

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 25 October 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.30 pm

Members Present: Mrs D Collins (Chairman), C Whitbread (Vice-Chairman), B Rolfe, Mrs M Sartin, Mrs P Smith, D Stellan, Ms S Stavrou and Mrs L Wagland

Other Councillors: K Angold-Stephens, A Boyce, W Breare-Hall, Ms R Brookes, D Dodeja, C Finn, Mrs A Grigg, Ms J Hart, D Jacobs, J Philip, Mrs C Pond, P Spencer, Mrs J Sutcliffe, Mrs J H Whitehouse, J M Whitehouse and D Wixley

Apologies: R Bassett

Officers Present: D Macnab (Acting Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), K Durrani (Assistant Director (Technical)), R Pavey (Assistant Director (Revenues)), R Wilson (Assistant Director (Operations)), J Houston (Local Strategic Partnership Manager), C Pasterfield (Principal Valuer/Surveyor), T Carne (Public Relations and Marketing Officer), P Baccarini (Land & Water Quality Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

60. 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.

61. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors P Spencer and Mrs J Sutcliffe declared a personal interest in agenda item 10, Parking Reviews in Epping, Buckhurst Hill & Loughton, by virtue of being residents of Buckhurst Hill. The Councillors had determined that their 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 M Whitehouse declared a personal interest in agenda item 10, Parking Reviews in Epping, Buckhurst Hill & Loughton, by virtue of being a resident of Epping. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(c) Pursuant to the Council's Officer Code of Conduct, I Willett declared a personal interest in agenda item 10, Parking Reviews in Epping, Buckhurst Hill & Loughton, by virtue of being a resident of Epping. The Officer had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

62. MINUTES**RESOLVED:**

(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.

63. REPORTS OF PORTFOLIO HOLDERS

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

64. PUBLIC QUESTIONS

(i) The following public question was asked by Mr J Silver:

"I have lived and worked in Chigwell Lane, near Debden station, for almost twenty years, running a podiatry practice . Many of my patients are elderly and in recent years have found it increasingly difficult to find a parking space within a comfortable walking distance. Also, local residents have been complaining for years now regarding the use of green spaces outside our front doors as parking spaces for inconsiderate commuters. Although some yellow lines have been put down recently only a fully controlled parking review would sort both these issues out.

The slow progress on the Broadway parking review and implementation of Theydon Bois ,Epping and Buckhurst Hill parking restrictions have meant that residents near Debden station find the roads constantly clogged with commuter cars as Loughton is now the only place on the Central line where commuters can park on residential streets near stations for free. What will the Cabinet do to hasten the Broadway review and institute a Controlled Parking zone near Debden station? Many residents feel trapped in their own homes and feel we have been shunned on many occasions so more affluent areas can have their parking issues dealt with time and again.

I have been a Conservative voter for years and I feel completely let down by Conservative controlled Essex and Epping Forest Councils."

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

"Thank you for taking the time to submit your question and coming to tonight's Cabinet to ask it.

I would firstly say that I do understand the difficulties which arise for local residents who live near to London Underground Stations. Our District has eight Central Line stations and varying levels of inconvenience arise for all who live near them. This inconvenience has been made worse recently due to large increases in car parking fees at Station car parks.

I am sorry that the parking review for the Broadway area has been delayed. There are many reasons for this including the complexities of completing the Epping and Buckhurst Hill reviews and the availability of resources at Essex County Council whose officers are undertaking this work for us. There have also been recent difficulties with the costs of advertising traffic regulation orders which put the Council's budget for parking reviews at risk and necessitated a suspension of work.

There has been no intention on my or my Cabinet colleagues' part to deliberately delay the Broadway review as your question suggests. It was always intended that

there should be post implementation reviews at Epping and Buckhurst Hill, but these have been more complex than envisaged, and this has had the unfortunate effect of delaying commencement at The Broadway. Furthermore, the County Council has stated that it would prefer a staged approach to the process to enable them to better plan and allocate their limited resources. As Portfolio Holder I am duty bound to ensure that budgets allocated for projects such as parking reviews remain within their budgets, and it has not been possible to move ahead with the parking reviews until the Cabinet is satisfied that the resources exist. There is a report on tonight's agenda which will allow Cabinet to consider how best to proceed. You are most welcome to remain to hear the discussion.

