

## **EPHING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 25 January 2022  
**Place:** Council Chamber - Civic Offices **Time:** 7.00 - 7.50 pm  
**Members Present:** C Whitbread (Chairman), N Avey, N Bedford, L Burrows, A Patel, J Philip, S Kane, D Sunger and H Whitbread  
**Other Councillors:** R Baldwin, J Lea, B Vaz and J H Whitehouse

### **Apologies:**

**Officers Present:** G Blakemore (Chief Executive), N Dawe (Chief Operating Officer), D Fenton (Service Director (Housing Revenue Account)), A Hendry (Democratic Services Officer), V Messenger (Democratic Services Officer), S Mitchell (PR Website Editor), N Polaine (Harlow and Gilston Garden Town Director), A Small (Strategic Director Corporate and 151 Officer), H Thorpe (Property Maintenance Operational Assets and Compliance) and J Warwick (Acting Service Director (Contracts))

### **83. 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.

### **84. DECLARATIONS OF INTEREST**

Pursuant to the Council's Member Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in agenda item 12 – 'NEPP Joint Committee Agreement', by virtue of being the Essex County Council's Portfolio Holder for Finance. The Councillor had determined that his interest was non-prejudicial and that he would stay in the meeting for the consideration of the item.

### **85. MINUTES**

#### **Decision:**

That the minutes of the Cabinet meeting held on 6 December 2021 be taken as read and would be signed by the Leader as a correct record.

### **86. REPORTS OF PORTFOLIO HOLDERS**

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

### **87. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET**

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

**88. OVERVIEW AND SCRUTINY**

The Cabinet noted that the Chairman of the Overview & Scrutiny Committee had given her apologies and was unable to attend the meeting.

**89. ENDORSEMENT OF HARLOW AND GILSTON GARDEN TOWN TRANSPORT STRATEGY**

In the absence of Councillor Bedford for this item, the Finance, Qualis Client and Economic Development Portfolio Holder, Councillor Philip, introduced this report.

He noted that the report concerned the endorsement of the Harlow and Gilston Garden Town (HGGT) Transport Strategy. The HGGT Transport Strategy had been prepared on behalf of the five HGGT Authority partners (Epping Forest, Harlow and East Herts District Councils, and Essex and Hertfordshire County Councils). The new communities in the Garden Town which were within Epping Forest District would deliver 3900 homes in the Local Plan period (to 2033), over a third of the allocated housing in the District.

The Transport Strategy was crucial in meeting the ambitions for sustainable movement set out within the HGGT Vision, against the backdrop of the challenges of future travel demand linked to planned growth in new Garden Communities, as set out in the Council's emerging Local Plan.

The Transport Strategy would assist decision-makers in transport matters, enabling Members to review and determine masterplans and planning applications against the objectives, principles and actions within the document. The Strategy will also be used to secure funding from developers, central government and other bodies.

In response to a member's question on the rapid transit system, its connection to Epping and what would differentiate it from a normal bus service. Councillor Philip noted that a key part of this was a Harlow and Gilston Garden Town Transport Strategy, contained within the boundaries of the garden town and places surrounding the garden town such as North Weald and Epping. The rapid transit service could be all sorts of other transports solutions other than a bus, such as a light rail service. This strategy set out the principals in which we can all work together in partnership.

Councillor Lea asked that consideration be given to the amount of extra traffic that may be generated. She was told that a lot of work had been done on traffic modelling in and out of the garden town; so, they had considered this and worked it out in detail.

**Decision:**

(1) The Cabinet considered the HGGT Transport Strategy together with the accompanying appendices including the high level programme, consultation report and equality impact assessment;

(2) The Cabinet agreed that the HGGT Transport Strategy would be considered as a material planning consideration in connection with the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes for sites within the Harlow and Gilston Garden Town;

(3) The Cabinet agreed to delegate to the Planning Portfolio Holder for Planning and Sustainability in consultation with the Director of the Garden Town to make any minor text or design amendments to the HGGT Transport Strategy prior to publication should there be necessity for clarification or changes proposed by the respective decision makers of East Herts, Harlow and Epping Forest Districts and Essex and Hertfordshire Counties in order to ensure a consistent document.

(4) The Cabinet acknowledged that the ambition, mode share objective and principles in the Transport Strategy should help shape existing and future work programmes of the Highway Authorities and the Local Planning Authorities across the Garden Town and can provide supporting justification for funding submissions and spending commitments in relation to transport. Content will also be relevant to initiatives undertaken by Epping Forest District Council.

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

To ensure that the HGGT Transport Strategy was afforded suitable planning weight through endorsement as a material consideration in the planning process. This would ensure that development proposals across the Garden Town contribute to the Council's and HGGT's sustainable mobility ambitions, and that clear parameters were established for future pre-application advice, preparation of masterplans, assessing planning applications and any other development management purposes.

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

Not to agree the HGGT Transport Strategy or endorse the HGGT Transport Strategy as a material consideration in the planning process, which would mean that there would be no guidance to support the delivery of development proposals and achieve the objectives set out in the HGGT Vision and Council's emerging Local Plan.

