



CABINET
Monday, 9th March, 2015

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

Council Chamber, Civic Offices, High Street, Epping
on Monday, 9th March, 2015
at 7.00 pm .

Glen Chipp
Chief Executive

Democratic Services
Officer

Gary Woodhall
The Directorate of Governance
Tel: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

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

<p>PLEASE NOTE THE START TIME OF THE MEETING</p>

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 the agenda.

4. MINUTES

To confirm the minutes of the last meeting of the Cabinet held on 2 February 2015 (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. COUNCIL HOUSEBUILDING CABINET COMMITTEE - 18 DECEMBER 2014 (Pages 5 - 10)

(Housing Portfolio Holder) To consider the minutes of the recent meeting of the Council Housebuilding Cabinet Committee, held on 18 December, and any recommendations therein.

9. REVIEW OF THE HOUSING TENANCY POLICY (Pages 11 - 40)

(Housing Portfolio Holder) To consider the attached report (C-068-2014/15).

10. REVISION OF THE HOUSING ALLOCATIONS SCHEME (Pages 41 - 98)

(Housing Portfolio Holder) To consider the attached report (C-069-2014/15).

11. HOUSING IMPROVEMENTS AND SERVICE ENHANCEMENTS FUND 2015/16 (Pages 99 - 110)

(Housing Portfolio Holder) To consider the attached report (C070-2014/15).

12. CORPORATE PLAN 2015-20 (Pages 111 - 136)

(Leader of the Council) To consider the attached report (C-071-2014/15).

13. CORPORATE PLAN KEY OBJECTIVES 2014/15 - Q3 PROGRESS REPORT (Pages 137 - 160)

(Leader of the Council) To consider the attached report (C-072-2014/15).

14. SAFEGUARDING AUDIT AND REVISED POLICY & PROCEDURES (Pages 161 - 188)

(Safer, Greener & Transport Portfolio Holder) To consider the attached report (C-073-2014/15).

15. NOMINATION OF SCHEMES FOR NEPP (Pages 189 - 194)

(Safer, Greener & Transport Portfolio Holder) To consider the attached report (C-074-2014/15).

16. NORTH WEALD BASSETT NEIGHBOURHOOD AREA DESIGNATION (Pages 195 - 210)

(Planning Policy Portfolio Holder) To consider the attached report (C-075-2014/15).

17. 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.

18. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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
19	Epping Forest Shopping Park – Progress Report	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.

19. EPPING FOREST SHOPPING PARK - PROGRESS REPORT (Pages 211 - 214)

(Asset Management & Economic Development Portfolio Holder) To consider the attached report (C-076-2014/15).

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Council Housebuilding Cabinet **Date:** Thursday, 18 December 2014
Committee

Place: Council Chamber, Civic Offices, **Time:** 6.30 - 9.00 pm
High Street, Epping

Members Present: D Stallan (Chairman), R Bassett, G Waller, Ms H Kane and A Lion

Other Councillors: Mrs J H Whitehouse, J M Whitehouse, K Adams and Mrs A Grigg

Apologies: W Breare-Hall and Ms S Stavrou

Officers Present: P Pledger (Assistant Director (Housing Property)) and J Leither (Democratic Services Assistant)

Also in attendance: I Collins (Pellings LLP), N Penfold (Pellings LLP) and D Read (East Thames Group)

32. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillor H Kane substituted for Councillor W Breare-Hall and Councillor A Lion substituted for Councillor S Stavrou.

33. DECLARATIONS OF INTEREST

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

34. MINUTES

Resolved:

(1) That the minutes of the meeting held on 18 November 2014 be taken as read and signed by the Chairman as a correct record.

35. FEASIBILITY REPORTS

The Chairman advised the Cabinet Committee that for items (c) Queens Road, North Weald and (d) Bluemans End, North Weald, that he would stand down as Chairman as he was a Ward Member for North Weald. Councillor R Bassett would assume the Chairmanship for these two items.

The Assistant Director of Housing (Property) presented a report to the Cabinet Committee, he advised that each of the sites were presented as individual feasibility studies, which identified the number of units and the mix that would be achievable for each site. At this stage, Members were asked to consider the merits of each site and agree which were to progress for inclusion in a future phase of the Council Housebuilding Programme in line with the Policy on Prioritisation of Sites.

The feasibility study for Lower Alderton Hall Lane, Loughton, was being re-presented to take account of the detailed tree survey that had been undertaken as suggested by the Cabinet Committee at its last meeting in October 2014.

For those sites that were not considered to be viable or unsuitable for redevelopment as part of the Council's House-building Programme, the Cabinet Committee would need to consider what future use should be investigated based on the following options:

- (a) To sell the site for social housing to a Housing Association in return for a capital receipt to fund future Council house-building and to gain nomination rights for Council housing applicants;
- (b) To sell the site for private development, either for residential or other use in return for a capital receipt to fund future Council house-building;
- (c) To divide up the site and sell the land to local residents to extend their private gardens in return for a capital receipt to fund future Council house-building;
- (d) To demolish the garages, re-surface and mark out the land and to leave the site as open car parking for local residents;
- (e) To sell the site to a Town or Parish Council for their own purposes (eg. public amenity space) in return for a capital receipt to fund future Council house-building; or
- (f) To continue to market and rent the garages to local residents.

During the discussion that took place after the feasibility studies had been reported, the Ward Members for site (a) Vere Road, Debden, Loughton, had made an observation to the Cabinet Committee regarding a bus stand at the end of Vere Road. They advised that this was a narrow road and when buses were at the bus stand it was difficult for larger vehicles to pass without going onto the paved areas of the garage forecourts and where buses also parked when the stand was full. In their opinion the road would need to be made wider to enable larger vehicles to pass the buses parked at the stand and they asked the Cabinet Committee to consider this at the detailed planning stage.

Decision:

(1) That the Cabinet Committee considers the viability of each of the 12 (twelve) individual feasibility studies taken from the Cabinet approved list of Primary Sites, or has since been agreed to be added to the list since, as listed below, for consideration for inclusion in a future phase of the Council House-building Programme;

(a) Vere Road, Debden, Loughton

That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage.

(b) 79 London Road, Stanford Rivers

That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage.

(c) Queens Road, North Weald

That the Cabinet Committee agreed the Queens Road, North Weald site be deferred to a future meeting of the Cabinet Committee for more information concerning reducing the proposed amount of units on the site and widening of the access to the site:

- (i) A revised feasibility study of the site reducing the number of units on the site. The Cabinet Committee suggested 13 x 3 bedroom houses, 2 storeys high from the proposed amount of 16 x 3 bedroom town houses, 3 storeys high; and
- (ii) To enable the access to the site to be widened, the Cabinet Committee requested firm costs for moving the adjacent substation.

(d) Bluemans End, North Weald

That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage.

(e) Stewards Green Road, Epping

That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage subject to a unilateral undertaking to carry out an Off Street Parking assessment.

(f) Parklands, Site A, B and C, Coopersale

Site A – That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage.

Site B – That the Cabinet Committee agreed this was not a viable site to progress to a detailed planning stage due to the need to relocate the high level of below ground services crossing this site and the associated costs involved. The Cabinet Committee therefore agreed that this site would continue to be marketed and the garages rented to local residents.

Site C – That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage.

(g) Centre Avenue, Epping

That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage subject to a unilateral undertaking to carry out an Off Street Parking assessment.

(h) Centre Drive, Site B, Epping

That the Cabinet Committee agreed the Centre Drive, Site B, Epping site be deferred to a future meeting of the Cabinet Committee for more information based on two options:

- (i) For a revised feasibility and viability study of the site reducing the number of units on the site from the proposed 2 x 3 bedroom, 2 storeys high houses to 1 x 3 bedroom, 2 storeys high house; and
- (ii) To carry out a valuation to sell the land with planning permission for 1 x 3 bedroom, 2 storeys high house.

(i) Springfield, Sites B and C, Epping

Site B – That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage.

Site C – That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage.

(2) That the Cabinet Committee considered a revised feasibility study and viability assessment for the site at Lower Alderton Hall Lane, Loughton, which takes account of the Cabinet Committees comments made at its October meeting for consideration for inclusion in a future phase of the Council House-building Programme:

(a) Lower Alderton Hall Lane, Loughton

That the Cabinet Committee agreed this was a viable site to progress to a detailed planning stage.

Reasons for Decision:

At its meeting in August 2014, the Cabinet Committee asked that each of the sites on the Primary List of approved sites be progressed to feasibility stage to create a bank of sites for future phases of the House-building Programme. The 13 sites included in this report, made up of one site at Lower Alderton Hall Lane, Loughton that is a revised design previously considered by the Cabinet Committee in October 2014, an additional site in Vere Road, Loughton, identified in the Debden Town Centre and Broadway Redevelopment Option Report, a new site at 79 London Road, Stanford Rivers recently repurchased by the Council by agreement of the Cabinet in October 2014, and a further 10 sites from the original list of 65 sites approved by the Cabinet in 2012. Each site is presented on its own merits at this stage. However, when all of the feasibility studies have been considered, the Cabinet Committee will then be asked to batch the sites in line with the Policy on Prioritisation of Sites.

Other Options Considered and Rejected:

- (1) Not to progress with any of the schemes presented in this report.
- (2) To develop the sites with a different number of homes, or with an alternative mix of property types or parking allocation.

36. CODE FOR SUSTAINABLE HOMES REPORT

The Assistant Director of Housing (Property) presented a report to the Cabinet Committee he advised that the Code for Sustainable Homes (The Code), a Government scheme that encouraged sustainable design for any new housing development, became operational in April 2007. As part of the Council's Development Strategy, the Council had adopted Code 3 as the standard for its future affordable homes programme. However, the Safer, Greener and Transport Portfolio Holder had asked that a report be considered on the possibility of developing to Code 4, similar to the standard adopted by all inner London Authorities. This was supported by the Cabinet Committee at its meeting in April 2014, however, it was agreed that Code 3 should continue to be the standard for Phase 1.

The Government have now announced its intention to introduce, in around April 2015, a new set of Building Regulations, which would likely lead to the Code being abolished. The details of what can be expected in the new Building Regulations are still only at the consultation stage. However, the new Building Regulations were widely anticipated to be set at an equivalent standard as Code 4.

Anticipating the expected changes planned to the Building Regulations in 2015, Pellings LLP have produced a comparison report on the main differences between Code 3 and Code 4 which suggests an estimate of between £1,000 and £1,500 per property as the difference between the two Code levels.

In view of the low increased cost of meeting Code 4, and the fact the Building Regulations are almost certainly going to force a change to a standard equivalent to Code 4 at some point in 2015, it was recommended that for all future phases of the Council Housebuilding Programme, starting with the Phase 2 development at Burton Road, Loughton, the Council adopts Code 4 as the standard for sustainable design, based on a "Fabric First" approach until such time as the new Building Regulations are introduced in 2015, when the standards will need to be reviewed again.

Decision:

(1) That all future phases of the Council House-building Programme, starting with the Phase 2 development at Burton Road, Loughton, the Council adopts Code 4 as its standard for sustainable design, based on a "Fabric First" approach until such time as the new Building Regulations are introduced in 2015, when the standards will be reviewed again.

Reasons for Decision:

This report has been prepared at the request of the Safer, Greener and Transport Portfolio Holder, and was supported by the Cabinet Committee at its meeting in April 2014. Additionally, it is anticipated that the Government will abolish the Code for Sustainable Homes and its measures incorporated within the Building Regulations when launched at some point during 2015.

Other Options Considered and Rejected:

Not to adopt Code 4 and to continue to design to Code 3 until such time as the revised Building Regulations are launched and become mandatory later in 2015.

37. DEVELOPMENT STRATEGY UPDATE

The Assistant Director of Housing (Property) presented a report to the Cabinet Committee he advised that within the Terms of Reference of the Housebuilding Cabinet Committee, it stated that the Committee would consider and recommend to the Cabinet the Development Strategy for the Council's House-building Programme on an annual basis. East Thames, as part of their appointment, were required to prepare the Development Strategy on behalf of the Council and update it annually.

The Cabinet Committee were asked to recommend the contents of the Development Strategy as set out in Appendix 1 of the Agenda and to recommend its approval to the Cabinet.

Decision:

(1) That the Development Strategy update, formulated by the Council's Development Agent in conjunction with Council Officers, be considered; and

(2) That the Housebuilding Cabinet Committee recommends to the Cabinet that the Development Strategy update be approved.

Reasons for Decision:

Approval of the Development Strategy remains the responsibility of the Cabinet. However the Housebuilding Cabinet Committee is required to consider and then recommend its approval to the Cabinet.

Other Options Considered and Rejected:

Not to adopt the contents of the Strategy in the format presented and alter any of its statements, targets, standards, procedures or assumptions.

38. ANY OTHER BUSINESS

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

39. EXCLUSION OF PUBLIC AND PRESS

The Cabinet 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

Report to the Cabinet

Report reference: C-068-2014/15
Date of meeting: 9 March 2015



**Epping Forest
District Council**

Portfolio: Housing – Councillor David Stallan
Subject: Tenancy Policy
Responsible Officer: Roger Wilson (01992 564419).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the Cabinet accepts the recommendations of the Housing Scrutiny Panel in its report at Appendix 1 and adopts the revised Tenancy Policy;**
- (2) That, following consultation with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and partner Registered Providers, the Cabinet notes the comments received and agrees the officer responses set out at Appendix 2; and**
- (3) That the revised Tenancy Policy becomes effective on the same target date for the revised Housing Allocations Scheme coming into force, being 1 July 2015.**

Executive Summary:

The Cabinet is being asked by the Housing Scrutiny Panel to accept its recommendations set out in the attached report at Appendix 1 and adopt the Council's revised Tenancy Policy. A consultation exercise has been undertaken on the Tenancy Policy. The table attached as Appendix 2 to the report sets out the comments received and the responses of officers.

Reasons for Proposed Decision:

To ask the Cabinet to accept the recommendations of the Housing Scrutiny Panel and adopt the new Tenancy Policy.

Other Options for Action:

To not agree the recommendations of the Housing Scrutiny Panel.

To make alternative changes to the draft Tenancy Policy.

Report:

1. The Cabinet is being asked by the Housing Scrutiny Panel to accept its recommendations set out in the attached report at Appendix 1 and adopt the Council's revised Tenancy Policy. A consultation exercise has been undertaken with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and partner Registered

Providers, on the Tenancy Policy. The table attached as Appendix 2 to the report sets out the comments received and officer responses.

2. It is suggested that the revised Tenancy Policy becomes effective on the same target date for the revised Housing Allocations Scheme coming into force, being 1 July 2015.

Consultation on the Tenancy Policy

3. A consultation exercise has been undertaken on the Tenancy Policy in conjunction with the Housing Allocations Scheme and has now been completed. Five responses were received. The table attached as Appendix 2 to the report sets out the comments received and the officer response.

Resource Implications:

None.

Legal and Governance Implications:

Housing Act 1985

Localism Act 2011

Homes and Communities Agency's Regulatory Framework for Social Housing in England

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

As set out in the report.

Background Papers:

None.

Risk Management:

Having a Tenancy Policy removes the risk of not complying with both the Localism Act 2011 and the Homes and Communities Agency's Regulatory Framework for Social Housing in England.

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 Housing Scrutiny Panel undertakes an annual review of the Protected Characteristics of home seekers on the Housing Register, compared with the Protected Characteristics of those allocated accommodation.

The reason for the review is to identify whether or not there are any indications to suggest the Council may be discriminating against any one ethnic group and is undertaken by the Panel, in consultation with the Tenants and Leaseholder's Federation.

In 2013/2014, the Housing Scrutiny Panel in consultation with the Tenants and Leaseholders Federation, monitored the Protected Characteristics of home seekers on the Housing Register who were granted Flexible (fixed-term) Tenancies, again to identify whether or not there are any indications to suggest the Council may be discriminating against any one group. No concerns were raised.

If the draft revised Tenancy Policy is agreed by the Cabinet, as Flexible (fixed-term) Tenancies will be granted on generally all properties, this ensures that all groups will be treated fairly and equally.

An Equality and Diversity Impact Assessment has been completed and no concerns were raised by the Assessment on the draft revised Tenancy Policy. The Equality Impact Assessment is available on request.

Appendix 2

Consultation Response to the Draft Tenancy Policy

Organisation	Consultation Response	Comments/Suggested Changes
The Tenants and Leaseholders Federation	The Tenants and Leaseholders Federation agree with the Housing Scrutiny Panel's recommendations	None
Loughton Town Council	<p>Members are unhappy about the proposed financial aspect of the Assessment Criteria which will be applied at the end of the fixed term to determine whether a further tenancy will be granted. They feel it is too low for those existing Flexible (fixed-term) Tenants whose situation may have improved during their tenancy.</p> <p>Noting that Secure Tenancies encouraged the building of strong local communities, Members were unable to support Section 7.2 on page 10 as it could lead to uncertainty. (This Section refers to Introductory potentially Secure Flexible Tenancies ("fixed term tenancies") being granted to all home seekers who sign-up to a tenancy of any property apart from sheltered housing accommodation or grouped dwelling schemes).</p>	<p>The proposed reduced threshold is higher than 2 other neighbouring Councils and the same as one other neighbouring Council. It meets with the requirements of the draft Housing Allocations Scheme set out elsewhere on the Agenda. It is suggested that no changes are made to the proposed threshold.</p> <p>It is suggested that Flexible (fixed-term) Tenancies are extended to include <u>all</u> Council properties, except sheltered accommodation and grouped dwelling schemes in accordance with the initial views of the Housing Portfolio Holder and Cabinet colleagues, and the Housing Scrutiny Panel. This will enable under-occupation in 2 bedroom properties to be tackled and assist in dealing with management problems in all property types.</p>

Appendix 2

Consultation Response to the Draft Tenancy Policy (continued)

Organisation	Consultation Response	Comments/Suggested Changes
<p>Ongar Town Council</p>	<p>Paragraph 3.10 “Assessment Criteria – Decision on re-granting a Flexible (fixed-term) Tenancy”</p> <p>When listing the reasons why a further tenancy will generally not be granted, bullet point 2 of Paragraph 3.8 of the current Policy has been omitted from the draft policy which was as follows:</p> <p>“Where the tenant has been subject to an Anti-Social Behaviour Order or an Anti-Social behaviour Contract, or any similar penalty introduced under future legislation”.</p> <p>Why is this?</p>	<p>This bullet point was omitted due to such Orders and Contracts no longer being in force due to new provisions being introduced under the Anti-Social Behaviour Crime and Policing Act 2014.</p> <p>The first bullet point is clear that a further tenancy will not be granted where the tenant (or a member of their household) who, during the Flexible (fixed-term) Tenancy term has been guilty of serious unacceptable behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure or Flexible (fixed-term) Tenant and includes rent arrears (including housing benefit and Court cost arrears), and other breaches of tenancy Conditions.</p> <p>As breaches of Tenancy Conditions cover all types of anti-social behaviour and other offences, it is suggested that no changes are made.</p>

	<p>Assessment Criteria Decision on re-granting a Flexible (fixed-term) Tenancy Paragraph 3.10 Bullet point 5. Why is there no indication of the financial thresholds specified?</p> <p>Paragraph 3.11 It would be helpful to include a definition of “care leaver”</p> <p>Paragraphs 7.2 and 7.3 What is the thinking of stating 9 years? What happens at the end of 10 years</p>	<p>Under this bullet point it states that if, in accordance with the Council’s Housing Allocations Scheme (in force on the date the 6 months’ Notice is served), the Flexible (fixed-term) Tenant, in the opinion of the Council, has sufficient income and/or assets to enable them to meet their housing need themselves, a further tenancy will not be granted.</p> <p>It is suggested that no changes be made. This clause ensures that any financial limit applied under the Housing Allocations Scheme in the future will apply to the Assessment Criteria.</p> <p>It is suggested that no definition is included as it would not be possible to have a list that covered every eventuality</p> <p>These paragraphs make it clear that Flexible (fixed-term) Tenancies are granted for a term of 9 years but when taking into account the Introductory Tenancy term of 12 months this makes the full term 10 years. If the Introductory period is extended by a further 6 months, then the fixed-term will be 8 ½ years making a full term of again 10 years. It is suggested this is clear and no changes should be made. The Assessment Criteria at Paragraph 3.10 explains what happens at the end of the term.</p>
--	---	--

	Paragraph 11.1 Tackling Social Housing Fraud. Further details could be provided to make tenants more aware of the different aspects of Housing Fraud investigated especially sub-letting and Right to Buy	Sub-letting is already referred to, but, it is suggested that the different types of fraud are listed in bullet point form in this paragraph
North Weald Bassett Parish Council	The Parish Council supports the proposed changes to the Tenancy Policy	None
Moat Housing	Was an Equality Impact Assessment undertaken, and if so, should it be mentioned in the Policy	A full Equality Impact Assessment was undertaken. It is suggested that this be confirmed at Paragraph 15 of the Tenancy Policy.

This page is intentionally left blank

Report to the Cabinet

Report reference: C-068a-2014/15

Date of meeting: 9 March 2015



**Epping Forest
District Council**

Portfolio: Housing

Report of Housing Scrutiny Standing Panel
(Chairman – Councillor S Murray)

Subject: Tenancy Policy

Responsible Officer: Roger Wilson (01992 564419).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) That, subject to the outcome of the consultation exercise with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and Registered Social Landlord Partners, Flexible (fixed term) Tenancies continue and remain at a fixed term of 10 years including the Introductory Tenancy period, and the following amendments be made to the Council's Tenancy Policy:

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

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

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

(i) that a further tenancy (Flexible or Secure) will generally not be granted where, in accordance with the Council's Housing Allocations Scheme (in force on the date the 6 months' Notice is served), the Flexible (fixed-term) Tenant, in the opinion of the Council, has sufficient income and/or assets to enable them to meet their housing need themselves.

Executive Summary:

Under the Localism Act 2011 and the Homes and Communities Agency's Regulatory Framework for Social Housing in England, Registered Providers (predominantly, but not exclusively, housing associations and local authorities) must publish a Tenancy Policy setting out clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies, preventing unnecessary evictions and tackling tenancy fraud.

The Council's current Tenancy Policy came into force on 1 September 2013. Under the Policy, the Council used its powers to introduce a pilot scheme to grant Flexible (fixed term) Tenancies on properties comprising 3 or more bedrooms. At the request of the Cabinet, our Panel were asked to review the success of the Pilot Scheme, after 12 months of commencement and to submit a report to the Cabinet on its review including; whether to discontinue, continue or extend the scheme to include 2 bedroom properties, and whether in future to means test tenants as part of the Assessment Criteria at the end of the Flexible Tenancy period.

The Housing Portfolio Holder advised us that he had held informal discussions with Cabinet colleagues to seek their initial views on the review. Following these discussions, the Housing Portfolio Holder made a formal decision that officers draft the revised Policy based on the Cabinet's initial views

At our meeting on 21 October 2014, we considered a report on the proposed revised Tenancy Policy and suggest the amendments set out in the Recommendations.

The draft revised Tenancy Policy is attached as an appendix to the report. We have given detailed consideration of the revised Policy and recommend its adoption to the Cabinet.

Reasons for Proposed Decision:

Under the Localism Act 2011 and the Homes and Communities Agency's Regulatory Framework for Social Housing in England, Registered Providers (predominantly, but not exclusively, housing associations and local authorities) must publish a Tenancy Policy setting out clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies, preventing unnecessary evictions and tackling tenancy fraud. The Cabinet are being asked to consider and adopt the revised Tenancy Policy in order for the Council to meet with this requirement.

Other Options for Action:

That the draft Tenancy Policy is not agreed.

That a different approach on the drafting of the Tenancy Policy be put forward.

Report:

1. At our meeting on 21 October 2014, we considered a report on the Council's revised Tenancy Policy. We were advised that under the Localism Act 2011, housing providers have been granted additional powers which enable decisions to be taken locally about the management of social housing. The Government enables providers of social housing with the option to use Flexible Tenancies (also known as fixed term tenancies), which in most cases must be for a minimum period of 5 years or between 2 & 5 years in exceptional circumstances. Flexible tenants generally enjoy the same rights as secure tenants, including the Right to Buy (subject to the current qualifying criteria).

2. On expiry of the fixed-term, the tenant will be assessed against an agreed Assessment Criteria to determine whether a further tenancy (Flexible or Secure) will be granted, either of the same or another Council property. If another tenancy is not offered, there is a requirement to provide the tenant with advice and assistance. We were advised that sheltered housing tenants must continue to be granted secure tenancies in accordance with the Act.

3. The Localism Act 2011 requires local authorities to publish a Tenancy Strategy which, must set out the matters to which Registered Providers of Housing (including the Council) are to have regard in formulating their policies relating to:

- The kinds of tenancies they grant;
- The circumstances in which they will grant a tenancy of a particular kind;
- Where they grant tenancies for a term certain, the lengths of those terms; and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

4. We noted that the West Essex Housing Forum, which comprises three local authorities in West Essex being Epping Forest, Harlow and Uttlesford District Councils have adopted one Tenancy Strategy that covers the three local authorities' areas in West Essex. The Strategy was adopted by the Cabinet on 22 October 2012.

5. In addition, all Registered Providers are required to publish and be responsible for their own individual Tenancy Policy which sets out:

- The kinds of tenancies granted
- Circumstances where a tenancy of a particular type will be granted and the length of the term
- Circumstances where a term of less than 5 years will be granted
- Circumstances where another tenancy will be granted on expiry on the same or another property
- How applicants/tenants can appeal against the length of the Flexible Tenancy or the decision not to grant a further tenancy
- Taking account of the needs of vulnerable people
- Provision of Advice and Assistance if another tenancy is not granted at the end of the term
- Discretionary succession rights

6. Under the Localism Act 2011, (as with the two other West Essex authorities, both of whom have retained their housing stock) the Council as a Registered Provider is expected to have regard to the West Essex Tenancy Strategy in formulating and implementing its own Tenancy Policy. The Council's draft revised Tenancy Policy fully complies with the requirements of the West Essex Tenancy Strategy.

7. In an effort to prevent any unnecessary work, and to give officers direction for the purposes of drafting the attached revised Tenancy Policy, the Housing Portfolio Holder advised us that he had held informal discussions with Cabinet colleagues to seek their initial views on the review. Following these discussions, the Housing Portfolio Holder made a formal decision that officers draft the revised Policy making the following amendments based on the Cabinet's initial views which were as follows:

- That Flexible (fixed-term) Tenancies continue and be for a fixed-term of ten years, including the Introductory Tenancy period
- That Flexible (fixed-term) Tenancies be extended to include all Council properties, except sheltered accommodation and grouped dwelling schemes (it should be noted that sheltered housing tenants may only be granted secure tenancies in accordance with the Act).

8. Furthermore, officers reported to our Panel that if Flexible (fixed-term) Tenancies are extended to include all properties (excluding sheltered accommodation and group dwelling

schemes), this may discourage some tenants from transferring or downsizing accommodation. This is because in order to transfer, they would have to enter into a new Flexible (fixed-term) Tenancy and therefore no longer have a Secure (Lifetime) Tenancy. Our Panel is therefore recommending that, in addition to the protection already granted under legislation to all Pre-Localism Act tenants whereby they are granted Secure (Lifetime) Tenancies (for one move only) when transferring, all existing Post-Act Secure (Lifetime) Tenants who downsize Council accommodation are protected in the same way.

Means Testing Tenants as part of the Assessment Criteria

9. Under the Review of the Housing Allocations Scheme which is being considered elsewhere on the Agenda, officers are recommending that where any lead applicant/s whose gross annual household income including; residential property equity, savings, shares or other assets, exceeds £76,000 they will not qualify to join the Council's Housing Register regardless of the size of accommodation required.

10. Our Panel are recommending that for consistency, there be an additional requirement under the Assessment Criteria which determines whether at the end of the fixed-term if a further tenancy be granted. The additional requirement would be that a further tenancy (Flexible or Secure) will generally not be granted where, in accordance with the Council's Housing Allocations Scheme (in force on the date the 6 months' Notice is served), the Flexible (fixed-term) Tenant, in the opinion of the Council, has sufficient income and/or assets to enable them to meet their housing need themselves

11. Having considered the draft Tenancy Policy, we are recommending its adoption by the Cabinet. Our proposed draft new Tenancy Policy is attached as an appendix to the report.

Resource Implications:

Within existing resources.

Legal and Governance Implications:

Housing Act 1985

Localism Act 2011

The Homes and Communities Agency's Regulatory Framework for Social Housing in England

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

Following the meeting of the Panel, the Tenants and Leaseholders Federation, all Registered Providers operating within the District, all Local Councils and partner agencies with an interest in the Policy have been consulted. The comments received will be reported to the Cabinet by the Housing Portfolio Holder under the next Item on the Agenda.

Background Papers:

None.

Risk Management:

Having a Tenancy Policy removes the risk of not complying with both the Localism Act 2011 and the Homes and Communities Agency's Regulatory Framework for Social Housing in England.

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 Cabinet are referred to the report of the Housing Portfolio Holder. This report sets out the Due Regard Record in respect of the draft revised Tenancy Policy, having taken account of the outcome of the consultation exercise.



Housing

King Forest District Council

DRAFT
Tenancy
Policy

1 July 2015



Tenancy Policy

1. Introduction

1.1 The effective date of this Tenancy Policy is 1 July 2015.

1.2 Under the Localism Act 2011 and the Homes and Communities Agency's Regulatory Framework for Social Housing in England, Registered Providers (predominantly, but not exclusively, housing associations and local authorities) must publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies, preventing unnecessary evictions and tackling tenancy fraud and set out:

- The types of tenancies granted
- Circumstances where a tenancy of a particular type will be granted and the length of the term
- Circumstances where a Flexible (fixed-term) Tenancy term of less than 5 years will be granted
- Circumstances where another tenancy will be granted on expiry on the same or another property
- How applicants/tenants can appeal against the length or type of tenancy or the decision not to grant a further tenancy
- Taking account of the needs of vulnerable people
- Provision of Housing Advice and Assistance if another tenancy is not granted at the end of the term
- Discretionary succession rights

1.3 This Tenancy Policy, in conjunction with the Tenant's Handbook and the Council's Housing Allocations Scheme, meets with the requirements of the Localism Act 2011 and the Regulatory Framework.

1.4 Comprehensive systems are in place to ensure the efficient delivery of the services referred to in this Tenancy Policy. The efficiency of these systems are confirmed by the Housing Service being accredited with both the international quality standard of ISO 9001:2008 and the Customer Service Excellence Award for all of its services, including tenancy management.

2. Tenancy Strategy

2.1 The Localism Act 2011 requires local authorities to publish a Tenancy Strategy, which must set out the matters to which Registered Providers are to have regard in formulating their tenancy policies relating to:

- The types of tenancies they grant;
- The circumstances in which they will grant a tenancy of a particular type;
- Where they grant tenancies for a term certain, the lengths of those terms; and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

2.2 The West Essex Housing Forum, comprising the three local authorities in West Essex, being Epping Forest, Harlow and Uttlesford District Councils has adopted one joint West Essex Tenancy Strategy. Epping Forest District Council adopted the West Essex Tenancy Strategy at its Cabinet meeting on 22 October 2012.

2.3 All Registered Providers with housing stock in West Essex are required by the Localism Act 2011 to have regard to the West Essex Tenancy Strategy when formulating and implementing their own Tenancy Policies. The Tenancy Strategy was produced to give guidance to Registered Providers on the three councils' expectations of how their Tenancy Policies should be framed. The Council has had regard to the West Essex Tenancy Strategy when formulating this Tenancy Policy.

3. The Types of Tenancies Granted

Introductory Tenancy Scheme

3.1 The Council operates an Introductory Tenancy Scheme whereby all new potentially Secure Tenants (sometimes referred to as "lifetime tenants") and Flexible Tenants ("fixed-term tenants") are "on trial" for a period of 12 months in order that the Council can satisfy itself that the introductory tenant can sustain a tenancy and meet with the conditions of the Council's Standard Tenancy Agreement. Should any conditions be breached, the Council will be able to seek possession of the property through the County Court with the judge having to grant possession, provided all of the procedures have been followed correctly. In circumstances where the Council has concerns about an introductory tenant, but not serious enough to apply to the County Court for possession, the introductory period can be extended by a further 6 months. If the "trial" period is successfully completed, Introductory Tenancies automatically become either Secure periodic tenancies or Flexible (fixed-term) Tenancies.

Introductory, Potentially Secure, Periodic ("Lifetime") Tenants

3.2 Introductory, potentially Secure Tenancies will be granted to appropriate home seekers in accordance with this Tenancy Policy. The legislation governing Secure Tenancies is found in Part IV of the Housing Act 1985. The rights of a Secure Tenant are set out in the Act, and are commonly referred to as the "Tenants Charter". A Secure Tenancy can only be ended by way of a Possession Order granted by the County Court.

Existing Secure Tenants who Transfer or Mutual Exchange

Transfers

3.3 Under the Localism Act 2011, all tenants who signed up to their tenancy prior to 1 April 2012 will be given "a tenancy with no less security where they choose to move to another social rented home". This means that such tenant's security of tenure is protected if they transfer to another social rented home. Such protection only applies on one occasion. Although such tenants will retain their secure tenancy status, there will be a reduction in tenancy rights. This is due to their new tenancy being a tenancy granted after the commencement of the provisions of the Localism Act 2011 on 1 April 2012 which, although secure, will have reduced succession rights for family members.

3.4 In addition to the statutory requirement above, the Council will generally grant its existing Post-Act Secure Tenants who are under-occupying their current accommodation and are transferring to a property with less bedrooms (where both properties are owned by the Council), a Secure Tenancy on their new smaller accommodation. As with pre 1 April 2012 tenancies, such protection will only apply on one occasion.

Mutual Exchanges

3.5 Where any tenant enters into a mutual exchange, in law, this is done by way of an Assignment of the tenancy. However, it is important to note that if one of the exchange partners is a Flexible (fixed-term) Tenant then, in law, the tenancy of each party will be ended and an appropriate new tenancy will be granted on the new property. The Council offers “HomeSwapper”, an internet-based mutual exchange service, free of charge to assist qualifying tenants who want to enter into a mutual exchange. Any tenant who does not have access to the Internet will be provided with support on request.

Advice on Transfers and Mutual Exchanges

3.6 The law on transfers and mutual exchanges is complicated. Any tenants who are considering either a transfer or a mutual exchange should seek advice from their Housing Management Officer.

Introductory, Potentially Secure, Flexible (fixed-term) Tenancies

3.7 The Localism Act 2011 provides for a new type of fixed-term tenancy to Council tenants – the “Flexible Tenancy”. Flexible Tenancies (or Fixed-Term Tenancies) are tenancies that are offered for a specified period of time, as opposed to traditional “lifetime tenancies”. A Flexible (fixed-term) Tenancy is a form of secure tenancy, and generally, tenants with a Flexible (fixed-term) Tenancy have the same rights as other secure tenants (as set out in the “Tenants Charter” under the Housing Act 1985).

3.8 The Localism Act 2011 amends the Housing Act 1996 to allow Introductory Tenancies to become Flexible (fixed-term) Tenancies at the end of the introductory period, if local authorities wish to provide Flexible (fixed-term) Tenancies. All Flexible (fixed-term) Tenancies granted in accordance with this Tenancy Policy will have an introductory period of 12 months added to the beginning of the fixed term, which may be extended by a further 6 months where there are minor breaches of tenancy conditions. A written notice will be served before the Introductory Tenancy is granted making clear the arrangements for the transition from Introductory to Flexible status providing no possession proceedings have been commenced, setting out the length of the fixed term and other expressed terms of the tenancy.

Assessment Criteria – Decision on re-granting a Flexible (fixed-term) Tenancy

3.9 At the commencement of each Flexible (fixed-term) Tenancy, the tenant will be informed of the Assessment Criteria that will be applied to determine, at the end of the flexible term, if a further tenancy will be granted. At least 6 months prior to the ending of the fixed term the Council will provide Notice in writing to the tenant stating that it either proposes to grant a further tenancy (Flexible or Secure – on the same or another property) on the expiry of the existing fixed term or that it intends to end the tenancy. Prior to serving the Notice, the Tenant will be assessed against the Assessment Criteria. The general presumption will be that a further tenancy is granted. However, a further tenancy (Flexible or Secure) will generally not be granted in the following circumstances:

- Where the tenant (or a member of their household) who, during the Flexible (fixed-term) Tenancy term has been guilty of serious unacceptable behaviour. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure or Flexible (fixed-term) Tenant and includes rent arrears (including housing benefit and Court cost arrears), and other breaches of tenancy conditions.

- Where the tenant is under-occupying the accommodation (when taking into account people required to live with the tenant i.e. family members and not lodgers etc.), then a further Flexible or Secure Tenancy (as appropriate) will be offered on a suitable smaller property, provided all of the other requirements of the Assessment Criteria are met
- Where the tenant is statutorily overcrowded in the accommodation a further Flexible (fixed-term) Tenancy will be granted on a larger property, subject to availability and provided all of the other requirements of the Assessment Criteria are met
- Where the property has been extensively adapted and there is no one in occupation who is in need of these adaptations, and there is an applicant on the Housing Register who is in need of the adapted accommodation, then a further Flexible or Secure Tenancy (as appropriate) of an alternative suitable property will be offered, provided all of the other requirements of the Assessment Criteria are met.
- Where, from the effective date of this Policy, in accordance with the Council's Housing Allocations Scheme (in force on the date the 6 months Notice is served), the Flexible (fixed-term) Tenant, in the opinion of the Council, has sufficient income and/or assets to enable them to meet their housing need themselves

3.10 At the end of the Flexible (fixed-term) Tenancy term, where the tenant meets one or more aspects of the above Assessment Criteria but there are special circumstances including, where:

- the tenant is an active Foster Carer
- the Council's Medical Advisor confirms that the tenant or member of their household has a terminal illness or a long-term disability
- the tenant is a care leaver who is still in need of support
- there are dependent vulnerable children

3.11 In such special circumstances, a further Flexible (fixed-term) Tenancy term of between 2 years and (in certain circumstances) 10 years may be granted. This is in order for the special circumstances to be monitored and re-assessed at a later date.

3.12 The Council recognises that there may be exceptional circumstances not covered by this Tenancy Policy. In such instances, the Director of Communities will have delegated authority (subject to the provisions made under Paragraph 7.2 of the Council's Housing Allocations Scheme), to make decisions as he considers appropriate.

