

## EPHING FOREST DISTRICT COUNCIL CABINET MINUTES

<b>Committee:</b>	Cabinet	<b>Date:</b>	3 December 2020
<b>Place:</b>	Virtual Meeting on Zoom	<b>Time:</b>	7.00 - 9.46 pm
<b>Members Present:</b>	C Whitbread (Chairman), N Avey, N Bedford, A Patel, J Philip, S Kane and H Whitbread		
<b>Other Councillors:</b>	R Baldwin, R Brookes, L Burrows, S Heap, H Kauffman, A Lion, C McCredie, S Murray, C C Pond, C P Pond, M Sartin, B Vaz, J H Whitehouse, J M Whitehouse and D Wixley		
<b>Apologies:</b>			
<b>Officers Present:</b>	G Blakemore (Chief Executive), N Dawe (Chief Operating Officer), N Boateng (Service Manager (Legal) & Monitoring Officer), T Carne (Corporate Communications Team Manager), Q Durrani (Service Director (Contracts & Technical Services / Commercial & Regulatory)), D Fenton (Service Director (Housing Revenue Account)), J Gould (Service Director (Community & Wellbeing)), A Hendry (Democratic Services Officer), S Jevans (Strategic Director), S Kits (Lead Corporate Communications Officer - People), K Lee (Interim Asset & Property Manager), J Leither (Democratic Services Officer), S McNamara (Procurement and Contract Development Manager), K Pabani (Chief Estates Officer), A Small (Strategic Director Corporate and 151 Officer), L Wade (Service Director (Strategy, Delivery & Performance)), J Warwick (Service Manager (Contracts)) and S Lloyd-Jones (Sustainable Transport Officer)		

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### 93. 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.

### 94. DECLARATIONS OF INTEREST

(1) Pursuant to the Council's Member Code of Conduct, Councillor S Murray declared a non-pecuniary interest in agenda item 15 – Civic Accommodation and Community Hub, by virtue of being a trustee of Citizens Advice. The Councillor had determined that his interest was non-prejudicial and that he would stay in the meeting for the consideration of the item.

(2) Pursuant to the Council's Member Code of Conduct, Councillor Jon Whitehouse declared a non-pecuniary interest in agenda item 11 – St John the Baptist Church – Development Opportunity, by virtue of living close to the site. The Councillor had determined that although his interest was non-prejudicial he would not participate in the meeting for the consideration of the item.

**95. REPORTS OF PORTFOLIO HOLDERS**

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

**96. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET****Public Questions**

1. Mr R Morreale sent in the following question for the Planning and Sustainability Portfolio Holder. Mr Morreale was unable to attend the meeting so his question was read out by the Portfolio Holder.

**Question:**

“Part of The Local Plan of Epping Forest DC is designed to form the plan to create The Harlow and Gilston Garden Town.

The Planning Inspector looking at Harlow District Council’s Local Plan was advised in the spring of 2019 that if it’s Plan was implemented in full, in excess of 1600 (14%) more homes would be built than what was required of the Council. Within weeks the council received more Planning Applications from developers looking to build on brownfield sites, taking this figure to over 2000 homes.

Since the beginning of 2020 Harlow Council have continued to receive new Planning Applications to build homes on Brownfield sites taking the number of homes in excess of those required to over 3000. In addition a number of Permitted Developments have seen former offices converted to flats, taking this number even higher.

The recent publication from the Office of National Statistics of projected new households should throw doubt on the need to build so many houses in the area.

My question is:

In view of the above, can you explain why Epping Forest DC has not taken the opportunity to advise the Planning Inspector that it will amend its proposed Local Plan by removing a number of sites, particularly those to the south and south west of Harlow, thus saving the Green Belt from being built on?”

**The Portfolio Holders response was:**

“As members will be aware the planning Inspector wrote to the Council following the publication of the ONS household projections 2018 on 16 July 2020 seeking clarification as to whether the Plan’s housing requirement remained sound and whether a meaningful change in the housing situation had occurred.

In order to respond to this the Council together with the Strategic Housing Market Area partners: Harlow, East Herts and Uttlesford District Councils commissioned ORS to prepare some additional evidence. On 4 September 2020 the Council wrote back to the Inspector to advise that while the 2018 based projections demonstrate some variation from the 2014-based population projections, it does not represent a meaningful change in the housing situation from the one which informed the emerging Local Plan. The Inspector has now consulted on this matter and the responses are available on the Council’s website . She will be considering this information before determining whether or not any modifications to the housing

requirement or the Plan are required. Once agreed with the Inspector the Main Modifications to the emerging Local Plan will be the subject of a 6 week statutory consultation.

By way of background the Inspector considered the appropriateness of the housing number through the examination hearings. The Plan was examined under the 2012 National Planning Policy Framework and used 2014-based projections. In her advice note of 2 August 2019 (EB98) the Inspector agreed that the requirement for the District should be as set out in the Local Plan Submission Version 2017.”

