

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet

Date: 23 April 2012

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

Time: 7.00 - 9.00 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: R Bassett, W Breare-Hall, K Chana, Mrs D Collins, Ms J Hart, S Murray, B Rolfe, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and D Wixley

Apologies: -

Officers Present: D Macnab (Acting 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), J Preston (Director of Planning and Economic Development), G Lunnun (Assistant Director (Democratic Services)), L Swan (Assistant Director (Private Sector & Resources)), T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

151. 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.

152. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J H Whitehouse declared a personal interest in agenda item 9, Housing Improvements & Service Enhancements – HRA Financial Plan. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

153. MINUTES

Resolved:

(1) That the minutes of the meeting held on 12 March 2012 be taken as read and signed by the Chairman as a correct record.

154. REPORTS OF PORTFOLIO HOLDERS

Leader of the Council

The Leader of the Council reported upon the petition regarding the St John's Road Development that had been handed in to the Council before the meeting. The petition was protesting against one of the proposed options. As the official public consultation

had closed at 5:00pm on the day of the meeting, the petition would not be considered as a consultation response but dealt with under the Council's petition procedure.

The Leader stated that the local press had been used to advertise the consultation to residents, and advised the Cabinet that although the District Council was undertaking the consultation, the majority of the land under consideration was actually owned by the County Council.

A local ward member for Epping expressed his disappointment with the petition, and felt that it might have prevented some of the signatories from having their views considered as part of the consultation. The Deputy Leader stated that the Forward Planning department could cross-reference the signatories on the petition with the names of the consultation respondents.

155. PUBLIC QUESTIONS

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

156. 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 17 April 2012:

- (a) the call-in received in respect of Fire Safety in Common Areas of Flat Blocks had been referred to the Housing Scrutiny Panel;
- (b) two reports from the Constitution & Members' Services Scrutiny Panel on Executive and Council Regulatory Decision Making, and the circulation of paper copies of agenda for meetings;
- (c) the Overview & Scrutiny draft Annual Report and Work Programme;
- (d) a report from the Safer Cleaner Greener Scrutiny Panel on the proposed arrangements for the new Highways Panel;
- (e) a review of the recent training undertaken with Harlow District Council; and
- (f) the setting up of a Task & Finish Panel to review the Council's Scrutiny arrangements as it had not been considered for six years.

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

The Cabinet thanked the Chairman and praised the strength of the Scrutiny function within the Council.

The Deputy Leader requested that Overview & Scrutiny Committee included the Chief Information Officer from Essex County Council in discussions concerning the item on their work programme regarding broadband access across the District.

157. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 19 MARCH 2012

The Portfolio Holder for Finance & Economic Development presented the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee held on 19 March 2012.

The Cabinet Committee had made recommendations to the Cabinet regarding the: Corporate Risk Documents; and the Council's Procurement Strategy and Performance. Other issues considered by the Cabinet Committee had included: the performance in 2011/12 and the proposed targets in 2012/13 for the Council's Key Performance Indicators; the Financial Monitoring Report for the third quarter of 2011/12; the draft Audit Plan for 2012/13; and the amended Treasury Management Strategy Statement for 2012/13.

Decision:Corporate Risk Documents

(1) That the current risk 9, Depot Accommodation, be split into two separate risks:

(a) risk 9A, Depot Manager, and scored as 'Significant Likelihood, Critical Impact' (C2); and

(b) risk 9B, Depot Accommodation, and scored as 'Very Low Likelihood, Critical Impact' (E2);

(2) That the score for risk 17, Significant Amounts of Capital Receipts spent on Non-Revenue Generating Assets, be reduced to 'Low Likelihood, Critical Impact' (D2);

(3) That risk 32, Loss of On-Street Civil Parking Enforcement, be deleted as the function had now been transferred to the North Essex Parking Partnership;

(4) That the updated Risk Management Strategy be adopted;

(5) That the updated Risk Management Policy Statement be adopted;

(6) That the updated terms of reference for the Risk Management Group be noted;

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

(8) That, incorporating the above agreed changes, the amended Corporate Risk Register be approved;

Procurement Update

(9) That the updated Procurement Strategy be adopted; and

(10) That the current performance of the Council's procurement and the Essex Procurement Hub be noted.

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.

158. HOUSING IMPROVEMENTS & SERVICE ENHANCEMENTS - HRA FINANCIAL PLAN

The Chairman of the Housing Scrutiny Panel presented a report regarding the proposed housing improvements and service enhancements.