Flexible (fixed-term) Tenancies (Review Procedures)

3.13 All Flexible (fixed-term) Tenancy Reviews will be undertaken in accordance with The Flexible Tenancies (Review Procedures) Regulations 2012 as follows:

Start of the fixed term

3.14 There is no right to a review of the type of tenancy offered. There is only one ground for a review at the commencement of the Flexible (fixed-term) Tenancy, being that the length of the tenancy offered is inconsistent with the Council's published Tenancy Policy. In these circumstances, the Flexible (fixed-term) Tenant (the applicant) must make an application for a review in writing including:

- The applicant's name and address
- A statement of the reasons why, in the applicant's opinion, the length of the tenancy does not accord with the Tenancy Policy as to the length of the term of the Flexible (fixed-term) Tenancy it grants
- A statement to the effect that the applicant does, or does not, require the review to be conducted by way of an oral hearing
- A statement to the effect that the applicant does, or does not, agree to receive communications relating to a review by e-mail and, if so, the e-mail address to which such communications should be sent

End of the fixed term – decision not to grant a further tenancy

3.15 If a further Flexible (fixed-term) Tenancy is not granted, a written Notice informing the tenant will be served at least 6 months before the expiry of the tenancy term. The Notice will set out the reasons for the decision and, at the same time, notify the tenant of their right to request a review and the time within which a request may be made. An application for a review must be made in writing and include:

- The applicant's name and address
- A description of the original decision in respect of which the review is sought, including the date on which the decision was made
- A statement of the grounds on which the review is sought
- A statement to the effect that the applicant does, or does not, require the review to be conducted by way of an oral hearing
- A statement to the effect that the applicant does, or does not, agree to receive communications relating to a review by e-mail and, if so, the e-mail address to which such communications should be sent

3.16 Following receipt of the application, if the review is to be undertaken without an oral hearing, the Council will:

- Send a written Notice to the applicant stating that the applicant may make written representations in support of the application (which will be taken into account by the person undertaking the review) not less than five days after the day on which the Notice is received by the applicant

3.17 Following receipt of the application, if the review is to be undertaken by way of an oral hearing, the Council will, in addition to sending the Notice referred to in paragraph 3.16 above:

- Notify the applicant of the day on which, and the time and place at which, it is proposed that the oral hearing is to take place, which will not be earlier than five days after the day on which Notice is received by the applicant

Procedure at the hearing

3.18 The hearing will be conducted by an officer senior to the officer who made the original decision and who was not involved in the original decision. The tenant will be given every opportunity to make written or oral representations and be able to call persons to give evidence on any matter relevant to the decision to be made on review and put questions to any person who gives evidence at the hearing. The applicant will be able to be accompanied or represented by another person (appointed by the applicant) who will have the same rights and obligations as the applicant for the purposes of the conduct of the hearing.

3.19 If the applicant fails to attend the hearing, the person conducting it will either proceed with the hearing or re-arrange the hearing if it is considered appropriate. If the hearing is adjourned for more than one day, the person conducting the hearing will specify the date on which it will be resumed by sending a Notice in writing to the applicant.

3.20 The decision on review will be made by the person conducting the review who will notify the applicant in writing of the decision.

3.21 If, generally, there is no engagement from the tenant in the Review process then the Council (if considered appropriate) will commence possession proceedings.

Ending the Flexible (fixed-term) Tenancy

3.22 The Council, when it considers appropriate, during or at the end of the tenancy will apply for a Court Order to end any Flexible (fixed-term) Tenancy during the fixed term if any of the grounds for possession (being the same grounds available for a Secure Tenancy) can be proven following any breaches of tenancy conditions.

3.23 If, in accordance with this Tenancy Policy, a further Flexible (fixed-term) Tenancy is not granted, and the tenant has either requested a review and it is dismissed, or decided not to seek a review, the Council will seek possession of the property. The tenant will then be given no less than 2 months Notice in writing stating that the Council requires possession of the property, prior to starting an ordinary claim for possession in the County Court.

3.24 If the tenant refuses to vacate when the Notice period expires, possession proceedings will be taken. A Court can only refuse possession if the correct procedures have not been followed or if the decision was “wrong” in law.

3.25 A Flexible (fixed-term) Tenant may give 4 weeks Notice in writing to end the Flexible Tenancy at any time during the fixed term; this may only be accepted by the Council provided there are no arrears outstanding and any other breaches of tenancies are remedied.

Advice and Assistance if a further tenancy is not granted

3.26 Where a further tenancy is not granted, the Council will provide advice and assistance to the tenant at least 6 months prior to the ending of the fixed term to help the tenant find alternative housing.

This advice and assistance will be provided by the Council's Homelessness Prevention Team within the Housing Options Section and will include:

- Assistance with securing privately rented accommodation
- Assessing eligibility for a rental loan, damage deposit guarantee, a discretionary housing payment to assist with securing accommodation in the private rented sector; and/or any other forms of assistance available at that time
- Advice on securing owner occupied accommodation
- Advice on joining the Council's Housing Register

3.27 Tenants should contact the Council to arrange a housing advice interview. The Council has a Service Agreement with the Epping Forest Citizens Advice Bureau in the District, who tenants can contact and be provided with a range of independent advice and support.

Flexible (fixed-term) Tenancies and the Right to Buy

3.28 The "Right to Buy" extends to Flexible (fixed-term) Tenancies, subject to the same qualifying criteria for Secure Tenancies.

4. Demoted Tenancies

Secure Tenancies

4.1 If the Council has concerns about the way in which a Secure Tenant has been conducting their tenancy but the concerns are such that seeking possession is not felt appropriate it may proceed to Court and seek a Tenancy Demotion Order. If the tenancy is demoted, the tenant will hold a lesser form of tenancy with reduced security of tenure for a period of 12 months. During this period, Demoted Tenants do not have the same rights as secure tenants, for example they do not have:

- The right to exchange
- The right of succession
- The right to take in lodgers
- The right to buy which is suspended until the tenancy is no longer demoted

4.2 If the tenant continues to breach their tenancy conditions, then the Council can proceed to Court for possession when the Judge will have no alternative, providing the correct procedures have been followed, other than to grant the Council possession.

Flexible (fixed-term) Tenancies

4.3 In the case of Flexible (fixed-term) Tenants, if the 12 month demotion period is successfully completed, then the Council will serve the Demoted Tenant with a Notice stating that the tenancy is to be restored from a Demoted Tenancy to a Flexible (fixed-term) Tenancy and specifying the length of the fixed term and other express terms of the tenancy.

5. Joint Introductory Potentially Secure & Flexible Tenancies

5.1 A Secure or Flexible (fixed-term) Tenancy can be held by one person or by up to four joint tenants all of whom must be qualifying persons. However many tenants there are, there is still only one tenancy and the rights and duties relating to the tenancy apply jointly and severally to all joint tenants.

5.2 When a joint tenant dies, the remaining tenant/s will continue to hold the tenancy by "survivorship". The names of any joint tenants cannot be removed from the tenancy unless by an Order of the Court. If one joint tenant surrenders the tenancy then the tenancy comes to an end. Further information is available in the Council's leaflet on joint tenancies.

5.3 Introductory potentially secure joint tenancies will be offered to;

- (a) married couples or civil partners, provided that both home seekers are named on the application form, unless both parties request the tenancy to be granted in a sole name;
- (b) unmarried couples, or those living as civil partners who can demonstrate a relationship similar to marriage or a civil partnership, providing that both request it and the partner of the lead home seeker is registered on the application form; and
- (c) home seekers and their live-in carers, where the live-in carer has occupied the property as their only or principal home for over 12 months and the Council considers it to be justified.

5.4 When an existing tenant applies to change their sole tenancy to a joint tenancy, this will be subject to any new joint applicant meeting with the Local Eligibility Criteria of the Council's Housing Allocations Scheme apart from the Housing Need element.

In all other circumstances, sole tenancies will be offered to the lead applicant.

6. Non-secure Tenancies

6.1 Non-secure tenants have less security of tenure than Secure, Introductory and Flexible (fixed-term) Tenants and normally apply where short-term temporary accommodation is provided.

7. Circumstances where a tenancy of a particular type will be granted and the length of the term

Introductory, Potentially Secure Periodic ("Lifetime") Tenancies

7.1 The Council will grant Introductory potentially Secure Tenancies to home seekers allocated permanent accommodation in sheltered housing or grouped dwelling schemes.

Introductory Potentially Secure Flexible (fixed-term) Tenancies

7.2 Introductory potentially Secure Flexible Tenancies (“fixed term tenancies”) will be granted to all home seekers who sign-up to a tenancy of any property apart from sheltered housing accommodation or grouped dwelling schemes. The fixed term for the Flexible Tenancy will be 9 years.

7.3 An introductory tenancy term of 12 months (or 18 months where the term is extended due to minor breaches of tenancy conditions) will be added to the 9-year Flexible Tenancy making a total fixed term of 10 years. The Flexible Tenancy term will be for 8 ½ years where introductory tenancies are for 18 months. At the commencement of the Introductory Period, the Council will serve a Notice on the tenant stating that a Flexible Tenancy will be granted at the end of the introductory period and what the length of the fixed term will be, provided the terms of the Introductory Tenancy are not breached.

7.4 Flexible (fixed-term) Tenants will be granted, through their Tenancy Agreement, both the “Right to Improve” and the “Right to Compensation for Improvements”. The financial incentives under the Council’s Housing Allocations Scheme for Council tenants to transfer to smaller accommodation will apply to Flexible Tenants during the fixed term, but only within the first 7 years of the fixed term (inclusive of the Introductory Tenancy period).

Flexible (fixed-term) tenancies of less than 9 years

7.5 There are some exceptional circumstances where the Council will consider granting a Flexible Tenancy for a fixed term of less than 9 years, and possibly less than 5 years (generally the minimum period allowed under the Localism Act 2011, unless there are special circumstances) in order for the exceptional circumstances to be monitored and re-assessed. However, the absolute minimum period offered in such circumstances will be 2 years. Such exceptional circumstances include:

- Where the Council plans to re-develop, demolish or dispose of any Council accommodation;
- Where the new tenant is an active Foster Carer; and
- Where the Council’s Medical Advisor confirms that an existing Flexible (fixed-term) Tenant or member of their household has a terminal illness or a long term disability, or is a care leaver who is still in need of support, or where there are dependent children, in order for the circumstances to be monitored and re-assessed at a later date

8. Non-secure Tenancies

8.1 Non-secure tenancies may be granted when a tenant is moved to alternative accommodation whilst major works are undertaken or in extremely rare circumstances in order for the Council to provide temporary housing under its homelessness duties.

9. Contractual Succession Rights – Family Members

Pre- April 2012 Tenancies

9.1 All of the Council's secure tenants who signed up to their tenancy prior to 1 April 2012 enjoy many rights under the Housing Act 1985 Part IV ("Tenants Charter"). One of these is the right of succession to a tenancy which takes place upon the death of the tenant. Any successor tenant who is either a spouse or a Civil Partner is able to remain at the accommodation regardless of any under-occupation. Under the legislation, in the case of succession by a family member who meets all of the rules, if the accommodation afforded by the dwelling-house is more extensive than is reasonably required by the tenant then the Council can serve a notice of seeking possession more than six months but less than twelve months after becoming aware of the tenant's death requiring them to vacate and move to smaller accommodation unless the Council's under-occupation policy applies.

Post April 2012 Tenancies

9.2 Under the Localism Act 2011, for all tenancies (including Flexible Tenancies) commencing after 1 April 2012, the right to succeed was repealed for family members. However, from 1 April 2012, all of the Council's secure tenants have been granted additional contractual succession rights within their Tenancy Agreement, in addition to those set out in the Localism Act. If at the time of the tenant's death, the dwelling-house is occupied by a family member (as defined by Section 113 of the Housing Act 1985) and not occupied by a spouse or a civil partner of the tenant as his only or principal home, the following additional rights will apply through the terms of the Tenancy agreement;

- Provided there is no under-occupation, a family member will be allowed to succeed to the tenancy provided they meet all of the succession rules set out under the Housing Act 1985 Part IV and has been residing at the property as their only or principal home for over three years
- Where the property is under-occupied by a family member, if the family member meets all of the succession rules set out under the Housing Act 1985 Part IV and has been residing at the property as their only or principal home for over three years, they will be made one offer of suitable alternative accommodation. If the successor tenant refuses to move, then the Council will take Court action to seek possession under Ground 16 of the Housing Act 1985
- Where the property is under-occupied by a family member who has resided at the property for less than three years then they be required to vacate. If the occupier refuses to vacate, then the Council will take Court action to seek possession

10. Tenancy Management

10.1 The Council offers a range of support to tenants in order to assist them in sustaining their tenancy and preventing evictions, including:

- Undertaking in-depth sign up interviews with all new tenants to ensure the tenant understands the terms and conditions of their tenancy

- Housing Management Officers undertaking new tenant visits within 12 weeks of the commencement of the tenancy to offer advice and support and to clarify the conditions of tenancy
- Recognising that early identification and intervention in response to unpaid rent can prevent long term difficulties for the tenant, including the use of standard letters, regular rent statements, home visits, office interviews, pre-court visits etc.
- Housing Management Officers undertaking visits to all tenants who have been identified as being affected by the social sector size limits of the Welfare Reforms to discuss their options and to offer advice and support
- Working in partnership with the floating support provider Family Mosaic, who provide support to vulnerable tenants
- Housing Management working closely with the Council's Homelessness Prevention Team
- Safeguarding policies including staff training and reporting procedures
- Undertaking in-depth Special Needs Assessments whereby an officer visits a prospective tenant of sheltered accommodation to ensure the property will meet their needs
- All tenants receiving the Council's quarterly tenants magazine "Housing News" which includes articles on tenancy sustainment issues
- Offering mediation services to assist in resolving neighbour disputes
- Liaising regularly with the Council's Safer Communities Team, Noise Team, Animal Warden etc. in order to design out anti-social behaviour, working in partnership to seek methods to avoid neighbour conflict and attend network meetings with partner agencies to resolve cases
- Meeting with representatives from the Epping Forest Citizens Advice Bureau in the District on a quarterly basis to give them an opportunity to raise any concerns and to update them on major issues and any policy changes
- Meeting with senior staff in the Council's Benefits Division on a quarterly basis to raise any concerns and to update on any policy changes

11. Tackling Social Housing Fraud

11.1 The Council two Social Housing Fraud Officers as part of the Government's national initiative to tackle social housing fraud, with the main focus on the unlawful sub-letting of Council properties. As social housing is a very valuable asset, the Council considers it is important to ensure that properties are let fairly and are occupied by legitimate tenants.

12. Taking account of the needs of vulnerable people

12.1 When a Flexible (fixed-term) Tenancy comes to an end, in accordance with the Assessment Criteria, if the Council's Medical Advisor confirms that the tenant or a member of their household:

- has a terminal illness or a long term disability
- is a care leaver who is still in need of support
- there are dependent vulnerable children

12.2 A further Flexible Tenancy for a fixed term of between 2 years and (in certain circumstances) 10 years will be granted. This is in order for the exceptional circumstances to be monitored and re-assessed.

12.3 The Council has granted all new tenants whose tenancy commences after 1 April 2012, additional contractual succession rights to family members above those set out in the Localism Act 2011. This will ensure that family members in the District will continue to be housed by the Council provided that they meet the requirements of the policy.

12.4 The Council's Introductory Tenancy Scheme has been successful in reducing anti-social behaviour and neighbour nuisance and continues to allow the Council to ensure that "unsuitable" tenants do not cause difficulties for vulnerable tenants.

12.5 The Council has a comprehensive Flexible (fixed-term) Tenancy Review process which will take into account the needs of any vulnerable tenant prior to any decision not to grant a further tenancy. In addition, the needs of vulnerable tenants are taken into account with any Introductory Tenancy Review decisions.

12.6 A range of support is offered to tenants which are set out under the Tenancy Management section of this Tenancy Policy.

13. Equal Opportunities

13.1 The Council has undertaken a Customer (Equality) Impact Assessment on both the Housing Allocations Scheme and this Tenancy Policy to determine how they will impact upon those classes of persons with protected characteristics and complies with the Equalities Act 2010. A copy of the Impact Assessment is available upon request free of charge.

13.2 The Council is committed to equal opportunities in the provision of its housing services. The Council will have regard to, and implement, the provisions of the Race Relations Code of Practice in Rented Housing, which it has adopted. The Council will also abide by the Equality Act 2010.

13.3 As an aid to ensuring that home seekers are not discriminated against on the grounds of their protected characteristics, through the Council's Housing Scrutiny Panel the Council will monitor the protected characteristics of:

- a) home seekers on the Housing Register
- b) home seekers allocated housing
- c) those granted Flexible (fixed-term) Tenancies

13.4 The practices and procedures of the Communities Directorate will be monitored by the appropriate Assistant Director to ensure that they do not discriminate directly or indirectly. Changes will be made if it is established that practices or procedures may be contravening the Equality Act 2010.

14. Consultation on the Tenancy Policy

14.1 The Council sent a copy of a draft version of this Tenancy Policy to all of the following interested parties giving them a reasonable opportunity to comment:

- Every private Registered Provider of social housing
- Local Councils
- The Tenants and Leaseholders Federation
- Partner Agencies with an interest in the management of the Council's housing stock

15. Publishing the Tenancy Policy

15.1 A copy of the final version of this Tenancy Policy was sent to all of those consulted above. In addition, copies can be downloaded on the Internet from the Council's website: www.eppingforestdc.gov.uk/housing

16. Reviewing the Tenancy Policy

16.1 The Tenancy Policy will be reviewed after 2 years of commencement with any resultant changes coming into effect from 1 April 2018. The review will be undertaken by the Council's Housing Scrutiny Panel in consultation with the Tenants and Leaseholders Federation, and will be agreed by the Council's Cabinet.



Epping Forest District Council
Civic Offices, High Street, Epping, Essex CM16 4BZ

Telephone: 01992 564000 Fax: 01992 564230
email: housingoptions@eppingforestdc.gov.uk

www.eppingforestdc.gov.uk/housing

July 2015

This page is intentionally left blank

Report to the Cabinet

Report reference: C-069-2014/15

Date of meeting: 9 March 2015



**Epping Forest
District Council**

Portfolio: Housing

Subject: Review of the Housing Allocations Scheme

Responsible Officer: Roger Wilson (01992 564419).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the Cabinet accepts the recommendations of the Housing Scrutiny Panel in its report attached at Appendix A subject to the suggested changes at Appendices B and C and adopts the reviewed Housing Allocations Scheme;
- (2) That, following consultation with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and partner Registered Providers, the Cabinet notes the outcome and agrees the suggested changes to the Housing Allocations Scheme as set out at Appendix B;
- (3) That the Cabinet notes two changes made to the Housing Allocations Scheme (subsequent to consideration by the Housing Scrutiny Panel) in accordance with the advice received from the external legal advisor which are set out at Appendix C;
- (4) That the target date for the revised Housing Allocations Scheme to take effect will be 1 July 2015; and
- (5) That the Housing Allocations Scheme be reviewed again after 2 years of operation with the reviewed Scheme coming into force on 1 April 2018.

Executive Summary:

The Cabinet is being asked by the Housing Scrutiny Panel to accept its recommendations set out in the attached report at Appendix A and adopt the Council's revised Housing Allocations Scheme. The target date for the revised Scheme to come into force is 1 July 2015.

The Council has consulted on the draft revised Scheme, and sought external legal advice. The table attached as Appendix B to the report sets out the response from each organisation. A further table at Appendix C sets out two further changes made in accordance with the advice of the external legal advisor.

Reasons for Proposed Decision:

To ask the Cabinet to accept the recommendations of the Housing Scrutiny Panel and adopt the revised Housing Allocations Scheme, subject to the suggested changes set out in Appendix B to the report in response to the consultation, and two further changes made in

accordance with the advice of the external legal advisor at Appendix C.

Other Options for Action:

To not agree the recommendations of the Housing Scrutiny Panel.

To make alternative changes to the draft Housing Allocations Scheme.

Report:

1. The Cabinet is being asked by the Housing Scrutiny Panel to accept its recommendations set out in the attached report at Appendix A and adopt the Council's revised Housing Allocations Scheme. The report and recommendations will be presented to the Cabinet by the Chairman of the Housing Scrutiny Panel at the meeting.

2. It was proposed to the Panel that the revised Scheme would come into force on around 1 July 2015, subject to any delays due to the necessary implementation arrangements which includes:

- Writing to around 1,600 home seekers on the Housing Register, explaining that they must re-register on-line giving a final deadline for re-registering after which they will be removed from the list;
- Re-designing the on-line application form to ensure it complies with the new policies;
- Working with the Council's Choice Based Lettings system administrator Locata Housing Services (LHS) to ensure the system meets with the requirements of the revised Scheme; and
- Monitoring all qualifying home seekers, contacting those who fail to re-register to ensure that the following advice/assistance is given to either vulnerable applicants or those who do not have access to a computer:
 - (a) Assistance from staff for home seekers to re-register on line; and
 - (b) Carefully monitoring all qualifying homeseekers who fail to register, with particular attention to those homeseekers on the Council's "Vulnerable List" (where staff already assist with placing bids on their behalf), to ensure they have re-registered, carrying out home visits where needed.

Consultation on the Housing Allocations Scheme

3. Nine responses were received from the consultation. The table attached as Appendix B to the report sets out the responses from each organisation and the comments and suggested changes.

4. The Housing Scrutiny Panel was advised that, following its consideration, the draft Housing Allocations Scheme will be considered by an external Legal Advisor, being a QC specialising in housing law who recommended two changes be made to the Scheme which were incorporated in the draft document, he stated that otherwise in his opinion the Housing Allocations Scheme is lawful. The two changes are set out at Appendix C.

Resource Implications:

Within existing resources.

Legal and Governance Implications:

Housing Act 1985

Housing Act 1996

Homelessness Act 2002

Localism Act 2011

Allocation of accommodation: guidance for local housing authorities in England (DCLG June 2012).

Providing Social Housing for local people (DCLG October 2013)

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

As set out in the report.

Background Papers:

As attached at the '*Background Papers*' document and includes:

Legal Advisor's report.

Equality Impact Assessment.

Risk Management:

No risks have been identified. Should any be identified in the future, these will be reported to the Housing Portfolio Holder or the Cabinet depending on their importance or will be taken into account as part of the review after 2 years of operation of the Scheme.

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.

Each year the Housing Scrutiny Panel considers a report on the Protected Characteristics of home seekers on the Housing Register compared to the Protected Characteristics of those allocated accommodation. It also monitors a range of information on the activity of the Choice Based Lettings Scheme, including the number of lets and property types let in each priority band, the numbers and methods of bids on vacant properties etc. This is to ensure that there is no disparity between those on the Housing Register and those housed. Should there be any concerns the Panel would consider if any amendments needed to be made to the Scheme, which to date has not proven to be necessary.

The Council's policy on Equal Opportunities is set out under Section 24 of the Scheme.

As a result of the consultation exercise it is proposed to make two changes which will ensure that two groups will not be affected and have access to services and are as follows:

- That the proposed increased incentive payments made to Council tenants downsizing accommodation applies to all those downsizing regardless of whether they are affected by the Spare Room Subsidy for housing benefit purposes. This is providing; both properties are owned by the Council, the tenant is under-occupying and is either transferring or entering into a mutual exchange and has a housing need for the smaller property; and
- That if the Residency Criteria is increased to 5 years, those leaving care (mainly those who are leaving foster care having reached 18 years of age), would not be able to re-housed on leaving the Single Accommodation for Epping Forest (SAFE) Scheme. By suggesting a lesser residency period of 3 years, this will enable the Council to continue to provide valuable support to this client group and meet with its duties under Corporate Parenting responsibilities. It is further suggested that a lesser 3 year Residency Criteria should also be applied to all applicants leaving the Supported Housing Schemes set out at Appendix 4 Paragraph 1.4 of the Scheme for the same reason.

Equality Impact Assessment

An Equality Impact Assessment has been undertaken on the Draft revised Housing Allocations Scheme. The Assessment has found that the Scheme does not discriminate against any group who qualify for inclusion on the Council's Housing Register. It sets out arrangements that are in place to assist vulnerable people to participate.

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes

Organisation	Consultation Response	Comments/Suggested Changes
Tenants and Leaseholders Federation	The Tenants and Leaseholders Federation Considers that the amount paid for those downsizing Council accommodation should apply to all, including those affected by the Spare Room Subsidy for housing benefit purposes. It was considered that those captured by the Spare Room Subsidy may need the increased payment the most	That the proposed increased incentive payments made to Council tenants downsizing accommodation applies to <u>all</u> those downsizing regardless of whether they are affected by the Spare Room Subsidy for housing benefit purposes. This is providing; both properties are owned by the Council, the tenant is under-occupying and is either transferring or entering into a mutual exchange and has a housing need for the smaller property
Buckhurst Hill Parish Council	No comments from Councillors, but grateful for being consulted	None

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes

Organisation	Consultation Response	Comments/Suggested Changes
<p>The Council's Private Sector Housing Team</p>	<p>The Section on page 17 "Insanitary, Overcrowded Housing or Unsatisfactory Conditions" refers to two space standards under two Housing Acts. It should be clarified which standards will be taken into account when assessing whether Band A priority will be awarded under this Section. Both pieces of legislation remain in force and the Council is able to choose which to apply.</p>	<p>The Council has always applied the assessment of permitted numbers in accordance with the Housing Act 1985 (Part X), and it is suggested this continues. The assessment under the Housing Act 2004 is far more generous and would not maximise the use of the Council's housing stock. Four other authorities in Essex have been consulted on this issue; all apply the assessment under the Housing Act Part X. Therefore it is suggested that this section be amended to:</p> <p>"Where the permitted number, in accordance with the provisions of S 326 of the Housing Act 1985 is exceeded, or in accordance with the Act, the property is in a serious state of disrepair, of poor internal or external arrangement, or is lacking one or more of the following: kitchen facilities, inside WC or utility supplies".</p>

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes (continued)

Organisation	Consultation Response	Comments/Suggested Changes
Loughton Town Council	<p>The Town Council welcomed the increase in local residency to 5 years</p> <p>The Town Council considers that the new financial criteria threshold of £76,000 is too low</p> <p>The Town Council supports the deferral period of 12 months for those who refuse the stipulated number of offers of accommodation</p>	<p>None</p> <p>The proposed reduced threshold was considered by the Panel and the Housing Portfolio Holder to reflect an amount that would be fair to expect a person to be able to secure private rented accommodation. The threshold is higher than 2 other neighbouring Councils and the same as one other neighbouring Council. Therefore, it is suggested that the threshold is agreed as proposed.</p> <p>None</p>

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes (continued)

Organisation	Consultation Response	Comments/Suggested Changes
Hastoe Housing Association	Appendix 4 Paragraph 2.4 This clause needs expanding to confirm that applicants will still be accepted onto the Housing Register where the residency criteria is not met but do meet the exception site criteria as set out in the S 106 agreement.	It is suggested that Paragraph 2.3 is amended as follows: “Where vacancies arise in properties that have been built in rural localities under exceptional planning arrangements (Section 106 Agreement), the Residency Criteria will not apply. However, such home seekers must comply with the locality connection in accordance with the Section 106 Agreement and will not be eligible to bid on other vacancies. Such requirements only apply for specific development sites that have such exceptional planning arrangements.

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes (continued)

Organisation	Consultation Response	Comments/Suggested Changes
Ongar Town Council	<p>Paragraphs 9.1 and 9.2 could be confusing what is the thinking behind stating 9 years?</p> <p>Paragraph 11.1 All home seekers should be given the opportunity of viewing the property offered</p> <p>Paragraph 14.3 Increasing the residency criteria is proportionate in view of the pressure on the housing stock.</p> <p>Removing existing home seekers from the list who do not meet with the Residency Criteria is unfair retrospectively, and likely to cause unwarranted distress and uncertainty. Is there any provision for difficult cases or flexibility?</p>	<p>This clause explains that Flexible (fixed-term) Tenancies are granted for a term of 9 years but when taking into account the Introductory Tenancy term of 12 months this makes the full term 10 years. If the Introductory period is extended by a further 6 months, then the fixed-term will be 8 ½ years which makes a full term of again 10 years. It is considered this is clear and should remain as written.</p> <p>It is suggested this paragraph be amended to say “All home seekers....”</p> <p>None</p> <p>The Council is giving recognition to home seekers already on the Housing Register by reducing the residency requirement by 6 months, which was the case under the last review. Under the proposed Scheme, it is suggested that there is no discretion for “difficult” cases; discretion would only apply to qualifying persons in exceptional circumstances (Paragraph 7.2 refers).</p>

	<p>Paragraph 14.7 An additional bullet point suggested:</p> <p>“Applicants will be required to produce relevant evidence of income and savings”</p> <p>Paragraph 16.4 Requirements under the current Scheme are more robust but this is not so with the draft Scheme. The latter should be more comprehensive</p> <p>Paragraph 16.8 Remove the words “from time-to-time”</p>	<p>Add at the end of Paragraph 14.7:</p> <p>“Applicants will be required to produce evidence of income and savings”</p> <p>Under the current Scheme there is an extensive list of documents that may be required depending on the circumstances of each case. It is suggested that a broader statement is made giving the Housing Options Manager the ability to make decisions based upon the applicant’s own circumstances. Examples of the types of documents required are set out at Paragraph 16.5</p> <p>It is suggested that the words “from time-to-time” are removed from Paragraph 16.8</p>
North Weald Bassett Parish Council	The Parish Council supports the proposed changes to the Housing Allocations Scheme	None
Stapleford Abbots Parish Council	The Parish Council noted the revised Scheme at its meeting on 3 February 2015	No comments were received from Stapleford Abbots Parish Council

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes (continued)

Organisation	Consultation Response	Comments/Suggested Changes
East Thames Housing Association	<p>East Thames manages the young parents' supported housing scheme Railway Meadow in Ongar. The Council shares nomination rights with two other Councils. Those nominated must meet the Residency requirements of their host Council. They have concerns about the Residency Criteria increasing from 3 to 5 years and feel that young people may be excluded from their service which would result in a lot of young people not being supported.</p>	<p>The comments are accepted. The Housing Scrutiny Panel report refers to representations made by Essex County Council, that if the Residency Criteria is increased to 5 years, those leaving care (mainly those who are leaving foster care having reached 18 years of age), would not be able to be re-housed on leaving the Single Accommodation for Epping Forest (SAFE) Scheme. By having a lesser residency period of 3 years, this will enable the Council to continue to provide valuable support to this client group and meet with its duties under Corporate Parenting responsibilities. It is suggested that the lesser 3 year Residency Criteria should be applied to all applicants leaving the Supported Housing Schemes set out at Appendix 4 Paragraph 1.4 of the Scheme for the same reason.</p>

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes (continued)

Organisation	Consultation Response	Comments/Suggested Changes
<p>Essex County Council's Director of Local Delivery West</p>	<p>Noted the changes regarding the residency criteria and that care leavers are exempted from the new 5 year criteria which remains at 3 years for this client group. This is welcomed except we would ask that care leavers are entirely exempt from the residency criteria, and are excluded from the anti-social behaviour requirement. Also that consideration is given to the issue of a specific quota of tenancies being made available for care leavers</p>	<p>It is suggested that the residency criteria remains at 3 years for those leaving care. Care leavers are mainly young people leaving foster care who, when appropriate, would be provided accommodation through the Single Accommodation for Epping Forest Project (SAFE) a registered housing association and charity which offers supported accommodation for single people in partnership with a number of agencies. The Project prevents young people becoming homeless.</p> <p>The reason for the suggested lesser residency criteria of 3 years is to enable young people, at the end of their stay at the Project, to be housed by the Council when they would be more likely to be able to sustain a tenancy. If care leavers were entirely exempt from the residency criteria, or a quota of properties was set aside, then this may be unfair and difficult to justify to other non-qualifying applicants, many of whom have differing levels of need.</p> <p>Furthermore, excluding care leavers from the anti-social behaviour rules has the potential of creating management issues on estates.</p>

Appendix C

Changes made to the draft Housing Allocations Scheme in accordance with the advice of the external Legal Advisor

Advice in summary	Officer comments	Change to the Scheme
<p>Due to the judgment in <i>Jakimaviciute v Hammersmith & Fulham</i> [2014], the Council will be at less risk of legal challenge if it accords all homelessness persons to which it owes a full duty a reasonable preference by making them one suitable offer of Council accommodation. If the Council provided private sector accommodation to those who are non-qualifying persons under the Local Eligibility Criteria, it is doubted that if challenged such a person would have a winning case based on different treatment. However, such an eventuality would be quite likely to result in litigation.</p>	<p>Under Paragraphs 18.13 to 18.15 of the current scheme, the Council may provide private rented sector accommodation to homeless persons to whom it owes a full duty. However, due to the number of requirements private landlords have to meet they are not prepared to accept homeless applicants unless they receive a cash incentive in the region of £2,500 per applicant housed. As the Council could house around 30 applicants each year in this way, it would place a huge financial burden on the General Fund. In addition, there is the risk of challenge in the Courts which could result in high legal costs.</p>	<p>That Paragraphs 18.13 to 18.15 be removed from the Housing Allocations Scheme</p>
<p>The Housing Allocations Scheme should be amended very slightly to incorporate reference to all homeless persons, including those who have not been accepted as homeless as the statute requires <i>all</i> homeless persons in the area to be accorded a reasonable preference</p>	<p>Officers sought further advice from the external legal advisor who framed the wording of the additional banding criterion at Band C (vii).</p>	<p>Additional criterion at Band C (vii): All home seekers to whom the Council does not owe a full homelessness duty, where there is a requirement under the Housing Act 1996 as amended to afford reasonable preference <u>on the ground of homelessness</u></p>

This page is intentionally left blank

Report to the Cabinet

Report reference:

C-069a-2014/15

Date of meeting:

9 March 2015



**Epping Forest
District Council**

Portfolio:	Housing	
Report of	Housing Scrutiny Standing Panel (Chairman – Councillor S Murray)	
Subject:	Review of the Housing Allocations Scheme	
Responsible Officer:	Roger Wilson	(01992 564419).
Democratic Services Officer:	Gary Woodhall	(01992 564470).

Recommendations/Decisions Required:

- (1) That, subject to both the outcome of the consultation with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and Registered Social Landlord Partners and the advice of the external Legal Advisor, the proposed revised Housing Allocations Scheme (attached at Appendix 3) be adopted, which includes the proposed changes set out in Appendices 1 & 2 ; and**
- (2) That, the Housing Allocations Scheme be reviewed again by the Housing Scrutiny Panel after 2 years of operation, with any resultant changes being reported to the Cabinet.**

Executive Summary:

At our meeting on 21 October 2014, we considered a report on the review of the Housing Allocations Scheme. The current Scheme came into force on 1 September 2013. As the previous review was the most comprehensive review of the Scheme ever undertaken, the Cabinet asked our Panel to review the Scheme again following 12 months of operation. Under Government Guidance, authorities are given powers to decide locally how accommodation should be allocated based upon local priorities. We therefore noted that authorities are empowered to allocate their accommodation in any way they see fit, provided schemes are both legal and rational.

The Housing Portfolio Holder, who attended our meeting, reported that he had held informal discussions with Cabinet colleagues to seek their initial views, on the 12 month review in order to give guidance to officers on how Cabinet Members felt the Scheme should be drafted, potentially saving a great deal of officer time. The Housing Portfolio Holder advised us that he had made a formal decision that, for this review, officers draft a revised Housing Allocations Scheme on the basis of the proposed principles set out at Appendix One, and that we be asked to give detailed consideration to the revised Scheme, which we have now done. Some further changes suggested to us by officers (and agreed by us) are set out at Appendix 2.

We are therefore submitting this report and a copy of the draft Scheme to the Cabinet for consideration.

We understand that, a consultation exercise will be undertaken on the draft Scheme; with the comments received being reported separately to the Cabinet by the Housing Portfolio Holder to take into account when considering and adopting the final Scheme. Furthermore, the draft revised Scheme will be referred to an external Legal Advisor being a QC specialising in housing law for consideration. Any advice given will also be reported to the Cabinet.

Reasons for Proposed Decision:

To adopt the proposed revised Housing Allocations Scheme as recommended by the Housing Scrutiny Panel, subject to the outcome of the consultation exercise and any changes made as a result of any advice provided by the external legal advisor which will be reported to the Cabinet by the Housing Portfolio Holder under the next Item on the Agenda.

Other Options for Action:

To not agree the changes to the Council's Housing Allocations Scheme recommended by the Housing Scrutiny Panel.

To agree different changes to those recommended.

Report:

1. At our meeting on 21 October 2014, our Panel considered a report on the review of the Housing Allocations Scheme. The current Scheme came into force on 1 September 2013. As the previous review was the most comprehensive review of the Scheme ever undertaken, the Cabinet asked our Panel to review the Scheme again following 12 months of operation which we have now done.

2. We were advised that the Council is legally required to have a Housing Allocations Scheme for determining priorities and the procedure to be followed in selecting a person for accommodation, or nominating a person to be a tenant for accommodation held by another Registered Provider of social housing (e.g. housing association).

3. Under Government Guidance, authorities are given powers to decide locally how accommodation should be allocated based upon local priorities. We therefore noted that authorities are empowered to allocate their accommodation in any way they see fit, provided schemes are both legal and rational.

4. The Housing Portfolio Holder advised us that he had held informal discussions with Cabinet colleagues to seek their initial views on the 12 month review. He considered this essential, as it gave guidance on how Cabinet Members felt the Scheme should be drafted, potentially saving a great deal of officer time. As a result of these informal discussions, the Housing Portfolio Holder made a formal decision that, for this review of the Housing Allocations Scheme, officers draft a Scheme on the basis of the Cabinet's proposed principles. The background on each of the issues, the initial views of the Housing Portfolio Holder, (following informal discussions with Cabinet Members) and the recommendations of our Panel are set out at Appendix 1.

5. In addition, some further minor changes suggested to us by officers (and agreed by us) are set out at Appendix 2.

6. We were asked to give detailed consideration to a Draft Scheme presented to us by

officers, which we have done and, as a result, submit this report to the Cabinet for consideration. A copy of our proposed (draft) Scheme which incorporates the proposed changes set out at Appendices 1 & 2 is attached at Appendix 3. The current Scheme and a copy of Government Guidance, Allocation of accommodation: guidance for local authorities in England (DCLG June 2012) and Providing Social Housing for Local People (DCLG October 2013) has been circulated to Cabinet Members separately for the Cabinet meeting.

7. Finally, we are suggesting to the Cabinet that an item be included in our Work Programme for 2017/2018, to review the Scheme again after 2 years of operation, and to submit a report to the Cabinet on the outcome of its review and any recommended changes, with the new Scheme coming into force on 1 April 2018.

Resource Implications:

None

Legal and Governance Implications:

Housing Act 1985

Housing Act 1996

Homelessness Act 2002

Localism Act 2011

Allocation of accommodation: guidance for local housing authorities in England (DCLG June 2012)

Providing Social Housing for local people (DCLG October 2013)

Safer, Cleaner and Greener Implications:

None

Consultation Undertaken:

A consultation exercise has been undertaken with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and Registered Social Landlord Partners, The comments received to the consultation exercise will be reported to the Cabinet under the next Item on the Agenda.

Background Papers:

None

Risk Management:

No risks have been identified. Should any be identified in the future, these will be reported to the Housing Portfolio Holder or the Cabinet depending upon the level of risk.

