

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet

Date: 9 March 2015

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

Time: 7.00 - 8.20 pm

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

Other

Councillors: K Adams, K Angold-Stephens, J Lea, A Mitchell MBE, R Morgan, S Murray, G Shiell, B Surtees, Mrs J H Whitehouse and J M Whitehouse

Apologies:

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), A Hall (Director of Communities), R Palmer (Director of Resources), K Durrani (Assistant Director (Technical Services)), S G Hill (Assistant Director (Governance & Performance Management)), T Carne (Public Relations and Marketing Officer), B Copson (Senior Performance Improvement Officer), G J Woodhall (Democratic Services Officer) and J Leither (Democratic Services Assistant)

Also in attendance C Pasterfield (Consultant)

139. WEBCASTING INTRODUCTION

The Leader of the Council made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

140. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

141. MINUTES

Decision:

(1) That the minutes of the meeting held on 2 February 2015 be taken as read and signed by the Leader of the Council as a correct record.

142. REPORTS OF PORTFOLIO HOLDERS

The Leader of the Council announced that the item regarding the designation of a Neighbourhood Area for North Weald Bassett had been deferred until the next scheduled meeting of the Cabinet on 13 April 2015, following discussions with the Parish Council.

143. PUBLIC QUESTIONS

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

144. 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 10 February 2015:

- (a) the draft Corporate Plan for 2015-20 and the associated Action Plan for 2015/16;
- (b) the final report of the Scrutiny Panel Framework Review Panel, which had made the following recommendations:
 - (i) the creation of 4 'Select Committees' closely aligned to the new Directorate structure;
 - (ii) the Standards Committee and Audit & Governance to retain their separate identities; and
 - (iii) the creation of a Constitution Working Group; and
- (c) a consultation from the Lea Valley Regional Park Authority on its Park Development Framework.

The Key Decision List including Proposed Private Decisions was reviewed but there were no specific issues identified on any of the items listed.

145. COUNCIL HOUSEBUILDING CABINET COMMITTEE - 18 DECEMBER 2014

The Housing Portfolio Holder presented the minutes from the meeting of the Council Housebuilding Cabinet Committee held on 18 December 2014.

The Portfolio Holder reported that the Development Strategy for the Council Housebuilding Programme had been recommend to the Cabinet for approval, but this had been the subject of a separate report considered by the Cabinet at its previous meeting on 2 February 2015.

The Portfolio Holder advised that twelve Feasibility Studies for the development of various sites across the District had also been considered, as well a report on the introduction of a new Code for Sustainable Homes.

Decision:

- (1) That the minutes of the meeting of the Council Housebuilding Cabinet Committee, held on 18 December 2014, be noted.

Reasons for Decision:

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

Other Options Considered and Rejected:

The Cabinet was satisfied that the Cabinet Committee had considered all the

relevant options and that there were no further options to consider.

146. REVIEW OF THE HOUSING TENANCY POLICY

The Chairman of the Housing Scrutiny Panel presented the Panel's report on the review of the Housing Tenancy Policy.

The Chairman reminded the Cabinet that, under the Localism Act 2011 and the Homes and Communities Agency's Regulatory Framework for Social Housing in England, Registered Providers (predominantly, but not exclusively, housing associations and local authorities) had to publish a Tenancy Policy setting out clear and accessible policies that outlined their approach to tenancy management, including interventions to sustain tenancies, the prevention of unnecessary evictions and tackling tenancy fraud.

The Chairman stated that the Council's current Tenancy Policy came into force on 1 September 2013. Under the Policy, the Council used its powers to introduce a pilot scheme to grant Flexible (fixed term) Tenancies on properties comprising 3 or more bedrooms. At the request of the Cabinet, the Housing Scrutiny Panel reviewed the success of the Pilot Scheme, after 12 months of commencement, with a view as to whether the Pilot Scheme should be discontinued, continued or the scheme extended to include 2 bedroom properties; and whether to means test tenants in future as part of the Assessment Criteria at the end of the Flexible Tenancy period.