The photographs that you have brought along show a common problem in the District, namely the parking of vehicles on grassed verges. This is very difficult to deal with, especially where the land in question does not form part of the adopted public highway and therefore yellow line restrictions on the road itself will have no effect. I have however requested that my Cabinet colleague, Councillor David Stallan, the Housing Portfolio Holder, asks housing officers to look into this particular difficulty to see whether a practical alternative to deter parking, such as bollards, can be satisfactorily implemented and to write you in due course.

I know that this response will not be as positive as you may have wished, but it is important for residents to recognise that parking reviews are resource intensive and that past experience shows that their outcome, despite extensive consultation, rarely seem to meet with universal acceptance."

(iii) The Questioner added that he would not want to wait twenty years for yellow lines to be implemented in the area.

65. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee presented a report of its meeting held on 18 October 2010, when the following items of business were considered:

(i) a recommendation from the Constitution & Member Services Panel to establish deputies for Portfolio Holders;

(ii) proposals for the public to address both the Cabinet and Overview & Scrutiny Committee; and

(iii) the procedure to be followed when a meeting is cancelled due to extreme weather conditions.

All three reports were agreed and recommended for approval at the next scheduled Council meeting.

66. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 14 SEPTEMBER 2010

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee held on 14 September 2010. The issues considered by the Cabinet Committee had included: an Evidence Base Study on Local Wildlife Sites; and the Local Investment Plan.

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.

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.

67. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 4 OCTOBER 2010

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee held on 4 October 2010. The issues considered by the Cabinet Committee had included: the key principles for the LDF Core Strategy; the LDF Communication Strategy; and the final viability assessment report for the Strategic Housing Market Assessment.

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.

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.

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

The Portfolio Holder for Finance & Economic Development presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee held on 27 September 2010. The issues considered by the Cabinet Committee had included: the Financial Issues Paper; the Value for Money and Data Quality Strategies 2010-13; the Quarterly Financial Monitoring report for April to June 2010; revised procedures for managing the District Development Fund; the 2009/10 Annual Outturn report for Treasury Management and the Prudential Indicators; amendments to the Corporate Risk Register; a consultation being undertaken on the Local Government Finance Formula Grant Distribution; and the Annual Governance Report on the audit of accounts for 2009/10.

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.

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.

69. PARKING REVIEWS IN EPPING, BUCKHURST HILL & LOUGHTON

The Portfolio Holder for Operational Planning & Transport presented a report upon the parking reviews in Epping, Buckhurst Hill and Loughton Broadway.

The Portfolio Holder reminded the Cabinet that the Council had implemented a number of wide area parking reviews when it had the agency agreement with Essex County Council (The Highways Authority). Although the agency agreement had reverted back to the County Council in 2006, the District Council had agreed to fund wide area parking reviews for Epping and Buckhurst Hill, including a further review 6 months after the implementation. A similar wide area parking review for Loughton Broadway had been approved as part of a town centre enhancement scheme. The three reviews had progressed to various stages with Epping at the most advanced stage followed by Buckhurst Hill and Loughton Broadway. Informal consultations had been carried out in all three areas with mixed responses received from residents. A decision was now required on the future of these schemes.

The Portfolio Holder reported that total expenditure on the schemes had now reached £922,956 since 2004/05 and that a decision was now required on whether to continue with the schemes. If it was decided to not continue with the schemes then the proposal was to revert the £215,00 of capital spent so far to the District Development Fund and withdraw the remaining £527,000 from the capital programme. If it was decided to continue with the schemes then the proposals were to remove the pay-and-display parking machines from the programme as the County Council intended to resume responsibility for on-street parking enforcement in 2011, and to not pay the County Council the £20,000 for the previous abortive advertising costs. This reduced the estimated cost of the schemes from £646,000 to £556,000, against a current budget provision of £527,000. It was also suggested that the

reviews should be progressed in the order of Epping, followed by Buckhurst Hill and finally Loughton Broadway as recommended by the Local Highways Panel, with total expenditure to be contained within the available capital allocation.

