, and they had not previously received any compensation from the Council in respect of this matter.

Decision:

(1) That, provided they have not moved home, those residents who originally objected to the application for a determination as to whether prior approval was required for the erection of a mobile phone mast be paid a further and final sum of £250 as compensation;

(2) That the residents of the properties marked on the map attached at Appendix 1 of the report be also offered compensation in the sum of £250, subject to the following conditions:

(a) they were resident in their property when the mast was erected;

- (b) they have not moved from their home since the mast was erected; and
 - (c) they have not previously received compensation from the Council in respect of this matter; and
- (3) That the compensation offered be without prejudice and as an apology for the failure of the Council to deal with the application for the mast in a timely manner.

Reasons for Decision:

Although it was highly likely a mobile phone mast would have been erected within the vicinity of the existing mast, the visual amenities of residents were nevertheless harmed by the existing mast. That mast was lawfully erected as a consequence of the Council's failure to make a timely decision on the application for a determination as to whether prior approval was required for the erection of the mast and it was not expedient to take action to secure its removal.

Other Options Considered and Rejected:

To give no compensation.

To compensate the residents who originally objected to the application for a prior approval determination on the basis of a possible loss of property value.

To compensate all those who had either signed a petition or submitted individual letters complaining about the Council's failure to meet the 56 day deadline and/or calling for the removal of the mast by a fixed sum.

To compensate on an alternative basis decided by Members.

48. OPEN MARKET SHARED OWNERSHIP SCHEME

The Housing Portfolio Holder presented a report about the Open Market Shared Ownership Scheme.

The Portfolio Holder reminded the Cabinet that it had previously agreed to pilot an innovative Open Market Shared Ownership (OMSO) Scheme to enable housing applicants on the Council's Housing Register to get on the home ownership ladder, and select a property on the open market that they would like to purchase on a shared ownership basis. The Housing Association that the Council had previously agreed to operate the Scheme with was no longer interested. However, following discussions with a number of other housing associations, Broxbourne Housing Association had expressed an interest to work in partnership with the Council to introduce the Scheme. A small number of changes to the previously-agreed Scheme had been proposed, to enlarge the scope of the scheme and make it more attractive to applicants.

The Portfolio Holder added that, following a capital receipt from a developer under a Section 106 Agreement, it was proposed to fund the pilot scheme this year from this capital receipt to assist eight applicants. It was further proposed that, on completion of the Pilot Scheme, consideration should be given to extending the scheme next year, funded from the existing budget for the scheme. It was confirmed that, where successful applicants for the scheme were existing Council tenants, they would vacate Council properties, which would then be available for subsequent release to

other applicants on the Council's housing waiting list, in accordance with the terms of the Housing Allocations Scheme.

Decision:

(1) That the previously agreed Open Market Shared Ownership (OMSO) Scheme be piloted in 2010/11 but with Broxbourne Housing Association (BHA) instead of Moat, and operated in the manner previously agreed by the Cabinet subject to the following changes:

(a) applicants of the Scheme also be allowed to purchase two-bedroomed houses;

(b) the maximum property purchase price be increased to £210,000;

(c) the purchased property to be of modern construction, either brick/block or brick/timber cavity construction;

(d) applicants also be allowed to purchase a property in Hertfordshire, or a London Borough immediately neighbouring the Epping Forest District;

(e) if the Scheme is subsequently extended to a Phase 2 then BHA's marketing, legal and administration costs be reduced from £2,500 to £2,000 for phase 2; and

(f) if the scheme is over-prescribed then priority be given to those applicants seeking to purchase the cheapest properties;

(2) That the Director of Housing and the Director of Corporate Support Services be authorised to agree the detail of the scheme and the necessary legal agreements;

(3) That the Pilot Scheme be funded from the £435,000 payment received by the Council from McCarthy & Stone to fund affordable housing within the District (in accordance with the Section 106 Agreement for its recently completed development in Epping) in order to fund 8 shared ownership properties, and budget provision be made accordingly within the Housing Capital Programme for 2010/11;

(4) That the existing budget of £350,000 for the OEMSO Scheme within the Housing Capital Programme for 2010/11 be carried forward to 2011/12;

(5) That the success of the Pilot Scheme be reviewed by the Housing Portfolio Holder upon completion; and

(6) That the Housing Portfolio Holder be authorised to extend the OEMSO Scheme into a Phase 2 in 2011/12, if considered appropriate, to provide a further 6 shared ownership properties, utilising the £350,000 budget provision.