The Chairman reported that the Scrutiny Panel considered a report on the proposed revised Tenancy Policy, which had been drafted by Officers following discussions by the Housing Portfolio Holder with his Cabinet colleagues, at its meeting held on 21 October 2014. The Panel felt that Flexible (fixed term) Tenancies should continue and be for a fixed term of ten years, including the Introductory Tenancy period. In addition, Flexible Tenancies should be extended to include all Council properties, with the exception of sheltered accommodation and grouped dwelling schemes. As this could potentially deter some Secure (lifetime) tenants from transferring to smaller accommodation, it was proposed that such tenants be granted a Secure tenancy for one move only.

In respect of whether tenants should be means tested at the end of a Flexible Tenancy period, the Chairman informed the Cabinet that the Panel had noted a proposal for the revised Housing Allocations Scheme whereby applicants with income and assets in excess of £76,000 per annum would not qualify for a place on the Council's Housing Register. For consistency, the Panel was of the opinion that a similar requirement should be added to the Tenancy Policy and applied to all applicants at the end of their Flexible Tenancy.

The Chairman of the Housing Scrutiny Panel commended the revised Housing Tenancy Policy to the Cabinet for adoption.

The Housing Portfolio Holder added that a consultation exercise had been undertaken on the revised Housing Tenancy Policy, as proposed by the Scrutiny Panel, with the Tenants & Leaseholders Federation, partner agencies, Town and Parish Councils, and the Council's Registered Provider partners. Appendix 2 to the covering Cabinet report had detailed the comments received, as well as the responses of Officers. It was suggested that the revised Housing Tenancy Policy became effective on the same date as the revised Housing Allocations Scheme, this being 1 July 2015.

The Cabinet welcomed the revised Housing Tenancy Policy, and in particular the means testing of tenants at the end of their Flexible tenancy. It was right for the Council to assist and encourage those tenants who could afford to meet their housing need in private sector as this would leave the Council's accommodation for those residents who could not afford other housing. It was noted that there was no planned review date for the proposed Policy and it was proposed that the Tenancy Policy should be reviewed after two years of operation as per the revised Housing Allocations Scheme.

Decision:

(1) That, as recommended by the Housing Scrutiny Panel in its report (C-068a-2014/15) and subject to the proposed changes attached at Appendix 2 of the report, Flexible (fixed term) Tenancies be continued with a fixed term of 10 years, including the Introductory Tenancy period;

(2) That the following amendments be made to the Council's Tenancy Policy:

(a) Flexible (fixed-term) Tenancies be extended to all Council properties excluding sheltered accommodation and grouped dwelling schemes;

(b) all existing Post-Act Secure (lifetime) Tenants be granted Secure Tenancies when downsizing Council accommodation (for one move only) and afforded the same protection as all Pre-Localism Act Tenants; and

(c) the following requirement be added under the Assessment Criteria which would apply to all new Flexible (fixed-term) Tenancies granted from the date the revised Tenancy Policy came into force:

(i) a further tenancy (Flexible or Secure) would not generally be granted where, in accordance with the Council's Housing Allocations Scheme (in force on the date the Six Months Notice was served), the Flexible (fixed-term) Tenant, in the opinion of the Council, had sufficient income and/or assets to enable them to meet their housing need themselves;

(3) That, following a consultation exercise, the comments of the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and partner Registered Providers be noted, and the Officer responses be agreed, as set out at Appendix 2 of the report;

(4) That the revised Tenancy Policy be adopted and implemented on 1 July 2015; and

(5) That the Tenancy Policy be reviewed again after two years of operation with the reviewed Policy implemented on 1 April 2018.

Reasons for Decision:

The Council had a statutory obligation to publish a Tenancy Policy, which would outline the Council's approach to tenancy management, including interventions to sustain tenancies, the prevention of unnecessary evictions and the tackling of tenancy fraud.

Other Options Considered and Rejected:

To not agree the revised Housing Tenancy Policy as recommended by the Housing Scrutiny Panel, or to adopt a different approach to the review of the Policy.

147. REVISION OF THE HOUSING ALLOCATIONS SCHEME

The Chairman of the Housing Scrutiny Panel presented the Panel's report on the review of the Housing Allocations Scheme.

