

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 7 April 2016

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 7.45 pm

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

Other Councillors: R Morgan and M Sartin

Apologies: -

Officers Present: G Chipp (Chief Executive), C O'Boyle (Director of Governance), R Palmer (Director of Resources), D Bailey (Head of Transformation), S G Hill (Assistant Director (Governance & Performance Management)), D Marsh (Waste and Recycling Manager), A O'Connor (Museum, Heritage & Culture Manager), G J Woodhall (Senior Democratic Services Officer), S Kits (Social Media and Customer Services Officer) and J Leither (Democratic Services Officer)

162. WEBCASTING INTRODUCTION

The Leader of 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.

163. DECLARATIONS OF INTEREST

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

164. MINUTES

Decision:

(1) That the minutes of the meeting held on 3 March 2016 be taken as read and signed by the Leader as a correct record.

165. REPORTS OF PORTFOLIO HOLDERS

There were no further reports from the Portfolio Holders in attendance on current issues that were not covered elsewhere on the agenda.

166. PUBLIC QUESTIONS

The Cabinet noted that there had been no questions submitted from the public for consideration.

167. OVERVIEW AND SCRUTINY

The Cabinet noted that there was nothing to report by the Chairman of the Overview

and Scrutiny Committee. The Cabinet was reminded that there would be two presentations at the next meeting on 19 April 2016:

- (a) one from the Youth Council outlining their achievements during 2015/16 and their plans for 2016/17; and
- (b) one from Essex County Council Children Services giving an update on the current consultation on Children's Centres in Essex, and the current position of the Service.

The Cabinet was reminded that everyone was welcome to attend the meeting.

168. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT CABINET COMMITTEE - 11 FEBRUARY 2016

The Environment Portfolio Holder, who had chaired the meeting, presented the minutes from the meeting of the Asset Management and Economic Development Cabinet Committee, held on 11 February 2016.

The Cabinet Committee had made no recommendations to the Cabinet. Other issues considered by the Cabinet Committee had included: a progress report from the Asset Management Co-Ordination Group; a progress report from the Economic Development Team; a Community Day to celebrate the 100th anniversary of North Weald Airfield; and a progress report for the marketing of the Epping Forest Shopping Park.

Decision:

- (1) That the minutes of the meeting of the Asset Management & Economic Development Cabinet Committee, held on 11 February 2016, 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.

169. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 17 MARCH 2016

The Finance Portfolio Holder presented the minutes of the recent meeting of the Finance & Performance Management Cabinet Committee, held on 17 March 2016.

The Cabinet Committee had made recommendations to the Cabinet concerning the quarterly update of the Corporate Risk Register. Other issues considered by the Cabinet Committee included: the performance of the Key Performance Indicators during Quarter 3 of 2015/16 and the targets for 2016/17; and the regular quarterly financial monitoring reports.

Decision:

Risk Management – Corporate Risk Register

- (1) That the Vulnerabilities, Trigger, Consequences and Action Plan for Risk 1 – Local Plan - be updated;
- (2) That the Effectiveness of Controls/Actions for Risk 2 - Strategic Sites - be updated;
- (3) That the Key Date within Risk 4 - Finance Income - be updated;
- (4) That the Effectiveness of Controls within Risk 6 - Data / Information - be updated;
- (5) That, including the above agreed changes, the amended Corporate Risk Register be approved;
- (6) That the Risk Management Strategy and Policy Statement be adopted; and
- (7) That the Terms of Reference of the Risk Management Group 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.

170. EQUALITY OBJECTIVES 2016-20

The Portfolio Holder for Governance & Development Management presented a report on the Equality Objectives for the period 2016-20.