2. A second questioner, Mr G Mitchell sent in the following questions for the Commercial and Regulatory Services Portfolio Holder. Mr Mitchell was unable to attend the meeting so his question was read out by the Portfolio Holder.

**Question 1:**

“With the proposed move of North Weald airfield (and other council owned assets) from district council ownership to a wholly public owned limited company, what are the benefits to people of the district in moving the asset(s) from the council’s direct ownership to that of a limited company?”

**The Portfolio Holders response was:**

“There are no proposals to move North Weald airfield to Qualis, the Council’s wholly owned company, at this time. There is only an intention to look at the options. We would expect the benefits to be explored as part of that exercise, but until this exercise has been undertaken this question is premature.”

**Question 2:**

“Is this committee aware of or is the council in any of its plans considering selling a stake in Qualis to private shareholders? I ask this in relation to how the proposed redevelopment of Epping town centre will be funded?”

**The Portfolio Holders response was:**

“There are no proposals or plans to sell any shares in Qualis to anyone else. The Council has the first option on providing the finance required to complete the regeneration of these sites, but Qualis has the right to raise finance in the commercial markets if the Council chooses not to exercise this right. The Council will choose whether to provide the finance based upon an analysis of the risk profile.”

**97. 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 19 November 2020:

(a) a presentation was received from officers of the UK Innovation Corridor; attending was John McGill, Director of the Innovation Corridor, and Dr Ann Limb, Chairman of the Innovation Corridor. They gave an overview of the work of their organisation to the Committee;

(b) the call-in on the restrictive covenants for Epping Forest College was also considered and the Committee decided to refer it back to the Cabinet for their further consideration;

(c) a progress report on the accommodation programme was also received as well as the Quarter 2 Budget Monitoring report for 2020/2021.

(d) the Committee also agreed that the Local High Street Task and Finish Panel be reconsidered at their February meeting as to whether it should be reconvened in the light of the impact Covid was having on our High Streets.

Councillor Murray expressed his concerns that Scrutiny was still dominated by just one group in terms of Chairmen and Vice-Chairmen; and that, in reference to the accommodation project, it was important that our staff had good access to office space as not all staff had ideal circumstances to work from home. This was an issue of staff morale and career development.

Councillor Sartin said they also had an update on the People's Strategy and were told about 'Perkbox' and the wellbeing strategy.

#### **98. RESPONSE TO CALL-IN ON THE "RELEASE OF RESTRICTIVE COVENANTS - EPPING FOREST COLLEGE" REPORT**

Councillor Patel the Portfolio Holder for Commercial and Regulatory Services introduced the call-in on Release of Restrictive Covenants – Epping Forest College, that had been referred back to the Cabinet from the Overview and Scrutiny Committee.

This had been thoroughly debated at that Committee. He noted that following this he had agreed to ask our legal officers to approach solicitors from the college to see if they could accommodate Councillor Chris Pond's request regarding the open land. Our legal officer has now spoken to the college who had responded that the college had sold the majority of the old playing field site and any such discussion on keeping the site unbuilt would have to be dealt with at the planning negotiations. As we were not the landowner this was best handled at the planning stage. Also, EFDC had no way of enforcing that the land stay as open land through a deed with the college as they no longer own the land. Given this and advice received he recommended that the decision taken at the September Cabinet meeting be upheld.

Councillor Chris Pond said that we had not sufficiently safeguarded that land and that we had some leverage now to do so. It was not appropriate to leave it to the planning process some years down the line. The Local Plan was not cast iron on this, it was merely an aspiration.

Councillor Murray endorsed Councillor Pond's point. He went on to say that the residents of Loughton had little trust in the whole process; the college had just taken and taken, we had lost the sport hall and Luctons' field. What we get in return was not guaranteed. He was still not convinced that we could solve the pressure on Primary Schools by extending existing ones, but ECC takes a different view on this.

Councillor Patel noted that we were in a stronger position a couple of years ago, now we were in a weaker one. This could be taken to a tribunal and he had been advised that the Council would lose the case.

Councillor Bedford agreed with Councillor Patel, as a third party now owns the land, we are now in their hands. Councillor Philip noted that there was a long and detailed history on this; Councillor Patel has done as much as he could. We do have a Local Plan (with the Inspector) that covers this area and we only have until 2033 to complete everything that was in our Local Plan. There was a requirement to keep land open in that particular site in the Plan, but we cannot commit to anything as we would be fettering the planning process. This was the best we could do at this stage.

Councillor Chris Pond remarked that indeed it was not in our gift to do this, but the college's. As he had said before, we can designate Jessel Green as a field in trust. Could that be considered.

Councillor Patel replied that he was not sure that it was in his gift to do so.

**Decision:**

That the Cabinet reaffirmed their decision taken at their meeting held on 14 September 2020 on the release of the restrictive covenants for Epping Forest College.

**99. PURCHASE OF STREET PROPERTIES**

The Housing and Community Services Portfolio Holder introduced the report on the purchase of street properties.