The Chairman reminded the Cabinet that the current Scheme had come into force on 1 September 2013. As the previous review was the most comprehensive ever undertaken, the Cabinet had requested the Housing Scrutiny Panel to review the Scheme again following its first twelve months of operation. Under Government Guidance, authorities were given powers to decide locally how accommodation should be allocated based upon local priorities. The Panel therefore noted that authorities were empowered to allocate their accommodation in any way they saw fit, provided the resulting Scheme was both legal and rational.

The Chairman reported that the Scrutiny Panel had considered a report on the proposed revised Housing Allocations Scheme at its meeting held on 21 October 2014, which had been drafted by Officers following discussions by the Housing Portfolio Holder with his Cabinet colleagues. The main revisions to the Scheme were: increasing the residency criteria for Council accommodation from 3 to 5 years, except for existing social housing tenants moving into the District to be nearer their work, or take up a job apprenticeship or full-time training leading to employment; applicants with an income or assets exceeding £76,000 per annum to be ineligible for social housing; increasing the incentives for Council tenants moving to a smaller property to £1,000 for each bedroom released; applicants who refused two offers of suitable accommodation to have their application deferred for twelve months; and existing under occupying Council tenants who refused three offers of suitable accommodation to have their application deferred for twelve months. There were also some minor changes to the current scheme suggested by Officers which the Panel agreed.

The Chairman stated that the Panel was aware a consultation exercise would be undertaken on the draft Scheme; and furthermore, the draft revised Scheme would also be referred to an external Legal Advisor being a Queen's Counsel specialising in housing law for consideration. However, subject to any further changes, the Chairman commended the revised Housing Allocations Scheme to the Cabinet for adoption.

The Housing Portfolio Holder added that a consultation exercise had been undertaken on the revised Housing Allocations Scheme, as proposed by the Scrutiny Panel, with the Tenants & Leaseholders Federation, partner agencies, Town and Parish Councils, and the Council's Registered Provider partners. Appendix B to the covering Cabinet report had detailed the comments received, as well as the responses of Officers. In addition, the Council had received advice from its external Legal Advisor which had suggested two further changes to the revised scheme. It was proposed to implement the revised Housing Allocations Scheme on 1 July 2015, and review it again after two years of operation with a further revised Scheme to be implemented on 1 April 2018.

In response to questions from the Members present, the Director of Communities admitted that it was not known exactly how many applicants currently on the Council's Housing Waiting List would be affected by the proposed increase in the residency rule from three years to five years. The average length of time on the

Housing Waiting List for applicants was also difficult to calculate due to a number of factors.

A local Member for Chipping Ongar, Greensted & Marden Ash highlighted the comment from Ongar Town Council that applying the revised Residency criteria to applicants already on the Council's Waiting List was unfair. The Portfolio Holder responded that the public perception was applicants from outside the District were given priority and housed before residents of the District who had been waiting for a number of years on the Council's Waiting List. The revised Policy would be popular with residents as it would give them priority for Council housing within the District. The Portfolio Holder added that the comments of Ongar/Town Council were welcomed, and Members had the opportunity to call-in the revised Scheme if they so wished. The Chairman of the Housing Scrutiny Panel opined that it was not unreasonable for people to have to live in the District for five years before they were eligible for Council housing. The local Member for Chipping Ongar, Greensted & Marden Ash reiterated that he was not opposing the revised Residency rule of five years, but its application retrospectively to applicants already on the Council's Housing Waiting List.

The Housing Portfolio Holder confirmed that the revised Housing Allocations Scheme would be published on the Council's website following its implementation.