Reasons for Decision:

House prices within the District continued to remain very high, resulting in many local people being unable to purchase their own home. The operation of the previously-agreed OEMSO Scheme, but with BHA, would assist 8 applicants on the Council's Housing Register to enter home ownership this year, whilst the extension of the Scheme would assist a further 6 applicants.

If house prices increased then the Council's investment in the Open Market Shared Ownership Scheme would increase proportionately and would be recouped when shared-owners purchased additional equity shares up to 100% (staircasing). The receipts would then be re-invested in further equity purchases to assist other applicants. The previously-agreed Risk Sharing Agreement would minimise and mitigate the Council's risk, especially if property prices decreased.

Other Options Considered and Rejected:

To not operate the Pilot Scheme.

To operate the Pilot Scheme with another housing association, but no others had expressed an interest.

To not authorise the Housing Portfolio Holder to extend the Scheme to assist a further 8 applicants.

To not plan for the possible extension of the Scheme, and to not utilise the capital receipt from the developer to provide affordable housing on this Scheme.

49. REVISED TREASURY MANAGEMENT STRATEGY STATEMENT & INVESTMENT STRATEGY 2010-13

The Portfolio Holder for Finance & Economic Development presented a report concerning the revision of the Council's Treasury Management and Investment Strategies for the period 2010-13. The Treasury Management Strategy and Prudential Indicators were last approved in February 2010, however, the Council had changed its treasury advisors in May and the Treasury Strategy had been revised, in line with advice from the new treasury advisors, Arlingclose.

The Portfolio Holder reminded the Cabinet that the original strategy had had separate minimum criteria for credit-rated counterparties for investments up to £5million and £10million; there would now only be one limit in the revised strategy up to £10million. The minimum required credit score had been reduced for investments up to £10million when compared against the original rating, but increased against the original rating for investments up to £5million. This had resulted in a number of counter-parties being removed from the Council's list. The maximum investment in a non-UK country had been increased from 10% of the portfolio (approximately £5million) to £10million. A new investment product had also been added to the strategy, the purchasing of bonds issued by multilateral development banks, with a limit of £10million and a maximum maturity of 10 years.

The Portfolio Holder added that the Council had a local performance indicator for measuring the Council's performance for average rate of interest earned against the 7-day London inter-bank rate (LIBID). Following the changes in the Treasury Management Code of Practice, and the new focus upon security and yield, the treasury outturn report would continue to report the Council's performance against the LIBID, but not set a target for Officers to achieve. No changes to the other Prudential Indicators had been recommended. The strategies would be considered by the Audit and Governance Committee on 20 September 2010 prior to its final approval by the Council on 28 September 2010.

In response to questions from Members, the Principal Accountant stated that most of the Council's current investments were for a period of less than 1 year, however the Council would consider longer investment terms when market conditions improved.

The Director of Finance & ICT was thanked for the recent Treasury Management training that had been organised for the benefit of Members.

Decision:

- (1) That the amended 2010/11 Treasury Management Strategy Statement and Investment Strategy 2010/11 to 2012/13 be recommended to the Council for approval;
- (2) That the deletion of the local performance indicator on investment returns be recommended to the Council for approval; and
- (3) That the Treasury Management Prudential Indicators for 2010/11 to 2012/13 be noted.

Reasons for Decision:

To align the Council's Treasury Management Strategy and Investment Strategy with the views of the new treasury advisors, Arlingclose.

