

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet

Date: 6 June 2011

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

Time: 7.00 - 8.35 pm

Members Present: Mrs L Wagland (Chairman), J Philip (Vice-Chairman), Mrs R Gadsby, J Knapman, Mrs M McEwen, G Mohindra, Mrs P Smith and J Wyatt

Other

Councillors: K Avey, R Bassett, W Breare-Hall, Ms R Brookes, K Chana, Mrs D Collins, Ms J Hart, D C Johnson, A Lion, J Markham, S Murray, Mrs C Pond, B Rolfe, D Stallan, G Waller, Ms S Watson, C Whitbread, J M Whitehouse and D Wixley

Apologies: None.

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), J Chandler (Assistant Director (Community Services and Customer Relations)), D Newton (Assistant Director (ICT)), T Carne (Public Relations and Marketing Officer), B Moldon (Principal Accountant), P Seager (Chairman's Secretary) and G J Woodhall (Democratic Services Officer)

1. 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.

2. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs R Gadsby and J Wyatt declared a personal interest in agenda item 10, Development of All-Weather Pitch – Town Mead, Waltham Abbey, by virtue of being members of Waltham Abbey Town Council. The Councillors had determined that their interest was prejudicial and would leave the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillors R Bassett and J Philip declared a personal interest in agenda item 11, ICT Disaster Recovery Policy, by virtue of working in the IT industry. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the issue.

(c) Pursuant to the Council's Code of Member Conduct, Councillor K Chana declared a personal interest in agenda item 12, Key Priority Objectives 2010/11 - Outturn, by virtue of being a member of Chigwell Parish Council. The Councillor had determined that his 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 W Breare-Hall declared a personal interest in agenda item 13, Grant of Approval to Development

Works on Land Owned by Epping Forest College, Loughton, by virtue of being a Governor of Epping Forest College. 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 Mrs D Collins declared a personal interest in agenda item 13, Grant of Approval to Development Works on Land Owned by Epping Forest College, Loughton, by virtue of being a Governor and Chairman of the Board of Governors for Epping Forest College. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the issue.

3. MINUTES

Resolved:

(1) That the minutes of the meeting held on 18 April 2011 be taken as read and signed by the Chairman as a correct record.

4. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports from the Portfolio Holders present.

5. PUBLIC QUESTIONS

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

6. 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 31 May 2011:

- (i) the outturn for the Key Objectives adopted for 2010/11;
- (ii) the final report of the Children Services Task and Finish Panel, which would be considered by the Cabinet at its next meeting on 18 July 2011; and
- (iii) the Annual report for Overview and Scrutiny, prior to its submission to the Council later this month.

The Cabinet's agenda was reviewed and concerns were raised about the 40-day recovery period within the ICT Disaster Recovery Policy (agenda item 11). It was felt that this was too long and the Council should seek a significant improvement upon this.

7. PURCHASE OF NEW VEHICLES FOR WASTE AND RECYCLING SERVICE IN 2012/13

The Environment Portfolio Holder presented a report concerning the capital allocation for replacement refuse freighters in 2012/13.

The Portfolio Holder reported that there were a total of 23 refuse freighters in the operational fleet managed by Sita, the Council's waste service provider. Of these, 19 were owned by the Council and four by Sita. Seven freighters were due to reach the end of their operational lives during 2012/13 and capital provision was being sought

to enable their replacement. This provision would not commit the Council to actually purchasing any freighters.

The Portfolio Holder added that any residual value from the current freighters would be returned to the Capital budget. The Council had the option to extend the Waste Management Contract for a further two years in 2012, and all purchasing/leasing options would be examined, including the possibility of the contractor purchasing the freighters rather than the Council.

Decision:

(1) That £1million be allocated within the capital programme for 2012/13 for the procurement of seven refuse freighters.

Reasons for Decision:

Refuse freighters had a nominal operational life of up to seven years. Beyond this time span, the costs of maintenance and the effects of operational downtime became significant generating additional service costs and service disruption.

Other Options Considered and Rejected:

Vehicles could be procured by Sita and then charged back to the Council or the Council could lease them instead of using capital resources for outright purchase. However, in previous procurement exercises the costs associated with capital purchase had always proven to provide best value, but the alternatives would be re-considered as the actual procurement date approached.