The Portfolio Holder advised the Cabinet that the Council was required to publish equality objectives every four years to progress its public sector equality duty. This duty required that the Council proactively considered how discrimination could be addressed through the work that the Council performed, and also whether the Council could advance equality of opportunity and encourage good relations between different protected groups. The setting of objectives provided a focus on the outcomes to be achieved during the next four years. In 2012, the Council had adopted equality objectives which would expire in March 2016. Four new objectives had been developed to take the Council up to April 2020:

- (i) to integrate the Council's public sector equality duty into partnership working;
- (ii) to apply robust equality arrangements in commissioning, procurement and contract management;
- (iii) to develop the Council's capacity so that employees had the knowledge, skills and confidence to deliver the plans; and
- (iv) to improve and develop equality in the Council's business activities.

The Portfolio Holder added that, because the objectives had to be specific and measureable, an Action Plan had been developed to deliver them. The Cabinet was requested to consider and approve the adoption of the proposed Equality Objectives and Action Plan for 2016-20, subject to the views of the Overview & Scrutiny Committee at its meeting on 19 April 2016.

Decision:

(1) That, subject to the views of the Overview and Scrutiny Committee on 19 April 2016, the Council's Equality Objectives and Action Plan for 2016-20 be agreed.

Reasons for Decision:

The setting of equality objectives every four years was required of public bodies under the Equality Act 2010. It was therefore, a key statutory duty that the objectives were set and published, together with the ongoing progress to achieve them.

Other Options Considered and Rejected:

To not adopt one or more of the proposed objectives, or to adopt alternative objectives. However there was no alternative option to the setting and publishing of one or more equality objectives for the period 2016-20.

171. TRANSFORMATION PROGRAMME MONITORING REPORT - FEBRUARY 2016

The Leader of Council presented the Transformation Programme monitoring report for February 2016.

The Leader stated that regular highlight reports on the progress of the Transformation Programme would be presented to the Cabinet, and this was the highlight report for February 2016. It was anticipated that the format of the report would evolve over time in order to remain an effective tool for highlighting progress, slippage and remedial actions being undertaken. It was highlighted that the transformation programme was at an early stage and all progress indicators were green. The Cabinet was also requested to approve an Invest to Save request in the sum of £50,000 to complete a feasibility study and business case on options for future service accommodation, as part of the Service Accommodation Review Project [P002].

The Cabinet felt that it was important to consider the future use of the Civic Offices site to provide cost effective services, and that the Council would benefit from external advice. It was noted that excellent progress had been made with the Transformation Programme since its inception in November 2015.

Decision:

(1) That the progress of the Transformation Programme up to the end of February 2016 be noted; and

(2) That an 'Invest to Save' funding bid in the sum of £50,000 for the costs associated with the procurement process for the undertaking of a feasibility study for the Service Accommodation Review Project be agreed.

Reasons for Decision:

To present progress reports from the transformation programme to the Cabinet,

including work streams, programmes and projects.

To request Invest to Save funding to enable a headline feasibility study to be completed on a timeline which fitted with other transformation projects, like the Customer Contact Projects [P001]. External experts were required to complete the feasibility study as the necessary skills and capacity was not available in-house.

Other Options Considered and Rejected:

None, as failure to monitor and review progress of the transformation programme and to consider corrective action where necessary, could mean the opportunities for improvement were lost.

To complete the Feasibility Study in-house. However, the Council did not have the necessary skills to complete the Study.

172. REVIEW OF THE WASTE MANAGEMENT CONTRACT

The Environment Portfolio Holder presented a report on the review of the Waste Management Contract undertaken by the Council's Overview & Scrutiny function.

The Portfolio Holder reminded the Cabinet that the Council's contract with Sita, its previous waste, recycling and street cleansing contractor, came to an end after a seven year period on 3 November 2014. The process of awarding a new contract began in 2013, with competitive dialogue chosen as the procurement methodology, in recognition of the scale and complexity of the contract. At the final tender stage, all the remaining contractors bid on both a five-day collection and a four-day collection basis. The most advantageous tender, in terms of price and quality, was submitted by Biffa Municipal Ltd, who were appointed by the Council in May 2014. The contract mobilisation and handover went well and Biffa performed satisfactorily during the period from November 2014 up until May 2015, during which time they were operating the previous five-day collection arrangements.

