

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 22 October 2012

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

Members Present: C Whitbread (Chairman), Ms S Stavrou (Vice-Chairman), R Bassett, W Breare-Hall, Mrs A Grigg, D Stallan, H Uikun, G Waller and Mrs E Webster

Other Councillors: K Angold-Stephens, A Boyce, K Chana, L Girling, Ms J Hart, D Jacobs, Mrs J Lea, Mrs M McEwen, A Mitchell MBE, R Morgan, J Philip, B Rolfe, Ms G Shiell, Mrs L Wagland, Ms S Watson, J M Whitehouse and D Wixley

Apologies: -

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Gilbert (Director of Environment and Street Scene), A Hall (Director of Housing), R Palmer (Director of Finance and ICT), N Richardson (Assistant Director (Development Control)), M Tipping (Assistant Director (Facilities Management & Emergency Planning)), J Twinn (Assistant Director (Benefits)), S G Hill (Senior Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

46. 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.

47. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared an interest in agenda item 10, Welfare Reform Mitigation Action Plan, as the item related to a business interest. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared an interest in agenda item 11, Localisation of Council Tax Support, as the item related to a business interest. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

(c) Pursuant to the Council's Officer Code of Conduct, D Macnab declared an interest in agenda item 12, Guaranteed Investment – Sports & Leisure Management, as his son had been employed by Sports & Leisure Management on a casual basis. The Officer had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

48. MINUTES**Resolved:**

(1) That the minutes of the meeting held on 10 September 2012 be taken as read and signed by the Chairman as a correct record.

49. REPORTS OF PORTFOLIO HOLDERSPlanning

The Planning Portfolio Holder reported that over 6,000 responses had been received for the 'Issues & Options – Community Choices' consultation, that was part of the Local Plan process.

50. PUBLIC QUESTIONS

There were no public questions for the Cabinet to consider.

51. 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 16 October 2012:

- (a) a presentation by Officers from London Underground, followed by a question and answer session with Councillors, Youth Councillors and a representative from the Disability Involvement and Engagement Group;
- (b) a report from the Constitution & Member Services Scrutiny Panel amending the terms of reference for the Staff Appeals Panel;
- (c) a second report from the Constitution & Member Services Scrutiny Panel reviewing the Council's Petitions Scheme;
- (d) a report on the current wireless broadband provision within the District;
- (e) a report on the electronic delivery of agenda, which included bids for District Development Funding in the sum of £5,000 for inclusion in the draft budget for 2013/14.

The Cabinet's agenda was reviewed and the Committee made the following comments:

- (i) Guaranteed Investment – Sports & Leisure Management – an excellent idea that would generate a good return for the Council's capital investment;
- (ii) Membership of the Essex County Traveller Unit – would be very useful and the Council should join at the earliest possible opportunity;
- (iii) Planning Appeal Compensation Budget – concerned about the lack of evidence in the report to justify the request for £90,000;
- (iv) Welfare Reform Mitigation Action Plan & Localisation of Council Tax Support – both schemes crucial for the Council.

Resolved:

(1) That the report from the Chairman of the Overview & Scrutiny Committee be noted.

52. LOCAL PLAN CABINET COMMITTEE - 3 SEPTEMBER 2012

The Planning Portfolio Holder presented the minutes of the meeting of the Local Plan Cabinet Committee held on 3 September 2012. The Cabinet noted that decisions had been taken in respect of the progress made with the 'Local Plan Issues & Options – Community Choices' consultation, and the proposed methodology for the assessment of purposes of including land within the Green Belt for the new Local Plan.

Decision:

(1) That the minutes, and decisions therein, of the Local Plan Cabinet Committee meeting held on 3 September 2012 be noted.

53. NORTH WEALD AIRFIELD AND ASSET MANAGEMENT CABINET COMMITTEE - 5 SEPTEMBER 2012

The Portfolio Holder for Asset Management & Economic Development presented the minutes from the recent meeting of the North Weald Airfield and Asset Management Cabinet Committee, held on 5 September 2012.

The Cabinet Committee had made recommendations regarding the Broadway Regeneration Action Plan. The Cabinet Committee had also considered: the Ernst & Young review of the Halcrow report; the possible relocation of the Waste Management Depot to North Weald Airfield; and the Asset Management Co-Ordination Group report. The first two of these items had been the subject of separate reports considered at the previous meeting of the Cabinet.

Decision:**The Broadway Regeneration Action Plan**

(1) That, following consideration of the views of the local ward members for Loughton Broadway, The Broadway Regeneration Action Plan be adopted; and

(2) That further reports on the proposed way forward for each of the Council-controlled sites within the Action Plan be the subject of separate detailed reports to the Cabinet at the appropriate times.

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.

54. WELFARE REFORM MITIGATION ACTION PLAN

The Housing Portfolio Holder presented a report regarding the Welfare Reform Action Plan.

The Portfolio Holder reported that the Welfare Reform Act 2012 would have a significant effect on Council tenants, private tenants and homelessness in the District. The Council had commissioned the Chartered Institute of Housing (CIH) to undertake a major study into these effects – tailored to the situation in Epping Forest - and to propose ways of mitigating them. The study was fully funded by Improvement East, and the Key Findings from the CIH's detailed report were attached at Appendix 1 of the report. The CIH had estimated the total loss in housing benefit and other welfare benefits to Council and private tenants in Epping Forest at around £1.1million per annum. This was in addition to the loss in claimants' Council Tax Benefit as a result of the introduction of the new Local Council Tax Support Scheme in April 2013. Furthermore, the CIH had estimated the direct financial impact of the welfare reforms on the Council itself at between £240,000 and £460,000 per annum.

