



CABINET
Monday, 8th September, 2014

You are invited to attend the next meeting of **Cabinet**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Monday, 8th September, 2014**
at **7.00 pm** .

Glen Chipp
Chief Executive

Democratic Services
Officer

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Members:

Councillors C Whitbread (Leader of the Council) (Chairman), S Stavrou (Deputy Leader and Finance Portfolio Holder) (Vice-Chairman), R Bassett, W Breare-Hall, A Grigg, D Stallan, G Waller, H Kane, A Lion and J Philip

PLEASE NOTE THE START TIME OF THE MEETING

1. WEBCASTING INTRODUCTION

- (a) This meeting is to be webcast;
- (b) Members are reminded of the need to activate their microphones before speaking; and
- (c) the Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights. If you have any concerns then please speak to the Webcasting Officer.

Please could I also remind Members to activate their microphones before speaking.”

2. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

3. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

4. MINUTES

To confirm the minutes of the last meeting of the Cabinet held on 21 July 2014 (previously circulated).

5. REPORTS OF PORTFOLIO HOLDERS

To receive oral reports from Portfolio Holders on current issues concerning their Portfolios, which are not covered elsewhere on the agenda.

6. PUBLIC QUESTIONS

To answer questions asked by members of the public after notice in accordance with the motion passed by the Council at its meeting on 19 February 2013 (minute 105(iii) refers) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

7. OVERVIEW AND SCRUTINY

(a) To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function.

(b) To consider any matters that the Cabinet would like the Council's Overview and Scrutiny function to examine as part of their work programme.

8. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT CABINET COMMITTEE - 14 JULY 2014 (Pages 7 - 18)

(Housing Portfolio Holder) To consider the minutes of the meeting of the Asset Management and Economic Development Cabinet Committee held on 14 July 2014, and any recommendations therein.

9. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 28 JULY 2014 (Pages 19 - 24)

(Finance Portfolio Holder) To consider the minutes of the meeting of the Finance & Performance Management Cabinet Committee held on 28 July 2014 and any recommendations therein.

- 10. FUNDING FOR SUPERFAST BROADBAND (Pages 25 - 34)**

(Technology & Support Services Portfolio Holder/Asset Management & Economic Development Portfolio Holder) To consider the attached report (C-014-2014/15).
- 11. LICENCE CONDITIONS FOR GYPSY, ROMA AND TRAVELLER SITES (Pages 35 - 56)**

(Housing Portfolio Holder) To consider the attached report (C-015-2014/15).
- 12. PHASE II RESOURCES FOR THE ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT TEAM (Pages 57 - 64)**

(Asset Management & Economic Development Portfolio Holder) To consider the attached report (C-016-2014/15).
- 13. ESSEX GYPSY AND TRAVELLER AND TRAVELLING SHOWPEOPLE ACCOMMODATION ASSESSMENT (Pages 65 - 72)**

(Planning Policy Portfolio Holder) To consider the attached report (C-017-2014/15).
- 14. STRATEGIC FLOOD RISK ASSESSMENT LEVEL II (Pages 73 - 78)**

(Planning Policy Portfolio Holder) To consider the attached report (C-018-2014/15).
- 15. UPDATE ON CONSULTATION FOR LOCAL COUNCIL TAX SUPPORT SCHEME 2015/16 (Pages 79 - 82)**

(Finance Portfolio Holder) To consider the attached report (C-019-2014/15).
- 16. LOCAL GOVERNMENT PENSION SCHEME 2014 - DISCRETIONS POLICY STATEMENT (Pages 83 - 96)**

(Technology & Support Services Portfolio Holder) To consider the attached report (C-020-2014/15).
- 17. CORPORATE PLAN KEY OBJECTIVES 2014-15 - QUARTER I PROGRESS (Pages 97 - 108)**

(Leader of the Council) To consider the attached report (C-021-2014/15).
- 18. VIREMENT OF BUDGETS FROM NEIGHBOURHOODS TO RESOURCES DIRECTORATE (Pages 109 - 114)**

(Environment Portfolio Holder) To consider the attached report (C-022-2014/15).
- 19. PURCHASE OF ENVELOPING MACHINE (Pages 115 - 118)**

(Technology & Support Services Portfolio Holder) To consider the attached report (C-023-2014/15).

20. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

21. EXCLUSION OF PUBLIC AND PRESSExclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
22	Acceptance of Tender – Council Housebuilding Programme Phase I	3

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report

which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Asset Management and Economic Development Cabinet Committee **Date:** Monday, 14 July 2014

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.45 pm

Members Present: Councillors Mrs A Grigg (Chairman), W Breare-Hall, Ms H Kane and Ms S Stavrou

Other Councillors: Councillors K Angold-Stephens, D Stallan and J M Whitehouse

Apologies: Councillor C Whitbread

Officers Present: D Macnab (Director of Neighbourhoods), J Nolan (Assistant Director (Neighbourhood Services)), C Pasterfield (Chief Estates & Valuation Officer), M Warr (Performance Improvement Officer), D Goodey (General Manager North Weald Airfield), J Leither (Democratic Services Assistant) and G J Woodhall (Democratic Services Officer)

1. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the internet and that the Council had adopted a protocol for the webcasting of its meetings.

2. DECLARATIONS OF INTEREST

(1) Pursuant to the Council's Code of Member Conduct, Councillor H Kane declared a personal interest in agenda item 6, Economic Development Progress Report, items 3 and 4 by virtue of being the Chairman of the Town Centre Partnership and a Ward Member and agenda item 7, Asset Management Co-ordination Group Report, item 11, Town Mead Depot by virtue of being a Ward Member. The Councillor had determined that her interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

(2) Pursuant to the Council's Code of Member Conduct, Councillor S Stavrou declared a personal interest in agenda items 6, Economic Development Progress Report, items 3 and 4 and agenda item 7, Asset Management Co-ordination Group Report, item 11, Town Mead Depot by virtue of being a member of the Waltham Abbey Town Council. The Councillor had determined that her interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

(3) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a personal interest in agenda item 7, Asset Management Co-ordination Group Report, item 4, St John's Road by virtue of being a member of Epping Town Council and a resident of Epping. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

(4) Pursuant to the Council's Code of Member Conduct, Councillor J Whitehouse declared a personal interest in agenda item 7, Asset Management Co-ordination Group Report, item 4, St John's Road by virtue of being a member of Epping Town Council and a resident of Epping. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

3. MINUTES

Resolved:

(1) That the minutes of the meeting held on 10 April 2014 be taken as read and signed by the Chairman as a correct record.

4. NORTH WEALD AIRFIELD INCOME GENERATION PLANS

The North Weald Airfield (NWA) Manager presented a report to the Cabinet Committee regarding plans to generate income at North Weald Airfield.

The Airfield Manager reported on an event that had already taken place, the use of the Airfield as a parking venue for Le Tour de France. He advised that there had been 240 cars parked at NWA on the day raising an amount of £2,400.

He advised the Cabinet Committee of ideas that he had been looking at in order to generate more income at the Airfield.

(1) Introduction of Landing Fees

There are no landing fees charged for visiting aircraft that land at North Weald Airfield. The current arrangement was that each tenant on the airfield had a number of movements allocated to a runway licence, visiting aircraft tended to visit historically and North Weald Flying Services collected the landing fee in the guise of it being a donation or a day membership to the club. There have been ongoing discussions with the Squadron and the Council's Estates department with the view that the Council should be collecting those fees. An implementation plan of how it could work had been devised and had highlighted that there would be a capital outlay of approximately £11,000 for initial setting up costs. There were ongoing arrangements being put into place with a view to the Council collecting 100% of the landing fees and this was hoped to be implemented from April 2015.

(2) Promote use of Control Tower as a meeting venue

The Control Tower had two rooms which were suitable for small events, meetings, and a training venue the Hunter Room and the Hurricane Room. Last year a total of £6,000 rental income was generated from hiring out these rooms. Marketing material had been produced and was being advertised at outlets in the area and was also being promoted via the website and social media to attract new bookings.

(3) Promote North Weald as a major events venue

There were not many weekends available for rental this year as there were a number of traditional events that had been running for many years, an example being Wings and Wheels which had held an annual event at the Airfield for over 25 years. Event organisers had been identified and contacted but there had not been much interest as they were predominantly interested in whole weekend events and not one day events. Whole weekend events were not possible due to the market being in

operation on a Saturday. Although the market had decreased dramatically over the last 4 to 5 years and there were now only half the amount of stalls that there used to be, the market still attracted between 5,000 and 8,000 visitors each week.

(4) Additional aircraft parking / hangars

We had identified additional areas for parking and hangars at the Airfield. The problem that had been highlighted was with the lease terms that were available, they were not found to be very favourable as we could only offer a lease until the end of 2018. Businesses were not wanting to invest in infrastructure and laying concrete bases for such a short lease term as they wanted the security of a 10-15 year lease. There would be a need to extend the lease period as the initial outlay for the lessee would far outweigh the income that would be generated and therefore would not attract hirers.

(5) Introduce Private Pilots License (PPL) training

A training provider had contacted the Council and put forward some proposals which from an operational point of view could work. We would need to look more closely into the proposals as it would need strict control.

Questions

(a) The Housing Portfolio Holder asked the Airfield Manager if he could look into the possibility of relocating the Market so that NWA could hold major events?

The Airfield Manager advised that they could look at relocating the market but the market attracted between 5,000 and 8,000 people each week and although the market had reduced in size there were 150 to 160 stalls each week.

(b) The Housing Portfolio Holder asked how much business, if any, had arisen from the North Weald Airfield facebook page?

The Airfield Manager said he did not have the information to hand and would look at the facebook statistics and report back to Members in the Bulletin.

(c) The Environment Portfolio Holder asked with the introduction of landing fees, what impact did the Airfield Manager think those landing fees might have on the number of aircraft that would use the airfield in the future and what was the projected budget income against the costs associated with implementing the plan?

He also asked the Airfield Manager if he thought aircraft landing at NWA would diminish with the introduction of landing fees?

The Airfield Manager advised that there were approximately 1800 landings per year which would equate to approximately £25,000 income. He envisaged the initial set up costs to be around £11,000 and thereafter £2,000 to £3,000 running costs per year.

The Airfield Manager did not think aircraft landing numbers would decrease with the introduction of landing fees.

(d) The Chairman asked with regard to the PPL training what restrictions there would be with a take off, a circuit and a landing as this could be noisy and continuous and would there be any restrictions on jets or helicopters?

The Airfield Manager stated that the type of aircraft that would be used would be the smaller light aircraft like a Cessna 150 or 172.

Resolved:

- (1) That the report from the North Weald Airfield Manager be noted; and
- (2) That any outstanding answers from questions asked by the Cabinet Committee be either published in the Council Bulletin or reported at the next scheduled meeting of the Cabinet Committee.

Reasons for Decision:

To update the Cabinet Committee on the income generation plans at North Weald Airfield.

Other Options Considered and Rejected:

None, as this report was for noting only.

5. ECONOMIC DEVELOPMENT TEAM PROGRESS REPORT

The Economic Development Officer (EDO) presented a report to the Cabinet Committee and updated them on a number of projects, themes and issues being explored by the Economic Development Team.

The Officer advised that a draft Economic Development Strategy document which had been compiled to act as a high-level framework within which the work of the Economic Development section would be guided. It was intended to be a light-touch document which highlighted the broad economic development priorities adopted by the Cabinet.

The Officer stated that the Economic Development team were liaising with colleagues in Forward Planning and were aware of the report currently being undertaken by Hardisty Jones Consultants, looking at the Economic and Employment Evidence to Support the Epping Forest Local Plan and Economic Development Strategy.

The Officer pointed out that Town Centres and their needs had been identified as a key first stage project and the current status and needs of Waltham Abbey Town Centre had been further identified as a key priority and lead project. In terms of the Waltham Abbey Town Centre a number of initiatives were already underway. Colliers Surveyors were being commissioned to review and identify the physical capacity and level of demand for improved retail development in the high street, both on land owned by the council and on land in the town centre. An economic consultant would also be commissioned to review the available unemployment data for Waltham Abbey and advise on the present status, patterns emerging, and need for intervention, with regard to unemployment in the town.

The Economic Development Team were supporting the Waltham Abbey Town Centre Partnership (TCP) with the Waltham Abbey High Street Summit on the 15 July 2014, which would seek to gather the views and thoughts of the town's businesses and residents on what the High Street needed to both survive and thrive. The TCP were organising this event with a number of officers from both Epping Forest District Council and Essex County Council who were intending to give very

short talks or presentations to generate debate and discussion around the future of the High Street.

Once the Waltham Abbey Town Centre Economic Development Plan had been formalised in terms of layout and content, each town centre in the District would receive the same level of attention following the established format but making each one bespoke to the particular location where appropriate.

The Officer advised that from June 2014 it had been possible to give regular attention to the facebook pages of One Shops Local and Visit Epping Forest. This had resulted in a noticeable increase in the level of traffic to the pages and also the level to which the Council was able to engage with online communities.

Resolved:

(1) That the progress and work programme of the Council's Economic Development Section be noted.

Reasons for Decision:

To update the Cabinet Committee on the progress made with regard to Economic Development issues.

Other Options Considered and Rejected:

None, as this was a monitoring report for noting only.

6. ASSET MANAGEMENT CO-ORDINATION GROUP REPORT

The Cabinet Committee noted a report from the Asset Management Co-ordination Group on the progress made with the development of the Council's property assets.

The Assistant Director (Asset Management & Economic Development) reported orally on further progress which had been achieved since the matters had been considered by the Group.

(1) Langston Road Retail Park

Detailed advice had been received from accountants, Price Waterhouse Coopers, which was being co-ordinated with solicitors Berwin Leighton Paisner, who had both been appointed to this project to ensure that the Council had the most tax efficient and proper legal entity to jointly take this proposal forward with Polofind Limited, who were the Council's joint development partners. Other work had progressed and the Council was close to being able to recommend the appointment of a construction project manager who would be a key member of the team appointing other professionals.

Planning matters which were reserved by the outline planning approval were also being dealt with such as the highways notices being prepared and further reports of the contamination had been commissioned. Our partners were moving forward on marketing and a draft brochure had been prepared for approval.

(2) Oakwood Hill Depot

The planning application for the new Council Depot at Oakwood Hill had been referred to the District Development Control Committee on 13 August 2014.

(3) Pyrles Lane Nursery

This site would be available for development once the Oakwood Hill Depot was constructed. A new planning application for a residential development was being prepared and would be submitted in the near future.

(4) St John's Road

Frontier Estates Limited had submitted detailed heads of terms for approval by all three councils, namely Essex County Council, Epping Forest District Council and Epping Town Council. Epping Town Council had approved the heads of terms and there was a report being considered by the District Council's Cabinet meeting on the 21 July 2014.

The development which had been proposed was a small food store which would be anchoring the scheme, a small multiplex cinema, a town square, restaurants, residential accommodation, offices which would include the Town Council and a public car park.

Assuming the heads of terms were agreed then the next step would be to instruct solicitors to have a joint development agreement between the developer and all three Councils. The developer would sign the agreement subject to planning approval.

(5) Waste Contractor's Depot

The Council had appointed Biffa as the new waste contractor which would commence in November 2014. Biffa would operate from their own depot sites but they would still be able to use the Council's current depot at Langston Road until 31 March 2015.

(6) North Weald Airfield

There was a separate report regarding aviation at the airfield on the agenda.

(7) Torrington Drive

The head lease of the Sainsbury store had been purchased from Stobarts and the store had a major uplift with the retail units at the front being turned into a car park with 49 spaces.

(8) Winston Churchill Public House

A Development Agreement and Section 106 Agreement had been signed by the Council and CK Property Investments (Loughton) Limited. Planning conditions had now been satisfied by the developer and demolition had commenced at the site.

(9) Broadway Car Parks / Burton Road Depot

A number of proposals were being investigated by the Director of Communities. The Council had now taken possession of the former jewellers shop which was in the walkway and plans were going ahead to widen the access between the Broadway and the Burton Road car park.

(10) Lindsey House Epping

The Council had now taken possession of this property and approval was granted on 23 June 2014 to market the property which was being progressed.

(11) Town Mead Depot

The Council had appointed Peter Brett Associates as consultants, who were experts on flooding and a topographical survey had been completed of the depot and adjoining land. The Consultants had been in discussion with the Environment Agency to allay any fears regarding flooding on this land and a report would be issued on the possible uses of the site in the near future.

(12) Church Hill Former Car Park

The sale of this site had now been completed.

(13) Leader Lodge

This site had been remarketed which had been very successful. A Portfolio Holder Decision would be published shortly to confirm the sale of the property.

Resolved:

(1) That the monitoring report on the development of the Council's property assets be noted; and

Reasons for Decision:

To comply with the Cabinet Committee's previous request to monitor the development of the Council's property assets periodically.

Other Options Considered and Rejected:

None, as this monitoring report was for information only.

7. MAIN RUNWAY AT NORTH WEALD AIRFIELD

The Director of Neighbourhoods presented a report to the Cabinet Committee regarding the main runway at North Weald Airfield. He advised that the report provided up to date details in respect of the condition of the main runway (RW02/20) at North Weald Airfield and set out potential remedial options. The report also considered, in the confidential part of the report, Counsel's opinion on obligations of the Council in respect of the leases/licences held by aviation tenants.

The Director stated that a number of reports had been commissioned since 1988 on the condition of the main runway. These included Scott Wilson in 1998, Halcrow in 2011 and Deloitte in 2013. The Halcrow report advised that the condition of the runway was suitable for its current use. Scott Wilson tested the runway and identified the pavement strength to have a classification number PCN 6. Tenants were informed of the runway classification number and advised that they would be able to occasionally operate aircraft in excess of a PCN 9 but the Council must be informed beforehand so they could inspect the runway and approve the operation.

The Director advised that RPS, an aviation based consultancy were commissioned to advise the Council on the steps required and probable costs related to bringing the main runway up to a standard of PCN 9.

The main findings of the report from RPS were as follows:

- (a) that the runway 02/20 is currently, in parts, under strength (PCN 6), whereas the licences stipulate PCN 9;
- (b) that the original asphalt section of the runway surface was in a comparatively poor state; however maintenance has maintained a satisfactory runway;
- (c) that based upon the level of traffic at the Airfield and the type of general aviation aircraft that operated from there, the runway surface was considered fit for purpose;
- (d) that the current runway operating distances were larger than required for the "design aircraft" (a Hawker Hunter T7), and its overall length could be reduced; and
- (e) that to achieve a PCN of 9 the asphalt section of the runway required a minimum of a 250mm overlay.

RPS had not undertaken any intrusive testing of the runway, their report was based on the previous Scott Wilson and Halcrow reports and a thorough visual inspection. The report divided the runway into three sections, with distances referenced to runway 02 (i.e. running south to north):

- (i) the flexible (asphalt) section (0m to 840m);
- (ii) the composite section (841m to 1090m); and
- (iii) the rigid (concrete) section (1091m to 1920m)

The Scott Wilson report designated these section lengths as having PCNs of 6, 10 and 9 respectively. RPS had formed the view that overall a PCN of 6 was appropriate.

RPS had provided a number of estimated solutions, again dependent upon what the future use of the Airfield might be, for example, any intention to seek a CAA licence.

A summary of the options are as follows:

Remediation	Baseline Overlay, existing runway profile	Option 1 Overlay, 1% transverse section to meet min. CAA stds.	Option 2 As option 1, but 1.5% transverse section to fully meet CAA stds.	Option 3 As option 1 but with width reduced to 30m	Option 4 As option 2 but with width reduced to 30m
Runway overlay	£2,675,000	£4,100,000	£4,700,000	£3,600,000	£3,800,000
Runway reconstruction	£305,000	£305,000	£305,000	£305,000	£305,000
Runway tie-in areas	£450,000	£450,000	£450,000	£450,000	£450,000
Total	£3,430,000	£4,855,000	£5,455,000	£4,355,000	£4,555,000

The above costs made a number of assumptions:

- (1) there was no contingency (assume at least 10%);
- (2) normal daytime hours working;
- (3) unfettered access to the runway;

- (4) access elsewhere on site for plant, asphalt production etc; and
- (5) good weather.

Work of this scale could take 6 to 8 weeks to undertake and require a runway closure for that entire period. RPS suggested that once a full technical solution was designed, this time period could be reduced a little. It might also be possible to enable some use of the cross runway RW13/31.

The above costs were significant, especially whilst the future of the Airfield remained subject to deliberation through the Local Plan. RPS were therefore asked to advise what the cost might be if a decision was made to simply overlay the existing asphalt areas, without seeking to achieve a PCN of 9 for the runway as a whole. Although not part of the report, RPS had indicated that in their view a simple 50mm overlay to deal with the immediate issues would cost in the region of £700,000.

The RPS report did not reach any new conclusions, but did usefully provide support to previous costs estimated for the remediation of the runway provided. There were two main issues to consider:

- (1) the costs of remediation of any type at this point in the Local Plan process; and
- (2) the advice of Counsel and the approach the Council wished to take with regard to those tenants who might demand the Council meet the full conditions of their licences, with respect to PCN's.

In terms of (1) above, despite the existing Cabinet resolution to retain aviation at the Airfield, it would perhaps be prudent not to do any significant remedial works to the runway at NWA which could be seen as setting a precedent for the future use of the Airfield in the context of the North Weald Bassett Masterplanning exercise as a whole, and until the Local Plan was further advanced. It would be important however, that the existing inspection and maintenance regimes were fully applied during this period.

The Chairman advised that the meeting would now go into private session to discuss the confidential part of this report.

8. EXCLUSION OF PUBLIC AND PRESS

Resolved:

- (1) That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
12	Main Runway at North Weald Airfield	3 and 5

9. MAIN RUNWAY AT NORTH WEALD AIRFIELD (CONTINUED)

The Director of Neighbourhoods presented Part II of his report to the Cabinet Committee regarding Counsel's advice on the main runway at North Weald Airfield.

The report considered Counsel's opinion on the obligations of the Council in respect of the leases and licences held by aviation tenants.

The Chairman advised that the meeting would now go back into public session to consider the recommendations.

10. INCLUSION OF PUBLIC AND PRESS

Resolved:

- (1) That the public and press be invited back into the meeting.