The Portfolio Holder reported that, following the switch to the four-day collection schedule and the introduction of new vehicles and technology on 12 May 2016, it quickly became apparent that Sita was struggling to provide the service required of them. Over a period of several weeks, an unacceptably high level of missed collections were reported and the service was only now fully stabilised. The Portfolio Holder believed that it was very important to establish the reasons behind this service failure, not only to help in rectifying any ongoing problems and achieving an acceptable level of future service, but also to help in identifying any lessons for the Council, with respect to the letting of other major service contracts.

The Environment Portfolio Holder had formally requested the Overview and Scrutiny Committee to undertake a review on his behalf, the outcomes of which were to be formally reported back to Cabinet. The Overview and Scrutiny Committee had subsequently agreed the request and determined that the Neighbourhoods and Communities Select Committee was best placed to undertake the review, by virtue of their Terms of Reference.

The Portfolio Holder highlighted that a number of the problems encountered during the introduction of the revised four-day collection arrangements could have been avoided with additional time to:

- improve staff training and familiarisation with new vehicles and ICT systems;
- test drive new routes more thoroughly;

- retain and utilise local knowledge of existing staff;
- fully run in new fleet vehicles; and
- have operated for longer from new depot locations.

The Portfolio Holder also emphasised that the Review had found:

- Competitive Dialogue, including Member interviews, was an effective means for procuring large service contracts;
- cross party Portfolio Holder Advisory Groups played a positive role in shaping service contracts;
- the innovation forum established between Client Officers and the Contractor had proved useful in addressing service issues and identifying areas for improvement;
- the initial mobilisation period had gone well with service quality maintained during the first six months of the new Contract; and
- the tool for converting postcodes into revised collection days had been particularly useful.

The Chairman of the Neighbourhoods & Communities Select Committee advised the Cabinet that the full co-operation from Biffa had been a positive outcome from the Review.

Decision:

(1) That the findings and conclusion of the recent review of the Council's Waste and Recycling Collection arrangements be noted; and

(2) That these findings be taken into consideration for any future service contract procurement.

Reasons for Decision:

The Environment Portfolio Holder had requested the Council's Overview & Scrutiny function to undertake a review of the Council's Waste & Recycling Collection arrangements and to report back to the Cabinet.

Other Options Considered and Rejected:

None, as the Review had examined the first year of operation of the new Waste Management contract.

173. SMOKING AND VAPING POLICY

The Portfolio Holder for Technology & Support Services presented a report concerning a revised Smoking & Vaping Policy for all Council Offices.

The Portfolio Holder informed the Cabinet that the Joint Consultative Committee, at its meeting on 24 July 2014, had considered a proposal to ban the use of E-cigarettes in enclosed Council offices and workspaces and resolved "*That no action be taken on restricting the use of E-Cigarettes for a 12 month period and thereafter conduct an informal staff survey to ascertain the views of members of staff on the use of these products within the office environment.*"

The Portfolio Holder stated that a survey of staff was conducted in November 2015 and produced a good response from staff. The results showed that a clear majority of staff wanted vaping (the use of e-cigarettes and other electronic nicotine delivery systems) to be banned within Council offices and enclosed workplaces. The survey

was less clear with regards to staff smoking in the grounds of the Civic Offices; however, there was a clear indication that the provision of shelters was not supported and also a clear expectation that the banning of smoking within the grounds would displace the smokers to public land to the front of the building.

The Portfolio Holder reported that the Council's Smoking Policy had been revised to reflect the views of staff expressed through the survey. The revised policy also reflected the wish of Management Board for a consistent policy to be applied across all Council premises, including the buildings open to the public and the communal areas of tenanted housing complexes. The Joint Consultative Committee welcomed the revised Policy with majority support from both sides, and requested its adoption by the Cabinet.