The Chairman of the Scrutiny Panel reminded the Cabinet that when it agreed the strategic approach for the Council's new 30-Year HRA Financial Plan, it had requested the Scrutiny Panel to consider and recommend to the Cabinet a proposed list of housing improvements and service enhancements. These would be funded by the additional £770,000 per annum made available as a result of Housing Revenue Account (HRA) self-financing. The Scrutiny Panel had formulated a proposed list of 15 separate housing improvements and service enhancements, the majority of which were based on the suggestions put forward by Officers, which had been attached at Appendix 1 of the report. The views of the Tenants & Leaseholders Federation had also been taken into account by the Scrutiny Panel in formulating their recommendations.

The Cabinet had subsequently requested, following completion of the Scrutiny Panel's report, that the Housing Scrutiny Panel review the effectiveness of any new posts agreed within the Scrutiny Panel's recommendations after a period of twelve months. This had been included as an additional recommendation to the Scrutiny Panel's report.

The Housing Portfolio Holder welcomed the report but expressed concerns about the recommendation to make a one-off grant of £10,000 to the Home2Home Furniture Recycling Scheme, which had been a proposal put forward by a member of the Scrutiny Panel at its meeting. It was understood that the Scheme had now found some premises to use, and was advertising for a Project Manager, but the Portfolio Holder felt that this item should be deferred until the next meeting of the Cabinet. The Acting Chief Executive confirmed that the Council was already holding £20,000 for the scheme in the District Development Fund, and that this grant would be additional funding for the scheme. The Cabinet noted that the proposed grant would assist with the costs of supplying furniture to families on low incomes and would not be used to pay for items such as the rent for their premises. It was also noted that approximately twelve families each year needed furniture when they moved into Council accommodation, according to the Council's Housing Options team. The proposed recommendation stated clearly that the grant would not be provided until surety and sufficient evidence had been provided to the Council that the scheme would become operational and sustainable, and on that basis the Cabinet was happy to agree the Scrutiny Panel's proposal.

The Cabinet also queried the staff costs quoted for the proposed Handyman Scheme. The Director of Housing undertook to clarify the figures quoted and report back via the Council Bulletin. The Cabinet noted that the Scrutiny Panel had already been requested to review the effectiveness of the Social Housing Fraud Officer at its last meeting held on 12 March 2012. The Cabinet also noted the potential for additional resources to be made available in the future and requested the Scrutiny Panel to review the use of the funding available in 2013/14 and future years at its scheduled meeting in January 2013.

Decision:

- (1) That mains-powered smoke detectors be installed in 2012/13 in all Council properties that would not have other planned electrical work undertaken within the next four or five years, in order to accelerate the Installation Programme;
- (2) That a free Handyperson Scheme be introduced at the Council's sheltered housing schemes for all tenants (irrespective of their means), through the employment of a multi-skilled operative by the Council's Housing Repairs Service and that, if necessary, authority be given to recruit to the post externally;
- (3) That an annual grant of £36,000 per annum be made available to Voluntary Action Epping Forest (VAEF), initially for a three-year period, to fund a Handyperson Scheme to provide a similar free service as that proposed for sheltered housing schemes for an additional 4.6 days per week for:
 - (a) Council tenants with defined physical disabilities, who have nobody without any defined physical disabilities living with them; and
 - (b) Council tenants over 60 years of age, who have nobody of working-age living with them;
- (4) That the Disabled Adaptations Budget be increased by a one-off sum of £75,000 in 2012/13, to replenish the cost of undertaking large adaptations required in that year and to enable the same number of non-major adaptations to be undertaken as usual;
- (5) That the existing toilet facilities in the communal areas of the following sheltered housing schemes and community halls be converted to incorporate disabled toilets:
 - (a) Frank Bretton House, Ongar;
 - (b) Jubilee Court, Waltham Abbey;
 - (c) Hedgers Close, Loughton;
 - (d) Barrington Hall, Loughton;
 - (e) Oakwood Hill Hall, Loughton;
 - (f) Pelly Court Hall, Epping;
 - (g) Brookways Hall, Waltham Abbey; and
 - (h) Grove Court, Waltham Abbey.
- (6) That the common room and kitchen area at Jessopp Court, Waltham Abbey be refurbished as a second lounge, following their return from Essex County Council's use and the remodelling of Jessopp Court from a very sheltered housing scheme to a conventional sheltered housing scheme;
- (7) That the existing Council play area on the Princesfield Estate, Waltham Abbey be increased in size, with additional and improved play equipment provided;

