

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 1 February 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.15 pm

Members Present: C Whitbread (Chairman), W Breare-Hall, A Grigg, H Kane, J Philip, G Mohindra and S Kane

Other Councillors: R Brookes, Y Knight, S Murray, M Sartin, H Whitbread and J H Whitehouse

Apologies: S Stavrou and A Lion

Officers Present: G Chipp (Chief Executive), D Macnab (Acting Chief Executive), A Hall (Director of Communities), C O'Boyle (Director of Governance), R Palmer (Director of Resources), D Bailey (Head of Transformation), J Chandler (Assistant Director (Community Services)), K Durrani (Assistant Director (Technical Services)), S Hill (Assistant Director (Governance)), O Shaw (Head of Customer Service), R Wilson (Assistant Director (Housing Operations)), T Carne (Public Relations and Marketing Officer), G J Woodhall (Senior Democratic Services Officer) and P Seager (Chairman's Secretary)

98. WEBCASTING INTRODUCTION

The Leader of Council made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

99. ELECTION OF VICE-CHAIRMAN

In the absence of the Deputy Leader, who had tendered her apologies for the meeting, the Leader of Council requested nominations for the role of Vice-Chairman.

Resolved:

(1) That Councillor J Philip be elected Vice-Chairman for the duration of the meeting.

100. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Councillor G Mohindra declared an interest in agenda item 7, Overview and Scrutiny, by virtue of being the Chairman of Governors at Epping Forest College which was mentioned in the Chairman's regular report to Cabinet. 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 Officer Conduct, R Wilson declared an interest in agenda item 8, Review of Housing Allocations Scheme, by virtue of his son and daughter being on the housing register in band 'C'. The Officer had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

101. MINUTES

Decision:

(1) That the minutes of the meeting of the Cabinet, held on 7 December 2017, be taken as read and signed by the Leader as a correct record.

102. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports made by Members of the Cabinet on current issues affecting their areas of responsibility.

103. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

The Cabinet noted that no public questions or requests to address the Cabinet had been received for consideration at the meeting.

104. 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 9 January 2018:

(a) a presentation from Transport for London concerning their operation of bus services within the District, followed by questions from Members;

(b) a review of the progress made with the Key Action Plan during Quarter 2 of 2017/18;

(c) preparation for the visit of the Principal of Epping Forest College at the Committee's next meeting on 27 February 2018; and

(d) a request for the East of England Ambulance Service to attend the Committee's meeting in April 2018 and for Essex County Council to attend the Committee's meeting in June 2018.

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

The Chairman also informed the Cabinet that a request had been received from the Portfolio Holder for Technology & Support Services for the Council's Overview & Scrutiny function to investigate the work being undertaken on the Digital Innovation Zone and other broadband activities by other partners within the District.

Cllr Murray highlighted two issues within the report by the Chairman of the Overview and Scrutiny Committee:

(i) the current uncertainty surrounding the future use of Luctons Field by Epping Forest College with the possibility that a further green space would be removed from public use; and

(ii) the threat to the number 20 bus service terminating early on its current route.

The Cabinet welcomed Cllr Murray's interest in these issues, and requested the Chairman to proceed with the request from the Portfolio Holder for Technology & Support Services.

105. REVIEW OF HOUSING ALLOCATIONS SCHEME

The Chairman of the Communities Select Committee presented the report from the Select Committee on the review of the Housing Allocations Scheme.

The Chairman reported that, at its meeting on 5 September 2017, the Select Committee considered a report on the review of the Housing Allocations Scheme, which came into force on 27 July 2015.

The Select Committee was asked to give detailed consideration to the revised Scheme having regard to the initial informal views of Cabinet Members, which it did, and a copy of the draft amended Scheme was now submitted to the Cabinet for consideration. There were four main changes recommended by the Select Committee:

- (i) That the Residency Criteria be increased, with any new applicant who had lived in the District for less than **seven** continuous years immediately prior to their date of registration, not qualifying for inclusion on the Council's Housing Register.
- (ii) That any applicant who, in the view of the Director of Communities, had deliberately disposed of assets by means of wilful deprivation within the previous 6 years would be non-qualifying under the financial criteria.
- (iii) That the period of ineligibility for any person found to be guilty of serious unacceptable behaviour as set out under the Scheme be increased from 3 to 7 years.
- (iv) That any home seeker who refused **two** offers of suitable accommodation for which they had expressed an interest within any period should have their application deferred for a period of 2 years, or any tenant of the Council who was under-occupying and wanted to move to smaller Council accommodation, who refused three offers of suitable accommodation for which they had expressed an interest within any period, should have their application deferred for a period of twelve months.

The Chairman requested that the Select Committee's recommendations be accepted and the Council's revised Housing Allocations Scheme be adopted with a target date of 1 July 2018.