Other Options Considered and Rejected:

Members could ask for additional information about the Treasury Management Strategy, or not recommend the revised strategy to the Council for approval.

50. HOUSING STRATEGY 2009-12 - KEY ACTION PLAN 2010/11

The Housing Portfolio Holder presented a report proposing a new Key Action Plan for 2010/11 in accordance with the Housing Strategy 2009-12, which had been considered by the Housing Scrutiny Panel and was recommended for approval by the Cabinet.

The Portfolio Holder reported that the Cabinet had adopted the current Housing Strategy in September 2009. The strategy assessed the District's current and future housing needs, and detailed the Council's approach to meeting those needs. The strategy also linked to other Council and non-Council strategies, which both influenced and were influenced by the Housing Strategy. The original Key Action Plan set out the proposed actions to be taken by the Council for the first year to contribute towards the achievement of the objectives within the Strategy, and was to be updated on an annual basis for approval by the Cabinet. An updated Action Plan had been considered by the Housing Scrutiny Panel in July 2010 and had been recommended to the Cabinet for adoption.

The Director of Housing reported that the areas of land mentioned under item 9 of the Action Plan for possible development of affordable housing were all relatively small areas, of which some comprised garages that had proved difficult to let. The Director also explained that the discontinuation of the glossy freesheet advertising vacant Council properties was still subject to consultation with the Council's partners in the HomeOption scheme. The freesheet was expensive to produce and approximately 90% of the expressions of interest for vacancies were made on-line; however the Director acknowledged that the freesheet was useful for those applicants without internet access. The freesheet was not sent to all tenants but distributed via various outlets throughout the District. The Portfolio Holder added that the Council's Homelessness Prevention Service was very successful, and that the planned review of funding would be the subject of a report to Cabinet in due course.

Decision:

(1) That, as recommended by the Housing Scrutiny Panel, the proposed Housing Strategy Key Action Plan 2010/11 – attached to the report at Appendix 1– be adopted.

Reasons for Decision:

The Housing Strategy 2009-12 included a Key Action Plan, which the Cabinet had previously agreed should be updated each year for the duration of the Housing Strategy.

Other Options Considered and Rejected:

To not agree the latest Key Action Plan, or to propose different actions.

51. REPLACEMENT OF RESTRICTIVE COVENANTS - EPPING FOREST COLLEGE, LOUGHTON

The Portfolio Holder for Legal & Estates presented a report upon the release of certain restrictive covenants at Epping Forest College in Loughton.

The Portfolio Holder reported that the Council had previously agreed the variation of the restrictive covenants and the release of the right of pre-emption in respect of the Loughton Hall Site, which previously had formed part of the College site. These same provisions affected the land which adjoined the Loughton Hall. The College now wished to sell this land and had requested that the current restrictions on use be changed to allow residential care or nursing home development and/or an education use. The College had also asked that the Council's option to purchase the land at full market value (a right of pre-emption) each time the property was sold be released. The College authorities had stated that they intended to provide sports facilities on a different area of land owned by the College at Borders Lane, and that the local community would have access, when funding became available.

The Portfolio Holder added that the covenant could be released without replacement, or authority could be delegated to the Portfolio Holder, however concerns had previously been expressed by the Members of Area Plans Sub-Committee South about the possible release of the covenant. The report had also suggested the release of the covenant in return for a side-letter or words in the deed of release about the College providing sporting facilities in the future when funding allowed.

Local Ward Members welcomed the suggestion of a side-letter in return for the release of the covenant, and urged the Cabinet to also release the Council's right of pre-emption. The Portfolio Holder offered a revised recommendation whereby the Covenant would be released in return for a side-letter or words in the deed of release. Authority was also delegated to the Director of Corporate Support Services to agree minor variations to the legal documents so as not to unduly delay the process.

