



Epping Forest District Council

DECISIONS

Committee:	CABINET
Date of Meeting:	Monday, 25 October 2010

Date of Publication:	2 November 2010
Call-In Expiry:	8 November 2010

This document lists the decisions that have been taken by the Cabinet at its meeting held on Monday, 25 October 2010, which require publication in accordance with the Local Government Act 2000. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in.

Those decisions that are listed as being “recommended to the Council...”, or request the Chairman of the Council to waive the call-in, are not eligible for call-in.

The wording used will not necessarily reflect the actual wording that will appear in the minutes, which will take precedence as the minutes are the official record of the meeting.

If you have any queries about the matters referred to in this decision sheet then please contact:

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Call-In Procedure

If you wish to call-in any of the eligible decisions taken at this meeting you should complete the call-in form and return it to Democratic Services before the expiry of five working days following the publication date. You should include reference to the item title. Further background to decisions can be found by viewing the agenda document for this meeting at: www.eppingforestdc.gov.uk/local_democracy

Decision No:

3. MINUTES

Decision:

- (1) That the minutes of the meeting held on 13 September 2010 be taken as read and signed by the Chairman as a correct record.

7. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 14 SEPTEMBER 2010

Decision:

Local Wildlife Sites – Evidence Base Study

(1) That the strategy for the formal adoption of the Local Wildlife Sites Review by the Council be recommended to the Council for approval; and

Local Investment Plan

(2) That the draft Local Investment Plan Evidence document 2010-15 be endorsed for submission and inclusion within the Joint Investment Plan for Epping Forest, Harlow and Uttlesford Councils.

8. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 4 OCTOBER 2010

Decision:

LDF Core Strategy – Key Principles

(1) That the end date of the Core Strategy be agreed as 2031;

(2) That the legal requirement to test a range of growth options, both for housing and employment purposes, be noted;

(3) That the legal requirement for all reasonable spatial options to be assessed as part of the preparation of the Core Strategy be noted; and

(4) That the following timetable for Core Strategy Issues and Options consultation period be agreed:

(a) draft consultation document to be considered by the LDF Cabinet Committee on 28 March 2011;

(b) ratification of the consultation document by the Cabinet on 6 June 2011; and

(c) publication of the Issues and Options consultation document on 20 June 2011.

9. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 27 SEPTEMBER 2010

Decision:

Financial Issues Paper

(1) That the 2011/12 budget guidelines be set in accordance with the revised four year forecast as follows:

(a) the ceiling for the Continuing Services Budget net expenditure be no more than £17.064million including net growth;

(b) the ceiling for District Development Fund expenditure be no more than £909,000;

(c) that balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement; and

(d) the Council Tax not be increased, with the Council Tax for a Band D property remaining at £148.77;

(2) That a revised Medium Term Financial Strategy for the period to 2014/15 be developed accordingly;

(3) That communication of the revised Medium Term Financial Strategy to staff, partners and other stakeholders be undertaken by way of publishing key bullet points in appropriate publications;

(4) That the availability of the Medium Term Financial Strategy on the Council's website be highlighted to Members via the Council Bulletin;

(5) That the policy of capitalisation of additional pension fund deficit payments be continued; and

(6) That a further report on the progress of converting budget underspends into revenue savings be submitted to the next scheduled meeting of the Cabinet Committee;

District Development Fund

(7) That the current balance on the District Development Fund reserve be noted;

(8) That future bids for District Development Fund budgets be approved for a maximum period of two years; and

(9) That the two-year time limit be retrospectively applied to all currently approved bids; and

Risk Management – Amendments to Corporate Risk Register

(10) That the following risks be considered obsolete and deleted from the Corporate Risk Register:

(a) risk 7a, Compliance with Regulations;

(b) risk 7b, Public comments at Member level may commit the Council to policies or actions;

(c) risk 10, Revised Organisational Structure;

(d) risk 12, Gershon – rule changes;

(e) risk 19, Planning Service does not improve;

(f) risk 21, Use of Council assets; and

(g) risk 25, Management Capacity in Planning;

(11) That the likelihood for risk 5, Public Service Reorganisation which is detrimental to the Council and Community, be uprated from 'Very Low' to

'Low';

(12) That the likelihood for risk 16, Performance Management, be downgraded from 'Low' to 'Very Low';

(13) That the likelihood for risk 22, Key Partnership fails, be uprated from 'Low' to 'Significant';

(14) That the likelihood for risk 23, Fraud, be uprated from 'Very Low' to 'Significant';

(15) That the likelihood for risk 26, Investments, be downgraded from 'Significant' to 'Low';

(16) That the likelihood for risk 29, Gypsy & Traveller Provision, be downgraded from 'High' to 'Significant';

(17) That the likelihood for risk 30, Reduction in Government Grant, be uprated from 'High' to 'Very High';

(18) That a new risk 32, Loss of On-Street Civil Parking Enforcement, be added to the Corporate Risk Register and be scored as 'Significant Likelihood, Marginal Impact';

(19) That the current tolerance line on the risk matrix be considered satisfactory and not be amended; and

(20) That, incorporating the above changes, the amended Corporate Risk Register be approved.