11. MAIN RUNWAY AT NORTH WEALD AIRFIELD (CONTINUED)

Resolved:

- (1) That the findings of the RPS report on the current condition of the runway at North Weald Airfield be noted;
- (2) That the confidential advice from Counsel with respect to the Council's obligations under the Leases and Licenses with aviation tenants be noted;
- (3) That the current maintenance and inspection regimes be maintained, as they were considered suitable for maintaining safe operating conditions at the current time; and
- (4) That any significant remedial work or consideration of the reduction in runway length be deferred until such time as the Local Plan process had been concluded.

Reasons for Decision:

To give consideration to remediation options in the context of the current condition of the runway as assessed by the RPS report, the implications of the local plan process and the Council's lease/licence obligations

Other Options Considered and Rejected:

To not address the issues presented by the runway condition report and legal advice. However, this would expose the Council to risk.

12. MARKETING OF AN OPERATIONAL MANAGEMENT AGREEMENT AT NORTH WEALD AIRFIELD

The Assistant Director (Asset Management and Economic Development) presented a report to the Cabinet Committee concerning the marketing of an operational management agreement for North Weald Airfield. The Cabinet Committee were advised that property consultants, Savills, had been appointed to review the current position and undertake a soft market exercise to obtain the views of companies who operated in this sector of the aviation industry. Due to the considerable amount of unknown factors it was identified that a management agreement would be preferable to a long lease agreement.

The Assistant Director stated that a formal marketing of this opportunity was now needed to ensure that the aviation business worked to become profitable in its own right. He also advised that an outright sale of North Weald Airfield would be ruled out.

The Leisure and Community Services Portfolio Holder proposed that an additional recommendation be added to the report to note that there were no plans to sell the airfield at the current time. The Financial Portfolio Holder seconded the recommendation.

The Chairman advised that the meeting would now go into private session to discuss the confidential part of this report.

13. EXCLUSION OF PUBLIC AND PRESS

Resolved:

(1) That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
13	Marketing of an Operational Management Agreement at North Weald Airfield - Appendix	3

14. MARKETING OF AN OPERATIONAL MANAGEMENT AGREEMENT AT NORTH WEALD AIRFIELD (CONTINUED)

The Assistant Director (Asset Management and Economic Development) introduced the Savills report on Soft Market Testing for North Weald Airport (NWA). He advised that there were two principal concerns from a business aviation perspective:

- (1) The number of other airports and airfields within a 75 mile radius; and
- (2) The capital investment that would be needed to allow business aviation to become established at North Weald.

The report went on to identify that NWA was in a prime location and should be of interest to business aviation operators and private customers.

15. INCLUSION OF PUBLIC AND PRESS

Resolved:

- (1) That the public and press be invited back into the meeting.

16. MARKETING OF AN OPERATIONAL MANAGEMENT AGREEMENT AT NORTH WEALD AIRFIELD (CONTINUED)

Recommended:

- (1) That an Operational partner for the aviation business at North Weald Airfield be sought;
- (2) That the procurement and appointment of marketing agents be approved, with the terms of the of the appointment of the agents delegated to the Portfolio Holder for Asset Management and Economic Development;

- (3) That a further report on the outcome of the marketing exercise be submitted to a future meeting of the Cabinet Committee; and
- (4) That there were no plans at the current time to sell North Weald Airfield be noted.

Reason for the Decision:

To progress Cabinet's previous decision to try and secure a viable future for aviation it is suggested that an existing commercial airfield operator be sought to provide the expertise to increase income, improve efficiency and help guide future plans.

Other Options Considered and Rejected:

The only option is to try and improve the airfield operations in-house without potential private sector expertise and operational risk transfer.

To sell or lease a longer term interest in the Airfield for aviation use, which would mean less control and choice of options for the future for the Council.

17. ANY OTHER BUSINESS

The Cabinet Committee noted that there was no other urgent business for consideration.

CHAIRMAN

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Finance and Performance Management Cabinet Committee **Date:** Monday, 28 July 2014

Place: Committee Room 2, Civic Offices, High Street, Epping **Time:** 6.30 - 7.45 pm

Members Present: Councillors Ms S Stavrou (Chairman), A Lion, J Philip, D Stallan and C Whitbread

Other Councillors: Councillors G Waller and J M Whitehouse

Apologies:

Officers Present: R Palmer (Director of Resources), P Maddock (Assistant Director (Accountancy)) and R Perrin (Democratic Services Assistant)

8. Declarations of Interest

Pursuant to the Council's Code of Member Conduct, Councillors S Stavrou, J Philip, A Lion, and D Stallan declared a personal interest in item 5 of the agenda, in so far as it relates to the Local Council Tax Support payable to Parish Councils as they are Parish Councillors. They understood that there are no binding decisions being made by the Committee at the meeting and therefore would advise that when the decisions were due on this later in the budget cycle, they would seek a dispensation from the Standards Committee to participate.

9. Minutes

RESOLVED:

That the minutes of the meeting held on 26 June 2014 be taken as read and signed by the Chairman as a correct record.

10. Risk Management - Corporate Risk Register

The Director of Resources advised that the Corporate Risk Register had been considered by both the Risk Management Group on 23 June 2014 and Management Board on 9 July 2014, which had reviewed and identified amendments to the Corporate Risk Register and had included no additional risks.

The Director of Resources reported that Risk 1, Local Plan had been updated to reflect the latest position and the risk score remained A1 Very High Likelihood/Major Impact. Risk 5, Economic Development had been increased from B2 High Likelihood/Moderate Impact to A2 Very High Likelihood/Moderate Impact because of the concerns around the target September completion date for the Economic Development Strategy alongside concerns over staffing levels. Risk 8, Partnerships had been increased from D3 Low/Very Low Likelihood/Minor Impact to C3 Medium Likelihood/Minor Impact whilst waiting for the new parking machines to be installed and also the two recent audit reports received from Colchester Borough Council advising a Limited Assurance for the North Essex Parking Partnership (NEPP) due to

Finance and Performance Management Cabinet Committee
Monday, 28 July 2014

a shortfall in data quality. Work had been carried out to improve data quality resulting in a further audit report upgrading the Assurance Rating to Substantial.

The Portfolio Holder for Safer, Greener and Transport, Councillor Waller advised that there were concerns over the failure to make collections and whether there were enough Civil Enforcement Officers, which could result in the Council having to make up the losses. Although NEPP had made a profit of £150,000 in 2013/14 which had been put aside for future losses.

The Committee had concern over the future financial status of NEPP and felt that they should be regularly informed of any changes at future meetings of this Committee.

The Portfolio Holder for Technology and Support Services, Councillor Lion felt that North Weald Airfield and possible other large scale development sites should feature by name on Risk 2, Strategic Sites. The Director of Resources advised that this could be done.

The Portfolio Holder for Governance and Development Management, Councillor Philip also raised concerns over the risk of Area Planning Sub-Committees refusing planning application made by the Council and the Councils policy on not challenging their own decisions, which would perhaps need to be addressed on the risk register and dealt with by a scrutiny panel.

RESOLVED:

- (1) That the updated Corporate Risk Register would be noted;
- (2) That the Committee considered there were no new risks that were not on the current Corporate Risk Register; and
- (3) That a report be brought forward to the next Finance Performance Management Cabinet Committee regarding the financial status of NEPP.

Reasons for Decisions:

It is essential that the Corporate Risk Register is regularly reviewed and kept up to date.

Other Options Considered and Rejected:

Members may suggest new risks for inclusion or changes to the scoring of existing risks.

11. Financial Issues Paper

The Director of Resources advised that the report provided a framework for the Budget 2015/16 and updated Members on a number of financial issues that would affect the Authority in the short to medium term. The greatest areas of current financial uncertainty and risk to the Authority were;

- Central Government Funding – the assumption that the overall reductions of 12.5% and 15.4% were common to each element of the Funding Assessment and on that basis it had been proposed that reduced funding to parish councils of 15.4% (£42,604) would be applied for 2015/16.

Finance and Performance Management Cabinet Committee
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- Business Rates Retention – the basic amounts within the system had been fixed for an extended period until 2020 with an indicative tariff figures of £10.038 million and £10.315 million for 2014/15 and 2015/16 respectively. The major concern was that all appeals and refunds were to be accounted for in the new system and that in getting to a predicted level of non-domestic rates for 2013/14, allowance had to be made for the amounts of money which were anticipated to be paid out in appeals and refunds. The cash collection in the new system and the CSB budget increase of £25,000 for legal action on difficult, high value cases had proved a sound investment and boosted the collection rate to 98.09%. The current Secretary of State had indicated to an increase in percentages retained and alongside various developments opportunities in the District, the Council could be self-sufficient and not rely at all on revenue support grants within 5 years. There was also a possibility of pooling with other authorities to share the risk and possibly reduce levy payments through the Essex Leaders Strategic Finance Group which should be in place for 2015/16.
- Welfare Reform - the Local Council Tax Support settlement figures had been sufficient to cover the loss with a small surplus. The other welfare reforms Benefit Cap and Spare Room Subsidy had not caused major problems with many residents deciding to pay a higher proportion of their rent themselves. The Universal Credit had been subjected to delays and therefore clarity would still be required on the Council's role.
- New Homes Bonus - The Council would approximately receive £130,000 in 2015/16, which would be allocated to the Continuing Services Budget. A prudent position had been adopted for future years with £130,000 taking the NHB income in the CSB to £1.95 million.
- Development Opportunities – the Winston Churchill public house site, St Johns area, Epping and the Langston Road shopping development are moving forward but it would not be prudent to include them in the Medium Term Financial Strategy until firm decisions on the different projects had been made.
- Income Streams; The actual figures up to date had been encouraging and the improved position in the second half of 2013/14 had continued into 2014/15. The North Weald Market remained on a reduced rent, with the profit share element not being triggered so far, which would reduce the CSB income and would be kept under review.
- Waste and Leisure Contract Renewals - The waste contract had been procured at a lower cost than the current contract and the savings had been included in the Medium Term Financial Strategy. The Leisure Management Contract had been extended for another three years, whilst a Leisure Strategy was being prepared and the Council's role in leisure provision was considered as it was not sustainable in the long term given the Council's financial position.
- Organisational Review – The 2014/15 budget had included the effects of the first stage of the organisational restructure and each Directorate was now evaluating both opportunities to improve efficiency and areas that had been historically under resourced.

The Director of Resources reported that the Council was in a stronger financial position than had been anticipated with the General Fund Reserve increasing, despite the reductions in funding. The Council was also better informed about LCTS and retained business rates with a realistic prospect of becoming self-financing over the medium to long term. If the percentage of rates retained locally were increased and the strong progress on our development sites continued the Council would be very well placed, although the General Election and possible change of Government creates a greater uncertainty overall for the medium term.

The four-year forecast would give the total CSB figures for 2014/15 revised of £13.699m and 2015/16 of £13.146m, which set the net DDF expenditure at £2.269m for the revised 2014/15 and £204,000 for 2015/16 and it was likely that the DDF would be used up in the medium term. Over the period of the MTFs the balance on the Capital Fund reduces significantly from £17.462m in 2014 to £5.702m in 2019.

Recommended:

- (1) That the establishment of a new budgetary framework including the setting of budget guidelines for 2015/16 be set including:
 - (a) The ceiling for Continuing Services Budget net expenditure be no more than £13.146million including net growth;
 - (b) The ceiling for District Development Fund expenditure be no more than £204,000;
 - (c) The balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement; and
 - (d) The District Council Tax not be increased, with Council Tax for a Band 'D' property remaining at £148.77.
- (2) That a revised Medium Term Financial Strategy for the period to 2018/19 be developed accordingly:
- (3) That communication of the revised Medium Term Financial Strategy to staff, partners and other stakeholders be undertaken;
- (4) That a detailed review of fees and charges, specifically parking charges be undertaken; and
- (5) That reductions of 15.4% in parish support, in line with the reductions in the central funding this Council receives be taken forward.

Reasons for Decisions:

By setting out clear guidelines at this stage, the Committee establishes a framework to work within in developing growth and savings proposals. This should help avoid late changes to the budget and ensure that all changes to services had been carefully considered.

Other Options Considered and Rejected:

Members could decide to wait until later in the budget cycle to provide guidelines if they felt more information, or a greater degree of certainty, were necessary in relation to a particular risk. However, any delay will reduce the time available to produce strategies that comply with the guidelines.

12. Any Other Business

It was noted that there was no other urgent business for consideration by the Sub-Committee.

13. Exclusion of Public and Press

Finance and Performance Management Cabinet Committee
Monday, 28 July 2014

The Sub-committee noted that there were no items of business on the agenda that necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

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Report to the Cabinet

Report reference: C-014-2014/15
Date of meeting: 8 September 2014



**Epping Forest
District Council**

Portfolio: Technology & Support Services
Asset Management & Economic Development

Subject: Funding for Superfast Broadband Programme

Responsible Officer: Mike Warr (01992 564593).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) That Cabinet recommend to Council to make a bid for a maximum of £84,000 to co-fund the investment in superfast broadband infrastructure in order to achieve 95% coverage in the district and that a bid for this sum be included in the draft capital programme for 2015/16;

(2) That Cabinet agree to write to the Chief Executive of Essex County Council informing her that this council is minded to support the Superfast Essex programme and that cabinet has provisionally agreed to make a bid up to a maximum of £84,000, subject to the approval of the budget in February 2015;

(3) That a Portfolio Holder Advisory Group be established, with the support of officers as required, to work through the potential district priorities for this investment, in order to recommend our preferred options, in so far as they are practical and in discussion with Essex County Council and suppliers;

(4) That the composition of the Portfolio Holder Advisory Group be seven Members with Group Leaders requested to make suitable nominations and chaired by the Technology & Support Services Portfolio Holder;

(5) That, to inform the discussions of the Portfolio Holder Advisory Group, an exercise be undertaken to determine both current levels of coverage and current levels and types of demand for enhanced broadband provision and access throughout the District;

(6) That to further inform the discussions of the Portfolio Holder Advisory Group, further advice be sought from Essex County Council as to the likely timescales for completion of the rollout of superfast broadband and the implications for the remaining 5% of the District which will remain without superfast broadband once 95% has been achieved;

(7) That the Portfolio Holder Advisory Group presents its preferred options to Cabinet for debate and adoption, with the adopted priorities to be notified to Essex County Council as the Council's priorities for the investment of the agreed £84,000 funding; and

(8) That the process for prioritising the investment of non-district matched funds to achieve 93% coverage across Essex be clarified with Essex County Council and opportunities to be involved in that process be identified in order that our agreed

priorities also be considered as part of that investment programme.

Executive Summary:

The current Superfast Essex broadband programme, representing an investment of £24.6million in broadband infrastructure in areas where commercial suppliers are not planning to invest in the next three years, if at all, will make superfast broadband available to 87.4% of home and business premises in Essex by summer 2016. In April 2014, Government announced a further £10.62m would be made available to Essex through the Broadband Delivery UK programme provided it was matched locally. The funds matched by Essex County Council will enable coverage of 93%. Essex CC has appealed to districts to consider contributing additional match funding in order to enable coverage of 95% to be achieved.

Epping Forest District Council is asked to provide funding in the sum of £84,000 to enable 95% coverage in the district. Without the investment by the Council 93% coverage would still be achieved, the extra monies enabling an extra 2% of hard to reach areas to be covered.

Subject to the recommendation that a bid be made for this investment, Epping Forest District Council will also need to assess levels of demand across the district and work towards the identification and adoption of the Council's priorities for how this funding is invested. These priorities to inform discussions with Essex County Council as to how and where investment takes place

Reasons for Proposed Decision:

Broadband access is a necessity and key enabler, both for our local businesses looking to expand and compete in a global market and residents who want to keep up with the digital world. This extension to the programme will allow the Essex Superfast Broadband Programme to improve connections for even more homes and businesses and the additional funding requested in this report will enable that extended level of coverage to be achieved specifically across the Epping Forest district.

Other Options for Action:

Cabinet could opt to not make a funding contribution to the Superfast Broadband Programme. This decision could result in the district failing to reach 95% superfast broadband coverage affecting residents and businesses opportunities to benefit from such an infrastructure. It may also limit any discretion the District Council may have over where and how the infrastructure is improved within its boundaries.

Report:

1. Under the national government-led initiative to make the UK one of the best connected countries in the world, Essex County Council has created the Superfast Essex Programme, which is currently implementing the Broadband Delivery UK or BDUK project. The contract that ECC has with BT will see 87.4% of Essex's premises get access to superfast broadband (average download speeds in excess of 24 Megabits per second Mb/s) by summer 2016.
2. Recently Essex County Council's Cabinet approved an extension to the programme, supporting a £20.5m investment in superfast broadband infrastructure in Essex. Essex County Council will commit £5.5m towards the Superfast Broadband Extension Scheme, which will be match-funded by the Department for Culture, Media and Sport. A further contribution of around £9.5m is expected to be procured from suppliers, who will be contracted to work with Essex County Council (ECC) on the programme.
3. This extension will allow ECC to improve connections for even more homes and

businesses. The intention is to use the new County Council investment across two main projects – a fibre extension project with the intention of reaching an additional 40,000 homes or business; and a rural challenge project with the aspiration to provide superfast broadband to a further 20,000 rural homes or businesses.

4. The County Council is unable to fully match fund the full grant allocation made available by the Department for Culture, Media and Sport and discussions are continuing to seek contributions from Districts and other funding sources. So far Braintree District Council, Tendring District Council and Epping Forest District Council have indicated that they would contribute.

5. In the Epping Forest District area it is currently estimated that by summer 2016 87.82% of premises will have superfast broadband available to them – fractionally higher than the county average.

6. The current scheme is progressing well with more premises being connected than anticipated in the timescales set down. It is worth noting however that while the speed of deployment is quicker than anticipated, the cost is in line with projections, which does not therefore suggest any surplus.

7. Epping Forest District Council has long campaigned for better broadband connectivity in the district and officers and members have played significant roles in the Superfast Essex programme. The council has also taken a lead in investing in innovative solutions, using point to point radio link networks to extend coverage and provide business network resilience.

8. This report seeks Cabinet recommendation to Council to make a bid up to a maximum of £84,000 to be included in the draft capital programme for 2015/16 to enable delivery of superfast broadband in the Epping Forest area.

9. The current Superfast Essex programme, managed and led by Essex County Council, represents an investment of £24.6million in broadband infrastructure in areas where commercial suppliers are not planning to invest in the next three years, if at all.

10. In April 2014, Government announced a further £10.62m would be made available to Essex through the BDUK programme provided it was matched locally. Also in April 2014, a letter was received from Joanna Killian, Chief Executive, Essex County Council setting out the government investment plans, the planned level of investment by Essex County Council, and seeking district council expressions of interest to contribute funding to the programme.

11. In June 2014, the Director of Resources sent an expression of interest on behalf of the council indicating that £84,000 of funding could be made available in the 2015/16 financial year.

12. The figure of £84,000 is estimated to be the appropriate amount of funding required from Epping Forest DC.

13. On 22 July 2014, Essex County Council's Cabinet allocated £5.5million to match the Government money and appealed to districts to contribute funding as well.

14. A subsequent email from Councillor Kevin Bentley, Essex County Council Deputy Leader and Cabinet Member for Economic Growth and Infrastructure was also received reiterating the appeal for district council contributions to the fund and the text of this email is attached as Appendix 2.

15. Were Cabinet to recommend to Council to make a bid for a maximum of £84,000 and Council agreed to make this bid ECC will be in a position to inform BDUK that further funding is available which in turn will be matched by BDUK. Furthermore, a prerequisite of the contract that will be tendered by ECC will be that the winning contractor will be obliged to

match fund the public sector contribution so further increasing the amounts invested.

16. By committing funding, the District Council would be able to have much more of a say on where the investment is needed to address the Council's priorities. Provided the money is being spent in eligible areas, the District will maintain some discretion on where the infrastructure is improved.

17. This issue of priorities therefore needs to be addressed in order that, as a District we are clear on what we see as the best value for money allocation of these limited resources in order to achieve our District's objectives. It is suggested that a Portfolio Holder Advisory Group of members, with the support of offers as required, be established to work through the many potential priorities, whether they be increased bandwidth for business premises, increased levels of enhanced coverage and access for rural communities or other priorities, in order to recommend our preferred options.

18. With regard to the composition of the Portfolio Holder Advisory Group, this is to consist of seven members, with Group Leaders invited to nominate suitable persons to the Group. The Chairman of the Group would be the Technology & Support Services Portfolio Holder.

19. A key element of determining our priorities will be a greater understanding of the current levels and types of demand for superfast broadband throughout our District. It is therefore also recommended that work to understand this demand should be undertaken by the council.

20. To further inform the discussions of the Portfolio Holder Advisory Group, further advice be sought from Essex County Council as to the likely timescales for completion of the rollout of superfast broadband and the implications for the remaining 5% of the District which will remain without superfast broadband once 95% has been achieved.

21. Furthermore, the Council's priorities, once established, should also be used to inform how Essex County Council will be investing the funding available to bring coverage up to 93% across Essex. Whilst the District Council is not contributing to that funding element, it is important that we understand the governance arrangements that will determine how 93% coverage is achieved and as such we should, as a Council, seek to understand and be involved in those discussions.

Resource Implications:

A bid for up to £84,000 would be made for the draft capital programme in 2015/16

Legal and Governance Implications:

None

Safer, Cleaner and Greener Implications:

None

Consultation Undertaken:

None

Background Papers:

Letter from Joanna Killian, Chief Executive Essex County Council and email from Kevin Bentley, Deputy Leader and Cabinet Member for Economic Growth and Infrastructure, Essex County Council attached as Appendices to report.

Risk Management:

There is a risk that if businesses within the District do not have access to Superfast Broadband services then they will locate outside of the District and the Council will have failed to achieve the potential for economic Development within the District.

Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

The Superfast Essex broadband programme will be rolled out across the district and the funds requested in this report would apply to all groups of residents and businesses located in the affected areas in the sense that it addresses the broadband infrastructure rather than how it is used .

In terms of addressing specific inequalities the funds aim to address the ability of our residents and businesses to access improved speeds of broadband access and would be used to some extent to improve the level of service experienced by users in rural settings as opposed to urban areas.