Decision:

(1) That the right of pre-emption in respect of the land shown edged thick black on Plan A (attached at Appendix 1 of the report) and edged thick black on Plan C (attached at Appendix 3 of the report), which are part of Epping Forest College, be recommended to the Council for unconditional release;

(2) That the full release of the covenant which restricts the use of the land shown edged thick black on Plan A, in return for a side-letter or words in the deed of release with respect to the College providing replacement sports facilities when their funding situation allowed, be recommended to the Council for approval;

(3) That the delegation of authority to the Director of Corporate Support Services, in consultation with the Portfolio Holder for Legal and Estates, to negotiate any reasonable variation to the covenant restricting the use of the land shown edged thick black on Plan C be recommended to the Council for approval; and

(4) That the delegation of authority to the Director of Corporate Support Services to agree minor variations to the new covenants, as required, be recommended to the Council for approval.

Reasons for Decision:

The Council's right of pre-emption gave it the option to purchase the land at full market value whenever it was put up for sale. The covenants for use were very restrictive. The combination of these provisions made it very difficult for the College to sell and greatly affected the value of the land. If the Council agreed to the release of the restrictive user clauses then it would enable the College to gain a better financial footing, which might facilitate the building of new sports facilities in the future.

Other Options Considered and Rejected:

To not agree to the variation of the restrictive covenant as to use and to not release the right of pre-emption. However, the College could apply to the Lands Tribunal for the restrictive covenants to be released, which was likely, whilst the College could still sell the land if the Council refused to purchase, although this could affect any premium the College could expect to receive for the land.

To agree to the variation of the restrictive covenant as to use and to make the release of the right of pre-emption conditional upon the building of the sports facilities. However, this would again affect the value of the land.

To require the College to enter into a separate agreement that it would construct the alternative sports facilities within a time limit. However, the College would not agree to this.

52. ADOPTION OF CCTV SERVICE DELIVERY PLAN & CODE OF PRACTICE

The Safer & Greener Portfolio Holder presented a report regarding the adoption of the CCTV Service Delivery Plan and Code of Practice.

The Portfolio Holder explained that the CCTV Delivery Plan was a strategy for CCTV within the District for the next three to five years. It had outlined a programme of installations and maintenance for systems within the District and highlighted the associated resource implications. It also sought to bring together under one management area most of the Council's public facing CCTV systems within the Safer Communities Unit in the Environment & Street Scene Directorate. The associated Code of Practice was important since it described, in accordance with national standards and accepted best practice, how CCTV would be managed and used within the District to ensure the safety of the data collected and the maintenance of public confidence in the systems.

The Portfolio Holder added that CCTV footage was relied upon in court as evidence, and also helped to reduce anti-social behaviour within the District. The Council would also be happy to advise other CCTV providers within the District, based upon the principles contained within the Delivery Plan and Code of Practice.

Decision:

(1) That, following consideration by the Safer, Cleaner, Greener Scrutiny Standing Panel and the Overview and Scrutiny Committee, the CCTV Delivery Plan and associated Code of Practice be adopted.

Reasons for Decision:

To ensure the effective use of CCTV within the District, that it provided usable evidence for the police and other authorised enforcement agencies, and was managed in accordance with national and best practice standards.

Other Options Considered and Rejected:

To not have a planned approach to the installation and maintenance of CCTV;

To not have CCTV under one management umbrella within the Council; or

To not operate CCTV systems in accordance with national standards and accepted best practice.

However, none of these options could be recommended for consideration if public confidence in CCTV was to be retained and the CCTV equipment was to be relied upon to provide credible and usable imagery for use in criminal investigations.

53. PROPOSED COUNTRYCARE RE-STRUCTURE

A report upon the proposed restructure of the Countrycare service was presented by the Safer & Greener Portfolio Holder.

The Portfolio Holder reported that there was an opportunity to review the structure of Countrycare given the current vacancies, the coalition Government's localism agenda and the need to improve work efficiency including consideration of changing service delivery requirements. The current grading of the Countryside Manager was lower than that of other team leaders across the Council and it was thought that a formal review of the role's job description and grade would be appropriate. The position was currently vacant and the process would be completed prior to advertising the vacancy. It was proposed to restructure the team by deleting one of the vacant Assistant Countryside Manager posts and creating an additional Countryside Assistant post in its stead. This would result in a Continuing Services Budget saving of £12,700 per annum (9.2%).