Decision:

(1) That, as recommended by the Housing Scrutiny Panel in its report (C-069a-2014/15) and subject to the suggested changes at Appendices B and C of the Cabinet report (C-069-2014/15), the revised Housing Allocations Scheme be adopted;

(2) That, following a consultation exercise, the comments of the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and partner Registered Providers be noted, and the suggested resulting changes to the Housing Allocations Scheme as set out at Appendix B of the report be agreed;

(3) That, subsequent to consideration by the Housing Scrutiny Panel, the following two amendments to the Housing Allocations Scheme following the advice received from the external legal advisor be agreed:

(a) the removal of paragraphs 18.13 to 18.15 from the Scheme; and

(b) additional criterion at Band C:

“(vii) all home seekers to whom the Council does not owe a full homelessness duty, where there is a requirement under the Housing Act 1996 as amended to afford reasonable preference on the ground of homelessness.”;

(4) That the revised Housing Allocations Scheme be implemented on 1 July 2015; and

(5) That the Housing Allocations Scheme be reviewed again after two years of operation with the reviewed Scheme implemented on 1 April 2018.

Reasons for Decision:

To adopt the revised Housing Allocations Scheme as proposed by the Housing

Scrutiny Panel, subject to the addition of changes from the consultation exercise and advice from the Council's external legal advisor.

Other Options Considered and Rejected:

To not agree the revised Housing Allocations Scheme, as recommended by the Housing Scrutiny Panel, or to adopt a different approach to the review of the Policy.

148. HOUSING IMPROVEMENTS AND SERVICE ENHANCEMENTS FUND 2015/16

The Chairman of the Housing Scrutiny Panel presented the Panel's report on the use of the Housing Improvements & Service Enhancements Fund in 2015/16.

The Chairman reminded the Cabinet that when it agreed the strategic approach for the Council's new 30-Year Housing Revenue Account (HRA) Financial Plan, it had requested the Housing Scrutiny Panel to consider and recommend to the Cabinet a proposed list of housing improvements and service enhancements each year, utilising the additional funding made available as a result of the HRA self-financing initiative. For the past three years, the Housing Scrutiny Panel had formulated lists of housing improvements and service enhancements, which had been subsequently approved by the Cabinet. An out-turn report on the forecast expenditure and the progress made on the projects agreed for 2014/15 had been attached at Appendix 1 of the Panel's report.

The Chairman highlighted that the Scrutiny Panel had already recommended to the Cabinet that the cost of increasing the financial incentives to under-occupying tenants should be met from the Housing Improvements & Service Enhancements Fund for 2015/16. In addition, the Cabinet had already agreed that the cost to the HRA of increasing the size of the new Corporate Fraud team should be met from the Fund as well. Other projects proposed for funding from the remaining £123,000 in the Fund included: the provision of a daily direct debit facility for Tenants and Leaseholders and a swipe card payment facility for Leaseholders; the continuation of two temporary full-time debt advisors with the Epping Forest Citizens Advice Bureau for a further twelve months; the expansion of services and opening hours at the Limes Farm Centre in Chigwell; as well as the previously agreed annual provision of £50,000 to the In-Year Housing Improvements & Enhancements Fund.

The Chairman stated that the Panel had also proposed that the amount allocated to the Major Capital Projects Reserve should be increased in 2015/16 from £200,000 to £384,000. This would finance future Housing capital projects, either in 2015/16 or future years. Finally, the Panel had proposed that it (or its successor body following the review of the Council's Scrutiny Panel structure) should examine and recommend proposals for the use of the Fund in 2016/17.

The Housing Portfolio Holder thanked the Housing Scrutiny Panel for their report, and highlighted the two recommendations concerning the expansion of the services available at the Limes Farm Centre in Chigwell, and the continued funding for the debt advisors with the Citizens Advice Bureau. The Portfolio Holder urged the Cabinet to support the recommendations of the Scrutiny Panel.

Some concerns were expressed regarding the timing of the review of the expanded services planned for the Limes Farm Centre in Chigwell, and maybe a review after nine months of operation would be better than after twelve months. The Chairman of the Housing Scrutiny Panel offered no strong views on the matter. The Director of Communities advised the Cabinet that twelve months had been considered a reasonable review period, as this would give six further months for the additional

temporary Housing Officer to either be made a permanent member of staff or to wind down the expanded operations at the Limes Farm Centre. The review period would begin when the new Officer started with the Council, and Officers were content with the proposal. The Leader of the Council suggested that an informal review by Officers could be scheduled for six months after the start of the expanded operations.