### **90. HGGT LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN (LCWIP)**

In the absence of Councillor Bedford for this item, the Finance, Qualis Client and Economic Development Portfolio Holder, Councillor Philip, introduced this report.

He reminded the meeting that this report was for noting the HGGT Local Cycling and Walking Infrastructure Plan (LCWIP). The HGGT LCWIP was the HGGT partnership's response to the Government's call to develop a local LCWIP. The LCWIP will assist Highway and Planning Authorities in obtaining funding from Government, Local Enterprise Partnerships, sub national transport bodies and developers. The HGGT LCWIP along with other plans, also informed the delivery of sustainable zero emission movement as set out in the HGGT Vision and HGGT Transport Strategy

#### **Decision:**

(1) The Cabinet noted the HGGT LCWIP, as approved by the HGGT Board and submitted to the relevant portfolio holder of Essex CC for noting and endorsement; to Herts CC Exec Members and to the appropriate portfolio holders and Cabinets at Herts CC, East Herts DC, Epping Forest DC, and Harlow DC for noting; and

(2) The Cabinet noted that the HGGT LCWIP document would be reviewed every three years co-ordinated by the HGGT Partnership.

**Reasons for Proposed Decision:**

To ensure that EFDC Cabinet and relevant Portfolio Holders were aware and updated on the content and purpose of the HGGT LCWIP, and the HGGT Board's decision to approve the LCWIP and commitment to review.

**Other Options for Action:**

Not to note the HGGT LCWIP would be contrary to the agreed recommendations of the 14 December HGGT Board report.

**91. POLICY ON OUR APPROACH TO TREES CAUSING STRUCTURAL DAMAGE TO ASSETS**

The Housing Services Portfolio Holder introduced the report. She informed the Cabinet that this was a draft policy on the Council's approach to dealing with trees which were causing structural damage to its assets and was presented to the Overview and Scrutiny Committee in June 2021. Various comments and suggestions were made. As such the policy had been updated and was now being presented to Cabinet.

As the tree or trees grow, encroaching roots and overhanging branches can extend beyond the legal boundary into neighbouring properties, causing inconvenience, damage or even injury. When the tree roots enter a shrinkable, clay soil, they can take up sufficient moisture to cause the clay to dry and shrink. As a result, any property foundation built upon the clay may move or subside.

The Council had a dual responsibility, to protect trees in the interests of public amenity, but also to try and ensure that no individual suffered undue loss, distress or damage resulting from Council owned and managed trees. Our Current approach was ad-hoc and some residents were experiencing issues such as not being able to open windows or keep properties warm due to tree root damage. Our proposed policy took a structured approach and enabled us to take a consistent approach to the challenges of tree root damage. It also defined the decision-making process.

Councillor Patel asked if we had a register of the trees that fell within this policy saying if any were currently causing any damage and if any were TPO'd. He was told that the council knew what trees they owned and if we had to dispose of any tree, we would replace it with two others in more suitable situations. We did not have any TPOs on Council owned trees.

Councillor Philip looking at the resources, asked how many cases did the council get over a five year period. He was told there were quite a few of these cases especially in some of our older estates. There were on average about five cases a year but that was increasing.

Councillor Baldwin asked about street trees owned by Essex County Council did the policy cover this? He was told that Essex Highways trees had a separate policy and ours ran in parallel with that policy.

Councillor Patel asked if we had consulted with our insurance company to ensure that we had covered all the criteria that they have set out. He was told that yes, we had done that.

**Decision:**

The Cabinet approved the new policy - 'our approach to dealing with trees which are causing structural damage to our assets'.

**Reason for decision:**

Asset management are dealing with an ever-increasing number of structural issues these are having an impact on the condition of our assets and in some instances the lives of our residents. The policy sets out to formalize our approach.

**Options considered and rejected:**

Officers considered continuing with the adhoc approach however that presents several risks to the organization.

**92. SHELTERED HOUSING - EMERGENCY ALARM SYSTEM UPGRADE**

The Housing Services Portfolio Holder introduced the report on the emergency alarm upgrade. She noted that our sheltered schemes have an analogue telephone system. This meant that it operated on the public switched telephone network (PSTN). This network was being switched off in 2025 as we move to an IP network. This means that we were moving from analogue to digital.

Technology had moved on and so have emergency alarm systems. To ensure the alarm systems in our sheltered housing schemes continue to provide a reliable service, and meet the needs of our residents, we needed to upgrade them to digital.

Officers had undertaken a review of systems currently on the market and had recommended Everon's Lyra alarm call system.

Councillor Patel asked if there was any merit in spreading the costs over the years until 2025. He was told that they had investigated that, and this had proved to be the most cost efficient method (as set out in the report).

**Decision:**

The Cabinet agreed the proposal to use Everon to replace the existing Hard-Wired Alarm system, noting the positive changes for residents and the ability to make VFM savings for EFDC (HRA).