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 Cabinet are referred to the report of the Housing Portfolio Holder which is the next Item on the Agenda. This report sets out the Due Regard Record in respect of the draft revised Housing Allocations Scheme, having taken into account the outcome of the consultation exercise and the advice of the external legal advisor and can be found on page xx of the Agenda.

APPENDIX ONE – HOUSING PORTFOLIO HOLDER’S INITIAL VIEWS

The following paragraphs set out under each issue the background, the Housing Portfolio Holder’s initial views (following informal discussions with Cabinet colleagues), and the suggested recommendations of the our Panel.

(Paragraph 27 in italics below, sets out an amendment suggested by our Panel which is contrary to the Housing Portfolio Holder’s initial views).

Residency Criteria

Background

1. Under one aspect of the current Local Eligibility Criteria set out at Paragraph 14 of the Scheme, in order to join the Council’s Housing Register an applicant must have been resident in the District for 3 continuous years.

Housing Portfolio Holder’s Initial Views

2. That the Residency Criteria be increased, with any new applicant who has lived in the District for less than five continuous years immediately prior to their date of application, not qualifying for inclusion on the Council’s Housing Register;

3. That all existing home seekers (already on the Housing Register) who have lived within the District for less than 4½ continuous years immediately prior to the date the new Housing Allocations Scheme is introduced, be removed from the Council’s Housing Register; and

4. That existing home seekers removed from the Housing Register due to them not meeting the Local Eligibility Criteria should be allowed to re-register if/when they meet the new Local Eligibility Criteria, but that their Registration Date be their date of registration.

Housing Scrutiny Panel’s recommendation

5. That the Housing Portfolio Holder’s initial views be recommended to the Cabinet.

Exceptions to the Residency Criteria

Background

6. Under the current Scheme, there are exceptions to the Residency Criteria for Armed Forces Personnel, and those who have moved out of the District for less than 3 years but have lived in the District for at least 3 years before moving out of the District. In addition, applicants who are over 60 years of age (who do not meet the Residency Criteria or have a housing need) on the Supplementary Waiting List can bid on vacancies in sheltered accommodation, although home seekers on the Housing Register who have submitted bids are given priority.

7. Under the Code of Guidance, it states that authorities “may wish to consider” exceptions for those who have a “strong association” to the local area. Including:

- those with a family association

- providing protection to those escaping violence or harm
- care leavers
- existing tenants wishing to move between authorities to downsize accommodation

8. The Code of Guidance further explains that the Government wants to increase opportunities for hardworking households and are intending to introduce the “Right to Move” for social tenants who are seeking to move across boundaries to take up a job or to be closer to their work. The Guidance states “in the meantime, we expect housing authorities to make appropriate exceptions to their residency test for social tenants so as not to impede the labour market”.

Housing Portfolio Holder’s Initial Views

9. That no exceptions be made to the Residency Criteria for those who have a “strong association” with the District (subject to Paragraph 13 below), as this could lead to inconsistent decision-making;

10. That in accordance with the Government’s Code of Guidance and recent Consultation Paper “Right to Move” an exception be made to the Residency Criteria for existing social housing tenants who are seeking to move from another local authority district in England across boundaries to be closer to their work, take up a job, apprenticeship or full-time training that will lead to employment.

Housing Scrutiny Panel’s recommendation

11. That an additional Paragraph be added into the Scheme at 14.3(f) as follows:

“Are in or have secured either permanent employment comprising of a minimum of 24 hours each week or an apprenticeship or full-time work-related training, and currently live either in excess of 50 miles from their current or intended place of work; and/or their return journey time on public transport is generally in excess of 3 hours. Journey times will be based upon Internet Journey Planners”; and

In order to comply with the above, to amend Band C (i) as follows:

“All Home seekers (in accordance with Paragraph 14.3 (f) of this Housing Allocations Scheme) who need to move to be nearer to their place of work or to take up an offer of permanent employment, an apprenticeship or full-time work related training”

12. Our Panel further recommend that, should the Residency Criteria be increased to 5 years, the provision for those who have moved out of the District also be amended. It is suggested that those who have moved out of the District into settled accommodation for less than 3 years (being the current period) but have lived in the District for at least 5 years immediately before moving out of the District (in accordance with the proposed new Residency Criteria), will be treated as home seekers who have lived in the District for more than 5 years prior to application.

13. Further to representations made by Essex County Council, our Panel are recommending that if the Residency Criteria is increased to 5 years, a lesser residency requirement of 3 years be applied to those leaving care. Care leavers are mainly those who are leaving foster care having reached 18 years of age. If the 5 year residency applied to this client group, the Council would not be able to house those leaving the Single Accommodation for Epping Forest (SAFE) Scheme. By

having a lesser residency period of 3 years, this will enable the Council to continue to provide valuable support to this client group and meet with its duties under Corporate Parenting responsibilities.

Financial Criteria aspect of the Local Eligibility Criteria

Background

14. Under the current Scheme, any applicant who, in the opinion of the Council, has sufficient funds including; annual income, residential property equity, savings, shares or other assets to enable them to meet his or her housing costs will be ineligible to join the Housing Register. The thresholds at which this criterion applies is currently where;

- three times the gross annual household income including; residential property equity, savings, shares or other assets, exceeds £200,000 and the applicant qualifies for studio or 1 bedroom accommodation
- three times the gross annual household income including; residential property equity, savings, shares or other assets, exceeds £275,000 and the applicant qualifies for 2-bedroom or larger accommodation.

15. Any lump sums received, as compensation for an injury or disability sustained on active service by either, members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, is disregarded from this criterion.

Housing Portfolio Holder's Initial Views

16. That the Financial Criteria aspect of the Local Eligibility Criteria should be substantially reduced to reflect, income and assets, residential property, equity, savings, shares or other assets, that would be required in order for any applicant to be able to secure accommodation in the private rented sector (rather than owner occupied accommodation which is the basis of the current criteria), and that officers put forward options to the Panel for consideration.

Housing Scrutiny Panel's recommendation

17. In May 2014, the DCLG issued its Guidance on Rents for Social Housing, which comes into effect from April 2015. The Guidance included Guidance on Rents for Social Tenants with High Incomes. For social tenants with high incomes, the Government allows local authorities to charge full market rents for properties let to households with an income of £60,000 per year. Authorities can choose to charge them up to full market rent. The DCLG's definition of "Households" mean tenants named on the Tenancy Agreement and any named tenant's spouse, Civil Partner or partner where they reside in the accommodation. "Income" is meant by the taxable income. Furthermore, under separate housing benefit rules, any person who has savings in excess of £16,000 is ineligible for housing benefit.

18. Our Panel recommends that the Financial Criteria limits for lead applicant/s being ineligible to join the Housing Register be based upon those set out in Paragraph 17 above and where any lead applicant/s (being those who intend to be either tenants or joint tenants) whose gross annual household income including; residential property equity, savings, shares or any other assets, exceeds £76,000

(i.e. £60,000 plus £16,000) they not qualify to join the Council's Housing Register, regardless of the size of accommodation required.

Downsizing incentive payments

Background

19. Under the current Scheme, any tenant of the Council is offered a payment to encourage them to downsize accommodation, where both properties are owned by the Council. This includes £500 for removal costs and £500 for each bedroom "released" to a maximum payment of £2,000.

20. The budget for downsizing payments and removal expenses for 2013/2014 was £44,000. During this period 41 tenants of the Council downsized to a property owned by the Council with less bedrooms. This resulted in 54 bedrooms being "released". The total amount paid in downsizing payments and removal expenses was £47,500.

Housing Portfolio Holder's Initial Views

21. That the downsizing incentive payments should be increased and the Housing Scrutiny Panel be asked to consider other options to incentivise the Council's tenants to downsize accommodation including, rent free periods in their new smaller property and increased decorations allowances.

Housing Scrutiny Panel's Options

Option One

22. That the amount paid for removal costs remains the same, as this appears to be a reasonable allowance for this purpose, but that the incentive payments for each bedroom "released" be doubled to £1,000, to a maximum payment of £3,500.

Option Two

23. That the incentive payments for each bedroom "released" be doubled to £1,000. In addition, that the amount paid for removal costs remains the same at £500, but a standard decoration allowance payment of £500 is paid by way of "Homebase" vouchers (which are around twice the full amount paid to any tenant when all rooms in a property are in need of re-decoration) subject to a maximum payment of £4,000 being made.

Option Three

24. That the incentive payments for each bedroom "released" be doubled to £1,000. In addition, that the amount paid for removal costs remains the same at £500, but a standard decoration allowance payment of £500 is paid by way of "Homebase" vouchers (which are around twice the full amount paid to any tenant when all rooms in a property are in need of re-decoration) subject to a maximum payment of £4,000 being made. Furthermore, that the tenant be offered a rent-free period of 3 months in their new smaller property.

Housing Scrutiny Panel's recommendations

25. Option Two is recommended, with the incentive payments paid for each bedroom released being increased from £500 to £1,000. In addition, that the amount paid for

removal costs remains the same at £500, but a standard decoration allowance payment of £500 is paid (which is around twice the full amount paid to any tenant when all rooms in a property are in need of re-decoration) subject to a maximum payment of £4,000 being made.

26. Rent free periods should not be granted as these would not benefit tenants who are receiving housing benefit.

27. Although our Panel supported Option Two, we were of the view that the enhanced payments over the current arrangements should only apply to tenants who were not subject to the removal of the single room subsidy (sometimes referred to as the "bedroom tax").

28. If increased incentives set out in Option Two are agreed, this is expected to result in an estimated increase in budget provision of around £68,000 making a required total annual budget of £115,500. *Further analysis has shown that the figure has been overstated; the revised figures result in a reduced estimated increase of around £51,000 making a total required budget of £98,500, this figure may reduce further if the proposal in Paragraph 27 above is agreed.*

29. The increase would need to be funded from the Housing Improvements and Service Enhancements Fund which is due to be considered by our Panel in February this year.

Penalties for refusals of offers of accommodation

Background

30. Under the current Scheme, any home seeker (apart from an existing tenant of the Council who is under-occupying and wishing to move to smaller accommodation) who refuses two offers of suitable accommodation for which they have expressed an interest within any three-month period will have their application deferred for a period of six months.

Housing Portfolio Holder's Initial Views

31. That any home seeker who refuses two offers of suitable accommodation for which they have expressed an interest within any period should have their application deferred for a period of twelve months; and

32. That any home seeker who is an existing tenant of the Council who is under-occupying and wishing to move to smaller Council accommodation who refuses three offers of suitable accommodation for which they have expressed an interest within any period, will have their application deferred for a period of twelve months.

Housing Scrutiny Panel's recommendation

33. That the Housing Portfolio Holder's initial views be recommended to the Cabinet. It is further recommended that any previous refusals by home seekers of offers of suitable accommodation be waived and not counted, from the date the new Scheme comes into force.

APPENDIX TWO

(Minor changes suggested by officers)

Paragraph No.	Change to the Scheme	Reason
1	<p>Amend – first line “...under Section 166A of the Housing Act 1996...”</p> <p>Add - last line “..... (DCLG June 2012), Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England (October 2013) and other relevant legislation and Guidance”.</p>	<p>To update Act References</p> <p>To clarify that the Scheme has taken account of this recent Guidance which came into force after the last review</p>
6.3	Delete: (b) 16 and 17-year-olds owed a full housing duty by the Council under homelessness legislation	No longer required as all homeless persons are not included on the Housing Register and are dealt with under Appendix 4 of the Scheme
7.2	Amend to: “The Council recognises that there may be some exceptional circumstances concerning qualifying persons which are not covered by the Scheme. In such instances, the Director of Communities will have delegated authority to make decisions as he considers appropriate. The Director of Communities does <u>not</u> have delegated authority to decide whether there are exceptional circumstances for allowing any ineligible applicant to join the Housing Register.	To clarify that, although the Director of Communities has delegated authority to make decisions in exceptional circumstances not covered by the Scheme, this will only apply to qualifying persons.
7.5	Move this Section of the Scheme to Appendix 4 under “Other Allocations Outside of the HomeOption Scheme	To avoid any duplication and set out all allocations made outside of the Scheme in one Section.

APPENDIX TWO (Continued)

Paragraph No.	Change to the Scheme	Reason
10	<p>Add 10.3</p> <p>“When an existing tenant applies to change their sole tenancy to a joint tenancy, this will be subject to any new joint applicant meeting with the Local Eligibility Criteria of this Scheme at Paragraph 14 (apart from the Housing Need element) and all of the requirements set out in the Council’s leaflet on Joint Tenancies current at the time of application being met”.</p>	<p>To clarify the conditions on which a sole tenant can enter into a joint tenancy</p>
11.1	<p>Amend to: “Most home seekers will be given an opportunity to view the property they are being offered prior to giving the Council a decision”. Also, merge Paragraphs 11.1 & 11.2</p>	<p>Clarifies the process better</p>
14.1	<p>Amend last sentence to: “Within this Housing Allocations Scheme, those who do not meet all aspects of the criteria are classed as persons not qualifying”.</p>	<p>To clarify that all applicants must meet with all parts of the Local Eligibility Criteria.</p>

APPENDIX TWO (Continued)

Paragraph No.	Change to the Scheme	Reason
14.3 (a) to (d)	<p>Amend to:</p> <p>14.3 “...prior to their date of registration with the exception of persons who:</p> <p>(a) are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service;</p> <p>(b) Formerly served in the regular forces where the application is made within 5 years of discharge;</p> <p>(c) have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or</p> <p>(d) are serving or have served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service where the application is made within 5 years of discharge.</p> <p>The “regular forces” and the “reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006</p>	<p>Section 166 A (3) of the Housing Act 1996 determines who has priority for an allocation of social housing.</p> <p>Regulations have been made by the Secretary of State. The change to the Scheme accurately reflects the amendments made in respect of the additional preference given to Armed Forces Personnel, which is worded slightly different from the provisions originally set out in the Guidance and consequently the current Scheme.</p>

APPENDIX TWO (Continued)

Paragraph No.	Change to the Scheme	Reason
14.3 (f)	Delete	No longer required as those applicants would have re-registered
Band A (vi)	Add at end of criterion “.....but not as a result of the introduction of a further household”	It is important that such priority is not given to those occupying insanitary or overcrowded housing if it is as a result of the host household moving another household into the property.
New Band B (i)	Home seekers defined as a household, who are sharing accommodation with another household, which is resulting in a lack of at least one bedroom. (Also amend numbering within this Band)	To give priority to a household sharing with another household who have been living in such circumstances for 12 months or more. This should result in the second household continuing to reside with the “host” household until they are housed and prevent homelessness in these circumstances.

APPENDIX TWO (Continued)

Paragraph No.	Change to the Scheme	Reason
Band B (iv)	<p>Amend to:</p> <p>Existing tenants of the Council:</p> <ul style="list-style-type: none"> • living in 2 or 3 bedroom flatted accommodation (including maisonettes) who meet the Local Eligibility Criteria (under paragraph 14 of the Scheme), making expressions of interest for houses that meet with their housing need <p>with their registration date being the tenancy commencement date of their current property.</p>	<p>The words “with no housing need” have been deleted. This is in order that those living in 3 bedroom flats or 2 bedroom flats who have a housing need e.g. lacking a bedroom can also benefit from their registration date being their tenancy commencement date.</p> <p>Two bullet points would be merged</p>
Band B (vi)	Delete	<p>This continued to be included in the Scheme in order that when, in very rare circumstances, homeless applicants are placed in accommodation within the Council’s stock, they should be allowed to bid on properties in order to move as soon as possible. As, those placed in the Council’s housing stock are generally given a direct offer of that property this category has proven not to be needed. It is also considered that as all other homeless applicants are no longer able to bid, all such applicants should be treated consistently.</p>

APPENDIX TWO (Continued)

Paragraph No.	Change to the Scheme	Reason
Band C (vi)	Delete	Under the old Scheme those found intentionally homeless were given low priority. Suggested this Criterion is deleted as under the current Scheme, homeless applicants are no longer included on the Housing Register.
Band B (vi)	Additional category a follows: “Existing tenants of the Council aged over 60 years living in 1 bedroom Council accommodation wishing to move to sheltered accommodation regardless of need.	To give an opportunity to a person over 60 years of age living in 1 bedroom Council accommodation to move to sheltered accommodation, thereby freeing up much needed general needs accommodation.
14.8	Remove the following sentence: “Applicants most likely to be rejected on these grounds are those who have been evicted from a council, housing association or private rented tenancy”.	This clause suggests that the Council would only exclude or remove applicants from the Housing Register who had been evicted. This prevents excluding those committing acts of serious unacceptable behaviour where the Courts may not have granted possession and problems are continuing.
14.8	Remove old terminology for legal remedies and insert an additional bullet point: Proven offences under the Anti-Social Behaviour Crime and Policing Act 2014 or any other relevant legislation in force at any time.	To set out the new powers available under the new legislation. Any persons subject to these or any other similar penalties introduced under future legislation will not qualify.

APPENDIX TWO (Continued)

Paragraph No.	Change to the Scheme	Reason
16.3	<p>Amend to:</p> <p>“.....to be made. A household is two persons or more who are intending to live together at the same property offered. Home seekers should only include persons on their application who have been part of their household for at least a 12 month period and who will occupy the accommodation offered as their only or principal home”. In respect of the Financial Criteria set out at Paragraph 14.6 of this Scheme, Household is defined as any person intended to be either tenants or joint tenants”</p>	<p>A clearer definition of “Household” Furthermore, to ensure that all applicants are permanent members of the household.</p>
16.5	<p>Amend to:</p> <p>“Required documents in respect of 16.4 above will include an original Full Birth Certificate and current Passport and any other appropriate documents as determined by the Housing Options Manager ”</p>	<p>As there is an extensive list of documents that may be required and can vary from case to case, it is better to make a broader statement. Being less specific gives the Housing Options Manager the ability to make decisions based upon the applicant’s circumstances.</p>
17.1 (f)	<p>Add (iii) how any decision about the facts of their case has been taken into account.</p>	<p>To comply with the DCLG Code of Guidance</p>
<p>Appendix 4</p> <p>1.3</p>	<p>Amend final sentence to:</p> <p>“If the offer is refused, the applicant will have the right to seek a Review of the suitability of the accommodation. If not successful, the Council’s duty under the Housing Act 1996 as amended to provide accommodation will be considered to be discharged”.</p>	<p>To clarify that applicants have the right to seek a Review of the suitability of the accommodation offered.</p>

This page is intentionally left blank



Housing

DRAFT

Housing
Allocations
Scheme

1 July 2015



Epping Forest District

Housing Allocations Scheme

1 July 2015

1. Introduction

1.1 The Council is required, under Section 166 (A) of the Housing Act 1996, to have a Housing Allocations Scheme for determining priorities and the procedure to be followed in selecting a person for accommodation, or nominating a person to be a tenant for accommodation held by another Registered Provider of Social Housing (a housing association). This includes all aspects of the allocations process including descriptions of persons by whom decisions are made.

1.2 This Housing Allocations Scheme has been formulated in accordance with the provisions of:

- The Housing Act 1996, as amended by the Homelessness Act 2002;
- The Localism Act 2011;
- The Allocation of accommodation: guidance for local housing authorities in England (DCLG June 2012);
- Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England (December 2013); and
- Other relevant legislation and Guidance.

1.3 For the purposes of this Housing Allocations Scheme, the definition and interpretation of “tenant” shall have the meaning of both a Secure and Flexible (fixed-term) Tenant, and references to “Home seeker” means any applicant on the Council’s Housing Register.

2. Tenancy Strategy and Tenancy Policy

2.1 As with all Registered Providers, the Council is required to publish and be responsible for its Tenancy Policy. The Tenancy Policy has regard to the expectations of the West Essex Tenancy Strategy, and includes details of when the Council will provide Flexible (fixed-term) Tenancies, instead of Secure Tenancies. A copy of the Council’s Tenancy Policy will be made available on request free of charge and contains the following information:

- The types of tenancies granted;
- Circumstances where, a tenancy of a particular type will be granted and the length of the term;
- Circumstances where a Flexible (fixed-term) Tenancy for a term of less than 5 years will be granted;
- Circumstances where on the expiry of a Flexible (fixed-term) Tenancy, another tenancy will be granted on the same or another property;
- How applicants/tenants can appeal against the length of a Flexible (fixed-term) Tenancy or a decision made under the Council’s assessment criteria not to grant a further tenancy;
- How and when the Council will take account of the needs of vulnerable people;
- How advice and assistance will be provided if another tenancy is not granted at the end of the Flexible Tenancy term; and
- Details of discretionary succession rights

3. Homelessness Strategy

3.1 Under Section 1 (4) of the Homelessness Act 2002, local authorities have a duty to review and publish their Homelessness Strategy on at least a 5 yearly basis. As this area of work regularly changes, the Council's Strategy is reviewed every three years. The Strategy links with the Council's Housing Strategy, and has been taken into account when framing this Housing Allocations Scheme. The Strategy sets out achievements over the previous three years and incorporates the needs and demands on the service and actions that need to be undertaken over the coming three years. A copy will be provided free of charge on request.

4. The Council's Policy on Offering Choice

4.1 The Council operates a Choice Based Lettings Scheme where all vacant properties are advertised to applicants on the Council's Housing Register on a website and a two-weekly Property List, giving details of location, type, rent, service charge, and landlord of the available accommodation. Applicants can apply for a property by "expressing an interest" (or "bidding") either on the website or by telephone or text. The most popular method of doing this is by the Internet at www.HomeOption.org

4.2 Applicants are restricted to "bidding" for properties for which their household has an assessed need. At the end of the two-weekly "bidding" cycle, the Council analyses the "bids" received and the Housing Allocations Team within the Housing Options Section allocates each property following a prioritisation and selection process in accordance with this Housing Allocations Scheme. In general terms, the property is offered to the applicant in the highest band, who has been registered on the Housing Register the longest, who had "bid" for the specific vacancy. The results of the "bidding" on each property advertised is then published on the Website and in a future Property List, setting out the number of "bids" received on each property, as well as the Band and registration date of the successful applicant.

4.3 This helps applicants to see how long the successful home seeker had been waiting for housing and gives greater transparency in the allocation of accommodation, as each applicant is able to clearly understand the type and location of properties for which they would be most likely to "bid" successfully. The process is also an indication to home seekers on whether housing accommodation appropriate to a person's needs is likely to become available and the possible waiting time. Home seekers can access a Scheme User Guide on-line or request a hard copy which will be provided free of charge, which explains in detail how the Scheme operates.

4.4 Any home seeker who may have difficulty in participating in the Choice Based Lettings Scheme can contact the Housing Options Team at the Civic Offices, Epping where staff are available to provide assistance, including the submission of "bids" on their behalf, where they have no-one else to help. Computer Kiosks are available at all housing office reception areas where bids can be submitted on the internet.

5. Advice and Information

5.1 The Council will provide advice and information free of charge on request to any person about their right to make an application for an allocation of housing accommodation and will also assist anyone who may have difficulty in doing so without assistance.

6. The Housing Register

6.1 The Housing Register will be maintained by the Communities Directorate at the Civic Offices in Epping. The Housing Register will be open to all qualifying persons who meet the Council's Local Eligibility Criteria set out at Section 14 of this Housing Allocations Scheme.

6.2 The fact that a person is an applicant for the allocation of housing accommodation will not be divulged by the Council to any other member of the public without the applicant's consent.

6.3 The Housing Register will be open to home seekers of 18 years of age and over.

7. The Housing Allocations Scheme

7.1 This Housing Allocations Scheme is framed so as to secure that the categories of applicants set out in Section 166 (A) of the Housing Act 1996 are given reasonable preference.

7.2 The Council recognises that there may be some exceptional circumstances concerning qualifying persons which are not covered by the Scheme. In such instances, the Director of Communities will have delegated authority to make decisions, as he considers appropriate. The Director of Communities does not have delegated authority to decide whether there are exceptional circumstances for allowing any ineligible applicant to join the Housing Register.

7.3 This Scheme will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to other Registered Providers for which the Council is entitled to make nominations.

7.4 The provisions of this Scheme will apply to home seekers on the Council's Housing Register at the effective date of the Housing Allocations Scheme, as well as those who apply after the effective date.

8. Introductory Tenancies

8.1 The Council operates an Introductory Tenancy Scheme whereby all new potentially Secure and Flexible (fixed-term) Tenants are "on trial" for a period of 12 months in order that the Council can satisfy itself that the introductory tenant can sustain a tenancy and meet all of the conditions of the Council's Standard Tenancy Agreement. Should any conditions be breached, the Council will be able to seek possession of the property through the County Court with the judge having to grant possession, provided all of the procedures are followed correctly. In circumstances where the Council has concerns about an introductory tenant, but not serious enough to apply to the County Court for possession, the introductory period can be extended by a further 6 months.

8.2 The Council will grant introductory tenancies to all new tenants allocated accommodation under this Housing Allocations Scheme. Existing Council tenants will not be allocated introductory tenancies unless they are already an introductory tenant, in which case they will be required to fulfill their introductory tenancy period in their new property.

9. Flexible (fixed-term) Tenancies

9.1 The Council will grant Flexible (fixed-term) Tenancies in accordance with its Tenancy Policy to all new tenants who sign-up to a tenancy of any Council property other than any property in sheltered accommodation or grouped dwelling schemes, and other exceptions set out in the Policy. The tenancy will be for a fixed term of 9 years. An introductory tenancy term of 12 months (or 18 months where the term is extended due to minor breaches of tenancy conditions) will be added to the 9-year Flexible Tenancy term, making the tenancy 10 years in duration. The Flexible Tenancy term will be for 8½ years where introductory tenancies are for 18 months.

9.2 If a Flexible (fixed-term) Tenant wishes to transfer to smaller accommodation, the financial incentives to downsize set out under Section 21 of the Scheme will apply, but only within the first 7 years (including the Introductory Tenancy period) of the fixed-term.

10. Joint and Single Introductory Tenancies

10.1 A tenancy can be held by one person or by up to four joint tenants, all of whom must be qualifying persons. However many tenants there are, there is still only one tenancy and the rights and duties relating to the tenancy apply jointly and severally to all joint tenants. When a joint tenant dies, the remaining tenant/s will continue to hold the tenancy by “survivorship”. The names of any joint tenants cannot be removed from the tenancy unless by an Order of the Court. If one joint tenant surrenders the tenancy then the tenancy comes to an end. Further information is available in the Council’s leaflet on joint tenancies.

10.2 Joint Introductory Tenancies will be offered to:

- a) married couples or civil partners provided that both home seekers are named on the application
- b) unmarried couples, or those living as civil partners who can demonstrate a relationship similar to marriage or a civil partnership, providing that both request it and the partner of the lead home seeker is registered on the application
- c) home seekers and their live-in carers provided that both are named on the application, where the live in carer has occupied the property as their only or principal home for over 12 months and the Council considers it to be justified.

10.3 When an existing tenant applies to change their sole tenancy to a joint tenancy, this will be subject to any new joint applicant meeting with the Local Eligibility Criteria of this Scheme at Paragraph 14 (apart from the Housing Need element) and all of the requirements set out in the Council’s leaflet on joint tenancies current at the time of application.

10.4 In all other circumstances, single tenancies will be offered to the lead applicant.

11. Tenancy Start Dates

11.1 Most home seekers will be given an opportunity to view the property they are being offered prior to giving the Council their decision. When properties become available for letting, the tenancy start date will, in all cases, be the following Monday. However, where a property becomes available for letting on a Thursday or Friday, the first week of the tenancy will be rent free in order to allow the home seeker reasonable time to move into the accommodation.

12. Mutual Exchanges

12.1 The Council offers “HomeSwapper”; an internet based mutual exchange service, free of charge to assist qualifying tenants who are wanting to enter into a mutual exchange.

Information on the service can be found at www.HomeSwapper.co.uk Any tenant who does not have access to the Internet will be provided with support on request.

12.2 The Council's incentive payments (set out at Paragraph 21 of this Scheme) made to existing tenants who downsize accommodation will be made to any of the Council's tenants who downsize accommodation by way of mutual exchange, providing all parties to the mutual exchange are tenants of the Council and are adequately housed as a result, in accordance with this Scheme.

13. Persons from Abroad

13.1 The Council will not allocate housing accommodation to a person from abroad who is ineligible for housing accommodation, including two or more persons jointly if any of them is a person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing). Furthermore, it must be noted that the Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local authorities in England.

13.2 Any part of a household who are not qualifying persons from abroad will not be counted as part of the assessment of need and size of accommodation.

14. Local Eligibility Criteria

14.1 The Council has a Local Eligibility Criteria which is in place to prevent applicants joining the Housing Register who have no realistic prospect of being housed, in order to remove any expectations. Within this Housing Allocations Scheme, those who do not meet all aspects of the criteria are classed as persons not qualifying.

14.2 The following classes of persons will **not** qualify for inclusion on the Council's Housing Register.

Residency Criteria

14.3 Any applicant/s who has lived in the Epping Forest District for less than five continuous years immediately prior to their date of registration, with the exception of persons who:

- a) are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
- b) formerly served in the regular forces where the application is made within 5 years of discharge;
- c) have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service; or
- d) are serving or have served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service where the application is made within 5 years of discharge.

The "regular forces" and the "reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006

- e) are owed a homelessness duty by the Council under S193 of the Housing Act 1996 as amended who have already met the residency provisions in accordance with the legislation;

- f) are existing local authority or housing association tenants with a good tenancy record who are seeking to transfer from another local authority district in England who are in or have secured either permanent employment comprising of a minimum of 24 hours each week or an apprenticeship or full-time work-related training, and currently live in excess of 50 miles from their current or intended place of work (journey distances will be based generally upon Internet Journey Planners); and
- g) were registered on the Housing Register on 30 June 2015 and had lived in the District for at least 4 years and 6 months continuously and immediately before this date.

14.4 A lesser Residency Criteria of 3 years will apply to care leavers who have a connection with the District.

14.5 Home seekers who move out of the Epping Forest District into settled accommodation for less than 3 years, but lived within the District for at least 5 years immediately before moving out of the District, will be treated as home seekers who have lived in the District for more than 5 years prior to application.

Housing Need

14.6 Any applicant who does not have a housing need, as determined by at least one criterion of a priority band at Appendix 1 of this Housing Allocations Scheme, will be ineligible.

Financial Criteria

14.7 Any applicant who, in the opinion of the Council, has sufficient funds including; annual income, residential property equity, savings, shares or other assets to enable them to meet his or her housing costs will be ineligible. The thresholds at which this criterion will apply are where the annual gross household taxable income added to any; residential property equity, savings, shares or any other assets, exceeds £76,000 (household is defined at Paragraph 16.3 of this Scheme).

14.8 The figure set out at Paragraph 14.7 above is calculated based upon Government Guidance on Rents for Social Tenants with High Incomes where such tenants are defined as those households with a taxable income of at least £60,000 per year. Added to this will be the £16,000 savings limit for a person to be eligible for housing benefit making a total of £76,000. The calculation is subject to change in accordance with any change in Government policy. A household's annual taxable income will be based upon an average over the three years immediately prior to the date of application.

14.9 Any lump sums received, as compensation for an injury or disability sustained on active service by either, members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, will be disregarded from this criterion.

Serious Unacceptable Behaviour

14.10 Any person (or a member of their household) who, within the previous 3 years, have been guilty of serious unacceptable behaviour sufficient in the opinion of the relevant Area Housing Manager to make them unsuitable as a tenant of the Council will be ineligible. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure, Assured or Flexible (fixed-term) Tenant and includes:

- Serious rent arrears (including housing benefit and Court cost arrears);

- Other breaches of tenancy conditions including damage and neighbour nuisance amongst others;
- Previous proven social housing fraud; or
- Proven offences under the Anti-Social Behaviour; Crime and Policing Act 2014 or any other relevant legislation in force at any time

Future Applications

14.11 If a non-qualifying applicant considers that he/she should be treated as a qualifying person in the future, they may make a fresh application at that time.

15. Supplementary Waiting List

15.1 The Council operates a separate Supplementary Waiting List for non-qualifying applicants over 60 years of age who do not meet certain aspects of the Local Eligibility Criteria. Applicants will generally only be able to bid on one bedroom Council or Housing Association properties in sheltered accommodation or grouped dwelling schemes (not bungalows) for older people under the HomeOption Scheme. However, qualifying persons on the Council's Housing Register who have submitted bids will be given priority.

15.2 Any offers of tenancies made to applicants on the Supplementary Waiting List will be prioritised in registration date order. Prior to any offer, the Council will undertake an in-depth assessment of the applicant to determine if the accommodation is suitable for the applicant. The following aspects of both the Local Eligibility Criteria set out within Section 14 above and the provisions under Paragraph 25 of this Housing Allocations Scheme will still apply when determining if the applicant is eligible for inclusion on the Supplementary Waiting List:

- Financial Assessment
- Serious Unacceptable Behaviour
- False Statements and Withholding Information

16. Application to the Housing Register

16.1 The Council will ensure that advice, information and assistance is available free of charge to applicants in the District about the right to make an application for an allocation of housing accommodation. Applications must be made on-line at www.homeoption.org. Applicants will be required to, within their on-line applications, provide answers to such questions as the Council deems appropriate to allow an assessment of their entitlement to housing accommodation to be made. Assistance will be given to home seekers who do not have access to a computer or who need help generally with the application process. Each application received will be given careful consideration.

16.2 Advice and information will be provided by the Council, the Epping Forest Citizens Advice Bureau and any other source able to give appropriate advice free of charge.

Definition of Household

16.3 A household is two persons or more who are intending to live together at the same property offered. Applicants should only include persons on their application who have been part of their household for at least a 12 month period and will occupy the accommodation offered as their only or principal home. In respect of the Financial Criteria set out at Paragraph 14.7 to 14.9 of this Scheme, Household is defined as any person named on the Tenancy Agreement intended to be either tenants or joint tenants, and any named tenant's spouse, Civil Partner or partner where they reside in the accommodation.

Proof of Identity

16.4 Applicants and other persons included on the application will, at the point of application, be required to provide documentary proof from two official sources of;

- a) their identity; and
- b) their residency.

16.5 Required documents in respect of 16.4 above will include an original Full Birth Certificate and current Passport and any other appropriate documents as determined by the Housing Options Manager.

16.6 If required documents cannot be provided, the Housing Options Manager may authorise the acceptance of other documents.

Proof of Residency

16.7 Any Home seeker will be required to provide evidence of residency to the satisfaction of the Council. In order to validate the residency of the home seeker and other persons included on the application, the Council will undertake checks with other Council Directorates and relevant bodies as appropriate.

16.8 When a home seeker is being considered for a property, they will be contacted by telephone and required to provide up-to-date evidence of their current situation in order to consider their eligibility again for any offer of accommodation. Such evidence will be more extensive than that requested at the point of joining the Housing Register. Under normal circumstances, any home seeker who fails to provide this evidence will not be offered the property. Additional documentary evidence to substantiate an application may be required from time-to-time as the Council considers appropriate.

16.9 When making an application on line, should any information not be submitted, or due to the information provided the applicant is deemed not to qualify; it will not be possible to complete the application process. In such circumstances the applicant should seek advice and assistance from the Council. Where supporting documents are not received within 28 calendar days of any application being completed on line the application will be cancelled.

17. Information about the Housing Allocations Scheme

17.1 Upon written request, home seekers will be able to;

- (a) receive a copy of their details entered on the Housing Register free of charge;
- (b) receive copies of documents provided by them;
- (c) have access to their file in accordance with the provisions of the Data Protection Act 1998;
- (d) have a copy of their full file, subject to payment of a £10 fee;
- (e) be informed in writing of any decision about the facts of their case and of their right to request a review of any such decision;

- (f) receive general information to enable them to assess;
 - (i) how their application is likely to be treated under the Scheme;
 - (ii) whether accommodation appropriate to their needs is likely to be available and, if so, when; and
 - (iii) how any decision about the facts of their case has been taken into account.
- (g) receive a summary of the Housing Allocations Scheme free of charge.

18. Allocation of Accommodation

18.1 Generally, the relative degree of priority to be awarded to home seekers on the Housing Register will be assessed by the Housing Allocations Team within the Housing Options Section with reference to the banding system set out at Appendix 1.

18.2 Band A represents the highest priority and Band C represents the lowest.

18.3 Home seekers will be expected to be maximising and not worsening the use of their existing accommodation. Applications will be assessed on the household composition and the size of the existing accommodation, rather than its current use by the household.

18.4 An offer of accommodation will not be made to any home seeker who has not maintained a satisfactory rent account in the last three years.

18.5 Home seekers within each band will be prioritised in registration date order. For home seekers within Band B (v) the home seeker's tenancy commencement date will be the registration date.

18.6 Any vacancy will be offered generally to the home seeker identified by the Council who has the highest priority and has expressed an interest in that property. This is subject to sheltered accommodation, grouped dwelling schemes, bungalows and certain designated properties generally only being offered to home seekers over the age of 60 years.

18.7 The size of housing accommodation to be allocated to home seekers on the Housing Register is set out in Appendix 2.

18.8 The Council will operate some local lettings schemes concerning the allocation of accommodation for persons of a particular description and reserves some vacancies as set out at Appendix 4.

Penalty for Refusals of Offers of Accommodation

18.9 Any home seeker who refuses two offers of suitable accommodation for which they have expressed an interest within any period will have their application deferred for a period of twelve months.

18.10 Any tenant of the Council who is under-occupying and is wishing to move to smaller Council accommodation, who refuses three offers of suitable accommodation for which they have expressed an interest within any period, will have their application deferred for a period of twelve months.

Homeless Households

18.11 The Housing Allocations Scheme is framed to ensure that reasonable preference is given to people who are homeless within the meaning of Part 7 of the Homelessness Act 1996.

18.12 Homeless households will generally be initially placed in temporary accommodation. The Council reserves the right to move homeless households to alternative temporary accommodation in appropriate circumstances.

18.13 Applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996 as amended, will be made one offer of suitable accommodation after receiving their S.184 decision letter, in generally flatted accommodation as set out at Appendix 4. Homeless applicants will be made an offer accordingly, subject to the availability of accommodation. If the offer is refused without good reason, subject to any Review, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to be discharged.

19. Redecoration Vouchers Scheme

19.1 Internal decorations to a property are the tenant's responsibility. However, if a property offered to a home seeker is, in the view of the inspecting officer, in need of redecoration, an allowance for decorating materials will be made and a redecoration voucher for use in a DIY store will be issued to the incoming tenant after they have signed the tenancy agreement, as a contribution towards costs. A redecoration allowance will only be made to existing tenants if their previous Council property is found to have been left in reasonable repair.

20. Removal Expenses

20.1 The Council will not meet the cost of any removal expenses, except as set out in Paragraph 21.1 and 21.2 below.

21. Incentive Payments for Downsizing Accommodation

21.1 Where a tenant of the Council is under-occupying accommodation and is affected by the Spare Room Subsidy for Housing Benefit purposes, and moves or enters into a mutual exchange (in accordance with Paragraph 12.2 of this Scheme) to any property with less bedrooms than their current property and both are owned by the Council, they will be offered £500 to cover removal costs plus £500 for each bedroom "released", subject to the tenant having a housing need for the downsized property, and a maximum payment of £2,000 being made.