Decision:

- (1) That the latest out-turn forecasts for each of the projects funded by the Housing Improvements and Service Enhancements Fund in 2014/15, provided at Appendix 1 of the report, be noted;
- (2) That the associated expenditure for any slippage on individual projects in 2014/15 be carried forward to complete the projects in 2015/16;
- (3) That the following be noted:
 - (a) That the Housing Scrutiny Panel had already recommended to the Cabinet for the cost of increasing the financial incentives for Council tenants downsizing their accommodation be met from the Housing Improvements and Service Enhancements Fund; and
 - (b) That the Cabinet had already agreed the Fund should meet the costs relating to the Housing Revenue Account of increasing the size of the new Corporate Fraud Team from April 2015, subject to the required General Fund Continuing Services Budget (CSB) bid being agreed;
- (4) That the following proposed list of Housing Improvements and Service Enhancements for 2015/16, and the associated recommendations for each project, be approved:
 - (a) That the Allpay paperless daily direct debit facility be introduced from April 2015 for Council tenants, to replace the present four dates per month cycle;
 - (b) That the Allpay swipe card payment facility and daily direct debits be introduced from April 2015 for Council leaseholders;
 - (c) That a revenue grant of £37,800 be provided to the Epping Forest Citizens Advice Bureau to fund the continuation of the two temporary full-time Debt Advisors for a further 12 months from 1 April 2015;
 - (d) That the non-HRA contribution of grant - amounting to £4,200 - be funded from the grant received as part of the Local Government Grant Settlement 2015/16 specifically for homelessness prevention measures;
 - (e) That an additional temporary part-time (18 hours) Housing Officer post be created for a period of 18 months, to enable the planned expansion of services at the Limes Centre in Chigwell for a pilot period of 12 months; and
 - (f) That a review of the success of the pilot be undertaken by the Housing Scrutiny Panel (or successor body) following 12 months of operation to decide whether the temporary post in (e) above should be made permanent;
- (5) That the amount allocated from the Fund to the Major Capital Projects Reserve be increased in 2015/16 from £200,000 to £384,000 to fund future Housing

Capital projects (either in 2015/16 or future years); and

(6) That, at its meeting in January 2016, the Scrutiny Panel / Select Committee responsible for scrutinising the Housing Service be requested to consider and recommend to the Cabinet the proposed use of the Housing Improvements and Service Enhancements Fund for 2016/17.

Reasons for Decision:

To allocate the anticipated additional resources of £216,000 expected to be made available within the Housing Revenue Account in 2015/16 on additional housing improvements and service enhancements, in addition to increasing the funding held within the Major Capital Projects Reserve.

Other Options Considered and Rejected:

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

149. CORPORATE PLAN 2015-20

The Leader of the Council presented a report on the draft Corporate Plan for the period 2015-20.

The Leader stated that the Council's Corporate Plan was the authority's current key strategic planning document, and was largely based upon the Council's medium term priorities for the period. It also included the Council's Key Objectives. As the current Corporate Plan was due to expire on 31 March 2015, a new Corporate Plan had been developed for the period from 2015/16 to 2019/20.

The Leader advised that the Council's main areas of focus for the five year lifetime of the new Plan had been captured in a new set of Corporate Aims. In addition a new five year set of Key Objectives had been developed to support these aims. The revised Corporate Aims and Key Objectives replaced the existing medium-term Aims and Key Objectives. A separate annual Corporate Key Action Plan for 2015/16 had been developed to deliver the programme towards the achievement of each objective during that year.

The lack of an Older Person's Forum in the District was highlighted and the Cabinet was requested to consider the establishment of such a body. Although the Housing Portfolio Holder pointed out the existence of an Elderly Sheltered Tenants Forum, the Cabinet was informed that an Older Person's Forum would have a wider remit. The Leader stated that the Council had engaged a Graduate Trainee who was currently examining the Council's methods of engagement, including with older people within the District, and that Members should wait until that report came forward.