The report set out the details of the recommendation that the unallocated right to buy receipts were used to part fund a street purchase programme. Whenever possible right to buy receipts (RTB) were used to fund the Council House Building programme. If following this, there were unallocated receipts, there were several options which could be utilised. A new policy on the utilisation of RTB receipts would first go to the Stronger Communities Select Committee and then be presented to Cabinet in the New Year. One of the options for disposing of RTB receipts was to purchase street properties. Although the return would not be as good as a sizeable new build scheme, when managed carefully and with the appropriate knowledge a street purchase scheme could add value to the HRA business plan.

Subject to some final budget adjustments, officers expect to be able to purchase up to 28 properties. The total spend amounts to £10m. It should be noted that this sat within the HRA.

The previous street property scheme provided a combined IRR return of 3.46%.

Councillor Philip just wanted to confirm that the gap from our RTB receipts and the cost of the buying of the properties would come from the HRA and not the general fund.

Councillor Bedford asked if we could take advantage of the reduced stamp duty if we progressed this at a faster rate to get it through the system. He was told that yes, they were looking to complete all purchases by the 31<sup>st</sup> March, unless the government changed it. Councillor Bedford then asked how much it would save us. He was told that could be estimated and put in the minutes.

Councillor Chris Pond asked what parameters were used in buying these houses. Councillor H Whitbread said that there would be a mixture of properties in sizes, and houses and flats, depending on needs.

Councillor Wixley asked how the properties were to be selected and from what areas. He was told that they would be from across the district and would be a mixture of properties.

**Decision:**

- (1) The Cabinet agreed a street purchase programme which would consist of up to 28 properties; and
- (2) Agreed to appoint Metaplan to undertake the purchases on behalf of the Council.

**Reasons for Proposed Decision:**

There was a requirement that all the Councils 1-4-1 Receipts from Right to Buy (RTB) sales were spent within three years of receipt. Any receipts which were not allocated were passed back to the Government, with interest. The proposal to use the outstanding receipts would bring about much needed affordable housing and add value to the HRA business plan.

**Other Options for Action:**

Not to purchase these properties and pass on the Receipts to Government with interest. This would not be in the best interest of the Council given the local housing need. Also, the strain put on the Council's Housing Revenue Account (HRA) due to the loss of stock, under RTB would worsen.

**100. RECOMMENDATIONS FOLLOWING REVIEW OF SERVICE CHARGES**

The Housing and Community Services Portfolio Holder, Councillor H Whitbread, introduced the report on Service Charges.

The Council charge for additional services, to tenants living in blocks of flats based on a CPI increase yearly. An example of these services were the cleaning of blocks and communal utility costs such as electricity for lighting. EFDC's charging approach follows the government guidance to separate service charge from rents which took place in 2003. This approach has become challenging for most organisations over the years as some costs have risen above the rate of CPI. A recent analysis of cost against income was as follows:

Income - £590,662.40

Income expected based on costs - £1,265,905.77

Short fall against current charges - £675,243.30

Councils were now subject to rent regulations via the Regulator for Social Housing. The Regulations clearly state that social housing providers need to charge for services in a fair and consistent way which can be accounted for. This translates to charging the actual cost for the services broken down to each individual property. From a legal standpoint this protected us from challenge regarding fair and accurate

charging. Service charges were subject to housing payment support for tenants who were in receipt of benefit. Although it was difficult to be 100% accurate our data indicates that approximately 70% are currently receiving housing payment support, thus the new charges will be covered by the benefit. It should be noted that the income and expenditure of service charges comes under the Housing Revenue Account.

Officers undertook a large-scale review. The costs of services provided had now been established and applied to each individual property.

It was proposed that the increase would be implemented using an incremental approach over 3 years. This would seem fairer, particularly during these unprecedented times.

Councillor Bedford noted that we needed these increases and that they were long overdue.

Councillor Heap asked if it mattered that we were undercharging. He was told that the Council had to manage its HRA as best as it could. This would bring in more money and therefore improve our estates.

Councillor Jon Whitehouse noted that the tenants had been consulted, but had the leaseholders been consulted. He was told that the leaseholders were already paying the increased charges and although the increases did add up, they were covered by housing benefits.

Councillor Murray said that the methodology behind this seemed all right. He was concerned about the £3.50 increase at this time for people just above the benefits line. Did we know how many tenants would be faced with this large increase a week. Councillor H Whitbread noted that some people would be saving money with this review. As for how many people this affected, she asked Ms Fenton to answer. Ms Fenton said that we were now regulated by the Social Housing Regulator and now had to have fair and transparent charges, at the moment we did not; another reason for undertaking this review. It was about 25% of residents who would be paying this larger amount, and around 200 tenants would be seeing a decrease in their payments.

Councillor Rose Brookes asked why this had not been done before. She was told that they had now taken a close look at our charges, that, and the social housing regulator prompted to ensure that we had the fairest possible regime.

**Decision:**

- (1) The Cabinet approved the recommendation to increase service charges using an incremental approach. This followed the review regarding the level of service charges across the district and the requirement to introduce a fair and consistent approach to service charges for tenants living in blocks.
- (2) The Cabinet agreed to limit the increase in year 1 to no more than 40% (maximum £3.50 per week) and 70% in year 2.