The Portfolio Holder added that one of the key objectives of the service was to involve local communities in all aspects of Countrycare's work and extend the already popular volunteering programme. The District already had the Epping Forest Conservation Volunteers, which relied on the existing volunteer resource, but existing volunteer time was already stretched. The emphasis for the future would be to broaden the existing volunteer base for Countrycare projects, engaging more residents and ensuring a minimum of two volunteer hours per week.

The Cabinet felt that Countrycare performed a very important service for both the Council and the District, and that the volunteer programme ensured the completion of projects which the Council could not afford. It was noted that Countrycare had performed a vital role during the restoration and remediation project at the former landfill site in Bobbingworth. The Portfolio Holder confirmed that all staff in Countrycare would have access to any relevant health and safety training.

Decision:

(1) That the proposed re-structure for Countrycare, by deleting one Assistant Countryside Manager post and creating an additional Countryside Assistant post thereby fortifying the project implementation tier of the team and allowing for the further extension of the volunteer programme, be agreed; and

(2) That Countrycare's intention to extend its volunteering and public engagement programme be noted.

Reasons for Decision:

To ensure that the Council and District continued to benefit from a well structured Countryside Management team, which delivered high quality countryside management projects, as well as public information and advice services.

Other Options Considered and Rejected:

To retain the existing Countrycare structure.

54. BOBBINGWORTH FORMER LANDFILL SITE - FINAL ACCOUNT

The Environment Portfolio Holder presented a report upon the Final Account for the restoration and remediation project at the former landfill site in Bobbingworth.

The Portfolio Holder stated that the target price agreed with Veolia for construction and design of the scheme had been £2,079,159; the final account had now been completed and the total payable to Veolia was £2,110,102, which was £30,943 over budget. In accordance with the terms of the contract, this overspend was to be shared equally between the Council and Veolia, reducing the total payable by the Council to £2,094,630 including the £20,000 for tree planting. It was also a requirement of the consent for the District Council to pay the County Council for the repair of any damage to the local highways caused by the lorry movements. The final assessment of the damage was £6,411 – which was significantly less than the £60,000 set aside by the Council. A separate sum of £37,653 had also been paid to the County Council as a Deposit Fee under the Section 278 agreement. The County Council had now returned 90% of the Deposit Fee, with the remainder due for release at the end of the 12 month maintenance period.

The Portfolio Holder added that all of the construction works had been completed barring a few items, which had been estimated to cost £41,000 to complete. It was proposed that Council Officers complete these outstanding works from within the existing budget allocation, without the need to delay completion of the Final Account. It was noted that costs would be higher if these minor works were completed by Veolia, mainly due to their 15% handling costs, design and supervision fees. With the formal completion of the project, the Cabinet was requested to note the commencement of the seven year after-care maintenance agreement by Veolia.

The Portfolio Holder reminded the Cabinet that the total approved budget for the

scheme had been £2,492,000, excluding the £20,000 from Essex County Council for tree planting. Total expenditure so far had been £2,413,000, a shortfall of £78,000. Allowing for the remaining works estimated to cost £41,000, there would be a saving of £38,000. It was proposed to retain this saving within the project budget and submit a further report outlining how the use of this money to purchase maintenance equipment would enable the Council to make further revenue savings on the maintenance budget in future years.

The Portfolio Holder concluded that the Cabinet had earlier resolved to form a local advisory group to assist with the on-going management of the site. The group would offer advice and assist with activities such as applications for funding and other local community participation events, but would not have any decision making powers. The Cabinet was requested to authorise the Portfolio Holder to consult upon, and agree both the membership of the group as well as its terms of reference.