The Leader of the Council thanked the Select Committee for their report and advised that the draft revised Scheme was consulted upon, as well as external legal advice sought. The responses to the consultation were detailed within the report, and a further change to the Scheme was proposed in order to clarify that Council properties built in rural areas under Section 106 Legal Agreements would be re-let under locality provisions rather than the residency rules. Four further changes had been made following the receipt of advice from the external legal advisor, which the Cabinet was also requested to agree. The Cabinet was further asked to consider reducing the level of penalties to be applied to Council tenants who were downsizing to smaller Council accommodation. Finally, the Select Committee was requested to undertake a further review of the Scheme after it had been in operation for a period of three years.

Cllr J H Whitehouse felt that the Council should take issues such as family support into account when considering the suitability of accommodation for homeless

applicants, and that it was unfair to make applicants brought up in the District as children to start all over again to build up their seven years eligibility if they move out of the District for more than two years and then return to the District. The Assistant Director of Communities (Housing Operations) reassured the Cabinet that firstly the suitability of accommodation for each applicant was assessed by Homelessness Officers under the Homelessness legislation, and a lot of work went into this. Suitability of accommodation was defined in the Homelessness Code of Guidance. Secondly, when reviewing the Scheme, the Communities Select Committee agreed to provide applicants who met the residency criteria but then moved out of the District with two years protection, which was in line with the protection granted under the Homelessness legislation whereby if any applicant was accommodated out of their host authority's area for a period in excess of two years then the duty of that authority ended. It therefore followed that any applicants who left the District for more than two years should lose their residency under the Scheme.

In response to further questions from the Members present, the Assistant Director added that changing the residency criteria from five years to seven years would not affect the Council's approach to dealing with homelessness cases, and although it might reduce the eligibility of some people to join the Housing Register. With respect to any possible Officer discretion in waiving the Residency Criteria, the Assistant Director informed the Cabinet that this issue had been the subject of a recent case involving the Council in the High Court, the outcome of which was a ruling that authorities did not need to have such discretion in their Schemes. It was further explained that the Barrister representing the Council strongly recommended any discretion should only be for qualifying applicants, i.e. those who met the Residency Criteria and all other aspects of the Local Eligibility Criteria. Cllr Brookes supported the comments of Loughton Town Council for the residency requirement to remain at five years.

The Leader of Council welcomed the proposed changes as they would give priority to local people on the Council's Housing Register, and also manage the expectations of applicants on the Register.

Decision:

- (1) That the recommendations of the Communities Select Committee be accepted, as per Appendix A of the report;
- (2) That one further change to the draft Scheme be agreed in response to comments made by Nazeing Parish Council following the outcome of the consultation exercise with the Tenants and Leaseholders Panel, local residents, partner agencies, Parish and Town Councils and Housing Association partners, as set out at Appendix B of the report;
- (3) That the four changes made to the Housing Allocations Scheme (subsequent to consideration by the Communities Select Committee) be agreed in accordance with the advice received from the external legal advisor, as set out at Appendix C of the report;
- (4) That under the penalties for refusals of offers of accommodation (Paragraph 18.9 of the Scheme refers) the numbers of offers within any period before any penalty was applied be increased from three to four for existing tenants of the Council who were under-occupying accommodation and wished to move to smaller Council accommodation with their application being deferred for a period of twelve months; and

(5) That the Communities Select Committee be requested to review the Housing Allocations Scheme again after 3 years of operation.

Reasons for Decision:

To periodically review the Council's Housing Allocations Scheme and ensure that it met all of the requirements under Statutory Government Codes of Guidance, was lawful and took into account local needs and priorities.

Other Options Considered and Rejected:

To not agree the recommendations of the Communities Select Committee, or to make alternative changes to the draft Housing Allocations Scheme.

106. TRANSFORMATION PROGRAMME MONITORING REPORT - NOVEMBER 2017

The Leader of Council presented a report outlining the progress made by the Transformation Programme during November 2017, and the planned actions for December 2017.

The Leader reminded the Cabinet that regular monitoring reports on the progress of the Transformation Programme were considered at each meeting. This was the monitoring report for November 2017 and covered the progress made for all chartered projects of Medium and High Risk Potential, as well as key aspects of the Transformation Programme. The Cabinet noted that, overall, progress indicators for 'cost' and 'benefits' were Green for this period. The status indicator for 'time' was reported as Amber to highlight that 1 action (from a total of 88) was overdue on its deadline, when compared with planned timelines. Project and Programme Managers had actions in place to deal with any potential negative effects. Progress would be kept under review and it was anticipated that the status of these items would return to Green in the next report.

The Leader also highlighted that the substantial progress made by the Customer Services Programme, but would report in more detail on this at the Council meeting on 22 February 2018.