A local Member for Epping Hemnall expressed surprise that the draft Corporate Plan did not contain a publication date for the new Local Plan and added, as an aside, that issues affecting Older People could also be considered as part of the Local Plan. The ongoing issues with the North Essex Parking Partnership was also highlighted. The Leader responded that the Local Plan timetable had been published on the Council's website and the Council's focus was ensuring that all the elements within the Plan were correct so that the Plan would not fail at the Examination in Public stage.

The Leader stated that the draft Corporate Plan had been considered by the

Overview & Scrutiny Committee, and requested the Cabinet to agree it. The Cabinet noted that the Plan would have to be submitted to the Council for final approval.

Decision:

- (1) That the new Corporate Plan for the period 2015/16 to 2019/20 be agreed;
- (2) That the Key Action Plan for 2015/16 be agreed; and
- (3) That the Corporate Plan 2015-20 and the Key Action Plan 2015/16 be recommended to the Council for adoption.

Reasons for Decision:

The identification and adoption of the Council's high level Strategic Aims and the Key Objectives for the five-year period of the new Corporate Plan, provided an opportunity for the Council to focus specific attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered for local people. The Corporate Key Action Plan for 2015/16 had set out a number of activities to deliver progress against the Key Objectives during the first year of the new Corporate Plan.

Other Options Considered and Rejected:

No other options were appropriate in this respect. The absence of a long term plan and business objectives to provide a clear focus for decision making, could result in opportunities for improvement and efficiency being lost. Failure to monitor and review performance against key objectives and to consider corrective action where necessary, could undermine the achievement of the aims and objectives and result in negative implications for the Council's reputation.

150. CORPORATE PLAN KEY OBJECTIVES 2014/15 - Q3 PROGRESS REPORT

The Leader of the Council presented a progress report on the achievement of the Council's Key Objectives during the third quarter of 2014/15.

The Leader reported that the Corporate Plan was the Council's key strategic planning document, setting out its priorities over the four-year period from 2011/12 to 2014/15, with strategic themes reflecting those of the Community Strategy for the District. Updates to the Corporate Plan were published annually, to reflect the Key Objectives for each year of the plan period and progress against the achievement of Key Objectives for previous years.

The Leader added that the annual identification of Key Objectives provided an opportunity for the Council to focus attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered during the year. The Key Objectives were intended to provide a clear statement of the Council's overall intentions for each year, and were supported by a range of actions and deliverables designed to achieve specific outcomes. A range of Key Objectives for 2014/15 had been adopted by the Cabinet in April 2014, and progress in relation to individual actions and deliverables was reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and outturn basis.

Decision:

- (1) That the progress in relation to the achievement of the Key Objectives for

2014/15 in the third quarter of the year be noted.

Reasons for Decision:

It was important that relevant performance management processes were in place to review progress against the Key Objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of under-performance.

Other Options Considered and Rejected:

No other options were appropriate in this respect. Failure to monitor and review performance against the Key Objectives and to consider corrective action where necessary, could have negative implications for the Council's reputation and judgements made about its progress, and might mean that opportunities for improvement were lost.

151. SAFEGUARDING AUDIT AND REVISED POLICY & PROCEDURES

The Portfolio Holder for Safer, Greener and Transport introduced a report on the results of the recent Safeguarding Audit undertaken by the Council, and the subsequent revision of the Council's Safeguarding Policy and Procedures.

The Portfolio Holder reported that the Council was required to undertake annual self-assessment audits in respect of Children and Vulnerable Adults and these were reviewed by the Essex Safeguarding Children and Adults Boards. Section 11 of the Children's Act 2004 had set out the responsibilities for local authorities in regard to Children and duties to Vulnerable Adults would be covered by The Care Act 2014, which was being introduced in April 2015.

The Portfolio Holder stated that the annual Safeguarding audits formed part of the Ofsted Inspection arrangements for Essex County Council and this year, all organisations were required to complete separate audits for Children and Adults. The Council had submitted its assessment and accompanying evidence in January 2015 and a range of improvements had been identified in the Council's ability to fulfil its duties. This was attributable to the Cabinet's decision to provide additional resources for Safeguarding and subsequent appointment of a Safeguarding Officer for the Council. The summary findings of the audit had been attached at Appendix A of the report.