The Portfolio Holder declared that if it was agreed to continue with the reviews and as the County Council would not provide written assurance that their revised approach to advertising Traffic Regulation Orders met with all the necessary legal requirements, the Council should advertise the Orders through local newspapers whose circulations covered the affected areas at an estimated maximum cost of £165,000. It was thought that as the current plan was to progress the reviews in stages, newspaper notices could be supplemented by the hand delivery of notices that could reduce the overall advertising cost. Finally, the Cabinet was requested to agree that no more wide area parking reviews should be undertaken by the Council.

The Director of Environment & Street Scene outlined the process to be followed for each review and added that it would probably be a number of months before the results of the reviews would be actually implemented. The initial parking reviews in Epping and Buckhurst Hill had been completed, but the subsequent six-month reviews had become almost brand new reviews of parking in both towns. It was felt that there was significant public opinion in favour of conducting in-depth parking reviews in Epping and Buckhurst Hill as planned. Rather than wide area reviews, the Council should only do small scale parking reviews in future that had strong resident support. Decisions would need to be made in the future over other possible reviews, such as in the vicinity of Roding Valley underground station. The recommendation of the Local Highways Panel was to conduct the reviews in a phased approach, starting with Epping then Buckhurst Hill followed by Loughton Broadway. Officers were hopeful that economies would be found within the first two schemes to make up the £29,000 deficit in budget provision, which would allow the Loughton Broadway scheme to be completed as well. The Council currently had no resources available to perform any other parking reviews.

Local Members from Epping felt that numerous promises had not been fulfilled and that residents were suffering from the mismanagement of the initial review; the Cabinet was urged to continue with the parking reviews. Local Members from Loughton felt that parking in the area had worsened in recent years, particularly in Debden. There were resident parking controls in place around all the underground stations in London Boroughs. The proposed scheme in Loughton Broadway was relatively small, only covering approximately five streets, and the Cabinet was again urged to continue with the parking reviews.

The Portfolio Holder for Operational Planning & Transport reiterated that the Council was under an obligation to review the implementation of the initial parking restrictions, and the Council was doing everything possible to progress the reviews. Ultimately, parking was a County Council issue but no other Council in Essex was performing parking reviews and the Council had had to provide the funding to progress these reviews.

The Portfolio Holder for Legal & Estates felt that Officers from the County Council should have attended to answer the questions of Members, and that the County Council should have paid for the mistakes of their Officers when the Orders were initially advertised. The Cabinet were further advised that parking restrictions in London Boroughs had been extended as commuter parking was being displaced. It was felt that the Council should not raise expectations unrealistically about parking with residents and that other initiatives such as car sharing should be encouraged to alleviate the problem.

The Cabinet agreed to continue with the reviews, and the associated proposals in respect of progressing and funding the reviews, as well as deciding not to undertake wide area parking reviews in the future.

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.

Reasons for Decision:

To manage the available budget and the risk of further cost increases but facilitate the recommencement of work on all three schemes.

The County Highways service was currently undergoing a significant restructure which would not be completed for some time. Given this constraint upon staff resources, a phased continuation of the schemes might result in a more certain

outcome.

The previous abortive advertising costs arose solely because of decisions made by the County Council and it was therefore felt to be quite proper that they should meet the costs associated with those decisions. However, given the legal uncertainty around the proposals for advertising these Orders, the previously adopted process of advertising should be utilised.

There was a surplus in the ring fenced on-street account which would revert to the County following the cessation of the Decriminalised Parking Enforcement Agency. This could be utilised to support capital expenditure and/or enable out of hours enforcement where required.

Other Options Considered and Rejected:

To continue the current suspension of the schemes until the County Highway Service restructure was completed.

To recommence the schemes but appoint a consultant/contractor to undertake the work being undertaken by the County Highways Service.