Cllr Murray (Loughton Roding) stated that residents in Loughton were very unhappy with the Council, over issues such as the building of dwellings on Jessel Green and the impact of the Epping Forest Retail Park on the retail units in Loughton Broadway. However, the Leader countered that residents all across the District were very satisfied with the services provided by the Council.

Decision:

(1) That the progress of Projects and Programmes within the Transformation Programme for November 2017 be noted, alongside the planned actions for December 2017.

Reasons for Decision:

To inform the Cabinet of the progress with the Transformation Programme, including work streams, programmes and projects.

Other Options Considered and Rejected:

No other options were available as failure to monitor and review progress of the

Transformation Programme and to consider corrective action where necessary, could have negative implications for the Council's reputation, and might mean that opportunities for improvement were lost.

107. OPTIONS AND IMPLICATIONS OF THE COUNCIL FUNDING THE EMPLOYMENT OF POLICE OFFICERS IN THE EPPING FOREST DISTRICT

The Portfolio Holder for Safer, Greener & Transport presented a report on the options and implications of the Council directly funding the employment of Police Officers within the Epping Forest District.

The Portfolio Holder reminded the Cabinet that, at its meeting on 7 December 2017, it had considered a report on the proposal for the Council to fund the employment of additional Police Officers, employed by Essex Police, but tasked by the Council's Community Safety Team. This would be to supplement Essex Police's existing District Community Policing Team in light of the high number of burglaries, crimes and anti-social behaviour in the District.

The Portfolio Holder advised the Cabinet that a recommendation from this report was that Officers would further investigate the implications of the Council funding additional Police Officers. The work undertaken to collate this information included an initial meeting with the Police District Commander and desk research, followed by a telephone conference with Nottinghamshire Council and a meeting with the management of Lakeside Shopping Centre in Essex, both of which employ additional Police Officers within their areas.

The Portfolio Holder stated the District Commander was very clear that Essex Police saw the proposal as a really positive initiative and that the abstraction of Officers would only happen in extreme cases and for very high priority incidents in Essex. He also confirmed that any staff sickness and Police training of the Council-funded Police Officers would be covered by a credit to the Council. The Lakeside Shopping Centre in Thurrock had been operating a direct Policing service for over five years with Essex Police and the arrangement had worked very well. There had only been a small number of abstractions over the period of their Service Level Agreement.

The Portfolio Holder reported that the costs of employing dedicated Police Officers, along with the commissioning of Parkguard Security Company to undertake targeted patrolling and youth engagement work, for a pilot period of three years would be £215,000 per annum. It was requested to make provision for this from the District Development Fund, and increase the District Council Tax to pay for it equating to an increase of £3.69 (2.5%) for a Band 'D' property. A Service Level Agreement with Essex Police would be drawn up to set out the detailed requirements for the employment of the three Police Officers.

Cllr Breare-Hall (Environment) felt this was a good proposal, although it was acknowledged that it was unfortunate for the Council to have to fund this. Cllr Breare-Hall also requested some form of monitoring to ensure that Essex Police did not remove the current regular Police resources within the District. Cllr H Kane (Leisure & Community Wellbeing) supported the use of Parkguard Security Company, but enquired whether there were any savings that could be made to fund these initiatives. Cllr Mohindra (Finance) stated that possible savings were investigated but none could be identified, therefore it was right to increase the District Council Tax precept for this, although this was only expected to be a three year stop-gap measure. Cllr Grigg (Assets & Economic Development) felt that residents would be prepared to pay a little extra District Council Tax for this initiative, and supported the suggested monitoring regime.

Cllr Murray welcomed the acknowledgement of the issue but could not support the District Council funding a service which it should not be providing. It was highlighted the precept for Essex Police was higher than the District Council precept for a Band 'D' property, and Essex Police was planning to increase their precept for 2018/19 by £12 so the District Council should be arguing for its fair allocation of resources from Essex Police. Cllr Murray reminded the Cabinet that the Government was considering increasing the resources available for the Police, and the stated priority of the new Police, Fire & Crime Commissioner would be increasing Community Policing resources in 2018/19. It was emphasised that the Council did not intervene to replace other services which were previously closed or run down by other bodies; the District Council Tax precept should only be raised to provide services that the District Council was legally responsible for, and the District Council should not be paying for Police Officers!

Cllr Mohindra responded that the Council had been very successful in generating revenue over the years, and hence the District Council precept was generally lower than comparable authorities throughout the country. Essex had fewer Police Officers than any other county in England, and it was hoped that Essex Policing would get an increased level of funding from the Government in due course. However, it was only right that the Council should assist until more resources from elsewhere became available as the Council was financially stable with the resources to do so. The Portfolio Holder added that the proposed increase in the District Council precept would be ring-fenced for this initiative and it was hoped that it would not need to be extended after the three-year pilot had finished. The Council was arguing its case with Essex Police but the District needed extra resources now. If the proposals were agreed tonight then it was expected that the extra resources would be deployed by June 2018 at the latest.