21.2 Where a tenant of the Council is under-occupying accommodation and is downsizing accommodation for a reason other than being affected by the Spare Room Subsidy, and moves or enters into a mutual exchange (in accordance with Paragraph 12.2 of this Scheme) to any property with less bedrooms than their current property and both are owned by the Council, they will be offered £500 to cover removal costs a payment of £500 to meet decoration costs (in addition to the amount paid under the Council's decorations allowance scheme set out at Paragraph 19.1) and £1,000 for each bedroom "released", subject to the tenant having a housing need for the downsized property, and a maximum payment of £4,000 being made.

21.3 Any tenant wishing to enter into this arrangement whose rent account is in arrears, must be prepared to accept that the arrears will be deducted from the amount paid.

21.4 Where a tenant of the Council is downsizing accommodation, they will be considered for a bungalow if they wish, normally allocated to persons over 60 years of age, but provided they are over 50 years of age.

21.5 Attention is drawn to the ineligibility for financial incentives of certain Flexible (fixed-term) Tenants referred to in Paragraph 9.2.

21.6 No payments will be made to successor tenants who are required to move to smaller accommodation.

22. Decisions on the Allocations Process

22.1 The Council gives delegated authority to the Director of Communities to take decisions on the allocations process. In turn, the Director of Communities delegates such decisions to the Housing Allocations Team within the Housing Options Section, under the supervision of the Housing Options Manager.

23. Reviews

23.1 If any applicant is found not to be a qualifying person for an allocation of accommodation, they will be notified in writing of the decision and the grounds for it. They will also be given the opportunity for the information to be explained to them verbally. If they consider they have been unfairly or unreasonably treated having regard to the provisions of this Housing Allocations Scheme, they have the right to request a review of the decision and to be informed in writing of the decision on the review and the grounds for it within 21 days of the date of the decision letter. Upon request, the notice can be collected by the applicant within a reasonable period.

23.2 In the first instance, subject to 23.4 below, applicants must seek a review in writing to the Assistant Director (Housing Operations) and will receive a written response within 8 weeks of the date the request is received. Should an extension of the deadline be required the home seeker will be notified of this and the reasons.

23.3 The review will be undertaken either by the Assistant Director (Housing Operations), the Housing Options Manager or any other senior officer designated by the Director of Communities, who will advise the home seeker of any further rights of appeal as appropriate.

23.4 The review will be undertaken by a person senior to the person making the original decision and who has not had a significant involvement in the original decision.

23.5 If the applicant considers that he/she should be treated as a qualifying person in the future, they may make a fresh application.

24. Equal Opportunities

24.1 The Council has undertaken a Customer (Equality) Impact Assessment on the Housing Allocations Scheme to determine how the Scheme will impact upon those classes of persons with Protected Characteristics and to ensure that it complies with the Equalities Act 2010. A copy of the Customer (Equality) Impact Assessment is available upon request free of charge.

24.2 The Council is committed to equal opportunities in the provision of its housing services. The Council has regard to, and implements, the provisions of the Race Relations Code of Practice in Rented Housing. The Council will also comply with the Equality Act 2010.

24.3 As an aid to ensuring that home seekers are not discriminated against on the grounds of their Protected Characteristics, through one of its Overview and Scrutiny Committees, the Council will monitor the Protected Characteristics of:

- a) home seekers on the Housing Register;
- b) home seekers allocated housing;
- c) home seekers on the Supplementary Waiting List seeking accommodation;

d) home seekers allocated housing from the Supplementary Waiting List; and

e) Home seekers granted Flexible (fixed-term) Tenancies.

24.4 The practices and procedures of the Communities Directorate will be monitored by the appropriate Assistant Director of Communities to ensure that they do not discriminate directly or indirectly. Changes will be made if it is established that any practices or procedures may be contravening the Equality Act 2010.

25. False and Withheld Information

25.1 Any persons who have knowingly or recklessly made a statement which is false in material or knowingly withholds information that the Council has reasonably required them to give in connection with the exercise of the Scheme will have their housing application cancelled.

25.2 The Council may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 and take criminal proceedings if a tenant has induced the Council to grant a tenancy by knowingly or recklessly making a false statement when they applied for the accommodation.

26. Information on the Allocations Scheme

26.1 The Council will:

- a) publish a summary of its Housing Allocations Scheme in a leaflet setting out a person's right to make an application for housing accommodation and provide copies free of charge on request to any member of the public;
- b) provide copies of the Housing Allocations Scheme free of charge at the:
 - (i) Housing Options Section, Civic Offices, Epping
 - (ii) Area Housing Office, 63 The Broadway, Loughton
 - (iii) Limes Farm Housing Office, The Limes Centre, Chigwell; and
- c) enable copies of the Housing Allocations Scheme to be downloaded from the Internet at the Council's web-site: www.eppingforestdc.gov.uk/housing (currently available through these links: Residents/Housing/Housing Advice/Applying for a council or housing association home).

27. Review of Housing Allocations Scheme

27.1 The Allocations Scheme will be reviewed by the Council's Housing Scrutiny Panel after 2 years of operation in consultation with the Tenants and Leaseholders Federation, which shall recommend any changes to the Council's Cabinet, with a target date for the reviewed Scheme coming into effect of 1 April 2018.

28. Consultation on Changes to the Allocations Scheme

28.1 Before adopting a new Housing Allocations Scheme or making an alteration reflecting a major change of policy in its existing Housing Allocations Scheme, the Council will send a copy of the draft scheme or any proposed major change to the scheme to all of the following interested parties giving them a reasonable opportunity to comment:

- Every private Registered Provider of social housing with which it has nomination arrangements
- Town and Parish Councils
- The Tenants and Leaseholders Federation
- Partner agencies with an interest in the Scheme

Priority Bandings

Band A

- (i) Any member of the Armed Forces, or former Service personnel, or serving or former members of the Reserve Forces who joins the Council's Housing Register, are given priority above all other applicants within Band A, where they are assessed by the Council's Medical Advisor as suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, where the application is made within 5 years of discharge.
- (ii) Bereaved spouses or Civil Partners of those serving in the regular forces where the bereaved spouse or Civil Partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or Civil Partner and the death was wholly or partly attributable to their service.
- (iii) Home seekers with Council or Housing Association tenancies in the District wanting to move to accommodation with fewer bedrooms than the property they currently occupy on a permanent basis.
- (iv) Home seekers needing to move on urgent medical grounds or urgent grounds relating to disability. **
- (v) Home seekers needing to move on urgent welfare grounds ***.
- (vi) Home seekers occupying insanitary or overcrowded housing which poses a serious health hazard, or otherwise living in unsatisfactory conditions (in accordance with housing legislation)* but not as a result of the introduction of a further household.
- (vii) Home seekers with mobility problems will be given priority for ground floor flats and bungalows above other home seekers in this Band [with the exception of Band A (i)], regardless of their waiting time, on recommendation of the Council's Medical Advisor.
- (viii) Home seekers needing two or more additional bedrooms compared to their current accommodation.

Band B

- (i) Home seekers defined as a household, who are sharing accommodation with another household for a minimum of 12 months, which is resulting in a lack of at least one bedroom.
- (ii) Home seekers who need to move to a particular locality within the District where failure to meet that need would cause hardship to themselves or to others.****
- (iii) Home seekers who can demonstrate they would otherwise be one household, but are having to live apart from other members of their household because of a lack of accommodation, (which would lead to statutory overcrowding if they occupied accommodation available to them individually) but not for personal reasons (i.e. family disputes).
- (iv) Home seekers needing one additional bedroom compared to their current accommodation.
- (v) Existing tenants of the Council:
 - living in 2 or 3 bedroom flatted accommodation (including maisonettes) who meet the Local Eligibility Criteria under Paragraph 14 of the Scheme (apart from the Housing Need element), making expressions of interest for houses that meet with their housing need, with their registration date being the tenancy commencement date of their current property.
- (vi) Existing tenants living in sheltered accommodation, who are wishing to move within their own scheme or to another sheltered scheme within the District.
- (vii) Existing tenants of the Council aged over 60 years, living in 1 bedroom Council accommodation wishing to move to sheltered accommodation regardless of their need.

Band C

- (i) All Home seekers (in accordance with Paragraph 14.3 (f) of this Housing Allocations Scheme), who need to move to be nearer to their place of work, or to take up an offer of permanent employment, an apprenticeship or full-time work related training.
- (ii) Home seekers sharing accommodation with another household.
- (iii) Any member of the Armed Forces or former Service personnel, or serving or former members of the Reserve Forces who have no housing need, and the application is made within 5 years of discharge.
- (iv) Spouses and children (including step-children) of existing and former Armed Forces Personnel (where the application is made within 5 years of discharge) seeking accommodation in their own right, provided that one of their family members (as defined by Section 113 of the Housing Act 1985) has lived within the District for at least 3 years immediately prior to the date of application.
- (v) Home seekers needing to move on moderate medical grounds or moderate grounds relating to disability. *****
- (vi) Home seekers in the Council's interim accommodation awaiting their homelessness decision under S.184 of the Housing Act 1996 as amended.
- (vii) All home seekers to whom the Council does not owe a full homelessness duty, where there is a requirement under the Housing Act 1996 as amended to afford reasonable preference on the ground of homelessness

Insanitary, Overcrowded Housing or Unsatisfactory Conditions

*Where the Permitted Number, in accordance with the provisions of S. 326 of the Housing Act 1985 is exceeded, or the property is in a serious state of disrepair, of poor internal or external arrangement, or the property has been classified as having at least one Category 1 Housing Hazard under the Housing Act 2004 or is lacking one or more of the following; kitchen facilities, inside W.C., utility supplies.

Urgent Medical Priority

**Urgent Medical Priority (including grounds relating to disability and access needs and/or learning disability) to be determined by the Council's Medical Adviser or a company commissioned by the Council to provide medical advice on written evidence and taking into account all known facts relating to the application. It is important to note that urgent priority will not be given based upon the medical evidence itself, it will be based upon the impact it has upon the home seeker's housing requirements and whether the home seeker's current accommodation is directly contributing to the deterioration of the home seeker's health. It will be considered based on the extent that the health of a home seeker, or an immediate member of their family, will significantly improve by a move to alternative accommodation.

Welfare Grounds

*** Welfare grounds to be assessed on written evidence by the Housing Options Manager, in consultation with the Council's Medical Adviser. Welfare issues will encompass providing or receiving ongoing care and care and support needs for those who could not be expected to find their own accommodation such as young adults with a learning disability who wish to live independently in the community and social needs, for instance, where a secure base is required for a care-leaver or any other vulnerable person to build a stable life. Those who are active foster carers or those who are adopting who need to secure larger accommodation in order to look after a child who was previously looked after by local authority will be considered for a Flexible (fixed-term) Tenancy (in accordance with the Council's Tenancy Policy) where additional priority is justified.

Hardship Grounds

****Hardship may also include a need to move to give or receive care that is substantial or ongoing as well as for access to specialist medical treatment where there are severe mental health, medical or welfare issues and there are exceptional reasons why this support cannot be made available through a reliance on public transport or on the home seekers own transport.

Moderate Medical Priority

*****Moderate Medical Priority, (including grounds relating to disability and access needs and/or learning disability) being generally one or a combination of minor medical issues, to be determined by the Council's Medical Adviser or a company commissioned by the Council to provide medical advice on written evidence and taking into account all known facts relating to the application. It is important to note that moderate priority will not be granted based upon the medical evidence itself, it will be based upon the impact it has upon the home seeker's housing requirements and whether the home seeker's current accommodation is directly contributing to the deterioration of the home seeker's health. It will be considered based on the extent that the health of a home seeker, or an immediate member of their family, will significantly improve by a move to alternative accommodation. No increase in Banding will be given as a result of "Moderate Medical" priority; it will only result in a home seeker being a qualifying person under the Scheme should no other criterion be met.

Re-Assessment of Medical Priority

Any home seeker who is awarded Band A priority due to urgent medical priority will have their medical position re-assessed if they express an interest for a property and then refuse an offer of that accommodation. A re-assessment will also be undertaken of any home seeker with urgent medical preference who fails to fully participate in the Choice Based Lettings Scheme for more than 6 months. In addition, should any applicant move from their existing accommodation and remain on the Housing Register, a fresh medical assessment will be undertaken.

Sizes of Properties to be Allocated

The sizes of properties allocated to home seekers on the Housing Register will be based on the composition of their household, generally in accordance with the property sizes of the Local Housing Allowance, as shown in the following table.

Property Size	Household Composition
Studio	Single Persons
1 Bedroom	Single person or 2 persons, with no family members
2 Bedroom	Single Person or 2 persons, with 1 family member or 2 family members of the same sex, or 2 family members of opposite sex both under the age of 10 years
3 Bedroom	Single person or 2 persons, with 2 family members of opposite sex with one family member over the age of 10 years Single person or 2 persons, with 3 family members 2 of whom are of the same sex Single person or 2 persons, with 4 family members 2 each of the same sex
4 Bedroom*	Single person or 2 persons with 4 or more family members where two are of opposite sex and over the age of 10 years
5 Bedroom*	Single person or 2 persons with 5 or more family members where 2 family members are of opposite sex and one is over 10 years of age

Family members are defined in accordance with the Housing Act 1996 Part 7 Section 176 as a person who normally resides with the lead applicant/s as an (established) member of his or her family. A family member is as defined by Section 113 of the Housing Act 1985.

Under the HomeOption Scheme, home seekers will be able to express an interest in properties which are one bedroom less than their need provided it is within the Permitted Number of occupants allowed under the Housing Act 1985.

*However, any assessment will require two family members of the same sex regardless of age, to share one bedroom. It should be noted the Council has very few properties with 4 or 5 bedrooms in its housing stock

For information

In exceptional circumstances, home seekers may be allocated a property which is one bedroom above the need of their household where the Council's Medical Advisor agrees that there are urgent medical reasons (including reasons of disability) for doing so. Where applicants receive support from carers who do not reside with them but may need to stay overnight, the Council will take into account the applicant's need for a spare bedroom.

Consideration will be given to the bedroom requirements of active Registered Foster Carers in terms of Priority Banding and property sizes offered depending upon the circumstances.

It should be noted in cases where residence of children is shared, and where one parent has accommodation available to them that meets the need of that household, the other parent, generally, will only be considered for 1 bedroom accommodation.

Priority Transfers

Priority Transfers will only be granted on a like-for-like accommodation basis for urgent reasons including;

- urgent circumstances (in accommodation away from the local area) where there is clear written evidence that an existing tenant's safety is at risk including, as a result of violence or threats of violence, intimidated witnesses and those escaping anti-social behaviour or domestic violence
- those who need to move urgently because of life threatening illness or sudden disability. Decisions will take into account the advice of the Council's Medical Advisor following consideration of the impact it has upon the tenant's housing requirements and whether the tenant's current accommodation is directly contributing to the deterioration of the tenant's health. It will be considered based on the extent that the health of a tenant, or an immediate member of their family, will significantly improve by a move to alternative accommodation.
- to facilitate major repairs or refurbishment of a Council property
- where a Council property is required to be demolished for safety or redevelopment purposes
- other transfers of a similar nature as determined by the Director of Communities

1. Allocations Outside of the HomeOption Scheme

1.1 The Council will, as it considers appropriate, allocate properties outside of the HomeOption Scheme in the following circumstances:

Homeless Applicants

1.2 To applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996 as amended who meet the Council's Local Eligibility Criteria set out at Section 14 of this Housing Allocations Scheme, who are living in:

- bed and breakfast accommodation secured by the Council, but excluding those in the process of being referred to another local housing authority under S.198 of the Housing Act 1996
- the Council's Homeless Persons Hostel (Norway House or Hemnall House), or a Women's Refuge
- homeless applicants living in Brookhaven for 6 months and have been served with a S 21 Notice (giving notice of ending the assured tenancy), where the Manager of Brook Haven has notified the Council that the tenant is ready to move on.

1.3 In respect of 1.2 above, homeless applicants will be made one offer of suitable accommodation after receiving their S.184 decision letter, generally in flatted accommodation. If the offer is refused, the applicant will have the right to seek a Review of the suitability of the accommodation. If not successful, the Council's duty under the Homelessness Act 1996 as amended to provide accommodation will be considered to be discharged.

Applicants Living in Supported Housing

1.4 Homeless applicants to whom the Council does not owe the full homelessness duty, who and have been placed by the Council under its nomination rights or by a recognised Allocations Panel for a least 9 months and are ready to move on, at either the:

- S.A.F.E. (Single Accommodation for Epping Forest "NACRO") Project;
- Young Parent Scheme at Railway Meadow, Ongar
- Supported housing scheme for vulnerable adults at Tolpuddle House, Ongar
- Supported housing scheme at Elm Court, Theydon Bois
- NACRO scheme for those with mental health issues
- Young parent and child scheme at Bartletts, Chelmsford

1.5 In respect of 1.4 above, such homeless applicants will be made one offer of suitable accommodation at the end of their stay in supported housing, generally in flatted accommodation. If the offer is refused, the Council will make no further offers of accommodation.

Other Allocations Outside of the HomeOption Scheme

1.6 The Allocations Scheme does **not** apply in the following cases;

- a) where a tenant succeeds to a tenancy (or an Introductory Tenancy) upon the death of a tenant;
- b) to accommodate a successor tenant who is under-occupying Council accommodation;
- c) where a tenancy is assigned to a person who would qualify to succeed to the tenancy if the tenant died immediately before the assignment;
- d) where a tenancy is assigned by way of a mutual exchange to an existing tenant;
- e) where a tenancy is either granted in response to a transfer request under Section 158 of the Localism Act 2011 or any other tenant transfers;
- f) where an introductory tenancy becomes a Secure or Flexible (fixed-term) Tenancy on ceasing to be an introductory tenancy;
- g) where an introductory tenant undertakes a mutual exchange with a Secure or Flexible (fixed-term) Tenant. In these circumstances, each party will surrender their tenancies, and the Council will grant each party a new tenancy which reflects their previous tenancy status. Any period the affected tenant spent as an introductory tenant in their previous property will count towards the fulfilment of the 12-month "introductory period" in the new property. It should be noted that some social landlords do not allow introductory tenants to enter into a mutual exchange within any trial period;
- h) where a tenancy is disposed through a Property Adjustment Order in accordance with relevant legislation;
- i) where a priority transfer is agreed in accordance with the criteria set out at Appendix 3;
- j) Where a property is offered to an applicant on the Witness Protection Mobility Scheme (only one property will be offered for this purpose within any 12 month period, and will be either a flat or maisonette);
- k) Where a property is offered on a temporary basis for public sector key workers (only a maximum of 5 properties per annum will be offered for this purpose); and
- l) Where a property is offered on a temporary basis for key Epping Forest District Council employees (only 5 properties will be provided for this purpose at any one time).

2. Allocation Quotas/Local Lettings Plans/Reserved Properties/Homelessness Allocation Quotas or Local Lettings Plans for Housing Association Developments

2.1 For some large affordable housing schemes that a housing association develops and/or manages it may be appropriate to look at Allocations Quotas or Local Lettings Plans.

2.2 An Allocations Quota is a quota of home seekers within specific categories agreed between the Council and the housing association that replaces the usual nominations criteria.

2.3 A Local Lettings Plan is an arrangement for the nomination of home seekers with specific recognised needs related to the type or design of the new affordable housing.

2.4 Where vacancies arise in properties that have been built in rural localities under exceptional planning arrangements (Section 106 Agreements), only home seekers who comply with the requirement to have a connection with the locality can be considered.

3. Local Lettings Plans for Council Housing

3.1 Local lettings policies are where the Council allocates particular accommodation to people of a particular description in order to achieve a wide variety of housing management and policy objectives.

3.2 Some of the Council's properties on housing estates have been designated as being particularly suitable for older tenants. This is usually where there is a Scheme Manager or where a hard-wired emergency alarm has been fitted in a property. Where vacancies arise in such properties, older home seekers will be given preference for them.

3.3 Where properties have been purpose built or adapted for tenants with specific needs, for instance, physical disabilities, preference will be given to home seekers from households in need of that particular type of accommodation.



**CUSTOMER
SERVICE
EXCELLENCE**



Epping Forest District Council
Civic Offices, High Street, Epping, Essex CM16 4BZ

Telephone: 01992 564000 Fax: 01992 564230
email: housingoptions@eppingforestdc.gov.uk

www.eppingforestdc.gov.uk/housing

July 2015

This page is intentionally left blank



**Epping Forest
District Council**

Report to the Cabinet

Report Reference: C-070-2014/15

Date of meeting: 9 March 2015

**Committee: Housing Scrutiny Panel
(Chairman - Cllr S. Murray)**

Subject: Report of the Housing Scrutiny Panel on the Housing Improvements and Service Enhancements Fund – 2015/16

Responsible Officer: Alan Hall (01992 564004).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations:

- (1) That the latest out-turn forecasts for each of the projects funded by the Housing Improvements and Service Enhancements Fund in 2014/15, provided at Appendix 1, be noted;**
- (2) That the associated expenditure for any slippages on individual projects in 2014/15 be carried forward to complete the projects in 2015/16;**
- (3) That the following be noted:**
 - (a) That the Housing Scrutiny Panel has already recommended to the Cabinet that the cost of increasing the financial incentives for Council tenants downsizing their accommodation be met from the Housing Improvements and Service Enhancements Fund; and**
 - (b) That the Cabinet has already agreed that the Fund should meet the costs relating to the Housing Revenue Account of increasing the size of the new Corporate Fraud Team from April 2015, subject to the required General Fund Continuing Services Budget (CSB) bid being agreed;**
- (4) That the proposed list of housing improvements and service enhancements for 2015/16, and the associated recommendations for each project, set-out in Appendix 2, be approved;**
- (5) That the amount allocated from the Fund to the Major Capital Projects Reserve be increased in 2015/16 from £200,000 to £384,000 to fund future housing capital projects (either in 2015/16 or future years); and**
- (6) That, at its meeting in January 2016, the Scrutiny Panel / Select Committee responsible for scrutinising the Housing Service be asked to consider and recommend to the Cabinet the proposed use of the Housing Improvements and Service Enhancements Fund for 2016/17.**

Executive Summary:

When the Cabinet agreed the strategic approach for the Council's new 30-Year HRA Financial Plan, it asked the Housing Scrutiny Panel to consider and recommend to the Cabinet a proposed list of housing improvements and service enhancements each year, utilising the additional funding made available as a result of HRA self-financing.

For the past three years, we have formulated lists of housing improvements and service enhancements, which have been subsequently approved by the Cabinet. An out-turn report on the forecast expenditure and the progress made on the projects agreed for 2014/15 is provided at Appendix 1.

When the Cabinet considered and approved our list of projects for 2014/15, it also asked us to consider and recommend further housing improvements and service enhancements to be undertaken in 2015/16, funded from the additional HRA resources available next year. Our proposals for new projects to be undertaken next year, at an estimated cost of £216,000, are provided in Appendix 2 - with a summary of the costs provided at Appendix 3.

We are also recommending that the amount allocated from the Fund to the Major Capital Projects Reserve in 2014/15 be increased from £200,000 to £384,000, in order to fund future housing capital projects.

Reasons for Proposed Decision:

Anticipated additional resources of £216,000 are expected to be made available within the HRA Budget 2015/16, to spend on additional housing improvements and service enhancements in 2015/16, in addition to increasing the funding held within the Major Capital Projects Reserve to £384,000.

Other Options for Action:

- (a) To agree a different list of improvements and service enhancements;
- (b) To allocate funding differently between the proposed schemes; or
- (c) To allocate a different amount to the Major Capital Projects Reserve.

Report:

1. This report and our recommendations follow the meeting of the Housing Scrutiny Panel held on 9th February 2015, and our consideration of a detailed report from the Director of Communities on:

- The latest anticipated out-turns of expenditure for housing improvements and service enhancements agreed for 2014/15 - for both individual projects and the programme as a whole; and
- The recommended use of the Housing Improvements and Service Enhancements Fund for 2015/16.

2. At its meeting in December 2011, the Cabinet approved the strategic approach to the new 30-Year HRA Financial Plan, in readiness for the introduction of self-financing for the HRA from April 2012. The approach agreed was to plan the repayment of the required loans to the Public Works Loan Board (PWLB) - taken out to fund the CLG's required debt settlement - over a 30-year period. This was to enable the Council to not only maintain the Council's housing stock to a new Modern Home Standard and implement a new Council Housebuilding Programme, but to also fund additional housing improvements and service improvements over the 30-year life of the Plan.

3. For the past three years, the Cabinet has asked the Housing Scrutiny Panel to consider and recommend a proposed list of housing improvements and service enhancements to the Cabinet, utilising the additional funding, which we last did in March 2014.

4. Our lists of improvements have comprised a mix of capital and revenue projects, requiring both one-off expenditure over 1-3 years and ongoing annual expenditure, which have primarily focused on proposals that we feel would provide a direct and demonstrable benefit to the Council's tenants.

5. At the same time as agreeing our proposals for 2014/15, the Cabinet also asked us to consider and recommend to the Cabinet at this meeting the proposed use of the Housing Improvements and Service Enhancements Fund for 2015/16.

6. The purpose of this report from the Scrutiny Panel to the Cabinet is therefore:

- To provide anticipated out-turns of expenditure for 2014/15, for both individual projects and the programme as a whole; and
- To provide our recommendations on the use of the Housing Improvements and Service Enhancements Fund for 2015/16.

Housing Improvements and Service Enhancements Fund

7. The estimated amount available to the Housing Improvements and Service Enhancements Fund each year is, in effect, a balancing figure for the Housing Revenue Account (HRA) as a whole, over the 30-year period of the HRA Financial Plan. So, if net costs within the HRA over the 30 years are higher than previously forecast (or if income is lower), the amount available for new projects under the Housing Improvements and Service Enhancements Budget each year is reduced. Conversely, if net costs are lower (or if income is higher) the budget can be increased, in order to achieve the Council's prime strategic objectives for the HRA - which are to ensure that the PWLB loans can be repaid when they mature and that the HRA does not accrue balances (surpluses) that are higher than necessary, or falls into deficit.

8. Since housing-related income and expenditure is ring-fenced to the HRA, any annual HRA surpluses that are not required for any specific purpose therefore need to be spent, otherwise they simply result in increased HRA Balances – which is why the Housing Improvements and Service Enhancements Fund was introduced from 2012/13.

9. The Fund operates in a similar way to the HRA's Housing Repairs Fund and the General Fund's District Development Fund (DDF) in that, each year, the HRA contributes an agreed amount to the Fund (based on the estimated surplus available through the HRA Financial Plan) and the Cabinet agrees the amount to be spent from the Fund on housing improvements and service enhancement projects in the following year. If there are any underspends on the Fund at the end of the year, they are carried forward into the following year; if there are any overspends (which would need to be funded from HRA Balances), the contribution from the HRA is reduced the following year by the total amount overspent. This approach gives greater flexibility, whilst still ensuring budgetary control.

Progress with the Housing Improvements and Service Enhancements Fund 2014/15 and Anticipated Out-Turns

10. The Cabinet agreed our recommendations last year that 7 new housing improvements and service enhancements be undertaken in 2014/15, in addition to the completion of a further 7 projects extending / carried forward into 2014/15.

11. Appendix 1 provides a list of the agreed improvements/enhancements for 2014/15, together with the original budget and the latest forecast expenditure for each project. The following table summarises the budget position for the overall 2014/15 Programme:

Projects:	
Original Budget	£1,017,000
Latest expenditure forecast	£755,000
Major Capital Projects Reserve:	
Original Budget	£200,000
Latest expenditure forecast	Nil

12. Having considered the progress report on projects, we were of the view that good progress has been made with the delivery of most of the projects during the year to date.

13. The Cabinet has previously agreed to establish a Major Capital Projects Reserve within the Fund, to enable resources to be accumulated and available when required for major capital housing projects, subject to the schemes having the approval of the Cabinet or Housing Portfolio Holder as appropriate. The Cabinet made this decision (based on our recommendation) because, although the HRA Financial Plan makes provision for increased capital expenditure on individual properties within the Council's housing stock - in order to ensure that they meet the full, modern standard (a higher standard than the Decent Homes Standard) - no provision is made for major capital housing schemes within the Plan. The need for major capital schemes has occurred from time-to-time, and has included the major improvement scheme at Springfields, Waltham Abbey, small scale stock transfers of sheltered housing schemes to housing associations to enable conversion and improvement works to be undertaken and the conversion scheme at Marden Close and Faversham Hall, Chigwell Row (which is currently on-site).

14. Having regard to the funding required for the proposed new improvements and service enhancements in 2015/16 (see next section), we are proposing that the amount allocated to the Major Capital Projects Reserve within the Fund be increased from £200,000 to £384,000 in 2015/16

Availability of Funding for New Housing Improvements and Service Enhancements – 2015/16

15. We were advised at our meeting by the Director of Communities that the most recent review of the HRA Financial Plan by the Council's HRA business planning consultants, CIH Consultancy, which was reported to our meeting in October 2014, identified that the HRA could afford to commit £700,000 per annum for new and committed improvements and service enhancements from April 2015.

16. The following table therefore summarises the position for the Housing Improvements and Service Enhancements Fund for 2015/16:

Expected HRA contribution to Fund – 2015/16	£700,000		
Savings from the Fund's 2013/14 Out-turn	£387,000		
Anticipated savings/slippage from 2014/15	£462,000		
Total resources available to Fund in 2015/16		1,549,000	
Amount required due to committed costs of 2014/15 projects (ongoing and one-off)		(£949,000)	
Remaining resources available for 2015/16			£600,000
Amount proposed to be allocated to the Major Capital Projects Reserve in 2015/16			(£384,000)
Available to fund new projects in 2015/16			£216,000

Proposals for the Use of the Housing Improvements and Service Enhancements Fund 2015/16

17. We would ask the Cabinet to note that we have already recommended to the Cabinet that the financial incentives available to Council tenants wishing to downsize their accommodation should be increased as part of the proposed new Housing Allocations Scheme. The cost of this increase (estimated at around £51,000 per annum) would need to be met from the Housing Improvements and Service Enhancements Fund, if the Cabinet agrees our recommendation, when it considers our recommendations for the new Housing Allocations Scheme in March 2015 – which are the subject of a separate report from the Housing Scrutiny Panel to this meeting.

18. Furthermore, we were advised at our meeting that the Cabinet has already agreed that the Fund should meet the HRA's costs of increasing the size of the new Corporate Fraud

Team from April 2015 (estimated at around £42,000 per annum), subject to the required General Fund Continuing Services Budget (CSB) bid being agreed.

19. After accounting for these two commitments, we noted that £123,000 is available to fund further new improvements/enhancements. At our meeting, the Director of Communities put forward the proposed new projects for 2015/16 listed at Appendix 2. After due consideration, we agreed to endorse and support these proposals. We are therefore recommending to the Cabinet that the new projects listed at Appendix 2 be undertaken for 2015/16. For each proposal, a description is provided, together with details of the one-off and/or ongoing annual funding required, and whether the expenditure is capital and/or revenue. At the end of each proposal, our formal recommendation(s) are provided in bold.

20. We did make a minor change to one of the proposals put forward by the Director of Communities. In respect of Project No. 3, the Director of Communities suggested that the proposed Review referred to in Recommendation (b) be undertaken by the Housing Portfolio Holder, whereas we agreed to recommend to the Cabinet that this review should be undertaken by the Housing Scrutiny Panel (or our successor body).

21. Appendix 3 provides a spreadsheet with each of our proposals listed, summarising the one-off and ongoing expenditure for each of the next three financial years.

22. We were advised at our meeting, and would ask the Cabinet to note that, after utilising all of the resources available to the Fund in 2014/15, there will still be a further £445,000 and £574,000 available to spend on new projects in the following two years (2016/17 and 2017/18), based on current forecasts.

23. We are therefore also recommending that, at its meeting in January 2016, the Scrutiny Panel / Select Committee responsible for scrutinising the Housing Service be asked to consider and recommend to the Cabinet the use of the Housing Improvements and Service Enhancements Fund for 2016/17.

Resource Implications:

£216,000 available for new projects in 2015/16, after allocating £384,000 to the Major Capital Projects Reserve, included within the HRA Budget 2015/16.

Legal and Governance Implications:

Localism Act 2012; Local Government and Housing Act 1989; Housing Act 1985

Safer, Cleaner and Greener Implications:

None

Consultation Undertaken:

The Tenants and Leaseholders Federation was due to be consulted on our proposals at its next meeting. We understand that the Director of Communities will be providing an oral report on their views at the Cabinet meeting.

Background Papers:

None.

Risk Management:

There are minimal risks identified for the proposed new projects for 2015/16.

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 proposed enhancements to the rent and leaseholder payment systems will enable those groups of people experiencing financial hardship (often within the protected characteristic groups) to better budget for their rent payments, since their payment dates can be better aligned with their salary/benefit dates.

The introduction of direct debit facilities for leasehold payments will make it easier for leaseholders who have physical difficulty making their payments to meet their obligations.

The proposed all-day opening of the Limes Council Office will provide improved physical access to an increased range of Council services and officers.

The proposed extension of funding for the two CAB Debt Advisors will assist those groups of people experiencing financial hardship (again, often those within the protected characteristic groups) to deal with indebtedness.

**Housing Improvements and Service Enhancements Fund - 2014-15
Programme Costs (One-off and Ongoing) - as at December 2014**

No.	Proposal	Responsible Officer	£000's						Cap. or Rev.	
			2014/15		2015/16		2016/17			
			One-off	Ongoing	One-off	Ongoing	One-off	Ongoing		
Outstanding Projects from 2013/14										
13/14 A	On-Line Rents System for Tenants	D. Clifton	Latest	0		15				C
			Original	15		0				
13/14 B	CAB Debt Advisors	R. Wilson	Latest	23						R
			Original	23						
13/14 C	Increase in furniture budget - sheltered housing	D. Pegler	Latest	10		10				C
			Original	0		0				
13/14 D	Repairs Key Deliverable - Product Warranty Capture	P. Pledger	Latest	10						R
			Original	10						
13/14 E	Repairs Key Deliverable - Smartphone Application	P. Pledger	Latest	7						R
			Original	7						
13/14 F	Repairs Key Deliverable - Web-based Reporting Facility	P. Pledger	Latest	14						R
			Original	14						
13/14 G	Repairs Key Deliverable - HQN Assessment	P. Pledger	Latest	10						R
			Original	10						
13/14 H	Marden Close & Faversham Hall	P. Pledger	Latest	351		484		21		C
			Original	508		0		0		
TOTALS (Outstanding Projects from 2013/14)			Latest	425		509		21		
			Original	587		0		0		
New Projects for 2014/15										
1	Front Door Fire Safety Replacement Programme for Leaseholders in Flat Block	H. Thorpe	Latest	125		100		100		C
			Original	125		100		100		
2	Oakwood Hill Estate Enhancement Scheme	P. Pledger	Latest	0		200				C
			Original	100		100				
3	Refurbishment of Communal Kitchens - Sheltered Scheme	H. Thorpe	Latest	70		70				C
			Original	70		70				
4	Provision of Electric Mobility Scooter Stores	H. Thorpe	Latest	50		50				C
			Original	50		50				
5	Extension of Mow and Grow Scheme	R. Wilson	Latest	20		20				R
			Original	20		20				
6	Provision of Wi-Fi at Norway House	R. Wallace	Latest	8						C
			Original	8						
7	Norway House Chalet Replacement Project - Feasibility Study	P. Pledger	Latest	7						C
			Original	7						
8	In-Year Housing Improvements and Enhancements Fund	A. Hall	Latest	50						C / R
			Original	50						
TOTALS (Agreed Projects for 2013/14)			Latest	330		440		100		
			Original	430		340		100		
Major Capital Project Reserve			A. Hall	Latest	0					C
			Original	200						
GRAND TOTALS (Outstanding & Agreed New Projects)			Latest	755		949		121		
			Original	1,217		340		100		
Savings from 2013/14 Out-Turn						387				
Anticipated savings/slippage from 2014/15						462				
Amount expected to be available for HRA Budget for new Enhancements in year						700		700		
Total amount of budget available to spend in year						1,549		700		
Available to allocate to new enhancements in year (after previous year's commitments - i.e. Original Grand Totals above)						600		579		

Proposed List of Housing Improvements and Service Enhancements

2015/16

(1) Provision of Daily Direct Debit Facility for Tenants and Leaseholders and Swipe Card Payment Facility for Leaseholders

One-off cost: £3,000 (2015/16)
Annual cost: £11,000 per annum

Form of expenditure: Capital

1. The Rent Payment Swipe Card Contract was due to expire in December 2014. To avoid a lengthy and costly procurement process, and to attract preferential group transaction rates, the Housing Portfolio Holder agreed that the Northern Housing Consortium (NHC) Framework Agreement for Payment Systems should be utilised for a new contract which, in the event, is provided by the same organisation as previously (Allpay). The NHC framework consists of 250+ social housing providers and, by now being a member, allows the Council to take advantage of the entire Allpay portfolio of payment products, including daily direct debits, at preferential group rates.

2. At present, the Council only offers 4 direct debit dates for tenants (1st, 18th, 25th & 28th of the month). This has deterred some tenants from signing up to the payment method, as the deductions do not coincide with the day that they are likely to have the funds available in their accounts. In addition to this, the Government is proposing that, when Universal Credit (UC) is introduced, the payment (which will include Housing Benefit) will be made monthly, paid directly to the recipient, on a date specified by them – and will replace the current arrangement whereby the housing benefit is paid directly into tenant's rent account, on a fortnightly basis, on a set date. Therefore, it will become more important for the Council to have a payment method that matches tenants' UC credit award dates. With the introduction of the Allpay paperless method, deductions could be made on any day of the calendar month and match the date that either salary or UC is credited. It also has the potential to increase the numbers subscribing by direct debit, which could reduce rent arrears further.

3. The Council's existing rents direct debit process also prevents collection of former tenant arrears, since the software only allows direct debits to be set up on current rent accounts. The Allpay solution allows direct debit to be set up for any type of rent account or sub account and introduces another level of payment option when collecting former arrears for other types of debt (e.g. Housing Benefit overpayments, Court Costs). The new functionality would also give the Council a variety of payment collection frequencies to choose from (weekly, fortnight, 4-weekly, monthly, quarterly and annually), as opposed to the current same-date monthly option.

4. Council leaseholders do not currently have a swipe card or direct debit payment facility for the repayment of the estimated bills and are required to use standing order or cash payments, which are manually calculated and are very resource intensive. The Allpay software is an internet-based product, which allows instant set-up and manipulation of direct debit instructions, without a paper and postage based interface.