8. TREASURY MANAGEMENT STRATEGY STATEMENT & INVESTMENT STRATEGY 2011/12 - 2013/14

The Portfolio Holder for Finance & Economic Development presented a report regarding the Council's Treasury Management Strategy Statement and Investment Strategy for the period 2011-14.

The Portfolio Holder reported that the Council was required to approve the Treasury Management Strategy, Prudential Indicators and a statement on the Minimum Revenue Provision (MRP) before the start of each financial year; for 2011/12 this had been accomplished at the Cabinet and Council meetings in February 2011. However, following the Government announcement to proceed with the self financing of Council Housing services through the Localism Bill, it was essential that the Council was ready to borrow approximately £200million. The amended strategy would enable the Council to borrow up to £200million. The report had requested that delegated authority be given to the Director of Finance & ICT to undertake this borrowing, in consultation with the Leader and the Finance and Economic Development Portfolio Holder. However, this recommendation was withdrawn by the Portfolio Holder at the meeting, as it was felt that any decisions upon borrowing should be made by the Cabinet and not an individual Member or Officer. The strategies, as amended if necessary, would be scrutinised by the Audit and Governance Committee on 23 June 2011, prior to consideration by the Council at its meeting on 26 July 2011.

The Portfolio Holder highlighted that as the Council was debt-free with £38million of capital funds available, the proposals from the Government would result in a cost to the General Fund of £1.5million for Minimum Revenue Provision payments and a further £1.6million in interest payments. The Council had been in discussions with the Department for Communities and Local Government, who had indicated that the

policy document expected before October 2011 would provide some mitigation for the Council on both issues. The Portfolio Holder stated that there were no current plans to allocate monies within the Housing Revenue Account for General Fund projects, but that this position could change in the future and therefore no assurance could be given to the Cabinet.

Decision:

(1) That the amended 2011/12 Treasury Management Strategy Statement and Annual Investment Strategy 2011/12 to 2013/14 be approved; and

(2) That the amended Treasury Management Prudential Indicators for 2011/12 to 2013/14 be noted.

Reasons for Decision:

The proposed decision was necessary to ensure that the Council had the powers to borrow the necessary money to finance the debt required to be paid to the Department for Communities and Local Government (CLG) in March or April 2012.

Other Options Considered and Rejected:

To request additional information about the Treasury Management Strategy.

To not approve the revised Strategy.

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

The Portfolio Holder for Safer, Greener & Highways presented a report about the award of a tender to construct an artificial grass sports pitch at Townmead in Waltham Abbey, on behalf of the Portfolio Holder for Leisure & Wellbeing who had declared a prejudicial interest and left the meeting for this particular item.

The Portfolio Holder reported that nine contractors had been invited to tender for the construction contract of the new Artificial Grass Sports Pitch (AGP) at Townmead, Waltham Abbey. These had been selected by consultants Surfacing Standards Limited, who had been appointed to manage the project on behalf of the Council. Eight companies submitted tenders for the Construction Contract; these were opened on 6 April 2011, with a further detailed evaluation of the assessments on 12 April 2011. However, it was realised that all the received tenders had exceeded the budget allocation for the development. Thus, the Council's consultant was requested to revise the original specification of works for the pitch and re-issue the Tender Specification to all nine companies to enable them to re-submit their bids.

The Portfolio Holder stated that the second tender process took place in May 2011 and seven companies submitted tenders for the work. Following a repeat of the evaluation and assessment process the lowest tender price submitted was in the sum of £504,583 from AMB Sports Ltd, which included a contingency provision of £40,000. The panel therefore had recommended to the Cabinet that, based on the lowest price and compliance with the specified quality criteria, the tender should be awarded to AMB Sports Ltd in the sum of £504,583. It was emphasised that the Council's share of the income from the pitch was projected to be approximately £19,000 per annum.

In response to questions from the members present, the Assistant Director (Community Services and Customer Relations) outlined the steps that had been

taken to reduce the specification for the second tender exercise. The contingency provision within the project's budget was quite high, however this was justified by the pitch being built upon a former landfill refuse site. It was noted that the contingency provision was under the direct control of the Council. The revenue stream for the Council would commence once the pitch had been opened, and would be used for the maintenance costs associated with the surface, including its eventual replacement. Free use of the pitch at certain times by the District Council for community initiatives would be included within the Business Plan.