The Portfolio Holder informed the Cabinet that, due to many changes in the Safeguarding arena and the emergence of new priority issues, the Council also needed to review its existing Safeguarding Policy and Procedures following the audit. The Council's revised Safeguarding Policy and Procedures had been attached at Appendix B of the report and the Cabinet was requested to adopt these.

The Portfolio Holder hoped that the second stage training recently undertaken by the Management Board and the Cabinet would be extended to all Members; the Portfolio Holder for Governance & Development Management affirmed how useful the training had been.

Decision:

(1) That the summary of the findings of the Section 11 and Vulnerable Adults Safeguarding Audits, as submitted to Essex Safeguarding Children and Adults Boards in January 2015, be noted; and

- (2) That the introduction of the Care Act 2014 (for adults with needs of care and support) with increased duties for local authorities be noted; and
- (3) That the Council's revised Safeguarding Policy and Procedures be adopted.

Reasons for Decision:

To inform Cabinet of the Council's current ability to fulfil its safeguarding responsibilities and to seek adoption of the revised Safeguarding Policy and Procedures.

Other Options Considered and Rejected:

None, as the Council was under a statutory duty to have arrangements in place for the safeguarding of Children and Adults with needs of care and support.

152. NOMINATION OF SCHEMES FOR NEPP

The Portfolio Holder for Safer, Greener & Transport presented a report on the nomination of schemes to the North Essex Parking Partnership.

The Portfolio Holder reminded the Cabinet that the County Council (as the Highway Authority) had delegated authority to the North Essex Parking Partnership (NEPP) in respect of on-street civil parking enforcement and powers to make new traffic regulation orders. This Council was a member of the Partnership along with Braintree, Colchester, Harlow, Tendring and Uttlesford District Councils. The Partnership had a Joint Committee that considered all matters relating to Traffic Regulation Orders (TROs), which consisted of Executive Cabinet Members from each District Council as well as the County Council Cabinet Member for Highways.

The Portfolio Holder reported that each District Council nominated minor parking and waiting restrictions schemes to NEPP, for funding and approval. The schemes were investigated by NEPP officers who carried out feasibility studies and scored each scheme under a set of criteria approved by the Joint Committee. Lists of schemes ranked in the order of their score, highest to lowest, were then submitted to the District Councils for consideration. Each District had to then nominate its top schemes to the Joint Committee for approval.

However, the Portfolio Holder stated that the NEPP scoring criteria did not take into account the full extent of local factors. At present, only those schemes which scored the highest under the scoring criteria were nominated, which meant that lower scoring schemes could not be nominated, even if there was a high level of local support. In order to give due regard to local factors and not rely solely on the NEPP score, it was proposed that the Portfolio Holder be given delegated authority to only put forward schemes where sufficient local support was available; such support to be established by consultation with the relevant ward Councillors and Town or Parish Councils. All schemes nominated to the Partnership by the Portfolio Holder would be published in the Council Bulletin.

In addition, the Portfolio Holder observed that the current list for the District comprised of 110 potential schemes. Some of these schemes had a low or even zero score, and it was proposed to delegate authority to the Portfolio Holder to reduce the list of potential schemes to a more realistic and manageable size, using the same criteria as for the nomination of schemes to the Partnership.

The Cabinet welcomed the proposals as it would enable important parking and waiting restriction schemes to be approved and implemented quicker than was currently the case. It was acknowledged that local consultation was important as the general public did not appreciate how long it sometimes took to implement these schemes. When questioned about what local factors would be taken into account, the Portfolio Holder responded that local public opinion would be the most important factor, whilst safety would also feature as an important factor. The establishment of Taxi Ranks would also be given a greater priority than was currently reflected in the NEPP scoring criteria. The Portfolio Holder advised the Cabinet that the creation of a second matrix of local factors had been avoided to give greater flexibility.