**Reasons for Proposed Decision:**

The development of a fair and accurate charging regime for service charges supports the overall aspirations of the Councils Corporate Plan – Stronger Communities, Stronger Council.

**Other Options for Action:**

Not to develop a fair and accurate charging regime. This would leave us potentially in breach of the newly published Rent Regulations and at risk of legal challenge around fair charging. Furthermore, if not addressed will add pressure to the HRA.

**101. NEW HOUSING MANAGEMENT CHARGES**

The Housing and Community Services Portfolio Holder introduced the report on Housing Management Charges.

It was noted that EFDC owned approximately 12,000 assets including properties and garages. In addition to these, the Council owned other assets such as parcels of land, pathways, un-adopted roads, alleyways and grassed areas on residential estates.

A review of the staffing structure was carried out during the latter period of 2019, a decision was made to split the housing management team into 3 separate teams. The reason for this was to enable specialisms which would lead to improved services for residents. In addition, the Council would then be in a position to review charges for non-statutory requests. This report set out the review of services which did not currently attract a charge.

There was a cost to the District Council to carry out non-statutory tasks and these costs were not currently recovered. It was good practice to have a clear charging process agreed for these requests, so not putting pressure on the HRA account. Furthermore, any income can be regenerated to improve service provision for our communities.

A desk top review was carried out with comparable Councils to ensure we were charging a fair and reasonable charge.

Councillor Philip commented that it made a lot of sense, to balance some of the costs we incurred by doing this and ensuring that the people who benefited from these activities were the ones paying for it.

Councillor Chris Pond asked why was the permission to create front garden parking a very exact price of £75.09p, and what is the policy on parking on verges in front of houses. He was told that the charges had been benchmarked and assessed against other similar charges. As for people parking on grass verges, they should not be parking there, and we would take action where possible. As for parking in your front garden, we did have a specific policy, and could attach the policy to the minutes.

Councillor Wixley noted that we no longer created extra parking on Council land, hence more parking on verges. Also, what about skip licence fees, they were parked for some time and would tend to kill off the grass underneath. The Portfolio Holder took his point about the mess made on verges. Residents had to apply for a licence to park a skip, which helped us regulate the situation and could follow up on any damage caused. Councillor Murray asked if reinstatement for any damage caused by a skip was part of the licence conditions. He was told officers would investigate this.



Councillor Murray went on to ask if there was any discretion on loss of Fobs with tenants with special needs. He was told that on officers would use their discretion when dealing with the loss of fobs in exceptional circumstances.

**Decision:**

The Cabinet approved the proposed administration fees for carrying out non statutory requests from tenants, leaseholders and homeowners.

**Reasons for Proposed Decision:**

This report sets out the proposal to introduce reasonable administration costs to cover tasks carried out which are non-statutory requests. It should be noted that housing management changes sits under the Housing Revenue Account.

**Other Options for Action:**

Not to have a clearly stated charging system.

**102. ST JOHN THE BAPTIST CHURCH - DEVELOPMENT OPPORTUNITY**

The Housing and Community Services Portfolio Holder introduced the report on the development opportunities for the St John's the Baptist Church.

The cabinet noted that the Council had been approached by representatives of the Church to enquire as to whether there would be any appetite to undertake a joint project to develop a community hall and accommodation. The Church was keen to ringfence any residential accommodation for Key Workers. Furthermore, the community hall would be utilized by the Church and other local groups. The full details were subject to negotiation, however, a brief report had been prepared by our consultant (Metaplan). This indicated that subject to a mix of affordable and shared ownership housing, the project would provide a healthy return for the Council over the period of the Business Plan. In addition, a much-needed community resource would be created.

Funding for the project would come from the HRA account. A grant will also be sort from Homes England.

Councillor Avey was happy to support the proposal and to sort out this part of Epping and the St John's road area. The most exciting thing about this was getting a new community hall which was needed in Epping.

Councillor Philip said that looking at the finance it made sense to go with option 'c', even though the levels of the returns were tight and we would have to be very careful we did not have any significant cost overruns on it. The idea was a good idea, he liked the idea of shared ownership and key worker housing.

**Decision:**

1. The Cabinet approved the progression to full planning and gave approval to commit the capital required (£3,692,023) to build out the proposed scheme. This would form part of phase 5 of the council house building programme; and

2. That Cabinet noted the beginning of Phase 5, which would be funded from the HRA account.

**Reasons for Proposed Decision:**

The development of affordable housing supports the overall aspirations of the Councils Corporate Plan – Stronger Place, Stronger Communities.

The opportunity to partner with St John The Baptist Church provides both financial and community partnership benefits for the Council.

**Other Options for Action:**

Not to progress to full feasibility in which case the Church would contract with a private developer.