5. The existing direct debit process is very manually intensive and requires input from four individual officers to produce a separate claim file. As this operation is currently carried out four times a month, there is a significant likelihood that mistakes, such as a failure to

authorise a direct debit claim file (usually in the region of £300,000 at any one time) could occur at some point. Failure to authorise or process a claim file could result in reputational damage to the Council, as well as a risk that the Council's direct debit licence could be revoked. With the Allpay solution, only one operation per customer is required. Once the direct debit is first set up, the direct debit is handled by Allpay. This would completely eliminate the present risk of staff error when creating, submitting and authorising a direct debit claim file.

Recommendations:

(a) That the Allpay paperless daily direct debit facility be introduced from April 2015 for Council tenants, to replace the present 4 dates per month cycle.

(b) That the Allpay swipe card payment facility and daily direct debits are introduced from April 2015 for Council leaseholders.

(2) Epping Forest Citizens Advice Bureau Debt Advisors

One-off cost(s): £37,800 (2015/16)
(Note: £4,200 (10%) non-HRA contribution to be funded from the Local Government Grant Settlement)

Form of expenditure: Revenue

1. At its meeting on 4 February 2013 the Cabinet approved, in accordance with the Welfare Mitigation Action Plan, that a revenue grant - funded from the Housing Improvements and Service Enhancements Fund - be provided to the Epping Forest Citizen Advice Bureau (CAB) to fund the appointment of 2 temporary full-time Debt Advisors for a period of 18 months from 1 April 2013. The purpose of the posts is to provide debt advice through the three CAB offices in Epping, Loughton and Waltham Abbey to any Council tenants, private tenants and owner occupiers who fall into debt as a result of the Government's Welfare Reforms, particularly due to benefits and housing issues. From the Council's own point of view, the benefit is that the posts assist in keeping rent arrears under control and reduce the risk of homelessness despite the reforms.

2. As the service does not benefit solely Council tenants, a contribution of 10% has been made from the General Fund. It was agreed that, in order that no additional expenditure fell to the General Fund, this contribution should be funded from the Government Grant for preventing homelessness.

3. Although the funding would have ended in September 2014, as a result of breaks in service due to vacancies the service will continue, within the current budget, until 31 March 2015.

4. The Housing staff who make referrals to the service report that the two Debt Advisors have provided a good service to residents in the Epping Forest District. Indeed, it is noteworthy that although most council landlords and housing associations across the country have reported increases in their rent arrears during the first year of the welfare reform, this Council's rent arrears reduced over 2013/14 by 27% (£175,000). Similarly, the Council's Rent Collection Rate increased from 97.16% at the end of 2012/13 to 97.60% by the end of 2013/14. It is considered that part of this success was as a result of the work of the CAB debt advisers.

5. The CAB has also supplied the following information:

- 25% of all CAB clients are either disabled or have long-term health issues
- In the current year, the service provided at the Limes Centre, Chigwell has increased from one half day to two half days each week (including follow-up work, and supervision by senior CAB staff) to provide both a drop-in and appointments service
- The CAB Debt Advisors have dealt with 385 clients in person (during the 8 month period ending 30 November 2014)
- The CAB Debt Advisors have recorded 1,875 activities on behalf of both the 385 clients referred to above and other clients, these activities include phone calls, letters and emails
- 1,104 debt related issues have been addressed by the CAB Debt Advisors
- 73% of all cases dealt with by the CAB across the District concerned Debt, Benefits and housing

6. In view of the expected introduction of Universal Credit and Housing Benefit Direct, and the possibility of further cuts to welfare benefits, it appears that the Council's tenants will need further support in the future. It is therefore suggested that grant funding for the two CAB Debt Advisers continues for a further 12 months from 1 April 2015.

Recommendations:

- (a) That a revenue grant of £37,800 be provided to the Epping Forest Citizens Advice Bureau to fund the continuation of the two temporary full-time Debt Advisors for a further 12 months from 1 April 2015; and
- (b) That the non-HRA contribution of grant, amounting to £4,200, be funded from the grant received as part of the Local Government Grant Settlement 2015/16 specifically for homelessness prevention measures.

(3) Expansion of Services and Opening Hours at the Limes Centre, Chigwell

One-off cost(s): £14,800 (2015/16)
 £7,400 (2016/17)

Form of expenditure: Revenue

1. Following the re-development of the Limes Farm Hall, Chigwell, the new Limes Centre was opened in February 2012. The Limes Centre is an important community facility on the Limes Farm Estate and currently accommodates the following services:

- Housing Management Estate Office (to be re-designated as the Local EFDC Council Office), which opens each morning between 9am and 12.30pm, providing a housing management service to both the Limes Farm Estate, and other parts of Chigwell and Buckhurst Hill
- Benefits and Council Tax advisors are available to give advice during normal office hours each Wednesday
- Debt Advice Service is provided by the Epping Forest Citizens Advice Bureau two mornings each week
- The "True Stars" Children's Centre operates from and within the facility, Monday to Friday from 9.30am to 5pm
- An NHS Health Clinic, which provides a baby clinic and a range of other services for the community
- A Youth Club provided by Essex Youth Service
- A Job Centre Plus drop-in Centre on Thursdays between 11am to 2pm

2. In addition to the above services, which provide a “multi-agency hub” for local people, the Limes Centre has a large main hall and smaller activities hall which are available for hire, for both regular bookings and one-off events, including evenings and weekends. Currently, these bookings include sports clubs such as Judo and Karate, a range of fitness and wellbeing sessions such as Tai Chi and Yoga and many children’s parties and large faith gatherings at weekends.

3. In order to make the best use of the Local EFDC Office facilities, it is proposed that an additional part-time (18 hours) Housing Officer is appointed, initially on an 18 month temporary contract, in order extend the services offered on a 12 month pilot at the Centre:

- To work predominantly at the Local EFDC Council Office, enabling the office to extend its opening hours to normal office hours Monday-Friday (closing one hour for lunch). This will be supported by staff from Community Services and Finance
- To enable the Local EFDC Council Office, along with other Council staff based there, to facilitate other services
- To explore the opportunity to expand the services provided at the Centre, including making payments for Council services, drop-in sessions for Planning enquiries and the relocation of the Epping Forest Citizen Advice Bureau to the Centre to provide a service to the south of the District
- To assist in marketing the Centre across the District as a general Council service facility

3. Following the 12 month pilot, it is proposed that a report be submitted to the Housing Portfolio Holder to consider a review of the success or otherwise of the additional services, and whether the additional part-time Housing Officer post should be made permanent.

Recommendation:

- (a) That an additional temporary part-time (18 hours) Housing Officer post be created for a period of 18 months, to enable the expansion of services referred to in the report at the Limes Centre, Chigwell for a pilot period of 12 months; and**
- (b) That the Housing Scrutiny Panel (or successor body) undertakes a Review of the success of the Pilot following 12 months of operation, and considers whether the post should be made permanent.**

(4) In-Year Housing Improvements and Enhancements Fund

One-off cost(s): Nil
Annual cost: £50,000
Form of expenditure: Capital / Revenue

1. For the last three years, a small part of the Housing Improvements and Service Enhancements Fund has been set aside as an In-Year Fund for small additional projects of benefit to tenants that may be identified during the course of the year by members and officers. This has enabled the projects to be undertaken quickly, rather than having to wait until the commencement of the following financial year. Individual one-off projects costing in excess of £10,000 have to be formally authorised by Housing Portfolio Holder.

2. The Cabinet has previously agreed that an annual provision of £50,000 for the In-Year Fund should be included within the main Housing Improvement and Service Enhancements Fund – which has been included within the Fund Programme accordingly.

**Housing Improvements and Service Enhancements Fund - 2015-16
Programme Costs (One-off and Ongoing)**

No.	Proposal	Responsible Officer		£000's						Cap. or Rev.
				2015/16		2016/17		2017/18		
				One-off	Ongoing	One-off	Ongoing	One-off	Ongoing	
Outstanding Projects from 2014/15										
14/15 A	On-Line Rents System for Tenants	D. Clifton	Latest							C
			Original	15						
14/15 B	Front Door Fire Safety Replacement Programme for Leaseholders in Flat Block	H. Thorpe	Latest							C
			Original	100		100				
14/15 C	Oakwood Hill Estate Enhancement Scheme	P. Pledger	Latest							C
			Original	200						
14/15 D	Refurbishment of Communal Kitchens - Sheltered Schem	H. Thorpe	Latest							C
			Original	70						
14/15 E	Provision of Electric Mbility Scooter Stores	H. Thorpe	Latest							C
			Original	50						
14/15 F	Extension of Mow and Grow Scheme	R. Wilson	Latest							R
			Original	20						
14/15 G	Increase in furniture budget - sheltered housing	D. Pegler	Latest							C
			Original	10						
14/15 H	Marden Close & Faversham Hall	P. Pledger	Latest							C
			Original	484		21				
TOTALS (Outstanding Projects from 2014/15)			Latest	0		0		0		
			Original	949		121		0		
New Projects for 2015/16										
1	Additional Financial Incentives for Downsizing	R. Wallace	Latest							R
			Original		51		51		51	
2	Enhanced Corporate Fraud Team	B. Bassington	Latest							R
			Original		42		42		42	
3	Enhanced Rent and Leaseholder Payment Systems	D. Clifton	Latest							R
			Original		16		16		16	
4	All Day Opening - Limes Farm Office, Chigwell	R. Wilson	Latest							R
			Original	15		8				
6	1-Year Extension of CAB Debt Advisers	R. Wilson	Latest							R
			Original	42						
7	In-Year Housing Improvements and Enhancements Fund	A. Hall	Latest							C / R
			Original	50						
TOTALS (Agreed Projects for 2015/16)			Latest	0	0	0	0	0	0	
			Original	107	109	8	109	0	109	
Use for Major Capital Project Reserve		A. Hall	Latest							C
			Original	384		0		0		
GRAND TOTALS (Outstanding & Agreed New Projects)			Latest	0		0		0		
			Original	1,549		238		109		
Savings from 2014/15 Out-Turn						0				
Anticipated savings/slippage from 2015/16						0				
Amount expected to be available for HRA Budget for new Enhancements in year						700		700		
Total amount of budget available to spend in year						700		700		
Available to allocate to new enhancements in year (after previous year's commitments - i.e. Original Grand Totals above)						462		591		



Epping Forest District Council

Report to Cabinet

Report reference: C-071-2014/15

Date of meeting: 9 March 2015

Portfolio: Leader

Subject: Corporate Plan 2015 - 2020

Responsible Officer: Barbara Copson (01992 564042)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) That the Council's proposed new Corporate Plan for 2015/16 to 2019/20 be agreed;**
- (2) That the proposed Key Action Plan for 2015-2016 be agreed; and**
- (3) That the Corporate Plan 2015-2020, and the Key Action Plan 2015-2016 be recommended to the Council for adoption.**

Executive Summary:

The Corporate Plan 2011 to 2015 is the authority's current key strategic planning document. The Plan is largely based around the Council's medium term priorities for that period, and includes the Council's key objectives for 2011- 2012.

As the lifetime of the current Corporate Plan comes to an end on 31 March 2015 a new Corporate plan has been developed to take the authority forward over the period from 2015/16 to 2019/20.

The Council's main areas of focus for the five year lifetime of the new Plan have been captured in a new set of corporate aims. In addition a new five year set of key objectives has been developed to support the aims. These corporate aims and key objectives replace the existing medium term aims and key objectives. A separate annual Corporate Key Action Plan for 2015-2016 has been developed to deliver the work towards the achievement of each objective during that year.

Reasons for Proposed Decision:

The identification and adoption of the Council's high level strategic aims and the key objectives to support the aims, for the five-year period of the new Corporate Plan, provide an opportunity for the Council to focus specific attention on how areas for improvement will be addressed, opportunities exploited and better outcomes delivered for local people.

It is important that relevant performance management processes are in place to review and monitor performance against the Council's objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of under performance. The Corporate Key Action Plan for 2015-2016 sets out activities to deliver progress against the key objectives during the first year of the Corporate Plan.

Other Options for Action:

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

Report:

Corporate Plan 2015 to 2020

1. The Corporate Plan is the Council's highest level strategic document. It sets the strategic direction for the authority for the lifetime of the plan, and as such informs all other plans produced by the Council. The Corporate Plan does not cover everything that the authority does, focusing instead on a number of key areas that it needs to focus on over the lifetime of the Plan. These include issues arising from the financial context within which the Council operates, things that matter most to our residents, and local challenges arising from the social, economic and environmental background of the district. Therefore as a strategic document, the Corporate Plan does not contain specific information on the wide range of services that the authority provides, or how it delivers statutory duties or enforces legislation.

2. The Corporate Plan is an important element in the Council's performance management framework and corporate business planning processes. It provides a framework for the development of detailed annual directorate business plans and other detailed service plans which in turn provide details of service provision and how the work by directorates and services directly contributes to the achievement of the Council's aims and objectives. The Corporate Plan also provides the policy foundation for the authority's Medium-Term Financial Strategy and helps in the prioritization of resources to provide quality services and value for money.

3. As the lifetime of the current Corporate Plan comes to an end on 31 March 2015 a new Corporate Plan has been developed to take the authority forward over the period from 2015/16 to 2019/20. The draft new Corporate Plan is attached at Appendix 1 to this report.

4. The new Plan includes many of the sections found in the organisation's previous Council Plans including an overview of the district, a vision for the district, together with the corporate aims and key objectives pertinent to the life of the Plan. The most significant change to the structure of the Plan is the exclusion of the Key Cabinet Objectives Action Plan. The Action Plan, because it changes annually and will be published on the Council's website, will instead be accessible from the Corporate Plan via a hyperlink. This will enable the Action Plan to be updated more easily without affecting the structure of the Corporate Plan.

5. The corporate aims and key objectives are a central element of a Corporate Plan and as such the new Corporate Plan has been developed around them in a focused and interrelated way. The new Plan is a forward looking and organised document, shorter than the existing Corporate Plan, and whilst directed internally, it is written in plain English and is easily understandable to members of the public.

6. Like the existing Corporate Plan, and to minimise expenditure associated with the production of the new Plan, it will be primarily available via the Council's website. Should it be required in other formats assistance will be provided to facilitate access to the Plan.

Corporate Aims and Key Objectives

7. The strategic themes identified by Cabinet members and the Council's Management

Board, for the authority for the next five years, have been refined into a set of three corporate aims. Additionally a new set of more specific key objectives to support the aims has been developed with the input of the Council's Leadership Team. These corporate aims and key objectives, have been considered by Cabinet members at Joint Management Board / Cabinet Member meetings in November 2014 and January 2015. The Plan and proposed aims, together with an outline of the key objectives, have been communicated to all staff and feedback invited.

8. The proposed corporate aims and key objectives are set out within the Corporate Plan at pages 6-9, attached at Appendix 1, and also in the Key Action Plan 2015-2016 at Appendix 2 to this report.

Key Action Plan

9. Key Action Plans will continue to be set annually. Every year during the lifetime of the key objectives, the Key Action Plan will be updated and agreed between January and April, with actions to be undertaken over the following year to work towards the achievement of the key objectives. New actions will reflect the progress already achieved against the objective and emerging priorities.

10. The Action Plans will be closely monitored as at present, and performance will continue to be reported quarterly to Cabinet and Overview and Scrutiny Committee. It should be noted that the target dates currently shown against individual actions on the attached Action Plan could be subject to change between consideration by Members and prior to publication.

11. The new Corporate Plan and the Key Action Plan for 2015-2016 were considered by the Overview and Scrutiny Committee in February 2015, and subject to the agreement of Cabinet will be submitted to Council in April 2015 recommending adoption.

12. The Cabinet is requested to agree the draft Corporate Plan 2015 – 2020 and the Key Action Plan 2015 -2016, and recommend their adoption to Council.

Resource Implications:

The design and production costs of the new Corporate Plan have been met from within the existing budget of the Performance Improvement Unit for 2014/15. Publication of the new Corporate Plan will be primarily electronically via the Council's website. Resource requirements for actions to achieve specific key objectives will be identified by the responsible service director 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 will be identified by the responsible service director.

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 will be identified by the responsible service director.

Consultation Undertaken:

The new Corporate Plan is a strategic planning document for the Council and which is directed internally. It is not considered that consultation with customers or external

organisations is required. The Plan has been considered by the Cabinet and the Overview and Scrutiny committee during its development. Employees have received a presentation on the Plan, aims and objectives.

Background Papers:

None.

Risk Management:

The respective service director will have identified any risk management issues arising from proposals for the Council's Key Objectives for 2015/16-2019/20, as set out in this report.

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>9 February 2015</p> <p>B. Copson</p>	<p>An overriding intention of the corporate aims and key objectives is to improve outcomes and circumstances for all sections of the community. The focus on the provision of resources and ensuring services are fit for purpose benefits all residents and service users, as does the delivery of a Local Plan which is based in evidence and aims to meet the needs of the district's communities.</p> <p>The delivery of key projects to provide retail opportunities and Council house building will provide economic opportunities in the district, whilst the increasing accessibility and value for money in the provision of leisure and cultural services for local residents and visitors will benefit all sectors of the community.</p> <p>Specific actions in the Key Action Plan 2015/16 address specific need for example, the provision of additional affordable rented homes, and increasing local employment opportunities for residents. Others focus on gaining understanding of the needs of an ageing population, and enhancing and improving access to services.</p> <p>There are no equality implications arising from the specific recommendations of this report. Implications arising from individual deliverables or actions to achieve the key objectives for 2015/16 will be identified and considered by the responsible service director.</p>

This page is intentionally left blank



Working for our future

A corporate plan for Epping Forest District Council
2015 - 2020

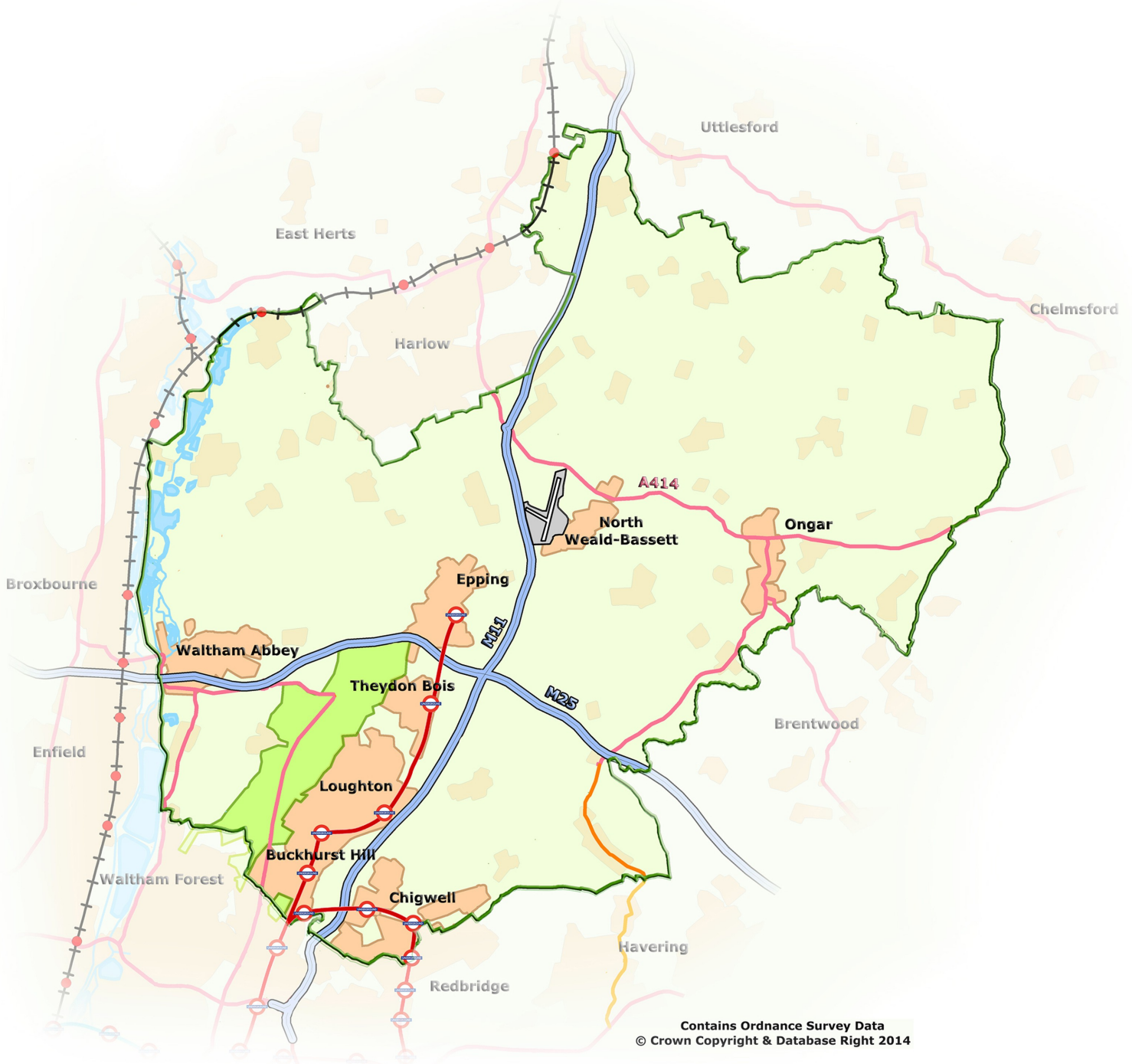


Page 117

**Epping Forest
District Council**

www.eppingforestdc.gov.uk

Epping Forest - a district full of character. We want it to continue to be great place to live, work, play, study and do business.



Introduction

Welcome to Epping Forest District Council's Corporate Plan 2015 - 2020. This document sets out a framework for Council policy and decision making over that five year period. It helps the Council to carry out its responsibilities in an ordered and logical way.

This Plan does four things:

1. It sets out a **vision** of where the Council wishes the district to be in five years' time.
2. It outlines **key aims and objectives** for the Council which are designed to ensure that the vision becomes a reality.
3. It **informs the local community** about what the Council wants to achieve, allowing Council Tax payers and others who live or work in the district to monitor progress and judge how successful the Council is in meeting local needs.
4. It indicates for its **partners in service provision** the path which the Council intends to take.

What does the Plan contain?

Section 1 (P4-5) District overview and vision

Epping Forest District profile as at 2015, highlighting important issues to be addressed over the five years of the Plan and beyond. A summary of the Council vision for the district in 2020.

Section 2 (P6-9) Strategic Aims and Key Objectives

The Council's three fundamental aims to achieve its vision, and the key objectives which support them - addressing the issues affecting the district and service delivery.

Section 3 (P10-11) Reporting the Council's Performance and Partnership Working

With information and hyperlinks to performance information about the Council and its partnerships with other organisations.

Our district

Epping Forest District in Essex takes its name from the forest which runs from its southern boundaries northwards. The district shares boundaries with Greater London and Hertfordshire.

The three main settlements of Buckhurst Hill, Chigwell and Loughton contain more than half the district's population of approximately of 124,700 people. However, this southern area amounts to only five percent of the district. The remaining 95 percent is made up largely of separate market towns, villages and hamlets in attractive countryside. Most of the district is designated within the protective status of the Metropolitan Green Belt.

Services are provided at three levels by Essex County Council, Epping Forest District Council and local Town and Parish Councils.

District Council services include:

- housing
- street cleansing
- waste collection and recycling
- sports and recreation
- planning applications for homes and business
- voter registration
- benefit administration
- council tax and business rate collection
- environmental health

County Council services include:

- education
- social care
- highways and transportation

Parish and Town Council services include:

- allotments
- burial grounds and cemeteries
- public halls
- playgrounds and sports grounds

Forecasts suggest that the population of the district could rise significantly from the current 124,700 over the next twenty years.

A key factor in this estimated growth, is that life expectancy in the district is higher than the national average and rising. Projections indicate that by 2020 over 55 percent of the district's population will be 60 years+.

Although the population of the district is fairly affluent there are some areas of deprivation with children living in poverty. Nearly a quarter of the district's adult population and almost a fifth of children in school year six are classified as being obese.

Unemployment is generally low. Many residents commute to jobs in London. The district is well connected by eight London Underground stations and a National Rail station. The M25 and M11 provide good road links including a fast route to Stansted Airport. Local employment opportunities centre on distribution, hotels, restaurants, banks and finance and public services.

Whilst crime and fear of crime remain a cause of local concern, in comparison with many other places, the district is a safe place to live and work.

Our vision

We want to make best use of existing infrastructure to meet the district's need for development in the most sustainable locations with the least possible impact on our natural and historic environment.

We want to keep the individual character, identity and separateness of our towns and villages by protecting the Green Belt.

We want new homes to meet the needs of local people while also supporting economic development. The scale of development should be appropriate to the size of our towns and villages, bringing vitality and other benefits to our communities.

We want to maintain and protect access to our open and natural spaces including Epping Forest, The Lea Valley Regional Park and the countryside.

We want more and better cultural, community and recreational facilities.

We want to keep our strong links with London whilst also developing a more sustainable local economy including increased leisure and tourism, aviation, research and development, food production and the building industry.

We want to build relationships with our partners to develop initiatives and service improvements with reduced costs, greater efficiency and better value for money.

We want to design and build our services around the needs of our aging population and residents living in deprivation.

We want a low Council Tax.

We want to embrace modern technology and innovation as we strive to improve the quality and efficiency of our services.



Our strategic aims and key objectives

The Council has identified three key strategic aims in achieving its vision for the district over the course of the five-year plan.

Objectives have also been identified as key to achieving the three aims of the Plan. An Action Plan setting out specific activities and target dates will be set out each year to deliver the objectives. Progress will be monitored quarterly.

The aims and objectives are the Council's top strategic priorities which we want to address over the lifetime of the Plan. Therefore they are not a full list of all the things the Council does. The Council provides many services which will continue to be provided throughout the life of the Plan and beyond. The aims and objectives provide a framework within which we can develop our detailed service plans and allocate our resources over the five year period.

Aim 1 - To ensure that the Council has appropriate resources, on an ongoing basis, to fund its statutory duties and appropriate discretionary services whilst continuing to keep the Council Tax low.

(a) Budgets - Our Objective

To ensure that the Council's Medium Term Financial Strategy plans meet the Council's financial and service requirements for any forward five year period, whilst minimising any reliance on Government funding.

Concern about the national budget deficit and borrowing will continue to influence the Council's financial planning. We expect further reductions in Government funding over the five-year period which will continue to challenge our financial planning and local service delivery.

The Council will therefore continue to review its services to find ways of reducing costs and achieving better value for money.

All budgets relating to 'statutory' services (those which must be provided by the Council) and 'discretionary' services (which the Council is not required by law to provide) will be reviewed critically each year.

Whilst the Council's primary aim is to provide residents with good quality services, we also aim to keep Council Tax levels as low as possible and deal with financial pressures by managing our budgets with care.

(b) Property Assets - Our Objective

To continue reviewing and developing the Council's own property and landholdings for appropriate uses, in order to maximise revenue streams and capital receipts, and to deliver the following key projects:

- the Epping Forest Shopping Park, Loughton
- the Council House Building Programme
- St John's Redevelopment Scheme, Epping
- North Weald Airfield

The Council owns land including a wide-ranging and significant number of residential, commercial, industrial and operational properties.

The Council will continue to explore new ways of using its land and assets to generate more capital receipts and income to support the delivery of services to our residents.

In so doing, the Council will give our own council house building and economic development schemes added impetus. With the key sites listed

above in mind, the Council's investment will boost the local economy of the district at the same time.

(c) Joint Working - Our Objective

To explore appropriate opportunities to make savings and increase income through the shared delivery of services with other organisations, where such arrangements would provide improved and/or more cost effective outcomes.

Working with our partners including other councils, we will seek new opportunities for cost savings and improved value for money by providing services across more than one district. Activities likely to be suitable for this approach are highlighted in the Plan.

Aim 2 - To ensure that the Council has a sound and approved Local Plan and commences its delivery.

(a) The Local Plan - Our Objective

To undertake consultation with local residents and work with neighbouring Councils, and to publish a sound Local Plan which meets the needs of our communities whilst minimising the impact on the district's Green Belt.

We plan to achieve the right balance between the employment, housing and leisure needs of our residents while protecting the special character of our district and the Green Belt in particular. We will do this by producing a Local Plan to ensure new development with all necessary infrastructure in the most suitable and sustainable locations.



Our strategic aims and key objectives.....continued

(b) Economic Development Strategy - Our Objective

To increase opportunities for sustainable economic development and new local employment in the district.

The promotion of sustainable economic development, employment and support for local business is a key issue for the Council. Key objectives put forward relate to local town centres, business partnerships and young peoples' apprenticeship schemes.

(c) Leisure & Cultural Strategy - Our Objective

To deliver the Council's new Leisure and Cultural Strategy, in order to maximise participation and value for money in leisure and cultural services for local residents and visitors.

Proposals to develop cultural and recreational facilities in the district are included in the Plan. Key objectives highlight both new facilities and existing establishments that are to be enhanced and expanded. These proposals link with the review of the Council's property assets. They also improve local employment prospects and recognise the importance of partnerships in delivering some new facilities.

Aim 3 - To ensure that the Council adopts a modern approach to the delivery of its services and that they are efficient, effective and fit for purpose.

This aim focuses on the Council's ways of working and our responsiveness to the needs of the local people.



(a) Customer Contact - Our Objective

To have efficient arrangements in place to enable customers to easily contact the Council in a variety of convenient ways, and in most cases have their service needs met effectively on first contact.

The possibilities opened up by the use of new technology are among the issues under review as the Council focuses on the ways of improving the ways we contact and communicate with our residents.

(b) Modernising Council Operations - Our Objective

To utilise modern technology to enable Council officers and members to work more effectively, in order to provide enhanced services to customers and make Council services and information easier to access.

Our key initiatives include the Council's focus on information technology to support our working practices. Key projects have been identified to ensure the Council's IT infrastructure is upgraded to ensure it meets future demands.

Other proposals deal with the way in which the Council operates as an organisation. The Council will examine where information technology can be used to cut costs, improve efficiency, allow more flexible working patterns, release office space and provide a wider range of information to the public online and through our website.

(c) District Demographic Profile - Our Objective

To ensure that the Council understands the effects of an ageing population and works with other agencies to make appropriate plans and arrangements to respond to this need.

The Council already has research data drawing attention to the age profile of our local population and on areas of social deprivation. The average age of residents is increasing but the implications of this for Council services are not fully understood.



The photo is reproduced courtesy of Tunstall, supplier of telecare equipment to EFDC

Our performance

To ensure the Council remains on target, it is essential to monitor the progress of our aims and objectives. Performance monitoring allows the Council to see problems as they arise and intervene to bring us back on track. We monitor our performance against our Key Action Plan and publish progress reports every three months.

Residents and councillors can keep track of the Council's performance. Various monitoring reports are published online. These are regularly updated working documents for staff and councillors responsible for the key actions in the Plan.

Performance information will be made available via our website and can be accessed using the following links:

[See the latest quarterly Key Action Plan performance report.](#)

[See how we are performing against our key performance indicators.](#)

[Read the Council's Directorate Business Plans.](#)



Our partners

The Council works in partnership with many other agencies. These include Essex County Council, the Health Service, the Police, Essex Fire and Rescue, Parish and Town Councils, voluntary organisations and the private sector.

Working to reduce costs and deliver services efficiently and effectively on a wider basis, this Plan stresses the importance of seeking and reviewing opportunities for partnerships. Working with our partners, the Council can utilise the co-ordinated strengths and expertise of each organisation for the benefit of our own community as well as the wider area of West Essex with which we have particularly good links.

Partnership Case Studies:

1) Herts and Essex Housing Options Consortium

Applicants for council housing apply through the 'Choice Based Lettings Scheme' which we operate in partnership with five other councils and an agency. The partnership approach reduces costs in several ways.

Sub-contracting the management of the housing register allows homeseekers to apply online. Homelessness applications and annual renewals can be managed more efficiently. Partners share experience, ideas and best practice.

Vacated properties (including homes let by housing associations) are advertised online every fortnight. Each property listing includes location, type (eg house, flat, bungalow etc), rent, service charge, Council Tax band and landlord. Homeseekers can make an application by

'expressing interest' on up to three properties by phone, text, email or website. The Council then makes an offer according to the rules of the Housing Allocations Scheme. Usually this means the applicant with the highest priority band registered for the longest time.

Each property list includes general information about the allocation of previous properties. This helps prospective applicants understand how the scheme works and their chances of a successful bid for different types of property. It includes information on the number of people expressing an interest, their priority bandings and the length of time they have been registered while waiting for housing.

2) Epping Forest Community Safety Partnership

Epping Forest Community Safety Partnership is led and administered by Epping Forest District Council. Its primary role is to reduce crime within the district, through the identification of key priorities and the delivery of targeted projects. The well-established partnership includes eleven local agencies with an interest in the district - including councils, the emergency services, probation agencies and the voluntary sector.

Partnership working has resulted in a number of successful outcomes. Essex Police and Crime Commissioner funding for a Crime Analyst with two other partnerships in Essex provides tracking and co-ordination of essential data on criminal trends. Other initiatives include the 'Crucial Crew' and the 'Essex Fire Break Project', both of which encourage young people to think about the way they conduct themselves within society.

Please tell us if you would like this information provided in large print or another format.

Epping Forest District Council
Civic Offices, High Street, Epping, Essex CM16 4BZ
Telephone: Epping (01992) 564042
www.eppingforestdc.gov.uk

Corporate Plan: 2015-2020
KEY ACTION PLAN 2015-2016

Action	Lead Directorate	Responsibility for Achievement	Target Date	Progress Report <i>(as at end of Quarter X)</i>
Aim (i) To ensure that the Council has appropriate resources, on an ongoing basis, to fund its statutory duties and appropriate discretionary services whilst continuing to keep Council Tax low.				
(a) To ensure that the Council's Medium Term Financial Strategy plans to meet the Council's financial and service requirements for any forward five year period, whilst minimising any reliance on Government funding.				
1) Deliver the savings identified for 2015/16 in the business cases approved by Members.	Management Board	Chief Executive	March 2016	
2) Progress preparations for delivering the savings identified for 2016/17 within the Medium Term Financial Strategy.	Management Board	Chief Executive	March 2016	
3) Develop additional business cases, through a structured approach, to address the need for net savings in subsequent years.	Management Board	Chief Executive	Sept 2015	
4) Commence the budget cycle early again next year with an updated MTFs to take account of any changes following the general election.	Resources	Director of Resources	July 2015	
(b) To continue to review and develop the Council's own assets and landholdings for appropriate uses, in order to maximise revenue streams and capital receipts, and to deliver the following key projects: <ul style="list-style-type: none"> ■ The Epping Forest Shopping Park, Loughton ■ St John's Redevelopment Scheme, Epping ■ Council Housebuilding Programme ■ North Weald Airfield 				
1) Complete Phase 1 of the Council Housebuilding Programme to provide 23 new affordable rented homes in Waltham Abbey.	Communities	Asst. Director (Housing Property & Development)	Dec 2015	
2) Complete the major refurbishment scheme at Marden Close, Chigwell Row to convert 20 difficult-to-let bedsits and a communal hall into 12 self-contained flats.	Communities	Asst. Director (Housing Property & Development)	Sept 2015	

3) Secure planning permission and commence Phase 2 of the Council Housebuilding Programme to provide up to 52 new affordable rented homes at Burton Road, Loughton.	Communities	Asst. Director (Housing Property & Development)	Aug 2015	
4) Negotiate and complete the St John's redevelopment Scheme at Epping, and identify a suitable location within the District to which the Housing Repairs Service can be relocated from the Epping Depot.	Neighbourhoods	Assistant Director (Policy, Planning & ED)	Sept 2015	
5) Work in partnership with Moat Housing to commence the development of the Council garage site at Vere Road, Loughton to provide up to 15 affordable rented homes, together with up to 14 additional parking spaces to facilitate the development of the adjacent site of the former Sir Winston Churchill PH.	Communities	Director of Communities	March 2016	
6) Seek to vacate the Council's Hemnall Street Offices, Epping in order to redevelop/let the premises, by relocating Community Services staff to office accommodation to be purchased close to Epping Forest District Museum, Waltham Abbey, and at the Civic Offices through the freeing-up of Council accommodation as a result of flexible working arrangements.	Communities / Management Board	Chief Executive / Asst. Director (Community Services and Safety)	March 2016	
7) Review all licence arrangements at North Weald Airfield.	Neighbourhoods	Assistant Director (Neighbourhoods)	April 2015	
8) Progress the Epping Forest Shopping Park scheme in association with Member decisions.	Neighbourhoods	Assistant Director (Policy, Planning & ED)	Sept 2016	
(c) To explore appropriate opportunities to make savings and increase income through the shared delivery of services with other organisations, where such arrangements would provide improved and/or more cost effective outcomes.				
1) Work with 5 neighbouring councils, through a consortium arrangement, to renew the contract and service arrangements for the Shared Housing Register Management Service, in order to continue to share the Service's costs and improve service delivery.	Communities	Assistant Director (Housing Operations)	Jan 2016	

2) Approach neighbouring authorities to carry out checking and vetting of Building Control plans through partnership working.	Governance	Assistant Director (Development Management)	Jan 2016	
3) Review the shared opportunities with the Public Law Partnership: <ul style="list-style-type: none"> to pool knowledge when implementing legislative change, work towards standardising documentation used in the member Council used in the provision of services across the partnership, and take advantage of reductions in the costs of on-line library services and training which are negotiated by the partnership.	Governance	Assistant Director (Legal Services)	March 2016	
4) Explore the possibility of sharing an integrated HR/Payroll IT system with other authorities.	Resources	Assistant Director (HR)	Sept 2015	
5) Explore providing payroll services to other authorities.	Resources	Assistant Director (HR)	March 2016	
6) Explore providing an audio typing service to other authorities.	Resources	Assistant Director (HR)	March 2016	
7) Identify additional Council services that may benefit from a shared provision with other organisations (either provided by the Council or others), to reduce costs, create income and/or improve service delivery.	Management Board	Chief Executive	March 2016	

Page 131

Aim (ii) To ensure that the Council has a sound and approved Local Plan and commences its subsequent delivery

(a) To produce a sound Local Plan, following consultation with local residents and working with neighbouring councils, that meets the needs of our communities whilst minimising the impact on the District's Green Belt.