Cllr Sartin requested that this initiative benefit the whole of the District, and not just the urban areas, as the current Police presence in the rural areas was negligible. The Portfolio Holder accepted that the proposals would have to provide a visible Police presence across the whole of the District, but they would double the number of Police Officers across the District from three to six. Cllr Knight felt that this proposal would send the wrong message to Essex Police in that the District Council would make good any shortfalls, and enquired whether any other Councils had something similar. The Portfolio Holder responded that there were other Councils doing something similar - some of the London Borough Councils and Nottinghamshire County Council - and the work of these Officers would be directed by the Council's Community Safety Team. Monitoring of their duties would also be included in the prospective Service Level Agreement. The Council would not give any assurances that it would always make up any shortfall in resources, but the Council would bring pressure to bear on the Police, Fire & Crime Commissioner to give the District the Police Service it needed.

Cllr Mohindra commented that the Police, Fire & Crime Commissioner would see this initiative as only a short-term measure, but the Council also needed to manage the expectations of residents as they would not see Police Officers continually on patrol with only three extra Police Officers being provided. Cllr Mohindra also highlighted the additional funding for the Crucial Crew event.

The Leader of Council opined that Essex Police had been under-funded over the past decade, and anti-social behaviour had increased across the District in both rural and urban areas. The District Council was taking action now to deal with this, but only for a three-year period, and the Council would not have to pay for these Officers if they were called away to deal with an emergency elsewhere in Essex (i.e. an

abstraction). There was a need to monitor the success of this initiative, and the Leader proposed that regular progress reports be submitted every six months by the Community Safety Team to the Communities Select Committee.

Decision:

(1) That £215,000 per annum budget provision be made in the District Development Fund (DDF) for 3 years, to fund the following provision, for a pilot period of three years from April 2018 to March 2021:

(a) the employment of three full-time Police Officers by Essex Police, including a Sergeant and two Police Constables, to be tasked and directed by the Council;

(b) the commissioning of Parkguard security company to undertake targeted patrolling and youth engagement work; and

(c) the delivery of additional, targeted sessions at Crucial Crew and Reality Roadshow;

(2) That a Service Level Agreement (SLA) be drawn up with Essex Police to set out the detailed requirements and arrangements relating to decision 1(a) above, in line with the Heads of Terms for the SLA set out in the report;

(3) That the cost of £215,000 per annum be funded by increasing the Council Tax by £3.69 (2.5%) per annum for a band 'D' property; and

(4) That regular monitoring reports be submitted to the Communities Select Committee every six months by the Community Safety Team throughout the life of this initiative.

Reasons for Decision:

This proposal originally emanated from a series of high profile anti-social behaviour and crime incidents in Hillhouse, Waltham Abbey and in Epping High Street. However, over recent months, the District had also seen a significant escalation in the number of dwelling and motor vehicle burglaries (currently the highest number out of all Essex Local Authorities), which had resulted in Essex Police deploying a range of county-wide resources to try to address and deter the high level of crime.

Other Options Considered and Rejected:

To await the Police, Fire and Crime Commissioner plan and timescale for increasing the Council Tax precept for Local Community Policing, to see if additional Policing resources were deployed to the District as a result.

To await the results of the recent Government plan to increase the Policing Budget across the UK.

108. RATIONALISATION OF SHELTERED HOUSING ASSETS - INITIAL SCOPING REPORT

The Chairman of the Communities Select Committee presented the Select Committee's initial scoping report on the rationalisation of the Council's sheltered housing assets.

The Chairman reported that, at its meeting held on 16 January 2018, the Select Committee considered an initial scoping report from the Director of Communities on a proposal that consideration should be given to reducing the amount of low-demand sheltered housing in the Council's ownership and developing the resultant vacant land or buildings. In recent years, there had been a sharp decline in the popularity of sheltered housing, with older people tending to prefer to remain in their own homes for much longer, until they needed to move directly into independent living, residential or nursing accommodation – which had resulted in many vacancies in sheltered housing becoming difficult-to-let. At the same time, the Council had increasing numbers of local people registered on its Housing Register in need of general needs housing.

The Select Committee was therefore proposing that the Council reduced the amount of low-demand sheltered housing, through decanting the existing residents at some sheltered housing schemes to other suitable accommodation and then developing the resultant vacant land or buildings, and that an appropriate number of schemes be identified by Officers for potential redevelopment in the medium to long term, having regard to the criteria proposed in their report. The Select Committee was also proposing the adoption of a “*Sheltered Housing Standard*” that the remaining sheltered schemes should meet, to provide decent accommodation that was fit for future purposes.

The Chairman stated that the Select Committee intended to report to a further meeting of the Cabinet on: which sheltered housing schemes they felt should be decommissioned and their site(s) redeveloped; an initial proposed approach to decanting the existing residents; a Communication Strategy; any initial redevelopment proposals; and indicative budget costs.

Cllr Breare-Hall (Environment) felt that the proposals from the Select Committee were pragmatic and would support them, but enquired as to what was a reasonable length of time in recommendation 2. The Director of Communities stated that it was difficult to set a definitive period of time, but it was likely to be four-to-five years at least due to the works required for the larger assets. This was an initial scoping report which raised the concepts of rationalisation, and future reports would contain more details.

In response to further questions from the Members present, the Director of Communities acknowledged that any decanting of existing sheltered housing residents was a difficult issue and this had also been recognised in the report. It would need time and careful planning, and this issue had not been looked at in detail yet. The use of the current sites would be included in the future report, but there was a significant need for affordable housing within the District. The Chairman of the Select Committee agreed that the process would take time and it would not be rushed. No one chose to be in sheltered housing but the Council would look after every resident in its sheltered housing schemes.

Cllr Brookes highlighted that there were no shortage of private companies providing sheltered housing, although the Council facility at Parsonage Court was a top rated premises. Cllr Brookes also quoted an example of spinster sisters, one of the sisters had dementia and required a two-bedroomed property to allow her sister to stay with her rather than a one-bedroomed property. The Director of Communities accepted the difficulty of, and sensitivity required for, the decanting process and that each person had their own unique requirements. Cllr H Kane (Leisure & Community Wellbeing) highlighted the falling demand for sheltered housing, despite the increase in the aging population. The Director advised that there was an abundance of private sheltered housing available 20 years ago, but there was more support for people to

remain in their own homes now, which individuals preferred and consequently was now a greater priority.

Whilst it was acknowledged that some people were content to live in sheltered housing, it was important for the Council to provide the right balance in the available social housing. It was also important to recognise that sheltered housing was for adults of all ages, not just the elderly. The Council provided an exceptional housing service to residents and this initiative was to ensure that the Council continued to achieve this.

Decision:

(1) That further consideration be given to reducing the amount of low-demand sheltered housing in the Council's ownership and developing the resultant vacant land or buildings to provide either general needs housing, temporary homelessness accommodation and/or more appropriate accommodation for older people in order to help meet the housing needs of local people registered on the Housing Register in the future;

(2) That the "Sheltered Housing Standard", attached at Appendix 1 of the report, be adopted - with an objective of all sheltered housing schemes retained in the long term meeting the Standard over a reasonable period of time;

(3) That a further report be submitted to a future meeting of the Communities Select Committee with:

- (a) recommendations about which sheltered housing schemes should be decommissioned over a period of time and their site(s) redeveloped;
- (b) an initial proposed approach to decanting the existing residents;
- (c) a Communication Strategy for the Project;
- (d) initial redevelopment proposals for each of the identified sites;
- (e) indicative budget costs; and
- (f) an Equalities Analysis;

(4) That the following criteria be used for the assessment of sheltered housing schemes considered most suitable for redevelopment:

- (a) the number of bedsits;
- (b) the lettable, demand and location of the scheme;
- (c) the long term costs of improvements/repairs;
- (d) the amount of sheltered housing within the locality;
- (e) the number of lettings to local residents compared to applicants on the Supplementary Waiting List; and
- (f) the demand for general needs housing in the locality; and

(5) That a further report from the Select Committee be submitted to the Cabinet with its recommendations, after it had considered the further report in decision (3) above from Officers.

Reasons for Decision:

There had been a decline in the popularity of sheltered housing, which had resulted in many vacancies, but at the same time there were increasing numbers of people in need of general needs housing.

Other Options Considered and Rejected:

To not rationalise the Council's Sheltered Housing Assets.

109. PAY POLICY STATEMENT 2018/19

In the absence of the Portfolio Holder for Technology & Support Services, who had tendered his apologies for the meeting, the Portfolio Holder for Planning & Governance presented a report on the Pay Policy Statement for 2018/19.

The Portfolio Holder reported that Section 38(1) of the Localism Act 2011 required the Council to produce a Pay Policy Statement for each financial year setting out details of its remuneration policy. Specifically it should include the Council's approach to its highest and lowest paid employees. The Statement drew on the Review of Fair Pay in the Public Sector (Will Hutton 2011) and concerns over low pay.

Decision:

(1) That the Pay Policy Statement for 2018/19, attached at Appendix 1 of the report, be recommended to the Council for approval.

Reasons for Decision:

To enable the Cabinet to comment on the Council's Pay Policy Statement before it was approved by the Council.

Other Options Considered and Rejected:

To amend the content of the Statement prior to its approval by the Council.

110. CALENDAR OF COUNCIL MEETINGS 2018/19

The Portfolio Holder for Planning & Governance presented a report on the Calendar of Council Meetings for 2018/19.

The Portfolio Holder reminded the Cabinet that it considered the Council's Calendar of Meetings each year prior to its final approval by the Council. The Calendar had developed over time to meet the changing needs of the authority and, where possible, meetings of a Committee had been standardised on a particular night of the week for consistency. There were no radical changes proposed for the Calendar at this stage, although the dates of some meetings had been adjusted to allow for bank holidays, religious festivals and pre-booked Member training sessions. The Constitution Working Group was currently reviewing how the Council delivered its planning service and there was the possibility of some changes to the current structure.

The Portfolio Holder reminded the Cabinet that the Local Plan was currently at the Regulation 19 stage, and it would impact upon the Council when it was finally approved. A full review was being undertaken by the Constitution Working Group and changes could be implemented during the municipal year. Cllr Murray commented that any changes should not happen during the middle of a municipal year; however, the Portfolio Holder reiterated that Members might have to adapt to a new way of working and/or the Planning Committees themselves might have to change, e.g. the District Development Management Committee might have to meet more regularly than it does currently.

Cllr Mohindra enquired as to whether the number of meetings that the Council webcasted could be increased, and include the Select Committees in particular. The Portfolio Holder reminded the Cabinet that the Council was committed to webcast as many of its meetings as possible, and the list of meetings regularly webcast was kept under review. Cllr Brookes highlighted that the proposed Calendar for December 2018 currently contained meetings of the Overview & Scrutiny Committee, Area Planning Sub-Committee South and the Council all in the week before Christmas. The Portfolio Holder sympathised but highlighted that the day which Christmas fell on changed each year and there was a need to keep the Council running right up until the Christmas break.

Decision:

(1) That, as attached at Appendix 1 of the report, the draft Calendar of Council Meetings for 2018/19 be recommended to the Council for adoption.

Reasons for Decision:

To review the proposed Calendar of Meetings for 2018/19, prior to its final adoption by the Council.

Other Options Considered and Rejected:

To vary the individual frequencies of meetings although, in practice, additional meetings were added as and when issues dictated. Similarly, meetings could be cancelled if there was a lack of business.

111. TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19

The Finance Portfolio Holder presented a report on the Treasury Management Strategy Statement for 2018/19.

The Portfolio Holder stated that the Council was required to approve the Treasury Management Strategy and Prudential Indicators and a statement on the Minimum Revenue Provision (MRP) before the start of each financial year. The Strategies would also be scrutinised by the Audit and Governance Committee on 5 February 2018 and an update would be provided to Council on 22 February 2018 to cover any suggestions or proposed amendments.

Decision:

- (1) That the following be recommended to the Council for approval:
- (a) Treasury Management Strategy Statement 2018/19;
 - (b) Minimum Revenue Provision (MRP) Strategy;

- (c) Treasury Management Prudential Indicators for 2018/19 to 2020/21;
- (d) The rate of interest to be applied to any inter-fund balances; and
- (e) Treasury Management Policy Statement.

Reasons for Decision:

To ensure that the Council complied with the Chartered Institute of Public Finance & Accountancy (CIPFA) Code of Practice on Treasury Management.

Other Options Considered and Rejected:

To request additional information regarding the Treasury Management Strategy Statement or determine that additional indicators were required.

112. ANY OTHER BUSINESS**Decision:**

(1) That, as agreed by the Leader of Council and in accordance with Section 100B(4) of the Local Government Act 1972, the following items of urgent business be considered following the publication of the agenda:

- (a) Waste Contract Recycling Income;
- (b) Asset Management & Economic Development Cabinet Committee – 11 January 2018; and
- (c) Finance & Performance Management Cabinet Committee – 18 January 2018.

113. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 18 JANUARY 2018

The Finance Portfolio Holder presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee, held on 18 January 2018.

The Cabinet Committee had made recommendations to the Cabinet concerning: the approval of a revised and update Corporate Risk Register; the detailed Directorate Budgets for 2018/19; and the Council Budgets for 2018/19. There were no other issues considered by the Cabinet Committee.

Decision:**Risk Management – Corporate Risk Register**

- (1) That the Vulnerability, Controls and Management Actions for Risk 1, Local Plan, be updated;
- (2) That the Effectiveness of Controls/Actions for Risk 2, Strategic Sites, be updated;
- (3) That the revised Key Date for Risk 4, Finance Income, be updated;

- (4) That the Vulnerability for Risk 7, Business Continuity, be updated;
- (5) That the revised Key Date for Risk 9, Safeguarding, be updated;
- (6) That a new risk, Transformation Programme, be agreed as Risk 11 with the Vulnerability, Triggers and Consequence along with supporting controls as set out, and a score of B1 (High Likelihood/Major Impact); and
- (7) That the amended Corporate Risk Register be approved.

Detailed Directorate Budgets 2018/19

- (8) That the detailed Directorate budget for the Office of the Chief Executive be approved;
- (9) That the detailed Directorate budget for Communities be approved;
- (10) That the detailed Directorate budget for Governance be approved;
- (11) That the detailed Directorate budget for Neighbourhoods be approved;
- (12) That the detailed Directorate budget for Resources be approved; and
- (13) That the detailed budget for the Housing Revenue Account (HRA) be approved; and

Council Budgets 2018/19

- (14) That the following guidelines for the Council's General Fund Budgets in 2018/19 be recommended to the Council for adoption:
 - (a) the revised revenue estimates for 2017/18, and the anticipated increase in the General Fund balance by £0.76million;
 - (b) a decrease in the target for the 2018/19 Continuing Services Budget (CSB) from £12.92million to £11.71million (including growth items);
 - (c) an increase in the target for the 2018/19 District Development Fund (DDF) net spend from £0.93million to £3.87million;
 - (d) no change in the District Council Tax for a Band 'D' property to retain the charge at £148.77;
 - (e) the estimated increase in General Fund balances in 2018/19 of £1.10million;
 - (f) the five year capital programme 2017/18 – 21/22;
 - (g) the Medium Term Financial Strategy 2017/18 – 21/22; and
 - (h) the Council's policy on General Fund Revenue Balances to remain that they be allowed to fall no lower than 25% of the Net Budget Requirement.
- (15) That the Housing Revenue Account (HRA) budget for 2018/19, including the revised revenue estimates for 2017/18, be recommended to the Council for approval;

(16) That the rent reductions proposed for 2018/19, with an average overall fall of 1%, be noted;

(17) That the Chief Financial Officer's report to the Council on the robustness of the estimates for the purposes of the Council's 2018/19 budgets and the adequacy of the reserves be noted; and

(18) That the Director of Resources be authorised to make minor amendments and corrections to the figures above.

Reasons for Decision:

The Cabinet was satisfied that the Cabinet Committee had fully addressed all of the relevant issues.

Other Options Considered and Rejected:

The Cabinet was content that the Cabinet Committee had considered all of the relevant options and that there were no further options to consider.

114. COUNCIL BUDGETS 2018/19

The Finance Portfolio Holder presented a report on the Council Budgets for 2018/19.

The Portfolio Holder set out the detailed recommendations for the Council's budget for 2018/19. It was intended to add £990,000 to the reserves and the Council's policy on the level of reserves could be maintained throughout the period of the Medium Term Financial Strategy (MTFS). However, the Strategy indicated that it would be necessary to use reserves to support the provision of services with contributions of £387,000 in 2020/21 and £557,000 in 2021/22. The budget was based on the assumptions that the Council Tax would increase by 2.48% and that average Housing Revenue Account rents will decrease by 1% in 2018/19.

The Portfolio Holder highlighted the Chief Financial Officer's report to the Council on the robustness of the estimates for the purposes of the Council's 2018/19 budgets and the adequacy of the reserves within the budget report. It stated that the estimates as presented were sufficiently robust for the purposes of the Council's overall budget for 2018/19. In addition, the Council's reserves were adequate to cope with the financial risks facing the Council in 2018/19, but further savings would be needed in subsequent years to bring the budget back into balance in the medium term. However, there were particular concerns about the delivery of the savings from Transformation, the introduction of a new system of "Fair Funding" and the difficulties in estimating income from the retention of business rates.

The Portfolio Holder added that an opportunity had arisen to progress some of the staff changes under the People Strategy more quickly than originally anticipated to speed up the transformation process. Therefore, it was proposed to bring forward £300,000 of District Development Funding from 2018/19 to 2017/18, and this would necessitate an amendment to recommendation 1(c) in the report to read "*an increase in the target for the 2018/19 District Development Fund (DDF) net spend from £0.93million to £3.91million;*".

The Portfolio Holder acknowledged that this would be the first proposed rise in the District Council Tax precept for many years, however it would be ring-fenced to fund the additional security measures planned for the District, and the Portfolio Holder expected this rise to be reversed in three years time when the proposed agreement

with Essex Police expired. The Director of Resources and his Accountancy team were thanked for their efforts in preparing the budget, which the Cabinet were urged to recommend to the Council for approval.

The Portfolio Holder for Assets & Economic Development informed the Cabinet that the Council would accrue benefits from the developments at St Johns Road in Epping, Pyrles Lane in Loughton and other miscellaneous schemes as detailed in the minutes of the recent meeting of the Asset Management & Economic Development Cabinet Committee.

Cllr Murray reiterated that he could not support the proposed rise in the District Council Tax precept. The standard of living for many residents was falling and they were facing real financial difficulties; the District Council should not be directly funding Police Officers. The Portfolio Holder repeated that the rise in the District Council Tax precept had been ring-fenced for these measures, and unfortunately no savings had been identified to keep the District Council Tax precept at its existing level.

Decision:

(1) That the following guidelines for the Council's General Fund Budget in 2018/19 be recommended to the Council for adoption:

- (a) the revised revenue estimates for 2017/18, which were anticipated to increase the General Fund balance by £0.53million;
- (b) a decrease in the target for the 2018/19 Continuing Services Budget (CSB) from £12.92million to £11.91million (including growth items);
- (c) an increase in the target for the 2018/19 District Development Fund (DDF) net spend from £0.93million to £3.91million;
- (d) an increase of 2.48% in the District Council Tax for a Band 'D' property to raise the charge from £148.77 to £152.46;
- (e) the estimated increase in General Fund balances in 2018/19 of £0.99million;
- (f) the five year Capital Programme for the period 2017/18 – 21/22;
- (g) the Medium Term Financial Strategy for the period 2017/18 – 21/22;
and
- (h) the Council's policy on General Fund Revenue Balances to remain that they be allowed to fall no lower than 25% of the Net Budget Requirement;

(2) That the Housing Revenue Account (HRA) budget for 2018/19, including the revised revenue estimates for 2017/18, be recommended to the Council for approval;

(3) That the Council be requested to note that the rent reductions proposed for 2018/19 would give an average overall fall of 1%; and

(4) That the Chief Financial Officer's report to the Council on the robustness of the estimates for the purposes of the Council's 2018/19 budgets and the adequacy of the reserves be noted.

Reasons for Decision:

To determine the budget to be placed before the Council for approval on 22 February 2018.

Other Options Considered and Rejected:

To not recommend the draft budget to the Council for approval, or specify which growth items should be removed from the draft budget or which further items should be added.

115. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT CABINET COMMITTEE - 11 JANUARY 2018

The Portfolio Holder for Assets & Economic Development presented the minutes from the meeting of the Asset Management & Economic Development Cabinet Committee, held on January 2018.

There had been no recommendations made to the Cabinet to consider, and other issues considered by the Cabinet Committee included: a progress report from the Economic Development Team; and a progress report on Asset Management Development Projects.

Decision:

(1) That the minutes of the meeting of the Asset Management & Economic Development Cabinet Committee, held on 11 January 2018, be noted.

Reasons for Decision:

The Cabinet was satisfied that the Cabinet Committee had fully addressed all of the relevant issues.

Other Options Considered and Rejected:

The Cabinet was content that the Cabinet Committee had considered all of the relevant options and that there were no further options to consider.

116. EXCLUSION OF PUBLIC AND PRESS**Decision:**

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

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
18	Waste Contract Recycling Income	3

117. WASTE CONTRACT RECYCLING INCOME

The Environment Portfolio Holder presented a report on the Recycling Income from the Waste Management Contract.

The Portfolio Holder reminded the Cabinet that, since 3 November 2014, the Council had a contract with Biffa Municipal Limited, which covered domestic waste and recycling collection and street cleansing services. The contract was subject to an indexation mechanism which covered the majority of activities and also contained a further specific provision for an increase in the contract price in line with a formula for recyclable materials which reflected changes in the prices for commodities. The Portfolio Holder advised that the Council and Biffa had yet to reach agreement on the financial outcome of the arrangement for this year. By virtue of the pending decision on the Council's budget on 22 February 2018, it was felt to be prudent to seek a provisional contingency sum to be included in the Budget for 2018/19. In addition, the Cabinet was also advised of a letter received from Biffa regarding changes to the importation of waste to China, which again could present a financial risk to the Council.

In response to questions from the Members present, the Portfolio Holder stated that the contingency sum was based on advice received from Biffa, and it was not anticipated that a further supplementary estimate would be required. In relation to the changes for the importation of waste to China, it was not possible to quantify the financial aspects at the current time as it was not clear what the future measures would be, but the Portfolio Holder would liaise with other local authorities.

Decision:

- (1) That the inclusion of a contingency sum, as set out within the report, be included in the 2018/19 Budget in the event that Biffa were successful in their claim regarding the Recycling Income Unit Rate;
- (2) That, as part of the negotiation with Biffa, mitigation of the potential costs to the Council be sought by Officers and expert external advice be sought if required in support of this outcome;
- (3) That the fundamental changes to the importation of waste recyclable materials announced by the Chinese Government be kept under close review; and
- (4) That an item be included in the Council's Corporate Risk Register to reflect the potential impact on the Council of its Waste Management Contract with Biffa Municipal.

Reasons for Decision:

As a result of the current failure to agree the financial implications of the recycling income unit rate for November 2017, it was prudent to make a contingency allowance within the budget for 2018/19, at the same time as other bids were being made. This would avoid having to seek supplementary funding at a subsequent Council meeting, immediately after the budget had been set.

Other Options Considered and Rejected:

The Recycling Income Unit Rate arrangements were contained within the Contract with Biffa Municipal, and whilst there might be a disagreement on their application for 2017, there was no other option but to seek a resolution.

CHAIRMAN