An improved broadband service will enhance residents ability to access services and information better enabling them to live active and engaged digital lives. Improved access to social media, interactive services and support networks might enable those residents currently socially excluded by lack of transport, mobility or remoteness to become more integrated into a wider community.

With the development of increasingly accessible online services, those residents and businesses who might feel excluded through a disability or condition which prevents them from otherwise accessing the services they need, will also hopefully benefit from the enhanced infrastructure.

To: All Chief Executives
Boroughs, Districts and Unitaries

Date: 30 April 2014
Our Ref: Superfastjk300414

Dear Colleagues

Re: Match funding request for Superfast Essex broadband infrastructure programme

As you will be aware, the Department for Media, Culture and Sport (DCMS) recently made available a grant allocation of up to £10.72m for the county of Essex to support a further expansion of the superfast broadband infrastructure in the county. In response to this announcement, Essex County Council (ECC) is preparing a business case to take advantage of the grant allocation, which has to be fully match funded. The objective is to expand the existing Superfast Essex programme to reach many of the areas not covered under the existing Essex BDUK project and achieve 95% superfast broadband connectivity for the county of Essex. ECC is planning to make available £5.5m of capital funding for this initiative and therefore will only be taking up about half of the grant allocation from DCMS. This letter is a request to local councils to express an interest to increase the investment for Essex by contributing to the match fund budget and enable a greater take-up of the grant allocation.

Under the Superfast Essex programme, ECC is currently implementing a broadband rollout which, in conjunction with commercial activity, will deliver superfast coverage for 87.4% of premises in the county of Essex. With the new grant allocation by DCMS and the funds currently being set aside by ECC it is expected that this programme could be extended to reach around 93%, still falling short of the DCMS objective of 95% coverage. If further match funding could be secured from other sources, such as your Authority, a larger part of the DCMS grant allocation could be taken up, with a resulting increase in superfast broadband coverage to be achieved.

Also, one of the procurement processes currently being considered to purchase the broadband extension infrastructure is to call-off under the DCMS Broadband Delivery Framework. This is a gap-funded model contract, which attracts further investment from the supplier in proportion to what the contracting authority is able to contribute including its match grant funds. One of the benefits of pooling contributions from local authorities such as yours with ECC's investment is that all bodies shall together maximise the coverage of superfast broadband across the county of Essex and will in turn share the future rewards.

With the above information in mind, we kindly ask your Authority to consider contributing to the funding budget for this broadband infrastructure opportunity across the county. If funds are pledged, the Superfast Essex programme will work with you to ensure that these are invested to achieve a direct benefit for the local community in your area. Please note that the draw-down of any funds pledged towards this initiative is likely to fall into the 2015/16 or 2016/17 financial years. If you consider that there is money available from your Authority for this programme in 2014/15 financial year, please also let us know on the attached form. Although such monies will not be spent for this initiative until after 1 April

2015, ECC can make arrangements with your Authority to transfer funds and keep them safe in a holding/reserve account until the extension programme commences under contract.

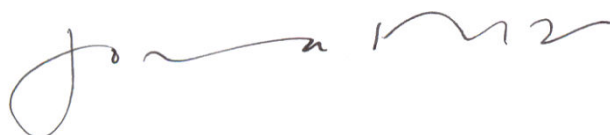
To capture your response to this request, please would you kindly complete the attached form. As the deadlines for progressing the business case and DCMS grant application are tight, I would greatly appreciate it if you could respond by **30 May 2014**.

Please note that the receipt of your Authority's completed response shall be treated in the strictest of confidence by ECC, and will be treated simply as an expression of interest to contribute to this programme, for information only.

If you require more specific details or would like to discuss this funding opportunity further, please contact the Superfast Essex Programme Manager at Essex County Council, Connie Kerbst, by email to connie.kerbst@essex.gov.uk. Further information on the current Essex broadband programme can also be found on the recently updated website, www.superfastessex.org.

I look forward to hearing from you in due course and thank you for your time taken to consider the contents of this letter and to respond.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Joanna Killian', written in a cursive style.

Joanna Killian
Chief Executive

Please reply to: Member Enquiries Team
Tel: 08457 430 430
Email: Member.Enquiries@essex.gov.uk
Internet: www.essex.gov.uk

Appendix 2 - Text of Email from Councillor Kevin Bentley Essex County Council Deputy Leader and Cabinet Member for Economic Growth & Infrastructure

From: Toni Coleman, Cabinet Support Officer [<mailto:Toni.Coleman@essex.gov.uk>] **On Behalf Of** Cllr Kevin Bentley, Member CC

Sent: 22 July 2014 14:01

To: Cllr Barry Aspinell at Brentwood; Cllr Bob Boyce; Chris Whitbread; Cllr Colin Riley; Graham Butland Braintree Council; Cllr Jim Ketteridge; Cllr Jon Clempner; Cllr Martin Hunt; Cllr Mick Page at Tendring; Cllr Phil Turner; Cllr Roy Whitehead; Cllr Terry Cutmore; Colchester CE; Alison Crowe; Amar Dave; Basildon CE; Castlepoint CE; Fiona Marshall; Glen Chipp; Ian Davidson; Uttlesford CE; Harlow CE; Nicola Beach; Chelmsford CE

Subject: Superfast Essex Programme

Dear colleagues,

I am writing to give you an update on the Superfast Essex programme, which is currently rolling out high-speed fibre broadband across the county.

Earlier today Essex County Council's Cabinet approved an extension to the programme, supporting a £20.5m investment in superfast broadband infrastructure in Essex.

Essex County Council will commit £5.5m towards the Superfast Broadband Extension Scheme, which will be match-funded by the Department for Culture, Media and Sport (as part of grant funding made available to support broadband extension programmes). A further contribution of around £9.5m is expected to be procured from suppliers, who will be contracted to work with Essex County Council on the programme.

We are strongly committed to the Superfast Essex programme, as broadband access is a necessity both for our local businesses looking to expand and compete in a global market, and residents who want to keep up with the digital world. This extension to the programme will allow us improve connections for even more homes and businesses.

Our intention is to use the new County Council investment across two main projects – a fibre extension project with the intention of reaching an additional 40,000 homes or business; and a rural challenge project with the aspiration to provide superfast broadband to a further 20,000 rural homes or businesses.

As the County Council is unable to match fund the full grant allocation made available by the Department for Culture, Media and Sport, discussions are continuing to seek contributions from districts and other funding sources. So far Braintree District Council, Tendring District Council and Epping Forest District Council have indicated that they would contribute.

We will continue to welcome offers of support from district, borough, city and unitary councils in Essex. If your authority would like to make a financial contribution it is not too late. Please do not hesitate to contact my office and I will be happy to discuss further.

In order to define the areas where the extension programme is most needed, we are currently carrying out an Open Market Review to establish existing broadband provision and commercial

investment plans over the next three years. A public consultation on the scope of the programme will follow in the autumn.

Delivery for the current £24.6million Superfast Essex programme is progressing well and on track. By the end of June, 22 fibre-enabled cabinets were live and able to accept orders from 2300 homes and businesses in Colchester, Braintree and Harlow. The first fibre cabinets in Brentwood and Tendring districts will be launched in the coming months.

I will provide further updates as the Superfast Essex programme progresses. In the meantime if you have any questions about the scheme please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Bentley', written in a cursive style.

Cllr Kevin Bentley

Deputy Leader and Cabinet Member for Economic Growth and Infrastructure

This email (including any attachments) is intended only for the recipient(s) named above. It may contain confidential or privileged information and should not be read, copied or otherwise used by any other person unless express permission is given. If you are not a named recipient, please contact the sender and delete the email from your system. It is the recipient's responsibility to ensure that appropriate measures are in place to check for software viruses.

Report to the Cabinet

Report reference: C-015-2014/15
Date of meeting: 8 September 2014



**Epping Forest
District Council**

Portfolio: Housing

Subject: Site Licence Conditions for Permanent Residential Sites occupied by Gypsy, Roma and Traveller families.

Responsible Officer: Lyndsay Swan (01992 564146)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) That following consultation with site owners, residents, statutory consultees and other interested parties, the Park Home Site Licence Conditions for Gypsy, Roma and Traveller Sites in Epping Forest District Council attached at Appendix 1 be adopted.

Executive Summary:

It is a statutory requirement for local authorities to issue site licences on all the park homes sites in their area and to decide what conditions to attach to them. In 2008, the Government produced new standards for permanent residential park homes sites, providing a framework upon which councils can base the conditions they attach when re-licensing sites.

In July 2012, based upon these conditions, the Cabinet agreed the conditions to be attached to the site licences for the permanent residential park homes sites in the District and also that the site licence conditions for 31 Gypsy, Roma and Traveller sites in the District, that have Planning Permission to be occupied on a permanent residential basis, should generally be in accordance with these conditions.

There are significant differences between sites occupied by Gypsy, Roma and Traveller families and those occupied by the settled community. Taking account of these differences officers have drafted new conditions, and with the approval of the Portfolio Holder for Housing on 18 June 2014 (HSG-003-2014/15), undertook a four-week consultation with site owners and residents on the Gypsy, Roma and Traveller sites in the District. Comments from the consultation have been taken into account in the drafting of the site licence conditions that appear in Appendix 1. Members are asked to agree these conditions so that the new site licences can be issued to the owners.

Reasons for Proposed Decision:

The Council is required to issue licences on all park homes sites in the District with conditions that are relevant, consistent and will adequately protect the health and safety of people residing at, or visiting the sites. Although new proposed standard park home site licence conditions for permanent residential sites occupied by the settled community were agreed by the Cabinet in July 2012 (C-012-2012/13), the existing site licence conditions for the Gypsy, Roma and Traveller sites that are occupied on a permanent residential basis have not been

reviewed for many years. In the light of this the Cabinet agreed that consultation should be undertaken with residents on Gypsy, Roma and Traveller sites, and other interested parties, to agree suitable licence conditions for these sites. This consultation has now been carried out and the resulting comments have been taken into account in the conditions that are attached at Appendix 1.

Other Options for Action:

The option of not setting new licence conditions and allowing the remaining ones to remain in place has been discounted as the existing conditions are outdated and such an approach could compromise the health and safety of those living on or visiting the sites.

The option not to consult has been discounted as at its meeting in July 2012, the Cabinet agreed that residents on Gypsy, Roma and Traveller sites would be consulted before the conditions were finally agreed.

The Council could agree to apply the same conditions to the Gypsy Roma and Traveller sites in the District as the ones attached to the permanent residential sites occupied by the settled community. However, this option has been discounted because of significant differences between the two different types of sites, mainly in terms of ownership and management. A table showing the differences between the two sets of conditions is attached at Appendix 2.

Report:

1. In July 2012, following a consultation exercise with site owners, residents and other interested parties, the Cabinet agreed the conditions to be attached to the site licences for the permanent residential park homes sites in the District (C-012-2012/13). The Cabinet also agreed that the site licence conditions for the Gypsy, Roma and Traveller sites in the District should generally be in accordance with these and that a consultation process should be undertaken with the residents on the conditions proposed.

2. This Council is the first of the Essex authorities to introduce standard licence conditions for Gypsy Roma and Traveller sites on its District, which are designed to ensure that standards set are in line, as far as is reasonable, with the permanent residential park home sites on the District, whilst taking into account specific cultural and lifestyle differences between the two communities. There are 31 Gypsy, Roma and Traveller sites in the District, comprising 117 pitches that have Planning Permission to be occupied on a permanent residential basis.

3. Proposed site licence conditions were drafted and presented to the joint Management Board/Cabinet meeting on 11 December 2013 for informal consultation. These conditions were generally based on those that had already been agreed for the permanent residential sites but with appropriate amendments to take account of the differences between the two different types of sites. On 18 June 2014 the Housing Portfolio Holder agreed that a consultation should be carried out with residents on the Gypsy, Roma and Traveller sites based on these proposed conditions (HSG-003-2014/15). The conditions include the charging scheme that was agreed by the Cabinet on 3 March 2014 (C-080-2013/14).

4. Officers carefully considered the most effective way of communicating with residents on the Gypsy, Roma and Traveller sites. Historically officers from the private sector housing team have had little involvement with the community beyond carrying out the twice yearly bi-annual Gypsy Count. This is in marked contrast to the traditional residential park home sites where residents come to officers for assistance in connection with site licence conditions and other park home issues. Also, the Gypsy Roma and Traveller community typically, are not comfortable dealing with formal documentation from 'authority' and some have limitations

with literacy.

5. Initially officers researched whether there were specialist companies that could carry out the consultation on the Council's behalf, however, it proved difficult to find an organisation that could undertake this work successfully for a reasonable cost. It was subsequently agreed that the most effective way of communicating with the individual groups was to use a consultant that was known, and trusted, by the Gypsy, Roma and Travelling families in the District, to act as an intermediary between the Council and the residents concerned. The consultant has in the past directly helped many of the residents that the Council wanted to consult and as such he was able to write to them informally, explaining what the Council was trying to achieve, why the new licence conditions were being proposed and encouraging them to respond to the forthcoming consultation. In conjunction with this, officers' hand-delivered consultation documents during the bi-annual gypsy caravan count during the week commencing 14 July 2014 and were able to discuss with and answer questions from residents that they met during the course of their visits. The Count extended over two days rather than one so that officers could spend time explaining the purpose of the consultation and answer any queries.

6. The consultation period expired on 15 August 2014. Unfortunately, notwithstanding the steps described above, no responses have been received from any of the residents on the Gypsy Roma or Traveller sites, either verbally or in writing.

7. The Private Sector Housing Team officers have also consulted with and considered the views of other officers within the Council (Forward Planning and Enforcement Team, Environment and Neighbourhood Team Engineering, Drainage and Water Teams), together with other external parties including the Essex County Fire and Rescue Service and the Essex County Traveller Unit, the Ambulance Service, the Health and Safety Executive and the Environment Agency. Their comments have been taken into account and the proposed new site licence conditions for Gypsy Roma and Traveller sites are set out in Appendix 1.

8. The table in Appendix 2 shows the differences between the proposed new conditions for the Gypsy Roma and Traveller sites, and those conditions already agreed by the Cabinet for the permanent residential park home sites. These differences take into account lifestyle and cultural aspects of the Gypsy Roma and Traveller community that differ from the communities of the traditional park home sites. The conditions also take into account the fact that each family typically has a touring caravan on its pitch; that washing, toilet and cooking facilities are often accommodated in amenity blocks rather than in individual units; that individual homes are not always of traditional mobile home construction and that most are small family sites run as a community and not by a site owner who maintains the site through charging home-owners an annual pitch fee.

9. Another difference in the proposed site licence conditions is the mention of Tourers (touring caravans) in condition 2(i) on the density and spacing of mobile homes. The existing conditions for permanent residential park home sites requires a separation distance of at least 6m between homes but allows that any park home that contravenes this condition at the date on the licence will be allowed to remain in position. This condition deviates from the Model Standards 2008 for Caravan Sites in England and takes into account the views, following consultation, of site owners and residents of the permanent residential park home sites and the consideration of both the Overview and Scrutiny and Housing Scrutiny Panels at the time. However, the Essex County Fire and Rescue Service have responded to this current consultation exercise that it is of the opinion that no mobile homes or tourers on a Gypsy Roma or Traveller site should be allowed to contravene the spacing requirement of 6m even if they already contravene the requirement at the date that the new licence conditions are issued. It was highlighted that a very recent caravan fire incident resulted in fire damage to a neighbouring caravan that was positioned less than 6m from the first and as such

threatened a real risk to occupiers. On the basis that Gypsy Roma and Traveller sites tend to be less densely occupied so that there is more scope for relocating units to comply with the required separation space whilst not causing unreasonable disturbance to other residents it is proposed that condition 2(i), the site licence condition relating to spacing, be amended accordingly as shown in Appendix 1.

10. Members are asked to agree these conditions as the Standard Site Licence Conditions for Gypsy Roma and Traveller Sites in Epping Forest District. If adopted it is proposed that all site owners will be notified of the Cabinet decision and new site licences with the new conditions will be issued to the owners of all the Gypsy, Roma and Traveller sites in the District that are occupied on a permanent residential basis within the next 3 months.

Resource Implications:

Within existing resources.

Legal and Governance Implications:

Caravan Sites and Control of Development Act 1960
The Mobile Homes Act 2013
Model Standards 2008 for Caravan Sites in England

Safer, Cleaner and Greener Implications:

Adopting new standard conditions for the Sites occupied by Gypsy, Roma and Traveller families will ensure measures are in place to protect the health and safety of residents on these sites.

Consultation Undertaken:

On 11 December 2013 the joint meeting of the Cabinet and Management Board was consulted informally on proposals to consult with residents on Gypsy, Roma and Traveller sites on the conditions to be attached to their site licences. A consultation document, including draft site licence conditions was drawn up and these were distributed to each household during the bi-annual Gypsy count during the week commencing 14 July 2014. A Planning Consultant who has had experience of working with travelling communities in the District acted as an intermediary between the Council and individual Gypsy, Roma and Traveller groups. The consultation period expired on 15 August 2014 and no responses were received either verbally or in writing from the Gypsy Roma and Traveller community.

In drafting the proposed site licence conditions, Private Sector Housing Team officers have consulted and considered the views of other officers within the Council (Forward Planning and Enforcement Team, Environment and Neighbourhood Team Engineering, Drainage and Water Teams), together with representatives of Essex County Fire and Rescue Service and the Essex County Traveller Unit. The formal consultation will include the Gypsy Roma and Traveller families occupying existing permanent residential sites; relevant internal services within the Council; and other external parties including the Essex County Fire and Rescue Service, the Ambulance Service, the Health and Safety Executive and the Environment Agency.

Responses from the consultation have been taken into account in the drafting of the proposed conditions which are included at Appendix 1.

Background Papers:

None

Risk Management:

Failure to set and ensure compliance with appropriate licence conditions would compromise the health and safety of residents on the Gypsy, Roma and Traveller sites that are occupied on a permanent residential basis by limiting the control measures that may be imposed.

Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

Gypsy, Roma and Traveller sites are generally not run as businesses and the residents are members of an extended family community. They tend to be much smaller than the permanent residential sites in the District which are run by site owners as businesses. Individual homes on the permanent residential sites are occupied by families that are generally unrelated.

When the Council consulted with residents on the permanent residential sites on the conditions that would be attached to their site licence conditions it was able to do this by communicating through each sites' residents association. Residents and park home owners were also invited to meetings and information events at the Civic Offices where any matters of concern could be raised and discussed. This was then followed up by issuing a paper-based questionnaire to each of the residents concerned.

The District's Gypsy, Roma and Traveller sites are much smaller (the largest has 28 pitches compared with 250 on the largest permanent residential site) and, often being members of a single family, do not have residents associations. It is also recognised that levels of adult literacy are generally lower in the Gypsy, Roma and Traveller community than in the settled community. Taking these matters into account, it is considered that it would not be appropriate, or effective, for officers to consult with these residents in the same way as they previously did with residents on the permanent residential sites.

Officers have carefully considered the most effective way of communicating with residents on each of the Gypsy, Roma and Traveller sites. Initially consideration was given to employing a specialist company to carry out the consultation on the Council's behalf; however, it proved difficult to find an organisation that could undertake this work successfully for a reasonable cost. It was agreed that the most effective way of communicating with the individual groups would be to use a consultant who is known, and trusted, by the Gypsy, Roma and Travelling families in the District to act as an intermediary between the Council and the residents concerned. In this way officers are satisfied that the consultation was carried out in such a way as to advance equality of opportunity by providing the best possible opportunity for residents on the Gypsy, Roma and Traveller sites to express their views on the proposals.

Members have also been keen for residents and the permanent residential sites and the Gypsy, Roma and Traveller Sites to have site licence conditions that will protect

their health, safety and privacy but are also appropriate to their way of life. Officers are satisfied that the variations built into the different site licence conditions will do this and by doing so will help to eliminate discrimination and foster good relations between the occupants on the different types of sites.

Appendix 1 – Site Licence Conditions and Advice Notes



STANDARD LICENCE CONDITIONS FOR GYPSY, ROMA AND TRAVELLER SITES IN EPPING FOREST DISTRICT COUNCIL

Schedule of Conditions

General

- (i) () site is licensed for a maximum of () pitches for residential use
- (ii) This licence shall only apply to that area of land in respect of which planning permission has been obtained to station mobile homes for residential use and the licence shall apply for the period of that permission.

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No mobile home or combustible structure shall be positioned within 3 metres of the boundary of the site. However, any mobile home or combustible structure that contravenes this condition at the date on this site licence will be allowed
- (iii) (a) A plan of the site shall be supplied to the Local Authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the Local Authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking between Mobile Homes

- (i) Except in the case mentioned in sub paragraph (iii) of this paragraph and subject to sub paragraph (iv), every mobile home (including tourer) must where practicable be spaced at a distance of not less than 6 metres (the separation distance) from any other mobile home. However, any mobile home, other than a touring caravan, that contravenes this condition at the date on this licence and cannot be readily relocated to meet the spacing requirement will be allowed to remain in position. *This condition will not apply to sites comprising just one mobile home.*
- (ii) No mobile home shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site. However, any mobile home that contravenes this

condition at the date on this licence will be allowed.

- (iii) Where a mobile home has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent mobile home may be reduced to a minimum of 5.25 metres. *This condition will not apply to sites comprising just one mobile home.*
- (iv) In any case mentioned in sub-paragraph (i) or (iii) other than a site comprising just one mobile home:

- (a) A porch attached to the mobile home may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the mobile home. Where a porch is installed such that there is a door to the porch and another door to the home, there shall be fitted in the porch and the living space of the home, within 6 months of the date on this licence, mains-powered, interlinked smoke detection with integral battery back up complying with current British Standards. However, where home owners prefer, battery powered detection is permitted in the porch and living space provided that they are interlinked. Porches attached to mobile homes which do not comply with the dimensions in this condition and that are in place at the date of this site licence will be allowed until the mobile home is eventually replaced. If, by virtue of size, form of construction, condition, location or other reason the Council considers an existing porch to be a fire risk or to offer some other potential danger, it may require the porch to be modified. From the date of this licence, all new porches if permitted will need to comply with this condition

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing mobile homes is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres. *This condition will not apply to sites comprising just one mobile home.*

- (c) Any structure including steps, ramps, etc. (except a shed, amenity building, a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent mobile home. Any decking or porch attached to a mobile home that contravenes this condition at the date on this licence will be allowed to remain. *This condition will not apply to sites comprising just one mobile home.*

- (d) An amenity building, garage or car port may only be permitted within the separation distance if it is of non-combustible construction. Any such construction that contravenes this condition at the date on this licence will be allowed to remain. *This condition will not apply to sites comprising just one mobile home.*

- (e) Windows in structures within the separation distance shall not face towards the mobile home on either side. *This condition will not apply to sites comprising just one mobile home.*

(f) Fences and hedges, where allowed and forming the boundary between adjacent mobile homes, should be a maximum of 2 metres high. *This condition will not apply to sites comprising just one mobile home.*

(i) The height of a fence shall be calculated using the same guidelines as are applied under Planning legislation.

(ii) A hedge is defined as 'a number of woody plants, whether capable of growing into trees or not, which are so planted as to be intended to be in line and which, when mature, to be so integrated together as to form a screen or a barrier.'

(g) Private vehicles may be parked within the separation distance provided that they do not obstruct entrances to mobile homes or access around them and they must be a minimum of 3 metres from an adjacent mobile home. *This condition will not apply to sites comprising just one mobile home.*

(v) The density of mobile homes on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

(i) All roads shall provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.

(ii) New roads shall be constructed and laid of suitable bitumen macadam or concrete with a suitable compacted base.

(iii) All roads shall have adequate surface water/storm drainage and must comply with Section 12(i)

(iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.

(v) One-way systems shall be clearly signposted.

(vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.

(vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.

(viii) All roads shall be maintained in a good condition.

(ix) Roads must have no overhead cables less than 4.5 metres above the ground.

4. Footpaths and Pavements

(i) Every mobile home shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.

- (ii) Communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness. *This condition will not apply to sites comprising just one mobile home.*

6. Bases

- (i) Every unit must stand on a concrete hard-standing.
- (ii) The concrete hard-standing must extend over the whole area occupied by the mobile home, touring caravan or other vehicle, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard-standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions. See Advice Note 1 attached to these conditions.
- (iii) There shall be no more concrete hard-standings constructed than the number of mobile homes permitted to be sited under this licence.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition; good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice. See Advice Note 2 attached to these conditions
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

- (iii) Any work carried out on any gas or oil installations on the site shall be done by a qualified person fully conversant with the relevant statutory requirements.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the mobile homes, touring caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements. See Advice Note 3 attached to these conditions.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are qualified to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a qualified person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a wholesome water supply sufficient in all respects to meet all reasonable demands of the mobile homes and touring caravans situated on them.
- (ii) All new water supplies, water distribution systems and any plant fittings connected to the supply shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform to current legislation and British or European Standards.
- (iii) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.
- (iv) Where the water supply is not provided by a recognised water undertaker, the Local Authority shall be informed as to the nature of the supply.

11. Amenity Buildings

- (i) Where all or some toilet, washing, cooking and dining facilities are provided other than in the individual mobile home they shall be provided in a suitably constructed amenity building of non-combustible material affording adequate wholesome water supply, electricity supply, ventilation and facilities to meet the needs of the family occupying that pitch.

- (ii) Where a new amenity building is being proposed, a 'to-scale' sketch plan of the building elevation and layout shall be submitted for prior approval by Local Authority officers. Where these facilities are required by a site licence, permitted development rights will apply.

12. Surface Water Drainage

- (i) There shall be satisfactory provision for surface water drainage, either by connection to a public surface water sewer, use of Sustainable Drainage Systems (SuDS), discharge to a pond/lake or a watercourse providing the relevant permissions are in place and water quality and/ or environmental quality are not adversely impacted. A soakaway will not be suitable unless the results of a percolation test, carried out in accordance with Approved Document H of the Building Regulations (or as updated or amended), indicate that the ground has sufficient permeability and the infiltration must be clean surface water only into uncontaminated ground. The surface water drainage system must be approved by the Local Authority.

All systems must be properly functioning and maintained and any system proposed must not increase flood risk to the site and/or to neighbouring land and properties.

- (ii) Prior written consent from the Environment Agency, for a main river, and Local Authority (Land Drainage), for ordinary water courses, is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a watercourse.

13. Foul Water Drainage

- (i) There shall be satisfactory provision for foul and waste water drainage either by connection to a public foul water sewer or sewage treatment works or by discharge to a properly constructed and installed septic tank or cesspool, approved by the Local Authority and with a permit from the Environment Agency where appropriate. The foul water treatment or containment facility shall be of sufficient capacity for the number of persons living/visiting the site and for the type of effluent that it is intended to receive. Where effluent is removed from the site the Licensee/owner/occupier shall provide the Local Authority if requested, with a copy of the Discharge Consent as issued by the Environment Agency and/or Waste Transfer Notes. The treatment plant or containment facility must be adequately maintained by a suitably qualified or competent person.
- (ii) All drainage and sanitation provision shall be in accordance with all current legislation and British and European Standards, including Approved Document H of the Building Regulations (or as updated or amended). For new sites, approval from the Council's Building Control, or an approved inspector, will be required for the foul and waste water system/s prior to installation and occupation of the site. At no time shall the foul and waste water system/s pollute any land or watercourse, or pose a risk to public health or cause a nuisance.
- (iii) Work on drains and sewers shall be carried out only by persons who are competent in the particular type of work being undertaken and in

accordance with current legislation and British or European standards, which are applicable to the system/s to be/already installed.

- (iv) Prior written consent from the Environment Agency, for a main river, and Local Authority (Land Drainage), for ordinary water courses, is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a watercourse.
- (v) Approval by the Local Authority will have due regard to the Environment Agency's foul drainage assessment protocol.

14. Domestic Refuse Storage & Disposal

Domestic waste including green waste originating from the individual plots is to be disposed of in a safe and proper manner using the Council's waste collection facilities. Disposal of waste from all common parts is to be dealt with as commercial waste.

15. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

16. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the Local Authority's opinion there are adequate recreational facilities within a close proximity to the site. *This condition will not apply to sites comprising just one mobile home.*

17. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site.
- (ii) Where the site is occupied by more than one unrelated family, the site owner shall make available the following information for inspection by a resident or Local Authority officer at all reasonable hours:
 - a) A copy of the current site licence.
 - b) A copy of the most recent periodic electrical inspection report.
 - c) A copy of the site owner's certificate of public liability insurance.
 - d) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - e) A copy of the fire risk assessment made for the site.

18. Flooding

- (i) The site owner and/or the potential occupiers must refer to the Environment Agency's flood map. If the site falls within a Flood Zone 2 or 3 and the occupation of the site so determines, a Flood Risk Assessment must be carried out, before occupation of the site, in order to demonstrate that the proposed development will be safe for the duration of its lifetime.

The Flood Risk Assessments must be approved by both the Environment Agency and the Local Authority.

- (ii) No occupation of mobile homes intended for permanent residential use is allowed if the site falls within a functional floodplain (Zones 3a and 3b).
- (iii) Occupation of mobile homes intended for permanent residential use is only permitted in zone 2 if it passes the flood risk Sequential and Exception test.
- (iv) Subject to (ii) and (iii) above, if the site falls within a Flood Zone 2 or 3, in addition to a Flood Risk Assessment being submitted the owner and/or occupier must sign up to the Environment Agency's Floodline Warnings Direct system. The owner and/ or occupier must also submit to the Local Authority an Evacuation Plan including reference to safe access and egress routes and take any other reasonable measures, as approved by the Local Authority, to ensure the safety of the occupants of the site. All residents must be made aware of any evacuation plan and procedures. A copy of the approved Evacuation Plan must be lodged with the Council's Emergency Planning Officer.
- (vi) Any approval given by the Local Authority will always take into consideration any potential flood risk and safety issues to neighbouring properties and land, in addition to the site itself and the occupants of the site.

19. Fire safety measures for a site occupied by a family unit

- (i) The standards in this section apply to sites with only one pitch or to sites occupied by one family, which may include extended family, but where the family live as one unit.

Fire Points

- (i) These shall be located so that no mobile home or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (ii) Where water standpipes are provided:
 - a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.

- (iii) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (iv) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (v) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vi) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (vii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.
- (viii) A record shall be kept of all testing and remedial action taken.
- (ix) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (x) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

On discovering a fire:

- I. Ensure the mobile home or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade "999."

20. Fire safety measures for a site that is occupied by different family groups

- (i) Where the site is occupied by more than one family living as a separate occupancy, so that there are common shared areas, the Regulatory Reform (Fire Safety) Order 2005 applies. In these situations the site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the Council.

21. Licence Fee

An annual licence fee will be charged to the site owner in accordance with the current Epping Forest District Council Licence Fee Policy.

Advice Notes to the Standard Site Licence Conditions for Gypsy Roma and Traveller Sites in Epping Forest District

Advice Note 1: Bases

New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association.

The Industry's current standard for the bases provides:

“A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:200610) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary.”

Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

Advice Note 2: Gas

The safe use, maintenance and storage of portable and bulk gas supplies and appliances is closely controlled by legislation.

The HSE website, www.hse.gov.uk, provides details and information about the various legislative requirements, guidance and contacts if further information is needed.

In addition the trade body for LPG suppliers, uk LPG, www.lpga.co.uk, also has useful guidance and information.

The only people allowed to carry out work on gas (including natural gas) or oil installations are those that are suitably qualified and they must be GasSafe Registered. Details of qualified contractors can be found on line at [Gas Safe Register](#) or by calling on **0800 408 5500**.

Advice Note 3: Electrics

The safe use, maintenance and supply of electricity to domestic premises including mobile home sites is closely controlled by legislation.

The electrical installations on the site will be a distributor's network either belonging to the local regional electricity network operator or the owner of the site.

The HSE website: www.hse.gov.uk contains information on the electricity legislation which may apply to the site and can provide guidance and contacts if further information is needed.

The only people allowed to carry out electrical work on electrical installations and appliances, including maintenance and inspections, are those that are suitably

qualified This includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above.

All new installations must meet the requirements of the current regulations and must be maintained at that standard.

Advice Note 4: Water Supply

OFWAT lay down service standards for the water suppliers and details can be found on their website at www.ofwat.gov.uk.

Anyone involved in the provision or maintenance of water supplies to the site must be suitably qualified which may be by NIC certification or other approved body. Details of the NIC scheme are found at www.niccertification.com.

Advice Note 5: Environment Agency

For further information on obtaining Flood Defence Consent, or to determine whether a water course is classed as a main river, please contact the Environment Agency on 01707 632639.

For information regarding permits for non-mains foul water drainage systems, please contact the Environment Agency customer contact number on 08708 506 506.

Appendix 2

Key Differences between Conditions on Permanent Residential Park Home Sites and Gypsy Roma and Traveller Sites

Section of Conditions		Changes	Comment
Throughout – use of terminology		The term 'park homes' is used throughout for Permanent Residential Park Home (PR) Sites whereas Gypsy, Roma and Traveller (GRT) sites are referred to as 'mobile homes'	'Park homes' is generally used in guidance to refer to mobile homes occupied by the settled community while GRT communities generally prefer the term 'mobile homes'
'General'	(ii) & (iii)	The conditions for permanent residential sites include occupancy conditions and a requirement that park homes comply with BS3632 while these are excluded from GRT sites.	These requirements would be contradictory to the traditional lifestyle and beliefs of most GRT communities.
2 Density and Spacing	(i)	GRT conditions include a reference to 'tourers' (touring caravans) which is excluded from the conditions for PR sites. GRT conditions to allow for reduced spacing of 6m where homes already exist, only if they cannot be that cannot be readily relocated to meet the spacing requirement	Residents on GRT sites frequently have touring caravans which, if parked in the separation distance between mobile homes could facilitate the spread of fire from one mobile home to another. GRT sites generally have more available land for re-siting homes without compromising other occupiers. Where at all possible the 6m spacing should therefore be complied.
	(iv)(c) & (d)	Both sets of conditions include requirements concerning structures within the separation space. This includes 'amenity buildings' for GRT sites but not PR sites.	GRT sites often include buildings that house facilities for toileting, washing, cooking and dining. These, being of a similar nature to garages and carports, have been treated in the same way.
11 (GRT) Amenity Buildings		A condition is included specifying the construction of toilet and bathing facilities on GRT sites which is omitted from the conditions for PR sites.	As above. If these facilities are provided outside of the main living accommodation and it is necessary, therefore, to set requirements on their construction.

Section of Conditions		Changes	Comment
12 (GRT Sites) Surface Water Drainage 13 (GRT Sites) Foul Water Drainage 11 (PR Sites) Drainage and Sanitation		The PR sites have a single set of conditions relating to drainage and sanitation while the GRT have separate conditions for surface and foul water drainage.	The good practice guidance for Council's in respect of drainage systems has been updated since the conditions for PR sites were agreed. When the conditions for PR sites are reviewed they will be revised in line with the legislation and good practice in existence at that time.
15 (PR) & 17 (GRT) Notices and Information	(ii) to (v) incl.	The PR conditions include some requirements relating to the information that is displayed on the site that vary slightly from the GRT conditions.	PR sites are generally larger and run as businesses while GRT sites are much smaller and are occupied on a non-profit making basis by members of a single family or community group. For this reason some of the information required in the PR conditions, such as a plan of the site and the address of the site owner, are unnecessary.
16 (PR) & 18 (GRT) Flooding		The conditions for GRT sites provide greater detail of the requirements than the PR conditions	Because of their location, the District's current PR sites are less likely to be at risk of flooding than the GRT sites. It was considered necessary therefore to include additional safeguards in the GRT conditions. The risk of flooding would be taken into consideration in the application stage of any Planning Permission for future sites.
17 & 18 (xi) (PR) 19 (x) & 20 (GRT) Fire Safety		There are slight variations to the two sets of conditions to take account of the differences between the ways that sites are occupied. The contravention relating to separation space between existing homes on site at the date of the new licence will only be allowed where the homes cannot be readily relocated to meet the spacing requirement set by the licence conditions.	PR sites are generally larger and run as businesses while GRT sites are much smaller and are occupied on a non-profit making basis by members of a single family or community group. There is generally more available land on GRT sites to relocate homes to comply with space requirements, without unreasonably disturbing existing residents

Section of Conditions		Changes	Comment
Advice Notes		The GRT conditions include advice notes and diagrams to provide an explanation of some of the conditions and definitions of some of the terms used. These are omitted from the conditions for the PR sites but consideration will be considered to including them if the conditions are updated in future.	It is not considered that it would be effective to consult with GRT communities in the same way as with residents on the PR sites who, in most cases, have residents associations to represent them and through which officers can channel communications. For this reason it was felt that it would be reasonable and equitable to include additional explanatory information in the site licence conditions for GRT sites.

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Report to the Cabinet

Report reference: C-016-2014/15
Date of meeting: 8 September 2014



Portfolio: Asset Management and Economic Development

Subject: Phase II Resource for the Economic Development & Asset Management Team

Responsible Officer: Chris Pasterfield (01992 564124)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) That the proposed structure for the Economic Development and Asset Management Team set out at Appendix 1 to be approved;**
- (2) That two new posts of Economic Development Officer be created at Grade 8;**
- (3) That two new posts of Assistant Asset Management and Economic Development Officers be created at grade 4 - 6;**
- (4) That the posts in (3) and (4) be subject to job evaluation and the Business Manager; and**
- (5) That, in order to finance the above, a Continuing Services Budget supplementary estimate in the sum of £30,770 for 2014/15 and a growth bid in the sum of £92,310 for 2015/16 be recommended to the Council for approval.**

Executive Summary:

The Council is committed to supporting local businesses, attracting inward investment and utilising its own assets to drive economic regeneration. To ensure that these objectives are met there is a need to progress the Economic Development Strategy and the area or theme specific economic development plans which support it. This requires a dedicated team to work both within the Council and beyond utilising existing productive partnerships and seeking innovative additional ways of working/funding these aims.

Reasons for Proposed Decision:

There is common consensus that the Council needs to produce an Economic Development Strategy to inform the Local Plan and support the economic aspirations of the Council. This will require dedicated permanent resource. The proposed structure will support the financial and economic aims which in turn will reduce the Council's reliance upon central government grant.

Other Options for Action:

To do nothing – the current team of a secondee, a three day a week Economic

Development Officer and a temporary assistant will not be sufficient to deliver the Council's stated aims

Some lesser resource - the extent of work to be undertaken would be compromised by a smaller or temporary external resource.

Report:

1. The top management restructure introduced an asset management and economic development team which currently is managed within the Governance Directorate – with a transfer to Neighbourhoods from April next year.
2. At Appendix 1 the proposed structure with existing posts shown shaded for context with proposed additional posts in outline.
3. As can be seen the asset management team is fully staffed on the professional side. However it is proposed to address both internal audit requirements for resilience in managing and operating the commercial rent collection and estate administration computer system and initial stages of debt recovery.
4. This can be accomplished by adding duties to the proposed Assistant Asset Management and Economic Development officers' job descriptions which will mean that should the Business Manager be absent the computer system aspect of her role is covered.
5. The two new posts would be responsible for the early stages of debt collection prior to potential reference to legal. This will assist in income recovery.
6. There is a current temporary resource at present for one of these posts (subject to job evaluation) – but the need to provide support across the team will require the two assistants as set out.
7. The economic development posts would be tasked with providing a focal point for the local business community and third parties in both public and private sectors. They would develop and implement a range of initiatives aimed at promoting sustainable economic growth. They will contribute to the formulation of an Economic Development Strategy.
8. Work already undertaken has indicated the potential for economic development. Due to the diverse nature of the District, work is being commenced on a number of towns starting with Waltham Abbey and the first draft of the plan was produced in July. Due to current resource levels only a certain amount of work can be progressed at this time. It is anticipated that these plans will be updated monthly and for Waltham Abbey there are a number of consultants' reports still awaited and consultation with local members and stakeholders will commence in September. Over time it is hoped that targets will be identified e.g. unemployment (especially youth and long term) and solutions found which will be documented in future reports.
9. A number of other studies will be undertaken in due course such as tourism, transport which will be on a District wide basis but more relevant to some areas than others (Tourism – Waltham Abbey).
10. Once evidence is gathered for different geographic and specific areas then this will be fed into an overall Strategic Economic Development Plan which will provide a cohesive structure for the District and help to form the Local Plan.

11. The Council's ability to meaningfully consult with partners / public in order to both produce and implement strategies and ensure that databases / documents comprising the Council's evidence base are relevant will be seriously diminished if the posts are not funded.

Resource Implications:

The proposed structure will require the creation of four new posts. The costs of these posts using the mid point grade ranges and including pension costs are:

Grade 4	£21,700
Grade 6	£29,630
Grade 8	£39,840

Assuming two posts at grade 4 and two at grade 8, the total cost would be £123,080.

As the posts are unlikely to be appointed before January 2015 they could be funded by a CSB Supplementary estimate of £30,770 for 2014/15 and a growth bid of £92,310 for 2015/16.

These posts will help generate growth in non domestic rates which will help mitigate some of these costs.

Legal and Governance Implications:

All recruitment will be in accordance with Council procedures.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None to date but all District members Parish / Town Council members and stakeholders in due course.

Background Papers:

Organisation Chart.

Risk Management:

In the past the Council has punched above its weight by working with partners and the private sector to facilitate a number of initiatives, supporting town centres, tourism and the food industry. However, lack of resources has restricted the Council's ability to produce a co-ordinated economic development strategy to inform the Local Plan.

Reorganisations within the council have depleted the already limited resource and without sufficient capacity there is a risk that not only an Economic Plan is not developed but also that current activities will have to cease.

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Due Regard Record

Name of policy or activity:

What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, ‘paying due regard’, and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

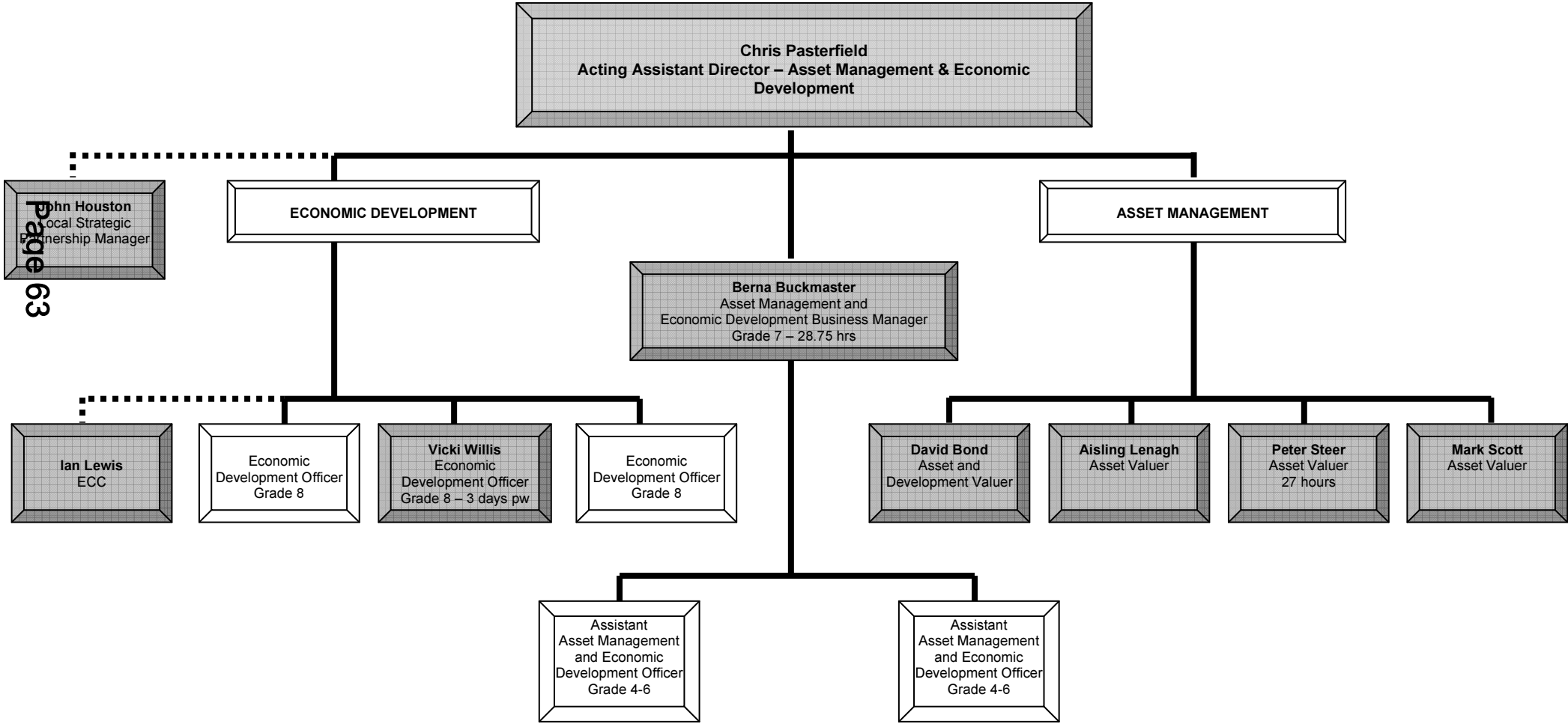
When do I use this record? Every time you complete equality analysis on a policy or activity this record must be updated. Due regard must be paid, and therefore equality analysis undertaken, at ‘formative stages’ of policies and activities including proposed changes to or withdrawal of services. This record must be included as an appendix to any report to decision making bodies. Agenda Planning Groups will not accept any report which does not include evidence of due regard being paid via completion of an Equality Analysis Report.

How do I use this record: When you next undertake equality analysis open a Due Regard Record. Use it to record a summary of your analysis, including the reason for the analysis, the evidence considered, what the evidence told you about the protected groups, and the key findings from the analysis. This will be key information from Steps 1-7 of the Equality Analysis process set out in the Toolkit, and your Equality Analysis Report. This Due Regard Record is Step 8 of that process.

Date / Name	Summary of equality analysis
28.8.2014 Director of Governance	The Council are looking to recruit further economic development staff to ensure an Economic Development Strategy is prepared and implemented. Recruitment of staff will be in accordance with north Council procedures.

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Asset Management and Economic Development Interim Structure:



John Houston
Local Strategic Partnership Manager

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Report to the Cabinet

Report reference: C-017-2014/15

Date of meeting: 8 September 2014

Portfolio: Planning Policy

**Subject: Essex Gypsy and Traveller and Travelling Showpeople
Accommodation Assessment (July 2014)**

Responsible Officer: Ian White (01992 564066)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To include the Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (July 2014) as part of the Evidence Base for the new Local Plan.

Executive Summary:

The Assessment suggests that there is a need to make provision for an additional 112 Gypsy and Traveller permanent pitches in the period 2013 to 2033 – this is in the context that the district currently (May 2014) has 117 permanent pitches. A need for an additional 2 yards for Travelling Showpeople has also been identified.

Reasons for Proposed Decision:

The study provides information on an aspect of future accommodation provision with its own specific national planning guidance (Planning policy for traveller sites) and which the National Planning Policy Framework recognises as an important issue for Local Plans. Its inclusion in the evidence base and its use to identify suitable policy approaches in the Local Plan will help develop a Local Plan which is more likely to be found “sound”.

Other Options for Action:

Not to include the Essex GTAA as part of the Local Plan Evidence Base. Without such evidence the Local Plan would be likely to be considered unsound at Examination in Public, as future needs, and thus the policy means of meeting these needs, could not be determined. This would mean the Council would have to carry out its own assessment of need to satisfy national planning policy guidance. This, in turn, would lead to further and probably significant delay in the Local Plan process, and also incur further costs – the Essex GTAA having been funded through the Essex Planning Officers’ Association and the Essex Housing Officers’ Group.

Report:

Background

1. The most recent national Government guidance on making provision for Gypsy and Traveller, and Travelling Showpeople, accommodation was published in March 2012 – “Planning policy for traveller sites” (CLG). This requires, inter alia, local planning authorities to make their own assessment of future need, and that Local Plans should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets.

2. Definitions used in the Assessment and in this report - a “pitch” is an area which is large enough for one Gypsy and Traveller household to occupy, and typically contains enough space for one or two caravans, but can vary in size. The primary use is residential. For Travelling Showpeople, a “yard” (often called a plot) tends to be mixed use, ie residential with space for storage and maintenance of showground equipment. A “site”, in the normal context used in this report, is a development exclusively for the travelling community and can include a variable number of pitches or yards.

3. In 2013 the Essex Planning Officers’ Association (EPOA) and the Essex Housing Officers’ Group (EHOG) commissioned the consultants Opinion Research Services (ORS) to undertake a Gypsy and Traveller Accommodation Assessment (GTAA), including Travelling Showpeople, for Essex and the unitary areas of Southend-on-Sea and Thurrock mainly to establish needs for future pitch and yard provision in the period up to 2033. Basildon Borough Council had previously commissioned ORS to prepare a GTAA for the borough and the results of that assessment, where relevant, are included in the Essex-wide study.

4. The methodology followed by the consultants is outlined below and has evolved over a number of years based on changes in Government guidance and the outcomes of Examinations in Public (EiPs) and planning appeals:

- Desk-based research to obtain details of all public and private sites and yards and including biannual Traveller Caravan counts and other relevant records held by the participating Councils.
- Stakeholder engagement – in-depth telephone interviews with a range of Council officers and Members (the Portfolio Holder for Planning, the then Director of Planning and Economic Development, the Forward Planning Manager and a Senior Enforcement Officer from this district were interviewed). The consultants also contacted Travelling Community representatives, the Showmen’s Guild, the Essex Countywide Traveller Unit and planning agents.
- Surveys of the travelling community – the consultants carried out interviews with traveller households present between June and August 2013. In all 305 interviews with Gypsies and Travellers throughout Essex were completed, 71 of these being in this district. 60 interviews of Travelling Showpeople were also carried out, the majority of these being in Thurrock.
- Communicating with neighbouring planning authorities to try to ensure that analysis of need addresses wider issues that could impact on the outcomes of the Assessment.

- Traveller households in bricks and mortar accommodation – the consultants advise that this is often a stumbling block in the preparation of Assessments, and figures are a frequent source of challenge at appeals and EiPs. Consequently they feel that the only practical approach is to go to disproportionate lengths to identify as many households in bricks and mortar as possible who may want to take part in an interview to establish their future accommodation needs, including whether there is a wish to move to a permanent pitch in the study area. Potential sources of information include knowledge of friends or family members currently living in bricks and mortar, and intelligence from Council officers and Members and other local stakeholders. The consultants also placed an advert on the Friends, Family and Travellers Facebook page. Despite these attempts, only 9 interviews were held with travellers living in bricks and mortar, including the separate Basildon study.
- Calculating current and future pitch and yard requirements – the key factors are (a) current supply of pitches; (b) current need; and (c) future need. The consultants advise that it is important to identify and address issues of double counting with some of these categories.
- (a) is the total of:
 - (i) current vacant pitches;
 - (ii) pitches with permission but yet to be developed;
 - (iii) pitches vacated by travellers moving to permanent housing or out of the study area; and
 - (iv) pitches vacated by the dissolution of households.
- (b) is based upon:
 - (v) households on unauthorised sites where planning permission is not expected;
 - (vi) concealed households – e.g. those still sharing with parents because of a lack of suitable accommodation;
 - (vii) households in bricks and mortar wishing to move to a site; and
 - (viii) households on the County Council waiting list for a public site.
- (c) is the sum of:
 - (ix) households on sites with temporary permission;
 - (x) new household formation (CLG issued updated advice on this earlier in 2014); and
 - (xi) in-migration.
- Conclusions – drawing together all the above evidence to provide figures for future need requirements.

5. It is difficult to obtain reliable data for some of the above categories – eg households in bricks and mortar, concealed households and in-migration. While the interviews with GRT households did provide useful data, the consultants have also used outcomes from similar studies elsewhere in the country to calculate some figures in the Assessment. This approach inevitably has more impact on areas which already have larger travelling community populations, but in terms of the overall figures for future provision, it does not add significantly to the individual authority totals in the period up to 2033.

6. A Steering Group of officers from Essex authorities (including EFDC) met regularly with the consultants to monitor progress with the assessment. The draft findings and conclusions were presented to separate meetings of EPOA/EHOG officers and to County and District Members and officers in July 2014.

A Summary of the Findings

7. The following figures for Gypsy and Traveller pitches take June 2013 as the base date. This means that they derive from the January 2013 caravan count updated as far as practical from individual Council records. In Essex (including Basildon, Southend-on-Sea and Thurrock) there were:

(a) 244 permanent authorised pitches on public sites – the highest provision being in Thurrock with 64 pitches, and Epping Forest being 8th (out of 14 authorities) with 16 – the Hop Gardens site at Toot Hill;

(b) 390 permanent authorised pitches on private sites – Epping Forest being the highest with 100, followed by Basildon with 90;

(c) 49 pitches with temporary permission – Brentwood being the highest with 27 and Epping Forest second with 10;

(d) 37 “tolerated” pitches – 20 in Thurrock, 13 in Basildon and none in Epping Forest;

(e) 97 unauthorised pitches – Braintree had 21 and Epping Forest was 4th with 10 (it is assumed that the Dale Farm pitches in Basildon were not included in this part of the analysis, as only 9 unauthorised pitches are reported).

8. In June 2013 only 6 of the Essex authorities made provision for Travelling Showpeople. By far the major concentration is in Thurrock (79 permanent and 121 temporary yards). Chelmsford is second highest with 41 permanent yards and Epping Forest next with 9 permanent yards comprising 39 caravans (at Lake View in Moreton).

9. The assessment concludes that the net overall requirements for additional Gypsy and Traveller pitches in Essex in the period 2013 to 2033 is 786, and for this district is 112. This is the second-highest requirement in the County after Basildon (255) and is closely followed by Thurrock with 104. These numbers result from (i) total current need comprising unauthorised developments seeking to stay in the area, concealed households and net movements from bricks and mortar; and (ii) total future needs which consist of pitches with temporary permission, net migration and net new household formation.

10. Total current need in this District is calculated as 28 pitches, made up from the 10 unauthorised pitches as at June 2013 (see para 7), and the estimated figures of 11 for concealed households and 7 for net movements from bricks and mortar. As at July 2014, the district actually had 16 unauthorised pitches – a significant increase from the base date figure in the assessment. Eight of these pitches were the subject of a Public Hearing in February 2014, and this case has been recovered by the Secretary of State, so his decision is still awaited. Two more of the unauthorised pitches will be considered at a Public Inquiry in September. As explained in para 5, the figures for concealed households and bricks and mortar residents are likely to be over-estimates.

11. Total future need in the District is estimated to be 84 pitches, made up of the 10 pitches with temporary permission (see para 7) and 74 from new household formation, ie natural growth of the district's travelling population based on a 2% annual growth rate. Net migration is assumed to be zero as is explained below (see para 12). The consultants argue strongly that a 2% growth rate for the Essex travelling population is more appropriate than the 3% figure used in earlier GTAA's elsewhere in the country, and which resulted from unclear guidance issued by the previous Government.

12. Estimating potential need from traveller households moving into Essex from anywhere in the country is the most difficult part of the calculation for this Assessment. The consultants advise that the Planning Inspectorate is requiring London Boroughs (traditionally a source of in-migration to Essex) to assess traveller needs and provide sites, otherwise their Plans will be considered to be unsound. Interviews with the travelling community and stakeholders indicate that there is much less travelling than was traditionally the case and indeed that about 70% of the community have been resident in Essex for over 5 years. Apart from the Dale Farm site in Basildon (and the Assessment proposes that these needs have to be met in that borough), the consultants have therefore concluded that it would be sensible to allow for a balanced level of migration (i.e. zero net migration) of the Gypsy and Traveller population into Essex. Officers feel that it is likely that this approach will continue to be challenged at planning appeals, and it may therefore be necessary to call on the expertise and experience of the consultants to refute any counter-arguments when these circumstances arise.

13. The Duty to Co-operate should encourage authorities to consider allocation of new sites across boundaries where one or more authorities are experiencing difficulties in meeting needs. It is, however, worth noting that para 25 of "Planning policy for traveller sites" states "...if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission." The onus is therefore firmly on local authorities to make adequate provision to meet their own identified needs, even in areas of significant Green Belt coverage, in the same way that they are expected to provide a sufficient supply of housing sites.

14. The Assessment includes a breakdown of the provision in five year periods, ie 2013-2018, 2018-2023, 2023-2028 and 2028-2033. The figures take into account the need to address any current backlog (ie the current need identified in para 10 above) and then projecting forward household growth based upon the size of the existing population and the new annual growth rate of 2%. This method suggests that the figures for this District should be:

- 2013-2018 54
- 2018-2023 18
- 2023-2028 19
- 2028-2033 21

15. Officers have some reservations about the value of this approach because the figures for concealed households and those in bricks and mortar are likely to be

less robust for reasons given earlier in this report. There are some appeals pending which may result in additional provision and attention will need to be paid in the short term to those pitches with only temporary permissions. They therefore feel it would be more sensible and practical to take a view on how the figures might be split over the period of the Plan as the Preferred Option version is worked up, based on the current authorised provision at the appropriate time, and using the evidence in the Accommodation Assessment.

16. The Assessment concluded that there was a need for an additional 183 yards in Essex to meet the future needs of Travelling Showpeople. The vast majority of these would be in Thurrock (165), and only 2 would need to be provided in this District.

Conclusions

17. Options for phasing provision over the next 20 years, and for identifying suitable sites for the next 5 years, will need to be considered as the Preferred Option Plan is developed ready for public consultation in spring 2015. It will be necessary to satisfy an Inspector at the Examination in Public that all reasonable options for making additional provision have been considered. The Council will be expected to make every effort to make adequate provision before exercising the option of requesting its neighbours, under the Duty to Co-operate, to take any unmet need.

Resource Implications:

The GTAA was funded by EPOA and EHOA. Future resource implications may depend on the tenure of suitable new sites. It is generally assumed that the travelling community in this district prefers private ownership. There is only one County Council managed site in the district, and there is now no direct Government funding for the provision of new public sites.

Legal and Governance Implications:

The CLG document "Planning policy for traveller sites" (March 2012) requires local authorities to make their own assessment of need. The Essex GTAA, by reporting findings at an individual authority level, satisfies this requirement, as well as the need to co-operate across administrative boundaries on matters of wider than local significance.

Safer, Cleaner and Greener Implications:

Not applicable to the study, as the assessment is of overall need for additional provision, although the identification of suitable sites to meet targets, which is one of the functions of the Local Plan, will need to take these factors into account.

Consultation Undertaken:

The consultants interviewed Members and planning and housing officers from all the Essex authorities – Basildon was dealt with under a separate contract. Interviews were also carried out with all authorities adjoining the Essex County boundary, apart from South Cambridgeshire which resisted all attempts at contact. Face to face interviews with traveller households took place in June and July of 2013, with the consultants attempting to talk to as many as possible who were present on site in these months. A total of 71 such interviews were held in this District.

The draft findings and conclusions were presented to separate meetings of EPOA/EHOG and to County and District Members and officers in July 2014.

Background Papers:

Planning policy for traveller sites (CLG March 2012)

Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment on behalf of Essex Planning Officers Association (Opinion Research Services July 2014)

Risk Management:

Government guidance requires Local Plans to identify a supply of specific deliverable sites sufficient to provide five years' worth of sites against locally set targets – and this to be updated annually. Targets can only be set when needs have been established which is the function of this GTAA. If the Local Plan does not include sufficient sites to meet the target, it is likely that it will be found unsound at Examination in Public.

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Report to the Cabinet

Report reference: C-018-2014/15
Date of meeting: 8 September 2014



**Epping Forest
District Council**

Portfolio: Planning Policy

Subject: Strategic Flood Risk Assessment (Level 2)

Responsible Officer: Shanaz Zaman (01992 564732).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) That the Strategic Flood Risk Assessment Level 2 (SFRA Level 2) and its findings be approved for inclusion in the Council's Local Plan Evidence Base.

Executive Summary:

The National Planning Policy Framework (NPPF), March 2012 emphasises the active role Local Planning Authorities should have in ensuring flood risk is managed effectively and sustainably as an integral part of the planning process. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.

The NPPF revoked most of the previous Planning Policy Statements (PPS) and Planning Policy Guidance (PPG), including PPS25 Development and Flood Risk Practice Guide. However it did not revoke the PPS25 Technical Guidance. This was revoked on 6 March 2014, when it was replaced by the Planning Practice Guidance Flood Risk and Coastal Change.

In April 2011 Epping Forest District Council (EFDC) jointly with Harlow District Council, produced a Level 1 SFRA, in accordance with PPS25. The Level 2 SFRA increases the scope of the Level 1 SFRA to provide more detail on the nature of flood risk for potential development allocations located in Flood Zones 2 and 3. This additional information will enable EFDC to apply the Sequential Test (i.e., steer development towards areas of lowest risk of flooding) to facilitate the application of the Exception Test, where the Council's growth options cannot meet the sequential test.

Reasons for Proposed Decision:

To enable the results from the SFRA Level 2 to be used to update and build up on the Level 1 Assessment and be incorporated into the evidence base for the new Local Plan to inform discussions on growth options for development up to 2033.

Other Options for Action:

Not to approve the inclusion of the SFRA Level 2 into the Evidence Base. This would mean that the Local Plan would not benefit from the detailed work assessing a significant proportion of land in the District for flood risk. In addition, it will not be in accordance with Planning Policy Guidance on Flood Risk and Coastal Change, which came into effect on the 6th March 2014 and superseded PPS25 technical guidance. This would increase the risk of the Local Plan being found 'unsound' at the Examination in Public.

Report:

1. Paragraph 100 of the NPPF states that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources*'. Generally SFRA's are undertaken in two stages. The SFRA Level 1 was prepared by the Planning Policy team in 2012. This document was a high level overview of flood risk across the entire District. It identified the broad areas at risk from fluvial (river), surface water, groundwater and sewer flooding.
2. The SFRA Level 2 builds on the findings of the SFRA Level 1 Report by using modelling to assess in more detail the risk of flooding within potential development sites that have been identified through the Strategic Land Availability Assessment (SLAA) and through the Issues and Options process. Given the complex nature of the SFRA Level 2 Assessment, the Council commissioned Consultancy firm URS to undertake the work on behalf of the Council.
3. As part of the brief for this study, the consultants were asked to review the content of the SFRA Level 1 and to recommend where any aspects of the document may need revising or updating. The Consultants have advised that while the recommendations within the study remain valid, the content of the SFRA Level 2 will supersede the original document. An up to date high level assessment of flood risk within the District has therefore been prepared.
4. Members should be aware that in addition to the findings of this report, there will be additional sites that have yet to be assessed as part of the SFRA Level 2. As part of the plan making process and moving towards the Preferred Options, additional sites have been identified and are being assessed. The findings will inform an updated evidence base report to Cabinet in the future.

Fluvial Flooding

5. The study identifies that the main source of flood risk within the District is from fluvial (river) flooding associated with the Rivers Roding and Lee along with their tributaries such as the Cripsey, Nazeing and Cobbins Brooks. The Rivers Stort and Ingrebourne also impact on the edges of the District. A number of historical major flood events have taken place within the last 100 years, mainly along sections of river which had no defences. During the preparation of the SFRA Level 2, the Environment Agency published revised Flood Zone information based on updated and improved modelling work. This updated information has been reflected in the study and the maps identifying the locations of different flood zones can be found within the appendices to the SFRA Level 2 document.

Surface Water Flooding

6. In addition to fluvial flooding data, the Environment Agency has also published much

improved information in relation to surface water flooding. This form of flooding occurs when water is unable to permeate the ground, typically in developed areas. Areas at risk from surface water flooding have been mapped and again can be found in the appendices of the SFRA Level 2 document. As well as updated modelling from the Environment Agency, the maps also reflect historic flooding events that have been reported.

Groundwater Flooding

7. Groundwater flooding usually occurs where water rises up to the surface through permeable rock. Again the Environment Agency produce data to indicate where there is potential for groundwater flooding to occur. In Epping Forest District, groundwater flood events have historically occurred around Nazeing due to the geology of the area and also within the urban areas of Chigwell, Loughton, Theydon Bois and Epping.

Sewer Flooding

8. This form of flooding occurs where rainfall exceeds the capacity of the sewer/drainage system or where the systems have become blocked. There have been instances of this form of flooding and these have been mapped at a post code level as part of the SFRA Level 2.

Site Assessment and the Sequential Test

9. Beyond reviewing and updating the content of the SFRA Level 1, a key element of the Stage 2 document is to assess flood risk of proposed development sites. A total of 97 potential development sites were sent to the Consultants for assessment. These comprised all the site options that were identified within the Issues and Options 'Community Choices' consultation document in 2012 plus sites in the rural area that were assessed through the Strategic Land Availability Assessment (SLAA) process.

10. The NPPF advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. In order to achieve this, the Sequential Test should be applied. Paragraph 101 of the NPPF states that *'the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'*.

11. The recently published Planning Practice Guidance (PPG) outlines in detail how the Sequential Test should be undertaken. It indicates that fluvial flood zones should be used to identify areas at greatest risk from flooding. The majority of the 97 sites are located wholly within Flood Zone 1 and are considered to be at low risk from fluvial flooding. They are therefore considered to be 'sequentially appropriate'. A total of 24 sites fail the Sequential Test on the basis that at least part of the site is located within Flood Zones 3a or 3b. Development should be directed away from these 24 sites, or from the parts of the sites with Flood Zones 3a and 3b, where there are suitable alternatives for development within Flood Zone 1.

12. While the guidance on the Sequential Test contained within the PPG is primarily concerned with fluvial flooding, the consultants have also mapped the risk from other sources of flooding for each of the 97 sites. This will allow the Council to take into account all sources of flooding when deciding on which sites to allocate as part of the Local Plan process.

The Exception Test

13. Paragraph 102 of the NPPF states that *'If, following application of the Sequential Test,*

it is not possible.....for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. As part of the SFRA Level 2, the 24 sites that failed the Sequential Test were subjected to the Exception Test. In order to meet the requirements of the this test, it has to be demonstrated that development would provide wider sustainability benefits to the community that outweigh flood risk and that the development would be considered 'safe' through careful design and mitigation measures.

14. Through applying the Exception Test, the consultants have identified the areas within each of the 24 sites that are at lower risk of flooding. Three sites (WAL-E, WAL-2 and ADD-1), all in Waltham Abbey, are considered to be most challenging for future development due to the combination of flood risk and the proportion of the sites that are actually at risk from flooding. The majority of sites score positively when assessed against sustainability criteria.

15. The results of the Sequential and Exception Tests will be used to ensure that development proposed through the Local Plan is directed to areas that have a lower probability of flooding.

Policy Recommendations

16. As well as site assessments, the SFRA Level 2 provides policy guidance on a range of areas including the requirement for Flood Risk Assessments (FRA's) as part of planning applications as well as general design principles. The content of these recommendations will be considered as work on the Local Plan progresses and policies are formulated.

Resource Implications:

The cost of the study was £42,257.17 and has been paid for within existing budgets.

Legal and Governance Implications:

N/A

Safer, Cleaner and Greener Implications:

N/A

Consultation Undertaken:

N/A

Background Papers:

Strategic Flood Risk Assessment Level 2 Final Report and Appendices.

Risk Management:

The risks of developing within a flood plain are outlined within the report and the accompanying Appendix, published as a Supplementary Agenda.

WITHDRAWN

Due Regard Record

Name of policy or activity:

What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, 'paying due regard', and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

When do I use this record? Every time you complete equality analysis on a policy or activity this record must be updated. Due regard must be paid, and therefore equality analysis undertaken, at 'formative stages' of policies and activities including proposed changes to or withdrawal of services. This record must be included as an appendix to any report to decision making bodies. Agenda Planning Groups will not accept any report which does not include evidence of due regard being paid via completion of an Equality Analysis Report.

How do I use this record: When you next undertake equality analysis open a Due Regard Record. Use it to record a summary of your analysis, including the reason for the analysis, the evidence considered, what the evidence told you about the protected groups, and the key findings from the analysis. This will be key information from Steps 1-7 of the Equality Analysis process set out in the Toolkit, and your Equality Analysis Report. This Due Regard Record is Step 8 of that process.

Date / Name	Summary of equality analysis
Shanaz Zaman 11-Aug-14	<ul style="list-style-type: none"> • The Cabinet Report is seeking that the Strategic Flood Risk Assessment Level 2 (SFRA Level 2) and its findings be approved for inclusion in the Councils Local Plan Evidence Base. • This Report may have implications for all sections of the community in terms of the impact that any policies will have on areas proposed for development over the plan period. • The development Plan for Epping will be subject to an equalities Assessment and inclusive of all sections of the local community who maybe impacted by the policies and proposals promoted within it.

Report to the Cabinet

Report reference: C-019-2014/15
Date of meeting: 8 September 2014



**Epping Forest
District Council**

Portfolio: Finance

Subject: Update on consultation for Local Council Tax Support scheme 2015/16.

Responsible Officer: Janet Twinn (01992 564215).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To approve officer action taken in light of a recent judgement not to include questions about a residency condition in the consultation for the Local Council Tax Support scheme for 2015/16.

Executive Summary:

On 21 July 2014, Cabinet approved the elements of the Local Council Tax Support scheme that were to be consulted upon for possible change to the Epping Forest District Council scheme for 2015/16.

One of the issues that Members were keen to consult on was the possible introduction of a residency requirement. This would mean that if a person had not been resident in the Epping Forest District for a certain period of time, they would not be able to receive any Local Council Tax Support to help them pay their Council Tax liability. At that meeting, Members were advised that there was a judicial review that would be heard later that week that could affect any decision to include a residency requirement in the EFDC scheme. The purpose of this report is to advise Members of the outcome of that judicial review and the consequences of now consulting on a residency requirement.

Reasons for Proposed Decision:

Although Cabinet agreed to consult on a residency requirement for the Local Council Tax Support scheme for 2015/16, the findings of the recent judicial review make it clear that such a residency requirement would be unlawful. The Council would be acting unlawfully to still undertake consultation on something that is now known to be unlawful.

Consultation is therefore being undertaken on the other key elements agreed by Cabinet on 21 July 2014. These are:

- A reduction in the maximum percentage of Council Tax that a person of working age can receive in Local Council Tax Support and;
- The inclusion of Child Benefit as income in the calculation.

Other Options for Action:

Consultation could still be undertaken on all the elements, including the residency requirement, as agreed by Cabinet on 21 July 2014. However, the Council would be acting unlawfully.

Report:

1. Sandwell Metropolitan Borough Council (MBC) had included a two year residency requirement in their Local Council Tax Support scheme. This meant that if a person had not lived in the Sandwell MBC area for at least two years immediately prior to their application for Local Council Tax Support, they could not receive any help towards paying their Council Tax. The Child Poverty Action Group took Judicial Review proceedings against Sandwell MBC on behalf of three claimants who had been refused Local Council Tax Support on the basis that they had failed the residency requirement. The Equality and Human Rights Commission were Interveners for the Hearing. The case was heard in the High Court on 22 July 2014 and the judgement was issued on 30 July 2014.

2. There were six grounds for challenge which were:

- Ultra Vires;
- Failure to take into account material considerations;
- Lack of consultation on a residency requirement;
- Barrier to freedom of movement;
- Discrimination; and
- Public Sector Equality Duty.

3. Mr Justice Hickinbottom found against Sandwell MBC on all grounds.

4. Although some of these issues could be addressed, such as the lack of consultation, the key finding was that the residency condition is Ultra Vires and therefore unlawful. The Local Government Finance Act 2012 provided that a Local Authority should have their own reduction scheme for '*persons whom the authority considers to be in financial need*'. As a residency requirement is not relevant to defining persons in financial need, the residency requirement is Ultra Vires.

5. Mr Justice Hickinbottom went on to say that even if the residency requirement was Intra Vires, it is discriminatory and a barrier to the freedom of movement. In particular, it is a barrier to the freedom of movement for UK nationals contemplating leaving Sandwell for temporary work elsewhere, but it is also discriminatory because it is liable to affect a larger proportion of foreign nationals because they were less likely to have lived their lives in Sandwell. Further, it is discriminatory against women as they are substantially more likely than men to suffer from domestic violence.

6. Sandwell MBC had originally undertaken consultation and carried out an Equality Impact Assessment which did not include a residency requirement. This was later included by Members without further consultation or a revised Equality Impact Assessment.

7. The judgement is detailed but there are other issues that were addressed that are relevant to Cabinet's decision to consult on having a similar residency requirement in the Epping Forest. Cabinet had stated the desire to look after the local people in Epping Forest however, a similar issue was addressed in the judgement. Sandwell MBC submitted that they had imposed their residency requirement to prevent 'benefit tourism' and that collateral damage would be caused for the vulnerable and others in financial need if a residency requirement was not imposed. However, the judge found that there was no evidence to show

that benefit tourism was taking place nor that there was any collateral damage and, that at no time had Sandwell carried out any such assessment.

8. Cabinet had also wanted to introduce the residency requirement as there is a similar requirement in the Epping Forest Housing Allocation Policy. This again was an argument put forward by Sandwell MBC as they too have a residency requirement in their Housing Allocation Policy. However, this was also dismissed as the Housing Act 1996 requires residence in an authority's area before consideration is given to granting council housing to an individual. A residency requirement is therefore specified by legislation for council housing purposes whereas it is not specified for Local Council Tax Support purposes. In fact, this point went against Sandwell as the Housing Act shows that where Parliament wishes to enable a local authority to take into account local connections, it is able to give the express power to do so.

9. Tendring DC and Basildon Council are the only other local authorities that have a residency requirement in their Local Council Tax Support scheme. Both those authorities have suspended that element of their schemes following the judgement on 30 July 2014.

10. In view of the findings of the judicial review, and in particular that residency does not define a person in financial need and therefore a residency requirement is unlawful, consultation is not being undertaken on a residency requirement for the Council's 2015/16 Local Council Tax Support scheme.

Resource Implications:

There are no resource implications.

Legal and Governance Implications:

Following the finding of Mr Justice Hickinbottom on 30 July 2014 in which a residence requirement for Local Council Tax Support was found to be Ultra Vires and therefore unlawful, the Council would be acting unlawfully if it was decided to still go ahead with the consultation as agreed by Cabinet on 21 July 2014.

Safer, Cleaner and Greener Implications:

There are no specific implications.

Consultation Undertaken:

None.

Background Papers:

Report to Cabinet 21 July 2014.

Risk Management:

Consultation on the Local Council Tax Support scheme for 2015/16 needs to be undertaken if any changes to the scheme are to be made. However, now that it is known that a residency requirement is unlawful, this element should not be included in the consultation.

Due Regard Record

Name of policy or activity:

What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, 'paying due regard', and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

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Date / Name	Summary of equality analysis
18 August 2014 Janet Twinn	The introduction of a residency requirement for Local Council Tax Support would have required a detailed equality analysis. However, the explanation of the reasons why questions about a residency requirement cannot be included in the consultation for the 2015/16 Local Council Tax Support scheme does not impact on equality issues or promote good relations.

Report to the Cabinet

Report reference: C-020-2014/15
Date of meeting: 8 September 2014



**Epping Forest
District Council**

Portfolio: Technology and Support Services

Subject: Local Government Pension Scheme 2014 – Discretions Policy Statement.

Responsible Officer: Paula Maginnis (01992 564536).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To agree the Discretions Policy Statement attached at Appendix 1.**

Executive Summary:

The Local Government Pension Scheme (LGPS) was amended from 1 April 2014 so that benefits accrued after 31 March 2014 will be based on a Career Average Revalued Earnings (CARE) basis, rather than on a final salary basis.

As a result of the changes to the LGPS the Council is required to formulate, publish and keep under review a Statement of policy on discretions which they have the power to exercise in relation to members of the CARE Scheme.

The purpose of the Statement of Policy at Appendix 1 is to ensure that there is clarity on the policy of the Council with regard to the various discretions provided by the Local Government Pension Scheme. This is for the purpose of the Council, the Essex Pension Fund, ex-employees and current employees of the Council who are contributing members of the LGPS or eligible to be a member of the LGPS.

In formulating the draft policy on discretions, officers have had regard to the principles of cautious and conservative management of its financial resources and the extent to which the policy is workable, affordable and reasonable having regard to foreseeable cost. Because of the potential costs involved, many of the discretions offered at the present time have not been recommended.

Reasons for Proposed Decision:

To seek approval for the adoption of a revised scheme of employer pension discretions for the Council.

Other Options for Action:

That Cabinet substitute the proposed employer discretions with others.

Non adoption of a Discretions Policy Statement is not an option as it is required under the Local Government Pension Scheme Regulations 2013.

Report:

1. The Local Government Pension Scheme (LGPS) in England and Wales was amended from 1 April 2014 so that benefits accruing for service after 31 March 2014 will be based on a Career Average Revalued Earnings (CARE) basis, rather than on a final salary basis.
2. The provisions of the CARE scheme, together with the protections for members' accrued pre 1 April 2014 final salary rights, are contained in the Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
3. As a result of the changes the Council is required to formulate, publish and keep under review a Statement of Policy on certain discretions which they have the power to exercise in relation to members of the CARE Scheme.
4. Scheme employers are also required to (or where there is no requirement, are recommended to) formulate, publish and keep under review a Statement of Policy on certain other discretions they may exercise in relation to members of the LGPS.
5. The purpose of the Statement of Policy at Appendix 1 is to ensure that there is clarity on the policy of the Council with regard to the various discretions provided by the Local Government Pension Scheme. This is for the purpose of the Council, the Essex Pension Fund, ex-employees and current employees of the Council who are contributing members of the LGPS or eligible to be a member of the LGPS.
6. In formulating the draft policy on discretions, officers have had regard to the principles of cautious and conservative management of its financial resources and the extent to which the policy is workable, affordable and reasonable having regard to foreseeable cost. Because of the potential costs involved many of the discretions offered at the present time have not been recommended.
7. In particular Members are asked to note the following information regarding early retirement options under the 2014 LGPS. Sections noted are those on the attached Statement of Policy at Appendix 1.

Early Retirement (Section 1d)

8. Under the 2014 scheme, members of the LGPS can voluntarily retire at age 55. Previously under the 2008 scheme early retirement was with the employer's consent. The Council has a choice of waiving the percentage reduction on the early payment of benefits. Under the 2008 scheme Members had already agreed that in cases of early retirement, the Council would not waive the percentage reduction applied to the early payment of benefits.
9. It is also proposed that under the 2014 scheme, the Council will not waive any percentage reduction to benefits on early retirement under normal pension age.

Early Retirement for Employees who can meet the 85 Year Rule (Section 1e and 1f)

10. The 85 year rule applies to those employees who:
 - are aged over 55;
 - who joined the pension scheme before 1 October 2006;
 - who have pension membership before 1 April 2008; and

- whose age and pension membership added together equal 85, e.g. age 59 and with pension membership of 26 years.

11. Under the 2014 scheme there are two decisions to be made regarding the 85 year rule. One is whether to 'switch on' the 85 year rule provision in the scheme. Switching the 85 year rule back on might be a mechanism an employer would wish to consider to encourage members to retire early to, for example, help achieve a balanced age profile within the workforce or to avoid possible redundancies later which would have a greater attendant cost.

12. If there is a decision to 'switch on' the 85 year rule, the second decision is whether to waive the percentage reduction which would apply to the payment of benefits.

13. Whilst the Council knows the age of all employees, length of pension membership is not known for individual employees as this information is held by the Essex Pension Fund and not held by the Council as the employer. Therefore it is not known how many employees meet the 85 year rule.

14. However taking into account potential additional costs to the Council by 'switching on' the 85 year rule it is proposed not to do so which is reflected in the attached table. As this discretion is not being applied the percentage reduction on the early payment of benefits is not waived.

Flexible Retirement (Section 1b and 1c)

15. The provision for a flexible retirement under the LGPS remains within the 2014 scheme. Flexible retirement is a way of enabling employees, who are aged 55 or over, to have early release of their accrued pension benefits and continue working either on reduced working hours or in a lower graded role. Such early release of pension benefits needs to be agreed by the Council following consideration of a business case and that it is at no cost.

16. It is proposed that the Council policy with regard to Flexible Retirement remains unchanged in that agreement for the flexible retirement of an employee is only agreed in the circumstances set out in Section 1b.

Redundancy (Section 6a and 6b)

17. It is proposed that the Council's policy with regard to the calculation of redundancy payments under discretionary compensation regulations remains unchanged.

Definition of Pensionable Pay

18. The Decision Statement also reflects the changes to the amended definition of pensionable pay which now includes non-contractual overtime.

Resource Implications:

Many of the pension discretions available to the Council will not be applied at this time and therefore the scheme seeks to protect the Council from significant pension costs that are unaffordable in the current economic climate.

Legal and Governance Implications:

An up-to-date LGPS employer pension discretions document will ensure consistency of decision making and transparency of policy for all employees.

The Council's Pension Policy will also be updated accordingly.

Safer, Cleaner and Greener Implications:

N/A.

Consultation Undertaken:

None.

Background Papers:

None.

Risk Management:

A clear scheme of employer discretions will ensure consistency of decision making and will help ensure that the Council complies with the Pension Scheme Regulations and controls the financial and reputational risk associated with staff disputes and Employment Tribunal cases.

Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

The Local Government Pension Scheme 2014 – Discretions Policy Statement applies to all employees who are members of the Pension Scheme.

The Policy Statement is intended to provide clarity for the Administering Authority, employees and ex-employees regarding the Council's position on the discretions afforded to it due to the changes to the Scheme in 2014.

The recommendations have been made with the Council's financial position in mind to ensure that the Policy Statement is workable, affordable and reasonable having regard to foreseeable costs. Due to potential costs the Council has not applied many of the discretions at this time.

Any decisions taken regarding ill-health (due to disability or otherwise) will be determined in line with the Council's Occupational Health provider's medical assessment.

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LOCAL GOVERNMENT PENSION SCHEME (LGPS) 2014 DISCRETIONS POLICY STATEMENT

EPPING FOREST DISTRICT COUNCIL

Date: 1 April 2014

Under the LGPS Regulations 2013, effective from 1 April 2014, all employers participating in the LGPS are required to prepare and publish a written statement on how it will exercise the various discretions provided by LGPS 2014, LGPS 2008, LGPS 1997 and the Compensation and Injury Allowances Regulations.

This document includes discretionary policies for as required by the following Regulations:

- Regulation 60, LGPS Regulations 2013
- Regulation 66, LGPS (Administration) Regulations 2008
- Regulation 106 LGPS Regulations 1997 (for pre 1 April 2008 leavers and/or councillor members as applicable).
- Regulation D11(2)(c) LGPS Regulations 1995 (as amended in relation to pre 1 April 1998 leavers)

Exceptional Compassionate Grounds

Financial hardship alone is not deemed sufficient grounds to apply the discretion for early release of pension benefit. For the purposes of this Policy, exceptional compassionate grounds are where an ex-member of the pension scheme has had to give up paid employment to be the sole carer for a severely disabled or seriously ill dependent, and where reasonable additional support is not available.

This Policy will be kept under review.

Print Name

Signed

Position

Date

68989

1. Employer Discretions - Local Government Pension Scheme Regulations 2013

EFDC Ref	Discretion	Regulation	Employer Policy
1a	Whether, how much, and in what circumstances to contribute to a shared cost APC or AVC scheme.	R16(2)(e) & R16(4)(d) R17(1) R15(1)(d)	The Council will not set up a shared cost APC or AVC scheme.
1b	Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).	R30(6) & TP11(2)	The Council will consent to the payment of benefits on flexible retirement if a member is age 55 and above provided; <ul style="list-style-type: none"> ▪ there has been a permanent reduction to their hours by at least 25%; and/or ▪ there has been a permanent reduction in grade (excluding the results of job evaluation or redeployment processes); and ▪ the request is made within 3 months of the change; and ▪ where there is no cost to the Council.
Page 90 c	Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.	R30(8)	The Council will not waive actuarial reductions on a flexible retirement.
	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.	R30(8)	The Council will not waive, in whole or part, the actuarial reduction on benefits where a member voluntarily elects to draw his or her benefits before normal pension age.
1e	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	TPSch 2, paras 1(2) and 2(2)	The Council will not “switch on” the 85 year rule for a member voluntarily electing to draw benefits on or after age 55 but before age 60.
1f	Whether to waive any actuarial reduction on pre and/or post April 2014 benefits.	TP3(1), TPSch 2, paras 2(1) and 2(2), B30(5) and B30A(5)	The Council will not waive actuarial reductions on pre and or post April 2014 benefits.
1g	Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500.00 p. a.).	R31	The Council will not award additional pension to any member

2. Additional Employer Discretions – LGPS Regulations 2013

EFDC Ref	Discretion	Regulation	Employer Policy
2a	Determine rate of employee's contributions	R9(1) 7 R9(3)	The Council will allocate employees to a contribution band based on the definition of pensionable pay which will be assessed whenever there is a material change to their pensionable pay. New staff will be allocated a contribution band on the basis of their contracted earnings. Where an employee's Assumed Pensionable Pay (APP) is not clear, i.e. casual staff, they will be placed on the lower percentage contribution rate for the first year and re assessed the subsequent April.
2b	In determining Assumed Pensionable Pay, whether a lump sum payment made in the previous 12 months is a "regular lump sum"	R21(5)	The Council will determine that a bonus paid in a previous year is not a regular payment for the purposes of calculating APP for a future year. (This discretion is currently not applicable as the Council does not pay any employee a bonus).
2c	Extend 12 month time limit for acceptance of a transfer value	R100(68)	The Council will not extend the time limit for acceptance of a transfer value. An active Scheme member will only be permitted to transfer in a previous pension value within 12 months of joining the Council.
2d	Extend 12 month time limit for acceptance of a request not to have deferred benefits aggregated with their new or concurrent LGPS employment	R22(8)(b), R22(7)(b)	The Council will not extend the time limit for acceptance of a request not to aggregate previous deferred benefits with an employee's new or concurrent LGPS employment.
2e	Which employees to nominate for membership (admission bodies only)	R3(1)(c) & R4(2) (b)	This Regulation does not apply to Epping Forest District Council.
2f	Determine whether a deferred beneficiary meets the criteria for ill health pension benefits	R38(3)	The Council will determine in line with the medical assessment undertaken subject to completion of an ill health certificate by an Occupational Health specialist.
2g	Decide to suspend Tier 3 benefit where member is likely to be capable of undertaking gainful employment	R38(6)	The Council will determine in line with the medical assessment undertaken subject to completion of an ill health certificate by an Occupation Health specialist.
2h	Recover any overpayment of Tier 3 ill health pension following commencement of gainful employment	R37(3)	The Council will seek to recover any overpayment where a Tier 3 pension has been paid after gainful employment has commenced, and the ex-employee has failed to disclose this information to the Council.

3. Employer Discretions - Local Government Pension Scheme (Administration) Regulations 2008

EFDC Ref	Discretion	Regulation	Employer Policy
3a	Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60.	B30(2)	The Council will determine each application for early release of pension only if there are compelling business reasons to do so. The Council will not waive the percentage reduction applied to the early payments of benefits, where applicable.
3b	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30.	B30(5)	The Council will not waive any actuarial reductions for early release of deferred benefits.
3c	Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60.	B30A(3)	The Council will not consent to applications for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60.
3d	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30(A)	B30A(5)	Where an employee does not meet the 85 year rule their pension may be affected by an 'actuarial reduction'. However, if an employee does not meet the 85 year rule but the Council has agreed to the early release of pension, the Council will meet the financial strain up to an amount of £5,000.
Page 92	Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31 st March 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30 th September 2014.	B12	The Council will not increase the years of membership of a member.

4. Employer Discretions – Local Government Pension Scheme Regulations 1997 (as amended) in relation to pre 1 April 2008 leavers

EFDC Ref	Discretion	Regulation	Employer Policy
4a	Grant application from a post 31 st March 1998/ pre 1 st April 2008 leaver for early payment of benefits on or after age 50/55 and before age 60.	31(2)	The Council will determine each application for early release of pension only if there are compelling business reasons to do so. The Council will not waive the percentage reduction applied to the early payments of benefits, where applicable. Applications for those of age 50-54 will not be considered due to the HMRC ruling that such payments are unauthorised.
4b	Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31 st March 1998 / pre 1 st April 2008. Leaver.	31(5)	The Council will not waive, on compassionate grounds, the actuarial reduction applied to the early payment of deferred benefits.

5. Employer Discretions – Local Government Pension Scheme Regulations 1995 (as amended) in relation to pre 1 April 1998 leavers

EFDC Ref	Discretion	Regulation	Employer Policy
5a	Grant applications for early payment of deferred pension benefits on or before age 50 and before age 65 on compassionate grounds.	D11(2)(c)	The Council will not consent to applications for early payment of deferred benefits from age 55+. Applications for those aged 50-54 will not be considered due to the HMRC ruling that such payments are unauthorised.

6. Employer Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

EFDC Ref	Discretion	Regulation	Employer Policy
6a	To base redundancy payments on an actual weeks pay where this exceeds the statutory week's pay limit.	5	The Council will base redundancy payments on actual weeks pay.
6b	To award lump sum compensation of up to 104 week's pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.	6	The Council will award lump sum compensation of one and a half times the statutory entitlement up to a maximum of 45 weeks.

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Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

EFDC Ref	Discretion	Regulation	Employer Policy
7a	How to apportion any surviving spouse's annual compensatory added years payment where the deceased person is survived by more than one spouse	21(4)	The Council will not grant added years upon retirement under any circumstances.
7b	How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children	25(2)	The Council will not grant added years upon retirement under any circumstances.
7c	Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be dis-applied i.e. whether the spouse's or civil partner's annual	21(7)	The Council approach is not to suspend/abate pension in circumstances of re-marriage, civil partnership or co-habitee where it applies to compensation added years. However, the Council reserves the right to review on a case by case basis, should this be deemed appropriate.

	compensatory added years payments should continue to be paid		
7d	If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation	21(5)	The Council reserves the right to re instate any payment of compensatory added years following the end of any remarriage, new civil partnership or cohabitation should this have been the agreed preceding decision. However, the Council reserves the right to review on a case by case basis, should this be deemed appropriate.
7e	Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government	17	The Council will not reduce or suspend a member's annual compensatory added years during any period of re-employment in local government. However, the Council reserves the right to review on a case by case basis, should this be deemed appropriate.
7f	How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government	19	The Council will not reduce or suspend a member's annual compensatory added years during any period of re-employment in local government and therefore this discretion decision does not apply.

8. Employer Discretions under the Local Government (Discretionary Payments) (Injury Allowance) Regulations 2011

EFDC Ref	Discretion	Regulation	Employer Policy
7a	Whether to grant an injury allowance following a reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties.	3 (1)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8b	Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	3(4) and 8	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8c	Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1).	3(2)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8d	Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties if the job.	4(1)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8e	Amount of injury allowance following cessation as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.	4(3) and 8	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8f	Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1).	4(2)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8g	Whether to suspend or discontinue injury allowance awarded under regulation 4(1) if person secures paid employment for not less than	4(5)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.

	30 hours per week for a period of not less than 12 months.		
8h	Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a reg 3 payment was being made at date of cessation of employment but reg 4 does not apply.	6(1)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8i	Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)	6(2)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8j	Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	7(1)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8k	Determine amount of any injury allowance to be paid under regulation 7(1)	7(2) and 8	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.
8l	Determine whether and when to cease payment of an injury allowance payable under regulation (7)1	7(3)	The Council's Policy decision is not to set up an Injury Allowance Scheme at this time.

Appendix to Discretionary Decisions Statements

Definition of Pensionable Pay under the LGPS 2013 Regulations.

The definition of pensionable pay in the 2014 Scheme is the total of:

- The salary, wages, fees and other payments paid to the employee, as listed below;
 - Basic salary
 - London Inner Fringe Allowance
 - Non-contractual overtime
 - Contractual overtime
 - Additional hours
 - Night allowance
 - Standby
 - Standby (Environmental Health Technical Officers – Noise Team)
 - Evening meeting allowance
 - Ex Gratia payments
 - First aid payments
 - Emergency Planning
 - Pay protection
 - Relevant historical payments
 - PRP bonus,
 - market supplements; and
- Any benefit specified in the employee's contract of employment as being a pensionable emolument

An employee's pensionable pay does **not** include:

- Any sum which has not had income tax liability determined on it;
- Any travelling, subsistence or other allowance paid in respect of expenses incurred in relation to the employment;
- Any payment in consideration of loss of holidays;
- Any payment in lieu of notice to terminate a contract of employment;
- Any payment as an inducement not to terminate employment before the payment is made;
- Any amount treated as the money value to the employee of the provision of a motor vehicle or any amount paid in lieu of such provision;
- Any payment in consideration of loss of future pensionable payments or benefits;
- Any award of compensation (excluding any sum representing arrears of pay) for the purpose of achieving equal pay in relation to other employees;
- Any payment made by the Scheme employer to a member on reserve forces service leave;
- Returning officer, or acting returning officer fees **other** than fees paid in respect of:
 - local government elections,
 - elections for the National Assembly for Wales,
 - Parliamentary elections, or
 - European Parliamentary elections.



Epping Forest District Council

Report to Cabinet

Report reference: C-021-2014/15

Date of meeting: 8 September 2014

Portfolio: Leader

Subject: Corporate Plan Key Objectives 2014/15 – Progress (Quarter1)

Responsible Officer: Steve Tautz (01992 564180)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) That the Cabinet review progress in relation to the achievement of the key objectives for 2014/15, for the first quarter of the year.

Executive Summary:

The Corporate Plan is 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 are published annually, to reflect the key objectives for each year of the plan period and progress against the achievement of objectives for previous years.

The annual identification of key objectives provides an opportunity for the Council to focus attention on how areas for improvement will be addressed, opportunities exploited and better outcomes delivered during the year. The key objectives are intended to provide a clear statement of the Council's overall intentions for each year, and are supported by a range of actions and deliverables designed to achieve specific outcomes.

A range of key objectives for 2014/15 was adopted by the Cabinet in April 2014. Progress in relation to individual actions and deliverables is reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and outturn basis.

Reasons for Proposed Decision:

It is important that relevant performance management processes are 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 slippage or under-performance. This report presents three-month (1 April to 30 June 2014) progress against the key objectives for 2014/15.

Other Options for Action:

No other options are 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. The Council has previously agreed arrangements for the review of progress against the key objectives.

Report:

1. The Corporate Plan for 2011/12 to 2014/15 translates the vision for the District set out by the Community Strategy, into the Council's strategic direction, priorities and the most important outcomes that it wants to achieve. The Corporate Plan helps to prioritise resources to provide quality services and value for money.

2. The key objectives adopted for each year of the Corporate Plan represent the Council's high-level initiatives and over-arching goals for the year. The objectives are not intended to reflect everything that the Council does, but instead focus on national priorities set by the Government and local challenges arising from the social, economic and environmental context of the District.

3. The key objectives for 2014/15 were adopted by the Cabinet at its meeting on 7 April 2014. The achievement of the objectives is supported by a range of individual deliverables and actions, with target dates spread throughout the year (and beyond in some instances). Some of the deliverables can only be achieved incrementally or are dependent upon the completion of other actions, and are intended to be fluid to reflect changes in priorities and other influencing factors.

4. Progress against the key objectives was an area of focus in former corporate inspection processes, in order to assess the Council's success in improving the services that it delivers, and to identify and reflect plans to secure improvement. Whilst such external assessment processes have generally ceased, it remains important to review progress against the key objectives, and to take appropriate corrective action where necessary in areas of slippage or under-performance. Progress towards the achievement of individual deliverables and actions is therefore reviewed on a quarterly basis, in order to ensure the timely identification and implementation of appropriate corrective action.

5. A schedule detailing three-month progress against the individual deliverables and actions designed to support the achievement of each of the key objectives, is attached as Appendix 1 to this report. In reporting progress, the following 'status' indicators have been applied to the current cumulative position for each individual deliverable or action:

(a) **Achieved (Green)** - specific deliverables or actions have been completed or achieved in accordance with in-year targets;

(b) **On-Target (Green)** - specific deliverables or actions will be completed or achieved in accordance with in-year targets;

(c) **Under Control (Amber)** - specific deliverables or actions have not been completed or achieved in accordance with in-year targets, but completion/achievement will be secured by a revised target date (specified) or by year-end;

(d) **Behind Schedule (Red)** - specific deliverables or actions have not been completed or achieved in accordance with in-year targets and completion/achievement may not be secured by year-end; and

(e) **Pending (Grey)** - specific deliverables or actions cannot currently be fully completed or achieved, as they rely on the prior completion of other actions or are dependent on external factors outside the Council's control.

6. At the end of the first quarter of the year, 37 (68%) of the individual deliverables or actions supporting the key objectives had either been completed or achieved, or are anticipated to be completed/achieved in accordance with in-year targets. Some 6 (11%) deliverables or actions are anticipated to be completed/achieved in accordance with revised targets and 8 (15%) may not be completed or achieved by year-end. A further 3 (5.5%) are currently on-hold as a result of external factors.

7. The Cabinet is requested to review current progress against the key objectives for 2014/15. This report will also be considered by the Overview and Scrutiny Committee on 16 September 2014.

Corporate Plan 2015/16-2018/19

8. The current Corporate Plan comes to an end in March 2015. Management Board has agreed that an externally facilitated session be held with Cabinet members in the near future to develop a new iteration of the Plan for the next four years, with a view to a new Corporate Plan being agreed by the Council in February 2015. The Chief Executive will be leading on this approach.

Resource Implications:

Resource requirements for actions to achieve specific key objectives for 2014/15 will have been identified by the responsible service director/chief officer and reflected in the budget for the year.

Legal and Governance Implications:

There are no legal or governance implications arising from the recommendations of this report. Relevant implications arising from actions to achieve specific key objectives for 2014/15 will have been identified by the responsible service director/chief officer.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district. Relevant implications arising from actions to achieve specific key objectives for 2014/15 will have been identified by the responsible service director/chief officer.

Consultation Undertaken:

Progress against actions to achieve specific key objectives for 2013/14 as set out in this report, has been submitted by each responsible service director. Current progress in respect of each of the key objectives for 2014/15 has been reviewed by Management Board (20 August 2014) and will be considered by the Overview and Scrutiny Committee on 16 September 2014.

Background Papers:

Three-month progress submissions for the key objectives for 2014/15 and relevant supporting documentation held by responsible service directors/chief officers.

Risk Management:

There are no risk management issues arising from the recommendations of this report. Relevant issues arising from actions to achieve specific key objectives for 2014/15 will have been identified by the responsible service director/chief officer.

Due Regard Record

This page shows which groups of people (if any) are affected by the subject of this report. It sets out how they are affected and how any discrimination they experience can be eliminated. It also includes information about how access to the service(s) subject of this report can be improved for the different groups of people; and how they can be assisted to understand each other better as a result of the subject of this report.

Section 149 of the Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

Date/Officer	Summary of equality analysis
<p>23 July 2014</p> <p>S. Tautz</p>	<p>The Council remains subject to a duty imposed by the Local Government Act 1999, to secure continuous improvement in the way in which its functions and services are exercised. An overriding aim of the key objectives is to improve outcomes and circumstances for all sections of the community.</p> <p>The annual identification of key objectives provides an opportunity to focus attention on how areas for improvement will be addressed, opportunities exploited and better outcomes delivered over the coming year.</p> <p>There are no equality implications arising from the specific recommendations of this report. Relevant implications arising from individual deliverables or actions to achieve key objectives for 2014/15, will be identified and considered by the responsible service director/chief officer.</p>

KEY OBJECTIVES 2014/15 – QUARTER 1 PROGRESS

1. Proactively promote the policies and reputation of the Council internally and externally

Action	Lead Director	Target Date	Status	Progress
(a) - Communicate information about the waste contract	Director of Neighbourhoods	Not specified	On Target	(Q1 2014/15) - The Council appointed its new Contractor, Biffa, in May 2014 who is in their mobilisation phase with handover planned first week in November. The new Contractor and the Council will be developing a communication plan to inform the public of the planned 4 day collection arrangements due to start in April 2015.
(b) - Communicate information about the Local Plan	Director of Neighbourhoods	Not specified	On Target	(Q1 2014/15) - The Local Development Scheme published in July 2013 is due to be updated and published in July 2014.
(c) - Communicate information regarding welfare reforms	Director of Resources	Not specified	On Target	(Q1 2014/15) - There have been no significant announcements to publicise in the first quarter of 2014/15.

2. Engage with communities to put them at the centre of the Council's policy development and service design

Action	Lead Director	Target Date	Status	Progress
(a) - Development programme for areas with identified health inequalities	Director of Communities	Tue-31-Mar-15	On Target	(Q1 2014/15) Community Services have undertaken a wide range of work to address community engagement in Super Output Areas during the first quarter. This has included consultation with user groups of all ages and abilities and delivery of a significant number of community wellbeing initiatives in the Limes Farm (Chigwell), Waltham Abbey, Shelley, and Oakwood Hill and Willingale Road (Loughton) areas.
(b) - (i) Undertaking a consultation exercise on gypsy & traveller site licences	Director of Communities	Thu-31-Jul-14	On Target	(Q1 2014/15) The Housing Portfolio Holder agreed draft site licence conditions in June 2014 (based on the previously-agreed conditions for permanent residential sites) for consultation. The consultation exercise is in progress and a report will be considered by the Cabinet in September 2014 on the proposed final version of the Conditions, following which new site licences will be issued.
(b) - (ii) Introduction of gypsy & traveller site licences and licence conditions	Director of Communities	Sun-31-May-15	On Target	(Q1 2014/15) See 2(b)(i) above.

(c) - (i) Undertaking a consultation exercise on proposed car park tariffs	Director of Neighbourhoods	Fri-31-Oct-14	On Target	(Q1 2014/15) The off-street parking survey has commenced and is due to finish at the end of July 2014. The survey has been targeted to obtain the views of shoppers, local businesses, residents and commuters. Results to be available to inform a Cabinet decision around tariffs planned for October 2014.
(c) - (ii) Adoption of off-street car parking strategy and parking tariffs by 31 March 2015	Director of Neighbourhoods	Tue-31-Mar-15	On Target	(Q1 2014/15) Consultation work on tariff review commenced.

3. Deliver a robust and resilient Local Plan that facilitates appropriate growth, whilst protecting the special character of the district

Action	Lead Director	Target Date	Status	Progress
(a) (i) - Publication of Local Plan Preferred Options Consultation	Director of Neighbourhoods	Fri-31-Oct-14	Behind Schedule	(Q1 2014/15) The proposed new Local Development Scheme subject to agreement in July 2014 predicts that the revised date for the preferred options consultation will take place from mid-May 2015.
(a) (ii) - Publication of Local Plan	Director of Neighbourhoods	Wed-30-Sep-15	On Target	(Q1 2014/15) Following the preferred options consultation, the new draft Local Plan should be published in the autumn of 2015.

Promote cultural change to breakdown silo working, and implement new, flexible ways of working

Action	Lead Director	Target Date	Status	Progress
(a) - Develop overarching Organisational Development Plan	Chief Executive	Wed-31-Dec-14	On Target	Completion of Organisational Development Plan dependent on achievement of related actions. Completion scheduled for end of third quarter.
(b) - (i) Agreement of Phase 2 organisational structure	All Directors	Tue-30-Sep-14	Behind Schedule	(Q1 2014/15) Phase II reviews in progress and being conducted by each Assistant Director, although unlikely to have all been agreed by the end of September 2014. Restructure of ICT and Forward Planning completed, but outcome of the Debt Working Party awaited to inform resource requirements for review of Legal Services.
(b) - (ii) Implementation of Phase 2 organisational structure	All Directors	Tue-31-Mar-15	Behind Schedule	(Q1 2014/15) See 4(b)(i) above.

(c) - (i) Development of action plan to embed values & behaviours	Chief Executive	Mon-31-Mar-14		On Target	(Q1 2014/15) Draft designs for poster campaigns considered by Leadership Team. Roll-out anticipated in September 2014.
(c) - (ii) Assessment of performance against values & behaviours	Director of Resources	Wed-31-Dec-14		On Target	(Q1 2014/15) Human Resources are completing the analysis of the initial trial and this will be used to inform the rollout later in the year.
(d) - (i) Adoption of customer centric approach to service delivery	Chief Executive	Tue-30-Sep-14		On Target	(Q1 2014/15) Potential service areas for pilot study considered by Leadership Team. Possible external partners for the development of a service review methodology to be investigated.
(d) - (ii) Generation of increased revenue by traded services	Chief Executive	Tue-31-Mar-15		On Target	Parking review underway and report anticipated in October 2014. Presentation by East of England Local Government Association on commercialisation of local authority services to be made to Leadership Team in September 2014. Proposals for the commercialisation of the Council's MOT and vehicle servicing facilities via a controlled company able to generate profit, being investigated. Trade waste service to be provided as part of new Waste Management Contract.
(e) - Review of outsourced Out Of Hours Call Handling Service	Director of Communities	Sun-31-May-15		Achieved	(Q1 2014/15) The new call handling service operated by Mears was successfully introduced in April 2014. Some teething problems have been identified which are being resolved and a formal review of the new arrangements will be undertaken later in the year.
(f) - (i) Investigation of options for flexible working	Chief Executive	Tue-30-Sep-14		On Target	ICT capability has been identified to enable flexible working opportunities and a bid for capital funding is to be made as part of budget process for 2015/16. The trialling of a number of options has taken place and appropriate service areas to pilot flexible working approaches are to be identified.
(f) - (ii) Adoption of flexible working strategies	Chief Executive	Tue-31-Mar-15		On Target	(Q1 2014/15) See 4(f)(i) above.
(g) - Implementation of National Land & Property Gazetteer	Director of Resources	Thu-31-Jul-14		Achieved	(Q1 2014/15) - All major issues have been resolved but work is continuing to eliminate some duplicate references.
(h) - (i) Review of Allocation Scheme and Tenancy Policy	Director of Communities	Tue-30-Dec-14		On Target	(Q1 2014/15) Officers have identified a number of proposed changes to both the Housing Allocations Scheme and Tenancy Policy, following the introduction of the new Schemes in September 2013. Following informal discussion with Cabinet Members, the Housing Portfolio Holder will make a Portfolio Holder Decision on proposed changes in principle, which will be considered in detail by the Housing Scrutiny Panel in October 2014.
(h) - (ii) Implementation of any changes required to Tenancy Policy	Director of Communities	Tue-31-Mar-15		On Target	(Q1 2014/15) Following consideration of the proposed changes to the Housing Allocations Scheme and the Tenancy Policy by the Housing Scrutiny Panel in October 2014, and the subsequent required statutory consultation process, Cabinet will be asked to agree the proposed changes in January 2015, for implementation from 1st April 2015.

(i) - Implementation of Child and Adult Safeguarding Policy	Director of Communities	Tue-31-Mar-15	Achieved	<p>(Q1 2014/15) Following the appointment to the new posts of Safeguarding Officer and Safeguarding Administration Assistant, good progress is being made with delivering the identified actions within the action plan, produced following the safeguarding audit in 2013, in accordance with the Council's Child and Adult Safeguarding Policy.</p> <p>A full training programme commenced in April 2014 which has been provided to 80 staff and 25 Members. Work has commenced on a full review of the Council's Safeguarding Policy.</p>
(j) - Determination of the Council's Housing Strategy for 2013-2016	Director of Communities	Wed-31-Dec-14	Behind Schedule	<p>(Q1 2014/15) The Housing Portfolio Holder has previously agreed that the new Housing Strategy should be deferred until the production of the Preferred Options for the Local Plan, due to the inter-relationship between the two documents and the significant influence that the Local Plan will have on the Housing Strategy. Due to the extension of the timescale for production of the Preferred Options for the Local Plan being extended, the production of the new Housing Strategy has been similarly delayed.</p>
(k) - Development of Council's Economic Development Strategy	Director of Governance	Tue-30-Sep-14	Behind Schedule	<p>(Q1 2014/15) Progress in formulating a draft Economic Development Strategy has continued alongside work on economic development activities. The Waltham Abbey Town Centre Economic Development Plan has been presented to the Asset Management & Economic Development Cabinet Committee and further geographic and thematic plans are being formulated. However the target timescale for the development of the Council's Economic Development is unrealistic in light of current staffing resources available.</p>
(l) - Development of Council's Waste Strategy	Director of Neighbourhoods	Tue-31-Mar-15	Under Control	<p>(Q1 2014/15) - The Council's new Waste Strategy will be influenced by the work that is currently underway with respect to the review of the Inter Authority Agreement at a County level. This may lead to some slippage.</p>
(m) - Development of Council's Leisure, Culture and Community Strategy	Director of Communities Director of Neighbourhoods	Thu-31-Jul-14	Behind Schedule	<p>(Q1 2014/15) - Draft Strategy due to be considered by Portfolio Holder Advisory Group in September 2014, with final adoption by Cabinet in November 2014.</p>
(n) - Development of Council's Operational Property Strategy	Chief Executive	Tue-30-Sep-14	On Target	<p>Recent improvements in the Council's wireless capability will facilitate the development of the Operational Property Strategy. A review of potential partners to carry out a workspace review is to be undertaken.</p>

5. Deliver key priorities within budget

Action	Lead Director	Target Date	Status	Progress
(a) (i) - Achievement of target for all KPIs	All Directors	Tue-31-Mar-15	Under Control	(Q1 2014/15) At the end of the first quarter of the year, 61% of the key performance indicators for 2014/15 had achieved target performance.
(a) (ii) - Achievement of specified deliverables for key objectives	All Directors	Tue-31-Mar-15	On Target	(Q1 2014/15) At the end of the first quarter of the year, 68% of the individual deliverables or actions supporting the key objectives for 2014/15 had either already been achieved or were anticipated to be completed in accordance with in-year targets.
(b) - Consumption of resources within budget	Director of Resources	Tue-31-Mar-15	On Target	(Q1 2014/15) It is very early in the year to make predictions about the outturn. At this time there are no reasons to believe that overall expenditure will not be contained within the budget.
(c) - Setting low District Council Tax & maintaining services	Director of Resources	Tue-31-Mar-15	On Target	(Q1 2014/15) The current Medium-Term Financial Strategy assumes that Members will continue with their policy of freezing the Council Tax.
(d) - (i) Review of sample processes	Chief Executive	Tue-30-Sep-14	On Target	Appropriate sample processes for review to be identified in the second quarter of the year.
(d) - (ii) Realignment of key performance indicator set	Chief Executive	Tue-30-Sep-14	On Target	Realignment of indicator set to be considered in the second quarter of the year.

6. Prepare for changes arising from the transfer of public health responsibilities

Action	Lead Director	Target Date	Status	Progress
(a) - Provision of services to meet health and wellbeing needs	Director of Neighbourhoods	Thu-31-Jul-14	Behind Schedule	(Q1 2014/15) Draft Health and Wellbeing Strategy prepared and due to be finally considered by West Essex Health and Wellbeing Committee in October 2014, with adoption by the respective partner authorities in November 2014.

7. Maximise the potential of the Council's key development sites

Action	Lead Director	Target Date	Status	Progress
(a) - (i) Completion of a development agreement with the owner of the T11 site	Director of Governance	Tue-31-Mar-15	Under Control	(Q1 2014/15) Negotiations between the Council and Polofind Ltd, and respective specialist legal and tax advisers in respect of the Langston Road (Epping Forest Shopping Park) site, has led to a proposal for the optimum way of owning and managing the new shopping park. This will be reported to the Cabinet in October 2014. Marketing of the site to secure anchor tenants of quality is underway. Confidential oral updates of such commercially sensitive information will be given when available.
(a) - (ii) Facilitation of a detailed planning application for the T11 site	Director of Governance	Not specified	Under Control	(Q1 2014/15) See 7(a)(i) above.
(a) - (iii) Commencement of development at the T11 site	Director of Governance	Thu-31-Mar-16	Under Control	(Q1 2014/15) See 7(a)(i) above.
(b) - Preparation of development brief for North Weald Airfield	Director of Neighbourhoods	Tue-31-Mar-15	On Target	(Q1 2014/15) The North Weald Bassett masterplanning exercise is due for completion and consideration by Members, for incorporation into the Local Plan evidence base, in October 2014.
(c) - Development of plans for the disposal of all or part of St. Johns Road site	Director of Governance	Not specified	Under Control	(Q1 2014/15) Heads of Terms for mixed use development have been agreed by the Council, not objected to by Epping Town Council and are being considered by Essex County Council. Relocation of the Housing Depot is a pre-requisite to the development. Potential sites are subject to the outcome of Member decisions on related sites.
(d) - Disposal of the Nursery Service from the Pyrles Lane site	Director of Governance	Wed-30-Sep-15	Pending	(Q1 2014/15) Work has continued with a view to the submission of a planning application in October 2014.
(e) - (i) Detailed planning application for depot provision	Director of Governance	Sun-30-Jun-13	Behind Schedule	(Q1 2014/15) The planning application has been referred to the District Development Control Committee and an outcome is awaited (NB. Application agreed at 13 August 2014 meeting). A Member decision in relation to the Fleet Operations relocation/future requirements will be taken into consideration in the design and development of the site.
(e) - (ii) Detailed design & development of the Oakwood Hill	Director of Governance	Thu-30-Oct-14	Pending	(Q1 2014/15) See 7(e)(i) above.
(e) - (iii) Commencement of Oakwood Hill development	Director of Governance	Tue-31-Mar-15	Pending	(Q1 2014/15) See 7(e)(i) above.

(f) - (i) Start on site Phase 1 housebuilding programme	Director of Communities	Sun-31-Aug-14		On Target	(Q1 2014/15) Tenders have been sought from five contractors from the East Thames Contractors Framework or from contractors registered on Constructionline in May 2014. These have been evaluated by the Council's Development Agent and the Council Housebuilding Cabinet Committee will appoint the contractor in August 2014. Since it is a Design and Build Contract, the appointed Contractor will require a 3-month lead-in for design and mobilisation. Start on site will be around November 2014
(f) - (ii) Obtain investment partner status for HCA funding	Director of Communities	Wed-31-Dec-14		On Target	(Q1 2014/15) The Council learnt in July 2014 that its bid for Affordable Housing Grant was approved by the Homes & Communities Agency (HCA) and the next stage is to achieve Development Partner Status. Once details on how to achieve Investment Partner Status are available, East Thames will prepare and submit an application on behalf of the Council.
(f) - (iii) Start on site at Phase 2 housebuilding programme	Director of Communities	Tue-31-Mar-15		On Target	(Q1 2014/15) Following detailed consideration of three feasibility studies and consultation with ward members, the Council Housebuilding Cabinet Committee has agreed to seek the development of 56 affordable rented homes at the Burton Road, Loughton as Phase 2 of the house-building Programme. Following consultation by Pellings, the architects appointed by the Council's Development Agent, some changes to proposed layouts have had to be made to incorporate planning officers' comments in relation to overlooking issues. This has resulted in a slight reduction from 56 to 52 new homes. The planning application for Phase 2 is due to be submitted by the end of August 2014. Assuming planning approval is granted, Phase 2 will commence on site around May 2015.
Page 107 - Conversion of difficult-to-let bedsits into self-contained flats	Director of Communities	Thu-30-Apr-15		On Target	(Q1 2014/15) In July 2014 the Housing Portfolio Holder agreed the appointment of PA Finley Ltd to undertake the design and build contract for the conversion of 20 bedsits at Marden Close and the ground floor of Faversham Hall into 12 self-contained 1-bed flats. The contract is currently being drawn up and a date of possession is estimated to be around the beginning of September 2014 after the detailed design has been completed by the Contractor. Completion is estimated to be 12-months later around September 2015.
(h) - Extension and refurbishment of Epping Forest District Museum	Director of Communities	Thu-30-Apr-15		On Target	(Q1 2014/15) Following a long period of time to agree the terms of the lease for the first floor over the library with Essex County Council, the lease was signed in June 2014. This enabled the opening up works to commence and in turn allow the architects and engineers to commence with the detailed design in consultation with the Listed Building Officer at ECC. In the meantime, the Pre-qualification Questionnaire has been issued to a long list of contractors with a view to agreeing a short list for inclusion on a tender list. Tenders are due to be issued and returned by October 2014 with works due to start on site around December 2014 and completing around June 2015. This will be followed by a short period of around 12-weeks for fitting out the Museum before reopening in September 2015.

(i) - Undertake Environmental Estate Improvement Scheme at Oakwood Hill	Director of Communities	Tue-31-Mar-15		On Target	(Q1 2014/15) The Cabinet has allocated £200,000 towards the Environmental Improvement Scheme, which has been match-funded by £200,000 from Essex County Council for footpath and highway works. An Oakwood Hill Environmental Task Force has been formed, chaired by the Housing Portfolio Holder and comprising local residents, which first met in July 2014 and suggested improvements for further consideration including footpath improvements, the creation of a public space, off-street parking, landscaping, CCTV, and cleaned/replaced fascias and soffits. The Council's total budget allocation of £200k for the improvements is spread equally between 2014/15 and 2015/16.
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8. Prepare and plan for the effects of welfare reforms in an effective and co-ordinated way

Action	Lead Director	Target Date		Status	Progress
(a) - Implementation of updated scheme of local support for Council Tax	Director of Resources	Wed-31-Dec-14		On Target	(Q1 2014/15) The Cabinet has agreed the key items to be included in the consultation and the consultation will commence in August 2014.
(b) - Retention of adequate resources to ensure the threat of fraud is effectively managed	Director of Resources	Wed-31-Dec-14		On Target	(Q1 2014/15) The Chief Internal Auditor and the Assistant Director of Resources (Benefits) are working on reports for future consideration by the Cabinet, which will set out the amended structures and resources required for both a Corporate Fraud Unit and the Benefits Service.
(c) - Retention of adequate resources to ensure the benefit function is effectively operated	Director of Resources	Wed-31-Dec-14		On Target	(Q1 2014/15) It remains unclear when Universal Credit will be implemented in the district and the role that this Council will have. At this point staff retention has not become a significant issue.

Report to the Cabinet

Report reference: C-022-2014/15
Date of meeting: 8 September 2014



**Epping Forest
District Council**

Portfolio: Environment

Subject: Virement of Budgets from Neighbourhoods to Resources Directorate.

Responsible Officer: Qasim Durrani (01992 564055).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To agree that in order to achieve the full benefits of the new waste and recycling contract, recently awarded to Biffa Municipal Limited, essential IT system integration and other enabling work is necessary and for which the following reallocation of budgets is approved:

(a) £17,000 from existing revenue budgets by means of a virement from the waste service of the Neighbourhood Directorate to ICT service of the Resources Directorate for necessary works and training costs; and

(b) £23,000 from within the existing Capital Programme by means of a virement from the Neighbourhoods Directorate to the Resources Directorate for software and licence purchases.

Executive Summary:

In the recently concluded procurement process for the new waste management contractor the Council required all tenderers to consider enhanced Information Technology (IT) systems with the ability to provide reliable and accurate information to the Council. All tenderers made proposals for new IT systems which mainly consisted of the same output, for example exception reports and other service delivery information being sent and received to and from the Council in real time. However each tenderer proposed a different methodology for integration of their IT systems with those of the Council.

The contract has been awarded to Biffa Municipal Limited and efforts have begun at pace to facilitate mobilisation of the new contract. A key element of the mobilisation process is to install adequate software systems at the Council end to enable smooth communication with the contractors systems. It is also necessary to employ external specialist contractors to carry out the implementation and train Council officers to access the new systems and realise the full benefits of these new systems.

In order to enable the necessary changes in the Council's ICT system it is estimated that an expenditure of £40,000 is required, which could be financed from existing resources (£17,000 revenue and £23,000 capital).

Reasons for Proposed Decision:

To carry out the enhancements to the Council ICT systems to enable real time exchange of information with Biffa.

Other Options for Action:

For reasons of expediency, and to avoid delay in mobilisation of the new waste management contract, the ICT department, with the prior approval of the Chief Financial Officer, instructed and paid for the necessary works from its own routine maintenance budgets. If the money is not transferred from the waste service then this would impact routine ICT maintenance activities which would impact the operations of the Council.

To cancel the order and not carry out the changes and not achieve the integration of systems would result in abortive costs for the works already undertaken. This will mean that an opportunity to achieve significant improvements will be lost.

Report:

1. The current waste management contract with Sita Municipal UK comes to an end on 2 November 2014. The Council commenced the procurement exercise under the Competitive Dialogue procedure in early 2013. The exercise concluded in May 2014 with the Cabinet decision to award a 10 year contract to Biffa Municipal Limited. This decision was followed by the Alcatel Mandatory standstill period, which gave the unsuccessful tenderers the opportunity to raise any objections or challenge the award decision. Once this period was over the formal letter of award of contract was issued to Biffa in July 2014.

2. One of the advantages of the Competitive Dialogue process was that the Council benefited from the expertise and knowledge of the market in designing and scoping the type of services it required. This resulted in a number of enhancements, for example: four day collection service avoiding operations on Bank Holiday Monday; new ICT systems that allow real time information on service levels, like missed bins, as well as the ability to send text messages to residents for appointments; targeting fly tipping hot spots; an Investment Fund, and a commercial waste and recycling service with an element of profit sharing.

3. The Council's officer mobilisation team is fully engaged with Biffa in planning and implementing a smooth transition from Sita to Biffa by 3 November. All necessary arrangements are being made to facilitate this transition. The Biffa mobilisation team have been provided with office accommodation at the Langston Road Depot and regular meetings are taking place between the relevant officers.

4. The task with the longest lead time is the upgrade of the Council ICT system where it has to exchange information with Biffa. This information exchange will happen via the North Gate M3 system which is the Customer Relationship Management (CRM) system operated by the Neighbourhoods Directorate. Through the procurement process Biffa have demonstrated, including sharing examples in other local authorities, that such integration is possible. However, this requires modifications in the CRM system (including upgrading the server on which the application runs to the required specification) and the provision of a standardised interface system to allow connection of the Biffa system to that of the Council. This work requires the purchase of software and licences as well as associated works to enable the implementation and training of staff.

5. It was not possible to assess the cost of these works before the decision on award of contract was confirmed. This is because every tenderer had proposed a unique solution for integration of ICT systems. ICT officers of the Council have assessed the integration

requirements for the Biffa methodology. Following discussions with the Council's service provider, North Gate M3, including assessment of post implementation training and ongoing maintenance, the total cost of making all necessary changes is £30,000. Of this sum, £15,000 could be capitalised as it relates to purchases of licences and software.

6. The upgrade to the back office ICT systems will allow quicker exchange of information between the Council and Biffa. In order for the officers of the Council to access this information while out in the district they will need mobile devices and the necessary software licences for the operating systems. Biffa have provided two licences for Council officers but additional licences will be required for the relevant officers of the Neighbourhood Directorate. It is intended that as many officers as is practicable should have access to the Biffa mobile system. The cost of purchase of additional licences and handheld devices is estimated at £10,000, of which £8,000 can be capitalised

7. In order to comply with the implementation time table and avoid any delays, ICT department, after obtaining approval from the Chief Financial Officer, instructed the service provider to carry out the necessary changes. The payment to the contractor will be made from within the service budgets of the ICT department. It is now necessary to transfer an equivalent amount from waste management budgets to ICT otherwise routine programmed work of the ICT service could suffer a delay, causing Council wide issues.

8. It is envisaged that there will be sufficient underspend within the waste management service to enable transfer of the required £40,000 to ICT section. This will be more than covered by the savings arising from the award of the new contract to Biffa Municipal Limited.

Resource Implications:

Of the total cost of £40,000 it is estimated that there are capital costs of £23,000 relating to the purchase of software and licences and revenue costs of £17,000 relating to essential software integration works in the database and training of Council staff. These costs can be met from existing resources from a combination of a revenue virement of £17,000 from the waste service of the Neighbourhood Directorate to the ICT service of the Resources Directorate and a capital virement of £23,000 from the waste management equipment budget in the Neighbourhoods Directorate to the ICT budget in the Resources Directorate.

The budget for the current financial year is based on the existing waste management contract with Sita. The new contract with Biffa will deliver a yearly saving of £416,680. The new contract commences on 3 November 2014, just over half way through the financial year, so there will be sufficient savings within this financial year to cover the £17,000 revenue costs of the installation of ICT systems.

Legal and Governance Implications:

Relevant legislation includes:

- Environmental Protection Act 1990
- Controlled Waste Regulations 1992
- Local Government & Finance Act 1988
- Household Waste & Recycling Act 2003

Safer, Cleaner and Greener Implications:

The waste management services offered are key front line services that are crucial to the health and wellbeing of the residents of the district and the new contract will offer significant environmental enhancements.

The benefits of the enhanced ICT systems would include the ability to inform residents about service changes, for example updates on booked bulky waste collection; real time reports from waste and recycling collection crews if bins or sacks are not presented for collection; accurate information by linking all reports to the Local Land and Property Gazetteer (LLPG), thereby reducing customer complaints, and the ability to report incidents of fly tips accurately via mobile devices.

Consultation Undertaken:

ICT colleagues and other members of the Officers Working Party for Waste Contract Mobilisation.

Chief Finance Officer for approval of expenditure from within ICT budget allocation.

Background Papers:

None.

Risk Management:

The ICT department took a pragmatic decision and with the approval of the Chief Financial Officer authorised the expenditure against their routine service budget, this has helped manage the implementation programme for the new waste management contract.

If the virement is not authorised then there is a serious risk of delay in implementation of the planned programme of works of the ICT department. This would adversely impact the ICT section's ability to purchase equipment/licenses to meet business need in the current financial year, which would in turn have a major detrimental effect on the ability of service areas to meet customer needs.

Due Regard Record

Name of policy or activity:

What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, 'paying due regard', and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

When do I use this record? Every time you complete equality analysis on a policy or activity this record must be updated. Due regard must be paid, and therefore equality analysis undertaken, at 'formative stages' of policies and activities including proposed changes to or withdrawal of services. This record must be included as an appendix to any report to decision making bodies. Agenda Planning Groups will not accept any report which does not include evidence of due regard being paid via completion of an Equality Analysis Report.

How do I use this record: When you next undertake equality analysis open a Due Regard Record. Use it to record a summary of your analysis, including the reason for the analysis, the evidence considered, what the evidence told you about the protected groups, and the key findings from the analysis. This will be key information from Steps 1-7 of the Equality Analysis process set out in the Toolkit, and your Equality Analysis Report. This Due Regard Record is Step 8 of that process.

Date / Name	Summary of equality analysis
	<p>The waste management service provides services to all residents across the District as well as looks after the cleanliness of the streets and adopted highways. The service has to be cognisant of the needs and requirement of all residents, visitors and businesses while providing the range of services. Out of the specific group or characteristics that the Council has a legal duty to have due regard for the following are affected:</p> <ul style="list-style-type: none"> (a) Age (elderly or infirm) (b) Disability (c) Religion or belief (d) Race (various ethnic groups) <p>There are already policies and practices in place for residents in the above categories, for example assisted collections, ability to provide information in different languages or format such as Braille, special collections arrangements</p>

	(when prearranged) to fulfil requirements of religious holidays and ceremonies. No special requirements identified for any other residents who fall within the definition of the protected characteristics.
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Report to the Cabinet

Report reference: C-023-2014/15
Date of meeting: 8 September 2014



**Epping Forest
District Council**

Portfolios: Technology and Support Services
Finance

Subject: Purchase of Enveloping Machine

Responsible Officer: Paula Maginnis (01992 564536).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That Cabinet agrees to the capital purchase of a new enveloping machine using the following two revenue sources of funding:
- (a) £15,000 of unallocated new burdens funding; and
 - (b) a one-off £25,000 saving from the Reprographics Budget.

Executive Summary:

The current enveloping machine is managed by the Council's Reprographics section. Primarily it provides an envelope 'stuffing' service for Revenues, Benefits and Elections.

The current machine was obtained in 2005 and is becoming obsolete with parts increasingly difficult to source. The machine is expensive to maintain and there is a concern that a major fault will arise at a critical time with limited or no options for repair.

The enveloping machine is used extensively between February and April each year, enveloping benefit claims, Council Tax and non-domestic rate bills and postal vote inserts.

The current machine cannot meet all of the Council's requirements. The technology for these machines has moved on considerably and the standard specification for the new machine will extend the range of envelope size it can work with meaning that other work will be able to be handled in house, e.g. the Housing Tenant Survey and work for the Housing Income and House Sales teams.

The purchase price for a new enveloping machine will be approximately £40,000.

To enable the Council to procure a new enveloping machine it is proposed that £15,000 of unallocated new burdens funding is utilised for this purpose. It is also proposed to use £25,000 from the Reprographics photocopier budget which is not required for this financial year.

The purchase of the machine can be contained within existing resources if Cabinet is minded to agree to the recommendations of this report. In addition to the purchase price, the annual service charge of approximately £4,700 will be met from existing resources.

Reasons for Proposed Decision:

To enable the Council to purchase a new enveloping machine without requesting additional resources.

To allocate resources to address this operational priority.

Other Options for Action:

Cabinet could agree to lease the machine, however to lease would cost in excess of £21,000 more over the lifetime of the machine.

The production and packaging of documents could be dealt with by an external provider. However, indications from other districts in Essex are that this would be a more expensive solution.

Cabinet may decide not to purchase or lease a new machine. However the current machine is obsolete with increasingly expensive service/maintenance costs. In addition, parts for the current machine are becoming more difficult to source and the Council is at risk from it breaking down at short notice leaving us with limited options to deal with time critical work.

Report:

Background

1. The current enveloping machine has been leased since 2005 and has become obsolete. It is a vital piece of equipment but the parts are now very difficult to source and the Council could be left in a position where it is no longer able to get it repaired.
2. There is a risk that it could breakdown at a crucial moment, leaving the Council with few options and significant additional costs to issue Council Tax bills, Postal Votes and Benefit information.

Financial Implications

3. Using indicative pricing from a national framework agreement, the purchase price and 6 years of annual servicing would cost in the region of £66,800. The cost to lease the machine for the same period including quarterly services would be £88,400. This means that over this period it would be £21,600 more expensive to lease than to purchase.
4. Revenues and Benefits receive Government support, through new burdens funding, to implement and manage changes in legislation, of which there have been many in recent years. The Council has been able to accommodate the recent changes without fully utilising this additional one-off funding.
5. It is proposed that £15,000 of the unused new burdens funding is used to contribute to the enveloping machine as both Revenues and Benefits rely heavily on this machine.
6. The Reprographics Section currently has a lease arrangement, for the use of photocopying machines. The Council pays £28,000 per annum in rental payments.
7. The arrangement involves paying 4 years rental over 3 years. As the Council is now in the fourth year of the arrangement it does not have to pay any rental charges. However, this amount has been included in the current budget and it is proposed that this one-off saving is

transferred to a DDF budget to contribute towards the enveloping machine.

8. The purchase of the machine can be within existing resources if Cabinet is minded to agree to the recommendations of this report.

9. In addition to the purchase price, the annual service charge of £4,700 will be met from existing resources.

10. Officers are still evaluating the different options available under a national framework agreement to obtain the most economical price and terms to procure the equipment.

Resource Implications:

Using £40,000 of unallocated revenue funding it is possible to make an important capital purchase without seeking a supplementary estimate.

Legal and Governance Implications:

The use of a framework agreement with the assistance of the Essex Procurement Hub is in accordance with Contract Standing Orders.

Safer, Cleaner and Greener Implications:

There are no safer, cleaner and greener implications.

Consultation Undertaken:

N/A.

Background Papers:

None.

Risk Management:

There are both operational and reputational risks if a new machine is not acquired.

There is a significant risk of the existing machine failing either before or during the annual billing processes in February 2015. This would cause considerable inconvenience for the public, major disruption for revenues and benefits staff and may necessitate delaying the collection of direct debits.

Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

The report is requesting money to purchase an envelope machine. No groups of people are affected by this report in terms of S149 of the Equality Act 2010.