Decision:

(1) That the contract for the construction of a new Artificial Grass Sports Pitch at Townmead, Waltham Abbey be awarded to AMB Sports Ltd in the sum of £504,583 (including £40,000 contingency provision) on the basis of this tender providing best quality and value for money.

Reasons for Decision:

The tender submitted by AMB Sports Ltd represented the best value for money for the Council in terms of cost and the specified level of quality required.

Other Options Considered and Rejected:

To not proceed with the construction of the pitch, however this would incur abortive costs, which would need to be charged to the District Development Fund.

10. ICT DISASTER RECOVERY POLICY

The Portfolio Holder for Planning & Technology presented a report concerning the Information and Communications Technology (ICT) Disaster Recovery Plan.

The Portfolio Holder reported that the current plan consisted of two separate computer suites located at different ends of the Civic Offices complex. Although this offered a substantial form of resilience, having both suites on the same site was not ideal. An off-site ICT disaster recovery location was required to accommodate storage area network servers and for the implementation of critical technical services such as Internet and Network connectivity.

The Portfolio Holder stated that with the involvement of the Emergency Planning Officer, a secure location had recently been identified at the Council's Careline facility. Careline was a control centre which offered 24 hour emergency access to trained professionals, for the elderly and vulnerable people within the Epping Forest area. Following the completion of the virtualisation project, the number of servers required to run essential systems had been drastically reduced, as had the space required to store them. A fully air conditioned room was no longer needed as the smaller number of servers could be cooled using a rack with integral cooling. This reduced the storage footprint and was substantially cheaper to run. There was now an opportunity to use the off-site facility to develop a co-ordinated approach to Disaster Recovery. All staff required access to computerised systems for their daily work and it was essential that the ICT Disaster Recovery Plan became more intrinsically linked with the Corporate Disaster Recovery Plan.

The Portfolio Holder added that the issue of recharges to the Housing Directorate for the siting of the new disaster recovery site had not been considered at this stage; this would form part of a further report following the completion of the feasibility study. A Business Continuity exercise had recently been undertaken by Officers. Such

exercises were important, to find out which systems were critical to restart as soon as possible and which systems could have their recovery delayed for a few days.

Decision:

- (1) That Parsonage Court (Careline) be confirmed as the off-site location for an ICT disaster recovery suite;
- (2) That the feasibility study into cabled and wireless broadband solutions be endorsed; and
- (3) That a further report on the completion of the feasibility work be submitted to a future meeting of the Cabinet.

Reasons for Decision:

Currently, recovery time for key systems from a major incident (assuming a total loss of both Computer Suites 1 and 2) was estimated at a minimum of 40 days, as this timescale incorporated issues such as hardware lead time and the restore of data and systems from off-site tape back ups. This timescale could be reduced substantially if an off-site ICT disaster recovery facility was available.

Other Options Considered and Rejected:

To continue with the current set-up and accept a minimum 40 day recovery time, but this would fail to address the risk from a major incident.

11. KEY PRIORITY OBJECTIVES 2010/11 - OUTTURN

The Portfolio Holder for Finance & Economic Development presented a report upon the outturn of the Key Priority Objectives for 2010/11.

The Portfolio Holder reported that the annual identification of specific Key Objectives provided an opportunity for the Council to focus attention on how areas for improvement would be addressed over the next year, and how opportunities would be exploited to deliver better outcomes for local people. A range of Key Objectives for 2010/11 had been adopted by the Cabinet at its meeting on 1 February 2010. Performance in relation to the Key Objectives for the year was reviewed by the Cabinet and the Overview and Scrutiny Committee on a six-monthly basis, and had been previously considered by the Cabinet on 6 December 2010.

It was highlighted that the increase in the Revenue Support Grant for authorities that did not raise their Council Tax would be equivalent to a 2.5% increase in the Council Tax. The Portfolio Holder undertook to provide a written answer regarding the completion of the St John's Road Development Brief. The aim was to conduct the consultation and complete the final draft of the Brief by October 2011.