- (8) That the additional costs of making the existing Housing Officer (Social Housing Fraud) full-time and permanent be funded from the Housing Improvements and Service Enhancements Budget;
- (9) That a new post of Senior Housing Officer (Social Housing Fraud) be created with immediate effect and that, if necessary, authority be given to recruit the post externally;
- (10) In light of the successful Pilot Scheme, the installation and use of Key Safes be extended free of charge for all residents living in the Council's remaining sheltered and grouped housing schemes;
- (11) That a new post of Housing Under-occupation Officer be created with immediate effect and if necessary authority be given to recruit the post externally, to:
- (a) provide practical assistance to vulnerable under-occupying Council tenants who have insufficient family support to transfer to smaller Council accommodation; and
 - (b) generally seek to reduce under-occupation in the Council's housing stock;
- (12) That the Estate Improvements and Enhancements Budget be doubled to £40,000 per annum, to enable additional estate improvements and enhancements to be provided across the District;
- (13) That the funding provided to Voluntary Action Epping Forest (VAEF) for the Garden Maintenance Scheme for Older and Disabled Tenants be increased by £20,000 per annum for two years from 2012/13, in order to increase the number of vulnerable Council tenants benefitting from the Service;
- (14) That the success and future funding of the Garden Maintenance Scheme be reviewed by the Housing Portfolio Holder during 2013/14;
- (15) That, over the next year, the level and standard of service provided to tenants under the Garden Maintenance Scheme be reviewed by Officers and the additional costs that would be involved if a higher level of service was provided be assessed by Officers;
- (16) That the outcome of the Officer review and whether the level/standard of service should be increased from 2013/14 - funded from extra budget provision from the housing improvements and service enhancements budget – be considered by the Housing Scrutiny Panel and that their recommendations be considered by the Housing Portfolio Holder as part of the review referred to in (17) above;
- (17) That an additional 21 dog waste bins be provided and regularly emptied on Council housing estates across the District;
- (18) That a one-off grant of £10,000 be made to the proposed Home2Home Furniture Recycling Scheme, subject to the grant not being provided until there is surety and sufficient evidence provided that the Scheme will become operational and sustainable;
- (19) That an In-Year Housing Improvements and Enhancements Fund be set aside and used to undertake small additional housing improvements and

enhancements identified during the course of the year by Members and Officers that benefit tenants;

(20) That the Director of Housing be authorised to determine the use of the Housing Improvements and Enhancements Fund for further housing improvements and enhancements, subject to Portfolio Holder approval required for any individual one-off projects above £10,000 or any additional schemes requiring ongoing annual funding;

(21) That the Housing Scrutiny Panel's approved list of Housing Improvements and Service Enhancements, as set out above, be funded from the £770,000 per annum budget included within the 30-Year HRA Financial Plan as a result of the HRA self-financing arrangements;

(22) That the Housing Scrutiny Panel be requested to consider the effectiveness of the new posts agreed above after a period of twelve months; and

(23) That, at its meeting in January 2013, the Housing Scrutiny Panel be requested to consider and recommend to the Cabinet the use of both the remaining and any additional funding available within the HRA Financial Plan for housing improvements and service enhancements in 2013/14 and future years, after consultation with the Tenants and Leaseholders Federation.

Reasons for Decision:

Additional resources of £770,000 per annum had been identified within the new HRA Financial Plan, to spend on additional housing improvements and service enhancements.

Other Options Considered and Rejected:

To agree a different list of improvements and service enhancements, or to allocate funding differently between the proposed schemes.

159. DEVELOPMENT AGENT FOR COUNCIL HOUSE BUILDING PROGRAMME - SELECTION CRITERIA FOR TENDERS

The Housing Portfolio Holder presented a report concerning the proposed Selection Criteria to be used to assess the tenders received for the appointment of the Development Agent for the Council's House Building programme.

The Portfolio Holder reminded the Cabinet that it had previously agreed its approach to the introduction and implementation of a new Council Housebuilding Programme, and had already approved the Criteria to be adopted to shortlist approximately five to seven interested organisations to tender, through a Pre-Qualification Questionnaire (PQQ). The next stage was now for the Cabinet to approve the proposed Selection Criteria to be used for the tenders received from the shortlisted organisations, which had to be agreed in advance of the Invitation to Tender (ITT) and had to be notified to the tenderers as part of the ITT, in order to comply with EU procurement regulations. The proposed Selection Criteria had been attached as an Appendix to the report.

The Portfolio Holder reported that Senior Housing Officers had been working closely with the Council's development consultants, John Bigby Housing Consultants, which was managing the appointment process on behalf of the Council. The proposed Criteria exhibited a 60:40 weighting in favour of Quality over Price, with eight separate sections to the Quality assessments each with a different weighting. One

additional issue that required Cabinet approval for inclusion within the Invitation to Tender was a proposed incentive payment to be made to the appointed Development Agent, if they were successful with their application to the Homes and Communities Agency (HCA), on behalf of the Council, for the Council to achieve Development Partner status with the HCA. The suggested incentive payment had been set at £5,000.

The Director of Housing clarified the figure of £500,000 quoted in reference 2 of the Pricing Structure table. It had been based on an estimated build cost of £125,000 per property, with an average of four properties per site. The Council had to advertise these estimated costs to the prospective bidders in advance, and it was hoped that the final costs would be lower. It was suggested that the wording used, "including works up to/including receipt of planning permission", was misleading and the figure had included the estimated build costs. It was suggested that this wording should be changed to "total construction cost".

The Cabinet considered whether to defer this decision until a more detailed breakdown of the figures in reference 2 and 3 of the Pricing Structure table – Planning Stage and Post-Planning Stage - had been provided. The Director of Housing advised that this was possible but any deferral would adversely affect the timetable for the tender process, and pointed out that more detailed documents would be produced for the Invitation to Tender itself. The Deputy Leader proposed a change to the Quality Assessment weightings whereby the weighting for the approach to achieving HCA Development status for the Council would be increased from 5.0% to 7.5%, with the weighting for the approach to the Development Team would be correspondingly reduced from 12.5% to 10.0%. This amendment was agreed by the Cabinet.

Decision:

(1) That the Selection Criteria to be used for the tenders received to undertake the role of Development Agent for the Council's Housebuilding Programme, attached as an Appendix to the report, be approved, subject to the following amendments to the Quality Assessment weightings:

- (a) increasing the weighting for 'Approach to achieving HCA Development Status for the Council' from 5.0% to 7.5%; and
- (b) reducing the weighting for 'The Development Team...' from 12.5% to 10.0%; and

(2) That a provision be included within the contract with the appointed Development Agent for an incentive payment of £5,000 if the Development Agent was successful with its application to the Homes and Communities Agency (HCA), on behalf of the Council, for the Council to achieve Development Partner status with the HCA.

Reasons for Decision:

To approve the Selection Criteria, which must be agreed in advance of the Invitation to Tender.

Other Options Considered and Rejected:

To agree a different Selection Criteria and/or weightings.

To not approve an Incentive Payment, or to approve a different amount.

160. PRIVATE SECTOR HOUSING STRATEGY 2012-15

The Housing Portfolio Holder presented a report on the Private Sector Housing Strategy for the period 2012 to 2015.

The Portfolio Holder reported that the proposed Private Sector Housing Strategy (PSHS) 2012-15, which had been published on the Council's website, would replace the existing Strategy which had expired in 2011. The new Strategy had been formulated to deal with the conditions in the District's private housing stock, as demonstrated by the findings of the Private Sector House Condition Survey carried out by the Council in the Summer of 2011. The Strategy also took its direction from legislation and from the current economic climate. It introduced changes to the policies in the previous Strategy relating to the enforcement of private sector housing standards, bringing empty properties back into use and giving advice, assistance and specialist support. A draft version of the Strategy had been considered in detail by the Housing Scrutiny Panel prior to the consultation exercise and the Panel's views had been incorporated within the final version.

The Cabinet considered the Strategy to be both very detailed and informative, and had no hesitation in formally adopting it.

Decision:

- (1) That the Private Sector Housing Strategy for the period 2012-2015 be formally adopted;
- (2) That the Strategy be implemented with effect from 1 July 2012; and
- (3) That the Housing Scrutiny Panel be requested to consider progress with the Strategy's Action Plan, in accordance with its Terms of Reference, on an annual basis.

Reasons for Decision:

The Council was required under the terms of the Housing Act 2004 to keep housing conditions in the private sector under review and to develop strategies to outline how it would use the powers available to deal with adverse housing conditions. The existing Strategy had expired in 2011 and, given the changes in the housing and financial markets, and in Government direction, the Council needed to develop a new Strategy.

Other Options Considered and Rejected:

As the existing Strategy had now reached the end of its useful life, the Council would be failing in its statutory duty if it did not develop and implement a new Strategy. The Cabinet could adopt the proposed Strategy as drafted or remove, add, or alter any of its provisions.

161. DOG CONTROL ORDER AREAS

The Environment Portfolio Holder presented a report on the public consultation for the proposed Dog Control Orders.

The Portfolio Holder reported that the issue of irresponsible dog ownership, particularly in relation to dog fouling, was becoming an ever increasing problem with an increase in the number of complaints made by residents to the Council. There had also been an increase in the availability of dog walking services, which in themselves presented no problem, but could become one when a large number of dogs were walked by one person who was unable to control them. In addition, Officers often found themselves in a position where they had to speak to dog owners whose dogs were running free. In order to ensure their safety from what could be an aggressive dog, it was felt that they should have the power to require the owner to put the dog on a lead at that time.

The Portfolio Holder stated that the Clean Neighbourhoods and Environment Act 2005 introduced five dog control offences that could be controlled by Dog Control Orders. Section 55 of the Act enabled local authorities to make Orders that applied to offences aimed at the control of dogs to specified land in their area. Under the Act, the Council could also authorise others to enforce its provisions. Epping Forest land, by nature of the fact that it was under the control of the Corporation of London, was currently outside the enforcement remit of our officers. Police Community Support Officers (PCSO's) based in the District had already been given powers to serve fixed penalty notices for offences such as littering, therefore it was sensible to extend those powers to cover the provisions in the Dog Control Orders. Officers had made their recommendations based on complaint evidence and it was felt that the right balance had been struck between the need to ensure proper control and the freedoms of the dog owner.

The Portfolio Holder added that the micro chipping of dogs would be a very useful enforcement tool, although there would be a cost issue to purchase the handheld readers. It was acknowledged that the vast majority of dog owners within the District acted in a responsible manner, but that the proposed orders were required for the small minority that did not. It would be emphasised through the local press that this was only a consultation at the moment, and that it was envisaged to last no more than 28 days. The Lee Valley Regional Park Authority and the Corporation of London would be the primary consultees, but the public would also be able to comment on the proposed orders via the Council's website. The additional dog waste bins to be constructed on the Council's Housing Estates would also help to alleviate the increasing problem of dog faeces.

Decision:

- (1) That consultation be undertaken on the introduction of Dog Control Orders in respect of:
- (a) the fouling of land by dogs and removal of dog faeces;
 - (b) the putting, and keeping a dog on the lead when directed to do so by an authorised officer; and
 - (c) limiting the number of dogs which a person may take onto any land to four.

Reasons for Decision:

To enable Officers of the Council, designated Officers of the Corporation of London and Police Community Support Officers to ensure the proper control of dogs within the District.

Other Options Considered and Rejected:

To not consult on the adoption of any of the provisions outlined in the report or only to choose some of them.

162. SUCCESSION TO A SECURE TENANCY

The Housing Portfolio Holder presented a report on the succession rights of the Council's tenants to a secure tenancy.

The Portfolio Holder reported that all of the Council's existing secure tenants enjoyed many rights under the Housing Act 1985 Part IV (Tenants Charter). One of these was the right to succeed to a tenancy upon the death of the tenant. Any successor tenant who was either a spouse or a Civil Partner was able to remain at the accommodation regardless of any under-occupation. However, under the current legislation, in the case of a family member, if the accommodation afforded by the dwelling-house was more extensive than was reasonably required by the tenant then the Council could serve a notice seeking possession more than six months but less than twelve months after the tenant's death requiring them to vacate and move to smaller accommodation unless the Council's Under-Occupation policy was applicable.

The Portfolio Holder added that under the new Localism Act, the right of succession by family members had been repealed for all new post-Localism Act secure tenants. However, the Localism Act had inserted a new provision within the Housing Act 1985 which gave powers to councils to allow family members to succeed if the councils chose to do so. The Cabinet was now being asked to consider if this additional succession right should be granted to all new Councils tenants following the enactment of the new Localism Act.

The Portfolio Holder stated that the Council was only advised in late March of this year that this element of the Localism Act would be coming into force on 1 April 2012, and it was therefore important that the Council had a policy in place and applied retrospectively to all new tenancies from 1 April 2012. It was proposed that all new post-Localism Act secure tenants be given the right for family members to succeed (as per current arrangements) provided there was no under-occupation and that they had been living at the accommodation as their only or principal home for at least three years (i.e. longer than the current statutory 1 year). Where they were under-occupying, they would be required to move to smaller and more suitable accommodation.

In response to questions, the Director of Housing clarified that the Localism Act had diminished the rights of family members to succeed to secure tenancies; it was being proposed that the Council gave some of these rights back, provided family members had been in residence for a minimum of three years. It was noted that the Housing Act 1985 had clarified the definition of a family member, and this had included sons, daughters, grandparents, grandchildren, cousins, nieces and nephews. Officers had considered that the suggested figure of three years residence was more appropriate than the previous legislative requirement of one year as it would establish that the family member had had a reasonable interest in the property concerned. If a successor tenant was under-occupying a residence then the Council could use enforcement action to remove the tenant and offer a smaller, more suitable property. When questioned about whether any discretion would be shown to a disabled family member for whom adaptations had been made to the property, the Director replied that the policy was flexible and the family member would have the right of appeal to the Housing Appeals & Review Panel.

Decision:

(1) That, with effect from 1 April 2012, all of the Council's secure tenants be granted the following additional succession rights in addition to those set out in the new Localism Act if, at the time of the tenant's death, the dwelling-house was not occupied by a spouse or a civil partner of the tenant as their only or principal home;

(a) Provided there was no under-occupation, a family member would be allowed to succeed to the tenancy provided they met all of the succession rules set out under the Housing Act 1985 Part 1V and had been residing at the property as their only or principal home for over three years;

(b) Where the property was under-occupied by a family member, if the family member met all of the succession rules set out under the Housing Act 1985 Part 1V and had been residing at the property as their only or principal home for over three years, they be made one offer of suitable alternative accommodation and if the successor tenant refused to move then the Council would take Court action to seek possession under Ground 16 of the Act; and

(c) Where the property was under-occupied by a family member who had resided at the property for less than three years then they be required to vacate and if the occupier refused to vacate then the Council would take Court action to seek possession in the normal way;

(2) That the Council's Standard Tenancy Agreement for all post-Localism Act tenancies be amended and applied retrospectively to commence from 1 April 2012 to include all of the conditions set out above; and

(3) That the Council's current discretionary succession policy also be applied retrospectively to commence from 1 April 2012 to all post-Localism Act secure tenants.

Reasons for Decision:

To have a local succession policy in place which applied to all new post-Localism Act secure tenants, which clearly fixed the conditions under which a family member could succeed to a secure tenancy. The Council was only advised in late March that that this element of the Localism Act would be coming into force from 1 April 2012. It was therefore important that a new policy was agreed and applied to all new tenants retrospectively from 1 April 2012.

Other Options Considered and Rejected:

To not agree and implement a succession policy for post-Localism Act secure tenants, and therefore not give them the additional discretionary right for any family member to succeed to their tenancy. This would reduce the rights provided to post Localism Act tenants, compared to existing tenants.

163. PLANNING SUPPORT BUDGET UNDERSPEND - £25,000

The Portfolio Holder for Planning & Technology presented a report to carry forward a Planning Support budget underspend of £25,000 to 2012/13.

The Portfolio Holder stated that the progress of electronic records development had slowed substantially in 2011/12 due to staffing and resource difficulties and it was

proposed that the unspent Continuing Services Budget for Planning Support of £25,000 for Document Scanning be carried forward as a District Development Fund saving to be spent in 2012/13.

The Portfolio Holder reported that the Planning and Economic Development Directorate had made significant progress in moving away from paper-based office systems to Electronic Record and Document Management Systems (ERDMS). Electronic record keeping had produced a range of benefits such as savings on the cost of paper and file storage, aiding residents of the District to access information online and helping with the production of the Local Plan. However, there was a considerable amount of work still to be carried out to build on these gains to move the Directorate into better and faster ways of working, including undertaking an audit of existing microfiche records as these had a limited lifespan. Two previous unsuccessful attempts had also been made to internally recruit a Support Officer for this work, and it was proposed to recruit externally to this post if a third round of internal recruitment was unsuccessful.

The Portfolio Holder stated that there was a need to make more information available electronically as well as enabling the electronic submission of Building Control Plans to compete for additional work and increase income as detailed in the Directorate's Business Plan for 2012/13.

Decision:

- (1) That authority be granted to carry forward a £25 000 underspend from 2011/12 to 2012/13 from the Planning Support Budget 37 100 – 3342 Document Scanning as a District Development Fund Saving;
- (2) That the underspend carried forward be spent in 2012/13 on the development of document and microfiche scanning, as detailed in the Electronic Records Management Progress Plan in Appendix Two of the 2012/13 Business Plan; and
- (3) That the need to recruit a relevant member of staff to support this be noted, and if a third attempt at internal recruitment was unsuccessful, then external recruitment be permitted for this specific role.

Reasons for Decision:

The proposed carry forward of the unspent budget of £25,000 would facilitate progression of the Electronic Records Management Progress Plan identified in the Directorate Business Plan for 2012/13. This was a key element in moving away from paper based office systems to Electronic Record and Document Management Systems (ERDMS).

Other Options Considered and Rejected:

To do nothing would mean that the Directorate would lose twelve months progress in the scanning of essential records as well as delaying the progression of Electronic Record and Document Management Systems (ERDMS) development for Building Control.

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

The Environment Portfolio Holder presented a report on the impact on the Private Sector Drainage Team from the transfer of private sector sewers to the water and

sewerage companies.

The Portfolio Holder reminded the Cabinet that it had resolved at its meeting on 12 September 2011 (C-018b-2011/12) to retain the post ETD/02 (Drainage Co-ordinator) until 1 October 2012, following the transfer of most private sector sewers to the Water and Sewerage Companies on 1 October 2011. The Cabinet had also requested a further report when the Council was able to quantify the residual private sector drainage work and the demand for assistance from the public. That assessment had now been undertaken and it was proposed to retain the post to deal with the residual private sector drainage work, other drainage issues, water quality and flood risk related work. If the post was not retained then there might be a financial impact due to potential redundancy costs, which had been detailed in a separate report that had been published with restricted access.

Decision:

(1) That the post ETD/02 (Drainage Co-ordinator) be retained on the establishment; and

(2) That a revised job description and person specification be submitted to the Council's Job Evaluation Panel under the existing Maintenance Policy.

Reasons for Decision:

To retain post ETD/02 (Drainage Co-ordinator) to ensure that the Council had sufficient staffing resources to deliver an effective private sector drainage service, following the transfer of most private sector sewers to the Water and Sewerage Companies on 1 October 2011.

Other Options Considered and Rejected:

To delete post ETD/02 from the establishment on 1 October 2012, or shortly after as determined by the relevant contract conditions. However, there would not be a resource to deal with the residual private sector drainage work and to assist the residents with other drainage and water pollution issues.

165. ANY OTHER BUSINESS

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

166. EXCLUSION OF PUBLIC AND PRESS

Resolved:

(1) That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
18	Transfer of Private Sector Sewers to the Water & Sewerage Companies – Impact on The Private Sector Drainage Team	1

19	Epping Forest District Museum Service	3
20	Sports Development & Active Health	1

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

The Cabinet noted the resource implications in not retaining post ETD/02 (Drainage Coordinator) on the Council's establishment.

Decision:

(1) That the Resource Implications in not retaining post ETD/02 (Drainage Coordinator) be noted.

Reasons for Decision:

To inform the Cabinet of the resource implications if the post was not retained on the Council's establishment.

Other Options Considered and Rejected:

None, as the Cabinet had already decided to retain the post.

168. EPPING FOREST DISTRICT MUSEUM SERVICE

The Portfolio Holder for Leisure & Wellbeing presented a report about the District's Museum Service.

The Portfolio Holder stated that as part of the transfer of Council's services from the depot at Langston Road, the District Museum Service was required to find new premises for the storage of its reserve collection, which was currently housed in three warehouse units on the site. A basic transfer option to an industrial unit in Brooker Road, Waltham Abbey was initially considered and Officers had investigated opportunities to secure external funding to support the transfer as part of a plan to develop new Museum Services at the site. However, due to the high costs of building repair works required to make the building water tight and secure, this option was not deemed feasible.

The Portfolio Holder added that an opportunity had arisen to acquire the long lease (971 years) for the first floor of the building adjoining the Museum at 37 Sun Street, which extended to approximately 640 sq m. This space extended from the Museum's temporary exhibition gallery, which was currently rented for £13,250 per annum, and would enable the opportunity for the Museum's reserve collection to be 'display' stored, enabling significantly greater access for visitors. In addition, the space would provide the opportunity to develop new services available from the Museum, including a volunteer recruitment and development centre, heritage research base and education room which could all be accessible by people with disabilities.

The Portfolio Holder reported that Officers had developed a comprehensive development plan and funding application which had been submitted to the Heritage Lottery Fund, which included a significant contribution by the Council towards the long lease of 37, Sun Street and redevelopment of the existing and new Museum facilities to provide a sub regional heritage hub site for the community. This bid would align itself with the Heritage Initiatives application that had also been submitted for

Waltham Abbey to provide new learning, leadership and skills opportunities in support of the regeneration of Waltham Abbey.

The Portfolio Holder concluded that this development would build on the recent expansion of the Museum Service through the management of Lowewood Museum in Hoddesdon and would provide increased access to a key heritage resource by a wider range of service users. It would also play a key role in the tourist facilities on offer within the District and support the wider economy. The Cabinet was therefore requested to support the proposed development by recommending to the Council a supplementary capital estimate to contribute a significant sum to match fund the purchase of the long lease of the first floor accommodation at 37 Sun Street, Waltham Abbey.

The Portfolio Holder emphasised the importance of having a storage facility adjacent to the Museum, and that the Council was currently at the second stage of its bid for Heritage Lottery funding, the outcome of which would be known in June, with the third stage due to commence in October. The Acting Chief Executive added that the additional monies from the Heritage Lottery Fund would pay for the fit-out costs and the movement of items to the new facility.

Decision:

(1) That the acquisition of the long lease of the first floor of 37 Sun Street, Waltham Abbey and the redevelopment of the Epping Forest District Museum, as part of a Heritage Lottery Funded project to provide an enhanced fully accessible service for local residents, be supported; and

(2) That a supplementary capital estimate, in a sum as reported at the meeting, be recommended to the Council for approval as match funding for the potential purchase of the lease of the first floor of 37 Sun Street, to demonstrate the Council's commitment to the project and therefore increase the success of the Heritage Lottery Fund Bid.

Reasons for Decision:

The Museum storage facilities, currently at the Langston Road Depot in Loughton, needed to be vacated to meet with the timeframes of the recently agreed commercial development for the site. A range of alternative options had been investigated over the last 18 months, but none had proved suitable. It was important that alternative accommodation was secured so as not to compromise the retail park development at Langston Road.

The long lease of a suitable facility adjacent to the Museum building would enable the Museum's reserve collection to be stored 'on display', as well as offering a range of development opportunities to enhance local community sustainability and enrichment.

Other Options Considered and Rejected:

To continue to seek alternative storage options for the museum collection.

169. SPORTS DEVELOPMENT & ACTIVE HEALTH

The Portfolio Holder for Leisure & Wellbeing presented a report regarding a District Development Fund carry forward from the Sports & Health Development budget.

The Portfolio Holder stated that in 2007/08, the Council had been successful in securing external funding from Big Lottery via Age Concern (Age UK) to develop a West Essex area health improvement programme, for older people. The programme which was entitled 'Active Health', had been developed in the Epping Forest District initially and then subsequently rolled out across Harlow and Uttlesford providing fitness sessions, allotment installation and a training and development programme for sheltered housing wardens and local volunteers.

The Portfolio Holder reported that funding for the core programme finished on 31 March 2012 and it was expected that the Active Health Development Officer would be made redundant at this time. The required funding for the redundancy had been allocated within the 2011/12 budget. However, due to the success of the programme, the Council was successful in securing funding to run the scheme for a further year, and to develop a toolkit to aid long term sustainability of the activities developed. Notification of this extra funding was only received in mid March 2012. As this will now result in the Active Health Development Officer being made redundant at 31 March 2013, it was proposed to carry forward the funds allocated within the 2011/12 budget to the 2012/13 budget.

The Acting Chief Executive added that the member of staff concerned had been with the Council for a number of years but the funding for the post had been provided externally. The redundancy figure would increase marginally for the extra year of service but this increase would be found from within existing resources.

Decision:

(1) That a District Development Fund carry forward in a sum as reported at the meeting from the Sports and Health Development Budget be agreed, for redundancy costs for the Active Health Development Officer originally expected at 31 March 2012 but now required at the end of a temporary externally funded contract at 31 March 2013.

Reasons for Decision:

A sum had been allocated in the 2011/12 Sports Development Budget for payment of redundancy costs to the Active Health Development Officer. Now that additional external funding had been secured, the post would not become redundant until the end of March 2013.

Other Options Considered and Rejected:

To not transfer the requested sum, therefore resulting in a deficit within the 2012/13 budget.

CHAIRMAN