To not remove the pay & display meters from the schemes and pay the County for abortive costs.

To continue with the potentially challengeable advertising process.

None of the above options had been recommended since there was already considerable public concern and disquiet regarding the future of the reviews and further delays would simply increase that concern. Further delay might also increase overall costs. The use of contracted resources would certainly result in higher overall costs but the outcomes could not be implemented without County consent and input into the Traffic Order process, for which they would have to be paid.

70. AGREEMENT OF THE COMMUNITY STRATEGY

The Leader of the Council presented a report requesting the approval of the Sustainable Community Strategy, prior to its final adoption by the Council.

The Leader reported that the draft strategy had been produced with the help and support of a wide range of partners, key groups and many individual members of the public who had given their views. Voluntary Action Epping Forest in particular had provided invaluable support to the consultation stage with funding supplied by Essex County Council. The new strategy also provided a focused set of priority objectives that would help shape the business plans of key partners and provide guidance for the production of the Local Development Framework. The new vision was a clear statement of the ambition of the District and a goal for all of the partners to work towards.

The Leader added that the major strategic priority for the District and partners in the short and medium term, however, would remain tackling the public sector deficit, whilst protecting the services needed and valued by local communities. This would require a vigorous effort to ensure Epping Forest received its fair share of external funding, grasped new opportunities to innovate in line with ideas such as the 'Big Society' and delivered new platforms for more efficient service delivery with key partners. The developing work of the West Essex Partnership would be central to the

ability to deliver on all these key aims, while managing reductions in Performance Reward Grant.

A minor amendment to the first paragraph of the Introduction on page 7 of the Strategy was suggested and agreed, as it was felt that it was not necessarily difficult to move around without a car in some areas of the District, particularly in the south of the District where there were better public transport links.

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.

Reasons for Decision:

The Council was required to statutorily make arrangements for the preparation and finalisation of a Sustainable Community Strategy for the Epping Forest District, under the Local Government Act 2000.

Other Options Considered and Rejected:

The partnership had considered a number of alternative priorities, with a wide range of partners including elected members, before agreeing the draft Strategy, which concentrated on a smaller number of key issues where joint action could add value.

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

The Portfolio Holder for Finance & Economic Development presented a report about the review of the capital programme for the period 2010/11 to 2014/15.

The Portfolio Holder advised the Cabinet that the capital programme as agreed would form the basis of the Capital Strategy to be presented in November 2010 and the Asset Management Plan. The capital programme had been prepared by updating the programme approved in February 2010 and adding new schemes and allocations subsequently approved by the Cabinet. Each scheme within the capital programme had been reviewed and spending control officers had reassessed estimated final costs and the phasing of expenditure profiles for each scheme as part of the capital review. Recommendations had been made to make amendments as appropriate.

The Portfolio Holder added that the programme covered the five financial years to 2014/15 and showed an estimated capital spend of £50.74million over the period. The funding available to finance these schemes had been reassessed and the suggested application of the different sources of funding had been given over the five-year period. Estimated external funding from grants and private sources of £3.158million had been identified, and it was proposed that estimated capital receipts of £15.31million and estimated revenue contributions of £32.272million be applied to finance the capital programme over the next five years. The balance of capital receipts was predicted to fall from £21.091million as at 1 April 2010 to £6.9million by 31 March 2015, whilst the Major Repairs Fund balance was expected to increase from £5.73million to £9.932million by the end of the period.

In response to questions from the Members present, the Portfolio Holder stated that

there were no plans to review or remove the current provision for Off-Street Parking Schemes; it was anticipated that the construction works would not be complete until 2011/12, hence it was intended to carry-forward the current provision. It was confirmed that the additional allocation of £165,000 provided by the Lidl development would be ring fenced for schemes within Waltham Abbey.

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.

Reasons for Decision:

The capital programme as presented was based upon decisions already approved by the Cabinet or decisions that the Cabinet was soon to consider. The suggested expenditure profiles were based on agreed timescales and practical considerations. The decisions proposed were intended to make the best use of the capital resources currently available or forecast to become available for capital schemes up to 2014/15.