In response to questions from the Members present, the Portfolio Holder reported that no decisions had been made over the membership of the Liaison Group but it would have some involvement from the Parish Council. No decision had yet been made over when the public would be given access to the site; this would be decided by Officers in consultation with Veolia, probably in 2011. The Assistant Director (Technical) added that the site had to be made safe before the public could be permitted access.

Decision:

- (1) That the completion of the works for the restoration and remediation of the Bobbingworth former landfill site be noted;
- (2) That the commencement of the seven-year after care maintenance agreement by Veolia Environmental Limited be noted;
- (3) That the final account for the project be noted;
- (4) That the estimated capital saving of £38,000 be retained within the project budget;
- (5) That a further report be submitted outlining the estimated savings in ongoing revenue maintenance costs by retaining and utilising the capital savings, for example by purchase of maintenance equipment; and
- (6) That the Environment Portfolio Holder be authorised to consult on and agree the membership and terms of reference for the Local Liaison Group previously agreed.

Reasons for Decision:

It was a requirement of the Council's Constitution to present a final account for any scheme costing in excess of £1million.

The formation of a local liaison group would provide advice and assistance to the Officers responsible for the day to day management of the site.

Other Options Considered and Rejected:

Costs would be higher if the Final Account was delayed until all minor works were complete.

To allow the local liaison group to assume decision making powers, however it was felt that control should remain with Officers and the Portfolio Holder due to the site's former use as a landfill site.

55. DESKTOP HARDWARE UPGRADE

The Portfolio Holder for Legal & Estates presented a report concerning the proposed desktop hardware update.

The Portfolio Holder reported that the Council had a large number of personal computers and laptops that were over 4 years old; the industry recognised lifespan for hardware reliability was 4 years. These units were now becoming unreliable and costly to repair and maintain and, in line with the current strategy, it was proposed to replace the obsolete units with Thin Client Terminals. The purchase price of such terminals was less than half than that of a personal computer, and the ease of support as well as the reduced power consumption made the total cost of ownership far lower in comparison with a personal computer. It was estimated that the cost of replacing personal computers with terminals would be £23,000 in 2010/11 and £26,000 in 2011/12.

The Assistant Director (ICT) added that the Council obtained a discount through purchasing equipment via the Essex On-Line Partnership, but a leasing option could also be included in any invitation to quote issued through the Buying Solutions network.

Decision:

- (1) That the replacement of all desktop hardware over five years old be agreed;
- (2) That the continued use of Thin Client Technology (TCT), involving a low-end computer terminal to access ICT functionality held on a centrally based server, be endorsed to allow a cheaper and more manageable desktop solution; and
- (3) That a leasing option be included in any invitation to quote from the Buying Solutions network.

Reasons for Decision:

The maintenance of unreliable equipment was not cost effective for the Council, in terms of repair costs, ICT support and user productivity loss. The cost of thin client terminals were much less than personal computers.

Other Options Considered and Rejected:

To replace the Council's personal computers as they failed with new personal computers, but this would not be cost effective either.

56. HEALTH AND SAFETY POLICIES

The Portfolio Holder for Performance Management presented a report upon the review of the Council's Stress and Asbestos Policies.

The Portfolio Holder reported that a number of the Council's health and safety policies were being reviewed and amended where necessary. The Asbestos and Stress policies were the first to be reviewed. There had been some minor

amendments to the Control of Asbestos Regulations 2006, and the Council's policy had been updated to reflect this. Both policies had been considered by the Corporate Safety Team and the Joint Consultative Committee, and were recommended for adoption.

Decision:

- (1) That, as requested by the Joint Consultative Committee, the proposed Asbestos Policy attached at Appendix 1 of the report be adopted by the Council; and
- (2) That, as requested by the Joint Consultative Committee, the proposed Stress Policy attached at Appendix 2 of the report be adopted by the Council.

Reasons for Decision:

The introduction of, and regular review and update, of the Council's health and safety policies ensured that the Council complied with relevant health and safety legislation as well as best practice. The policies had been considered by the Council's Joint Consultative Committee, who had recommended their adoption to the Cabinet.