**Reason for decision:**

There was a requirement to upgrade the alarm system due to the analogue signal being discontinued in 2025.

**Options considered and rejected:**

The option was considered to not upgrade the system, this was rejected as we would not be able to offer an alarm service.

**93. NORTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE AGREEMENT**

The Customer and Partnership Services Portfolio Holder, Councillor S Kane introduced the report. The purpose of this report was to seek Cabinet agreement to

continue Epping Forest District Council's membership of the North Essex Parking Partnership (NEPP) Joint Committee from 1 April 2022.

On 21 September 2021, Essex County Council's (ECC) Cabinet approved the new Joint Committee arrangements with NEPP and SEPP from 1 April 2022 for a five-year period with the option of extending the contract on an annual basis on 3 consecutive occasions (8 years in total to 2030).

At its Cabinet meeting on 17 November 2021, Colchester Borough Council decided to continue to be a part of the Parking Partnership Agreement, part of the Joint Parking Committee, and to continue to be the lead authority for the North Essex Parking Partnership.

This means that a replacement, new, Joint Committee can be formed between Essex and Colchester from 01/04/2022, and a new Joint Parking Agreement made, to which Epping Forest District Council could become party to if they so choose.

Councillor Philip agreed that this was the right thing to do as we needed to be part of the parking partnership and have the ability to have our say in it.

Councillor Janet Whitehouse would like any strategy and policy development discussed by the wider membership of this Council before we discussed it with NEPP. Councillor S Kane said he would take this under consideration to see how this could be formalised. Members could also always to speak to him about their concerns. Also, it was noted that any proposed schemes were consulted on with the relevant ward members and residents.

#### **Decision:**

(1) The Cabinet agreed the Council's continued membership of the North Essex Parking Partnership (NEPP) Joint Committee with effect from 1 April 2022 up to and including 31 March 2027; and

(2) Agreed to delegate authority to the Service Director (Contracts) in consultation with the Customer & Partnerships Services Portfolio Holder to approve the new Parking Partnership Joint Committee Agreement.

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

Membership of the North Essex Parking Partnership (NEPP) enables the Council to have a say in the traffic orders which were installed within its area, and to direct the policy of the operational service.

NEPP was considered by other local authorities as being a national leader in parking operations, innovation and enforcement with whom other local authorities consult for best practice advice and has been recognised in its sector for multiple awards at the British Parking Awards, winning seven in three years, with a further PATROL Award in 2019.

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

If Epping Forest District Council did not agree to sign up to the new On-Street Agreement, then only a baseline level of services would be provided for the on-street part of the operation by the North Essex Parking Partnership.

Epping Forest District Council would have no say or input to how this service was provided. Epping Forest District Council would not have any say or part in determining TRO's (Traffic Regulation Orders), policy, schemes or operation.

#### 94. EXCLUSION OF PUBLIC AND PRESS

##### Decision:

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>
14	Waste & Recycling Collection/Street Cleansing Contract.	3

#### 95. WASTE AND RECYCLING COLLECTION / STREET CLEANSING CONTRACT

The Environmental and Technical Services Portfolio Holder, Councillor N Avey introduced the report.

The Council was currently in contract with Biffa Municipal Ltd. for the delivery of waste, street cleansing and processing of dry recycling services. The Contract was due to expire in November 2024 after an initial period of ten years and has the option to extend by (up to) a further ten years, by mutual agreement. Ricardo Energy & Environment (Ricardo) were commissioned by the Council to conduct a high-level review of their current waste contract in August 2020, finding that the Council's current service contract was working very well with the core service costing £42,000 less per annum than Ricardo's initial modelling. However, it should be noted that this initial modelling was conducted on information provided by the Council rather than directly from Biffa and did not include the wider service requirements beyond core waste collection and cleansing activities.

Any extension to the Contract needs to be agreed and formalised at least 18 months in advance of the expiry of the initial period, which was by May 2023. The alternative would be to carry out a full procurement exercise, expected to take approximately two years (including a six-month mobilisation period) and would therefore need to commence by November 2022. It was stressed that at this stage a decision to extend only in principle was required.

##### Decision:

The Cabinet agreed, in principle, to an extension of up to ten years on the current Waste / Cleansing Contract, from November 2024.

##### Reasons for Proposed Decision:

Ricardo's assessment broadly concurs with the resources Biffa are currently deploying to deliver the services as they stand. Should the services be re-procured on an 'as is' basis, a diligent waste services provider should be deploying

approximately the same resources at approximately the same costs, with all providers likely facing the same pressures in terms of staff retention and the shortage of HGV drivers. This is compounded by the current lack of Council-owned operational depot, which presents a significant weakness for any re-procurement of waste services and gives Biffa a very strong competitive advantage.

**Other Options for Action:**

Devise a re-procurement strategy to fully test the market. This should incorporate the strategy to build a Council-owned depot that will be fully operational, ideally by May 2024 to allow a six-month mobilisation of any new Contract starting in November 2024.

**96. ANY OTHER BUSINESS**

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

**CHAIRMAN**