The Portfolio Holder for Safer, Greener & Transport welcomed the extra provision being made for vaping, and accepted that the staff did not want vaping to be permitted inside the Civic Offices. A report published by Public Health England was highlighted which stated that e-cigarettes had the potential to help smokers to give up. The basement car park was not the ideal location for vaping, and it was suggested that a section of the Staff Canteen could be used for vaping.

Other members of the Cabinet agreed that the basement car park was not an ideal location for vaping, but neither was the Staff Canteen. The Portfolio Holder for Technology & Support Services stated that Officers would examine the use of the Staff Canteen for vaping, and the Policy would be kept under review.

Decision:

- (1) That the results of the Smoking and Vaping survey of staff undertaken in November 2015 be noted; and
- (2) That, as requested by the Joint Consultative Committee, the revised Smoking and Vaping Policy for all Council offices, workplaces and other Council premises open to the public, attached at Appendix B of the report, be adopted.

Reasons for Decision:

To revise the Council's Smoking Policy to take account of the views of Staff and to include the use of e-cigarettes.

Other Options Considered and Rejected:

- (i) To disregard the views of staff expressed in the survey in respect of smoking and vaping at work.
- (ii) To ban smoking and/or vaping during working hours and on Council premises.
- (iii) To permit vaping within the workplace in all areas or only in designated internal areas.

174. SMARTER WORKING FRAMEWORK - FLEXIBLE WORKING POLICY AND FLEXI SCHEME

The Portfolio Holder for Technology & Support Services presented a report on the Smarter Working Framework, incorporating the Flexible Working Policy and Flexi Time Scheme.

The Portfolio Holder reported that the Management Board, the Leadership Team, the Joint Consultative Committee (JCC) and a number of employees had been consulted on the policies or the Council's approach to these initiatives. As a result of this consultation, the policies had been reviewed and where necessary amended. It was proposed that they sat together under an overarching Framework document so that they were together in one place.

The Portfolio Holder advised the Cabinet that the Joint Consultative Committee had recommended the adoption of the Smarter Working Framework and Flexible Working Policy by the Council. There was also an outstanding item for the Cabinet to consider regarding the Council's Flexi Time Scheme relating to employees claiming travelling time to and from external training courses/conferences. Currently, employees undertaking external training for a day or half day should only book 7 hours 12 minutes or 3 hours 36 minutes respectively, regardless of travelling time. Suggestions had been made at the Joint Consultative Committee for employees to be able to record travelling time as well, and the Cabinet was requested to consider these options.

The Portfolio Holder stated that a summary of the main themes and comments from the consultation sessions, which were held with staff in September and October 2015, had also been included for information. The Portfolio Holder also clarified that paragraph 3.4.1 would be amended to include Vaping as a break to be recorded using the Deduction column on the Time Recording Sheets.

The Portfolio Holder for Governance & Development Management expressed concerns that the report had highlighted the majority of information was still paper based and could not be accessed electronically; this should be an urgent project for the Transformation Programme. In addition, there was also a need to educate Officers (and Councillors) as to where to look for information. The Council should be as flexible as possible, and these policies were a step in the right direction.

Decision:

- (1) That, as requested by the Joint Consultative Committee, the Smarter Working Framework and Flexible Working Policy, as attached at Appendices A and B respectively of the report, be adopted;
- (2) That the Flexi Scheme, as attached at Appendix C of the report, be agreed subject to the following amendment:
 - (a) the inclusion of Vaping in paragraph 3.4.1 as a break to be recorded using the Deduction column on the Time Recording Sheets; and
- (3) That the summary of the feedback from the Employee Smarter Working Consultation Workshops be noted.

Reasons for Decision:

The Council was moving towards implementing home, remote and mobile working options for its employees. The main objectives of the Framework were to establish a more flexible workforce, enhance the service provided to our customers and assist the Council in reviewing its accommodation requirements.