1) Update the Council's Housing Strategy, following production of the Preferred Options for the Local Plan.	Communities	Director of Communities	Dec 2015	
---	-------------	-------------------------	----------	--

2) Complete the gathering of information to form the evidence on which key decisions will be taken as part of the Local Plan.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	April 2015	
3) Agree on objectively assessed Housing and Employment Need for the Local Plan Period.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	April 2015	
4) Agree a Draft Local Plan and undertake the appropriate sustainability appraisal.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	June 2015	
5) Undertake the Preferred Options Consultations.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	June-Sept 2015	
6) Submit the Final Local Plan to the Planning Inspectorate for Examination.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	Nov 2015	
<p>13 To increase opportunities for sustainable economic development within the District, in order to increase local employment opportunities for residents.</p>				
1) Consider the practicalities of revising procurement arrangements to encourage/require contractors to employ local residents for Council contracts.	Resources	Director of Resources	Dec 2015	
2) Incorporate the findings of the Economic Development Study into the Local Plan Evidence base with a view to determining future Employment Need.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	April 2015	
3) After consultation on Preferred Options to allocate Employment land within the Council's Local Plan.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	Nov 2015	
4) Develop and implement a new Economic Development Plan for the District, building on the work that has been undertaken with regard to individual Town Centres.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	May 2015	
5) Continue to support the work of Local Business Partnerships to support the local economy and generate additional local employment opportunities.	Neighbourhoods	Assistant Director (Policy Planning & Economic Development)	Ongoing	

6) Continue with the Council's apprenticeship scheme for the district's young people, providing sustainable employment opportunities.	Resources	Assistant Director (HR)	Sept 2015	
(c) To deliver the Council's new Leisure and Cultural Strategy, in order to maximise participation and value for money in the provision of leisure and cultural services to local residents and visitors.				
1) Complete the extension and major refurbishment of the Epping Forest District Museum, Waltham Abbey and open to the public.	Communities	Assistant Director (Community Services and Safety)	Dec 2015	
2) Work in partnership with Waltham Abbey Town Council to investigate the feasibility of developing a new leisure/community hub at Hillhouse, Waltham Abbey.	Neighbourhoods / Communities	Director of Neighbourhoods / Director of Communities	March 2016	
3) Appoint external specialist support to the competitive dialogue process for the new Leisure Management Contract, to ensure that the Council achieves best consideration.	Neighbourhoods	Assistant Director (Neighbourhoods)	April 2015	
4) In accordance with the recommendations of the Leisure and Culture Strategy to jointly pursue the provision of a new Secondary School on the Ongar Campus site, with a view to entering a Dual-Use Agreement for the Leisure Centre.	Neighbourhoods	Assistant Director (Neighbourhoods)	May 2015	
5) As part of the competitive dialogue procurement process for the new Leisure Management Contract, take forward the provision of a replacement swimming pool in Waltham Abbey.	Neighbourhoods	Director of Neighbourhoods	April 2015 onwards	

Aim (iii) To ensure that the Council adopts a modern approach to the delivery of its services and that they are efficient, effective and fit for purpose.

(a) To have efficient arrangements in place to enable customers to easily contact the Council, in a variety of convenient ways, and in most cases have their service needs met effectively on first contact.

1) Increase the opening hours of the Council Office at the Limes Centre, Chigwell, to improve access for local residents to a range of Council services.	Communities	Assistant Director (Community Services and Safety)	June 2015	
--	-------------	--	-----------	--

2) Introduce web-based and smartphone applications to enable Council tenants to report repairs on-line.	Communities	Asst. Director (Housing Property & Development)	May 2015	
3) Establish a multi-disciplinary officer group to undertake a review and report on proposals for improving customer contact with the Council.	Management Board	Assistant Director (Governance and Performance Improvement)	March 2016	
(b) To utilise modern technology to enable Council officers and members to work more effectively, in order to provide enhanced services to customers and make Council services and information easier to access.				
1) Introduce more flexible methods for customers to pay for Council services.	Resources	Assistant Director (Revenues)	Dec 2015	
2) Introduce an on-line facility for customers to easily view and research objects held by the Epping Forest District Museum.	Communities	Museum Heritage and Culture Manager	March 2016	
3) Scan old Development Control & Building Control files and microfiche and increase the number of planning records available on the Council's website.	Governance	Assistant Director (Development Management)	July 2016	
4) Investigate and, if possible, implement the returns of Local Land Charges Searches by email.	Governance	Assistant Director (Legal Services)	April 2016	
5) Update the Contracts Register so that the contract documentation can be accessed and viewed by using an icon on the register. This will apply to new contracts at first.	Governance	Assistant Director (Legal Services)	April 2016	
6) Identify, during audits, any manual documentation or process that can be improved by conversion to electronic form.	Governance	Chief Internal Auditor	March 2016	
7) Continue the implementation of the Council's ICT Strategy, with the completion of the following key projects: (a) Printer reduction, removal and redeployment, and implementation of print management software; and (b) Mobile and flexible working.	Resources	Assistant Director (ICT & Facilities Management)	March 2016	

8) Complete a review of accommodation and make recommendations on utilisation of space and flexible methods of working.	Management Board	Chief Executive	Sept 2015	
(c) To ensure that the Council understands the effects of an ageing population within the District and works with other agencies to make appropriate plans and arrangements to respond to these effects.				
1) Undertake a study to identify and better understand the demographics of an ageing population in the District and the effects on the Council and local residents.	Communities	Assistant Director (Community Services and Safety)	March 2016	
2) Review the provision and delivery of community and cultural services to older people, to ensure that appropriate resources are targeted at the increasing numbers of older people, in order to help improve their general health and wellbeing.	Communities	Assistant Director (Community Services and Safety)	Oct 2016	
3) Undertake a review of the Council's sheltered and designated accommodation for older people, with a view to rationalising the amount and location of such accommodation and identifying improvements required to the retained accommodation to ensure it remains fit for purpose.	Communities	Assistant Director (Housing Operations) / Assistant Director (Housing Property & Development)	March 2016	

This page is intentionally left blank



Epping Forest District Council

Report to Cabinet

Report reference: C-072-2014/15

Date of meeting: 9 March 2015

Portfolio: Leader

Subject: Corporate Plan Key Objectives 2014/15 – Progress (Quarter 3)

Responsible Officer: Barbara Copson (01992 564042)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) That the progress in relation to the achievement of the Key Objectives for 2014/15 for the third quarter of the year be reviewed.

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 nine-month (1 April to 31 December 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 nine-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. There are 54 deliverables or actions supporting the key objectives. At the end of the third quarter of the year:

- 47 (87%) of these deliverables or actions had either been completed or achieved, or were anticipated to be completed/achieved by a revised target date or at year-end;

- 5 (9%) deliverables or actions may not be completed or achieved by year-end; and,
- 2 (4%) are currently on-hold as a result of external circumstances.

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 23 March 2015.

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 2014/15 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 (11 February 2015) and will be considered by the Overview and Scrutiny Committee on 23 March 2015.

Background Papers:

Nine-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
9 February 2014 B. Copson	<p>An overriding aim of the key objectives is to improve outcomes and circumstances for all sections of the community.</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 the key objectives for 2014/15 will be identified and considered by the responsible service director or chief officer.</p>

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

Action	Lead Directorates	Target Date	Status	Progress
(a) - Communicate information about the waste contract	Neighbourhoods	(not specified)	On Target	<p>(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.</p> <p>(Q2 2014/15) - The Council's new Waste Management Contractor has been working closely with the Council during the mobilisation period up to the start of the contract on the 3rd November to ensure that a smooth transition is achieved. These arrangements have included joint work on communications to provide accessible and timely information about the revised 4- day collection arrangements due to start in April 2015.</p> <p>(Q3 2014/15) – The target date for the commencement of the new revised four day collection arrangements has been set for early May 2015. A communications plan has been developed to ensure adequate notice is given to residents, the majority of whom will have if not a day change, but a change of collection time.</p>
(b) - Communicate information about the Local Plan	Neighbourhoods	(not specified)	Behind Schedule	<p>(Q1 2014/15) - The Local Development Scheme published in July 2013 is due to be updated and published in July 2014.</p> <p>(Q2 2014/15) - The updated Local Development Scheme was agreed by Cabinet at their meeting in July 2014 and has been published on the Council's Website.</p> <p>(Q3 2014/15) – The timescales outlined in the Local Development scheme have slipped as a result of further work to update the Strategic Housing Market Assessment being undertaken with the Council's partner authorities.</p>
(c) - Communicate information regarding welfare reforms	Resources	(not specified)	On Target	<p>(Q2 2014/15) - There have been no significant announcements to publicise in the first half of 2014/15.</p> <p>(Q3 2014/15) No significant announcements in Q3 and it is unlikely that there will be any now until after the general election.</p>

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

Page 142

Action	Lead Directorates	Target Date	Status	Progress
(a) - Development programme for areas with identified health inequalities	Communities	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. (Q2 2014/15) The work referred to under Q1 above is continuing (Q3 2014/15) As Q2
(b) - (i) Undertaking a consultation exercise on gypsy & traveller site licences	Communities	31-Jul-14	Achieved	(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. (Q2 2014/15) The Cabinet agreed the proposed new site licence conditions at its meeting in September 2014, and the Private Sector Housing Team are currently in the process of issuing the licences (Q3 2014/15) All new licences, with the new licence conditions, have been issued.
(b) - (ii) Introduction of gypsy & traveller site licences and licence conditions	Communities	31-May-15	Achieved	(Q1 - Q3 2014/15) See 2(b)(i) above.
(c) - (i) Undertaking a consultation exercise on proposed car park tariffs	Neighbourhoods	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.





					<p>(Q2 2014/15) The off-street car parking survey to seek the views of residents, businesses and commuters, has been completed and the results evaluated. The survey responses will inform the development of the new off-street parking policy and any resulting revised tariff proposals.</p> <p>(Q3 2014/15) The responses to the consultation, approximately 500 have been received on evaluation. Response from business community disappointing despite targeted promotion. The outcome will inform the Parking Strategy due to be considered by Cabinet in February 2015.</p>
(c) - (ii) Adoption of off-street car parking strategy and parking tariffs by 31 March 2015	Neighbourhoods	31-Mar-15		On Target	<p>(Q1 2014/15) Consultation work on tariff review commenced.</p> <p>(Q2 2014/15) As above the survey has concluded. The generation of income from off-street car parking will be a key consideration as part of the 2015/16 budget proposals. It is time-tabled to consider the off-street parking policy and any revised tariff arrangements in December 2015.</p> <p>(Q3 2014/15) The Car Parking Strategy with proposed tariff charges are due to be formally considered by the Cabinet in February 2015. A business case to guarantee £100K of additional revenue from off street parking has been incorporated as part of the budget process. Further investment is to be made in new payment machines and CCTV to be sought as part of the Strategy.</p>

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

Action	Lead Directorates	Target Date	Status	Progress
(a) (i) - Publication of Local Plan Preferred Options Consultation	Neighbourhoods	31-Oct-14	Behind Schedule	<p>(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.</p> <p>(Q2 2014/15) The Local Development Scheme agreed by Cabinet in July 2014, still indicates that the preferred options consultation will take place from mid-May 2015.</p> <p>(Q3 2014/15) Due to the delay in compiling the evidence base, it is unlikely that the preferred options consultation will be undertaken until the Summer of 2015.</p>
(a) (ii) - Publication of Local Plan	Neighbourhoods	30-Sep-15	Behind Schedule	<p>(Q1 2014/15) Following the preferred options consultation, the new draft Local Plan should be published in the autumn of 2015.</p> <p>(Q2 2014/2015) Incorporating the findings of the preferred options consultation, the new draft Local Plan should be published in the Autumn of 2015.</p> <p>(Q3 2014/15) The Local Development Scheme published in July 2014 has slipped due to the need for further work on the evidence base. Unlikely that the preferred options consultation will be undertaken until the Summer 2015.</p>

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

Action	Lead Directorates	Target Date	Status	Progress
(a) - Develop overarching Organisational Development Plan	Resources Governance Chief Executive Neighbourhoods Communities	31-Dec-14	Under Control	<p>(Q1 2014/15) Completion of Organisational Development Plan dependent on achievement of related actions. Completion scheduled for end of third quarter.</p> <p>(Q2 2014/15) Management Board away day considered different types of organisational structure to help inform the organisational development structure. The session scheduled to progress this to the next stage was substituted by a joint session with the cabinet to set strategic priorities.</p> <p>(Q3 2014/15) A draft of the Corporate Plan incorporating the Council's strategic priorities has been reviewed by Cabinet and is scheduled for wider consultation during the 4th Quarter. The next stage of the Organisational Development Plan will be considered at an away day scheduled for late March / early April.</p>
(b) - (i) Agreement of Phase 2 organisational structure	Chief Executive Resources Neighbourhoods Governance Communities	30-Sep-14	Under Control	<p>(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.</p> <p>(Q2 2014/15) (COB) - Economic Development and Asset Management Phase 2 agreed at Council. Legal, Governance and Perf. Management and Development Management ready for Management Board consideration and Internal Audit/Corporate Fraud – out for consultation with affected service areas - status Pending. (Q2 2014/15) (GC) Phase II reviews still progressing with savings generated in some areas. Debt working party draft report ready.</p> <p>(Q3 2014/15) (COB) Governance restructures complete and agreed at appropriate levels. Status: Achieved (for Governance) (Q3 2014/15) (BP) During Q3 Cabinet approved the restructure of the Benefits Service.</p>

<p>(b) - (ii) Implementation of Phase 2 organisational structure</p>	<p>Governance Communities Resources Neighbourhoods Chief Executive</p>	<p>31-Mar-15</p>		<p>Under Control</p>	<p>(Q1 & Q2 2014/15) (GC) See 4(b)(i) above. (Q2 2014/15) (COB) see above - coordination of reports to Members required as necessary. Status: Pending (Q3 2014/15) (COB) Appointments made / awaiting Job Evaluation or on hold pending transfer between Directorates. Status: Pending (Q3 2014/15) (BP) The restructure of the Benefits Service approved late in Q3 will be implemented in Q4.</p>
<p>(c) - (i) Development of action plan to embed values & behaviours</p>	<p>Neighbourhoods Resources Chief Executive Governance Communities</p>	<p>31-Mar-14</p>		<p>Under Control</p>	<p>(Q1 2014/15) Draft designs for poster campaigns considered by Leadership Team. Roll-out anticipated in September 2014. (Q2 2014/15) Poster campaign now expected for November. (Q3 2014/15) Subject matter for the posters has been considered by Leadership Team and the final designs reviewed by Management Board. Values and Behaviours have been incorporated into the PDR process for all staff and two training sessions held with Managers to explain the new format of PDRs. Posters illustrating good examples of each the values have been discussed at an all staff briefing and will be displayed in Council buildings.</p>
<p>(c) - (ii) Assessment of performance against values & behaviours</p>	<p>Resources</p>	<p>31-Dec-14</p>		<p>On Target</p>	<p>(Q2 2014/15) The analysis of the initial trial was presented to Management Board on 20 August and a session is planned with Leadership team for 5 November to take forward the rollout later in the year. (Q3 2014/15) Values and behaviours have been incorporated into the PDR process for all staff and two training sessions have been held with managers to explain the revised format of PDR documentation.</p>
<p>(d) - (i) Adoption of customer centric approach to service delivery</p>	<p>Neighbourhoods Governance Communities Chief Executive Resources</p>	<p>30-Sep-14</p>		<p>Under Control</p>	<p>(Q1 & Q2 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. (Q3 2014/15) Improvements made to the customer experience from the work identified by the Corporate Debt Working Party include better communication, early contact and revising the procedure for instigating legal proceedings. The methodology used by this group has been shared with Leadership Team and further process reviews</p>

				are planned for the customer experience around lifetime events such as bereavement, redundancy, unemployment. This approach will be rolled out to other processes in due course.
(d) - (ii) Generation of increased revenue by traded services	Communities Neighbourhoods Chief Executive Resources Governance	31-Mar-15	On Target	(Q1 & Q2 2014/15) 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. (Q3 2014/15) The review of the Council's MOT and vehicle servicing facilities concluded that developing a commercial operation of sufficient scale to return a profit would be difficult. Alternative proposals to reduce the number of service bays on relocation of Fleet Operations to Oakwood Hill were approved. This should reduce the costs of servicing the in-house fleet to a sustainable break even point. Proposals to revise parking tariffs which will yield an additional income are being considered by Cabinet for recommendation to Council in the 2015/16 budget. Fees and charges for other services have been reviewed to ensure the Council is at least recovering costs.
(e) - Review of outsourced Out Of Hours Call Handling Service	Communities	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. (Q2 2014/15) As Q1 above. (Q3 2014/15) As Q1 above.
(f) - (i) Investigation of options for flexible working	Chief Executive Governance Resources Communities Neighbourhoods	30-Sep-14	On Target	(Q1 & Q2 2014/15) 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. (Q3 2014/15) Trials of i.phones and ipads have been conducted by the Planning,


	ds				Facilities Management and Housing teams. Branch routers are being used by approximately 40 staff allowing them quick, reliable and secure remote access to Council servers to work remotely. This technology will eventually replace the cumbersome VPN technology. Facilities Management staff on call have improved their efficiency by being able to log into Council servers out of hours. Development work is proceeding to enable remote access to the M3 system which will transform the way the Neighbourhoods team are able to deal with customer calls relative to waste management. The next step is to use the learning from all of the trials and look at the potential for further roll out to other services. This will be co-ordinated with a review of work spaces across the Council in action (n) below.
(f) - (ii) Adoption of flexible working strategies	Resources Neighbourhoods Chief Executive Governance Communities	31-Mar-15		On Target	(Q1, Q2 & Q3 2014/15) See 4(f)(i) above.
(g) - Implementation of National Land & Property Gazetteer	Resources	31-Jul-14		Achieved	(Q2 & Q3 2014/15) - All major issues have been dealt with and there are only a few duplicate references still to be resolved.
(h) - (i) Review of Allocation Scheme and Tenancy Policy	Communities	30-Dec-14		On Target	<p>(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.</p> <p>(Q2 2014/5) The Housing Portfolio Holder made a formal Portfolio Holder Decision in October 2014 on proposed changes that he would like the Housing Scrutiny Panel to consider. Officers have produced a report based on these principles, along with a number of more minor issues, for consideration at the Housing Scrutiny Panel meeting on 21st October 2014.</p> <p>(Q3 2014/15) At its meeting in October 2014, the Housing Scrutiny Panel considered a number of recommended changes to the Allocations Scheme and Tenancy Policy from the Housing Portfolio Holder and officers, and made a number of recommendations to</p>

					the Cabinet on proposed changes, which will be considered at the Cabinet its meeting in March 2015, after the required statutory consultation exercise on the proposed changes has been undertaken.
(h) - (ii) Implementation of any changes required to Tenancy Policy	Communities	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 at its meeting in March 2015. (Q2 2014/15) As Q1 above. (Q3 2014/15) As Q1 above.
(i) - Implementation of Child and Adult Safeguarding Policy	Communities	31-Mar-15		On Target	(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. 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. (Q2 2014/15) Work on the review of the Council's Safeguarding Policy, and the implementation of the training programme, continues. (Q3 2014/15) The Safeguarding Audit has nearly been completed, and the numerous actions undertaken since the last Audit have now placed the Council in a much better position with regard to its approach in this very important area. The deadline for completing and submitting the Audit is the end of January 2015. A new Safeguarding Policy and associated procedures have been produced. The new Policy will be submitted to Cabinet in March 2015 for adoption.
(j) - Determination of the Council's Housing Strategy for 2013-2016	Communities	31-Dec-14		Behind Schedule	(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

					<p>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> <p>(Q2 2014/15) As Q1</p> <p>(Q3 2014/15) As Q1 - Whilst there has been a delay in producing the new Housing Strategy, the current Housing Strategy remains fit for purpose. Furthermore, A new Housing Strategy Key Action Plan 2015/16 has been produced and considered by the Housing Scrutiny Panel on 9.2.15, prior to adoption by the Housing Portfolio Holder.</p>
(k) - Development of Council's Economic Development Strategy	Governance	30-Sep-14		Under Control	<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> <p>(Q2 2014/15) (COB) New staffing structure agreed at Council on 30/9/14. Work on new JDs/person specs underway for job evaluation and advertisement via HR Status: Behind Schedule</p> <p>(Q3 2014/15) (COB) One Economic Development Officer appointed - further recruitment on hold pending transfer between Directorates.</p>
(l) - Development of Council's Waste Strategy	Neighbourhoods	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> <p>(Q2 2014/15) The work around the review of the Inter Authority Agreement at a County level is ongoing and will not conclude until early in the new year. it is hoped to report a more definite timescale at Q3.</p> <p>(Q3 2014/15) Work on the Inter Authority Agreement at County level is still to conclude. Further work on a pan Essex basis has been commissioned by ECC to explore synergies across the County. It is hoped to provide a more definite timescale at Q4.</p>

<p>(m) - Development of Council's Leisure, Culture and Community Strategy</p>	<p>Communities Neighbourhoods</p>	<p>31-Jul-14</p>		<p>Achieved</p>	<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> <p>(Q2 2014/15) - The new Leisure and Cultural Strategy for the District, to include the proposed procurement process for the next Leisure Management Contract was considered by the Cabinet on the 3 November, and will be considered by Council on 16 December.</p> <p>(Q3 2014/15) - The Council formally adopted the new Leisure and Cultural Strategy in December 2014. The Strategy is now being used to shape the procurement of the new Leisure Management Contract.</p>
<p>(n) - Development of Council's Operational Property Strategy</p>	<p>Chief Executive Resources</p>	<p>30-Sep-14</p>		<p>Under Control</p>	<p>(Q2 2014/15) 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> <p>(Q3 2014/15) Visits to Essex County Council's flexible working hub and Maldon District Council's contact centres have taken place and a visit to Colchester Borough Council is being scheduled to meet the Director responsible for implementing their flexible working space. Progress has been slower than hoped but it was important to complete Phase II of the organisational review before proceeding further. Good progress has been made in trialling technology to enable remote working in the mean time.</p>

5. Deliver key priorities within budget

Action	Lead Directorates	Target Date		Status	Progress
<p>(a) (i) - Achievement of target for all KPIs</p>	<p>Chief Executive Governance Communities Resources Neighbourhoods</p>	<p>31-Mar-15</p>		<p>Under Control</p>	<p>(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.</p> <p>(Q2 2014/15) At the end of the second quarter of the year, 69% of the key performance indicators for 2014/15 had achieved target performance.</p> <p>(Q3 2014/15) At the end of the third quarter of the year, 72% of the key performance indicators for 2014/15 had achieved target performance.</p>

<p>(a) (ii) - Achievement of specified deliverables for key objectives</p>	<p>Neighbourhoods Resources Communities Chief Executive Governance</p>	<p>31-Mar-15</p>		<p>On Target</p>	<p>(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.</p> <p>(Q2 2014/15) At the end of the second quarter of the year, 80% 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.</p> <p>(Q3 2014/15) At the end of the third quarter of the year, 83% 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.</p>
<p>(b) - Consumption of resources within budget</p>	<p>Resources</p>	<p>31-Mar-15</p>		<p>On Target</p>	<p>(Q2 2014/15) The financial monitoring reports for the end of Q2 are still being prepared. However, early indications suggest that overall expenditure will be contained within the budget.</p> <p>(Q3 2014/15) The revised estimates for 2014/15 show an improvement of £250,000 on the original estimate of the General Fund position. A budget is being proposed for 2015/16 that is in line with the guidance set by Members.</p>
<p>(c) - Setting low District Council Tax & maintaining services</p>	<p>Resources</p>	<p>31-Mar-15</p>		<p>On Target</p>	<p>(Q2 2014/15) The Medium-Term Financial Strategy has been updated and Members have confirmed they will continue with their policy of freezing the Council Tax.</p> <p>(Q3 2014/15) The draft budget going to Cabinet and Council in February continues the policy of freezing the Council Tax and should not impact significantly on the delivery of any front line services.</p>
<p>(d) - (i) Review of sample processes</p>	<p>Governance Resources Neighbourhoods Communities Chief Executive</p>	<p>30-Sep-14</p>		<p>Under Control</p>	<p>(Q2 2014/15) Several processes have been reviewed as part of the work of the Corporate Debt Working party. The reviews have been cross-cutting but have dealt with processes primarily in Communities, Governance and Resources. (Q2 2014/15) (GC) Now rescheduled after the Phase II restructuring is substantially complete.</p> <p>(Q3 2014/15) The final Phase II organisation review has now been completed. Process improvement recommendations made by the cross directorate Corporate Debt Working Party have been presented to the Council's Leadership Team and are being implemented. They include earlier intervention with arrears, service areas raising the charge and alternative collection arrangements for debts below £500 to avoid relatively expensive legal proceedings where possible. The approach adopted by this working party will be used for other processes with planned reviews of the customer</p>

				experience during lifetime events such as bereavement, redundancy, unemployment etc. This will fit into the Council's customer centric approach to service delivery in action 4(d)(i) above.
(d) - (ii) Realignment of key performance indicator set	Neighbourhoods Communities Chief Executive Governance Resources	30-Sep-14	Under Control	<p>(Q1 2014/15) Realignment of indicator set to be considered in the second quarter of the year.</p> <p>(Q2 2014/15) Indicator set to be reconsidered in light of the cabinet's review of strategic priorities.</p> <p>(Q3 2014/15) The Corporate Plan has progressed well and subject to comments received through the consultation process the Cabinet's strategic priorities will be finalised in Q4. This will enable adjustment the key indicator set to monitor the new strategic priorities set out in the Corporate Plan.</p>

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

Action	Lead Directorates	Target Date	Status	Progress
(a) - Provision of services to meet health and wellbeing needs	Neighbourhoods	31-Jul-14	Pending	<p>(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.</p> <p>(Q2 2014/15) The draft Strategy is still in development pending the finalisation of the Clinical Commissioning Group's new five year plan, and will not be ready for adoption until February 2015.</p> <p>(Q3 2014/15) The draft Strategy awaits the Clinical Commissioning Group's new five year plan. The Strategy It has yet to be agreed and is not likely to be adopted until April 2015.</p>

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

Page 154

Action	Lead Directorate	Target Date	Status	Progress
(a) - (i) Completion of a development agreement with the owner of the T11 site	Governance	31-Mar-15	Under Control	<p>(Q1 2014/15) Negotiation 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.</p> <p>(Q2 2014/15) The documentation continues to be negotiated between the parties whilst considering further options emerging as a result of those negotiations. The report in private session has therefore been rescheduled to the November Cabinet. Status: Under Control</p> <p>(Q3 2014/15) (COB) December Cabinet considered the legal structure and approach in private session and agreed updates to each Cabinet meeting. Status: Under Control.</p>
(a) - (ii) Facilitation of a detailed planning application for the T11 site	Governance	(not specified)	Under Control	<p>(Q1 2014/15) See 7(a)(i) above.</p> <p>(Q2 2014/15) The progress of a planning application is dependent upon the decisions of the November Cabinet Status: Under Control</p> <p>(Q3 2014/15) (COB) December Cabinet considered the legal structure and approach in private session and agreed updates to each Cabinet meeting. Status: Under Control</p>
(a) - (iii) Commencement of development at the T11 site	Governance	31-Mar-16	Under Control	<p>(Q1 2014/15) See 7(a)(i) above.</p> <p>(Q2 2014/15) The timetable for vacant possession and development of the site will be agreed between the parties via the Cabinet process Status: Under Control</p>

					(Q3 2014/15) (COB) The timetable for vacant possession is still to be agreed, being dependent upon the Oakwood Hill Depot location being ready and the services being ready to transfer.
(b) - Preparation of development brief for North Weald Airfield	Neighbourhoods	31-Mar-15		On Target	<p>(Q1 2014/15) The North Weald Bassett master-planning exercise is due for completion and consideration by Members, for incorporation into the Local Plan evidence base, in October 2014.</p> <p>(Q2 2014/15) The North Weald Bassett Master-plan was formally accepted into the Local Plan evidence base in October 2014.</p> <p>(Q3 2014/15) Marketing exercise to be undertaken by the Council’s consultants to seek potential operational partners to increase revenue and intensified aviation activity planned for early in 2015.</p>
(c) - Development of plans for the disposal of all or part of the St. Johns Road site	Governance	(not specified)		Under Control	<p>(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.</p> <p>(Q2 2014/15) The relocation of the Housing depot is being actively considered following Members’ agreement to downsize and relocate the Fleet Operation service to Oakwood Hill. Status: Under Control</p> <p>(Q3 2014/15) (COB) Negotiations with Essex County Council to purchase the school site and with Frontier Estates to deliver the mixed use development have progressed, with solicitors instructed. Status: Under Control</p>
(d) - Disposal of the Nursery Service from the Pyrles Lane site	Governance	30-Sep-15		Pending	<p>(Q1 2014/15) Work has continued with a view to the submission of a planning application in October 2014.</p> <p>(Q2 2014/15) Liaison with Highways at Essex CC and our own internal housing services continue to address the density and access issues raised by the sub committee. The aim is to resubmit the application having resolved those issues. This is likely to be November/December now – but is not on the critical path for the Langston Rd project.</p>

				(Q3 2014/15) (COB) Negotiations to achieve amendments to an amended planning application for Pyles Lane continue with a view to resubmission. Status: Pending
(e) - (i) Detailed planning application for depot provision	Governance	30-Jun-14	Achieved	<p>(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.</p> <p>(Q2 2014/15) Planning consent was granted at the DDCC and the Members decided on 6/10/14 to relocate Fleet Operations to Oakwood Hill albeit on a smaller scale. This will inform the design and build contract. Status: Pending</p> <p>(Q3 2014/15) (COB) December Cabinet agreed to proceed with a design and build contract for Oakwood Hill Depot and made appropriate financial provision. Status: Achieved</p>
(e) - (ii) Detailed design & development of the Oakwood Hill	Governance	30-Oct-14	Achieved	<p>(Q1 2014/15) See 7(e)(i) above.</p> <p>(Q2 2014/15) See 7(e)(i) above.</p> <p>(Q3 2014/15) (COB) December Cabinet agreed to proceed with a design and build contract for Oakwood Hill Depot and made appropriate financial provision. Status: Achieved</p>
(e) - (iii) Commencement of Oakwood Hill development	Governance	31-Mar-15	On Target	<p>(Q1 2014/15) See 7(e)(i) above.</p> <p>(Q2 2014/15) To relocate services from Langston Road it will be necessary to progress the construction and we remain on target for this. Status: Pending</p> <p>(Q3 2014/15) (COB) Work on the letting of the design and build contract is progressing, and will proceed in accordance with all planning conditions. Status: On Target</p>

<p>(f) - (i) Start on site Phase 1 housebuilding programme</p>	<p>Communities</p>	<p>31-Aug-14</p>	<p>On Target</p>	<p>(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 House-building 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</p> <p>(Q2 2014/15) Cabinet has appointed the contractor to undertake Phase 1, which is still due to start on site in November 2014</p> <p>(Q3 2014/15) The contractor started on site in November 2014.</p>
<p>(f) - (ii) Obtain investment partner status for HCA funding</p>	<p>Communities</p>	<p>31-Dec-14</p>	<p>On Target</p>	<p>(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.</p> <p>(Q2 2014/15) The Council is still waiting for the HCA to publish its updated guidance on applying for Investment Partner status. The Director of Communities is due to meet with the HCA's Relationship Manager on 27th October, when he will raise this issue again</p> <p>(Q3 2014/15) The HCA has only just (Jan 2015) issued its guidance on applying for Investment Partner status. The Council's Development Agent, East Thames, has been asked to draft the document, for approval by the Director of Communities.</p>
<p>(f) - (iii) Start on site at Phase 2 housebuilding programme</p>	<p>Communities</p>	<p>31-Mar-15</p>	<p>Behind Schedule</p>	<p>(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</p>

				<p>around May 2015.</p> <p>(Q2 2014/15) The detailed planning application has been prepared, and will be submitted by the end of October 2014.</p> <p>(Q3 2014/15) The detailed planning application, for 52 affordable rented homes, was submitted at the end of October 2014 and the planning application was determined by the Area Plans South Sub-Committee in Jan 2015. Planning permission was refused. Officers are currently discussing options with the Housing Portfolio Holder, which will be submitted to the Council Housebuilding Cabinet Committee at its meeting on 5th March 2015. The planning refusal has delayed the project and will result in additional fees.</p>
(g) - Conversion of difficult-to-let bedsits into self-contained flats	Communities	30-Apr-15		<p>On Target</p> <p>(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.</p> <p>(Q2 2014/15) Works commenced on site in September 2014 as planned.</p> <p>(Q3 2014.15) Works continue to be progressed on target.</p>
(h) - Extension and refurbishment of Epping Forst District Museum	Communities	30-Apr-15		<p>On Target</p> <p>(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 April 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.</p> <p>(Q2 2014/15) The PQQ process has been completed and the short-list of contractors agreed. Tenders are due to be issued by the end of October 2014 and to reported to</p>

				<p>the Cabinet in December 2014.</p> <p>(Q3 2014/15) In December 2014, Cabinet awarded the Works Contract to the contractor that submitted the lowest price and highest quality score. The Council's Legal Team are in the process of drawing up the Works Contract.</p>
(i) - Undertake Environmental Estate Improvement Scheme at Oakwood Hill	Communities	31-Mar-15	On Target	<p>(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.</p> <p>(Q2 2014/15) The Task Force has now met on two occasions, which have proved very useful, and discussed potential works to be included within the Improvement Scheme.</p> <p>(Q3 2014/15) Good progress continues to be made. Essex CC have agreed to repair/renew all of the adopted footpaths on the Estate, and the Task Force has agreed that the renewal/repair of EFDC's footpaths should be funded from the Project Budget. The Task Force has formulated a menu of potential improvements that are currently being costed. Works are due to commence in May/June 2015.</p>

8. Prepare and plan for the effects of welfare reform in an effective and co-ordinated way

Action	Lead Directorate	Target Date	Status	Progress
(a) - Implementation of updated scheme of local support for Council Tax	Resources	31-Dec-14	Achieved	(Q2 2014/15) The annual consultation has now concluded and the responses are being evaluated. A proposal for the 2015/16 scheme will be going to Cabinet in December. (Q3 2014/15) A scheme has been approved by Council for 2015/16 which is largely unchanged from the 2014/15 scheme.
(b) - Retention of adequate resources to ensure the threat of fraud is effectively managed	Resources	31-Dec-14	Achieved	(Q2 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. (Q3 2014/15) Cabinet has approved the new structures for both a Corporate Fraud Unit and the Benefits Service.
(c) - Retention of adequate resources to ensure the benefit function is effectively operated	Resources	31-Dec-14	Achieved	(Q2 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. (Q3 2014/15) An amended structure has been agreed for the Benefits Service although this may need to be considered again when it is known what will happen with Universal Credit.

Report to the Cabinet

Report reference: C-073-2014/15

Date of meeting: 9 March 2014



**Epping Forest
District Council**

Portfolio: Safer, Greener & Transport.

Subject: Safeguarding Audit and Reviewed Policy & Procedures

Responsible Officer: Julie Chandler (01992 564214).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

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

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

Executive Summary:

The Council is required to undertake annual self-assessment audits in respect of children and Vulnerable Adults and these are reviewed by Essex Safeguarding Children and Adults Boards. Section 11 of the Children's Act 2004 sets out the responsibilities for local authorities in regard to children and duties to Vulnerable Adults will be covered under the Care Act (2014) which is being introduced in April 2015.

The annual safeguarding audits form part of the Ofsted Inspection arrangements for Essex County Council and this year, all organisations were required to complete separate audits for children and adults. The Council submitted its' assessment and accompanying evidence in January and a range of improvements have been identified in the Council's ability to fulfil its' duties. This is attributable to Cabinet's decision to provide additional resources for safeguarding and subsequent appointment of a Safeguarding Officer for the Council. The summary findings of the audit are as attached Appendix A.

Due to many changes in the safeguarding agenda and the emergence of new priority issues, the Council also needed to review the existing Safeguarding Policy and Procedures as part of the audit (as attached Appendix B) and Cabinet is asked to adopt these.

Reasons for Proposed Decision:

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

Other Options for Action:

None.

Report:

1. Safeguarding Children (and young people) from harm, has been a legislative requirement for all public and voluntary sector organisations since 1989, when the Children's Act was initially introduced. Since this time, the Act has been regularly reviewed and updated in accordance with recommendations from Serious Case Reviews and Child Death Reviews. The most recent legislation was introduced in 2004.

2. Safeguarding of Vulnerable Adults has not previously been covered by legislation, although public sector organisations have followed guidance provided by Social Care. However, from April 2015, the Care Act (2014) will introduce a set of new legislative requirements for adults 'with needs for care and support' (The term 'Vulnerable Adults' will no longer be used).

3. Each year, Councils across Essex are required to complete detailed on-line self-assessment audits, which form part of Essex County Council's Ofsted Inspection. This year, Councils have been required to complete separate audit assessments for children and adults and to produce a range of new policies and strategies relating to new safeguarding issues that have emerged. In addition, all evidence related to the assessment themes, such as minutes of meetings, policies and procedures etc. was required as part of the submission and generated a very significant amount of extra work.

4. The submission deadline for audit responses was 30 January 2015 and local authorities were given a three month window, to collate all of the necessary information and produce the various new documents required. These included policies and strategies for Child Sexual Exploitation, Domestic Abuse, Honour Based Abuse and the Prevent Agenda (amongst others), as well as a complete refresh of the Council's Safeguarding Policy and Procedures.

5. The Council's submission was signed off by Management Board and the information will now be assessed by Essex Safeguarding Children and Adults Boards, who will produce a comparison report on the effectiveness of each local authority in Essex.

6. Last year, the 2013/14 safeguarding audit demonstrated that the Council was only partly meeting its' responsibilities, with 55% effectiveness in some areas and 'not meeting' key requirements for Senior Leadership Commitment, which included training of Elected Members. However, following a series of training sessions provided during 2014, around 65% of current Members are now trained.

7. The results of the 2013/14 audit led to the request for additional resources to be made available within the Council, to undertake the work identified in the Safeguarding Improvement Plan which was populated as part of the self- assessment. Approval was therefore given by Cabinet Committee, for a DDF item to enable the appointment of a Safeguarding Officer and part-time Administration Assistant. Due to this additional staff capacity, the Council has fared much better in the recent audit, with an average of 80 – 85% effectiveness and some areas reaching 100% compliance.

8. The key actions for improvement that were identified through the audit process will be addressed through the new Safeguarding Strategy which will be developed over

the next few months. These will be prioritised according to level of importance and potential impact, and any actions needing an immediate response will be dealt with whilst the strategy is being produced. It is envisaged that the strategy will be presented to Cabinet for adoption, at its meeting in June 2015.

9. Although this is an excellent achievement, safeguarding duties and responsibilities for tier 2 local authorities are continually increasing and the Care Act includes a range of changes in the way that Councils need to work, to address duties for adults with needs for care and support. These changes will impact directly on the work of the Housing Services teams and the content of the Council's new Safeguarding Policy, which will need to be updated as soon as the Care Act comes into effect.

10. The main changes made to the Council's Safeguarding Policy include:

- Updates regarding information sharing and making referrals
- Addition of Equality, Diversity and Inclusion
- Updated responsibilities for the Council and individual services
- Reviewed designation of safeguarding roles across the organisation
- Revised Whistleblowing information, and;
- The need for Risk Assessment.