The Environment Portfolio Holder reported that the Council's recycling performance was the second best in Essex and that further improvements would become progressively more difficult to achieve. The Council had already implemented a weekly collection of food waste, therefore there was no imperative to revert to weekly collections of residual waste. However, it would be considered if suitable government funding was available. The submission of the report to the Council regarding the provision of a permanent Waste Management depot facility at North Weald Airfield had been deferred for further consideration; the Portfolio Holder's personal

preference would be for the contractor to provide a depot facility, but not necessarily at the Airfield.

The Cabinet was also informed that the use of the Council's commercial assets would be fully reviewed, it was intended to progress the retail development project at Langston Road in Loughton without delay, and a further report on airfield intensification at North Weald Airfield was being considered. The improvements made by the Benefits Service since their inspection by the Audit Commission was also highlighted.

Decision:

(1) That the outturn performance in relation to the Council's Key Priority Objectives for 2010/11 be noted.

Reasons for Decision:

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

Other Options Considered and Rejected:

No other options were appropriate in this respect. Failure to monitor and review performance against the Key Objectives, and to take corrective action where necessary, could have negative implications for the Council's reputation and for judgements made about the authority.

12. GRANT OF APPROVAL TO DEVELOPMENT WORKS ON LAND OWNED BY EPPING FOREST COLLEGE, LOUGHTON

The Leader of the Council presented a report concerning the grant of approval to development works on land owned by Epping Forest College in Loughton.

The Leader reminded the Cabinet that the Council, at its meeting on 28 September 2010, agreed with regard to the Sports Hall to the release of a covenant which restricted use in return for a side letter or words in the deed of release in which the College would provide replacement sports facilities when their funding situation allowed and the release of a further covenant which related to the right of pre-emption. The Deed of Release of Covenants and Side Letter had been agreed but were yet to be completed. The College was now requesting the Council's formal consent in accordance with the restrictive covenant in paragraph (b) of the Third Schedule of the Conveyance dated 1 May 1952 to a scheme of works to be carried out on the Sports Hall. It was intended to implement the planning permission obtained (EPF/2439/10 refers) for the demolition of the Sports Hall and its replacement with a 85-bed care home development with car parking and secure landscaped garden areas. The Leader emphasised that the Council would not be releasing this particular covenant, merely giving permission for the approved development under the terms of the covenant.

One of the local Ward Members for Loughton Roding stated that he would not be in favour of giving permission for the approved development as the local community would not benefit from the closure of the Sports Hall. The Leader added that the side letter regarding the provision of new sports facilities was sent to the College and agreed. Therefore, the College was now obliged to provide new facilities when it

decided that sufficient funding had become available. The Cabinet felt strongly that the College must be held to account for the provision of new sports facilities, for the benefit of the local community.

Decision:

(1) That, as landowner of the adjoining lands pursuant to the restrictive covenant in paragraph (b) of the Third Schedule of a Conveyance dated 1 May 1952, a scheme of works to be carried out on land known as the former Loughton Sports Hall ('the Sports Hall') as shown by a black verge on the plan attached to the report be recommended to the Council for approval; and

(2) That authority be delegated to the Director of Corporate Support Services for the exercising of the Council's discretion in its capacity as landowner of the adjoining lands to which the benefit of the covenants was attached to give approval to the scheme of redevelopment works for the Sports Hall in accordance with Planning Decision No. EPF/2439/10.

Reasons for Decision:

To give consent as landowner of the adjoining lands to which the benefit of the covenants was attached to the scheme of works to be carried out in accordance with Planning Decision No. EPF/2439/10 once it had been formally granted.

Other Options Considered and Rejected:

To not agree to give consent as landowner of the adjoining lands to which the benefit of the covenants was attached.

13. ANY OTHER URGENT BUSINESS

There was no other urgent business for the Cabinet to consider.

14. EXCLUSION OF PUBLIC AND PRESS

Resolved:

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

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
16	Review of Grounds Maintenance & Nursery Service	1 and 2

15. REVIEW OF GROUNDS MAINTENANCE & NURSERY SERVICE

The Environment Portfolio Holder declared that the report had been withdrawn from the meeting, pending further consideration of the issue. The report would be submitted to the next meeting of the Cabinet, scheduled for 18 July 2011.

CHAIRMAN