The Portfolio Holder stated that a Welfare Reform Mitigation Project Team had been established, which had produced a Welfare Reform Mitigation Action Plan. This Plan was attached at Appendix 2 of the report and the Cabinet was requested to adopt it. Many of the actions would be undertaken by Officers, but some of the proposals required Cabinet approval. The views of the Tenants & Leaseholders Federation on the Action Plan had been published on a supplementary agenda for Members to consider. Housing and Finance Officers were thanked for their efforts in putting the Action Plan together.

The Portfolio Holder for Finance & Technology also added her thanks to the Officers for preparing the report, and urged Councillors that did not attend the Member Briefing Session on 26 September 2012 to view the webcast.

The Director of Housing highlighted the estimated cost to the Housing Revenue Account (HRA) in implementing the Welfare Reforms, an £85,500 one-off cost and £129,000 per annum ongoing costs, and confirmed that the so-called 'Bedroom Tax' would only apply if a tenant was in receipt of Housing Benefit. It was felt that approximately 400 tenants would be affected by this, and surveys had indicated around half of these tenants would actually downsize to a smaller property. The increased rent transaction charges would come about through Council tenants having to pay their own rent, rather than having their Housing Benefit automatically credited to their rent account., and would be borne by the Council.

The Housing Portfolio Holder added that the report was based upon the views of the CIH, and the Housing Scrutiny Panel would receive quarterly reports on the progress of the Action Plan. The Portfolio Holder was satisfied that the cost-benefit analysis performed had favoured the recruitment of two additional Housing Management Officers, but that the Action Plan was based upon estimates and if the progress reports indicated otherwise then the Scrutiny Panel would recommend further action in due course.

The Director of Housing had not seen any evidence of tenants leaving London to escape the Benefit Cap, but it was possible that this might happen in the future. It was accepted by the Cabinet that tenants were more likely to get into arrears due to the Welfare Reforms, and the Portfolio Holder commended the Action Plan to the Cabinet.

Decision:

- (1) That the main provisions of the Welfare Reform Act 2012 affecting the Council and residents in the District be noted;
- (2) That the Key Findings of the Study by the Chartered Institute of Housing (CIH) into the implications of the Welfare Reforms on the Council, Council tenants, private tenants and homelessness, attached as an extract of the CIH Report at Appendix 1 of the report, be noted;
- (3) That the proposed Welfare Reform Mitigation Action Plan, attached at Appendix 2 of the report, be adopted;
- (4) That The Housing Scrutiny Panel be requested to monitor progress with the Action Plan at its quarterly meetings;
- (5) That two additional Housing Management Officers be appointed, with immediate effect, and approval be given to recruit externally if necessary, in order to help minimise the anticipated increased level of rent arrears in 2013/14 and, initially, to help minimise the effect of the welfare reforms on Council tenants, funded from the Housing Revenue Account as follows:
 - (a) 2012/13 - from Housing Revenue Account (HRA) salary under-spends; and
 - (b) 2013/14 onwards - from the HRA's Housing Improvements and Service Enhancements Fund;
- (6) That Housing Management staffing levels be reviewed during 2013/14 in the light of the actual level of increased rent arrears;
- (7) That approval be given to the appointment of two temporary members of staff for approximately 6 weeks in early 2013/14, and approval be given to recruit externally if necessary, in order to input Council property household data obtained from the proposed Census of Tenants onto the Housing IT System, funded from the HRA's Housing Improvement and Service Enhancement Fund; and
- (8) That a report be submitted by the Housing Portfolio Holder to the next meeting of the Cabinet on how the recently-allocated funding from the Department of Communities & Local Government (DCLG) of £112,000 per annum for the next two years to prevent and mitigate homelessness should be spent, including a proposal that part of the funding be used to appoint 1FTE additional Homelessness/Prevention Officer, to avoid any increased cost to the General Fund.

Reasons for Decision:

The Council required a plan to mitigate the effects of the welfare reforms on the Council and its residents, for which some aspects needed approval from the Cabinet

Other Options Considered and Rejected:

To not have and adopt a Welfare Mitigation Action Plan, or to include different tasks within the Action Plan.

To not appoint two additional Housing Management Officers, but to appoint more, less or no additional staff, or to not review the Housing Management Officer staffing levels further in 2013/14.

To not approve the appointment of two temporary members of staff to input Council property household data and therefore not undertake the required Census of Tenants.

55. LOCALISATION OF COUNCIL TAX SUPPORT

The Portfolio Holder for Finance & Technology introduced a report concerning the Localisation of Council Tax Support.

The Portfolio Holder reminded the Cabinet that, on 25 June 2012, the Finance & Performance Management Cabinet Committee had received an overview of the Government's decision to replace Council Tax Benefit (CTB) with a new system of Local Council Tax Support. On 23 July 2012, the Cabinet approved the proposed scheme for Epping Forest District Council and consultation on that scheme was undertaken from 1 August to 12 September 2012. Following the consultation period, it was now necessary for the final scheme to be approved. People of pension age had been protected from any cuts in Local Council Tax Support and their Support had to be calculated in the same way as the present Council Tax Benefit scheme. A Local Council Tax Support scheme therefore had to be devised for people of working age.