11. The Council's Safeguarding Officer has already started undertaking work to address outstanding actions arising from the assessment process and there are many areas of corporate safeguarding practice that need ongoing maintenance, including training provision for staff, Elected Members and new recruits, coordination and confidential recording/ storing of safeguarding referrals and provision of support and advice to front line staff. Members who have undertaken Safeguarding Awareness training will know that the volume of referrals and concerns that are raised within the Council is continually increasing and with new issues emerging and greater responsibility under the Care Act, it is unlikely that this volume will reduce.

12. As already stated, it was necessary to completely revise the EFDC Safeguarding Policy and Procedures to meet with the latest guidelines for safeguarding. These documents are available on the Council's Intranet for staff and Members to refer to. However, it should be noted that due to the ongoing changes within the safeguarding arena, this document will require regular review and updating.

Resource Implications:

None relevant to this report.

Legal and Governance Implications:

Section 11 Children Act legislation and the Care Act 2014 comes into effect from April 2015.

Safer, Cleaner and Greener Implications:

The District Council is responsible for ensuring that all children, young people and adults in need of care and support are protected from harm and exploitation. These responsibilities are set out within the Children Act 2004 and the Care Act 2014.

Consultation Undertaken:

Not relevant to this report.

Background Papers:

Cabinet report 02.12.13 - EFDC Safeguarding Audit and resource requirements
Children's Act 2004
The Care Act 2014

Risk Management:

Safeguarding is included as an item within the Councils' Risk Register and within individual Directorate Business Plans. A Safeguarding Strategy document is also currently being produced, which will outline the key actions that need to be undertaken by the Council and the frequency of reviews required.

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.

Children, young people and adults in need of care and support (previously described as 'Vulnerable Adults') are affected by this report, in a positive way. The report serves to demonstrate how the Council addresses and meets its' safeguarding duties and responsibilities, in order to ensure the safety and wellbeing of local residents and service users who fall within these categories.

The report refers to the Children's Act 2004 and the new Care Act 2014 which is being launched in April 2015, which provide the key legislative requirements for children, young people and adults in need of care and support.

This page is intentionally left blank

Essex Southend & Thurrock Safeguarding Children Boards S11 Audit 2014-15 Audit Summary

Progress: **100%**

Score: **91%**

Allocation Date: **18-Sep-2014**

Deadline Date: **30-Jan-2015**

All dates/times shown are in the time zone: **(UTC) Dublin, Edinburgh, Lisbon, London**

	Allocated Audits	Status	Score	Grade
1	1. SENIOR LEVEL COMMITMENT TO SAFEGUARDING, AND ACCOUNTABILITY		86%	high
1.1	1.1 There is named person responsibility for safeguarding children at the highest level within the organisation.	Complete	100%	
1.2	1.2 There is a strategic and/or corporate plan that references safeguarding children and is linked into relevant work streams.	Complete	75%	
1.3	1.3 There is regular and appropriate level attendance and effective contributions to the Safeguarding Boards, their sub groups/committees and consultations	Complete	100%	
1.4	1.4 The organisation adequately apportions resources to meet its responsibilities with regard to safeguarding.	Complete	100%	
1.5	1.5 There are clear lines of accountability from staff through the organisation to named safeguarding person/s	Complete	95%	
1.6	1.6 Systems are in place to embed safeguarding across all contracted / commissioned services.	Complete	45%	
2	2. CORE SAFEGUARDING POLICIES AND PROCEDURES		93%	very high
2.1	2.1 The organisation has a Child Protection policy and procedure in place.	Complete	100%	
2.2	2.2 E-safety policies and procedures are in place.	Complete	80%	
2.3	2.3 There is a complaints policy and procedure in place.	Complete	95%	
2.4	2.4 "Whistle Blowing" procedures for staff to raise safeguarding concerns against colleagues or managers are clearly understood and correctly followed where required.	Complete	90%	
2.5	2.5 There is a procedure in place for managing child protection allegations made against staff.	Complete	100%	
3	3. SAFER RECRUITMENT		88%	high
3.1	3.1 The organisation has a safer recruitment policy in place	Complete	100%	
3.2	3.2 Human Resources and Recruiting staff follow safe recruitment practices	Complete	100%	
3.3	3.3 The organisation provides specific training on safe recruitment	Complete	100%	
3.4	3.4 The organisation can demonstrate that agencies commissioned to provide services have safer recruitment in place	Complete	50%	
4	4. SERVICE DEVELOPMENT		89%	high
4.1	4.1 Service development is informed, where appropriate, by the views of children & families	Complete	95%	
4.2	4.2 The organisation has an effective strategy in relation to Domestic Abuse and Violence	Complete	100%	
4.3	4.3 The organisation has an effective strategy in relation to Honour Based Abuse (HBA) - this includes forced marriage and Female Genital Mutilation.	Complete	100%	
4.4	4.4 The organisation has an effective strategy in relation to Prevent (The Counter Terrorism Strategy).	Complete	70%	
4.5	4.5 The organisation has an effective strategy in relation to Child Sexual Exploitation	Complete	90%	

Allocated Audits		Status	Score	Grade
4.6	4.6 Effective systems are in place to evidence the impact of your service on outcomes for children and young people	Complete	80%	
5	5. LEARNING, DEVELOPMENT AND STAFF SUPPORT		92%	very high
5.1	5.1 Safeguarding is covered effectively within inductions for all staff.	Complete	100%	
5.2	5.2 There is effective supervision and support for staff engaged in safeguarding children work	Complete	75%	
5.3	5.3 Safeguarding learning and development opportunities are provided to all staff at a level appropriate to their role.	Complete	90%	
5.4	5.4 The organisation ensures that all safeguarding training is suitably quality assured.	Complete	100%	
5.5	5.5 Learning from SCRs, SIs and other safeguarding reviews and audits is disseminated and acted upon effectively.	Complete	85%	
5.6	5.6 The organisation responds to and learns from national and local developments and guidance relating to safeguarding children.	Complete	100%	
6	6. EARLY HELP AND INTER-AGENCY WORKING		92%	very high
6.1	6.1 The organisation effectively identifies children and families who would benefit from early help	Complete	85%	
6.2	6.2 Staff in contact with children and families know the criteria for referral to children's social care, and referral requests made to social care are appropriate.	Complete	100%	
6.3	6.3 Staff contribute fully when required with inter-Agency child protection cases.	Complete	85%	
6.4	6.4 The Organisation contributes fully with Local Safeguarding Board Multi-Agency Case Audits, where required.	Complete	95%	
6.5	6.5 Disagreements relating to inter-agency child-protection decision-making are managed effectively.	Complete	95%	
7	7. INFORMATION-SHARING		100%	very high
7.1	7.1 The organisation has a policy on information-sharing relating to safeguarding that is accessible to staff.	Complete	100%	
7.2	7.2 Staff are aware who they should go to should they require clarification on information-sharing.	Complete	100%	
7.3	7.3 The organisation effectively shares information with other professionals to support early identification and assessment of need as guided by national policy.	Complete	100%	
7.4	7.4 Records relating to service users are retained and destroyed safely.	Complete	100%	

This page is intentionally left blank

Essex, Southend & Thurrock Safeguarding Adults Boards Audit 2014-15 Audit Summary

Progress: **100%**

Score: **89%**

Allocation Date: **18-Sep-2014**

Deadline Date: **30-Jan-2015**

All dates/times shown are in the time zone: **(UTC) Dublin, Edinburgh, Lisbon, London**

	Allocated Audits	Status	Score	Grade
1	SENIOR LEVEL COMMITMENT TO SAFEGUARDING, AND ACCOUNTABILITY		84%	High
1.1	There is named person responsible for safeguarding vulnerable adults at the highest level within the organisation.	Complete	100%	
1.2	There is a strategic and/or corporate plan that references safeguarding vulnerable adults and is linked into relevant work streams.	Complete	75%	
1.3	There is regular and appropriate level attendance and effective contributions to the Safeguarding Boards, their sub groups/committees and consultations.	Complete	90%	
1.4	The organisation adequately apportions resources to meet its responsibilities with regard to adult safeguarding.	Complete	100%	
1.5	There are clear lines of accountability for staff through the organisation to named person/s.	Complete	95%	
1.6	Systems are in place to embed safeguarding across all commissioning/contracted services.	Complete	45%	
2	CORE SAFEGUARDING POLICIES AND PROCEDURES		88%	High
2.1	The organisation has a safeguarding adults policy and procedure in place.	Complete	100%	
2.2	E-safety policies and procedures are in place.	Complete	80%	
2.3	There is a complaints policy and procedure in place.	Complete	95%	
2.4	Whistle Blowing" procedures for staff to raise safeguarding concerns against colleagues or managers are clearly understood and correctly followed where required.	Complete	90%	
2.5	There is a procedure in place for managing abuse of vulnerable adults allegations made against staff.	Complete	100%	
2.6	For those aged 16 and over the organisation can demonstrate that consideration of Mental Capacity Act is an integral part of relevant decision making and the safeguarding processes.	Complete	60%	
2.7	For those aged 18 and over the organisation can demonstrate that consideration of Deprivation of Liberty Safeguards (DoLS) is an integral part of relevant decision making and the safeguarding processes. (N/A)	Complete	N/A	
3	SAFER RECRUITMENT		88%	High
3.1	The organisation has a safer recruitment policy in place .	Complete	100%	
3.2	Human resources and recruiting staff follow safe recruitment practices.	Complete	100%	
3.3	The organisation provides specific training on safe recruitment.	Complete	100%	
3.4	The organisation can demonstrate that agencies commissioned to provide services have safer recruitment in place.	Complete	50%	
4	SERVICE DEVELOPMENT		87%	High
4.1	Service development is informed, where appropriate, by the views of vulnerable adults, their relatives and carers	Complete	95%	
4.2	The organisation has an effective strategy in relation to domestic abuse and violence	Complete	100%	

	Allocated Audits	Status	Score	Grade
4.3	The organisation has an effective strategy in relation to honour based abuse (HBA) - this includes forced marriage (FM) and female genital mutilation (FGM).	Complete	100%	
4.4	The organisation has an effective strategy in relation to Prevent (Part 4 of 'CONTEST' the governments counter terrorism strategy).	Complete	70%	
4.5	The organisation has an effective strategy in relation to modern slavery.	Complete	70%	
4.6	The organisation has implemented the findings of the DH publication - Positive and Proactive Care: reducing the need for restrictive interventions (N/A)	Complete	N/A	
5	LEARNING, DEVELOPMENT AND STAFF SUPPORT		92%	Very High
5.1	Safeguarding is covered effectively within inductions for all staff.	Complete	100%	
5.2	There is effective supervision and support for staff engaged in safeguarding vulnerable adults work.	Complete	75%	
5.3	Safeguarding learning and development opportunities are provided to all staff at a level appropriate to their role.	Complete	90%	
5.4	The organisation ensures that all safeguarding training is suitably quality assured.	Complete	100%	
5.5	Learning from domestic homicide reviews (DHRs), serious incidents (SIs) and other safeguarding reviews and audits is disseminated and acted upon effectively.	Complete	85%	
5.6	The organisation responds to and learns from national and local developments and guidance relating to safeguarding vulnerable adults.	Complete	100%	
6	PREVENTATIVE WORK AND INTER-AGENCY WORKING		88%	High
6.1	The organisation effectively identifies vulnerable adults who would benefit from preventative work.	Complete	80%	
6.2	Staff in contact with vulnerable adults know the criteria for making a safeguarding adults referral to social care.	Complete	100%	
6.3	Staff contribute fully when required with inter-agency abuse of vulnerable adult cases.	Complete	85%	
7	INFORMATION-SHARING		100%	Very High
7.1	The organisation has a policy on information-sharing relating to safeguarding that is accessible to staff.	Complete	100%	
7.2	Staff are aware who they should go to should they require clarification on information-sharing.	Complete	100%	
7.3	The organisation effectively shares information with other professionals to support early identification and assessment of need as guided by national policy.	Complete	100%	
7.4	Records relating to service users are retained and destroyed safely.	Complete	100%	

This page is intentionally left blank

Epping Forest District Council

Safeguarding Children, Young People and Adults Policy

January 2015

Version	2	Status	FINAL
Implementation Date	January 2015	Review Date	January 2016
Author(s)	Julie Chandler	Policy Lead Officer	Julie Chandler

Contents

Section	Page
Introduction	3
Policy Statement	3
Aims	3 - 4
Scope	4
Definitions	4
Equality, Diversity and Inclusion	5
Recognising Abuse	5
Responsibilities	5
Service Roles	5 - 6
Designated Roles in Epping Forest District Council	6 - 7
The Role of Council Staff and Members	7 - 9
Contractors	9
Grant Applications	9
Safe Recruitment	9
Confidentiality	9
Supervision	10
Training	10
Complaints	10
Whistleblowing	11
Allegations against Staff or Members	11
Safeguarding Reporting Procedures	11
Information Sharing	12
Risk Assessment	12
Data Protection	13
External Agencies	13
Monitoring and Review	13
Other relevant EFDC documents	14
External documents	14

Introduction

Children and adults with care or support needs have the right to be safe accessing all services provided for them by Epping Forest District Council (EFDC). Vulnerable groups have a right to protection from all forms of abuse and mistreatment. This Policy sets out the roles and responsibilities of EFDC in working together with other professionals and agencies in promoting the welfare of children, young people and adults with needs for care and support (previously referred to as Vulnerable Adults) and safeguarding them from abuse and neglect.

Although all organisations who work with vulnerable people share a commitment to keeping them safe from harm, many have specific roles and responsibilities required by law. EFDC has a duty to cooperate with Essex County Council in discharging its safeguarding duties as a Children's Services Authority. The Council also has responsibilities under Sections 27 and 47 of the Children Act 1989 and Sections 10, 11 and 13 of the Children Act 2004. These duties include keeping children and young people safe whilst carrying out all its functions and taking part in the work of the Essex Safeguarding Children's Board. The council may also have extra duties under the new Care Act 2014 which becomes law in April 2015.

EFDC has a responsibility for the safeguarding and well-being of adults with needs for care and support and works with other statutory agencies to carry out this role. This Policy also incorporates guidance from the Essex Safeguarding Adults Board for safeguarding of adults.

Policy Statement

As part of the Council's commitment to robust safeguarding, it has a Corporate Safeguarding Group consisting of representatives from each Directorate, who have responsibility for ensuring that all colleagues across the Council are aware of the safeguarding policy and procedures.

EFDC Mission Statement

"Epping Forest District Council is committed to safeguarding and promoting the welfare of all children, young people and adults with needs for care and support, as service users, residents and visitors to the area. The Council acknowledges the importance of working with partner agencies to ensure that children have safe, healthy and happy childhoods and that young people and adults with care or support needs are given the support they need to enjoy quality of life and well-being".

This Mission Statement is underpinned by the following:

- valuing, listening to and respecting children, young people and adults as well as promoting their welfare and protection;
- provision of a current and comprehensive Safeguarding Policy and related Procedures which are accessible and promoted to all staff;
- strategic planning and decision-making which considers the impact on children, young people and adults with care or support needs.

Aims

In order to meet its safeguarding duties and responsibilities, Epping Forest District Council will:

- ensure that unsuitable people are prevented from working with children, young people and adults with needs for care and support through robust use of the Council's Recruitment and Induction Procedures and through Disclosure and Barring Service (DBS) checking.
- provide training to staff appropriate to their level of involvement with children, young people and adults with needs for care and support to ensure that employees understand the different forms of abuse as well as their roles and responsibilities with regard to the relevant Council policies and procedures.
- conduct regular reviews of safeguarding practice throughout the organisation.
- ensure that the welfare and needs of children, young people and adults with needs for care and support are considered by all Members (councillors), employees, volunteers and contracted services when taking

decisions in relation to service provision.

- take seriously and respond appropriately and expediently to all concerns, incidents and allegations.
- prevent abuse by promoting good practice amongst staff; creating a safe and healthy environment for children, young people and adults with needs for care and support and encourage a whistleblowing environment where staff feel confident and safe in reporting any concerns.
- work in partnership with other agencies in order to safeguard children, young people and adults with needs for care and support and share information where required and appropriate.
- undertake a complete review of safeguarding policies and procedures annually and in line with any changes in legislation.

Scope

This Policy and the accompanying Procedures apply to all services within the remit of Epping Forest District Council. It covers all aspects of safeguarding for service users, their families, carers and supporters, and local residents.

It applies to all EFDC employees, whether in a paid or unpaid capacity, permanent, seconded or temporary, casual workers, voluntary workers, work experience students, agency staff, consultants, outside hirers and other contracted persons within the duration of that contract. This applies to work carried out in all settings (whether they are based in Council premises or at an external privately hired venue) whatever their position, role, or responsibilities.

The Council's Intranet lists the main safeguarding concerns that have been identified within Essex, Epping Forest District and most other districts within the county. Although in some areas of Essex the number of incidents relating to, for example, Child Sexual Exploitation and Honour Based Abuse is fairly low, these are becoming more and more evident and are a focus within the agendas of the local multi-agency partnerships.

Definitions

Abuse

The main categories of abuse are physical; sexual; psychological and emotional; financial and material; neglect and acts of omission; discriminatory; and organisational. More information about types of abuse can be found on the Council's Intranet, under the 'Safeguarding' section.

Adult Safeguarding

An adult is someone who is over 18 years. The Care Act 2014 now defines Adult Safeguarding as 'working with adults with needs for care and support to keep them safe from abuse or neglect.' It is an important part of what many public services do and a key responsibility of local authorities. Safeguarding is aimed at people with needs for care and support who may be in vulnerable circumstances and at risk of abuse and neglect. In these cases, local services must work together to spot those at risk and take steps to protect them.

Adults with needs for care and support are at risk of abuse in the same way as children and young people, but also in respect of having property/money stolen or misused, being defrauded, or being put under pressure in relation to their money or property.

Children and Young People

The Children Act 1989 states the legal definition of a child is 'a person under the age of 18'. This also includes pre-birth. Child Abuse is any form of physical, emotional, sexual mistreatment, neglect or lack of care that leads to injury or harm of a child or young person.

Safeguarding

This term includes all forms of activity that aims to protect or promote the welfare of individuals and/or groups of people. This includes activity which ensures prevention of harm, safe recruitment, staff training, awareness raising, provision of activities designed to promote inclusion, personalised risk management and risk assessments, confidential data storage, information sharing and referral.

Significant Harm

This is any physical, sexual or emotional abuse, neglect, accident or injury that is sufficiently serious to adversely affect health, development and quality of life. This includes any impairment suffered from seeing or hearing the ill treatment of another person.

Equality, Diversity and Inclusion

All children, young people and adults with needs for care and support have the right to be protected from abuse regardless of age, culture, disability, gender, language, criminal history, immigration status, racial origin, religious belief, pregnancy/maternity status, location, sexual orientation and gender identity.

Children and adults who have a disability or come from a different ethnic or cultural group are quite often more likely to become victims of discrimination and prejudice. Any discrimination is harmful to person's wellbeing and may mean that they don't obtain the services they need to keep them safe.

The Council recognises there may be additional communication barriers for people with a disability or whose first language is not English and are committed to working jointly with external partners to help overcome these barriers.

There are several legal or recognised definitions of 'vulnerability', related to factors such as homelessness, eligibility for assistance, safeguarding from abuse and direct payments of benefits. This Policy does not seek to replace established definitions but to promote a broad approach to identifying potential vulnerability in order to support customers as individuals and provide services and support in a manner appropriate to their needs.

Recognising abuse

Everyone should be aware of the potential indicators of abuse and bullying and be clear about what to do if they have concerns. However, it is not the responsibility of the Council to determine whether abuse is taking place. Any concerns, incidents or allegations must be raised with appropriate agencies using the accompanying procedures without making any investigations or judgement. Responsibility for the implementation of this policy lies with all staff at all levels of the Council.

The Council therefore aims to ensure that every member of staff whether full-time, part-time, agency or voluntary are equipped with the knowledge and confidence to identify and deal effectively with any safeguarding situation or concern that arises.

Responsibilities

The Leadership Team and Elected Members recognise the important role they play in ensuring the safeguarding agenda is driven across the whole organisation. They also understand the Council's responsibility to work in partnership and share information with other agencies such as Essex Social Care and Essex Police. This work includes Member representation on the Corporate Safeguarding Group, regard to safeguarding in meetings, dissemination of information through service teams and inclusion of safeguarding within service strategies and business plans.

Service Roles

There are a range of functions carried out by Epping Forest District Council which have a positive outcome on the wellbeing of children, young people and adults with needs for care and support. During their everyday work many staff are in a position to identify safeguarding issues including Domestic Abuse which is becoming significantly more common and has a direct impact on children, young people and adults with care or support needs. This may be at Council-run activities, through visiting people's homes and inspecting local business. For example:

Housing Services - The Council directly improves the health and life chances of children, young people and adults with care or support needs by improving the standard of housing; preventing and responding to homelessness and by working closely with other local services and agencies. They are also responsible for allocating housing to those in most need and helping people with disabilities get necessary adaptations to enable them to participate fully in everyday life. The Council will also work with MAPPA (Multi-Agency Protection Panel Arrangements) and MARAC (Multi-Agency Risk Assessment Conference) to ensure vulnerable people are safeguarded within the Epping Forest District.

Community Safety – Alongside general work to reduce crime and fear of crime, the Community Safety Team plays a key role in ensuring the safety of local children, young people and adults with needs for care and support. This includes identifying a range of safeguarding concerns and reporting these directly to Essex Police and Essex Social Care. The team also provides a signposting service to vulnerable people to enable them to access local support.

Community Services – The Community, Health & Wellbeing and Heritage, Museum and Culture services provide a wide range of activities such as playschemes, health improvement initiatives and community events. This work contributes to the improved health of vulnerable children and adults, helps build self-esteem, confidence and improves resilience to potential harm or exploitation.

Planning Services – This service can impact upon children, young people and adults' health and safety through the design of new developments. The provision of play facilities and 'green space' ensures that vulnerable peoples' needs are met and there is access to health and social care services.

Environmental Health Services – Services often associated with Environmental Health are the monitoring of noise complaints, food hygiene and nutrition but officers also inspect conditions in Council-owned, private rented accommodation and local businesses. They also play a key role as a licensing authority, as one of the four of the Licensing Act objectives is 'protection of children from harm'.

Financial Services – With responsibility for administration of Benefit payments and Council Tax, the Council's Financial Services help to ensure that children, young people and adults with needs for care and support are protected from the effects of poverty and that family income is maximised.

Human Resources - Ensures the effective implementation of the Recruitment Policy and Induction Procedures and that all staff employed to work with children, young people and adults with needs for care and support are subject to the appropriate external checks including, where relevant, Disclosure and Barring checks, prior to appointment. The Learning and Development team also maintains a database of all posts giving the level and type of safeguarding training required for each of these and when this requires updating.

Designated Roles in Epping Forest District Council

Elected Member Champion

The Portfolio Holder for Safer, Greener & Transport holds the position of Member Champion for Safeguarding and is responsible for attending the Corporate Safeguarding Group and promoting the importance of safeguarding amongst all Members.

Safeguarding Lead Professional

This position is held by the Director of Communities and has overall accountability for safeguarding children, young people and adults with needs for care and support. Their responsibilities include:

- to ensure that the arrangements set out in this policy are in place and followed to by all Council staff and Elected Members.
- to ensure that the Council effectively discharges its duties under Section 47 of the Children Act 1989 and Section 11 of The Children Act 2004 and promotes inter-agency co-operation and information sharing.
- to oversee procedures in relation to allegations made against a member of staff, which are carried out by the Council's Assistant Director – Human Resources or their Deputy.
- to maintain a high level of senior management commitment to the importance of safeguarding and promoting the welfare of children, young people and adults with care or support needs.

Safeguarding Lead Officer

The Safeguarding Lead Officer is the Assistant Director Community Services and Safety, who is responsible for advising the Lead Professional in regard to concerns, referrals and safeguarding allegations against staff. They also have overall responsibility for ensuring that staff are aware of the Council's commitment to safeguarding, are appropriately trained and fully understand their responsibilities. This work includes:

- chairing and managing the Council's Corporate Safeguarding Group.
- advising the Council on new legislation, procedures and policy and updating the relevant documentation.
- Reviewing the statutory Section 11 Safeguarding Audit Inspections on behalf of the Council.
- ensuring there are clear lines of accountability for safeguarding including those services provided through external contractors, such as leisure centres.

- to ensure that all information regarding safeguarding is held confidentially, in a central database, and in accordance with the Council's Data Protection Policy.
- acting as safeguarding advisor and expert to the Council.
- acting as the Council's main link with the Essex Safeguarding Children and Adult Boards.
- acting as the Chair of the West Essex Stay Safe multi-agency group.

Safeguarding Lead Deputies

The Safeguarding Lead Deputies are the Community Safety Manager, Housing Options Manager, Community Health & Wellbeing Manager and Fraud Investigation and Intervention Officer and the Tenant Liaison Officer. These officers deputise for the Safeguarding Lead Officer as and when required.

Designated Safeguarding Reporting Officers

Those staff members attending the Corporate Safeguarding Group are known as the Designated Reporting Officers. They are responsible for disseminating safeguarding information, identifying training requirements of staff and providing best practice examples within their service areas.

Named Senior Officer (whistleblowing – allegations against staff)

The Assistant Director (Human Resources) is the first point of call for staff reporting safeguarding allegations against employees and refers to the Lead Professional and Lead Officer on this.

Deputy Named Senior Officer (whistleblowing – allegations against staff)

This is the Senior HR Officer who will deputise for the HR Assistant Director in their absence.

Safeguarding Officer

The Safeguarding Officer is responsible for the management and implementation of the Council's Safeguarding Policy and Procedures; for monitoring the Safeguarding Strategy and for the co-ordination and promotion of safeguarding training across the Council for all staff, volunteers and Elected Members. They are the single point of contact for safeguarding cases across all Directorates of the Council, ensuring cases are referred to the appropriate external agencies and that they are recorded, monitored and reviewed in accordance with relevant Council policies and procedures.

Safeguarding Administration Assistant

Supports the Safeguarding Officer in the delivery of safeguarding initiatives.

The role of Council Staff and Members

Service Directors

Service Directors are responsible for ensuring that Assistant Directors, Managers and staff within their Directorate are aware of the contents of this Policy and the accompanying Procedures. Also, that the Council's duties to safeguard and promote the welfare of children, young people and adults with needs for care and support are met and effectively discharged. They are additionally responsible for:

- developing local arrangements for safeguarding/promoting the welfare of vulnerable people as it relates to the duties and functions of their service area and within annual business plans and service action plans.
- ensuring that the Council's Safe Recruitment Policy is implemented and that an appropriate level of DBS checks are undertaken for new staff, as appropriate, and renewed for all relevant staff every three years.
- ensuring that staff refer any safeguarding concerns to Essex Police (where a vulnerable child/person is in immediate danger or where a crime may have been committed), or to the Safeguarding Team who may refer on to Social Care.

- ensuring that the appropriate level of safeguarding training is undertaken by all staff as per service requirements. This includes existing staff and those new to the service/authority as part of their induction.

In carrying out these responsibilities, they will have regard to the following matters (amongst others):

- the appropriateness of interviewing customers with children, young people and adults with needs for care and support present, in light of matters under discussion.
- the appropriateness of photographing children, young people and adults with needs for care and support by members of the general public at Council events, and the need to obtain permission of parents/guardians to use photographs in promotional material.
- the appropriateness of staff having physical contact with children, young people and adults with needs for care and support except in certain circumstances e.g. assisting a child or young person participating in sports activity such as gymnastics/trampolining.
- the provision of first aid by Council staff to children, young people, and adults with needs for care and support.

Assistant Directors, Managers and Supervisors

Assistant Directors, Managers and Supervisors are responsible for complying with the requirements of this Policy and accompanying Procedures. Also, for the promotion of a staff culture which recognises the rights of children, young people and adults with needs for care and support and the Council's responsibility for their safety when receiving its services.

They will also ensure that:

- this Policy and accompanying Procedures are clearly published and understood by all staff working within their area of responsibility. They must ensure that any matters of concern are reported as per the Safeguarding Procedures and that appropriate follow-up action is taken.
- Line Managers and supervisors check that all procedures and working practices are up-to-date, including risk assessments, and that these are always reviewed when an incident occurs or modifications to working practices take place. Any risks identified must be notified to the relevant Service Director and an action plan devised to manage, reduce or remove the risk.
- Service Managers that provide direct services for children, young people and adults with needs for care and support, where practicable, ensure that these groups are involved in the planning and development of services provided and seek feedback on service delivery to enable effective review.

HR Operational Team

The Human Resources Team is responsible for ensuring that safe recruitment procedures are in place and that appropriate checks are made, including Disclosure and Barring Service Checks prior to any employee who will have unsupervised and substantial contact with children and young people or who will undertake certain prescribed activities with adults with care or support needs, before starting work with the Council. The HR Assistant Director also has lead responsibility for dealing with allegations against members of staff.

Employees

All employees, volunteers and agency staff are responsible for complying with the requirements of this Policy and Procedures or actions in place. Staff should take all reasonable steps to ensure (within the context of their duties) that risks are minimised and that vulnerable people are protected and their welfare promoted when using Council services. To effectively implement this policy, **all** employees have a responsibility to:

- be aware of, and abide by this Policy and accompanying Procedures.
- undertake safeguarding training at the level identified in respect of their work.
- ensure that they work in such a way that they do not place vulnerable people in a position of risk.
- report any incidents of concern with respect to safeguarding to their line manager immediately.
- co-operate with any risk assessment process undertaken by their manager or designated person.
- ensure that they behave appropriately towards any children, young person or adult with needs for care and support who they come into contact with whilst carrying out their duties.

- seek advice as per the procedures in respect to any issues that they have concerning safeguarding or the welfare of children, young people and adults with needs for care and support.

Employees who come into contact with children, young people or adults with needs for care and support whilst working away from their office base, or whilst lone working, must act in an appropriate manner and not put themselves at risk from allegations of inappropriate behaviour.

Elected Members

The Council is committed to ensuring that its Elected Members are appropriately trained and aware of their safeguarding responsibilities and those of the authority. This includes awareness of the Council's safeguarding duties under Section 11 of the Children Act 2004.

Contractors

Epping Forest District Council will take all reasonable steps to ensure that contractors working for the Council are monitored appropriately. All contractors and sub-contractors working with, or providing services for, the Council are required to demonstrate they have their own Safeguarding Policy and Procedures or agree to sign up to the EFDC Safeguarding Policy and Procedures to ensure they meet the Council's safeguarding requirements. The Council will also ensure that contractors doing work on its behalf are monitored appropriately.

Where contact with children and adults with care or support needs is a necessary part of the contracted service, it is the responsibility of the manager who is using the services of the contractor to ensure that satisfactory DBS checks have been completed where appropriate.

Contractors will not undertake work in Council properties unless children are supervised by a responsible adult, and will inform the tenant accordingly.

Grant Applications

As a minimum, any organisation receiving funding from the Council will be expected to have a statement of policy and procedure regarding safeguarding in place, understood by employees and volunteers and available to service users. This applies to all organisations the Council awards grants to, irrespective of how the grant has been awarded.

Safe Recruitment

It is a criminal offence for an employer not to undertake the appropriate checks on an employee working with children, young people and adults with care or support needs, or to knowingly give a job to someone who is inappropriate to work with these groups. The Council has adopted the Essex Safeguarding Children Board's Recruitment and Employment Standards and takes all reasonable steps to ensure that unsuitable people are prevented from working with vulnerable groups, regardless of their position. All job descriptions are risk assessed to identify which roles are likely to involve regular substantial unsupervised contact with children and adults with care or support needs. For all new employees, confirmation of employment will be dependent on satisfactory checks where appropriate.

Disclosure and Barring Service (DBS) Enhanced Plus checks are sought where staff will have unsupervised and substantial contact with children and young people or who will undertake certain prescribed activities with adults with care or support needs as part of their duties or responsibilities.

Confidentiality

Employees have a duty to share information relating to suspected abuse with Social Care and the Police. Employees must not discuss any allegations of abuse or bullying, substantiated or not:

- with anyone from EFDC other than with their line manager and other designated members of staff as outlined in the Safeguarding Procedure.
- with any member of an external agency (excluding Essex Social Care and Essex Police), other than as part of a formal investigation.
- with any other interested party, including parents, carers and relatives of the child, young person or adult with needs for care and support without the express permission of the person with overall responsibility for the investigation.

This does not exclude the employee from the need or right to consult with a solicitor, trade union representative or other bona fide legal adviser.

Supervision

Employers are responsible for ensuring that their staff are competent to carry out their responsibilities for safeguarding and creating an environment where they feel able to raise concerns and feel supported in their safeguarding role.

The term supervision can be considered where a member of staff has a meeting with their line manager to discuss work issues. This might mean in a group but would more usually mean a 1-1 meeting with their manager. These meetings might be planned or ad hoc and could involve monitoring work in hand, reviewing progress against work plans, discussing problems and concerns, developing solutions and delegating new tasks and projects.

At Induction, all EFDC staff are familiarised with their safeguarding responsibilities and the procedures to be followed if they have any concerns. Each member of staff has an annual Personal Development Review (PDR) which analyses their working practise over the previous year, identifies gaps in learning and enables staff to discuss training opportunities.

Being a witness to, hearing about, or supporting a child or vulnerable adult through abuse can be very distressing. Staff will be supported by their line managers and EFDC through regular supervision sessions and other support mechanisms. For example, staff can access up to five counselling sessions, financed by HR and if necessary five extra sessions can be financed by their manager, to enable the staff member to 'process' what they have seen and heard.

Training

The level to which individual employee training is required is determined in accordance with the training guidance issued by the Essex Safeguarding Children and Adults Boards. All Council staff are required to undertake safeguarding training to a level appropriate to their role.

Staff who don't work directly with children and adults with care or support needs will receive safeguarding training via the Council's e-learning modules on the intranet. Staff who work directly with vulnerable groups will undertake a minimum of Level 2 Integrated Safeguarding Training to enable them to be equipped with the knowledge and confidence to identify and refer any incidents of abuse.

All Managers will undertake training to ensure that they have a sound working knowledge of relevant legislation, fully understand their duty of care and responsibilities and can be advocates of best practice in safeguarding.

All EFDC Managers are responsible for carrying out the correct safeguarding induction process for all new members of staff, including ensuring that all new staff attend safeguarding training to a level appropriate to their role within 3 months of their appointment. It is recommended that refresher training should be carried out every 3 years. Employees are also directed to access key information within the Safeguarding section on the Intranet.

Complaints

The Council has a formal complaints procedure for customers who are unhappy if they feel the Council has:

- not done something it should have done.
- done something it should not have done.
- agreed to do something but have then been slow to act.

The process enables the Council to deal with customer's complaints as quickly and effectively as possible for a mutually satisfactory outcome. However, the procedure cannot deal with complaints where customers have:

- a formal or legal right of appeal.
- problems which need to be decided by the courts.
- if they let more than 12 months go by before telling the Council about the problem.

In these cases the Council will inform customers to write to instead.

Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Staff should understand their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies, which is particularly important where the welfare of children and young people and adults with needs for care and support may be at risk.

All staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with vulnerable people so that appropriate support can be provided or action can be taken. Staff should:

- be familiar with methods for raising and recording concerns.
- take responsibility for recording any incident and passing on that information to the relevant people within the Council in the appropriate manner.
- report any behaviour by colleagues which raises concern.
- discuss any concerns with their line manager if they believe a service is being provided which may result in putting a child, young person or adult with needs for care and support at risk.

The Council's Whistleblowing Policy (also known as the Confidential Reporting Policy) covers staff concerns about colleagues in regard to safeguarding children, young people and adults with needs for care and support.

Some may find it difficult to raise safeguarding or other concerns about colleagues or managers due to fear of repercussions. The Policy therefore provides guidance and assurance regarding the process to be followed in respect of raising concerns. It also provides details of alternative ways to report concerns confidentially, outside of the Council.

Allegations against Staff or Members

The Council takes seriously any complaints made about the conduct of staff and volunteers in respect of their contact with children, young people, families and adults with needs for care and support. This includes any person who works with children or adults that has, in any connection with her/his employment, voluntary activity or in a personal capacity:

- behaved in a way that has, or may have harmed a child, young person or adult with needs for care and support.
- possibly committed a criminal offence against, or related to, a child, young person or adult with needs for care and support, or;
- behaved in a way which indicated they are unsuitable to work with children, young people or adults with needs for care and support.

All allegations received by the Council will be investigated fully, and, where applicable, action will be taken against the member of staff via the disciplinary procedure. If deemed necessary, the member of staff will be re-deployed or suspended whilst the investigation takes place. The decision to suspend lies with the appropriate Director, or in their absence, the Chief Executive or another member of the Management Board.

In the event of a serious allegation against a member of staff regarding children, the Council will follow the procedures set out in the Southend, Essex and Thurrock (SET) Procedures and will involve the Local Authority Designated Officer (LADO) employed by Essex County Council. Support is routinely offered to all staff who are subject to an allegation. In the case of malicious or unfounded allegations being made against a member of staff by a colleague in the Council or a member of the public, the Council will treat this very seriously and take any necessary action accordingly. Safeguarding allegations against Elected Members will be treated the same way as an allegation against a member of public. This will involve a referral to Essex Police, who will conduct a full investigation into any allegation made.

Safeguarding Reporting Procedures

The SET (Southend, Essex and Thurrock) safeguarding guidelines outline the basic safeguarding procedures which should be followed by all local authorities in Essex. The Council has developed simplified procedures,

which accompany this Policy, in regard to safeguarding issues and concerns and requires all staff and members to follow these.

However, there may be occasions when agencies in another county have to be contacted to report a safeguarding concern – for example, if an incident occurred at an EFDC facility based in a neighbouring county. Emergency information for these teams is given at the end of the accompanying Procedures.

Information Sharing

All staff and Members are responsible for keeping safeguarding information confidential, outside of sharing this with appropriate officers within the Council. Where staff become aware of any issues relating to the protection of a vulnerable person, these concerns must be reported immediately as per the Council's Safeguarding Procedures. Elected Members should report their concerns directly to the Council's Lead Officer or a Lead Deputy. Information should not be shared with a third party and should always be shared lawfully and ethically. Information relevant to protection of children, young people and adults with care or support needs will be about:

- their health and development and exposure to possible harm.
- a parent or carer who is unable to provide adequate care for them; or
- other individuals who may present a risk of harm.

Care must be taken to ensure that the vulnerable person's confidentiality is maintained and that information is handled and shared on a need to know basis. Individuals must be confident that information held about them by the Council will only be disclosed to others either with their consent or when there is a legal duty to do so. Once a report has been made, the Safeguarding Team will decide who to share the information with and this will depend on the following:

- the urgency of the concern.
- if the concern relates to a disclosure by a child and young person, or, adult with needs for care and support.
- if other services may come into contact with the vulnerable person, child or the child's parents/carers.
- if advice is needed on a case which may require assessment for intervention.