Other Options Considered and Rejected:

To reconsider the inclusion of some new schemes or restrict existing schemes, due to the predicted fall in capital resources to £6.9million by 31 March 2015, including

the Off Street Parking Schemes and the Private Sector Housing Capital Contingency.

To use the Major Repairs Reserve to reduce the level of RCCO contributions, the Reserve was forecast to increase to £9.932million over the next five years.

72. REVIEW OF THE HOUSING ALLOCATIONS SCHEME

The Housing Portfolio Holder introduced a report on the review of the Council's Housing Allocations Scheme.

The Portfolio Holder stated that the Council was legally required to have a Housing Allocations Scheme setting out the procedures for allocating its housing accommodation and making nominations to Registered Social Landlords (RSLs). The review of the Scheme had been delayed in 2010/11 to enable the Council to meet a number of conditions under the Government's new statutory guidance on Social Housing Allocations for Local Authorities in England ("Fair and Flexible"), which was not received until late in January 2010.

The Portfolio Holder reported an amendment to paragraph 9 of the scheme, concerning the Penalty for Refusal of Offers of Accommodation, whereby any applicant who refused two offers of suitable accommodation would be demoted to band 6 of the Allocations Scheme for a period of six months, rather than being ineligible to express an interest in a property for six months. This amendment had been made following legal advice received by Housing Officers that applicants could only be demoted not suspended from the Scheme.

The Portfolio Holder requested the Cabinet to note the reasons why the review of the Allocations Scheme had been deferred, with the new scheme being implemented six months later than normal from 1 December 2010. As a consequence, It had been suggested that the next review be undertaken by 1 April 2012. Although there was a legal requirement under the Housing Act 1996 to have an Allocations Scheme, the Council was not obligated to review the Scheme on an annual basis. The Cabinet was requested to agree the changes to the Allocations Scheme, with effect from 1 December 2010.

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.

Reasons for Decision:

The review of the Housing Allocations Scheme was delayed to enable the Council to meet the Government's new statutory guidance on Social Housing Allocations for Local Authorities in England ("Fair and Flexible"). The changes proposed to the Allocations Scheme to take effect from 1 December 2010, would generally update the scheme in accordance with the new guidance and ensure fairness to all applicants.

Other Options Considered and Rejected:

To not agree the changes to the Council's Allocations Scheme from 1 December 2010.

To agree different changes to those recommended.

To review the scheme again before late 2011.

73. FUNDING FOR EMERGENCY ITEMS - ENVIRONMENT & STREET SCENE

The Portfolio Holder for Finance & Economic Development presented a report concerning funding for one-off unplanned emergency items that had occurred within the Environment & Street Scene Directorate.

The Portfolio Holder reported that, during 2010/11, there were 4 occasions where one off, unplanned emergency works had had to be carried out. The background, risk to the Council and/or the Council assets and the relative small cost of three of the items were evaluated and decisions had been made to undertake the work and then to consider the funding at the revised budget cycle so possible solutions could be found without increasing the Continuing Services Budget (CSB). The four items were:

- Emergency Ditch work North Weald Airfield;
- Investigation of the Bund at North Weald Airfield;
- Security at Roding Valley; and
- Security at North Weald Airfield (2 incidents).

The Portfolio Holder added that savings in the CSB had not been identified at the revised budget cycle to cover these costs. However, there had been a refund of National Non-Domestic Rates for Waltham Abbey Sports Centre amounting to £27,790 which had been added to the District Development Fund (DFF) in 2010/11, and it was felt that this could be used to cover these unplanned emergency costs.

The Cabinet was appraised of the gratitude of residents from North Weald for the overnight security that had been established at the Airfield in the wake of the two Traveller incursions that had occurred in the vicinity at the former Golf Driving Range. The Director of Environment & Street Scene clarified that additional funding for the Roding Valley site was only being requested for the overnight security presence, as the cost of the actual works were being met by the Estates and Valuations Budget.

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.

Reasons for Decision:

To fund the emergency works that had to be undertaken, where there was no budget available, from the additional income arising from the refund of National Non-Domestic Rates at Waltham Abbey Sports Centre.

Other Options Considered and Rejected:

To not provide the funding in this manner for these items, however this would lead to all budget codes where these works/services were temporarily coded being overspent in 2010/11.

74. SICKNESS ABSENCE

In the absence of the Portfolio Holder for Performance Management, the Director of Corporate Support Services presented a report on sickness absence within the Council.

The Director reported upon the Council's absence figures for 2009/10, and included absence figures by Directorate; absence by age and the reasons for absence. Currently, under the Council's Managing Absence Policy, there were trigger levels for initiating management action in cases of excessive sickness absence:

- (i) during any 'rolling' twelve-month period an employee had 5 or more separate occasions of absence; or
- (ii) during any 'rolling' twelve-month period an employee had at least 8 working days of any combination of un/self certificated, or medically certificated absences.

The Director advised that the Council's target for sickness absence under LPI28 was an average of 8 days per employee; the Outturn figure for 2009/10 was 8.35 days, compared to 10.85 days in the previous year. During this period approximately 20% of staff had met the trigger levels or above, 44% had sickness but did not meet the trigger levels and 36% of staff had no sickness absence.

The Director added that an Improvement Plan had been developed to continue to improve sickness absence across the Council. The Finance and Performance Management Scrutiny Panel had recommended at their meeting on 9 September 2010 that the reviewing of the parameters of sick pay entitlements be removed from the plan at this stage. The Panel had concluded that trade union negotiations and the contractual issues would be lengthy and fairly complex and it would be more practical to see if a review of sickness entitlements could be undertaken as part of the national negotiations.

The Leader of the Council welcomed the improvement in sickness absence over the past twelve months; the current levels were still too high although it was acknowledged that the vast majority of staff had had very little sickness problems during 2009/10.

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.

Reasons for Decision:

To enable members to make decisions regarding actions to continue to improve the Council's absence figures.

Other Options Considered and Rejected:

To recommend that the Joint Consultative Committee consider reducing one or both trigger levels.

To not accept the recommendation of the report and substitute other options.

75. MAINTENANCE & STATUTORY TESTING OF ELECTRIC & HYDRAULIC LIFTS

In the absence of the Portfolio Holder for Performance Management, the Director of Corporate Support Services presented a report concerning the maintenance and statutory testing of electric and hydraulic lifts.

The Director reported that, following a competitive tendering exercise using six lift engineering contractors selected from Constructionline, tender offers were received within the range: £22,520 to £48,392 for a single year period. After a detailed analysis, the lowest offer received in the value of £22,520 had been rejected for a number of reasons identified during the evaluation process. The second lowest tender received from Amalgamated Lifts Ltd, with a value of £27,022 per year, had met all of the specification requirements and was recommended for acceptance.

The Director added that the project cost was being split between the Corporate Support Services and Housing Directorates and was funded from within existing budgets. However, as the project involved both the Performance Management and Housing Portfolios, this matter had to be reported to the Cabinet.

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.

Reasons for Decision:

All Lifts require regular servicing, testing and certification to meet the requirements of the Health and Safety Executive to ensure that they were safe for the users. Additionally, there were critical tests required in order to comply with the requirements of the Council's Insurers.

In addition to providing good routine maintenance and covering breakdown calls, this contract would ensure full compliance with all statutory criteria and would meet the Council's obligations under the relevant risk and safety criteria.

Having reviewed the servicing and maintenance of all Lifts, it was established that there was a potential for savings to be made by collectively incorporating all lifts into one contract.

Other Options Considered and Rejected:

To do nothing and not comply with Health and Safety Legislation, the Council's Insurer's requirements and British Standards.

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

The Environment Portfolio Holder presented a report upon the Council charging for the monitoring and assessment of private water supplies.

The Cabinet was informed that the Private Water Supplies (PWS) (England) Regulations 2009 were implemented in 2010 to meet the UK's obligations under the revised European Union Directive 98/83EC. They replaced earlier regulations with respect to private water supplies, which historically had been enforced by the Council since the early 1990s. The new regulations had placed a number of additional requirements on the Council and consequently had increased the burden on both staff and financial resources. The regulations allowed for a Local Authority to charge for services provided and suggested a maximum fee structure for certain activities. The Director of Environment & Street Scene added that the fee structure would be reviewed in due course to ensure that the costs incurred by the Council were being met.

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.

Reasons for Decision:

To agree the introduction of a system of charging for testing and other activities to be carried out in order to implement the requirements of the new legislation. This would assist the Council to meet the increased financial burden imposed by the regulations.

Other Options Considered and Rejected:

To continue to provide the testing of PWS free of charge. However, due to the increased requirements upon the Council, there were currently insufficient funds in the budget allocation to assess and test all the PWS in the District. The testing of supplies free of charge, particularly for single dwellings where there was no mandatory requirement to do so and where past knowledge and/or a risk assessment had not shown it to be necessary, was not considered a sensible use of resources.

To provide a free service for supplies where there was a statutory obligation for the Council to sample. This would result in charging for single dwelling properties (which currently represent the majority of the PWS within the District) and any request-based testing, whilst the sampling of larger PWS would be undertaken free of charge. This option offered a benefit in ensuring co-operation from the owners/occupiers of the larger supplies (which had a greater potential to impact on public health due to the numbers of people they serve) and would reduce the anticipated increase in officer's time spent in enforcing the regulations. However, this option would still have financial implications for the Council with regard to the testing of the larger supplies.

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

The Portfolio Holder for Legal & Estates presented a report upon the use of part of North Weald Airfield for park-and-ride facilities during the 2012 Olympic Games.

The Portfolio Holder informed the Cabinet that the Olympic Delivery Authority (ODA) had approached the Council seeking its consent to enable the use of part of the airfield as a park-and-ride facility for the five-day duration of the white water canoeing events, scheduled to take place in late July and early August 2012. No payment for the use would be forthcoming given the non profit nature of the ODA and the Organising Committee of the London Olympic Games (Locog). The location would be required by ODA/Locog for two to three weeks in total. Whilst there would be no disruption to the Saturday market at the Airfield, there would be disruption to sports car activities and Heavy Goods Vehicle training with some loss of income (circa £4,000), for which a bid for District Development Funding had been proposed. All other park and ride facilities for the games were being provided by site owners at no cost to the ODA/Locog and ODA/Locog were committed to ensuring that the land use was fully reinstated following its use for park-and-ride.

The Director of Environment & Street Scene explained that there would be no clash with the market as the canoeing events were not scheduled for a Saturday, and access to the Airfield to set up the park-and-ride facilities would be via different gates to those used by the Market. It was unclear whether low emission vehicles would be used to ferry the spectators between the Airfield and the White Water Centre. The Acting Chief Executive added that the current security arrangements in place would not allow the spectators to stop on the route between the White Water Centre and the Airfield; the benefit to the District, and Waltham Abbey in particular, would come after the games had finished with the legacy events currently planned. The proposed route was queried as it was felt that the A121 would be a more appropriate route,

however the Cabinet was informed that this had been designated an Olympic route for athletes to the White Water Centre, not spectators.

Decision:

(1) That the use of part of the North Weald Airfield by the Olympic Delivery Authority 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.

Reasons for Decision:

North Weald Airfield was a very convenient location for such a facility to support the white water canoeing events taking place at the White Water Centre on the borders of Broxbourne and Waltham Abbey. The games were intended to be the “greenest” ever, with all spectators being required to use public transport and/or park and ride facilities to access the various venues. Agreement for the use of the Airfield demonstrated the Council’s support for the overall success of the Olympic Games in 2012. The loss of income would be minimal and the Saturday market would not be affected.

Other Options Considered and Rejected:

To reject the approach of the ODA and refuse consent for park and ride facilities; or to agree to the approach but only if any income loss to the Council was recompensed.

Neither option had been recommended since both would result in the ODA/Locog not pursuing their approach and the Council might then be seen as not supporting the Olympic Games.

78. ANY OTHER URGENT BUSINESS

The Democratic Services Officer reported that one item of urgent business received after the agenda had been published, the minutes of the Local Development Framework Cabinet Committee held on 4 October 2010, had already been dealt with whilst the second item, Liquidation of a Company providing Services to the Council, would be dealt with after the public and press had been excluded.

79. 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 items of business set out below as they 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	3

for the potential Langston Road project

22	Liquidation of a Company providing Services to the Council	1,3,5 & 7
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80. OPTIONS FOR A DEVELOPMENT AGREEMENT FOR THE POTENTIAL LANGSTON ROAD PROJECT

The Portfolio Holder for Legal & Estates presented a restricted report upon the options for a development agreement for the Langston Road project.

The Portfolio Holder reminded the Cabinet that it had previously stated its intention to maximise revenue from the Council's assets and to dispose (by sale or otherwise) of the Langston Road depot site in particular, to further that objective. The Langston Road Depot site had greater potential if developed in conjunction with the neighbouring T11 site, which was owned by Polofind Ltd. It was likely that the two sites had a greater value together rather than individually.

The Portfolio Holder reported that negotiations with Polofind's representatives had been progressing, which would lead to an application for planning permission being submitted jointly in the next few months. This report dealt with the Landlord function of the Council, which would in no way impact upon its entirely separate role as the planning authority. There had to be a legal agreement which would govern matters of ownership and how the financial benefits were to be shared. The Cabinet was requested to consider the available options for such an agreement and to indicate the preferred option bearing in mind the respective benefits and risks.

The Portfolio Holder added that it was currently felt that any development at the Langston Road Depot would not adversely impact upon the traders within Loughton Broadway. Specialist legal and tax advice would be required to progress the project and a District Development Fund supplementary estimate in the sum of £25,000 was requested to be recommended to the Council for approval.

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 option of entering 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.

Reasons for Decision:

To ensure that the structure of any agreement governing the potential development of the Langston Road project was appropriate and reflected the wishes of the Cabinet.

Other Options Considered and Rejected:

To market its own site for sale, however this would not satisfy the stated objective of maximising income generation but was relatively free of risks that would be

associated with any joint development.

To retain the site for operational use, however this was contrary to the stated Cabinet objective and would not realise the potential of the site.

81. LIQUIDATION OF A COMPANY PROVIDING SERVICES TO THE COUNCIL

The Portfolio Holder for Finance & Economic Development presented a restricted report upon the liquidation of a company that had provided services to the Council.

The Portfolio Holder reported that the Council used a number of external bailiff companies to assist in the collection of Council Tax and Non-Domestic Business Rates. Annually the Council collected in excess of £80million of Council Tax and £30million of Non-Domestic Rates. The Directors of one of the external bailiff companies used by the Council were seeking to place the company in liquidation, with the company owing the Council approximately £150,000. The conduct of the Directors and their failure to pay over money they had collected on behalf of the Council was being investigated by the Police and could result in criminal charges against the Directors.

The Portfolio Holder stated that claims had been made against the company's professional indemnity insurance and the Council's fidelity guarantee insurance. However, the Council's insurers would not process the claim until the Police investigation had been concluded. In addition to the Police investigation, the Council could pursue a civil claim against the Directors and the company, and could also seek the appointment of a different liquidator to the one proposed by the Directors. The Cabinet was also requested to waive the relevant Contract Standing Orders and recommend a District Development Fund supplementary estimate to the Council for external legal advice.

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 C4 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, to include a freezing order, 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.

Reasons for Decision:

To set out clearly the strategy that should be followed in seeking to recover the monies owed to the Council.

Other Options Considered and Rejected:

To place reliance on the Police investigation and a subsequent prosecution resulting in a compensation order being made against the Directors.

To not undertake civil proceedings against both the Directors and the Company due to the insurance claims lodged, however the company's insurers were refusing to discuss the Council's claim until after the Police investigation had been completed.

To not seek the appointment of a different liquidator to that chosen by the Directors, however some liquidators were more robust in investigating and holding to account the Directors.

CHAIRMAN