

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 18 April 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.45 pm

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

Other Councillors: K Angold-Stephens, R Barrett, W Breare-Hall, Mrs P Brooks, C Finn, Mrs A Grigg, Ms J Hart, D Jacobs, J Knapman, R Morgan, Mrs C Pond, Mrs E Webster, Mrs J H Whitehouse, J M Whitehouse and D Wixley

Apologies: None.

Officers Present: R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), C O'Boyle (Director of Corporate Support Services), P Pledger (Assistant Director (Property and Resources)), L Swan (Assistant Director (Private Sector & Resources)), T Carne (Public Relations and Marketing Officer), C Overend (Policy & Research Officer), D Clifton (Principal Housing Officer [IT]) and G J Woodhall (Democratic Services Officer)

137. WEBCASTING INTRODUCTION

The Leader of the Council 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.

138. CHAIRMAN'S NOTICE - PETER CARTER

The Chairman regretfully reported that Peter Carter of the Housing Repairs Service had died very suddenly over the weekend. This had been a considerable shock to both his colleagues in the Housing Directorate and the residents of North Weald where he had lived. He had worked for the Council for over ten years and was known for his skills as a handyman and bricklayer. Peter Carter left a wife, son and daughter behind, and the Director of Housing would be writing to the family to express the Council's condolences.

The Cabinet stood in silence for two minutes in memory of Peter Carter from the Housing Repairs Service.

139. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 10, North Weald Airfield & Asset Management Cabinet Committee – 22 March 2011, by virtue of being a resident of St John's Road. 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 Mrs P Brooks declared a personal interest in agenda item 12, Adoption of Standard Caravan Site

Licence Conditions for Permanent Residential Sites, by virtue of being a resident of a Park. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the issue, but would speak briefly before leaving.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs E Webster declared a personal interest in agenda item 12, Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites, by virtue of members of her family being residents of Parks. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(d) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 12, Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites, by virtue of a Member of his Group being a resident of a Park. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Ms S A Stavrou declared a personal interest in agenda item 15, Construction of Off-Street Parking Schemes – Acceptance of Tender & Rankings for Future Schemes, by virtue of being involved with the successful Contractor. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the issue.

(f) Pursuant to the Council's Code of Member Conduct, Councillor Ms S A Stavrou declared a personal interest in agenda item 18, Furniture Exchange Scheme, by virtue of being involved on the periphery of the Scheme. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(g) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 18, Furniture Exchange Scheme, by virtue of a close relative being on the Committee of the Scheme. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(h) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J H Whitehouse declared a personal interest in agenda item 18, Furniture Exchange Scheme, by virtue of being on the Management Committee of the Scheme. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(i) Pursuant to the Council's Code of Member Conduct, Councillor Ms S A Stavrou declared a personal interest in agenda item 20, Waltham Abbey Regeneration Schemes, by virtue of being the Deputy Leader of Waltham Abbey Town Council. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the issue.

(j) Pursuant to the Council's Code of Member Conduct, Councillor Mrs E Webster declared a personal interest in agenda item 20, Waltham Abbey Regeneration Schemes, by virtue of being a Member of Waltham Abbey Town Council. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the issue.

140. MINUTES**RESOLVED:**

- (1) That the minutes of the meeting held on 7 March 2011 be taken as read and signed by the Chairman as a correct record.

141. REPORTS OF PORTFOLIO HOLDERS

- (a) Leader of the Council

The Leader of the Council reported that both Uttlesford and Harlow District Councils had approved the West Essex Local Investment Plan and that all three councils had now signed it.

142. PUBLIC QUESTIONS

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

143. OVERVIEW AND SCRUTINY

The Chairman of the Overview and Scrutiny Committee reported that the following items of business had been considered at its meeting held on 11 April 2011:

- (i) a presentation from the Principal of Epping Forest College about the current situation and the future direction of the College;
- (ii) a presentation about the work performed by local magistrates and their relationship with the local community;
- (iii) reports from the Constitution & Members Services Scrutiny Panel regarding:
- Member Training for 2011/12;
 - a review of Officer Delegations; and
 - a review of Contract Standing Orders;
- (iv) reports from the Safer, Cleaner, Greener Scrutiny Panel concerning:
- the arrangements for the establishment of the new Police & Crime Commissioners; and
 - a Home Office consultation upon more effective responses to Anti-Social Behaviour; and
- (v) a review of the draft Annual Overview & Scrutiny Report and the current Overview & Scrutiny Work Programme.

The Cabinet's agenda was reviewed but there were no comments from the Committee for consideration.

144. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 15 MARCH 2011

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee held on 15 March 2011. The Cabinet Committee had made a recommendation regarding the endorsement of the "Opportunity Essex – Integrated County Strategy". Other issues considered by the Cabinet Committee had included: the Strategic Flood Risk Assessment for the

District; the PPG17 Open Space Assessment; and a budget update for the Local Development Framework.

The Leader of the Council reported that a letter had been sent by the Director of Planning & Economic Development to Essex County Council on 1 April 2011, outlining the concerns of the Cabinet Committee with the proposed County Strategy, but no response had been received as of yet.

Decision:

Endorsement of the “Opportunity Essex – Integrated County Strategy”

(1) That a letter be drafted by the Director of Planning & Economic Development to Essex County Council outlining the following concerns of the Cabinet Committee with the Strategy:

(a) to expand some of the transformational changes to include the greater West Essex area and not just Harlow;

(b) the lack of relevance to the more London-centric south of the District;

(c) the absence of any public consultation undertaken in developing the Strategy; and

(d) the relationship of the Strategy to the Local Investment Plans and Local Development Frameworks currently being developed by the constituent Councils within Essex; and

(2) That the endorsement of the “Opportunity Essex – Integrated County Strategy” be recommended to the Council by the Cabinet, following consideration of any response to the Cabinet Committee’s concerns by Essex County Council.

Reasons for Decision:

The Cabinet was 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 was 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.

145. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 21 MARCH 2011

The Portfolio Holder for Finance & Economic Development presented the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee held on 21 March 2011. The Cabinet Committee had made recommendations to the Cabinet regarding: Key Performance Indicators for 2011/12; and Amendments to the Corporate Risk Register. Other issues considered by the Cabinet Committee had included: the Financial Monitoring report for the third quarter of 2010/11; an update on the Council’s procurement activity and the Essex Procurement Hub; and the Internal Audit Business Plan for 2011/12.

Decision:Key Performance Indicators 2011/12

- (1) That National Indicator 189 (Flood & Coastal Erosion Risk Management) be deleted as a Key Performance Indicator for 2011/12;
- (2) That the revision of Local Performance Indicator 45 (Planning Appeals) to report the level of appeals allowed against the refusal of all types of planning appeals and to reflect where a Member decision to refuse a planning application was made contrary to the Planning Officer's recommendation be agreed in principle, pending a further report from the Director of Planning & Economic Development on whether to include the levels of costs awarded against the Council at appeal within the definition and a proposed target for 2011/12;
- (3) That the definitions of National Indicator 157a, 157b and 157c (Planning Applications) be revised for 2011/12 to allow performance to be measured at the time of decision on individual applications rather than at the subsequent date of signing of any required Section 106 agreement;
- (4) That the proposed target for Local Performance Indicator 14 (Council Tax Collection) be revised to 97.8% for 2011/12;
- (5) That the proposed target for Local Performance Indicator 15 (National Non-Domestic Rates Collection) be revised to 98% for 2011/12;
- (6) That the proposed target for Local Performance Indicator 16 (Housing Benefit Claims) be revised to 23 days for 2011/12;
- (7) That the proposed target for Local Performance Indicator 17 (Housing Benefit Change of Circumstance) be revised to 8 days for 2011/12;
- (8) That, where proposed to be adopted, the targets for all other Key Performance Indicators for 2011/12 be agreed;
- (9) That any outstanding targets for Key Performance Indicators in 2011/12 be determined after the reporting of the outturn for 2010/11; and
- (10) That the corporate target for the achievement of year-on-year improvement against the adopted Key Performance Indicators for 2011/12 also be determined after the reporting of the outturn for 2010/11;

Risk Management – Amendments to the Corporate Risk Register

- (11) That the review of risk 23, Fraud, by the Risk Management Group and the Corporate Governance Group and their conclusion that the score should remain unchanged be noted;
- (12) That a new risk 33, Reform of Housing Revenue Account, be added to the Corporate Risk Register and be scored as 'Low Likelihood, Critical Impact' (D2);
- (13) That a new risk 34, Changes to the Benefit system, be added to the Corporate Risk Register and be scored as 'High likelihood, Marginal Impact' (B3);
- (14) That a new risk 35, Budget Reductions, be added to the Corporate Risk Register and be scored as 'Significant Likelihood, Critical Impact' (C2);

(15) That the potential risks arising from the Localism Bill, including possible fraud from newly established charitable organisations, be reviewed by the Risk Management Group and the Corporate Governance Group;

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

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

Reasons for Decision:

The Cabinet was 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 was 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.

146. NORTH WEALD AIRFIELD AND ASSET MANAGEMENT CABINET COMMITTEE - 22 MARCH 2011

The Leader of the Council presented the minutes from the recent meeting of the North Weald Airfield and Asset Management Cabinet Committee held on 22 March 2011. The Cabinet Committee had made recommendations regarding the Aviation Intensification Study for North Weald Airfield. Other issues considered by the Cabinet Committee had included the minutes from the meetings of the Asset Management Coordination Group held on 20 January 2011 and 7 March 2011.

Decision:

North Weald Airfield – Aviation Intensification Study

(1) That the North Weald Airfield Aviation Intensification Study Final Report be noted;

(2) That the option of active development be pursued; and

(3) That market testing be undertaken with fixed base operators in order to provide more information on potential risks, investments and benefits.

Reasons for Decision:

The Cabinet was 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 was 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.

147. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 28 MARCH 2011

The Leader of the Council presented the minutes from the recent meeting of the Local Development Framework Cabinet Committee held on 28 March 2011. The Cabinet Committee had made recommendations regarding the Issues and Options Consultation Strategy, and the Local Development Scheme. Other issues considered by the Cabinet Committee had included an update on the Lea Valley White Water Centre, and an introduction to the jointly funded Olympics Regeneration Officer.

Decision:Local Development Framework Issues and Options Consultation Strategy

(1) That the principles and methods set out in the Local Development Framework Core Planning Strategy Issues and Options Consultation Strategy be approved as an approach for consulting the community in the forthcoming preparation of spatial development plans;

(2) That Roydon be moved from the Rural Communities workshop area to the Waltham Abbey and Nazeing workshop area; and

(3) That North Weald be added as a workshop location;

Local Development Framework – Local Development Scheme

(4) That the methodology to update the Local Development Scheme be approved; and

(5) That the Local Development Framework be produced in accordance with the proposed timescale within the Scheme.

Reasons for Decision:

The Cabinet was 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 was 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.

148. ADOPTION OF STANDARD CARAVAN SITE LICENCE CONDITIONS FOR PERMANENT RESIDENTIAL SITES

The Housing Portfolio Holder presented a report about the adoption of Standard Caravan Site Licence Conditions for permanent residential sites in Epping Forest.

The Portfolio Holder reported that it was a statutory requirement for local authorities to issue licences on all their park homes sites and to decide what conditions to attach. In 2008, the Government had produced new standards for permanent residential park homes sites, which provided a framework upon which the Council could base the conditions to be attached when re-licensing sites. The Council's

current standard site licence conditions had not been revised for a number of years and it was considered appropriate to set new conditions for the permanent, residential sites that were in line with the national 'model' standards, and also include any variations to take account of local circumstances and historic agreements, following consultation with park home residents and site owners.

The Portfolio Holder stated that following two separate consultation exercises and consideration by both the Overview and Scrutiny Committee and Housing Scrutiny Panel, revised 'Standard Park Home Site Licence Conditions for Residential Sites in Epping Forest District Council' had been drafted and these were attached at Appendix 1 of the report. The Cabinet was requested to agree these conditions, with the changes and exceptions recommended by the Housing Scrutiny Panel with minor exceptions, so that new licences could be issued to all site owners of existing residential park home sites in the District.

The Portfolio Holder added that the comments from the Fire Authority had been carefully considered but it was felt that not enough evidence had been provided for residential park home sites. The Cabinet was assured that, although site owners would be obliged to comply with the conditions of their new licence, common sense would prevail if an existing home had to be replaced but there was not enough room to comply with the new regulations. It was highlighted that Holiday Park sites and Gypsy and Traveller sites would be similarly licensed in due course, following further consultation exercises.

The revised regulations were welcomed by those present and the small number of fires that had occurred on the sites in the last forty years was emphasised. The regulations regarding communal parking were considered vague; the Assistant Director (Private Sector & Resources) stated that site inspections would be taking place and these would ensure sufficient space was available for communal parking.

Decision:

(1) That following consultation with park home site owners, residents and statutory consultees, and having regard to the recommendations of the Overview and Scrutiny Committee and the Housing Scrutiny Panel, the revised 'Standard Park Home Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council' attached at Appendix 1 of the report be adopted, including variations from the Model Standards 2008 for Caravan Sites in England as follows with regard to:

- (a) domestic refuse storage disposal;
- (b) two external doors being allowed if a mains-linked smoke detector was installed as required;
- (c) the height of hedges and fences between park homes on new and existing sites being no more than 2 metres;
- (d) trees not being considered to be hedges and therefore not being subject to any height restriction, provided they did not present any nuisance or health and safety risk;
- (e) sheds not being classed as structures in relation to fire risk;
- (f) timber and combustible sheds being allowed in the separation space between park homes; and

(g) qualified rather than competent persons being required for any work on gas, oil and electrical installations or appliances, as well as the electrical network within the site;

(2) That the following, being deviations from the conditions contained within the 'Standard Park Home Site Licence Conditions for Residential Sites in Epping Forest District' and also the Model Standards 2008, be allowed to remain on existing sites, provided they were in place at the date of the new site licence:

(a) any park home, or combustible structure, positioned within 3 metres of the boundary of the site;

(b) any park home that was located less than 6 metres from any other park home;

(c) any park home positioned within 2 metres of any road or communal car park within a site ; and

(d) any porches, larger than 2 metres by 1 metre, unless they posed a fire risk or other danger;

(3) That, following a further consultation exercise, site licence conditions based on these standard site licence conditions also be considered for use in respect of Gypsy and Traveller sites that have planning permission as permanent residential park home sites; and

(4) That, in due course, holiday sites be similarly licensed in accordance with the relevant model standards.

Reasons for Decision:

The existing site licence conditions for park home sites in Epping Forest District had not been reviewed for many years. New proposed standard park home site licence conditions for permanent residential sites had been drafted to ensure conditions were relevant, consistent and would adequately protect the health and safety of people residing at, or visiting, sites within the District.

Other Options Considered and Rejected:

To not set new licence conditions and allow the remaining ones to remain in place, however the existing conditions were outdated and the health and safety of those living on or visiting park home sites would be compromised.

To only impose new conditions when a site was licensed with a new owner, however this would result in improvements only being made when sites changed ownership and lead to inconsistent standards across the District.

149. RELOCATION OF DEPOT FACILITIES FROM LANGSTON ROAD, LOUGHTON TO NORTH WEALD AIRFIELD

The Portfolio Holder for Finance & Economic Development presented a report upon the proposed relocation of the depot facilities at Langston Road in Loughton to North Weald Airfield. Revised recommendations for this report had been tabled at the meeting.

The Portfolio Holder reminded the Cabinet that, after the sale in 2007 of the T11 industrial site, which adjoined the existing Council Depot, negotiations had taken place with the owners resulting in a proposal for development of a retail park encompassing the T11 site and the adjoining Council owned depot site. This proposal would generate a substantial income for the Council if it was successful and a planning application for this development had been submitted.

The Cabinet noted that, in the event of the planning permission being granted, it would be necessary to relocate the existing users of the Depot site to alternative locations. The Council had already agreed to move the Grounds Maintenance and Vehicle / MOT Workshop to undeveloped land on the Oakwood Hill Industrial Estate in Loughton, which only left the waste management operations to be found a satisfactory alternative location. Following an analysis of the different options available and an examination of all potential sites, it was proposed that a new permanent depot facility for the waste service be provided on Council owned land at North Weald Airfield, a planning application be made and capital resources sought to proceed.

The local Ward Members for North Weald Bassett, including the Housing Portfolio Holder, were concerned about the impact of the proposal upon local residents and the potential intensification of the use of the Airfield at North Weald. Representations from local residents had been received on the matter and the depot facility could impact upon the Saturday Market that had been successfully run at the site for a number of years. It was emphasised that the site was situated within the Metropolitan Green Belt, and that a report considered by the North Weald Airfield & Asset Management Cabinet Committee was seeking to increase the aircraft movements at the site. It was highlighted that the Cabinet's Key Objectives for 2011/12 only envisaged a temporary depot at the Airfield, and that plans for a permanent facility at the Airfield would have to be ratified by the Council. Both Councillors stressed that they would await the Planning report before making a final decision upon the application at the Planning Sub-Committee meeting.

The Environment Portfolio Holder added that every possible alternative site had been investigated before deciding upon the Airfield. The proposed depot would belong to the Council, not the waste management contractor, and site B on the Appendix to the report was the preferred location. The wheeled bins were stored on the other side of the Airfield, close to the M11 motorway, but this location would be unsuitable for the depot and security arrangements for the facility would be easier at site B. The Director of Environment & Street Scene reiterated that the site at Oakwood Hill would not be large enough for the proposed facility.

The Portfolio Holder for Finance & Performance Management concluded that all of the Council's assets had to be utilised fully for the benefit of the District and its residents. The project at Langston Road was progressing through the planning system, and if approved would be of enormous benefit to the Council and the District. The amended recommendations were proposed for approval.

Decision:

- (1) That the following be recommended to the Council for approval:
 - (a) the relocation of Depot facilities at Langston Road, Loughton to land adjacent to the control tower at North Weald Airfield in principle;
 - (b) the preparation and submission of a planning application for a permanent depot facility on land adjacent to the Control Tower at North Weald Airfield;

(c) an amendment to the Council's Key Objectives for 2011/12 within the Council Plan 2011-15 for approval to build a permanent depot facility instead of a temporary facility; and

(d) a supplementary capital estimate in the sum of £1.5million to meet the costs of site assessment, design, construction of the new depot facility and any alterations to existing buildings and car parking areas.

Reasons for Decision:

To enable the proposed redevelopment to proceed, the transfer out of the Depot site of all existing services was required. All services except waste services had already been found alternative sites but none of those were also able to accommodate the waste service. Having considered all current Council land holdings, only those identified near or within the Airfield were considered suitable.

Other Options Considered and Rejected:

To relocate the depot to a site outside the District on land not owned by the Council. However, this would require land acquisition and its associated costs as well as incurring additional service costs arising from operating outside of the District.

To request that the Council's waste contractor Sita should provide a depot. However, this would result in delays and additional costs, as well as complications once the contract with Sita reached its end.

To share a depot with a neighbouring authority. However, there was no suitable location available at the current time.

150. REFURBISHMENT OF FINANCE RECEPTION AREA

The Portfolio Holder for Finance & Economic Development presented a report concerning the refurbishment of the Finance reception area.

The Portfolio Holder reported that following critical comments about the Finance reception area from the Audit Commission, as part of their review of the Benefits Service, a feasibility study on improving the area was commissioned from Norfolk Property Services (NPS) and presented to the Finance and Performance Management Scrutiny Panel on 9 December 2010. A refurbishment of the Finance reception area, at a cost of £302,256, was recommended to the Overview and Scrutiny Committee on 24 January 2011, who subsequently decided to make a similar recommendation to Cabinet.

At the Cabinet meeting on 31 January 2011, it was decided to remove from the Capital Programme the allocation of £1.3 million that had been included for a Customer Services Transformation Programme. The Portfolio Holder stated that the Government had reviewed the Benefits System and was planning to introduce the Universal Credit. Therefore, it was proposed that no action be taken at the current time but the study and drawings be retained for potential future use and considered annually when the Capital Strategy was reviewed.

Decision:

(1) That no action be taken at the current time but the study and drawings for potential future use be retained, with an annual consideration of implementation

when reviewing the Capital Strategy.

Reasons for Decision:

The funding had already been removed from the Capital Programme and the Interview Rooms would not be needed after 2013 when the Universal Credit had been implemented.

Other Options Considered and Rejected:

- Implement Option 1 from the feasibility study at a cost of £200,600; or
- Implement Option 2 from the feasibility study at a cost of £267,267.

151. CONSTRUCTION OF OFF STREET PARKING SCHEMES - ACCEPTANCE OF TENDER & RANKINGS FOR FUTURE SCHEMES

The Housing Portfolio Holder presented a report about the construction of off-street parking schemes on various council-owned locations, specifically the acceptance of a tender to construct the schemes and the ranking of future schemes.

The Portfolio Holder reported that, in accordance with Contract Standing Orders, tenders had been invited from six highways contractors to construct off-street parking bays on housing land. The tenders had been evaluated by Consultants appointed by the Council, who had recommended the appointment of the lowest tender on the basis of a full and valid tender, this being Wedge Contracts Limited.

The Portfolio Holder also provided details of future expenditure and the Cabinet with an opportunity to review the future of the off-street parking programme, taking into account actual tendered rates and a revised ranking table for future schemes. The six schemes listed in Table 1 at Appendix 1 of the report had been assessed and ranked; it was proposed to start the construction of three of these schemes, whilst the other three schemes would be progressed up to the stage where work could begin on site. It was intended to review the current budget provision of £2.436million over four years in October 2011 when the Capital Programme was reviewed, and work on the further three schemes would not commence until after this review. Table 2 at Appendix 1 listed those schemes awaiting assessment; it was requested that Torrington Drive in Debden be added to this list, and it was proposed to do no further work on any of these schemes until after the review of the Capital Programme scheduled for October 2011.

The Assistant Director (Property) stated that no written correspondence had been received, either from local residents or the County Council, in respect of Ivy Chimneys on the edge of Epping, which was why it had not been included on the list of prospective schemes at the current time. A check would be made with other Services to ascertain whether any comments regarding Ivy Chimneys had been received. The Cabinet noted that the schemes were constructed in accordance with the County Council's Highways standards, who then adopted the schemes for maintenance.

Decision:

(1) That Wedge Contracts Limited be awarded the contract, renewable annually for up to 5 years, for the construction of Off Street Parking Schemes to various council owned locations throughout the District, in the corrected tender sum of £326,862 based on a lump-sum tender for three specific sites and a summation of schedule of rates for future schemes, being the lowest tender received;

- (2) That the contract be let initially for the construction of the three designed schemes at Colebrook Gardens, School Lane and Hillcroft only;
- (3) That the contract be varied to allow additional schemes and expenditure up to the value as agreed by the Cabinet on a rolling annual basis;
- (4) That this contract be designated as a serial contract under Contract Standing Order C12 to facilitate the annual increase in the schedule of rate items in accordance with the Building Cost Indices;
- (5) That a review of the existing budget provision of £2.436million (2010/11 – 2013/14), funded jointly from both the Housing Revenue Account and the General Fund be undertaken by the Cabinet in October 2011;
- (6) That the schemes for the next three sites at Chester Close, Harvey Gardens and Audley Garden, which had already advanced past the resident consultation stage, be progressed to detailed design stage, submission of planning applications and scheduling of costs ready to start on site, but not committed to start on site until the review of the Capital Programme in October 2011;
- (7) That any abortive design costs incurred as a result of not progressing any off-street parking schemes to construction stage be set off against revenue expenditure;
- (8) That the ranking table for future off-street parking schemes at Appendix 1 of the report be approved.
- (9) That no further feasibility or design works be undertaken on any schemes in Table 2 at Appendix 1 of the report until the outcome of the review of the Capital Programme in October 2011;
- (10) That the Director of Housing be delegated authority to submit planning applications for future off street parking schemes at the appropriate time after the resident consultation exercise; and
- (11) That Torrington Drive in Debden be added to the schemes listed in Table 2 of Appendix 1 of the report awaiting assessment.

Reasons for Decision:

To appoint the Contractor who had submitted the lowest tender.

A review of the off-street parking programme was necessary due to the current financial situation and the need to make savings generally across the Council. Prioritising the schemes would enable the programme to be developed in an efficient and cost effective manner.

Other Options Considered and Rejected:

To not undertake the construction of the off street parking bays. However, this would not resolve the parking problems identified during recent parking surveys.

To undertake only the three schemes at Colebrook Gardens, School Lane and Hillcroft, which were already designed and had planning consent, and suspend the remainder of the programme until further notice. However, once again this would not resolve the parking problems identified during recent parking surveys.

To undertake the top six schemes in Table 1 at Appendix 1, that had already been agreed and suspend the programme after that until further notice. However, once again this would not resolve the parking problems identified during recent parking surveys.

To tender the works on an annual, or a scheme-by-scheme basis. However, this would be time consuming and inefficient, and at the same time would not guarantee more competitive tenders due to economies of scale.

152. APPOINTMENT OF THE REPAIRS MANAGEMENT CONTRACTOR

The Housing Portfolio Holder presented a report concerning the appointment of the Repairs Management Contractor.

The Cabinet noted that, at its meeting in March 2008, it had agreed to put in place an interim management arrangement for the supervision of the combined Building Maintenance and Repairs Service, subject to an EU procurement tender. It had been decided to adopt an innovative approach to the contract whereby it was "in-sourced" through the nomination and placement of a Housing Repairs Manager by the successful Contractor into the Council's Housing Repairs Service. Three tenders were submitted and evaluated on a Price:Quality ratio of 2:3 by the Council's Repairs Advisory Group, which consisted of Members, Officers and Tenant Representatives. Following evaluation of the tenders, the recommendation was to appoint Mears plc as the Repairs Management Contractor for an initial period of three years, renewable every three years up to a maximum of nine years.

The Repairs Advisory Group had initially been established to assist with the procurement process, however it was now felt that the Group should continue to monitor the performance of the Repairs Management Contractor and the Repairs Service generally on a quarterly basis. The Portfolio Holder thanked the members of the Group for their efforts during the procurement process.

The Assistant Director (Property) added that the Contractors were aware of the Council's desire for a personal commitment from the prospective Repairs Manager during the tender process, although it was acknowledged that this could not be enforced. This was an innovative approach being adopted by the Council and there were no other examples for comparison. The Council had taken up references and performed due diligence checks as part of the assessment process; however, Mears had already been in contract with the Council for the past five years providing new bathrooms and kitchens within the Council's housing stock.

Decision:

- (1) That Mears Plc be appointed as the Repairs Management Contractor for an initial period of 3 years, renewable every 3 years up to 9 year contract period in total, for the supervision and management of the Council's Housing Repairs Service as an "In-Sourcing" contract, in the amended tender sum of £344,298 over the initial 3 years of the contract, as being the most economically advantageous tender received;
- (2) That meetings of the Repairs Advisory Group be continued on a quarterly basis to monitor the progress and performance of the Repairs Management Contractor and report progress to the Cabinet on an annual basis; and
- (3) That, at the end of the first three years of the contract and in consultation with the Repairs Advisory Group, the contract extensions and "Key Deliverables" be

agreed by the Cabinet for each of the following 3 year terms.

Reasons for Decision:

To consider the outcome of the tender exercise and appoint a Repairs management Contractor.

Other Options Considered and Rejected:

To not appoint the Repairs Management Contractor, and to continue with the current repairs structure based on a status quo in terms of performance. However, this was unlikely to lead to a stepped change in improved performance or productivity, which this appointment was expected to deliver.

To directly recruit a Manager to oversee the Repairs Service. However, whilst this job would need to be job evaluated, it was unlikely that the salary on offer for this position would attract someone with the kind of experience and calibre that would be needed to see through change on this scale.

153. EXTERNAL REPAIRS & REDECORATION - ACCEPTANCE OF TENDER

The Housing Portfolio Holder presented a report regarding the award of the External Repairs and Redecorations contract.

The Portfolio Holder reported that, in accordance with Contract Standing Orders, tenders had been invited from five contractors registered with Constructionline to undertake external repairs and redecorations to all Council owned and leased properties over a four-year period. Contractors were invited to provide tenders based on two contractors being selected to undertake the work in each half of the District, but also state if any discount would be provided if the contractor covered the whole of the District. The tenders had been evaluated by the Council, and the lowest tender received had been from S C Glover Ltd, based in Harlow, in the sum of £163,125 with an anticipated discount of £24,000 per annum if contracted to cover both halves of the District. Thus, the tender submitted by S C Grover Ltd, being the lowest tender submitted, was considered to represent good value for money and therefore it was recommended that one contract be awarded accordingly, initially for a one-year period and then extended annually subject to a good standard of workmanship and performance.

Decision:

(1) That SC Grover Ltd be awarded the contract, renewable annually for up to a total of 4 years, for the external repairs and redecorations to all Council owned properties and Council leasehold properties throughout the District, in the sum of £163,125 for the first year based on a schedule of rates contract, being the lowest tender received for the options available;

(2) That the contract be varied to allow expenditure up to the value set in the Housing Revenue Account budget for this work per annum using the tendered schedule of rates, which for 2011/12 and over the following 3 years was £851,000 per annum, totalling approximately £3.5 million; and

(3) That this contract be designated as a serial contract under Contract Standing Order C12 to facilitate the annual increase in the schedule of rate items in accordance with the Building Cost Indices.

Reasons for Decision:

The tender submitted by S C Glover Ltd was the lowest and represented good value for money.

Other Options Considered and Rejected:

To appoint two contractors one for each of the two geographical areas of the District and not benefit from economy of scale reductions.

To not undertake the external repairs and redecorations work on a cyclical basis, however, this would result in properties falling into disrepair and subsequently failing the Decent Homes Standard.

To tender the works on an annual basis, however this would be time consuming and inefficient, and at the same time would not guarantee more competitive tenders due to the economy of scale.

154. FURNITURE EXCHANGE SCHEME

The Portfolio Holder for Finance & Economic Development presented a report regarding the Furniture Exchange Scheme.

The Cabinet noted that a Furniture Exchange/Recycling Scheme for the District had ran for a period between February 2007 and July 2008, operating from the District Council's Depot in Town Mead, Waltham Abbey. The scheme was run in partnership with the Lighthouse Project, 'a not for profit' organisation which had experience of running a similar scheme in Brentwood.

The Portfolio Holder reported that the individuals involved in the setting up of the initial scheme had felt that there was enough impetus and encouragement to look at the establishment of a further scheme elsewhere in the District and had formed a Working Group to look at the possibilities. A site in the Market Square, Waltham Abbey was identified with the potential for use as a 'shop front' premises for a scheme. In supporting the re-establishment of a scheme and in recognising the potential of the Market Square site, the Cabinet at its meeting on 5 February 2009 (Minute 148 refers) had agreed to a District Development Fund (DDF) sum of £20,000 being approved in respect of the annual rent costs of premises. The Portfolio Holder requested that this sum be retained within the budget for 2011/12 to assist with the re-establishment of such a scheme within the District.

Decision:

(1) That District Development Funding in the sum of £20,000 be retained within the budget for the 2011/12 financial year to assist with the re-establishment of a Furniture Exchange Scheme within the District.

Reasons for Decision:

There was a recognised need for a Furniture Recycling Scheme in the District. It could bring substantial benefits in terms of job creation (particularly for those with learning disabilities), skills training, disadvantaged people being able to access good quality furniture at minimal costs, a positive contribution to the environment and helping the Council meet its recycling targets. Schemes had operated successfully in the District and elsewhere in Essex for many years. The scheme was tried and tested and would bring considerable benefits.

Other Options Considered and Rejected:

To not set aside the DDF amount of £20,000 in respect of the potential new scheme, however this would mean a missed opportunity for the District Council and its partners in terms of their roles in Community Wellbeing and Environmental Protection, and for the operation of a much needed and highly regarded scheme.

155. PROCESSING OF ORGANIC WASTE AFTER SEPTEMBER 2014

The Environment Portfolio Holder presented a report upon the processing of organic waste after September 2014.

The Portfolio Holder presented the Cabinet with two future options for the processing of co-mingled organic waste collected within the District. The first option was to join with all other Essex collection authorities in committing to use the procured processing capacity of Essex County Council. This approach would give the Council certainty of access to organic processing facilities along with certainty of cost into the future. Alternatively, the second option would be to continue to rely upon the Council's waste service providers to ensure access to appropriate processing capacity. This approach would depend upon the Council being able to maintain haulage and gate fee costs at a lower level than recycling credits and would not guarantee the Council access to facilities in the event of plant failure.

The Cabinet was reminded that the food and garden waste service collected and processed approximately 17,000 tonnes of material each year. A transfer station was to be provided by the County Council in Harlow, so there would be reduced travelling times from committing to the County Council arrangements. If the Council was to decide upon this option, then the County Council would need to be informed and the Council's Inter-Authority Agreement amended accordingly.

The Director of Environment & Street Scene added that the proposed Southern Organic Waste Plant would co-exist with the Mechanical Biological Treatment plant in Basildon. The County Council was in the process of tendering for the Organic Waste Plant and wanted commitments from the District Councils to enable tender prices to accurately reflect the tonnages of material to be processed. Planning permission was currently being sought for the transfer station in Harlow; this would be a permanent facility and probably sited in the vicinity of Edinburgh Way.

Decision:

- (1) That, for the processing of all the District's organic waste after November 2014, the arrangements of the Essex Waste Partnership be utilised through the Inter Authority Agreement and using the processing facilities to be provided by Essex County Council in the south of Essex;
- (2) That Essex County Council be informed of the Council's decision; and
- (3) That the Council's Inter Authority Agreement service development plan be amended accordingly.

Reasons for Decision:

The County Council was at a critical stage in its procurement of organic waste processing facilities. It needed to be certain of the approximate tonnages to be processed otherwise best value for the taxpayer would not be achieved. The Council

therefore needed to make a decision on how it was to process organic waste in the future collected from within the District.

Other Options Considered and Rejected:

To independently seek to procure its own processing arrangements. However, the Council would have to accept all of the risks associated with that approach, and any advantages of scale in the procurement exercise would be lost as a sole procurer compared to a partnership contract led approach.

156. WALTHAM ABBEY REGENERATION SCHEMES

The Portfolio Holder for Finance & Economic Development presented a report regarding potential regeneration schemes in Waltham Abbey.

The Portfolio Holder reported that, in 2009/10, Lidl had paid the Council a premium for a change of the terms of the lease of the supermarket at 1 Cartersfield, Waltham Abbey. The premium was £165,000, a sum which was subsequently included in the Capital Programme to support economic development and regeneration in Waltham Abbey. The Town Council had identified fifteen potential projects that would enhance the town for local residents, improve the visitor experience or deliver economic benefits to local businesses. The estimates for these projects totalled £151,000 and it was proposed to retain the remaining £14,000 as a contingency sum. The Cabinet was requested to give approval for the specific projects identified by Waltham Abbey Town Council.

Decision:

- (1) That approval be given to fund the specific projects identified by Waltham Abbey Town Council and listed in Appendix 1 of the report to support economic development and regeneration in Waltham Abbey;
- (2) That the sum of £165,000 be ring-fenced to the projects based on the current indicative costings, i.e. £151,000 plus £14,000 contingency;
- (3) That the projects be managed and procured by Waltham Abbey Town Council, including the obtaining of all necessary consents, and that the funds be drawn down by the Town Council on completion of individual items and on receipt of evidence of relevant expenditure;
- (4) That, if the Town Council elects not to proceed with any identified project, the permission of the District Council be sought to fund an alternative scheme; and
- (5) That, in the event the Town Council might decide not to utilise the totality of the funding for approved economic development and regeneration schemes, any outstanding balance be retained by the District Council.

Reasons for Decision:

To allocate funding to regeneration and environmental improvements in Waltham Abbey aimed at supporting the local economy and capitalising on the potential for increased tourism due to the Lea Valley White Water Canoe Centre hosting the Canoe Slalom events for the 2012 Olympic Games.

Other Options Considered and Rejected:

To allocate the funding to other schemes within the Council's Capital Programme.

157. ESSENTIAL USER CAR ALLOWANCE - PART TIME STAFF

The Portfolio Holder for Performance Management presented a report concerning the essential user car allowance for part-time staff.

The Portfolio Holder informed the Cabinet that the Council currently paid eligible part-time staff essential car user allowance on a pro rata basis. However, the National Agreement on Pay and Conditions of Service made it clear that they should be paid the allowance in full. There was no evidence to suggest that there was ever a locally negotiated agreement to depart from the National Conditions of Service. The Director of Corporate Support Services had advised that the essential user allowance should be paid in full to all eligible part-time staff. In addition, back payments should be made for a period of 6 years to current eligible Council staff, and that similar back payments should be made to any ex-Council staff who submitted a written request.

The Director of Corporate Support Services added that the Council would not actively seek out eligible ex-staff; in some cases it would be extremely difficult to trace them. However, the decision would be publicised via the Council's website.

Decision:

- (1) That the lump sum element of the Essential User Car Allowance be paid in full to all eligible part time staff from 1 April 2011;
- (2) That such payments be backdated to existing eligible staff for a maximum period of 6 years (to 1 April 2005); and
- (3) That similar back payments be made to any eligible ex-Council member of staff who submits a written request.

Reasons for Decision:

The National Agreement on Pay and Conditions of Service ('Green Book') made it clear that the lump sum for essential users should not be paid on a pro-rata basis, but in full. There was no evidence of a locally negotiated agreement to depart from this condition. Moreover, as this condition was found in Part 2 of the 'Green Book', it could not be locally negotiated.

Other Options Considered and Rejected:

To continue to pay the lump sum element of the essential user allowance on a pro-rata basis and risk a legal challenge for unauthorised deduction of wages, which would not be defensible.

158. DEVELOPMENT OF ALL-WEATHER PITCH - TOWN MEAD , WALTHAM ABBEY

The report regarding the development of an All-Weather Pitch at Town Mead in Waltham Abbey had been withdrawn by the Portfolio Holder for Leisure and Wellbeing, and would be considered at the next Cabinet meeting.

159. ANY OTHER URGENT BUSINESS

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

- (i) Improvement East – Efficiency Challenge Grant Award.

160. IMPROVEMENT EAST - EFFICIENCY CHALLENGE GRANT AWARD

The Leader of the Council presented a report concerning the award of an Efficiency Challenge Grant to the Council by Improvement East.

The Cabinet noted that Improvement East, the Regional Improvement and Efficiency Partnership (RIEP) for the East of England, had awarded the Council a sum of £150,000 as part of their Efficiency Challenge Programme. The assistance offered had been distributed between four different headings: £80,000 for Strategy; £20,000 for Procurement; £40,000 for Income Generation; and £10,000 for Cultural Change. For the Council to complete the seven different projects in time for the 2012/13 budget process, it was necessary to proceed as quickly as possible. As Improvement East had identified two specific consultants who had already met their tests for quality and value for money, it was requested that Contract Standing Orders should be waived to procure their services without delay, with procurement confirmed by Portfolio Holder Decision. Progress with the projects would be reported back to both the Cabinet and Council and it was anticipated that these projects would assist the Council in meeting its savings target of £1.3million for 2012/13.

The Director of Finance & ICT advised the Cabinet that positive comments had been received from other councils who had undertaken this process. It was confirmed that neither the recommendations from Improvement East or the recommendations from the consultants were binding upon the Council. If the recommended consultants did not meet the Council's criteria for procurement then the Council reserved the right to seek alternative consultants. Likewise, it would be for the Council to decide as to whether any or all of the recommendations from the consultants would be implemented by the Council.

Decision:

- (1) That the award of a grant in the sum of £150,000 from the Regional Improvement and Efficiency Partnership be accepted;
- (2) That the programme of work to be funded by the Grant as set out in the report be agreed under the following headings;
 - (a) Strategy;
 - (b) Procurement;
 - (c) Income Generation; and
 - (d) Cultural Change; and
- (3) That, in order to expedite this work, the requirements of Contract Standing Orders be waived for the procurement of the work.

Reasons for Decision:

The Efficiency Challenge funding would increase the Council's capacity to fulfil the requirement to find £1.3million of savings in 2012/13.

If the work was to be completed promptly, to allow any recommendations to be implemented to achieve a full year benefit in 2012/13, there was insufficient time to conduct a normal procurement exercise. The resources being used were those of the Regional Improvement & Efficiency Partnership (REIP) and the choice of contractors suggested in the report were based on recommendations from the Partnership.

Other Options Considered and Rejected:

To decline the award of the grant and return the funding or seek alternative providers of the consultancy services.

CHAIRMAN