The Government expects organisations to share information about individuals who may be at risk of abuse as early as possible so that individuals can be protected. Withholding information may lead to abuse not being dealt with in a timely manner. No member of staff should assume that someone else will pass on information which they think may be critical to keeping a vulnerable person safe. If they have concerns and believe a vulnerable person is suffering or likely to suffer harm, then they should share the information. Staff have a duty to share information related to suspected abuse, and consent is not required to breach confidentiality and make safeguarding referrals where:

- a serious crime has been committed.
- the alleged perpetrator may go on to abuse other victims.
- the child, young person or adult is deemed to be at serious risk.
- there is a statutory requirement eg. Children's Act, Mental Health Act and Care Standards Act.
- other adults with needs for care and support are at risk in some way.
- the public interest overrides the interest of the individual.
- when a member of staff of a statutory service, a private or voluntary service or a volunteer is the person accused of abuse, malpractice or poor professional standards.

Often, it is only when information from a number of sources has been shared, collated and analysed, that it becomes clear that a vulnerable person is suffering or likely to suffer significant harm.

Risk Assessment

A risk assessment is an important part in protecting employees and customers, as well as complying with the law and should be integral to all planning processes. It helps identify risks that really matter – the ones with the potential to cause real harm. The law does not expect the Council to eliminate all risk, but it is required to protect people as far as 'reasonably practicable'.

All staff who work with vulnerable children, young people and adults need to be aware of the risks and complete a risk assessment for any activities they develop and deliver. This is simply a careful examination of

what could cause harm to people, to ensure that the appropriate measures are put in place to prevent this from happening. The primary aim of a risk assessment is to establish:

- current risks that people face.
- potential risks that they and other adults may face.
- if there are any risks to others.

Assessment of risk is dynamic and ongoing and should be reviewed throughout so that adjustments can be made in response to changes in the levels and nature of risk.

Data Protection

All copies of the Safeguarding Report Form (the form used by staff to raise safeguarding concerns to the Safeguarding Team) are retained on the Council's secure database in accordance with data protection periods and as per the Retention of Records Policy.

All copies of Referral Forms sent to Essex Social Care are retained by the Safeguarding Team in a secure location to ensure confidentiality. This information is retained in accordance with data protection periods and no other copies are kept.

External Agencies

The role of Essex County Council

Essex County Council has responsibilities as the Children's Services Authority and as provider of Adult Social Care for Essex. It has a duty to conduct Section 47 (s.47) enquiries where there is reasonable cause to suspect a child who lives in, or is found in a local authority area, is suffering from or likely to suffer significant harm in the form of physical, sexual, emotional abuse or neglect. There is now a duty under the new Care Act to conduct enquiries regarding adults.

All other statutory organisations in Essex including EFDC have a duty to assist and provide information in support of s.47 child protection enquiries. The Council requires all staff within the organisation to refer or report safeguarding concerns, incidents and allegations to Essex Social Care or directly to the county-wide Initial Response Team in respect of children and young people. This may be done directly by staff in emergencies but is usually carried out via the Council's Safeguarding Team as per the Safeguarding Procedures.

The relevant officers at Essex County Council are then responsible for coordinating any safeguarding investigation under s.47 of the Children Act 2004.

The role of the Essex Safeguarding Boards

Essex Safeguarding Children's Board (ESCB) is a statutory multi-agency organisation, which brings together agencies who work to safeguard and promote the welfare of children and young people. The objective of this Board is to coordinate and oversee the work of local partners and agencies in regard to safeguarding and to advise and direct improved safeguarding practice.

The Essex Safeguarding Adults Board (ESAB) is an inter-agency forum for agreeing how the different services and professional groups should cooperate to safeguard adults with needs for care and support across Essex. It also makes sure that arrangements work effectively to identify abuse or inadequate care, help vulnerable people and plan and implement joint preventative strategies. The Board aims to raise awareness and promote the welfare of adults with care or support needs by the development of an effective cooperative, involving people from a wide range of public and voluntary services and other organisations.

The role of the West Essex Stay Safe Group

The West Essex Stay Safe Group consists of representatives from a range of agencies including NHS, Essex Social Care, Police, Probation, Education, Voluntary Sector and District Councils. This group is responsible for developing an action plan to improve safeguarding practice across the West area and for considering actions to address emerging issues.

Monitoring and Review

This Policy will be reviewed annually by the Safeguarding Lead Officer unless legislation or processes change in the interim. Monitoring mechanisms include:

- Section 11 audits.
- engagement with Essex Safeguarding Boards and sub groups.
- internal audits.
- recording of staff training at different levels.
- reporting to the Council's Senior Management Team and Leadership Team.
- Special Case Reviews/Domestic Homicide Reviews and safeguarding reviews.

Other relevant EFDC documents

Other EFDC policies and procedures that may be read in conjunction with, or be linked to, this policy are:

- Safeguarding Children, Young People and Adults Procedure
- Compliments and Complaints Booklet
- Honour Based Abuse Policy and Procedures
- Whistleblowing Policy (Confidential Reporting)
- Recruitment Policy and Procedures
- Dignity at Work Policy
- Domestic Violence in the Workplace – Policy and Manager's Toolkit
- Equality and Diversity Policy
- A Guide to Risk Management for Managers and the Risk Assessment Template
- Retention of Records Policy
- Safe Working Practice Guide
- Staff Handbook
- Prevent Policy

Staff should monitor internal Council bulletins and Intranet pages for new and updated versions of relevant safeguarding policies.

External documents

- Essex County Council Early Years & Children - How to respond to Safeguarding Concerns.
- Essex County Council Early Years & Children - Safeguarding Guidance.
- Essex County Council - Support for Disabled Children and Young People and their Families in Essex.
- Essex Safeguarding Children's Board - Effective Support for Children and Families in Essex.

This policy is intended to support staff working within EFDC and is supplementary to the:

- Southend, Essex & Thurrock (SET) - Child Protection Procedures.
- Southend, Essex & Thurrock (SET) - Safeguarding Adult Guidelines.

The Council's Intranet also has information in the 'Safeguarding' section on the legal framework which makes references to legislation which staff might find useful eg. The Children Act 1989 and 2004.

Report to the Cabinet

Report reference: C-074-2014/15

Date of meeting: 9 March 2015



**Epping Forest
District Council**

Portfolio: Safer, Greener and Transport

Subject: Nomination of Minor Parking Restriction Schemes to North Essex Parking Partnership

Responsible Officer: Qasim (Kim) Durrani (01992 564055).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

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

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

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

Executive Summary:

The County Council (as Highway Authority) has provided delegated authority to the North Essex Parking Partnership (NEPP) in respect of on-street civil parking enforcement and powers to make new traffic regulation orders. This Council is a member of NEPP along with Braintree, Colchester, Harlow, Tendring and Uttlesford District Councils.

The Partnership has a Joint Committee that considers all matters relating to Traffic Regulation Orders (TROs). The Committee consists of Executive Cabinet Members from each district as well as the County Council Cabinet Member for Highways.

Each district puts forward minor parking and waiting restrictions schemes to NEPP, funding for which is provided by NEPP and ECC. The schemes are investigated by NEPP officers who carry out feasibility studies and score each scheme under a set of criteria approved by the Joint Committee of NEPP. Lists of schemes ranked in the order of their score, highest to lowest, are then submitted to districts for consideration. Each district has to then nominate its top schemes to the Joint Committee for approval.

In order to give due regard to local factors and not rely solely on the NEPP score the report suggests that the Portfolio Holder be given delegated authority to only put forward schemes where sufficient local support is available.

Reasons for Proposed Decision:

Nomination of schemes to NEPP is at the discretion of the District. At present only those schemes are nominated that score highest under NEPP criteria, with some consideration for local support. This means that lower scoring schemes cannot be nominated even when there is high level of local support.

By agreeing to delegate authority to the Portfolio Holder to nominate schemes using a combination of: scoring under NEPP criteria, greater consideration of local factors and establishing support by local consultation, the Council will be able to nominate schemes in time and avoid the risk of missing out on funding opportunities and ensure the delivery of highest priority schemes across the District.

Other Options for Action:

Joint Committee of NEPP considers schemes at various times during the year and whereas it would be possible to nominate schemes by a Portfolio Holder Decision, however if a decision was called in and an approval was not obtained in time for the Joint Committee meeting then the Council would lose the funding for the scheme and it is likely that the funds earmarked for the Council could be made available to another District within NEPP.

To nominate schemes based entirely on NEPP scoring, but without consideration of local needs and requirements. The Council could be accused of not having due regard for local needs and priorities.

Report:

1. NEPP was created on 1 April 2011 and has delegated authority from the Essex County Council (ECC) to make on street traffic regulation orders such as limited waiting (single yellow line) or no waiting (double yellow line). ECC has made available funding for the physical works whereas all costs associated with officer time are covered by NEPP.
2. NEPP investigates a large number of on street scheme requests from member districts (Braintree, Colchester, Epping Forest, Harlow, Tendring and Uttlesford). Each request is investigated by technical officers at NEPP.
3. NEPP then submits a report to the relevant district on the schemes considered including an officer recommendation for further action. It is for the districts to then nominate schemes to the NEPP Joint Committee for approval. The numbers of schemes that can be nominated by a district can vary depending on the scale of the scheme. To date a total of 26 schemes have been nominated by Epping Forest, out of these 7 have been completed and 19 are at various stages of implementation.
4. To achieve consistency of approach in vetting schemes, NEPP has developed an assessment methodology. This consists of scoring each scheme out of a total of 100 points based on a range of technical criteria. The scoring is based on aspects including road accident statistics, compliance with ECC policies etc. adherence to NEPP scoring criteria ensure that all schemes are technically sound and comply with County Council and NEPP policies and criteria.
5. The NEPP scoring criteria does not take into account the full extent of local factors.

For example the creation of a taxi rank will not score highly enough to rank at the top of NEPP scored schemes. However the lack of a taxi rank can be a serious issue locally and the Council may wish to nominate such like sites ahead of other schemes that scored higher under the NEPP criteria. **(recommendation 1 (a))**

6. Before nominating a scheme to NEPP the Portfolio Holder will satisfy himself that adequate local consultation has been carried out. In practice, this will involve providing information about the proposed scheme to relevant ward Councillors and Town/Parish Councils to ensure that there is sufficient local support for any scheme being nominated **(recommendation 1 (b))** In addition, where feasible, the local resident/s who may have originally promoted the scheme will be contacted.

7. All schemes submitted by the Council to NEPP shall be publicised in the Members Bulletin **(recommendation 1 (c))**

8. The current list of schemes, ranked on the basis of NEPP score, consists of 110 schemes. Some of these schemes have a nil score. It is recommended that the Portfolio Holder, subject to the above criteria and after due consultation, rationalise the list to bring it down to a realistic and manageable size. **(recommendation 2)**

Resource Implications:

NEPP has access to funding for carrying out minor parking schemes across its geographic area. This includes all costs associated with implementation of schemes, necessary public consultation, advertising and signing and lining etc.

Any associated consultation with District Members, Town and Parish Councils will be carried out from within existing staffing resources of the Neighbourhoods Directorate.

Legal and Governance Implications:

The Partnership exercises the County Council's Executive highway functions and the Partnership's decisions are subject to the County Council's call in arrangements.

Safer, Cleaner and Greener Implications:

Addressing the safety of all road users, tackling inconsiderate parking, preventing congestion and its effects on local air quality etc

Consultation Undertaken:

NEPP officers carry out some consultation as part of their investigation and feasibility. This includes site visits and in some instances meetings with residents and/or elected members.

It is proposed that once NEPP provides a ranked scheme list the Safer Greener and Transport Portfolio Holder, through officers of the Council, will carry out consultations with relevant County and District Members and Town/Parish Councils to establish local support before nominating the highest scoring schemes.

Once schemes are approved by NEPP wider public consultations are carried out under the TRO making process, for example public notices displayed in the vicinity of proposed restrictions.

Background Papers:

Previous Cabinet reports

Impact Assessments:

Risk Management

If no regard is given to local considerations and schemes are nominated solely on the basis of NEPP scores then NEPP could implement schemes in the District that lack local community's support. This can present a reputational risk for the Council as an Executive Member sits on NEPP Committee and the Council could be accused of not paying due attention to local views.

Moving away from solely NEPP's criteria may potentially lead to allegations of bias unless the local criteria and weight are set out clearly and applied consistently.

If a decision is not made to authorise the Portfolio Holder to nominate schemes then an executive decision will be required before every NEPP meeting. Due to lack of sufficient time it may not always be possible to get a Cabinet or Portfolio Holder Decision. If this were to happen then an opportunity to implement schemes in the District would be lost and the funding allocated elsewhere in NEPP.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?



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
	None of the specific group or characteristics that the Council has a legal duty to have due regard for will be affected by the proposals in this report

This page is intentionally left blank

Report to the Cabinet

Report Reference: C-075-2014/15

Date of meeting: 9 March 2015



**Epping Forest
District Council**

Portfolio: Planning Policy

Subject: North Weald Bassett Neighbourhood Area Designation

**Responsible Officer: Ken Bean (01992 564610)
Amanda Thorn (01992 564543)**

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To agree the criteria for the assessment of applications for the designation of neighbourhood areas, including where it is proposed to designate an area with boundaries other than the area sought, for the purposes of preparing a Neighbourhood Plan as set out in Appendix 1;

(2) To agree that the application from North Weald Bassett parish for the designation of the whole parish for the purposes of preparing a Neighbourhood Plan should exclude an area to the west of the M11 for reasons as follows:

(a) A number of strategic cross boundary matters have been identified for this part of the parish which include, but are not limited to, Green Belt review, cross district boundary agreement of housing and job growth figures, and planning and delivery of key strategic infrastructure including transport measures;

(b) The matters identified in a) (above) are not within the remit of a Neighbourhood Development Plan to address;

(c) A comprehensive assessment of all of the possible sites around Harlow (in Epping Forest, Harlow and East Hertfordshire District Council areas) must be carried out to ensure that the most suitable site(s) (if any at all) are allocated for development and ensure that any development takes account of the wider impact and larger "communities of interest beyond the parish";

(d) The area proposed for exclusion is defined by existing physical and administrative boundaries, and does not cover an area of high existing population.

(3) To agree an amendment to the delegated authority to the Director of Neighbourhoods, in consultation with the Portfolio Holder, to designate areas where there have been no representations, to include the consideration of strategic and cross boundary matters prior to designation of an area for the purposes of preparing a Neighbourhood Plan.

Executive Summary:

An application for the designation of a Neighbourhood Area for the purposes of the preparation of a Neighbourhood Development Plan was received from North Weald Bassett Parish Council on 8 September 2014. This application, and the representation received in response to the advertisement of it, has prompted the Council to recommend the addition of a more detailed set of criteria to be applied to all subsequent applications, to assess each application for known and possible cross boundary matters of strategic importance which should be addressed via the Duty to Cooperate.

The location of North Weald Bassett Parish, immediately adjacent to Harlow's administrative boundary, and the possibility of strategic cross boundary growth via the Local Plans of Epping Forest, Harlow and East Hertfordshire District Councils, has caused the Council to question the desirability of designating the whole of the parish, for Neighbourhood Development Plan purposes, at this early stage in the preparation of the District Local Plan.

In considering the alternatives available, advice from Counsel has been received which confirms that the District Council has a broad discretion in determining whether it is desirable to designate the area which has been applied for. As a result, it is now determined that the north western part of the Parish, bounded by the M11 to the east, the administrative boundary with Harlow to the north, the Parish boundary to the west, and the London Road (B1393) and Rye Hill Road to the south, should be excluded from the Neighbourhood Area designation. (See attached map).

Reasons for Proposed Decision:

It is necessary to establish more detailed criteria to ensure consistent consideration of applications for neighbourhood areas, to ensure that strategic and cross boundary matters that should rightfully be addressed by the District Council under the Duty to Cooperate are identified and assessed prior to designation. To this end, the delegated authority previously provided to the Director of Neighbourhoods should now be amended to ensure this further assessment is carried out in all instances.

In summary, the reasons for proposing that a smaller area of North Weald Bassett parish is designated as a neighbourhood area are that given the location of the parish on the district boundary with Harlow, there are a number of strategic and cross boundary issues that must rightfully be considered under the Council's Duty to Cooperate. It is not within the remit of the neighbourhood planning function to address and deliver matters including, but not limited to, Green Belt review, cross boundary agreement of housing and job growth figures, and planning and delivery of key strategic infrastructure.

Other Options for Action:

- (i) To not establish clear criteria on the designation of neighbourhood plan areas.
- (ii) To designate the whole of North Weald Bassett parish area as a neighbourhood area.
- (iii) To designate the whole of North Weald Bassett parish area as a neighbourhood area, alongside a memorandum of understanding (or similar) setting out the matters which can be addressed and desired sequencing of plan preparation.
- (iv) To designate alternative areas of the parish, as per part g. of Appendix 2.

Counsel's advice has been sought on the desirability and legality of the alternatives that were identified. As a result of that advice, Officers do not consider that option (iii) above would be

lawfully available to the Council.

Report:

1. Neighbourhood Planning was introduced as part of the Localism Act 2011. It enables town/parish councils and Neighbourhood Forums to actively participate in plan making by creating Neighbourhood Development Plans (NDP). A NDP, once it has been approved in the community via referendum and subsequently 'made' by the Local Planning Authority (LPA), forms part of the statutory development plan and is therefore used in the determination of planning applications. NDPs can include housing and employment land allocations, policies and design statements; they can be as simple or as complicated as the town/parish council choose. Crucially, the NDP must be in general conformity with national planning policy as well as the strategic policies of the District Council's Local Plan.

2. To date seven applications for the designation of neighbourhood areas have been received from parish councils, and five of these have been approved. All five have included the whole parish. The application recently received from Loughton is currently out for consultation and the final application is the subject of this report. Each of the areas that have been designated to date are for complete parish areas. In these areas, no matters of a strategic nature have been identified and, in accordance with the regulations, it was considered desirable and appropriate for the whole of the parish areas to be designated for the purposes of preparing a neighbourhood plan.

3. In a parished area a LPA is required to have regard to the desirability of designating the whole of the area of a parish or town council as a neighbourhood area (s61G(4) of TCPA 1990 refers). The LPA should take into account the parish or town council's statement explaining why the area applied for is considered appropriate to be designated as such. Whilst the LPA should aim to designate the area applied for, it can refuse to do so if it considers the area is not appropriate. Where it does so, the LPA must give reasons. Therefore, Local Authorities have some flexibility in determining whether it is desirable to designate the whole parish and subsequent case law supports this approach. The Court of Appeal determined that in the case of *Daws Hill (R (Daws Hill Neighbourhood Forum) v Wycombe District Council, (2013))* that the Council has not acted unlawfully in designating a smaller area than that which had been applied for. The key matter in that case was that the area contained two strategic development sites, (as allocated in the Core Strategy), and the District Council did not consider it was desirable for these areas to be included as part of the Neighbourhood Plan area.

4. The Government's Planning Practice Guidance states that a neighbourhood area can include land allocated in a Local Plan as a strategic site. The guidance advises that "where a proposed neighbourhood area includes such a site, those wishing to produce a neighbourhood plan or Order should discuss with the local planning authority the particular planning context and circumstances that may inform the local planning authority's decision on the area it will designate." However, Local Plan preparation for Epping Forest District is at a stage where it is not yet known to what extent there will be any strategic land allocations, and in what location if there are any. For the Harlow area, it is more likely (although not certain) that some strategic allocations will be made.

5. An application for designation of a Neighbourhood Area was made by North Weald Bassett Parish Council on 8 September 2014. It was recognised that this application, and any such subsequent application which includes land immediately adjacent to the administrative boundary of Harlow, is likely to raise issues of cross boundary/strategic concern. Therefore, Counsel's advice has been sought on the desirability and legality of a range of alternatives regarding the designation of an area for the purposes of preparing a Neighbourhood Plan. These are:

- (i) to designate the area as applied for (i.e. the whole parish);
- (ii) to designate the area as applied for, and draft a Memorandum of Understanding (or similar) between the Parish Council and District Council, setting out the strategic matters and areas that would be without the remit of the Neighbourhood Plan, and suggested sequencing to take forward the NDP; or
- (iii) to designate a smaller area of the parish.

6. It is clear that the 1990 Act (s61G(5)) confers on the Council a broad discretion as to whether it is appropriate to designate the entire parish, or any part thereof, as a neighbourhood area. In respect of the first and third alternatives, it is for the Council to determine whether it is desirable to take such action, and that a clear process would likely make such decisions lawful. Officers considered in detail the second option as a potential solution to consideration of complex and strategic issues in the broader Harlow area, and were particularly keen to pursue this alternative should it be confirmed as a lawful option. However, following advice received, it was determined this action would not be lawful as the Regulations make no allowance for conditional designation of neighbourhood plan areas.

7. In now considering the application for designation before the District Council by North Weald Bassett Parish Council, and any others that may be made by parishes that include cross boundary or strategic matters, it is important to set out a clear structure for how such applications will be considered. Further, as the Local Plan process evolves and strategic site allocations are identified throughout the district, it will be necessary to consider all subsequent applications for neighbourhood areas against the same criteria.

Criteria

8. National Planning Practice Guidance (NPPG) identifies the types of considerations that should be taken into account in determining whether a proposed neighbourhood area is desirable.

The following could be considerations when deciding the boundaries of a neighbourhood area:

- *village or settlement boundaries, which could reflect areas of planned expansion*
- *the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities*
- *the area where formal or informal networks of community based groups operate*
- *the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style*
- *whether the area forms all or part of a coherent estate either for businesses or residents*
- *whether the area is wholly or predominantly a business area*
- *whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway*
- *the natural setting or features in an area*
- *size of the population (living and working) in the area*

Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.

(NPPG ID 41-033-20140306)

9. The above guidance provides a framework for decision making and local criteria are presented at Appendix 1 for agreement by Cabinet.

Application by North Weald Bassett Parish Council

10. An application was received by Epping Forest District Council (EFDC) on 8 September 2014, and subsequently advertised with the period afforded for inviting representations on the application between 22 September and 31 October 2014. A single representation was received from Boyer Planning, on behalf of the promoters of land at Latton Priory, to the north west of North Weald Bassett parish and on the boundary with Harlow District Council. This representation did not raise an objection per se, but set out that there may be some logic to using the M11 as a dividing line in the parish, and only designating the eastern portion of the parish. In the event that the District Council were inclined to designate the whole of the parish, Boyer Planning have established that they would be willing to contribute information as it relates to Latton Priory to aid the preparation of a NDP.

11. Further to the period for representations ending, and as a result of the representation received from Boyer Planning, a view was sought from officers of Harlow District Council. That view stated *"In order to secure the proper strategic planning of the area I consider that it would be premature to include sites on the edge of Harlow, but in Epping, within the area of the NWB Neighbourhood Plan. This should only be considered once agreement has been reached between the respective LPA's on the housing numbers across the area. Even then growth around Harlow should be considered in the context of perhaps a joint Area Action Plan."*

12. The criteria established above and at Appendix 1, sets out the way in which the District Council will consider any applications for neighbourhood area designation. This identifies a clear framework against which the District Council will consider whether strategic/cross boundary matters that should rightfully be considered by the district Local Plan are, or are likely to be, present, and whether these should lead the Council to exclude part of a parish from a designation.

13. In this case it is clear there are a number strategic and cross boundary issues that must be analysed, discussed and agreed at a district level. It is not within the remit of the neighbourhood planning process to deal with matters including the overall establishment of housing and job growth figures, strategic transport matters and green belt boundary review. Further, the Duty to Cooperate requires that EFDC continues to work closely with neighbouring authorities and other key regulatory and infrastructure provision organisations, and at this level such matters are beyond the remit of the neighbourhood planning function. It is considered the possible presence of additional strategic allocations in North Weald Bassett village itself would be guided by the existing Masterplan, which provides substantial information upon which the parish council can prepare their NDP. This is a different policy position from that which exists in the area immediately adjoining Harlow.

14. As such, and in accordance with the 1990 Act (s61G(4)) it is not considered desirable to designate the whole of North Weald Bassett parish area as a neighbourhood area.

15. In considering the most appropriate area to be designated, regard has been had to National Planning Policy Guidance and legal advice. There are no clear parameters for how an amended designation should be formulated, but it would appear reasonable to ensure that any such revised designation is created on the basis of known factors. To this end, and for reasons set out in detail in Appendix 2, it is suggested that the area at the north western

extent of North Weald Bassett parish, bounded by the M11 motorway in the east, the district administrative boundary in the north, the parish boundary in the west and London Road (B1393) and Rye Hill Road to the south, is excluded from the neighbourhood area.

16. Should the District Council as part of its Local Plan make any allocations in the area excluded from the neighbourhood plan area, the Council would involve the Parish in the process and any subsequent masterplanning or Action Area Plan.

Resource Implications:

Neighbourhood Planning is supported by the Planning Policy team from within existing resources. Government funding is available at particular stages, and this is sought at the appropriate times.

Legal and Governance Implications:

The Localism Act 2011 introduced neighbourhood planning and brought about changes to the Town and Country Planning Act 1990 (as amended). Detailed guidance is provided by Neighbourhood Planning (General) Regulations 2012, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

Safer, Cleaner and Greener Implications:

The SCG Scrutiny Panel is required to keep under review the application of Strategic Environmental Assessment (SEA) as it applies to the preparation of the new Local Plan. The SEA is one of the key mechanisms by which alternative sites and policy options will be tested to determine which is the most appropriate to deliver the vision and objectives of the Local Plan.

Consultation Undertaken:

Representations were invited on the application for designation between 22 September and 31 October 2014. One representation was received, as set out in the body of this Report.

Background Papers:

North Weald Bassett Parish Council application for designation of Neighbourhood Area – 08/09/2014

Representation received from Boyer Planning – 31/10/2014

Further letter received from North Weald Bassett Parish Council – 07/01/2015

Risk Management:

There are a number of potential risks associated with this decision, which could include the Council's decision on the designation of the neighbourhood area being challenged. Accordingly, Counsel's advice has been sought to ensure that a lawful approach is being taken.

CABINET REPORT: APPENDIX 1
DESIGNATION OF NEIGHBOURHOOD AREAS

Area application received:

Assessment date:

Criterion	Response (Yes / No / N/A)	Justification
a. Does the application include the whole of a Parish area?		(Summarise case presented by Town / Parish Council)
b. If only part of the Parish has been applied for, have appropriate reasons been supplied to justify this approach?		
c. If more than one Parish area is seeking designation as a neighbourhood area, have appropriate reasons been supplied to justify this approach?		
d. Does the Parish immediately adjoin the district boundary?		(Provide description of relationship to adjoining authorities)
i. If yes, are there any known or potential cross boundary/strategic matters covered by the Duty to Cooperate that cannot reasonably be addressed via the Neighbourhood Plan process?		
e. Where the parish does not immediately adjoin the district boundary, are there any identified strategic matters for consideration by the Local Plan process, including those that may be covered by the Duty to Cooperate?		
i. If yes, does the presence of any of these issues suggest an amended area would be desirable?		
ii. If it is desirable to		

designate an alternative area, what is the new area that is proposed? (Reflecting guidance provided by NPPG section 41-033-20140306)		
<u>CONCLUSION/REASONS FOR DECISION</u>		

CABINET REPORT: APPENDIX 2
DESIGNATION OF NEIGHBOURHOOD AREAS

Area application received: **NORTH WEALD BASSETT PARISH COUNCIL**
Assessment date: **10 FEBRUARY 2015**

Criterion	Response (Yes / No / N/A)	Justification
a. Does the application include the whole of a Parish area?	Yes	Application letter dated 8 September 2014 identifies the Parish Council consider the area is appropriate for the following reasons: <ol style="list-style-type: none"> 1. The area defined is covered by North Weald Bassett Parish Council in it entirety. 2. The area is recognised by the local community, EFDC and ECC as being the Parish of North Weald Bassett. <p>The letter gives no explanation in planning terms as to why the area is considered appropriate.</p>
b. If only part of the Parish has been applied for, have appropriate reasons been supplied to justify this approach?	N/A	
c. If more than one Parish area is seeking designation as a neighbourhood area, have appropriate reasons been supplied to justify this approach?	N/A	
d. Does the Parish immediately adjoin the district boundary?	Yes	North Weald Bassett Parish immediately adjoins Harlow District Council area on its northern boundary.
i. If yes, are there any known or potential matters covered by the Duty to Cooperate that cannot lawfully or reasonably be addressed via the Neighbourhood Plan process?	Yes	The potential growth of Harlow, into land within Epping Forest District, has been mooted for more than decade. As a result of continuing changes to the national planning system, progress in terms of land allocations via Local Plans and an agreed method of delivery, have been delayed. The Duty to Cooperate requires Local Planning Authorities to establish matters of cross boundary significance, and to reach consensus on how these matters should be addressed. A number of such matters have been identified between Harlow and Epping Forest District Councils. These include, but are not limited to, establishment of housing and employment need figures, apportionment of growth needs across the SHMA/Functional Economic

		<p>Area, and identification and delivery of key strategic infrastructure. It is clear there are a number of key strategic matters that need to be addressed in taking forward the possible growth of Harlow, notwithstanding that at this stage, Epping Forest District Council has not yet determined whether such growth is the most appropriate to meet the needs of the district as a whole.</p> <p>Further, there are a number of known development interests on the borders of Harlow, all of which are being actively promoted for inclusion in the Local Plan. As above, Epping Forest District Council has not yet determined which, if any, of these sites may be appropriate for allocation in the Local Plan. However, the matters which must be addressed in order to reach reasonable conclusions are complex and wide ranging. It is not considered it would be reasonable for the Parish Council to undertake this function. The consideration of such matters also includes areas that are not part of the remit of a neighbourhood development plan, for example a Green Belt Review.</p> <p>The potential allocation at Latton Priory is an area where the issues of Green Belt Review, landscape sensitivity, transport infrastructure and links to Harlow are of particular concern. A cross boundary approach, including (at least) Epping Forest, Harlow and East Hertfordshire District Councils, is required to ensure a comprehensive assessment of all the possible sites around Harlow is carried out.</p> <p>If a stage is reached in which the area at Latton Priory is allocated for development purposes, there may then be an opportunity for the neighbourhood area to be altered. In the meantime, the District Council must continue to work closely with neighbouring district authorities under the Duty to Cooperate, and in due course will seek to actively engage with the parish council on any emerging proposals.</p>
<p>e. Where the parish does not immediately adjoin the district boundary, are there any identified strategic matters for consideration by the Local Plan process, including those that may be covered by the Duty to Cooperate?</p>	<p>N/A</p>	<p>North Weald Bassett parish immediately adjoins the district boundary, question d. above refers.</p>
<p>f. Considering d. and e. above, does the presence of any</p>	<p>Yes</p>	<p>It is not considered desirable to designate the whole of North Weald Bassett Parish as a neighbourhood area for reasons set out in d.</p>

<p>identified issues indicate an amended area would be desirable?</p>		<p>above.</p> <p>It would be more appropriate if the area immediately adjoining the district boundary, encompassing potential development sites bordering Harlow were not subject to a neighbourhood area designation.</p>
<p>g. If it is desirable to designate an alternative area, what is the new area that is proposed? (Reflecting guidance provided by NPPG section 41-033-20140306)</p>	<p>Yes</p>	<p>There are several alternatives available in considering the most appropriate and desirable area to be designated as a neighbourhood area. The law is clear that it is for the District Council to make such a determination, but that this must be fully justified. Planning Practice Guidance identifies that ward boundaries may provide an appropriate starting point. North Weald Bassett parish comprises three wards – Hastingwood, North Weald Village, and Thornwood.</p> <p>Exclusion of Hastingwood ward would enable comprehensive consideration of all of the area that immediately borders Harlow. However, a long held principle in considering possible development in this area is that the M11 provides a strong and defensible boundary, beyond which the growth of Harlow should not encroach. Further, Hastingwood and Foster Street would be excluded from any neighbourhood plan, and it is in these areas that the majority of the resident population and built development is found across Hastingwood ward. There are few residential properties in the area to the west of the M11 motorway. Given the absence of possible strategic development in the area to the east of the motorway, it would not seem appropriate to exclude the entirety of the area.</p> <p>A further submission from North Weald Bassett Parish Council, whilst making no mention of the aspirations for any potential neighbourhood plan, nor providing any justification in planning terms, does set out that the Parish Council does not consider it is logical to use the M11 solely as a boundary for any neighbourhood area. This is considered illogical by the Parish Council, because using the M11 as a boundary line would separate parts of wards. It would therefore appear that a compromise between the two positions would be reasonable, with the area in the north western corner of the parish (bounded by the M11 to the east, the district boundary to the north, the parish boundary to the west, and London Road (B1393) and Rye Hill Road to the south – plan attached) being excluded from the neighbourhood area.</p>
<p><u>CONCLUSION</u> In accordance with s. 61(G) of the Town and Country Planning Act 1990 (as amended) it is not</p>		

considered desirable to designate the whole of North Weald Bassett Parish Council as a neighbourhood area.

REASONS FOR DECISION

1. A number of strategic cross boundary matters have been identified which include, but are not limited to, Green Belt review, cross District boundary agreement of housing and job growth figures, and planning and delivery of key strategic infrastructure;
2. The matters identified in 1. (above) are not within the remit of a Neighbourhood Development Plan to address;
3. A comprehensive assessment of all of the possible sites around Harlow (in Epping Forest, Harlow and East Hertfordshire District Council areas) must be carried out to ensure that the most suitable site(s) (if any at all) are allocated for development.
4. The area proposed for exclusion is defined by existing physical and administrative boundaries, and does not cover an area of high existing population.

A revised area is proposed as per the attached plan.

Due Regard Record

Name of policy or activity:

Determination of Neighbourhood Area designation for North Weald Bassett

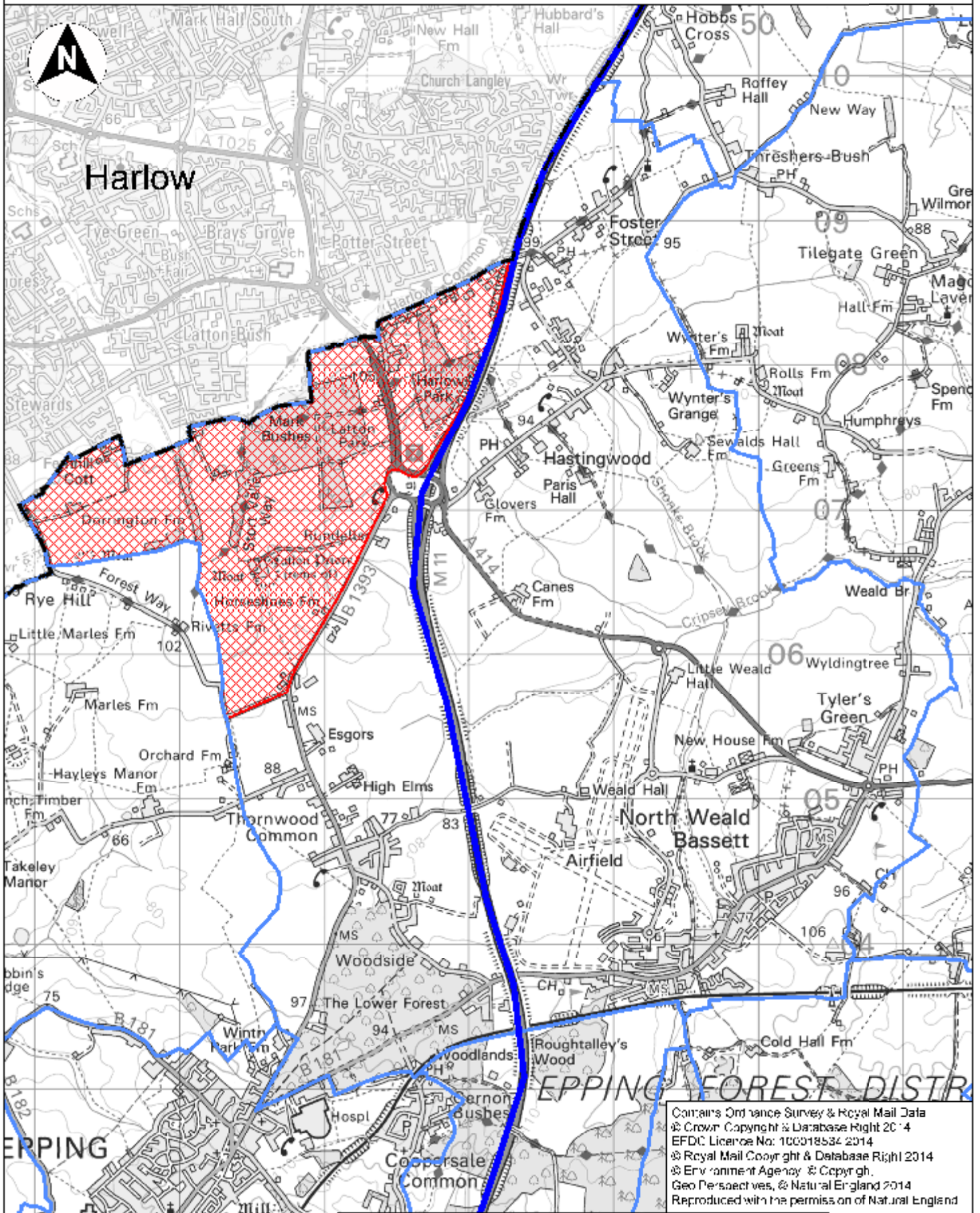
What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, 'paying due regard', and it 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
Ken Bean / Amanda Thorn 18/02/2015	<ul style="list-style-type: none"> • The Cabinet report is seeking the designation of a neighbourhood area covering part of the Parish of North Weald Bassett • Once commenced, the Neighbourhood Plan may have various equality implications for a number of different groups, both in terms of the level of engagement that is undertaken during its preparation and the impact that any policies may have on different sections of the local community. However it is the duty of the Parish Council to consider such issues during the preparation of the neighbourhood plan, and as such, the neighbourhood plan should be subject to equality analysis separately. • For reasons set out in the Cabinet Report, it is not considered

	<p>desirable to designate the whole of the Parish for Neighbourhood Plan purposes. In summary these reasons relate the District Council's proper assessment of matters to be addressed under the Duty to Cooperation in respect of the preparation of the Council's District Local Plan.</p> <ul style="list-style-type: none">• The area proposed to be excluded from the Neighbourhood Area is defined on the basis of administrative boundaries and existing physical features, and is done so to deliver effective and appropriate spatial planning for the area. No equality issues are identified.
--	--



Contains Ordnance Survey & Royal Mail Data
 © Crown Copyright & Database Right 2014
 EFDC Licence No: 100018534 2014
 © Royal Mail Copyright & Database Right 2014
 © Environment Agency & Copyright
 Geo Perspectives, © Natural England 2014
 Reproduced with the permission of Natural England

Civic Offices
 High Street
 Epping, Essex
 CM16 4BZ
 Tel. 01992 561000

Key:		Parish boundaries
	EFDC administrative boundary	
	Suggested area for removal from the Plan Area designation	
		M11 Motorway

Date
 Scale
 @ A4
 Drawn By

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank