

## **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 12 September 2011

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.30 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 Angold-Stephens, R Barrett, R Bassett, Ms R Brookes, K Chana, Mrs T Cochrane, Ms J Hart, D Jacobs, D C Johnson, Mrs S Jones, Mrs C Pond, D Stallan, G Waller, Ms S Watson, C Whitbread and D Wixley

**Apologies:**

**Officers Present:** D Macnab (Acting Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), K Durrani (Assistant Director (Technical)), D Newton (Assistant Director (ICT)), L Swan (Assistant Director (Private Sector & Resources)), R Wilson (Assistant Director (Operations)), T Carne (Public Relations and Marketing Officer), G J Woodhall (Democratic Services Officer) and P Seager (Chairman's Secretary)

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### **32. 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.

### **33. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillors J Knapman, G Mohindra and Mrs L Wagland declared a personal interest in agenda item 9, Housing Strategy Key Action Plan 2011/12, by virtue of being members of Chigwell Parish Council. 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 D Stallan declared a personal interest in agenda item 9, Housing Strategy Key Action Plan 2011/12, by virtue of being a member of North Weald Bassett Parish Council. 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 Code of Member Conduct, Councillors R Bassett and J Philip declared a personal interest in agenda item 17, ICT Capital Requirements – 2012/13, by virtue of being employed in the Information Technology industry. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the issue.

**34. MINUTES**

**Resolved:**

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

**35. REPORTS OF PORTFOLIO HOLDERS**

The Portfolio Holder for Finance & Performance Management reported that he would be attending a meeting with the Highways Consultants for the St Johns Road development site in Epping later in the week, and would report back to the Cabinet and Ward members after the meeting.

**36. PUBLIC QUESTIONS**

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

**37. OVERVIEW AND SCRUTINY**

The Chairman of the Overview & Scrutiny committee reported that the following items of business had been considered at its meeting held on 6 September 2011:

- (a) a presentation from Essex Police entitled 'Blueprint for Essex Policing';
- (b) a consultation report on revising the charges at the Dartford Bridge and Tunnel;
- (c) a report regarding the Government consultation on plans to introduce single voter registration;
- (d) a report from the Constitution & Member Services Scrutiny Panel regarding procedure rules for reports on Outside Organisations; and
- (e) the establishment of a Task & Finish Panel on the procedures to be followed when drawing up any future contract of employment for the Chief Executive's post.

The Cabinet's agenda was reviewed but there were no specific issues identified on any of the items for consideration.

The Portfolio Holder for Finance & Economic Development added that members on outside bodies would submit written reports to the Council in future.

**38. LOCAL DEVELOPMENT FRAMEWORK CABINET COMMITTEE - 1 AUGUST 2011**

The Leader of the Council presented the minutes from the meeting of the Local Development Framework Cabinet Committee held on 1 August 2011. The Cabinet noted that no recommendations had been made at this meeting.

**Decision:**

(1) That the minutes of the meeting of the Local Development Framework Cabinet Committee, held on 1 August 2011, be noted.

**Reasons for Decision:**

The Constitution required that Cabinet Committees reported the minutes of their meetings to the next available meeting of the Cabinet.

**Other Options Considered and Rejected:**

As there were no specific recommendations for the Cabinet to consider, there were no other options for action.

**39. HOUSING STRATEGY KEY ACTION PLAN 2011/12**

The Housing Portfolio Holder presented a report on the 2011/12 Key Action Plan for the Housing Strategy 2009-12.

The Housing Portfolio Holder stated that the Housing Strategy assessed the District's current and future housing needs, and set out the Council's approach to meeting those needs. The Strategy also included a Key Action Plan detailing the proposed actions to be taken by the Council to contribute to the achievement of the Housing objectives over the life of the Strategy. Key Action Plans were produced annually for approval by the Cabinet and progress was monitored by the Housing Scrutiny Panel every six months. The proposed Action Plan for 2011/12 had been reviewed by the Housing Scrutiny Panel and was recommended to the Cabinet for approval.

The Housing Portfolio Holder added that the outcome of the Council's pilot Social Housing Fraud Scheme, and whether the scheme should continue on a permanent basis, would be reported to the Cabinet at the end of the pilot. It was also agreed that the results of the Council's investigation into the Government's Feed-In Tariff Scheme, which would involve the installation of solar panels on the roofs of Council properties, would be shared with the District's Town and Parish Councils.

**Decision:**

(1) That, as recommended by the Housing Scrutiny Panel and attached at Appendix 1 of the report, the Housing Strategy Key Action Plan for 2011/12 be adopted.

**Reasons for Decision:**

The Housing Strategy 2009-2012 included a Key Action Plan, which the Cabinet had previously agreed should be updated each year, for the duration of the Housing Strategy.

**Other Options Considered and Rejected:**

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

**40. REVIEW OF THE PRIVATE SECTOR HOUSING TEAM**

The Housing Portfolio Holder presented a report regarding the review of the Private Sector Housing Team. In November 2009, the Cabinet had agreed the addition of a part-time, temporary post in the Private Sector Housing (Technical) Team to assist with bringing empty properties back into use and to help with the licensing of the District's park home sites (report reference C-052-2009/10). This was with the proviso that a report would be made annually to the Cabinet on the work undertaken by the post.