Other Options Considered and Rejected:

To not agree the implementation of the reviewed policies or request that the policies were further reviewed.

57. ANY OTHER URGENT BUSINESS

The Housing Portfolio Holder queried the Cabinet procedures quoted on the front of the agenda, stipulating that any business not completed by 10.00pm would – at the discretion of the Chairman – stand referred to the next meeting or be voted upon without debate.

The Acting Chief Executive stated that the reports on the agenda had ranked on this occasion, with the reports thought to be major items of business considered first. It was suggested that the Constitution & Member Services Scrutiny Panel could be requested to examine these Cabinet procedures if Members wished to consider alternatives to the current measures.

Decision:

- (1) That the Constitution & Member Services Scrutiny Panel be requested to examine the current Executive Procedure Rules within the Council's Constitution requiring all business not concluded by 10.00pm to stand referred to the next meeting or voted upon without debate.

Reasons for Decision:

To allow the Cabinet to consider and debate all items of business on its agenda for a particular meeting.

Other Options Considered and Rejected:

To retain the current procedures requiring all Cabinet meetings to end shortly after 10.00pm.

58. EXCLUSION OF PUBLIC AND PRESS**RESOLVED:**

(1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Info Paragraph No</u>
22	Local Land Charges – Access to Environmental Information	3

59. LOCAL LAND CHARGES - ACCESS TO ENVIRONMENTAL INFORMATION

The Portfolio Holder for Legal & Estates presented a restricted report upon access to environmental information in respect of Local Land Charges.

The Portfolio Holder reported that the Information Commissioner's Office had recently published guidance stating that, in its opinion, the majority of information provided by local authorities in response to property search enquiries was likely to be regarded as environmental information, and that charges should only be raised in accordance with the Environmental Information Regulations 2004. This guidance was likely to have significant financial implications for the Council, through the inability to continue to charge for access to the Local Land Charges Register.

The Portfolio Holder also informed the Cabinet that guidance had been received from the Local Government Association regarding this matter, which it was recommended for the Council to follow. In addition, the Cabinet was requested to agree to contribute £300 to a fund administered by the Local Government Association to obtain advice on alternative charging regimes.

Decision:

(1) That the likely loss of income from future personal searches together with the potential for claims for the refund of fees already paid for personal searches undertaken since 1 April 2005 as a result of the Local Land Charges (Amendment) Rules 2010, which came into force on 17 August 2010 and revoked the right to charge, be noted;

(2) That a further possible financial impact on the Council if the Government decides the replies to enquiries raised on the CON29R search enquiry form for both personal and official searches should also be provided free of charge under the Environmental Information Regulations be noted;

(3) That a further report be made to a future meeting of the Cabinet, identifying options for the mitigation of any shortfall in income arising from the changed fee regime in respect of personal and CON29R search enquiries;

(4) That, with immediate effect, personal searches be carried out in the manner specified within the report, in order to:

(a) reduce the time spent by staff facilitating the provision of this service for which

a charge can no longer be made; and

(b) to avoid potential claims for incomplete information

(5) That a further review be undertaken as to how the Council's statutory responsibilities in relation to local land charge searches could be performed cost effectively;

(6) That, in accordance with the recommendations of the Local Government Association, the Leader of the Council and the Chief Executive be authorised to write to the relevant Government departments to advise them of the anticipated loss of income and additional administrative costs arising from the revocation of the personal search fee, and to seek assurances of Government assistance in that regard; and

(6) That the sum of £300 be contributed to a fund administered by the Local Government Association to obtain advice on an alternative charging regime for personal and CON29R search enquiries.

Reasons for Decision:

Further information had been received from the Information Commissioner, following the previous report considered by the Cabinet in June. The Local Government Association was seeking advice on an alternative charging regime.

Other Options Considered and Rejected:

There were no other options at the current time, pending the receipt of further advice from the Local Government Association.

CHAIRMAN