Decision:

(1) That authority be delegated to the Portfolio Holder for Safer, Greener & Transport to nominate minor parking and waiting restriction schemes for consideration by the North Essex Parking Partnership (NEPP), subject to the following:

- (a) greater consideration to be given to local factors in addition to the NEPP priority ranking;
- (b) consultation with relevant ward Councillors and Town/Parish Councils and only nominate schemes for which sufficient local support existed; and
- (c) publication of the schemes submitted to NEPP in the Council Bulletin; and

(2) That authority be delegated to the Portfolio Holder for Safer, Greener & Transport to rationalise the existing long list of schemes under the above criteria if approved and following consultation as above.

Reasons for Decision:

To ensure the delivery of the highest priority minor parking and waiting restriction schemes across the District.

Other Options Considered and Rejected:

To continue to nominate schemes using only the current NEPP scoring criteria. However, the nominated schemes would not necessarily take account of local factors or support.

To leave all 110 potential schemes across the District on the current list. However, a number of these potential schemes had a low or even zero score under the NEPP scoring criteria and were highly unlikely to ever be implemented.

153. NORTH WEALD BASSETT NEIGHBOURHOOD AREA DESIGNATION

As announced earlier in the meeting (minute 142 refers), the Leader of the Council stated that the item regarding the designation of a Neighbourhood Area for North Weald Bassett had been deferred until the next scheduled meeting of the Cabinet on 13 April 2015, following discussions with the Parish Council.

The Cabinet was requested to formally agree this deferment.

Decision:

(1) That the report concerning the designation of a North Weald Bassett Neighbourhood Area be deferred until the next meeting of the Cabinet, scheduled for 13 April 2015.

Reasons for Decision:

To allow for further consideration of this issue.

Other Options Considered and Rejected:

To consider the report as presented. However, agreement had already been reached with the Parish Council to defer this report until the next scheduled meeting of the Cabinet on 13 April 2015.

154. ANY OTHER BUSINESS

The Cabinet noted that there was no other urgent business for consideration at the meeting.

155. 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 item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraph 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	Epping Forest Shopping Park – Progress Report	3

156. EPPING FOREST SHOPPING PARK - PROGRESS REPORT

The Portfolio Holder for Asset Management & Economic Development presented a progress report on the development of the Epping Forest Shopping Park.

The Portfolio Holder informed the Cabinet that the Council's initial offer to purchase Polofind's interest in the site had been rejected, and a higher, counter offer had been made by Polofind to purchase the Council's interest in the site. It was proposed that the counter offer from Polofind should be rejected, and authority delegated to Officers to make a further offer to Polofind based upon the latest appraisals and advice from the Council's professional advisors.

The Cabinet noted that this could be a negotiating ploy, whereby with its counter offer Polofind was informing the Council of the level of bid it would need to make in order to purchase Polofind's interest in the site. The Cabinet was agreed that the offer from Polofind should be rejected, as the Council's stated aim was to use capital expenditure to generate future revenue income, and that Officers should make a further offer to Polofind for their interest in the site.

The Portfolio Holder advised the Cabinet on the progress with the concurrent negotiations concerning the Joint Venture Agreement with Polofind Limited. One

issue that had been highlighted during these negotiations was the need for the Council to vacate the Depot in Langston Road, by 31 March 2016 at the latest, if the Shopping Park was to be open by the target date of October 2016.

Decision:

- (1) That the response of Polofind Limited to the Council's initial offer to purchase their interest in the site at Langston Road, Loughton be noted;
- (2) That the counter offer from Polofind Limited to purchase the Council's interest in the site be declined;
- (3) That Officers be authorised to make a further offer to Polofind Limited to purchase their interest in the site, such offer to be determined on the basis of the latest appraisals and advice from the Council's professional advisors; and
- (4) That progress on the Joint Venture documentation, and the need to achieve vacant possession of the Langston Road Depot by 31 March 2016, be noted.

Reasons for Decision:

To appraise the Cabinet on the current progress with the project.

Other Options Considered and Rejected:

To accept the counter offer from Polofind Limited to purchase the Council's interest in the site and consequently not make a further offer to purchase Polofind's interest. However, this would contravene the Council's stated aim to use capital expenditure to generate future revenue income.

CHAIRMAN