10. PARKING REVIEWS IN EPPING, BUCKHURST HILL & LOUGHTON

Decision:

(1) That the total expenditure to date since the commencement of the 2004/05 financial year on the Epping, Buckhurst Hill and Loughton Broadway parking reviews in the sum of £922,956 be noted;

(2) That further work on the parking reviews be continued;

(3) That, in the light of the forthcoming withdrawal of the on street parking enforcement agency by Essex County Council, purchase of new pay and display machines be removed from the current review proposals generating a capital saving of £70,000;

(4) That the £20,000 associated with the previous abortive advertising costs not be paid to Essex County Council;

(5) That the estimated reduction in cost of the reviews from £646,000 to £556,000, against the current budget provision of £527,000, be noted;

(6) That, on the basis Essex County Council would not provide a written assurance for their revised approach to advertising the Traffic Regulation Orders (proposals and final orders) meeting with all legal requirements nor indemnify the Council against any abortive costs which would arise should the revised approach be successfully challenged, advertising of the Orders be undertaken through a newspaper or newspapers whose circulations cover all of the areas affected by the reviews at an estimated maximum additional cost

of £165,000;

(7) That, as recommended by the Local Highways Panel, the reviews be progressed through a phased approach of completing the Epping review first, followed by the Buckhurst Hill review and finally the Loughton Broadway review, but with total expenditure to be contained within the currently available capital allocation;

(8) That the use of the ring fenced on street parking enforcement account be authorised to meet the additional costs of:

(a) the capital costs of the reviews should the budget be exceeded; and/or

(b) the enforcement associated with the implementation of new and revised Traffic Regulation Orders, to include weekend and evening enforcement where required; and

(9) That the Council should no longer undertake wide area parking reviews be agreed.

11. AGREEMENT OF THE COMMUNITY STRATEGY

Decision:

(1) That the first paragraph of the Introduction on page 7 of the Strategy be amended to read "...but difficult to get around without a car *in some areas*, particularly..."; and

(2) That the Sustainable Community Strategy, as amended above, be recommended to the Council for approval.

12. REVIEW OF THE CAPITAL PROGRAMME 2010/11 - 2014/15

Decision:

(1) That the latest five-year forecast of capital receipts be noted;

(2) That the level of usable capital receipts currently predicted to be £6,900,000 at 31 March 2015 be noted;

(3) That the revised Capital Programme for the period 2010/11 to 2014/15 be approved; and

(4) That the following amendments to the Capital Programme be approved or, where relevant, recommended to the Council for approval:

(a) carry forwards totalling £5.019million from 2010/11 to 2011/12 and 2012/13 in respect of capital schemes as outlined in the report;

(b) inclusion in the programme of £1million to cover the potential purchase of seven new refuse vehicles in 2011/12;

(c) rescheduling of the General Capital Contingency and the Private Sector Housing Capital Contingency into future years as indicated in the report;

(d) removal of underspends of £96,000 within the Housing General Fund

2010/11;

(e) a supplementary estimate of £620,000 in the 2010/11 Housing Revenue Account capital programme as a consequence of the additional Revenue Contributions which became available at the end of 2009/10;

(f) an additional allocation of £165,000 in 2011/12 for Waltham Abbey regeneration schemes to be financed from a ring fenced capital receipt;

(g) virements within the Housing Revenue Account in respect of the categories of work identified in the report; and

(h) a transfer of £200,000 to the Pension Fund Capital Reserve in 2010/11.

13. REVIEW OF THE HOUSING ALLOCATIONS SCHEME

Decision:

(1) That reason for the delay in reviewing the Council's Housing Allocations Scheme, being due to the Government's new statutory guidance on Social Housing Allocations for Local Authorities in England ("Fair and Flexible") not being received until late January 2010 and the additional time needed to meet with its requirements, be noted;

(2) That, following detailed consultation and consideration by the Housing Scrutiny Panel, the proposed changes to the Housing Allocations Scheme as set out in Appendix 1 of the report, including a revision to paragraph 9 of the scheme concerning the Penalty for Refusal of Offers of Accommodation reported at the meeting by the Portfolio Holder, be agreed and implemented from 1 December 2010;

(3) That authority be delegated to the Housing Portfolio Holder to consider any late responses to the consultations, and approve the final Allocations Scheme; and

(4) That, due to the delay referred to above, the Allocations Scheme not be reviewed again until late 2011, with any resultant changes being effective from 1 April 2012.