The Portfolio Holder reported that the Epping Forest District Council scheme had been prepared within the framework of an Essex-wide scheme that sought to achieve cost neutrality, i.e. the cut in Government funding was to be offset by making reductions in the amount of support that working age households could receive. A scheme that was not cost neutral was likely to result in cuts to services by the Council and other precepting authorities. Local Council Tax Support (LCTS) was being introduced by the Local Government Finance Act 2012. Royal Assent had not yet been given to the Act, but this was expected to be sometime in October or November 2012. Although the Cabinet could approve the scheme prior to Royal Assent, the final scheme could not be approved by the full Council until after Royal Assent had been given.

The Director of Finance & ICT commented that recent articles in national newspapers stating that the Government had made an extra £100million available to Councils for Council Tax support were a surprise. The Department of Communities & Local Government (DCLG) had clarified the requirements of the revised scheme on 19 October, and to be eligible for the extra money would require the Council to make further substantial changes to the scheme and undertake a further consultation period. That would leave no time available to agree the scheme before having to set the budget for next year, and there had been support during the consultation already undertaken for residents to pay some proportion of their Council Tax bill.

The Director added that a considerable amount of work had already been undertaken across the County with other precepting bodies. The current scheme was designed to generate a £1.25million saving and insist on all residents of working age to pay a minimum 20% of their Council Tax bill. Essex County Council had indicated that they did not want to revise the scheme at this late stage and that any District Council which did would have to make up the projected shortfall themselves. Thus, there were genuine practical and financial reasons to not take up the newly available grant and the Cabinet was being requested to agree the scheme as presented.

The Assistant Director (Benefits) stated that the current national Council Tax Benefit Scheme had been abolished by the Welfare Reform Act 2012. A small Exceptional Hardship Fund of £20,670 had been established to help households in exceptional

circumstances when all other attempts to recover the outstanding Council Tax had been exhausted. This equated to 0.2% of gross Council Tax Benefit expenditure for the current year.

The Assistant Director (Benefits) also confirmed that the Council had had discussions with the Citizens Advice Bureau (CAB) prior to the consultation period and they had expressed some concerns about the new scheme. The Director of Housing added that there was a proposed action within the draft plan for the Council to fund additional advisors for the CAB. The current Training Officer within the Benefits section could provide this additional training to the CAB advisors.

The Cabinet welcomed the Exceptional Hardship Fund, and noted that it was unfortunate for the Local Finance Act and Welfare Reform Act to be going through Parliament at the same time.

Decision:

(1) That, subject to the Local Government Finance Act 2012 receiving Royal Assent, the Local Council Tax Support scheme - as set out in the report - be recommended to the Council for approval; and

(2) That any existing delegations in the Constitution be amended to include reference to Local Council Tax Support as well as Council Tax Benefit.

Reasons for Decision:

The Council needed to approve the final scheme at its meeting scheduled for 18 December 2012. If the scheme was not approved by 31 January 2013 then the Council would have to award Local Council Tax Support in accordance with the Government's default scheme, which would result in the cost of the scheme exceeding the Government grant for Local Council Tax Support.

Other Options Considered and Rejected:

To adopt the default scheme as determined by the Department for Communities and Local Government. It would not then be necessary to devise a scheme specifically for Epping Forest. However, the default scheme would be based upon the current national Council Tax Benefit scheme with no restriction as to who could claim or how much could be paid, and expenditure would exceed the grant from the Government and leave the Council with a shortfall in excess of £1 million. The default scheme would therefore not be cost neutral for the Council or the precepting authorities.

56. GUARANTEED INVESTMENT - SPORTS AND LEISURE MANAGEMENT

The Portfolio Holder for Leisure & Wellbeing presented a report on the proposal by Sports & Leisure Management (SLM) Limited to reduce their management fee in return for a guaranteed capital investment by the Council.

The Portfolio Holder reported that the Leisure Management contract with SLM required SLM to provide a guaranteed investment of £250,000 into one or more of the facilities on two defined occasions. SLM were proposing to upgrade the changing rooms at the Loughton Leisure Centre at an estimated cost of £240,000. However, as with the first tranche of guaranteed investment, SLM had proposed that the Council should provide the capital funding, in return for which SLM would reduce the management fee by £7,350 per month, equating to £264,000 over the remaining life of the contract.

The Portfolio Holder stated that all of the works listed in the report to the stairs, changing village and shower areas at Loughton Leisure Centre were planned to be completed by the end of the calendar year, and the projected return of 3.5% per annum represented an excellent return on the Council's investment in its facilities.

The Cabinet felt that the proposed investment should be supported and that an advertising campaign should be launched after the works had been completed. The Director of Environment & Street Scene reassured the Cabinet that Officers monitored SLM's financial performance very closely in relation to the Leisure Management contract, and it was believed that SLM was currently a financially sound company. However, the Cabinet was still urged to examine SLM's accounts and balance sheet.

The Director of Environment & Street Scene stated that the proposed agreement would see the Council take its Management Fee reduction from January 2013, therefore the emphasis was on SLM to complete the proposed improvement works by the end of the calendar year.

Decision:

(1) That the proposal from Sports and Leisure Management of a reduction in their management fee of £88,200 per annum in lieu of the Council providing capital of £240,000 in respect of their contractually required guaranteed investment be accepted; and

(2) That a supplementary capital estimate in the sum of £240,000 for 2012/13 to enable the proposed works to be completed by the end of the 2012 calendar year be recommended to the Council for approval.

Reasons for Decision:

To enable the works at Loughton Leisure to be completed in the current calendar year and to enable the management fee reduction to take effect from January 2013, thereby ensuring the greatest revenue benefit to the Council.

Other Options Considered and Rejected:

To reject SLM's proposal and require them to raise the capital themselves. However, this would not lead to the proposed reduction in Management Fee for the Council.

57. PLANNED MAINTENANCE PROGRAMMES 2013/14 TO 2016/17 - CIVIC OFFICES, OTHER OPERATIONAL BUILDINGS AND COMMERCIAL PROPERTY

The Portfolio Holder for Asset Management & Economic Development presented a report on the Planned Maintenance Programme for the Civic Offices, other operational buildings and commercial property for the four-year period 2013/14 to 2016/17.

The Portfolio Holder reported that the Planned Maintenance Programme provided a structured way of ensuring that the Council's property assets were properly maintained and improved to meet Health and Safety requirements, statutory regulations, contractual obligations, customer demands and the long term protection and value of the authority's assets. The Council also had contractual obligations to undertake all necessary external and structural maintenance works to the four leisure centres managed by Sports & Leisure Management Limited. This, and future

programmes, included the commitments as set out in the terms of the leisure management contract. Contractual commitments also applied to commercial premises i.e. industrial estates, shops and other commercial lettings where the Council had external and structural responsibilities.

The Cabinet noted that the report included detailed schedules on the progress of works during 2012/13, the approved capital and revenue expenditure for 2013/14, the additional capital resources anticipated for the period 2014/15 to 2016/17, and spending profiles for capital and revenue expenditure for the five-year period 2012/13 to 2016/17. It was anticipated that all of the projects scheduled for 2012/13 would be completed by the end of the financial year. Additional capital funding of £67,000 was being requested for 2013/14, but that a saving of £11,250 was expected on the already approved District Development Fund allocation for 2013/14.

The Portfolio Holder stated that a number of the projects envisaged a return on the investment in the longer-term by contributing towards savings on energy consumption or reduced future maintenance costs. The Cabinet welcomed these energy saving proposals.

Decision:

- (1) That the Five Year Planned Maintenance Programme 2013–2017 for Operational and Commercial Properties be approved;
- (2) That the progress with works approved for 2012/13, both capital and revenue funded and detailed in Appendix 1 of the report, be noted;
- (3) That, as detailed in Appendix 2 of the report, the following levels of expenditure for essential and planned maintenance at the Civic Offices, other operational buildings and commercial property be approved for 2013/14:
 - (a) Capital expenditure in the sum of £367,000, which represented an increase of £67,000 on the previously agreed budget;
 - (b) District Development Fund (DDF) expenditure in the sum of £153,900, which represented a saving of £11,250 on the previously agreed budget;
 - (c) Continuing Services Budget (CSB) expenditure in the sum of £118,000, previously agreed; and
 - (d) Housing Revenue Account (HRA) expenditure in the sum of £16,250, previously agreed;
- (4) That, as detailed in Appendix 3 of the report, the current projected levels of expenditure for essential and planned maintenance at the Civic Offices, other operational buildings and commercial property for the period 2014/15 to 2016/17 be noted; and
- (5) That, as detailed in Appendices 4 and 5 of the report, the Capital and Revenue spending profiles for essential and planned maintenance works at the Civic Offices, other operational buildings and commercial property for the five-year period 2012/13 to 2016/17 be noted.

Reasons for Decision:

A proactive approach to Facilities Management for all operational buildings and

commercial property would ensure that:

- (a) the buildings and their infrastructure would be maintained to an appropriate level meeting health and safety, statutory regulations and contractual obligations;
- (b) the buildings and their infrastructure would be maintained to a standard to comply with EU statutory regulations;
- (c) the risk of unreliability and failure of critical systems, services and building fabric was reduced;
- (d) good financial management through forecasting was maintained; and
- (e) performance standards/indicators were maintained or improved upon.

Other Options Considered and Rejected:

To do nothing. However, this would lead to deterioration of building fabric and systems which could result in a risk to the health and safety of staff and public, loss of service and income, an increase in future management liability, a reduction in property asset value, and a breach of legal obligations in respect of commercial leases and contract requirements.

To defer action until the building fabric, systems or equipment failed. However, this would cause varying degrees of disruption depending on the extent of failure and/or system involved and the time scale for procurement and rectification of the defect. This option would also lead to requests for supplementary finance at the time and would have a negative effect on performance standards.

There was also a risk that the buildings and infrastructure might not meet the future needs of the Council and that the performance of the Council's operations and functions might be compromised.

58. REVIEW OF THE CAPITAL PROGRAMME 2012/13 - 2016/17

The Portfolio Holder for Finance & Technology presented a report on the review of the Capital Programme for the period 2012/13 to 2016/17.

The Portfolio Holder reported that the capital programme presented in this report would form the basis of the new Capital Strategy and the Asset Management Plan. The capital programme had been prepared by updating the programme approved in February 2012 and adding new schemes and allocations approved by Cabinet since then. Each scheme within the capital programme had been reviewed and spending control Officers had reassessed estimated final costs and the phasing of expenditure profiles for each scheme as part of the capital review. Recommendations had been made to make amendments as appropriate. The programme covered the five financial years to 2016/17. The detailed capital programme for non-housing schemes was shown by Directorate at Appendix 2 of the report and the detailed capital programme for housing schemes was shown at Appendix 3 of the report. A summary of estimated costs was given in Appendix 1 of the report and this showed an estimated capital spend of £86.811million over the five year period.

The Cabinet noted that the review also reassessed the funding available to finance these schemes and the suggested application of the different sources of funding over the five-year period. It had identified estimated external funding from grants and private sources of £3.011million and it was proposed that capital receipts of an

estimated £11.86million and revenue contributions of an estimated £71.94million be applied to finance the capital programme over the next five years. The balance of capital receipts was expected to fall from £15.842million as at 1 April 2012 to £8.082million by 31 March 2017 and the Major Repairs Fund balance was expected to decrease from £8.241million to £3.157million by the end of the period.

In response to a question asked by a local ward member for Epping Hemnall, the Portfolio Holder for Safer, Greener & Highways reported that some anomalies from the Epping Parking Review were still being corrected, but this would not hinder the start of the Buckhurst Hill and Loughton Broadway Parking Reviews. The Portfolio Holder reassured the Cabinet that the monies allocated to the Epping Parking Review would not be offered as savings until all of the works were complete.

The Assistant Director (Facilities Management & Emergency Planning) stated that the item relating to Waltham Abbey Swimming Pool had been listed separately, as it was felt that a new roof would be needed and this would not be classed as Preventative Maintenance. Structural Surveys had been undertaken and a further report would be submitted to the Cabinet when the results were known. The £26,000 allocated to 2013/14 was a contingency, and it was agreed that this could be offered as a saving.

A local ward member for Loughton Broadway asked why the remaining £10,000 unspent for the Loughton Broadway Town Centre Enhancement Scheme had been deleted from the Capital Programme when there were still defects that had not been remedied. The Director of Environment & Street Scene explained that the twelve-month period for fixing defects had expired and that responsibility for the maintenance of the highway had now passed to Essex County Council.

Decision:

- (1) That the latest five-year forecast of capital receipts be noted;
- (2) That the level of usable capital receipts currently predicted to be £8,082,000 at 31 March 2017 be noted;
- (3) That Section 106 monies for affordable housing be allocated to finance the Council's house building programme from 2013/14 onwards;
- (4) That the revised Capital Programme for the period 2012/13 to 2016/17 be approved;
- (5) That the following amendments to the Capital Programme be approved or recommended to Council to approve:
 - (a) carry forwards totalling of £6,865,000 from 2012/13 to 2013/14 and 2014/15 in respect of capital schemes as outlined in the report;
 - (b) a supplementary capital estimate of £15,000 for the purchase of a second-hand land rover for use at North Weald Airfield;
 - (c) a supplementary capital estimate of £40,000 for Limes Farm Hall;
 - (d) an additional allocation of £17,000 for grounds maintenance vehicles resulting from the trade-in of an old tractor and revenue contributions;
 - (e) savings of £154,000 as detailed in the report;

- (f) a further saving of £26,000 in 2013/14 currently allocated to repair the roof at Waltham Abbey Swimming Pool;
- (g) a virement from savings on the Bobbingworth Tip scheme to flood alleviation capital projects; and
- (h) virements within the Housing Revenue Account in respect of the categories of work identified in the report.

Reasons for Decision:

The capital programme was based on decisions already approved by the Cabinet or decisions that the Cabinet was soon to consider. The proposed decisions were intended to make the best use of the capital resources currently available and forecast to become available for capital schemes to 2016/17.

Other Options for Action:

To reconsider the inclusion of some new schemes or re-assess the inclusion of some existing schemes.

Revenue Contribution to Capital Outlay (RCCO) contributions could be reduced by increasing the use of usable capital receipts, beyond that which was required. However, the suggested RCCO levels were affordable within the Housing Revenue Account (HRA), according to current predictions, and any use of usable capital receipts for HRA purposes would have the effect of reducing capital resources available for the General Fund.

59. PLANNING APPEAL COMPENSATION BUDGET

A report on a compensation budget for Planning Appeals was presented by the Planning Portfolio Holder.

The Planning Portfolio Holder reported that up to 2008, a supplementary District Development Fund (DDF) estimate was sought each time appeal costs were awarded against the Council. Instead of agreeing to pay out using this same procedure, and because of one particularly costly case in 2008, the Council instead approved a contingency budget of £100,000 be allocated to the Development Control Appeal budget. Subsequently, where a cost claim had been awarded against the Council, it had been paid out from this budget, which had lasted 4 years. However, there were currently two cost awards to be paid and insufficient monies in the budget to cover them both. In addition, any subsequent costs on appeals would have no budget. Therefore the planning compensations budget for Development Control required further funding.

The Portfolio Holder added that there appeared to be no pattern to the costs awarded against the Council, and the two outstanding claims totalling £35,000 did seem excessive. The Portfolio Holder was working with Officers to ensure that any costs awarded against the Council were minimised.

The Assistant Director (Development Control) stated that the Council had had over 400 appeals against its decisions in the last four years, so the costs awarded against the Council were comparatively light. The new National Planning Policy Framework stipulated that refusals for planning permission had to be evidence based in the future.

The Portfolio Holder acknowledged that costs and compensation were allocated from the same budget, and that compensation payments should be a separate budget, but the spending profile for the budget heading did differentiate between the two types of payment. It was accepted that the budget should be monitored each year by the Planning Services Scrutiny Panel. The perceived lack of input from County Highways Officers to the Council's planning process, which made it difficult to refuse a planning application on highways issues, had been raised with the Highways Officers in attendance at the recent Local Highways Panel meeting. However, it was important that the local knowledge provided by ward Members was taken in to consideration by the Planning Inspector at any appeal.

Resolved:

(1) That a District Development Fund Supplementary Estimate in the sum of £90,000 for 2012/13 be recommended to the Council for approval for the Planning Compensations budget in respect of Planning Appeals in the Development Control budget; and

(2) That any underspend in 2012/13 be carried forward into successive years until it be spent.

Reasons for Decision:

Although the Council could challenge the amount of costs awarded, it was difficult to challenge the Planning Inspectorate's decision to award them. Once an amount was agreed then it had to be paid or it could be enforced as a debt.

Other Options Considered and Rejected:

To seek a DDF supplementary estimate on each occasion that an award of costs against the Council was successful. However, these would be more frequent than in 2008 because the opportunity to apply for costs was now possible across all three appeal types including written representations, rather than just hearings and public inquiries as previously.

60. HOME OWNERSHIP GRANTS SCHEME

The Housing Portfolio Holder presented a report on 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 had proved extremely popular, it became evident that applicants were finding it increasingly difficult to get mortgages. As a result of this, the Council agreed not to offer any new grants in 2011/12 and 2012/13 but to consider whether the Scheme should be resumed in 2013/14.

The Portfolio Holder stated that although the mortgage market had improved a little since the Scheme was originally suspended, mortgages were still hard to come by for first time buyers. In addition, changes to the Government's Right to Buy Scheme (RTBS) in April 2012 made it likely that qualifying tenants who were able to get mortgages would find the Right To Buy Scheme a more attractive option than the Home Ownership Grants Scheme. The Council had also now introduced its

successful Open Market Shared Ownership Scheme. It was therefore recommended that the Scheme was discontinued permanently.

Decision:

(1) That the Home Ownership Grant Scheme, set up in 2008/09 but suspended in 2011/12 and 2012/13, be discontinued permanently.

Reasons for Decision:

The Home Ownership Grants Scheme was not offered to new applicants in 2011/12 and 2012/13 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, and the maximum allowable discount under the Right To Buy Scheme had increased to £75,000, it was not likely that the Home Ownership Scheme would be seen as an attractive option.

Other Options Considered and Rejected:

To offer the Scheme under different terms, such as offering fewer grants and (possibly) at a higher rate. However, this was not felt to be cost-effective in terms of administration as most applicants did not meet the eligibility criteria and many of those that did were unable to borrow enough money to buy the property of their choice.

61. WEST ESSEX TENANCY STRATEGY - ADOPTION

The Housing Portfolio Holder presented a report on the adoption of the West Essex Tenancy Strategy.

The Portfolio Holder reported that the Council was required to produce a Tenancy Strategy by January 2013, setting out the Council's expectations of the types of tenancies that all Registered Providers of Housing in their District would provide. It had previously been agreed to produce a joint West Essex Tenancy Strategy with Harlow District Council and Uttlesford District Council. Following a consultation exercise on the draft version, the Cabinet was requested to adopt the final version, which had been attached as an Appendix to the report.

The Director of Housing highlighted that Harlow and Uttlesford District Councils had yet to approve the Strategy, but it would be considered by their executive bodies very shortly. Some discrepancies in the figures were pointed out in the report, which the Director undertook to investigate and provide a written answer to Members. The Retail Price Index had been fixed at 2.6% in September 2012 and this figure would be used initially, whilst the references to target rents within the Strategy were concerned with the on-going policy of rent convergence.

Decision:

(1) That the West Essex Tenancy Strategy, attached at Appendix 1 of the report, be adopted; and

(2) That the Director of Housing be authorised to make any minor amendments to the final version if necessary, as a result of any minor changes requested by either Harlow or Uttlesford District Councils when they consider the adoption of the Tenancy Strategy.

Reasons for Decision:

The Council was required by the Localism Act 2011 to produce a Tenancy Strategy by January 2013.

Other Options Considered and Rejected:

To not adopt the Tenancy Strategy. However, the Council would need to make arrangements to ensure a Tenancy Strategy was adopted by January 2013 to comply with the Localism Act 2011, and would need to re-consult with the Registered Providers of Housing within the District if the content was significantly different to the version already consulted upon.

To request minor changes to the Tenancy Strategy. However, any changes would also need to be agreed by Harlow and Uttlesford District Councils.

62. NON DOMESTIC RATES - NNDR1 FORM

The Portfolio Holder for Finance & Technology presented a report regarding the NNDR1 form for Non-Domestic rates.

The Portfolio Holder reported that, as part of the reform of Local Government finance, a proportion of Non-Domestic Rates would in future be retained locally, rather than paid to the central pool. This would greatly increase the importance of the NNDR1 form, which set out the anticipated amount of Non-Domestic Rates that would be collected in the coming year. The completion of the NNDR1 form would now become a key part of the budget process similar to the decision for setting the Council Tax base.

The Portfolio Holder stated that the Local Government Finance Bill was likely to require the formal approval of the NNDR1 form by the Council in the same manner as the setting of the Council Tax base. As there might be little time between when the Bill had completed its passage through Parliament and when the budget needed to be approved, the recommendation was intended to put the necessary process in place in advance.

Decision:

(1) That the delegation of authority to the Finance & Technology Portfolio Holder to approve the NNDR1 form, in consultation with the Chairman of the Overview and Scrutiny Committee, be recommended to the Council for approval.

Reasons for Decision:

To ensure that an appropriate approval process existed and avoid any potential delays or additional meetings later in the budget cycle.

Other Options Considered and Rejected:

The decision could be reserved to Council but this might necessitate an additional meeting of Council.

A decision could be delayed until after the Local Government Finance Bill had been enacted, although this might delay the budget process or necessitate additional meetings.

63. MEMBERSHIP OF THE ESSEX COUNTY TRAVELLER UNIT

The Environment Portfolio Holder presented a report concerning the Council taking membership of the Essex County Traveller Unit.

The Portfolio Holder reported that the remit of the Essex County Traveller Unit (ECTU) was to bring together existing gypsy and traveller services in Essex with regard to health, welfare, education and the management of unauthorised encampments within the County, on behalf of the District and Parish Councils. Essex Fire and Rescue Service and Essex Police also had dedicated Officers within the Unit. The Unit was now operational, with most authorities in Essex set to join, other than Southend Unitary and Epping Forest and Harlow District Councils. To date, no decision to formally join had been made, due to ongoing concerns regarding membership requiring control over the eviction of travellers from Council land being ceded to ECTU. The Cabinet was requested to agree that the Council should not seek membership of the Unit at the current time, but to engage informally with the Unit through attendance at meetings. The Planning Portfolio Holder had been appointed to the Board of ECTU but without voting rights. In addition, it was requested that a revised version of the ECTU Code for Travellers be adopted by the Council, subject to the Council deciding whether to take enforcement action against unauthorised encampments on Council-owned land.

The Director of Environment & Street Scene stated that Harlow and Southend Councils had similar concerns to this Council, in that they were reluctant to cede the ability to take enforcement action on land that they owned. The differences between dealing with unauthorised encampments on public and private was highlighted, and the long-term aim of ECTU was to be able to deal with unauthorised encampments on all types of land. The Director of Planning stated that this Council had a large number of approved sites within the District and understood the issues involved with Traveller encampments. The Council could work quicker than a central unit and the Portfolio Holder would share this Council's best practice with the other members of ECTU. The Environment Portfolio Holder agreed to distribute the revised code to all town and Parish Councils within the District.

It was highlighted that clause 12 of the revised code still referred to an '...agreed period of occupation...'. The Environment Portfolio Holder agreed to revise clause 12 and remove this reference. The Director of Environment & Street Scene added that the reference in clause 12 to re-occupation referred to a group that had been removed from that site. The Council could not prevent land being re-occupied by a different group within obtaining a Court Order. It was emphasised that the Council would always commence legal proceedings as soon as possible to remove unauthorised encampments from its land, and would take action to prevent land being continually occupied.

A local member for Chigwell Village expressed concern about the 28-day period stipulated in the Code before enforcement action would be taken if certain factors were met. This suggested that the Council had to wait 28 days before commencing any action to remove the unauthorised encampment, which could give rise to legal complications. The Director of Environment & Street Scene reassured the Cabinet that the revised Code reflected the actions taken by the Council in the past, and it allowed a short period of time for the members of the unauthorised encampment to move away before the Council executed a possession order. However, in the light of the comments made, the Environment Portfolio Holder moved that this item be deferred pending a review of the revised Code by the Council's Legal team.

Decision:

(1) That consideration of membership of the Essex County Travellers Unit and a revised Code for Unauthorised Encampments in Epping Forest be deferred pending further legal advice.

Reasons for Decision:

To ensure that any new Code agreed by the Council would not give rise to legal complications when it was implemented.

Other Options Considered and Rejected:

To join the Essex County Travellers Unit. However, this would cede the ability to take enforcement action over unauthorised encampments on Council-owned land to the Unit.

To agree the revised Code. However, this could potentially give rise to legal complications when taking action over unauthorised encampments.

64. WEST ESSEX WELLBEING JOINT COMMITTEE

The Portfolio Holder for Leisure & Wellbeing presented a report about the formation of a West Essex Wellbeing Joint Committee.

The Portfolio Holder stated that the Health and Social Care Act 2012 established Health and Wellbeing Boards as a forum where key leaders from the health and care system could work together to improve the health and wellbeing of their local population and reduce health inequalities. Each County and Unitary Council would have its own Health and Wellbeing Board. Board members would collaborate to understand community needs, agree priorities and encourage commissioners of services to work in a more joined-up way. The intention was that patients and the public should experience more joined-up services from the National Health Service (NHS) in the future.

The Portfolio Holder added that the Health and Wellbeing Boards would have strategic influence over service commissioning decisions across health, public health and social care. They would undertake the Joint Strategic Needs Assessment (JSNA) and develop a joint strategy for how these needs could be best addressed. The Boards would make recommendations for joint service commissioning and for the integration of services across health and care. Through undertaking the JSNA, the Board would also drive the local commissioning of health care, social care and public health. Other services that impact on health and wellbeing, such as housing provision, would also be addressed by the Boards.

The Portfolio Holder reported that it was essential that the Essex Health and Wellbeing Board was relevant and responsive to the needs and priorities within the communities of West Essex. As such, the community leaders for the communities within West Essex, Epping Forest, Harlow and Uttlesford Councils, along with the West Essex Clinical Commissioning Group, needed to have a strong voice within the Essex Health and Wellbeing Board. There was therefore, a need to ensure that West Essex had a local and democratically accountable forum to support effective joint working to produce better health outcomes.

The Deputy Chief Executive added that Tendring and Castle Point District Councils had formed a Joint Committee. Each individual Council did not have a place on the

Essex Health & Wellbeing Board as there were only four District Council places available. Therefore, a Joint Committee would give the Council a bigger voice and the West Essex Clinical Commissioning Group would welcome a West Essex Joint Committee.

Decision:

(1) That participation in a West Essex Wellbeing Joint Committee with Harlow and Uttlesford District Councils be agreed, with the membership and terms of reference as outlined in the report; and

(2) That the Council be requested to appoint two members to represent the Epping Forest District on the West Essex Wellbeing Joint Committee.

Reasons for Decision:

To support the development of a West Essex approach to community wellbeing and to ensure that the needs and priorities of Epping Forest and West Essex were recognised fully within the Essex Health and Wellbeing Board.

Other Options Considered and Rejected:

To not participate in the proposed Joint Wellbeing Committee for West Essex and seek to influence the Essex Health and Wellbeing Board on an individual authority basis.

65. ANNUAL REPORT ON THE WAIVER OF CONTRACT STANDING ORDERS - HOUSING CONTRACTS

The Housing Portfolio Holder presented an annual report on the waiver of Contract Standing Orders for various Housing Contracts.

The Portfolio Holder explained the need to continue to have waivers of Contract Standing Orders for specialist repairs work and suppliers of goods, works or services in excess of £25,000 for a further year – for which alternative competition arrangements had been used, and requested the Cabinet to note the use of such specialist contractors and suppliers in 2011/12. This included the contracts with Tunstall Telecom for the Careline Service, and Northgate IS Limited for the integrated Housing Management IT system. Expenditure with contractors not in formal contracts with the Council had reduced by around 70% from approximately £850,000 in 2008/09 to approximately £250,000 in 2011/12, and this would continue to reduce.

Decision:

(1) That the requirements of Contract Standing Orders C6 – C12 continue to be waived to allow the Housing Directorate to:

(a) continue to use specialist contractors to undertake a variety of specialist repairs work to Council properties, or other related services on behalf of the Housing Directorate without undertaking the full tendering processes required by Contract Standing Orders, subject to - in respect of all individual jobs exceeding £1,000 in value - either:

(i) quotes being obtained; or

- (ii) works being benchmarked and let based on a reduction against the current schedule of rates used by the Housing Repairs Service; and
- (b) continue to use the specialist service providers listed in the report for services in excess of £25,000 without competition, for the reasons given in the report; and
- (2) That, in accordance with good practice, the use of specialist contractors and suppliers by the Housing Directorate in 2011/12 be noted where Contract Standing Orders C6 – C12 were not followed (as previously agreed by the Cabinet), for the reasons identified in the report.

Reasons for Decision:

Until such time as all repairs work that were not undertaken by the Housing Repairs Service were let through formal contracts, Contract Standing Order C6 (Contracts Exceeding £50,000) needed to continue to be waived and the Cabinet to receive regular progress reports on expenditure with contractors.

It was necessary and appropriate for the Council to use other specialist service providers, for goods, works or services in excess of £25,000, without undertaking competitive tendering.

Other Options Considered and Rejected:

To undertake formal competitive tendering for works in excess of £25,000 and £50,000 as appropriate. However, this would be time consuming and resource intensive, and would lead to other targets and works not being met.

66. ANY OTHER BUSINESS**Resolved:**

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

- (a) Finance & Performance Management Cabinet Committee – 20 September 2012.

67. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 20 SEPTEMBER 2012

The Portfolio Holder for Finance & Technology presented the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee held on 20 September 2012.

The Cabinet Committee had made recommendations to the Cabinet regarding the Budget Guidelines for 2013/14 and the Financial Issues Paper. Other issues considered by the Cabinet Committee had included: the First Quarter Performance Monitoring, Targets and Methodology for the Council's Key Performance Indicators in 2012/13; the Annual Outturn Report on the Treasury Management & Prudential Indicators for 2011/12; the Quarterly Financial Monitoring Report for the period April to June 2012; a report on the recent Government consultation exercise concerning Business Rates Retention; and the Annual Governance Report for 2011/12.

Decision:

Budget 2013/14 – Financial Issues Paper

(1) That the 2013/14 budget guidelines be set in accordance with the revised four-year forecast as follows:

(a) the ceiling for Continuing Services Budget net expenditure be no more than £14.91million including net growth;

(b) the ceiling for District Development Fund expenditure be no more than £560,000;

(c) the balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement; and

(d) the District Council Tax not be increased, with the Council Tax for a band 'D' property remaining at £148.77;

(2) That a revised Medium Term Financial Strategy for the period to 2016/17 be developed accordingly; and

(3) That communication of the revised Medium Term Financial Strategy to staff, partners and other stakeholders be undertaken.

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.

CHAIRMAN