**103. COVID 19 DEVELOPMENT PROJECTS - LOCAL BUSINESS SUPPLIERS / PROCUREMENT STRATEGY AND RULES**

The Environmental and Technical Services Portfolio Holder, Councillor N Avey, introduced the report on the rules and strategy for local business suppliers.

The current Procurement Strategy was required to be renewed from January 2021, and as such an updated version was required. The strategy had been updated to reflect how Procurement could support the delivery of the Council's Corporate Objectives and Covid-19 recovery plan.

The Procurement Rules had been in effect since April 2018 and required an update to support the Council's new Procurement Strategy, and to ensure that the rules were aligned with the Strategy and help the Council to achieve its objectives. The Council was making changes to its approach to procurement, to recognise the broader economic and well-being impact of existing local businesses and attract new businesses to the District. The new procurement strategy and rules required a minimum of two local suppliers to be invited to tender wherever possible and a commitment to make faster payments to local suppliers (21 days instead of the mandatory 30).

The new procurement strategy included the use of Social Value, to enable bidders to be explicit in the provision of local job opportunities, apprenticeships and community benefits as part of their tender. A Sustainability-focused evaluation criteria had also been developed when assessing tenders to maximise the benefit to the District and its local businesses and communities.

Training and guidance were being developed to help contracting officers in procuring and managing contracts. This would include templates, checklists, examples of good practice and suggested structures for supplier meetings to ensure they were performing to the agreed standards set out when the contract was entered into, and that the Council got maximum value and benefit.

Councillor Philip welcomed the report as it made a lot of sense. Encouraging businesses in the district had to be the right thing to do.

Councillor Jon Whitehouse asked about the relationship on procuring from local companies and the use of framework agreements. A lot of local companies did not join framework agreements. How did we get sufficient local companies if they were not part of our framework? And, was Qualis classed as one of these companies or was it classed as an in-house service. He was told that big companies would apply but we would prefer to use local sub-contractors. We were members of bigger frameworks and also a national one. Using frameworks saved a lot of time. The benefits were that the timescales were quicker. There was a section in the rules about not using a framework for local suppliers.

As for the use of Qualis and were they identified as an in-house service? The meeting was advised that if Qualis was undertaking commercial activities then it was outside of public sector procurement rules. Officers would be looking for best value and Qualis being a subsidiary but independent company we would not automatically go with them unless it was advantageous to us.

Councillor Patel asked what provision or considerations were made from a health perspective, such as encouraging a business to become dementia friendly. He was told that would be down to individual contracts; something that we would want to consider at the contract phase. Councillor Patel asked what assurances could be given about this criteria. He was told this came down to the training of contract officers and their increased awareness of social value.

Councillor Heap asked when the 21 day payment was from; was it from when the invoice was received. He suggested that a benefit multiplier could be used to assess the social value of the money spent locally. He was told that yes it was when the invoice was received. It was the intention to keep the money spend local. Officers would investigate using a benefit multiplier.

#### **Decision:**

- (1) The Cabinet agreed the updated Procurement Strategy for 2021–26 which supported the Council objectives under Covid-19 Development Projects to become effective from 01 January 2021; and
- (2) Agreed the updated Procurement Rules, that would come into effect from 01 January 2021.

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

To update the current Procurement Strategy and accompanying Procurement Rules in line with current best practice and use the opportunity to incorporate Covid-19 Development Project aims.

#### **Other Options for Action:**

To let the Strategy expire and not replace it, this would mean there was no high-level strategic direction to the Council's purchasing and would drastically reduce the likelihood of achieving value for money and providing good quality services to our residents.

To leave the Procurement Rules as they were, this would not be a viable option as the rules would not be in alignment with our Corporate Objectives and Covid-19 recovery plan, thus making the achievement of those objectives much more difficult.

**104. COVID 19 - DEVELOPMENT PROJECTS - TRAVEL LOCAL DEMAND RESPONSIVE TRANSPORT (DRT) TRIAL**

The Environmental and Technical Services Portfolio Holder, Councillor N Avey introduced the report on the Travel Local Demand Responsive Transport (DRT) trial.

Earlier in the year the Council agreed to part fund operation of Bus Route 87 service with Essex County Council when the commercial operator Arriva was unable to operate it as a commercially viable option. This was initially done on a six month basis from 1 April 2020, however due to the impact of Covid-19 this was extended by another three months up to 31 December 2020. Covid-19 had compounded the commercial viability of this service as fewer people were using the bus, however, it remains popular within the Loughton area and between Epping Station and Staple Tye and Central Harlow.

It was proposed that instead of extending the subsidy the money could be better utilised in trialling a 'hybrid' Demand Responsive Transport (DRT) service with Epping Forest Community Transport (EFCT). This was a pre booked peak hours service where passengers could check the route, availability and decide to book a seat if they so wished. Off peak, a traditional timetabled service would run, with acceptance of concessionary passes (but subject to Covid-19 vehicle occupation rules).

Due to the uncertainty over demand and the costs associated in setting up a DRT it was necessary to have a budget to carry out a trial. If successful it could be self-financing and could serve as a baseline for introduction in other parts of the District. For avoidance of doubt any passengers wishing to use the new service will be charged the same fares as the current operator Arriva.