Other Options Considered and Rejected:

To amend the policies further or substitute other processes.

175. EPPING FOREST DISTRICT MUSEUM - ESTABLISHMENT OF A DEVELOPMENT TRUST

The Chairman of the Neighbourhoods & Community Services Select Committee presented a report from the Select Committee on the establishment of a Development Trust for the Epping Forest and Lowewood Museums.

The Chairman of the Select Committee stated that, although the Museum Service had previously had significant success in securing funding from external agencies, a lack of charitable status had limited the number of Trusts that the Council could apply to. Therefore, to help support the sustainability of the Museum, Heritage and Culture Service in the future, a feasibility study was undertaken in 2015 to identify Trust options, to operate in parallel to the Council's management of the Epping Forest District Museum and Lowewood Museum, which was managed on behalf of Broxbourne Borough Council

The Chairman reminded the Cabinet that it had requested the Select Committee to consider the findings of the study and the potential for the establishment of a Development Trust for the Museum, Heritage and Cultural Services section of the Council. This was discussed at the meeting of the Select Committee on 15 March 2016. The Select Committee had noted that the Council potentially had an opportunity to pump prime the establishment of a Trust, through funding from the Arts Council England Resilience Fund, which had recently opened a second round of funding to support Museums and the Arts. An Expression of Interest had already been submitted to the Arts Council, which included funding for the appointment of a Fundraising Manager and part time administrator. If the Expression of Interest was successful then the Council would be invited to submit a fully developed application, by 5 May 2016.

The Chairman reported that the bid submission would include reference to the current joint working with Broxbourne Borough Council in respect of Lowewood Museum and also highlight the recent collaboration with Chelmsford City Council, which would see the sharing of expertise and skills across all three areas. Within this arrangement, it was planned for the Fundraising Manager to set up a joint Development Trust for Epping Forest and Lowewood Museum Service and to support the establishment of a separate Trust for Chelmsford City Council.

The Chairman advised the Cabinet that the Select Committee was in agreement that if the application to the Resilience Fund was unsuccessful, then the proposal to establish a Development Trust for the Museum, Heritage and Culture Service should still be progressed through an alternative method, to be agreed. It was suggested that the Trust should be established as a Company, Limited by Guarantee and Registered Charity.

The Portfolio Holder for Community Wellbeing added her support for the report from the Select Committee and thanked the Committee for their efforts.

Decision:

(1) That the recommendation from the Neighbourhoods and Community Services Select Committee for the Council to establish a Development Trust for Epping Forest

and Lowewood Museums, to operate in parallel with the management of the Museum, Heritage and Culture Service be agreed; and

(2) That the establishment of a Development Trust be progressed on the basis of establishing a Company Limited by Guarantee and Registered Charity.

Reasons for Decision:

The Select Committee felt that a Development Trust would be very beneficial in supporting the future sustainability of the Museum, Heritage and Culture service of the Council and would enable significant value to be added to the work of the service.

Other Options Considered and Rejected:

To retain the status quo and to continue to seek external funding from current organisations. However, this would significantly limit the opportunities for development of the museums, due to the highly competitive funding environment.

176. ANY OTHER BUSINESS

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

The Leader of Council thanked the Members of the Cabinet for their support and the Officers for their assistance over the previous year. The Leader also thanked Cllr Stallan for his efforts as Housing Portfolio Holder over the previous nine years, as he was about to retire from the Cabinet at the end of the municipal year.

Cllr Stallan thanked everyone for their help and support during his time as Housing Portfolio Holder, stated that it had been a privilege to have served as Housing Portfolio Holder and was looking forward to being a 'backbench' Councillor for the remainder of his term as a Councillor.

177. EXCLUSION OF PUBLIC AND PRESS

The Cabinet noted that there was no business which necessitated the exclusion of the public and press.

CHAIRMAN