The Portfolio Holder reported that the Government had recently introduced the New Homes Bonus (NHB), which had been paid for the first time in April 2011, and was a means of rewarding local authorities for increasing housing supply. The net gain in housing supply included empty homes brought back into use through Council intervention. It was estimated that the Council would receive a reward of around £210,000 over 6 years, directly attributable to the number of empty properties brought back into use between October 2010 and October 2011. Further reward would be received for each year thereafter.

The Portfolio Holder stated that as a significant proportion of the empty properties brought back into use since 2010 could be directly attributed to the appointment of the Technical Officer, and in order to maximise the New Homes Bonus received on a continuing basis, it was recommended that the hours of the post be increased from 28 to 36 hours a week and that the current three year contract was made permanent with immediate effect. This would cost approximately £6,500 per annum (including on costs) for the remainder of the existing three year contract (until July 2013), to be met from savings on the Housing Directorate's salaries budget and that an addition should be made to the Continuing Services Budget growth list of approximately £32,610 per annum to fund it thereafter.

The Portfolio Holder concluded that, in the light of the recent resignation of the Officer and the likelihood that it would not be possible to find someone with suitable experience and qualifications within the Council to continue this work, permission should be granted to advertise the post externally if necessary. The additional income received from sustaining the New Homes Bonus income through these proposals, would considerably exceed the cost of the post.

The Portfolio Holder for Finance & Economic Development highlighted the financial benefit that the Council obtained from returning empty properties back into use, and the Cabinet felt that the work of the newly appointed Technical Officer should be reviewed by the Housing Scrutiny Panel one year after appointment, with an emphasis on the further empty properties within the District brought back into use.

**Decision:**

- (1) That, following the previous Cabinet decision in November 2009, the work carried out by the temporary part-time Technical Officer post in the Private Sector Housing (Technical) Team since July 2010 be noted;
- (2) That, in order to maximise the significant potential income to the Council from the New Homes Bonus through bringing long-term empty properties back into use (estimated to be £210,000 over the next six years for 2010/11), the hours of the Technical Officer post be increased from 28 to 36 hours a week;
- (3) That the additional cost of approximately £6,500 per annum be funded by savings on the salaries budget until April 2013 and a Continuing Services Budget growth bid in the sum of approximately £32,610 be made to fund the post after April 2013;
- (4) That, in order to sustain the potential high level of income to the Council through the New Homes Bonus, the position be made permanent;
- (5) That, following the recent resignation of the current post-holder, the post be advertised externally if an internal appointment could not be made; and

(6) That the Housing Scrutiny Panel be requested to review the work of the newly appointed Technical Officer and the number of empty properties brought back into use after a period of 12 months.

**Reasons for Decision:**

The Cabinet had requested a report on the work of the new Technical Officer post following a review of the Private Sector Housing Team in November 2009.

The introduction of the New Homes Bonus by the Government provided a real financial incentive for councils to bring empty properties back into use.

**Other Options Considered and Rejected:**

To continue the existing Technical Officer post at 28 hours a week for the remainder of the three year contact that would end in July 2013. However, this would not fully maximise the potential financial gain to the Council through the New Homes Bonus.

To not make the post permanent. However, this would not enable the potential income from the New Homes Bonus to be maximised on an ongoing basis.

To not advertise externally if necessary. However, this would result in the post not being filled if an internal appointment could not be made, resulting in a significant loss of potential income for the Council from the New Homes Bonus.

**41. REDEVELOPMENT OF TOILETS INTO TAKEAWAY/RESTAURANT - BAKERS LANE**

A report upon the potential development of a toilet block on the Bakers Lane car park in Epping into a takeaway or restaurant, whilst retaining toilet facilities for public use, was presented by the Portfolio Holder for Finance & Economic Development.

The Portfolio Holder set out the proposals, which included the removal of the adjacent Universal Superloo (USL) to the Queens Road car park in Buckhurst Hill to replace the Automated Public Convenience (APC) currently in situ. The proposal would reduce the current maintenance and lease costs to the District Council and to Epping Town Council and would also result in valuable additional income from the restaurant or take away outlet. The Portfolio Holder re-iterated that this was only the first stage of the process and expressed disappointment at the recent reports in the local press, which had not included the Council's response to the reports. The Leader of the Council had written a letter to the local newspaper regarding this report. The proposal should have a minimal impact upon the number of parking spaces available within the car park.

Ward Members expressed their disappointment over the lack of consultation regarding the proposal, and expressed their deep concern that the proposals would result in the current toilet provision disappearing over time. The Leader of the Council stated that similar schemes elsewhere had been extremely successful and re-iterated that the preparation and submission of an application for planning permission was only the first stage in the process.

**Decision:**

(1) That a supplementary capital estimate in the sum of £5,000 to engage consultants to prepare and submit a planning application for the redevelopment of

the toilet block in Bakers Lane, Epping for a restaurant/ take away service be recommended to the Council for approval.

**Reasons for Decision:**

The District Council would save £18,000 per annum in lease charges currently paid for the Automated Public Convenience at Queens Road, and the redevelopment was estimated to add between £10,000 and £15,000 per annum to the District Council's rental income.

The redevelopment of the traditional toilets would save the Town Council £6,000 per annum in maintenance costs, and remove their liability for dilapidations, whilst the public would still have toilet facilities maintained to a high standard as required in catering premises. The intention was that the toilets would be open for at least the same hours as at present, however this would have to be negotiated with the incoming lessee.

**Other Options Considered and Rejected:**

To not redevelop the toilets, and continue paying rent for the Universal Superloo in Bakers Lane and possibly the Automated Public Convenience in Queens Road and the ongoing maintenance liability.

**42. TRANSFER OF PRIVATE SECTOR SEWERS TO THE WATER & SEWERAGE COMPANIES - IMPACT ON THE PRIVATE SECTOR DRAINAGE TEAM**

The Environment Portfolio Holder presented a report regarding the transfer of private sewers to the water and sewerage companies, and the impact of this change upon the Council's Private Sector Drainage Team.

The Portfolio Holder stated that on 1 October 2011, most private sewers and lateral drains in existence immediately before 1 July 2011 that drained into a public sewer would become vested in the appropriate Water and Sewerage Company. There were some drains/sewers that would not transfer or would transfer later. The Council employed two officers whose main duties were to deal with private sector drainage. After the transfer there would be a diminished role for local authorities in dealing with the sewerage of their areas and it was felt that there would no longer a need to retain the Drainage Technician's post (ETD/03). This post was on a fixed term contract, which would expire in November 2011; it was proposed to not renew this contract. Some residual work would remain and further recommendations in relation to this matter would be considered in Part II of the meeting, due to their personal nature.

**Decision:**

- (1) That the transfer of most private sector sewers to the Water and Sewerage Companies on 1 October 2011 be noted; and
- (2) That the deletion of post ETD/03, Drainage Technician, from the establishment when the fixed term contract ends in November 2011 be approved.

**Reasons for Decision:**

Regulations to affect the transfer of most private sewers and lateral drains to the water and sewerage companies came into force on 1 July 2011. Because of the transfer, there was no longer a requirement for the Council to retain two Private Sector Drainage Officers.

**Other Options Considered and Rejected:**

There were no options available with regard to the transfer or as to what systems would transfer. The Council could retain the Drainage Technician's post (ETD/03) but this was not considered necessary.

**43. HIGH LEVEL OPERATIONS PLAN FOR THE WHITE WATER CENTRE - OLYMPIC GAMES 2012**

The Portfolio Holder for Leisure & Wellbeing presented a report upon the High Level Operations Plan for the White Water Centre and joint working with Broxbourne Borough Council for the duration of the 2012 Olympic Games.

The Portfolio Holder reported that the Olympic venue for the white water canoe and kayak events was situated at the newly constructed Lee Valley White Water Centre located within Broxbourne Borough Council, in an area adjacent to this District's border in Waltham Abbey. The transport and taxi hubs were both located wholly within this District. Host authorities were required to draw up a high level operations plan to cover a range of operational and local issues to ensure that the events at the location were successful and contributed fully to the overall success of the Games. Broxbourne Borough Council had also produced a high level plan, which would ultimately be merged with this Council's version to form the overarching operations plan for the venue. A key component of the delivery of the combined Operations Plan would be joint working between this Council and Broxbourne Borough Council, especially on matters pertaining to street scene.

**Decision:**

(1) That, in respect of street scene issues, joint working between Epping Forest District Council and Broxbourne Borough Council be agreed; and

(2) That the final version of the City Operations Plan be received at a future Cabinet meeting along with any financial implications arising from "Look and Feel" and the Torch Relay.

**Reasons for Decision:**

With less than 12 months before the Games begun, it was essential for host authorities to be able to demonstrate to the Local Organising Committee of the Olympic Games (LOCOG) and the Government that they were well prepared with their plans for delivering successful events at the various Games' venues.

**Other Options Considered and Rejected:**

The only alternative action was to reject the principle of joint working, which would render the Operations Plans for this Council and Broxbourne more difficult to deliver. This could not be recommended due to the requirements of LOCOG associated with Olympic venues.

**44. STREET NUMBERING AND NAMING CHARGES**

The Safer, Cleaner and Highways Portfolio Holder presented a report about Street Numbering and Naming Charges.

The Portfolio Holder reported that the street numbering and naming service was currently provided free of charge, with the exception of where a housing development changed after the initial consultation had been carried out. The process could involve a significant amount of resource both in staff time and associated costs, and at present the costs for this service were met by the Council Tax payer rather than the developer or new resident to the District. The relevant legislation enabled the Council to levy charges to cover the costs incurred. The proposed charges were £49.00 for an individual property, plus £16.00 for each additional property thereafter. This had been based on the actual time taken to undertake the task and the costs of the required new computer software. It was anticipated that this would generate a net income of approximately £8,000 per year.

The Environment Portfolio Holder stated that there had been only 2 examples of a street being renamed at the request of the residents involved, and that the Council should not charge for this particular service. Other Members had concerns about levying charges on individual residents as opposed to developers. It was highlighted that the costs for such changes were relatively high due to having to deal with the Post Office, and that a fee of £50 for a private individual to change their house name or number was not unreasonable. If private individual requests were excluded then the potential income to the Council would reduce to approximately £5,000 per annum. The Cabinet concurred with the request of the Environment Portfolio Holder

**Decision:**

(1) That charges for Street Numbering and Naming services be introduced from 1 October 2011, as set out in Appendix 2 of the report, subject to the removal of charges for the renaming of a street at the residents' request.

**Reasons for Decision:**

To recover the costs of the service from the developer or resident in the District rather than being a cost to the Council.

**Other Options Considered and Rejected:**

To take no action at this time and leave the current system of charging for amended schemes only. However, this would not cover the true costs of the total service.

**45. REVIEW OF THE HOME OWNERSHIP GRANTS SCHEME**

The Housing Portfolio Holder presented a report concerning the Home Ownership Grants Scheme.

The Portfolio Holder reported that the Council had introduced the Home Ownership Grant Scheme in 2008/09, originally offering secure tenants £34,000 to buy another property and vacate their current Council-owned property. It was aimed at first time buyers and allowed the Council to regain properties to let under the Allocations Scheme. While initially the Scheme proved extremely popular, it had become evident that applicants were finding it increasingly difficult to get a mortgage. As a result of this, the Council had agreed not to offer any new grants in 2011/12 and to consider whether the Scheme should be resumed in 2012/13. On reviewing the situation again, however, it appeared that circumstances in the mortgage market were no better. It was proposed, therefore, to continue with the suspension of the Scheme in 2012/13 but to consider the position again in 12 months time with a view to resuming it in 2013/14 if property market conditions had improved.



The Director of Housing added that tenants requiring two bedrooms or less were eligible for the Open Market Shared Ownership Scheme being developed by the Council in partnership with Broxbourne Housing Association, and undertook to place details of this scheme in the Council Bulletin for the benefit of Members. It was confirmed that the Cabinet would review the Home Ownership Grant Scheme again in twelve months time if the proposals were agreed.

**Decision:**

(1) That the suspension of the Home Ownership Grant Scheme be continued in 2012/13, but that the position be reviewed again in twelve months time with a view to resuming the scheme in 2013/14 if the property market has improved.

**Reasons for Decision:**

The Scheme had not been offered to new applicants in 2011/12 because applicants were finding it increasingly hard to finance the purchase of suitable properties on the open market. As the current financial situation was no better, it was not likely that it would be any easier for applicants to get mortgages of a sufficient size. However, as the situation might improve over the next twelve months, consideration should be given to opening the Scheme to new applicants in 2013/14.

**Other Options Considered and Rejected:**

To reopen the Scheme, however it was unlikely that enough applicants would be able to get sufficient finance to buy suitable properties.

To offer the Scheme under different terms, such as offering fewer grants and (possibly) at a higher rate, however this had been discounted as it was not felt to be cost-effective in terms of administration.

To discontinue with the Scheme entirely, however, in appropriate market conditions, the scheme gave Council tenants the opportunity of becoming home-owners and also made Council properties available for re-letting.

**46. RESTRICTIVE COVENANTS - HOUSES IN MULTIPLE OCCUPATION**

The Housing Portfolio Holder presented a report regarding the restrictive covenants for houses in multiple occupation, and to agree a policy for approving the variation of restrictive covenants placed on any sale of a former Council house, to grant permission for its use as privately-rented shared accommodation.

The Portfolio Holder stated that the Director of Housing currently did not have delegated authority to vary restrictive covenants which prevented houses being used for privately-rented shared accommodation. It was proposed that delegated authority be granted to the Director of Housing to vary any of these restrictive covenants on request, provided that a number of conditions had been met by the owner/freeholder, as set out below. It had also been suggested that should any request result in more than five houses being used as privately-rented shared accommodation within any 400 metre radius, a report should be submitted to the Housing Portfolio Holder. Furthermore, the terms of leases for flats - where the Council owned the freehold, and had provided a leasehold interest to the occupiers - would not be released due to legal complications.

The Portfolio Holder added that Housing Management staff were aware of a large number of former Council houses on estates that appeared to be in use as privately-

rented shared accommodation without the covenant referred to being varied. If the policy was agreed and delegated authority was granted, then Officers would contact the owners of these properties and make arrangements for the covenant to be varied, provided the new policy was being complied with.

**Decision:**

(1) That authority be delegated to the Director of Housing to agree future requests to vary restrictive covenants on former Council houses, in order to grant permission for their use as privately-rented shared accommodation, provided all of the conditions below have been met:

(a) That an agreement is entered into between the owner and the Council, varying the restrictive covenant to grant permission for its use as privately rented shared accommodation, rather than releasing the covenant in full, ensuring that the Council maintains control over any future changes of use to the property;

(b) That the agreement includes conditions to ensure that occupiers do not cause any general management problems including anti-social behaviour, or excessive noise nuisance, or that their occupation does not create excessive parking problems in the area;

(c) That the agreement be terminated if there are any justified complaints from the local community;

(d) That the Council's reasonable legal and management fees relating to the execution of the agreement are met by the owner;

(e) That Planning Permission is granted for the change of use, which would also take into account available parking at the property and the surrounding area;

(f) That the Director of Housing is satisfied that the property complies with the Housing Act 2004 and the Houses in Multiple Occupation (England) Regulations 2006;

(g) That the Director of Housing has no reasons why the Council should not vary the covenant; and

(h) That no request results in more than five houses being used as privately-rented shared accommodation within a 400 metre radius, in which case a report shall be submitted to the Housing Portfolio Holder for consideration and decision.

**Reasons for Decision:**

To provide the Council with a clear policy on when restrictive covenants, preventing a former Council house from being used for privately-rented shared accommodation, would be varied.

**Other Options Considered and Rejected:**

To not vary restrictive covenants and not allow former Council houses to be used for privately-rented shared accommodation.

To vary restrictive covenants preventing the owners/freeholders of former Council houses to use the property for privately-rented shared accommodation under different conditions to those set-out above.

To not submit a report to the Housing Portfolio Holder on whether the restrictive covenant should be varied should any request result in more than 5 houses being used as privately- rented shared accommodation within any 400 metre radius.

#### **47. ICT CAPITAL REQUIREMENTS - 2012/13**

The Portfolio Holder for Planning & Technology presented a report concerning the capital requirements for the proposed ICT projects in 2012/13.

The Portfolio Holder stated that, historically, ICT had been allocated £300,000 per annum in the Capital programme for the updating and maintenance of the core technical infrastructure. Modernisation of the infrastructure had now been completed. Following the revision of the Capital programme, this allocation had been removed and now all proposed ICT projects were to be considered on an annual basis.

The Portfolio Holder reported that five ICT projects requiring capital funding had been identified for the financial year 2012/13. These were: replacement of the Private Automated Branch Exchange; introduction of a global gateway system for Mobile Communications and integration of SMS text messages with Outlook; further Disaster Recovery work; implementation of Email archiving; and the introduction of Document Management for the Council Tax section. The project costs had been estimated at £170,000 and it was recommended that provision be made in the Capital Programme for 2012/13.

In respect of the implementation of Email archiving, the Portfolio Holder added that the Council's email system, Outlook, was also being used to store documents emailed to Officers. An archiving solution would resolve the capacity and back-up issues with the Email servers. The Voice Over Internet Protocol pilot exercise would introduce the possibility of mobile working and hot desking. The Assistant Director (ICT) undertook to provide further information on the potential cost savings from implementing a Global Systems for Mobile Communications Gateway, which would allow for cheaper calls to mobile phones.

#### **Decision:**

(1) That the following proposed ICT projects for the financial year 2012/13 be agreed:

- (a) replacement of the Private Automated Branch Exchange;
- (b) introduction of a Global System for Mobile Communications gateway and integration of SMS texts into Outlook;
- (c) further Disaster Recovery work;
- (d) implementation of Email archiving; and
- (e) introduction of Document Management for Council Tax; and

(2) That a sum of £170,000 be included in the Capital programme for the above ICT projects for the financial year 2012/13.

#### **Reasons for Decision:**

The identified projects were necessary to maintain the current ICT infrastructure,

improve business continuity within the Council and allow staff to fully utilise the benefits available from ICT systems.

**Other Options Considered and Rejected:**

To not approve one or more of the proposed projects, but continued reliability in the ICT infrastructure could suffer and the Council would be vulnerable in the event of a Disaster Recovery situation.

**48. SHELTERED HOUSING SCHEME - JESSOP COURT, WALTHAM ABBEY**

The Housing Portfolio Holder presented a report concerning the Sheltered Housing Scheme at Jessopp Court in Waltham Abbey.

The Portfolio Holder informed the Cabinet that Jessopp Court, Waltham Abbey had been built to meet the needs of older people who required a higher level of support than that provided in sheltered accommodation. The scheme was described as being “very sheltered housing”, or “housing for frail elderly people”, and comprised 39 flats. The Council had entered into an agreement with Essex County Council, with the District Council being responsible for the landlord functions and the County Council providing twenty-four hour waking cover, including personal care to tenants. The County Council also operated a Day Centre at the scheme.

The Portfolio Holder advised that Essex County Council had notified the Council the current scheme did not meet with the new national Extra Care Standards and there was no scope for adapting the premises. Therefore, the County Council was intending to phase out the provision of an on-site twenty-four hour Care service, which would leave little alternative but for the scheme to become sheltered housing in the future. The County Council’s Social Care staff would be undertaking assessments of residents’ care needs, and following these assessments, Officers would be meeting with Social Care to discuss the level of care services that would be provided at the scheme.

The Portfolio Holder reported that the District Council would need to appoint a full-time Scheme Manager at Jessopp Court, for which Supporting People funding would be granted by the County Council. This would result in £9,000 per annum being received, which (when taking into account some additional income from self-funding tenants of around £2,600 per annum) would leave a remaining amount of £9,830 per annum to be met from the Housing Revenue Account (HRA). It was also recommended that the Council entered into an agreement with Essex County Council for the continuation of the Day Centre.

The Portfolio Holder concluded that the two cleaners at Jessopp Court, currently employed by the County Council, would also need to be transferred to the District Council, under the TUPE regulations. This would result in a net cost to the District Council of £10,500 per annum from the Housing Revenue Account. Following the transition to sheltered accommodation, it was intended to undertake a review of the cleaning service at Jessopp Court to ensure that the cost of this service was met by the income received from the tenant cleaning charges and the charge made for this service under the Day Centre Agreement in the future. This review would be subject to legal advice regarding the contractual rights of the employees transferred from the County Council.

In response to questions from the Members present, the Portfolio Holder reassured the Cabinet that the existing tenants would continue to receive appropriate levels of care, commissioned by the County Council, during the transition period.

**Decision:**

- (1) That, following Essex County Council's decision to cease the provision of on-site 24 hour staffing at Jessopp Court in Waltham Abbey, the scheme be re-modelled to a sheltered housing scheme and an additional post of 1 FTE Scheme Manager be added to the Council's Establishment;
- (2) That additional income of approximately £9,000 per annum received from Essex County Council's Supporting People Team for the provision of housing-related support services at Jessopp Court be used to part-fund the new Scheme Manager post, which (when taking into account the additional income from self-funding tenants of approximately £2,600 per annum) left a remaining amount of around £9,830 to be met from the Housing Revenue Account (HRA);
- (3) That the Day Centre provision at Jessopp Court be continued, with the Council entering into an agreement with Essex County Council for the use of the lounge and the provision of associated cleaning services;
- (4) That the transfer of the two cleaning staff employed by Essex County Council under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) arrangements be noted and that the net cost of £10,500 for the cleaning service be funded by the HRA; and
- (5) That, subject to legal advice regarding the contractual rights of staff, a review of the cleaning service at Jessopp Court be undertaken to ensure that the full cost of the cleaning service was met from the income received from tenants' cleaning charges and the charge made for this service under the Day Centre Agreement in the future.

**Reasons for Decision:**

Following the County Council's decision, the Council had little alternative but to provide a Scheme Manager Service at Jessopp Court, to deliver housing-related support and monitor the well-being of the residents living there. In addition, it was proposed to continue the well-attended Day Centre provision.

**Other Options Considered and Rejected:**

To not provide a Scheme Manager service.

To only agree the appointment of a part-time Scheme Manager with the remaining hours being met from existing resources. However, this would result in a detrimental and reduced service to existing residents at other schemes with the associated increased risk to both residents and the Council.

To provide the Scheme Manager service from existing resources, again with a detrimental and reduced service to existing residents at other schemes as a result and again with the associated increased risk to both residents and the Council.

To not continue to provide a Day Centre at Jessopp Court.

**49. REVIEW OF RECYCLING BRING BANK SCHEMES**

The Environment Portfolio Holder introduced a report about the review of recycling bring schemes (recycling banks).

The Portfolio Holder informed the Cabinet that the Council had a total of 23 recycling bring schemes (also called bring banks) across the District. These schemes had been introduced over a number of years when only a limited kerbside recycling collection service was offered to residents. However, the Council now provided a comprehensive kerbside recycling collection service, with all of the materials accepted at the recycling bring schemes now collected directly from residents' properties. Residents could also dispose of all normal recyclables and heavy or bulky objects such as metal or large electrical items via the Council's chargeable bulky waste collection service or at County Council Household Waste Recycling Centres. Many retailers would also recycle old electrical equipment when new goods were purchased.

The Portfolio Holder reported that it was therefore not surprising that the usage of some of the bring schemes were in decline. The need to upgrade and modernise the recycling bring schemes offered an opportunity to review the viability of these sites, and it was proposed that only those which generated a net income for the Council, either directly or through recycling credit, should be retained. Furthermore, given the investment that would be required to re-provide the containers at some of these sites, it was also suggested that the Council transferred responsibility for the containers to the recycling processors through a tendering exercise.

The Cabinet was reminded that not all residents of flats within the District did not have access to a doorstep collection service of recyclables, and that some prominent sites within the District should be retained. The Portfolio Holder reassured the Cabinet that each site within the District would be examined during the tender exercise, and discussions with ward members would be held regarding the future of each site, which would include figures for each bank. The Portfolio Holder encouraged residents, light-heartedly, to not use the recycling facilities at the local supermarkets as the Council would not receive the benefit, and confirmed that the extension of the collection of cartons (tetra packs) would be examined when putting together the tender documents.

**Decision:**

- (1) That, in view of the success of the kerbside recycling scheme and the costs of bank maintenance, collection and processing, all bring schemes relating to the collection of cans, aerosols, and plastics be discontinued; and
- (2) That tenders be sought for the provision of bring schemes for the collection of paper, textile, glass and tetra packs (cartons), with only those sites which generated a surplus for the Council being retained and with the responsibility for the acquisition and maintenance of bring banks resting with the bring bank provider.

**Reason for Decision:**

To ensure that only recycling bring schemes which generated an income for the Council would be retained and that responsibility for the acquisition and future maintenance would be transferred to the recycling processor(s).

**Other Options Considered and Rejected:**

To continue as present incurring expenditure of between £30,000 and £50,000 for the upgrading of facilities.

To cease all bring schemes, irrespective of viability, on the basis that they contributed only minimally to the Council's overall recycling performance. This would also result in some well used sites becoming unavailable for residents as well as foregoing some income of approximately £38,000 per annum.

#### 50. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Cabinet.

#### 51. 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 it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
22	Off-Street Parking Enforcement across the District	3
23	Extension of Waste Management Contract With Sita UK	5
24	Transfer of Private Sector Sewers - Impact Upon the Private Sector Drainage Team	1, 2 and 3
25	Proposed Pyrles Lane Nursery Development - Acquisition of adjoining Property	3

#### 52. OFF-STREET PARKING ENFORCEMENT ACROSS THE DISTRICT

The Portfolio Holder for Safer, Greener and Highways introduced a report on the off street parking operations across the District.

The Portfolio Holder reminded the Cabinet that the Council had entered into a five-year contract for on and off street parking enforcement with Vinci Parks Limited in September 2007, with the option to extend by a further two years. Following the formation of the North Essex Parking Partnership, the on street enforcement responsibility would transfer to the partnership at the end of September 2012 when the contract period expired. The Council had the opportunity to extend the off street element of the contract with Vinci Parks by another two years to September 2014.

The Portfolio Holder reported that negotiations had commenced with Vinci Parks Limited for the extension of the off street element of the contract. However, it was also considered prudent to seek from the North Essex Parking Partnership (NEPP) a bid for the delivery of the off street enforcement functions to sit alongside those being undertaken on street. Subject to ratification by its Committee, the Partnership had proffered a bid of £250,000 to manage the Council's off street parking enforcement for a five-year period commencing 1 October 2012, and this was recommended for

acceptance due to the projected revenue savings that would accrue for the Council. It was likely that there would be an internal staffing impact if this bid was accepted, and this would be the subject of a future report.

The Director of Environment & Street Scene advised the Cabinet that there were no problems anticipated with the Partnership's bid and that it should be confirmed by the Partnership's Committee at its next scheduled meeting. If the bid did change significantly after the Partnership's Committee meeting then the Cabinet would receive a further report, although the legal advice for this scenario was to re-tender the contract. The Cabinet was reminded that the Council always retained the option to leave the Partnership subject to the provision of a twelve-month notice period.

**Decision:**

- (1) That, subject to ratification by the North Essex Parking Partnership (NEPP) Committee, the provisional offer made by NEPP for managing the Council's off street car parking enforcement arrangements be accepted in the sum of £250,000 per annum for the period 1 October 2012 to 30 September 2017;
- (2) That the Portfolio Holder for Safer, Greener and Highways be authorised to amend the Council's Partnership Agreement accordingly;
- (3) That the projected savings for the Continuing Services Budget in 2011/12 and 2012/13 be noted;
- (4) That any further possible additional savings due to a reduction in internal employee and support service costs be noted; and
- (5) That a further detailed report be submitted to a future meeting of the Cabinet regarding the full impact of the changes on staff, including any potential costs to the Council if the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) applied.

**Reason for Decision:**

To ensure cost effective off street parking enforcement arrangements were in place when the on street enforcement would transfer to the North Essex Parking Partnership on 1 October 2012.

**Other Options Considered and Rejected:**

To not accept the offer made by NEPP and instead extend with Vinci Parks for another two years. However, this would not realise the potential savings and lead to possible legal issues concerning extending just a part of the existing contract with Vinci Parks rather than the whole.

To carry out a new procurement exercise for the appointment of a new off street parking enforcement contractor. However, there was a risk that the costs could be higher than those offered by NEPP or the extended contract offer from Vinci Park, coupled with the costs of the procurement exercise itself

To deliver off street enforcement through the creation of an in-house operation. However, it was unlikely the enforcement could not be undertaken at a cost less than that being offered by the Partnership.



**53. EXTENSION OF WASTE MANAGEMENT CONTRACT WITH SITA UK**

The Environment Portfolio Holder presented a restricted report regarding the extension of the Waste Management Contract with Sita UK.

The Portfolio Holder reported that the contract with Sita UK was signed and sealed in November 2007 for the provision of waste and recycling collections, bulky household waste, street cleansing and weed spraying. The contract term was for five years, with an option to extend for a further two years with the agreement of both parties. Any extension to the contract had to be agreed by May 2012 (i.e. before 6 months of the cessation of the contract).

The Cabinet was informed that, in view of the need for the Council to make significant savings in its revenue budgets for 2012/13 and onwards, consideration had been given to extending the contract with Sita UK or to commencing an EU procurement exercise for a new contract to commence in November 2012. This review was undertaken in the light of Counsel's opinion regarding extending the existing contract and the impact of the Essex Waste Inter Authority Agreement on any savings generated. The review had indicated that the Council could achieve significant savings for the Continuing Services Budget by extending the current contract for a further two years, and this was recommended to the Cabinet for approval.

The Portfolio Holder added that consideration had also been given to taking the street cleansing element of the contract out of the extended contract and tendering it as a Street Scene contract alongside the Grounds Maintenance Service. This was rejected on the basis of an external evaluation of the Grounds Maintenance Service establishing that no overall benefit would be likely to accrue from such an action. The proposed review of the waste service specification would also include a review of the current operations.

The Director of Environment & Street Scene also indicated that the collection round structures would not be significantly amended with only three years left before the contract would be re-tendered, but the Council was involved in on-going discussions with Sita UK about minor changes, which could further improve efficiencies.

**Decision:**

- (1) That the contract with Sita UK be extended for a further two years commencing on 5 November 2012 and ending on the 4 November 2014 for all of the currently contracted waste services;
- (2) That the projected total savings for the Continuing Services Budget from the extension of the waste management contract for the period between January 2012 and November 2014 be noted, including an unquantifiable sum arising from the Council receiving 50% of any increase of more than 30% in the value of recyclables above the "Let's Recycle" national materials indices from the beginning of the extension;
- (3) That, for reasons of quality and value for money, the Grounds Maintenance Service be retained in-house; and
- (4) That a review of the current waste service specification be undertaken as part of the process leading to an EU procurement exercise for the new contract commencing in November 2014.

**Reasons for Decision:**

Sita had offered up considerable CSB savings if an extension was granted, and given that the most difficult year for budget savings was 2012/13, this would greatly assist the Council. Whilst additional savings might accrue from a tendering exercise, there would be a cost to that process itself (circa. £100,000) and any additional savings that might arise would not effectively materialise until late into the 2012/13 financial year.

A more detailed review of the contract specification would be required to ensure that when the re-tendering for the contract started in November 2014, the Council could achieve the best possible value.

An external evaluation of the Grounds Maintenance service had declared it cost effective and that no clear financial benefit was likely to accrue through tendering it separately or as part of a street scene package with Street Cleansing.

**Other Options Considered and Rejected:**

To not extend the contract but re-tender with a view to a new contract being in place for November 2012.

To not extend the contract but bring the entire waste service back in house with effect from November 2012.

To extend only the waste related items of the contract, keeping street cleansing outside of the contract and tendering that alongside the Grounds Maintenance service.

**54. TRANSFER OF PRIVATE SECTOR SEWERS TO THE WATER & SEWERAGE COMPANIES - IMPACT ON THE PRIVATE SECTOR DRAINAGE TEAM**

The Environment Portfolio Holder presented a further report upon the transfer of private sector sewers to the Water and Sewerage, and the impact on the Council's Private Sector Drainage Team.

Following on from the report considered earlier in the meeting, the Portfolio Holder stated that there were drains and sewers that would not transfer or would transfer later. It was currently unknown how much private sector drainage work would remain and what the demand for drainage assistance from residents would be, following the transfer. Given the nature of the District and its associated drainage problems it was considered prudent to retain one of the two Officers currently working on private sector drainage for at least another year and then review the situation with a further report to the Cabinet.

The Portfolio Holder added that depending on whether the post was retained after the additional year, there could be a financial impact on the Council due to a potential redundancy situation. An assessment had been made of the scenario where the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) did not apply and the potential costs to the Council were noted by the Cabinet. The Cabinet was assured that the new arrangements would be advised to residents, complete with contact numbers.

**Decision:**

(1) That, following the transfer of most private sector sewers to the Water and

Sewerage Companies on 1 October 2011, the post of Drainage Co-ordinator (ETD/02) be retained until 1 October 2012;

(2) That a further report be received by the Cabinet when the Council was able to quantify the residual private sector drainage work and the demand for assistance from the public; and

(3) That the potential costs to the Council be noted if the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) do not apply to the post of Drainage Co-ordinator (ETD/02).

**Reasons for Decision:**

Regulations to affect the transfer of most private sewers and lateral drains to the water and sewerage companies had come into force on 1 July 2011. Not all private sewers would transfer and given the nature of the District and the its history of drainage problems, there was likely to be a need, in the short to medium term, for a Drainage Officer.

**Other Options Considered and Rejected:**

To delete post ETD/02. However, there would not be a resource to deal with the residual private sector drainage work and to assist the residents with other drainage problems.

To retain post ETD/02 (career grade 7/8) on a permanent basis on existing terms and conditions. However, it was felt that the existing job description did not properly reflect the revised nature of the role.

To create a new Engineering, Drainage and Water Technician post, whose duties would include liaising with Thames Water, and invite the current holder of post ETD/02 to apply.

**55. PROPOSED PYRLES LANE NURSERY DEVELOPMENT - ACQUISITION OF ADJOINING PROPERTY**

The Portfolio Holder for Finance & Economic Development presented a report on the acquisition of adjoining properties to the proposed Pyrles Lane Nursery development.

The Portfolio Holder advised the Cabinet that purchasing the property at 79 Pyrles Lane and the strip of garden from the neighbouring property at 77 Pyrles Lane would give the Council more flexibility with the highway design, which might prove more attractive to prospective purchasers and would allow the Council to control the occupancy of 79 Pyrles Lane whilst the construction works were carried out. It was anticipated that the Council would incur no or minimal loss on the re-sale of 79 Pyrles Lane. The Portfolio Holder added that the cost of moving the Nursery currently at Pyrles Lane to an alternative site would be considered by the Cabinet in due course. It was agreed that the purchase of the property at 79 Pyrles Lane in Loughton would be a good investment for the Council, regardless of the outcome of the proposed development at Pyrles Lane. Both purchases would require the agreement of a supplementary capital estimate by the Council.

**Decision:**

(1) That, in order to help facilitate the sale of the Pyrles Lane Nursery site for residential development, a supplementary capital estimate on terms to be reported by

the Portfolio Holder for Finance & Economic Development to purchase 79 Pyrles Lane in Loughton be recommended to the Council for approval; and

(2) That, to also help facilitate the sale of the Pyrles Lane Nursery site for residential development, a supplementary capital estimate on terms to be reported by the Portfolio Holder for Finance & Economic Development to purchase a strip of garden from 77 Pyrles Lane in Loughton be recommended to the Council for approval.

**Reasons for Decision:**

To facilitate the sale of the site at Pyrles Lane with the benefit of planning permission for residential development.

**Other Options Considered and Rejected:**

To not purchase 79 Pyrles Lane and land from 77 Pyrles Lane and proceed with a planning application having a 4.1metre access width, which might prove less attractive to a potential developer.

**CHAIRMAN**