Councillor Philip welcomed the report saying it was an important mode of transport and was looking forward to adding more services.

Councillor H Whitbread said that this was good idea that would benefit local people. She asked how this service would be advertised to ensure its maximum usage. She was told that if agreed officers would start aggressive advertising, run a PR campaign and also put up notices in the bus shelters etc. It would be key to publicise it to staff and to use social media.

Councillor Patel commented that there was potential to expand the service and link all bus routes together, linking the High Streets. This would be a way forward after the trial.

Councillor S Kane asked how success was being measured on this trial and when would we start assessing that. Q Durrani (Service Director) said that they would be monitoring it from day 1 and would report back in quarter 4, in March 2021. Officers have spoken to the Hospitals who would be using the service as well as our own staff. There will be a digital booking service. But it will also have to be Covid secure.

Councillor Chris Pond said it was a good trial initiative. There would be difficulties to mesh it with other services. He noted that a lot of the peak time service passengers would be school children. There was room for some confusion and particularly for OAPs for when their passes would be available to use. Also, could the service serve the Newham Council Campsite at Debden Green and would it cover the Langston Road Retail Park. Mr Durrani commented that the old Counties Service would not serve the retail park so our service could pick this up.

Councillor Janet Whitehouse asked what the capacity of the bus would be and how often would the bus run. She was told that because of Covid it would be a maximum of 7 passengers, and it would be an hourly service, but would also be demand responsive. If needed a second vehicle could be put on. Councillor Bedford noted that now hospital staff would be vaccinated, we could increase the number that used the service from the hospital. Officers would also investigate if one bus could just be for hospital staff.

**Decision:**

(1) The Cabinet agreed that continued subsidy payments to Essex County Council for operation of Bus 87 was not sustainable and as agreed by Cabinet on 19 October the outcome of Travel Local initiative of Covid 19 Recovery projects be progressed further;

(2) The Cabinet agreed allocation of £26,574 from the Sustainable Travel Projects for a three month trial of a Demand Responsive Transport (DRT) bus service to be operated by Epping Forest Community Transport (EFCT) and to include as much of the current Route 87 as was feasible; and

(3) A further report be presented to Cabinet with the outcomes of the DRT trial and opportunities to extend the DRT service to other parts of the District to improve connectivity.

**Reasons for Proposed Decision:**

To seek funding for a trial DRT service which could be self-financing in future.

**Other Options for Action:**

It was not sustainable to continue to subsidise the non-commercially viable Bus Route 87 and the Council could stop this subsidy which may cause some reputational risk to the Council by disconnecting parts of the District from Harlow and the Princess Alexandra Hospital.

**105. ASBESTOS POLICY**

The Housing and Community Services Portfolio Holder, Councillor H Whitbread introduced the report on the Council's asbestos policy.

The Cabinet noted that on 21st September 2020 consultation was undertaken with the Councils Leadership and Senior Management Teams and Corporate Health and Safety Officers who considered a draft Asbestos Policy 2020 on asbestos containing material located in Council owned and managed properties.

Following consultation, Epping Forests Tenant and Leaseholder Panel at its 14<sup>th</sup> October 2020 meeting considered the draft Asbestos Policy 2020 and recommended its endorsement to Cabinet.

Its adoption was a key decision as the Asbestos Policy 2020 sets out the lines of responsibility, principles and guidelines that the Council would apply in the management, removal and disposal of asbestos containing material.

**Decision:**

- (1) The Cabinet agreed that following consultation with the Councils Leadership and Senior Management Teams and Corporate Health and Safety Officers and endorsement by the Tenant and Leaseholder Panel, the Councils Asbestos Policy 2020 be adopted;
- (2) The aims of the Policy Statement, to effectively manage all asbestos containing materials in Council owned and managed properties in such a manner as to minimise the risk of any person being exposed to asbestos fibres be approved; and
- (3) That, the targets of the Asbestos Management Plan and the Asbestos Register detailed in the Asbestos Policy 2020 be approved.

**Reasons for Proposed Decision:**

An approved Asbestos Policy 2020 would provide detailed arrangements and procedures that the Council would use to ensure compliance with the Control of Asbestos Regulations 2012, identifying the lines of responsibility around a robust framework of measures minimising the risk around asbestos and asbestos containing material in Council owned and managed properties.

**Other Options for Action:**

Not to follow the recommendations of the Tenant and Leaseholder Federation and not endorse the Asbestos Policy 2020.

**106. CIVIC ACCOMMODATION AND COMMUNITY HUB**

Councillor C Whitbread introduced the report updating the Cabinet on the Council's Community Hub.