14. FUNDING FOR EMERGENCY ITEMS - ENVIRONMENT & STREET SCENE

Decision:

(1) That the increase in District Development Funding in the sum of £27,790 from the refund of National Non-Domestic Rates for Waltham Abbey Sports Centre be noted; and

(2) That the use of the funding to deal with the one off, unplanned emergency works listed below totalling £25,696 be recommended to the Council for approval:

(a) emergency ditch work at North Weald Airfield;

(b) investigation of the Bund at North Weald Airfield;

(c) security costs at Roding Valley; and

(d) security costs at North Weald Airfield.

15. SICKNESS ABSENCE

Decision:

(1) That, as recommended by the Finance and Performance Management Scrutiny Panel, the reviewing of the parameters of sick pay entitlements be removed from the Key Performance Indicator Improvement Plan; and

(2) That the sickness absence suffered by the Council during 2009/10 be noted.

16. MAINTENANCE & STATUTORY TESTING OF ELECTRIC & HYDRAULIC LIFTS

Decision:

(1) That a contract be awarded to Amalgamated Lifts Ltd in the sum of £27,022 plus VAT per year being the second lowest tender received for the Preventative, Routine and Reactive (breakdown) Maintenance, including Statutory Testing and Certification, of 24 Lifts at various locations within the Epping Forest District; and

(2) That the contract period be set for a three year period from the anticipated appointment on 15 November 2010 until 14 November 2013; and

(3) That the annual rate of £27,022 plus VAT be applied giving a contract value of £81,066, comprising two years fixed price with the final year being subject to inflation by the application of the appropriate inflation index.

17. PRIVATE WATER SUPPLIES (ENGLAND) REGULATIONS 2009 - CHARGING FOR THE MONITORING & ASSESSMENT OF PRIVATE WATER SUPPLIES

Decision:

(1) That the introduction of the Private Water Supplies (England) Regulations 2009 be noted;

(2) That a charging regime for work carried out be implemented at the maximum level permitted by the Regulations;

(3) That the initial risk assessments required by the new Regulations not be charged for; and

(4) That a further report be submitted to the Cabinet once the initial risk assessments had been completed and the numbers and types of Private Water Supplies were known.

18. PARK & RIDE FACILITIES DURING 2012 OLYMPIC GAMES - NORTH WEALD AIRFIELD

Decision:

(1) That the use of part of the North Weald Airfield by the Olympic Development Agency as a park and ride facility during the white water canoeing events be approved; and

(2) That a bid for £4,000 from the District Development Fund in 2011/12 be made to alleviate the expected loss of income.

20. EXCLUSION OF PUBLIC AND PRESS

Decision:

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>
21	Options for a Development Agreement for the potential Langston Road project	3
22	Liquidation of a Company providing Services to the Council	1,3,5 & 7

21. OPTIONS FOR A DEVELOPMENT AGREEMENT FOR THE POTENTIAL LANGSTON ROAD PROJECT

Decision:

(1) That, in respect of the potential development at Langston Road, the Council's preferred option be to maximise revenue from the project;

(2) That the Council enter into a Single Purpose Vehicle with Polofind Limited on an equal basis to hold and jointly develop the adjoining sites at Langston Road as a retail park be agreed in principle; and

(3) That, in order to procure specialist legal and tax advice, a District Development Fund supplementary estimate in the sum of £25,000 be recommended to the Council for approval.

22. LIQUIDATION OF A COMPANY PROVIDING SERVICES TO THE COUNCIL

Decision:

(1) That the confidential details of this matter and the possibility of criminal charges resulting from an investigation by Essex Police be noted;

(2) That, in respect of this matter, the requirements of the following Contract Standing Orders and Delegated Authorities be retrospectively waived:

(a) Contract Standing Order C3 in relation to the appointment of Morgan Cole;

(b) Delegated Authority CL22 in relation to the appointment of Morgan Cole; and

- (c) Delegated Authority CL22 in relation to the appointment of Counsel;
- (3) That a District Development Fund supplementary estimate in the sum of £30,000 for external legal fees be recommended to the Council for approval;
- (4) That the undertaking of civil proceedings against both the directors and the company concerned be agreed; and
- (5) That the appointment of a liquidator to replace the liquidator proposed by the directors be sought by the Council.