The impact of Covid-19 and the associated need to swiftly mobilise a local support hub back in March, provided a clear illustration of the value and benefit of partnership working in the Epping Forest district. The 'Covid response - Epping Forest Community Hub,' whilst hosted by the District Council, relied heavily on the involvement and support of the voluntary community sector (VSC) and, specifically, Voluntary Action Epping Forest. Clinically extremely vulnerable residents who were required to shield continued to be able to access a range of collaboratively delivered services including; shopping, prescription collection, befriending and signposting to specialist support. Through partnership working the Council had been able to draw on invaluable wider resources, not least from a pool of dedicated local volunteers and mutual aid groups, therefore increasing capacity and enabling responsive, friendly and accessible support to be delivered to those most in need.

Officers had been having conversations with VAEF and Citizens Advice and other partners to help us target services where they were most needed, so residents got a more holistic service. They were looking at having 'themed days' at the hub maybe linking housing, homelessness and employment. Working in a hub type environment would enable the type of intervention at the outset. The Civic would be at the heart of the Hub approach and then to expand on into different areas of the district.

Councillor H Whitbread said that this was an exciting project, she had been impressed by the new space which would be good for the public to use. Satellite hubs would also be very important.

Councillor Murray was pleased with the report but noted that the bulk of the population was not in Epping and was pleased about the satellite concept.

Councillor Patel was pleased with the report as it set the model of what a community hub should be. ECC should take note.

Councillor Janet Whitehouse asked if organisations would move into our offices or would they just have an information desk there. She was told that it would be different for each organisation. Some organisations would move into the hub and give up their current premises. It would also allow officers to refer to other authorities set in the same building. It would grow organically.

Councillor Chris Pond said it was good to make better use of the Civic Offices and he hoped that Epping Library would be accommodated there.

Councillor Jon Whitehouse was pleased to see this join up how residents could access services, both virtually and physically.

**Decision:**

- (1) Cabinet considered the opportunities for establishing a community hub and were happy with the progress made; and
- (2) In the context of establishing a community hub, Cabinet understood the current discussions in relation to partnership working.

**Reasons for Proposed Decision:**

Establishing a vision for a community hub as defined by the council, partners and community will ensure services were designed based on the collective need.

**Other Options for Action:**

To establish the building as a space where partners are co-located, with no additional opportunity for benefits from establishing a community hub.

To offer the space to commercial tenants which would generate income.

To remove or reduce grants with partners which at this stage would disrupt the direction of travel for reframing the relationship and establishment of the community hub.

**107. QUALIS GROUP BUSINESS PLAN**

The Commercial and Regulatory Services Portfolio Holder, Councillor Patel introduced the Qualis Business Plan for 2020-21.

The Business Plan set out the detailed activities for Qualis in the forthcoming year and, once agreed by the Council, Qualis could deliver these activities without further recourse to the Council.

Approval of the Business Plan represented the Council's main mechanism for annually influencing and controlling the activities of Qualis.

The Business Plan presented here was the first full Business Plan produced by Qualis and reflected the ongoing development and positioning of the company. For this reason, and because the final Board had only recently been appointed, Qualis had produced a single year Business Plan for 2020/21. A 4 year Business Plan would be developed and presented to the Council as the new Board of Qualis planned the future strategy for the Group.

Councillor Philip noted the expected future returns from Qualis to the Council for the next year. Covid had had an affect and would also affect the budget. But without having this in place the council would be struggling more for the next and coming years. He welcomed the report and welcomed seeing the four year business plan that would allow us to factor it into our medium term financial strategy.

Councillor Murray asked how the acquisitions, as reported in the business plan, would work. Councillor Patel replied that the Council had enabled Qualis to purchase properties on the open market to enable them to generate an income stream. It was not for us to determine what they purchased. Councillor C Whitbread noted that they also had to go through due diligence before they purchased anything. They were investment purchases for good yields and positive returns.

Councillor Murray noted paragraph 6 of the report need cabinet approval about the transfer of future services; but he would like scrutiny to have a look at the case as well before the service was transferred to Qualis. Councillor C Whitbread agreed that was a good point and he would like to investigate further and feedback at the next Council. Councillor Patel said it seemed a sensible approach.

Councillor Wixley noting paragraphs 4.1 and 4.2 of the report expressed his concern over the Pyrls Lane development of 80 dwellings (as opposed to the 36 originally proposed). The site was backed onto by a number of residences in his ward. This was a sensitive site and he asked for consideration for the near-by residents. Councillor C Whitbread said that Qualis would give due regard to local residents when putting forward planning applications. Councillor Patel said they would have to abide by the planning process, and it was in their interest to work with ward members and local residents.

Councillor Chris Pond asked if the Portfolio Holder had made an estimate of the effect of on the business plan by the statement made last week by the Chancellor of the Exchequer on the question of the misapplication of Public Works Loans Board loans for the purpose of ensuring yields. Councillor Patel said that this was at a very early stage from when the announcement was made. He has had a meeting with the relevant officers, and they will be looking at this as they moved forward. We were still awaiting more details. Councillor Philip added that there was not enough information to know what it would mean and to remain compliant with it; but Qualis could still raise funds outside the Council.

Councillor Jon Whitehouse said that he would like to have a full report earlier. He also considered that members did have an interest and what Qualis acquired as it was our resident's capital being invested. It came as a surprise to him that Qualis was investing outside the district as he remembers at a Cabinet Finance committee



meeting where members were not keen on doing that. Finally, he was pleased to see that there was a bit more clarity that the district council was to buy back the new sports centre from Qualis and presumably enter into a management agreement.

Councillor C Whitbread said that ideally, he would like in the future to see the business plan go to a select committee first.

Councillor Heap asked about the acquisitions mentioned in the report, did they employ someone to seek these out and was it commissioned based, if so, how much did it cost. We did not agree to speculation outside the district when it was set up. This money should have been invested in the District. Councillor C Whitbread disagreed and said that we needed to be in a position where we were getting a good return for our investments and not all investments in our district would give us a good return. It could be argued that local investments would help protect jobs. However, these were all good investments that had gone through due diligence. S Jevans added that the Council agreed an asset management strategy back in February about the approach to investments outside the district. Qualis has a Risk and Investment Committee who consider in great detail each opportunity and we then engaged with commercial estate agents on a fixed fee.

A written answer would be given as to the amount of the fees paid.

#### **Decision:**

The Cabinet recommend that Council agree the one year Qualis Business Plan.

#### **Reason for Proposed Decision:**

Under the terms of the Shareholder agreement between Qualis and the Council, Qualis is required each year to bring forward an annual and a 4 year Business Plan for agreement.

#### **Other Options for Action:**

No other options were available.

### **108. ANY OTHER BUSINESS**

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

### **109. EXCLUSION OF PUBLIC AND PRESS**

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>
19	Strategic Options for Waste Management	3

**110. STRATEGIC OPTIONS FOR WASTE MANAGEMENT CONTRACT**

The Environment and Technical Services Portfolio Holder introduced the report on the strategic options for the Waste Management Contract.

It was noted that the Council had entered into a 20-year contract with Biffa Municipal Limited for street cleansing and waste and recycling services in November 2014. The contract had a 10-year break clause and the Council and Biffa need to agree if there was to be another 10-year extension from November 2024. Informal feedback from Biffa indicated that there were certain elements of the contract that they would like to review as part of the extension. Such a major decision required formal contractual negotiations between the Council and Biffa to enable both parties to assess financial and operational implications.

Ricardo Energy & Environment were commissioned to carry out a high-level review of the current Biffa contract and advise on service costs relative to market and options available to the Council. The review had identified a number of positives as well as risks.

Before the Council opens formal negotiations with Biffa more information was needed on the options available. These included the qualitative performance of the contract, market trends in relation to recycling challenges, procurement and alternative service delivery options. It was therefore recommended that Ricardo be engaged to expand on the work they had done and provide technical advice to the Council in negotiations with Biffa.

**Decision:**

(1) The Cabinet noted that the Council's current street cleansing and waste and recycling collections contract with Biffa Municipal Limited which started in November 2014 was working very well delivering significant financial and operational benefits and that there was an option to extend the contract by another 10 years in November 2024 subject to both parties agreeing;

(2) The Cabinet noted the high-level desk top review of the current street cleansing and waste and recycling collections contract with Biffa by Ricardo Energy & Environment Limited;

(3) The Cabinet agreed that in light of the initial findings of the high-level review and to seek best outcomes for our residents the following strategy be adopted to enable a decision on next steps at the end of the first 10 years of the Biffa contract:

a) Carry out a more detailed performance assessment of the current Biffa contract and consider the suite of service delivery options available to the Council.

b) Identify and explore financial and operational risks in the current Biffa contract including contract price indexation, decreasing income from sale of recycling materials, risk share of recycling prices, material processing fees, lack of Council owned depot, procurement options including the ability to offer Biffa an extension.

- c) Explore opportunities and alternative delivery models like bringing the service back in house or delivering through a subsidiary company as well as service improvement and innovation, assessment of waste and recycling depot as a strategic asset and opportunities it may offer for synergies with other operational services. And to
  - d) Commence negotiations with Biffa and assess their willingness for an extension
- (3) The Cabinet agreed to engage Ricardo Energy & Environment Limited to carry out the next phase of detailed assessment and analysis work in accordance with section 2.7 (a) of the Procurement Rules; and
- (4) The Cabinet agreed to allocate £25,000 from the Sustainable Travel Projects to enable this assessment work and to report back to Cabinet on the findings.

**Reasons for Proposed Decision:**

To enable a decision on the next 10-year extension of the street cleansing and waste and recycling services contract with Biffa from November 2024. The early start was to have adequate time for a procurement exercise if an agreement on extension cannot be reached.

**Other Options for Action:**

It was possible to commence negotiations with Biffa for the further 10-year extension of the contract without knowing the full knowledge of market factors however this could result in agreeing an extension which may not be in the best interest of the Council.

The scope of Ricardo's work could be limited to Biffa contract extension only and no consideration given to other options available to the Council.

As part of the next phase feasibility of collocating the depot with a neighbouring local authority will be assessed.

**CHAIRMAN**

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